

and could by his command have made it lawfull so to have done,) yet (to teach us the observance of justice and duty in our proceedings,) he sends him to the king, of him to demand the dismissal of his people, that so the peoples obedience to his messengers, and to the word delivered in his name, might be without any reluctance of conscience, in regard of their allegiance to the king. When Moses did this way set upon the worke, all went the right way, and the unspeakable obstinacy of King Pharaoh, being aggravated by the fairnes of proceedings toward him, did, to his condemnation before men and angells, and to the magnifying of Gods justice, redound the more unto his praise and glory.

It is not inconsiderable that God, by a starre, declared our Saviour, in his birth, to be the born king of the Jewes, and in that stile brought the wise men to worship him: and likewise, that when our Saviour (to fulfill the prophesyes concerning him,) did solemnly present himselfe to Jerusalem, he suffered his disciples publicly to congratulate his comming by the name of king, and told those that were offended at it, that their gratulation was so necessary, as that, if they should omit it, the stones, in their default, would have performed it also: that he himselfe before Pilate maintained that he was a king, and, at his death, had his crosse (notwithstanding the Jewes opposed,) adorned with the title, King of the Jewes; but when the people would have made him king, he refused their officiousnes, and would by no meanes accept of that dignity from them: he would rather be without his right, then receive it either in a wrong way, or from a wrong hand: no, he would not at any of their instances so much as acknowledge himselfe to be authorized for a judge or divider amongst them: so little did he acknowledge any power in them to conferr crownes, or to have superintendence over them. But it is true, that when God had determined to make a division of the kingdome of his people, the first king of the ten tribes was of the peoples making, and was made in the way of reformation; \* but that you may know it was only permitted by God, that so he might give that stiff-necked people of the fruit of their owne hands, and make them an example unto others, he designed Jeroboam king, with neither annointing, nor blessing, nor other ceremony then a rent: the prophet rent the new coate into twelve pieces, and when he had done, he gave him none of them, but (as if he would shew he should be a king in fact, not in right, in some way in which God would own nothing but the permission only,) he bad him (as one would say,) be his owne carver, and "take ten pieces to himselfe." What the progresse of the story was we all know: when the people had made a king of their own, then they and their king must have a religion of their own, fitted to their new framed kingdome; and to effect that, the old priests of God must be sent away, as absolute impediments to the settling of their new government; and when that was done, then were they absolute indeed, and had as much authority over their God, as they before had taken liberty against their king: so it followed, that when the people had made an usurper king, their king and they made a calfe their God; and the summe of the peoples reforming their kings misgovernance, and relieving their own grievances, was, they made themselves a king that made them all castawaies; he himselfe the reproach of sovereignty, and an infamous stigmatique to all posterity, and his sinnes for ever adhering to the people, till they had caused their utter extirpation, and till, of freeborne subjects, under a king of their own, they became perpetuall slaves to the subjects of another kingdome. So displeasing to God, and so pernicious to the people themselves, are the fruits of those reformations which only or principally are managed by the popular inclination, in which, though, for the most part, a desire of doing justice, or preserving true religion, be pretended, yet private discontent in some, and ambition in others, is commonly the chief and radicall incitement of the work.

\* 1 King. xii. 4.

The means that belongs to private men to use, for reforming of kingdoms, is that which the apostle shewes : <sup>1</sup> " Let prayers (saith he) and supplications be made for kings, and all that are in authority, that we may lead a godly life." The people must not with impatience and puffed up mindes invade Gods peculiar right of calling kings to account, but every man, betaking himselfe to the reformation of himselfe, and to prayers unto God, must seek of him (<sup>2</sup> " that has the hearts of kings in his hand") to dispose the kings heart to the desired reformation. Many think this way long and tedious, and like better that the people should offer themselves willingly, and help God in some readier way. But, truly, if such private reformation and prayer be the right means of publique good, and be too long neglected, that is the peoples own fault ; and they may not by their fault gaine a power which before they had not. Yet true it is, that in great misgovernances, God often uses the peoples hand to doe his work of justice ; but that we may know the way is not right, as not agreeable to his revealed will, we shall find that the work of justice that he so beginneth by them, he endeth not till he hath finished it on them ; and his hand is never more heavy then against that rodd, that, in the way of injustice, hath done his justice service. But will you heare God himselfe taking cognisance of the misgovernance of princes, and determining of it ?

In the 81. Psalme, God declares himselfe to " stand in the congregation of princes, and to be judge among gods," (so calleth he kings there). Then he expostulateth the matter with wicked princes : " How long will ye give wrong judgement, and accept the persons of the wicked ?" Then he complaineth, " They will not be instructed, but walk on in darknesse : the foundations of the earth are out of square." The misgovernance is great, and the consequence of it desperate ; but does God in that case give the people power to reforme ? No, clean contrary : God, without any revocation, still affirmes, <sup>3</sup> " I have said, ye are gods, and ye are all children of the Most High," persons sacred, not to be approached by the prophane hands of the people : but to awe and restraîne princes, he tells them, that though he has made them gods, yet " they shall dye like men," when they must make account to him of their misgoverning : so that God reserves the judgement of them to himselfe, and no whit authorises the people to have any thing to doe with their misdoeings.

This is not to flatter princes, to say God has appointed men no meanes to relieve themselves against their misgovernment, but only praïers, to be made either to them, or from them ; and that men have not otherwise to meddle with the rights of liberty, and duties of princes, then only by way of supplication. Nor is this a security for princes ; for though, in a lawfull and ordinate way, there be no other means, yet no examples are more familiar, then those in which the sinne, the injustice, and violence of wicked princes are, in this world, punished by the sinne, injustice, and violence of wicked people, sometimes their own, sometime others subjects. Gods extraordinary and supream justice is tied to none of those regulations with which he has circumscribed his ordinary justice committed to the administration of man ; but (as we said before) we may still observe Gods indignation not more fatally incensed against any, then against those whose wickednesse has put them forward to be the instruments of his extraordinary justice upon others.

But to pursue the examination of the right that people may have in questioning and reforming the rule of kings. Let us farther examine what we find in Scripture. David, sinning by numbering the people, was enforced to his choice of one of three plagues,—famine, sword, or pestilence ; *et Deus malum avertat*, that is but a dolefull instance for the people. The king sinnes, and God laies all the punishment upon the people ; nay, he gives not them so much as the choice of the punishment which they

<sup>1</sup> 1 Tim. ii. 1.<sup>2</sup> Prov. xxi. 1.<sup>3</sup> Verse 6.



must suffer for the king, but the sinning king must choose which of the three plagues the innocent people must undergoe: this is strange. Did not the great Judge of heaven and earth do right? Yes, undoubtedly; and the matter was,---the <sup>1</sup> wickednesse of the people had grievously provoked God, so as the king must be let goe, and suffered to fall into sinne, that way may be made for the peoples punishment. This seems no lesse strange on the other side; that because the people sinne, therefore the prince should be let fall; that for the transgressions of the land, the prince (as we have it in another place) should be punished with division and diminution, and "many should be the princes of the land:" nay, that, for the sinne of the people, the prince should be cast away; as in that place, <sup>2</sup> "If ye doe wickedly ye shall perish, you and your king." All this were strange indeed, should we consider prince and people as persons strangers in interest to one another; but therefore these places shew the strict union, and indivisible mutuality of interest, that they have in the doings and sufferings each of other, beyond any thing that can be created by the meer constitution or agreement of men.

This case of David's further teaches, that if, when the sinnes of the people be grown high, it be any way necessary that the king be let fall into sinne before the people be punished, then are kings immediately between God and the people, and stand there like Moses in the gap, to with-hold the hand of God from the people, until that they also, by falling some way, be removed. Again, if the kings transgression in government has the originall from the sinnes of the people, then are the people the prime offenders and first agents in the kings transgression, and he himselfe is, as it were, accessary, and in a manner passive in it. We see that God himselfe here judged so, and laid the reall punishment upon the people, whom he accounted the originall sinners: as for the king, (to whom the sinne is verbally ascribed,) we see God reckons as if he were only passive in committing it, and therefore inflicts no punishment on him, but what he voluntarily took upon him, an humbling of himself, and a compassionate fellow-feeling of punishment, such as a good common father has alwaies by the sense of his peoples suffering.

It now followes plainly, that the people that have their hands in sinne are no competent justiciars for hearing, judging, and reforming of any misdemeanours, especially of those in which they themselves (having the principal hand) are the principalls; and lesse, where the person questioned is but an accessary drawn in by them; and least of all, where he is a person sacred, and one so much superiour, as, by Gods ordinance, to stand immediatly betwixt God and them. Sure, he that would not suffer one with a beam in his eye to pull a moat out of the eye of his brother, does not permit him to doe it toward one so much superiour as his prince, nor suffer guilty subjects to arraigne their soveraigne, guilty servants their lord, nor guilty sonnes their common father.

To conclude, we may consider the unlawfulness of popular animadversion into the manners and government of princes, (especially of princes that are lawfull Christian monarchs,) even in this alone; that there are no received nor known bounds of limitation, how farre people may walk in the way of questioning and reforming the errors of princes, but that if any thing at all be lawfull for them to do therein, then may they without restraint proceed so farre as to depose princes, and deprive them of their lives, if, (according to the doctrine of the jesuite,) they finde it for the good and reformation of the church and common-wealth, which, how well it is warranted by the word of God, we may see plainly enough in the case between Saul and David.

Saul was king, but, misgoverning himself and the kingdom, became as bad as excommunicate and deposed; for <sup>3</sup> he was rejected of God, and David was, by Gods ex-

<sup>1</sup> 2 Sam. xxiv. 1.

<sup>2</sup> 1 Sam. xii. 25.

<sup>3</sup> 1 Sam. xv. 23. and xvi. 13.

presse command, annoynted to be king ; all which notwithstanding, neither David nor the people ever sought to depose him, to renounce obedience unto him, to combine against him, question his government, or so much as meddle with ordering any of the affaires that belonged to the king ; nay, Saul, after this, persecuted David unjustly, and, in the midst of his unjust and hostile persecution, was delivered into Davids hand ; and it was of necessity that David should take the advantage and kill him, for he could not otherwise have any assurance of his owne life : David did then but even cut the skirt of Sauls garment, to the end it might wnesse his faithful loyalty, because it made it manifest he could as easily have cut the thread of his life ; and even for this, his heart so smote him, as that he cries out, <sup>1</sup> “The Lord forbid that I should doe this thing to my master, the Lords annointed, to stretch forth my hand against him.” That was not all neither, but there were more circumstances in the case : Saul was not yet reformed, and going on still, was another time delivered into Davids hands, and the people both times understood it the speciall delivery of his enemy into his hands by God, and would have embraced the opportunity, and have made him away : David restraines them still with the same bridle ; “The Lord forbid,” &c., and tells them, <sup>2</sup> “Who can lay his hands on the Lords annointed, and be guiltless ?” No, David, (though already annointed,) would tarry Gods time : “the Lord should smite Saul, or his day should come, or he should descend into battaile and perish,” but Davids hand should not be against him. No, whatsoever Saul was, or whatsoever he had done, neither his falling from God, nor Gods declaring him rejected, nor Davids annointing by Gods command, nor Sauls unjust persecution of David, the Lords annointed, in future could dissolve the duty of his subjects, nor make it lawfull for them to lay their hands on him, no, not when he was in wicked hostility against them. But Saul, in Davids account, was still the Lords annointed, still a sacred person, still Davids maister, notwithstanding the circumstances which might seeme to have discharged the tyes of duty which David and the people did formerly owe unto him.

Neither is the annointing of kings a thing sacred as to their own subjects only ; but the regard thereof is required at the hands of strangers also, because of the prophanation and sacriledge that, in the violation of their persons, is committed even against God. Wherefore, we see that though the Amelckite were a stranger, and made a faire pretence that he had done Saul a good office, when, at his own request, he dispatched him of the paine of his wounds, and of the pangs of his approaching death ; yet David (taking his fact according to his own confession) makes a slight account of the causes which he pretended, as a frivolous extenuation of an haynous fact, and condemnes him, though a stranger, as an hainous delinquent against the majesty of God. “How wert thou not afraid (saith he) to stretch forth thy hand to destroy the Lords annointed ?” Neither his being a stranger, nor any of the other circumstances were so availeable, but that his bloud fell deservedly upon his own head. The act is in it selfe perfectly wicked, and in the degree hainous ; altogether against the word of God : and therefore all actions of subjects, that, in the progresse of them, tend, or by the way threaten to arrive at that upshot, are all unlawfull, fowle, and wicked ; and not only the actors themselves wicked, but their assistants, favourers, those that wish them well, or, (as St John speakes,) “That bid them Gods speed, are partakers of their evill deeds.”

But error in this point has made such impressions in the mindes of many, as that they will never be perswaded but that they may disobey and resist authority, if ever they finde it faulty, or the commands thereof not agreeing with their consciences. They will grant, that they may not disobey authority in the lawfull commands thereof, neither do evill that good may come thereon ; but then, they themselves will be the

<sup>1</sup> 1 Sam. xxiv. 5.<sup>2</sup> 1 Sam. xxvi. 9.



judges what commaunds are lawfull, and what not; what things good, and what evill; and so they make obedience arbitrary, and government (by pretending conscience) at the discretion of the subject: yea, though the things whereat they take check be of their owne nature indifferent or doubtfull, (and therefore not matters of faith,) yet will not they submit themselves, nor their opinions, unto any, no, not to the judgement of the church they live in, no, not to the judgement of the church catholique, nor to the authority of it, even in the purest times thereof; but they, from the authority of their own opinions, or from the authority of such teachers as they themselves have chosen to themselves to be their guides, they will both censure, condemne, disobey, and revile the ordinances of their church, and the governours thereof; so secure in opposing imaginary, or at least unproved superstition, as they will not see how incompatible self-will, presumption, disobedience, arrogance, and railing, are with true religion, nor that the false teachers, and their disciples, (which our Saviour and his apostles foretold should be in the last and perilous times, and which St Peter calleth "cursed children,") are not only described by this, that they<sup>1</sup> "have a forme of godlinesse, but deny the power thereof:" that<sup>2</sup> "they are in sheeps clothing, but are inwardly wolves:" that the fruit they beare is not answerable to the tree they seem to be: that their way of working is after the way of private insinuation,<sup>3</sup> "creeping into houses, and leading silly women captive; having itching eares;" and, after their own liking,<sup>4</sup> "heaping to themselves teachers:" that they be<sup>5</sup> "they that separate themselves;" and the like; but they are especially described to be<sup>6</sup> "traiterous, heady, high-minded," to be such as despise government, as are "presumptuous, self-willed, and not afraid to speak evill of dignities:" and again, that they<sup>7</sup> "despise dominion, and speak evill of dignities;" and that they "perish in the gainsaying of Corah." Now we know that the sinne of Corah was, that he, (being a Levite, and countenanced by an hundred and fifty princes of the assembly,<sup>8</sup> famous in the congregation, and at least fourteen thousand seven hundred of the people,) upon his own private opinion, (to which also his followers adhered,) that both he and all the congregation were holy, and might offer incense before the Lord, as well as Aaron, charged Moses and Aaron that they tooke too much upon them, and that they exalted themselves above "the congregation of the Lord," and therefore they, holding themselves in a parity of authority with them, would not appeare on their summons, nor be obedient unto them. Yet, (as if these passages of Scripture nothing concerned our times,) we are nothing shie of those things whereof they do admonish us.

There be some that justifie that private men may resist authority when it would doe that which is hurtfull to the church of God; yea, that it is then their duty to resist it; that such resistance is no disobedience, no rebellion, no sinne at all. These swallow that which may not be granted, viz. that they are competent judges of the churches hurt; and besides, they make the rule that our Saviour gave us for discovering teachers of false doctrine to be nothing worth. Our Saviour tells us, we shall know them by their fruits, as granting fruit to be a thing apparant, knowne of all and unchangeable: but these men make the fruit to alter according to the diversity of the tree that bears it, though otherwise it have the same shape, taste, and vertue. For example, disobedience, resistance of authority, sedition, and rebellion, are, by the law of God, and by the law of nature, agreed, both by Christians and heathens, to be evill fruits: but these men (and jesuites) tell us, that resisting authority, and raising force against it, thereby to worke the good and safety of the church of God, though done by subjects, is no resistance, no rebellion, no sinne. The fruit has lost his own nature, which in itselfe was nought, and takes a new nature of goodnes, because it was

<sup>1</sup> 2 Tim. iii. 5.

<sup>2</sup> 2 Tim. iii. 3.

<sup>3</sup> Matth. vii. 16.

<sup>2</sup> Matth. vii. 16.

<sup>6</sup> 2 Pet. ii. 10.

<sup>3</sup> 2 Tim. iii. 6, iv. 3.

<sup>7</sup> Jude, 8. and 11.

<sup>4</sup> Jude, 19.

<sup>8</sup> Numb. xvi.



brought forth by the good tree of piety toward the church of God. So our Saviours precept is mad of no effect, and we must learne of the jesuite to un-know a knowne thing, and know it for some other thing than ever we knew before, and that by a new way too, viz. by that which is not to be known of itselfe;—we must know the fruit by the tree.

We deny not but that authority may commaund things that by no meanes at all ought to be done, and that then we must not doe them; but those things are such as are manifestly contrary to the expresse word of God, and principles of religion: and even in them we are only simply to refuse the doing of the evill commaunded, without any actuall resistance otherwise; and so doing, our not obeying is not to be counted disobedience; because it being necessary obedience to the expresse word of God, the primitive sovereign of all authority, it can never be disobedience as to the derivative. But where authority commaunds nothing against the expresse word of God, and principles of religion, (as in things disputable it doth not,) there, except the governours, that are the derivative, be obeyed, God, the primitive, is disobeyed: for he strictly commaunds obedience to his vice-gerents, even in every ordinance of man.

But we are also to take heed we play not the hypocrites with God, when, thinking to doe a good office to the church or state, we resist authority, that presses us with that, which (as we suppose) threatens depravation of true religion, or due liberty. For what know we but that, by<sup>1</sup> wrongfull suffering, (whereto all are called,) God calls us to a tryall of our faith, patience, and obedience in that way, which if we doe not shew, by keeping close to his command, not turning on the left hand, to doe any evill, though commanded, nor on the right hand, to resist authority with violence, although it hath commanded evill, we then refuse Gods tryall, and, with an unseasonable zeale for religion, and for our worldly rights, we, contrary to Gods commaund, resist his lawfull vice-gerents; and the excuse we have for it is little better then, like the Pharisees, to say Corban, God shall have profit by it, in the good that we shall doe his church thereby; and make the precept of God of no effect, and anteverte the glory that God seemed to seek in our tryall: and having so justified our resistance, we must then call it pious, and an act of duty, and such as God requires, and so make God the author of our sinne, and lodge it where we can never repent us of it.

There may undoubtedly be such pressures laid upon subjects, as that humanity cannot but commiserate, and perhaps in some part excuse their impatience and resisting of them. But the pittifulness of the case cannot make the resistance lawfull; though we remit much to the doers, we must yet condemne the fact; and though their sufferings wash away much of the soile that would make both the deed and the doers more odious, yet must they be content to confesse the deed to be evill. But to justifie it were to commit the accursed sinne of calling good evill, and evill good; yea, the sacriligious sinne of making God weake and wicked, who, for the necessary support of his church, should stand in need, and require not only the helpe of sinfull men, but even of their sinnes also. Private men, in things not plainly forbidden, cannot say they resist not authority, but sinne; not the lawfull power, but the licentiousness of them which abuse it: for they have no authority to distinguish. And if they offer to pull the mote out of the governours eye, they will put a beame into their owne. For though we be every one tyed to resist sinne in ourselves, that we commit it not; yet are we not every one tyed to resist it in others, that they commit it not; and we must leave every thing to be rectified by those only to whom it properly belongs; and where there is no ordinate meanes of reforming, there God has reserved that particular case unto himselfe; and we must not juttle him out of his tribunall.

We might in this place remember also what infinite doubts and questions (perpe-

tually ensnaring and wounding the consciences of private men, and with continuall disturbance and divisions threatning the ruine of the state,) doe follow the admitting of this one opinion; that when other remedies faile, subjects, in case of necessity, may leavy armes, and defend their lawes, liberties, and religion, against the oppressors of them. For what shall be sufficient necessity? and who shall be judge of it? what way, and how farr may subjects so proceed? who shall commaund? &c. But it is impossible to set forth all the branchings and consequents of errors, or the confusions that follows upon them. We might also remember what dangerous straines and snares these opinions are to those that have taken expresse oaths of obedience and allegiance; but we hope that this shall be hint enough to stirr men up to take heed how they entertain such opinions; and if already they have been led away with them, they make a more advised examination of the matter, and, like good Christians, be content (whatsoever censure fall upon their actions past, or whatsoever diminution upon their present esteeme,) they will yet submit, that Gods truth may not be corrupted, nor his holinesse blasphemed, but that, as the Psalmist saies, <sup>1</sup> he may be justified in his sayings, and be cleere when he is judged; yea, that God may be found true, and every man a liar.

We do not all this while contend that princes are without law; we have, in the entrance of our discourse, shewn the contrary; and we doubt not but that the rights and maners of kingdoms are religiously to be observed, as well of the prince as of the people; that the establishment of a kingdom depends upon the observance of the rights thereof, as well by the one as by the other; and that the rights and manner of every kingdom is as sacred as the kingdom itselfe. When God layd a curse upon those that removed the bounds between private man and private man, he left not the bounds of publique right (in which all private right is included) open to secure violation; but what was wicked in the one case he accounted hainous in the other, as carrying with it not only the transitory fortunes, but even the lives and soules of the people. And for this cause, when God finds in princes the sinne of those that remove the bounds, he threatens that he will <sup>2</sup> powre out his wrath on them like water. It will not be unworthy our labour a little to enquire into the reason.

Tyranny (as we have touched) began first in the Eastern parts, and thence dispersed itselfe through the world; and being from the beginning grievous and uncomfortable, in time it discovered itselfe to be but weak: withall, it was supposed, that the greivousnesse of it consisted in the monarchall forme; for remedy of which they instituted, in some places aristocraticall, in some places popular government; but, in the use of them, they all also were discerned to be but other faces of the same tyranny; and men found plainly, that the absolute government of either people or nobles was as well obnoxious unto tyranny as the sole government of the prince; and taht, in which of the three soever the government absolutely resided, the government was both tyrannicall and infirme; and that, in every of them, the comfortableness and stability depended only on the well regulating of the soveraigne power, by a reasonable interposition of some power committed into the hands of the two other potent limbs. So it became an experimented principle among statists, that the composite forme (wherein every of the three potent limbs, for the surer support of the instituted state, had such apportioned influence and power as was proper for the frame of government,) was the only firme and durable forme; and that of the three powers, regall, aristocraticall, or popular, any of them prevailing so far as to be wholly free from being qualified or tempered by some operation of the other two, corrupted the legitimate form into a tyrannicall, and made a prognostick of the states declining into ruine. This principle of state is not impeached by any instance of long continuance of the old As-

<sup>1</sup> Psal. li.

<sup>2</sup> Hosea v. 10.



syrian or present Turkish empire; because the Assyrian had a peculiar advantage of continuance, by the simplicity and unactivenesse of the age it was in: and the Turks, to worke their security and continuance, have wholly put out the light of knowledge from among their people, and have subdued them to a false religion, that has in itselfe no other end, nor office, then only to keep men in subjection; so that they having deprived themselves of the principall of all conditions of humanity, and made themselves (in a manner) an empire of beasts, the successe of their affaires determines nothing of the event of theirs that ayme to live as men, much lesse of theirs who are to live the lives of supernaturall men, that is to say, of Christians.

Absolute power, then, when it hath neither bounds nor limitation, (like the naturall heat, too much enforced, which soon devours the radicall moisture that maintaines it,) tends not to prosperity, but to the distruction of itselfe: for all things being created in number, weight, and measure, the destruction of their proportions must needs be the decay of their being.<sup>1</sup> "Where there is no inclosure, (saith the wise man,) there the possession goes to decay." For though one, by decaying his fence, gives himselfe liberty to prey upon his neighbours, (which seems some advantage,) yet he thereby layes himselfe open to be a prey also unto them; and when after he would close it again, he will find it hard to shut unruly beasts out from the haunt they have once gotten. Now, for preservation of the bounds and fences of a kingdom, it is necessary not only to have just and equitable lawes, but it must have also an institution of good and sound orders for the making and executing of those lawes; which orders must be sacredly observed: for as evill words corrupt good manners, so evill manners frustrate the effect of all good lawes; and good manners (especially those that belong to government) are not preserved without strict adherence to the instituted orders of the kingdom. Neither will these orders long continue valid, and of use, unlesse the protection and care of them be committed into the hands of some conservatory power, more especially interested in the continuance of them; who, though not absolutely, nor with any single power of immediate coercion, yet by their powerfull intercession in the councells and convocate assemblies of the state, may be effectually operative to the preservation of the publike right; for which cause the use of these assemblies are by no meanes long to be neglected.

When, then, the continuance and prosperity of every state stands upon no surer ground then the observance of the rights and orders of the kingdom; upon no better stand the lives and fortunes of the subject, of the prince, and royall race, yea, and of the inheritance and church of God himselfe. And it is then no marvaile that God should threaten to<sup>2</sup> "powre out his wrath like water on princes" that are like to those that remove the bounds. It is no marvaile that to the kings of Judah, (to whom God, (no question,) with a promise of perpetuity, gave the most absolute dominion that has beene communicable to the princes of his church,) he should command,<sup>3</sup>—"execute yee judgement and righteousness, &c.; for then shall kings, sitting on the throne of David, enter in by these gates," &c.: but otherwise, "I will prepare destroyers against thee." It is the important consequence that makes God not give the charge without threatning. Though God declares princes to be gods among men, yet, between him and them, God (as David confesses) has made the observance of the rule of justice and religion to be the condition of their reigning.<sup>4</sup> "Bear rule (saith God to David) over men; being just, and ruleing in the feare of God." Indeed, when princes derive their authority from Christ, and justly challenge the prerogative of his vice-gerents, it well behoves them to looke that the derivatives faile not of the condition of their primitive.<sup>5</sup> "The scepter of Christs kingdome is" declared to be "a right scepter," and

<sup>1</sup> Eccles. xxxvi. 25.<sup>2</sup> Hosea, v. 10.<sup>3</sup> Jer. xxii. 3. 7.<sup>4</sup> 2 Sam. xxiii. 3.<sup>5</sup> Psal. xlv. 7.



therefore "his seat to endure for ever." If his vice-gerents would have their seates durable, they also must have care their scepters be right scepters; they must see that the aunciently-established formes and orders of their kingdomes be not violated or neglected, but from time to time renewed and kept; they must not, to be absolute, breake the rights and orders of the kingdome, and thinke to be good and just princes in their arbitrary rule: it were a reproachfull incongruity, and nothing suitable to the vice-gerents of Christ, to be good and faire governours of that which they have made a tyrannicall government. The governours and government must have one face and way; their rule cannot otherwise escape infamy, nor their providence cut off occasion from after times of invading the rights, and consequently the continuance of their kingdomes.

The lawes then, the rights and orders of kingdomes, are most sacred and binding, even to kings themselves; but that is to be understood, in safety, in honour, in conscience betweene God and them; not in any way wherein, in their default, the people can become authorised: for if we looke to what is written, we find that when the subjects doe amisse, they ought to feare; for the ruler is "Gods minister to take vengeance, and beareth not the sword in vaine." But we read of no authority committed to the people, in case the prince failes of his duty; nor of any sword that is to be borne by them: if, therefore, they take the sword, or any course that leads unto it, they take the sword of injustice, to the wounding of their own soules. But while we name the people in these things, we doe not make all subjects, living under the obedience of sovereignes, naturally to have this pretence, that they may doe themselves right, in case their prince doe not. For<sup>a</sup> as we see them of their owne naturall inclination to desire a king, so we know they naturally submit unto his government: and prince and people, of themselves, stand naturally well affected one to the other. But as there are those that are sinisterly officious to the one, so are there toward the other also. And as those often counsell the prince, as if they would have him pull out the stones from out the foundation of his throne, to build higher the rooffe, and enlarge the battlements thereof; so these often perswade the people that they have the authority of princes, though they have neither throne, scepter, nor any thing belonging to the soveraigne right: and then the people, naturally jealous, and impatient of the violation of their supposed right or liberty, are facile to entertaine suggestions, and, through want of judgment, easily carryed away with them; but wanting also moderation, they so violently adhere unto them, as that, with their intemperate prosecution, they often, by their owne instruments, bring upon themselves the evils that they most doe feare from others.

So the people of Rome, having expelled their kings, and settled a republique, with such hatred to the memory of them, as that they would not endure the name of king, growing afterward ill satisfied with the proceedings of their senate, they would not only have tribunes, (guardians of their liberty and rights,) which was indeed no more then necessary, but they would have their tribunes indued with consular authority; then with that of the dictator; of the pontifex max; and whatsoever other power the common-wealth afforded. In the end, they made them so unresistable, to vindicate their liberty against the nobles and the senate, as that, in the upshot, when they were become secure against their adverse party, they had no meanes of interposition against the absolutenes of their own guardians; insomuch as that Cæsar, obtaining to be head of their faction, could not be hindered, but that, even under the formes which they ordained to preserve their liberty, he introduced a tyranny more absolute, and worse conditioned, then was that of their kings, which they expelled.

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

<sup>a</sup> 1 Sam. viii. 5.

Hitherto tends the doctrines of those, who, while they pretend to instruct for the common good, liberty, and right, doe, as it were, appeale unto the people, and support their doctrines with the peoples approbation and applause, and do so, in shew, make the people, and indeed themselves, the sovereigne judges of all things.

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*A Judicious Speech, made by the Right Honourable the Lord Kimbolton, in Parliament, January 3, 1641, concerning the Articles of High Treason exhibited against his Lordship, Sir Arthur Haslerig, M. Pym, M. Stroud, M. Hollis, and M. Hampden, by his Majesty.*

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At that very period when the popular party in the house of commons were proceeding to measures of great rigour against all their opponents, and when reason and opportunity alike counselled the king to remain passive until the torrent should have spent its fury, Lord Digby, whose keen and voluble spirit rendered him the worst counsellor in such a crisis, advised the rash and precipitate measure of impeaching the leaders of the house of commons, in the very plenitude of their power. Accordingly, Herbert, the king's attorney, on the 3d January, 1641, presented the following "articles of high treason, and other misdemeanours, against the Lord Kimbolton, Mr Pym, John Hambden, Denzil Hollis, Sir Arthur Haslerigg, and William Strode, members of the house of commons.

1. That they have traitorously endeavoured to subvert the fundamental laws and government of this kingdom, and deprive the king of his regal power, and to place on his subjects an arbitrary and tyrannical power.
2. That they have endeavoured, by many foul aspersions upon his majesty and his government, to alienate the affections of his people, and to make his majesty odious to them.
3. That they have endeavoured to draw his majesty's late army to disobedience to his majesty's command, and to side with them in their traitorous design.
4. That they have traitorously invited and encouraged a foreign power to invade his majesty's kingdom of England.
5. That they have traitorously endeavoured to subvert the very rights and beings of parliament.
6. That, for the completing of their traitorous designs, they have endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them in their traitorous designs, and, to that end, have actually raised and countenanced tumults against the king and parliament.
7. That they have traitorously conspired to levy, and actually have levied war against the king.

Then Mr Attorney said, that he was further charged to desire, on his majesty's behalf,

1. That a select committee, under the command of secrecy, may be appointed to take the examination of such witnesses as the king will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this house.
2. Liberty to add and alter, if there should be cause.
3. That their lordships would take care for the securing of the persons, as in justice there should be cause."—RUSHWORTH, IV. p. 474.

To this unseasonable and most injudicious attack, which seemed only calculated to give a lustre to the character and power of those against whom it was directed, the members made their several defences. Their security is so evident, that they treat with scorn the charges brought against them, disdaining to attach to them deeper consequences than those of a flimsy contrivance to seclude them from giving their votes upon the trial of the bishops.

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- Declaring {
1. The cause of their accusation.
  2. The authors that procured it.
  3. The effects likely to follow upon the same.

M. SPEAKER,

THERE hath already beene so much spoken by the other gentlemen, concerning this accusation of high treason, even sufficient, as I conceive, to cleare us all that are impeached, that I know not what to say more touching the same; onely, under favour, give me leave to speake what I conceive of the cause of the procuring of this accusation, the authors that procured it, and of the effects which I perceive will follow upon the same.

M Speaker, it is not long since this honourable house accused of high treason the twelve bishops, for their illegall and trayterous attempt, in their petition and protestation against the king and parliament. These gentlemen, with my selfe and others, having the prosecution of that businesse, and other charges of great crimes against them, committed to our trust, did unanimously, with one consent, follow the same, bringing to a period our debates and disputes concerning their crimes, what we conceived they were guilty of upon their severall charges, and what guilty of for framing and preferring their petition and protestation to his majesty; that they were guilty of misprision of treason upon their former accusations, and guilty of high treason upon this their last designe: and these our votes and conclusions, (grounded and warranted, not only by the common lawes of his land, but by divers acts of parliament and presidents,) we presented to the whole house, for consideration, and confirmation of the same by generall vote; with whom we againe agreed by our publique votes; and thereupon they were impeached and committed: this, I conceive, provoked their malice against us, and was the principall cause of this their plot in drawing an accusation against us for the same crime of treason, thereby to make us seeme as vile as themselves, and to take away our votes at their triall. And thus I have joynd together both the cause and authors of this accusation.

The effects, I conceive, will be dangerous, and cause great trouble in these respects.

1. In turning the current of the parliaments proceedings against them upon us, by which devise they shall have further time to put in practice their plots, and bring to perfection their purposes against the parliament.

2. That being busily employed concerning this businesse, in their disputes about breach of priviledge of parliament, in illegall accusing the members thereof, in drawing a declaration to his majestie concerning the same, in appeasing him, by shewing the sincerity and integrity of the parliament toward his majestie, and other things pertinent thereunto, this high court may lay aside their proceeding, and avert their purposes touching the Irish affaires, whereby the rebellion there may increase, and forraigne aide brought to them, to the utter losing of that kingdome.

3. Many feares and troubles will arise in the citizens concerning this accusation, of desperate and devillish stratagems in agitation, as wel against them as the parliament, by disconsolate and disaffected persons, to the safety and security thereof, causing their continuall watching and guarding, by their trained bands, which will bee to them a great charge and molestation.

4. It will incourage ill affected and pernicious cavaliers, and commanders about court, to attempt any mischief against both houses of parliament, or particular members thereof, upon the least opportunity that shall be offered them, thinking thereby they shall doe the king good service, which otherwise they dare not adventure to put in practise.



5. And lastly, it will provoke and stir up a dislike of these designs in the hearts of all his majesties subjects, and disaffection to his sacred person, cause great uproares and tumults of the citizens, yea, and I feare a generall insurrection in the kingdome, if not suddainly prevented; which God forbid.

And thus, Master Speaker, having nothing more to say concerning these articles, I humbly crave of this honourable house that I may have expedition in my triall upon the same; and that all things done by this wise councill may tend to the honour and glory of Almighty God, the peace and safety of his sacred majestie and all his kingdomes.

*Master Strood his Speech in Parliament, on Tuesday the third of January, in reply to the Articles of High Treason against himselfe, the Lord Kimbolton, Master Pym, Sir Arthur Haselrigg, Master Hampden, and Master Hollis, exhibited by his Majestie, wherein he cleareth himselfe concerning the same. 1641.*

Master Speaker,

It is the saying of the wise man, even of a king, Solomon, the wisest of all kings that ever raigned in this earth, that in the countenance of the king is life and death, like to the sonne, which, by the sending forth of his glorious beames upon the fruits of the earth, nourisheth and causeth the same to fructifie and grow, gives vigor and strength to all the creatures that lives in and upon the same, and by withdrawing his light, being overshadowed with clouds, keepes back the growing and flourishing of the creature, yea, and by continuance in that his hidden motion, procureth at last the utter withering and perishing thereof.

His gracious majesty, who is our sonne and comforter, at such time as his glorious beames of grace and favour reflect upon his good subjects, they increase and grow in tire and tender affection towards his majesty, that no distempers or troubles whatsoever can separate betweene him and them. But this our sonne being over-shadowed with clouds, and mists of discontent and disfavour towards the people, causeth them to wander in obscurity and darknesse, even ready to faint, and despaire of any designe they take in hand for the safety and security of his majesty and his kingdomes, yea, and strikes them, as it were, with death and utter destruction.

Master Speaker, I perswade myselfe our gracious soveraigne, in his owne naturall disposition, is altogether bright and comfortable, and that never causeth or retracts to himselfe any discontent towards his loving subjects, but by suggestion, information, and instigation of malignant and disaffected spirits, both to the tranquillity and peace of his majesty and the whole state of this kingdome.

It is, Master Speaker, the onely pollicy of desperate and evill-minded persons, that have beene the onely troublers of our Israell, finding themselves in danger (by calling of them to an accompt for their misdeeds and misdemeanours) to be brought to punishment for the same, to cast asperitions upon those faithfull counsellours of the king and state which strive to prevent their malicious and wicked designs to overthrow and destroy the same.

It cannot, sir, enter into my thoughts that ever his majesty of himselfe could have gone about to interrupt and hinder the happie proceedings of this his greate and wise counsells, whose endeavours are altogether to maintaine the honour and dignitie, the peace

and saftie of his royal majestie and his kingdomes, by removing such impediments and hinderances as have hitherto letted the same, and the establishing of true religion in this church, congruent to the doctrine of Christ and his apostles, sett downe and manifested in sacred writt, by accuseing and impeaching the members thereof of high treason, as if they whose hearts are united to their lawfull soveraigne, and by nature bound to the defence and securitie of their countrie, by covenant with God tyed to the maintenance of his true religion, should be the betrayers and destroyers of all together.

These articles, Master Speaker, exhibited against myselfe and the other gentlemen, are, I conceive, not really intended against us as if we were actually guiltie of the same, but onely to procure our absence from this honourable house, that wee may not have our free votes in the triall of the twelve bishops accused, by whom I verily believe were these articles drawne, and onely by their advice, and such as favour their cause, were exhibited; and I perswade myselfe, may we be apprehended, and taken from this house, upon the same, our tryall will be by force immediately to cutt us of, although his majestie no otherwise conceives, and is really minded we should legally be proceeded against; of such powerfullnes are those persons that were the authors of them.

Master Speaker, the articles, if actually guiltie of, are many of them, I confesse, high treason; as, to endeavour to subvert the fundamentall lawes, to introduce an arbitrary forme of government to the state, actually to levi warr against the king, to procure forraigne aide to invade this land, and the like, is treason. I need not speake much to cleare myselfe of these crimes. I hope this honourable house will make such a favorable construction of all my actions since I have had the honour to sitt in the same, that it will be manifest to all the world that they have been far without the compasse of treason, either against my king or country.

And, Master Speaker, if it shall be conceived by this honourable assembly, as learnedly it hath already been delivered by that worthy gentleman that last spake, that, as members of a parliament, to agree with the same in all their votes for the punishment of delinquents, settling of religion, securing of their owne persons by a guard, desiring assistance of our brethren in Scotland to suppress the rebellion in Ireland, be treason, then I thinke we are all guilty of these articles; otherwise are wee cleere and innocent of the same.

Master Speaker, I humbly desire of this honourable house that I may have a speedy tryall upon the same, that, as I shall bee found guilty by the judgement of this high court, I may know my sentence, which I shall willingly submit unto, be it to my condemnation or preservation, wishing and praying, with all my heart, that none of these evill and mallicious designes in agitation against the parliament, by any malignant persons whatsoever, may take effect, to hinder the blessed proceedings thereof, but that you may goe on, with courage and cheerfulness, to settle all things aright, both in church and state, for the government thereof in perpetuall peace and tranquillity.

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*Sir Arthur Haslerigg, his Speech in Parliament, whereby hee cleareth himselfe of the Articles of High Treason exhibited against himselfe, the Lord Kimbolton, Mr John Pymm, Mr Hampden, Mr Stroud, and Mr Hollis, by his Majestie, on Tuesday, the 4th of January, 1641.*

Mr Speaker,

This misfortune of mine seems to me at the first exceeding strange, not onely in respect of the crimes laid to my charge, but, most of all, having thereby incurred, not

only the disfavour but irefull displeasure of his sacred majestie. For the first, knowing the innocence and integrity of my heart, that it is free from any such crime, either in thought, word, or deed, against either my gracious soveraigne or my native country I shall the more easily beare the burthen of the charge; but to groane under the burthen of a most pious and wise prince his displeasure, wounds me sore.

Mr Speaker, I humbly desire so much favour of this honourable house, of which I have had the happines to be a member, to speake something of my innocence in all these crimes I am charged withall.

This honourable house, (Mr Speaker,) can, I hope, witnes for me the manner of my carriage and disposition in any debate or arguments wherein I have beene one. I hope nothing hath proceeded from me that can come any wayes within the compasse of treason.

In all disputes and conclusions of any matter by vote of the house, my vote hath commonly agreed with the major part; then I hope my vote in parliament being free, cannot be treason.

Mr Speaker, the articles that are exhibited against me and the other gentlemen are of most dangerous and pernicious consequence, if wee should be found guilty of them; which God defend. I would to God these persons that incensed his majestie against us (which is easily conceived who they are) were as free from thoughts, words, nay, actions, within the limits of treason, as I hope we shall prove ourselves, by Gods blessing.

Mr Speaker, it is alleadged we have indeavoured to subvert the fundamentall lawes of this land; abridge the kings power, and deny his royall prerogatives. Give me leave, I beseech you, to speake concerning this article. There is (as I conceive) not two formes of government in this kingdome; there is not two sorts of fundamentall lawes: there is but one forme of government, one sort of fundamentall lawes; that is, the common lawes of this land, and acts, statutes, and ordinances of parliament: these two, Mr Speaker, depend and hang one upon another, so that they cannot be separated; and he that subverts the one, breakes and infringes the priviledges of the other; and he that breakes the priviledges of the one, subverts the other. Now, under favour, Mr Speaker, to speake freely in parliament, (freely called and assembled by his majesties most royall authority); to vote freely in the same, upon the conclusion of any bill, to be made a law by the whole consent of parliament, assented to by his majestie; to agree in voting with the whole parliament against delinquents and malefactors in the state, to bring them to condigne punishment for the same; to give my vote in the house for removing evill counsellors from his sacred majestie, to place loyall and faithfull ones in their place; to assent, with the whole state assembled together in councell, for the settling of peace and tranquillity in the same; to ordaine and enact such wholesome lawes and ordinances whereby his majesties good subjects may be governed in righteousnesse and good obedience; to vote with the house for redressing the many grievances of the common-wealth: if these be to subvert the fundamentall lawes of the land, then, Mr Speaker, am I guilty of this article,—in giving my vote against the earle of Strafford; in voting those acts already made and passed by his majestie; in voting against the bishops; in protesting to maintain the fundamentall lawes of the land, the true protestant religion, according to the true doctrine of the church of England: I say, then, Mr Speaker, in this am I guilty of high treason; but if this be not to subvert the lawes of the land, then (as I conceive) am I cleare from being guilty of this article; which I humbly leave to the consideration of this honourable house.

Under favour, Mr Speaker, I come now to the other articles of the charge: I will onely recite the substance of them, for they all harpe on one thing: To indeavour to bring in an arbitrary and tyrannicall forme of government; to invite tumults and unlawful resorts of multitudes of people to the parliament, to be a colour for our designes; to raise forces and armies in this land, to assist me in my practises; to invite foreign



princes to bring an army into the land ; to indeavour, by declarations, proclamations, and otherwise, to alienate the hearts of his majesties loyall subjects from their lawfull soveraigne, therby to avert their due obedience from him, and, having an évill opinion of his sacred majesty, to side with us, and take our parts, to effect our designes.

Give me leave, I beseech you, to speak concerning these crimes. And first, Mr Speaker, to indeavour to bring in an arbitrary power and tyrannicall forme of government, in the subject, is to deny parliamentary proceedings : To oppose the lawes enacted by parliament ; to incense his majestie against parliaments ; to protest and petition against the proceedings thereof, is to bring in an arbitrary forme of government : But to agree with the parliament, being a member thereof, by vote to make and enact laws, I conceive this cannot be termed arbitrary, neither, I perswade myselfe, can the effects thereof be tyrannicall.

Secondly, concerning the late tumults about the house ; I am innocent thereof ; neither came they by my invitation or encouragement. I alwayes thought their resorts in that sort were illegall and riotous. I have voted with this house for their suppressing ; have assented to all orders for their appeasing ; agreed with the parliament in all things concerning their petitions and requests. Then I hope this honourable house will not conceive me guilty of this crime, if it be one ; and granted, yet, I conceive, far without the limits of treason, for these reasons :

1. They came not with armes to force any thing to be done in parliament, but humbly by petition shewed their grievances, and desired redress thereof ; which is one priviledge, (and one of the greatest,) to make their griefes known to a parliament, and by them to be relieved.\*

2. They offered no assault, but (being assaulted) preserved themselves, and departed.

3. The matter of their clamor was not against the king, nor any of his councill ; it was not against the lords nor house of commons : it was only against delinquents, against such as had been the greatest oppressors of them.

Thirdly, I come, in a word, to the other articles of the charge, which I intend to speake of (under favour) altogether. I pray you, who raised any army actually in this land, but the trained bands, which was done by the parliament, for the security of their own persons in the kings absence ; and in obedience to his commands, at his return home, they were discharged, and afterwards againe raised by his majesties owne royall authority ? And for inviting or procuring any foreigne princes to ayd mee with an army, I am altogether innocent therein : I know of no ayd required but from Scotland, which is done by the parliament ; my vote, as a member thereof, onely agreeing with them in the same ; and that ayd is procured for his majesties assistance in subduing the rebellion in Ireland, and (as I conceive) for no other purpose. And for the last article wherewith I am charged, I hope to be cleered by this whole house ; for what declamations or proclamations have beene published but by authority of the parliament, joyn'd with his majesties most royall power and assent thereunto ? It is manifest to all people that nothing is published by the parliament, or any of the members thereof, but tendeth to the winning of the hearts of his majesties subjects to dutifull obedience and intire love and tender affection towards their gracious soveraigne. And I dare confidently say, that there is none of his majesties subjects, that are true protestants, and well affected to religion, but, upon the least command of his majesties, will spend their dearest blood in defence of his sacred person, his queen, and princely issue, of the laws and constitutions of this kingdome, of parliaments, and the rights and priviledges thereof, of religion, and the doctrine of the church of England ; and therefore I conceive I am far from intending any treason, either against his majestie or kingdome. And thus,

\* He alludes to a skirmish fought between some of the king's retinue, who had now acquired the celebrated name of Cavaliers, and the citizens, who assembled themselves at Westminster in a tumultuous manner, under pretence of petitioning parliament.

craving pardon for my presumption, and humbly thanking this honourable house for their patience, beseeching them to have a good opinion of mee and my actions, that I may receive such tryall as to their wisdomes shall seem meet, with my hearty prayers for the happy continuance of this parliament, to effect and finish such great matters, both in church and state, as may advance Gods glory, settle all things in a right frame, for the good government of this kingdome, and the everlasting peace and tranquillity of his majesty and all his kingdomes.

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*A Discreet and Learned Speech, spoken in the Parliament, on Wednesday, the 4th of January, 1641, by Mr Hampden, Burgesse for Buckingham; concerning the Accusation of High Treason preferred by his Majesty against himselfe, the Lord Kimbolton, Sir Arthur Haslerigg, Mr Pym, Mr Strowd, Mr Hollis, worthy Members of the House of Commons; therein worthily declaring the Difference betwixt a good Subject and a bad, and referring his own Triall to the Judgment of that Honorable Assembly.*

Mr Speaker,

It is a true saying of the wise man, that all things happen alike to all men, as well to the good man as to the bad: there is no state or condition whatsoever, either of prosperity or adversity, but all sorts of men are sharers in the same. No man can be discerned truly by the outward appearance, whether he bee a good subject, either to his God, his prince, or his countrey, untill he be tryed by the touchstone of loyalty. Give me leave, I beseech you, to parallell the lives of either sort, that we may in some measure discern truth from falsehood; and in speaking, I shall similize their lives.

First, in religion towards God; secondly, in loyalty and due subjection to their soveraigne, in their affection towards the safety of their countrey.

First, concerning religion: the best meanes to discern between the true and false religion is, by searching the sacred writings of the Old and New Testament, which is of itself pure, and indited by the Spirit of God, and written by holy men, unspotted in their lives and conversation; and by this sacred word may we prove whether our religion bee of God or no, and by looking in this glasse we may discern whether we are in the right way or no.

And looking into the same, I find that, by this truth of God, that there is but one God, one Christ, one faith, one religion. which is the gospell of Christ. and the doctrine of the prophets and apostles.

In these two Testaments is contained all things necessary to salvation, if that our religion doth hang upon this doctrine, and no other secondary meanes than is true; to which comes nearest the protestant religion, which wee professe, as I really and verily believe; and consequently that religion which joyneth with this doctrine of Christ and his apostles the traditions and inventions of men, prayers to the Virgin Mary, angels, saints; that useth, in the exercise of their religion, strange and superstitious worshipping, cringing, bowing, creeping to the altar, using pictures, dinges, and such like, cannot be true, but erroneous, nay devilish; and all this is used and maintained in the church of Rome, as necessary as the scripture to salvation: therefore it is a false and erroneous church, both in doctrine and discipline; and all other sects and schismes that learns not onely on the scripture, though never so contrary to the church of Rome, is a false worshipping of God, and not the true religion. And thus much concerning the religion, to discern the truth and falsehood thereof.

2. I come now, Mr Speaker, to the 2d thing intimated unto you ; which was, how to discerne in a state betweene good subjects and bad, by their loyalty and due subjection to their lawfull sovereigne ; in which I shall, under favour, observe two things.

1. Lawfull subjection to a king in his owne person, and the commands, edicts, and proclamations of the prince and privie-councell.

Lawfull obedience to the lawes, statutes, and ordinances, made, enacted by the king and the lords, with the free consent of his great councell of state, assembled in parliament.

1. For the first,---to deny a willing and dutifull obedience to a lawfull sovereigne and his privie-councell ; for, as Camden truly saith, the commands of the lords privie-councillours and the edicts of the prince is all one, for they are inseparable, the one never without the other ; either to defend his royal person and kingdomes, and against the enemies of the same, either publike or private ; or to defend the ancient priviledges and prerogatives of the king, pertinent, and belonging of right to his royal crown, and the maintenance of his honour and dignity ; or to defend and maintaine true religion established in the land, according to the truth of God, is one signe of an evill and bad subject.

2. Secondly, to yeeld obedience to the commands of a king, if against the true religion, against the ancient and fundamentall lawes of the land, is another signe of an ill subject.

3. Thirdly, to resist the lawfull power of the king, to raise insurrection against the king, admit him averse in his religion, to conspire against his sacred person, or any wayes to rebell, though commanding things against our consciences in exercising religion, or against the rights and priviledges of the subject, is an absolute signe of a disaffected and traiterous subject. And now, having given the signes of discerning evill and disloyall subjects, I shall only give you, in a word or two, the signes of discerning which are loyall and good subjects, only by turning these three signes, already shewed, on the contrary side.

1. He that willingly and cheerefully endeavoureth himselfe to obey his sovereignes commands for the defence of his owne person and kingdomes, for the defence of true religion, for the defence of the laws of his country, is a loyall and good subject.

2. To deny obedience to a king commanding any thing against God's true worship and religion, against the ancient and fundamentall lawes of the land, in endeavouring to performe the same, is a good subject.

Not to resist the lawfull and royall power of the king, to raise sedition or insurrection against his person, or to set division betweene the king and his good subjects by rebellion, although commanding things against conscience in the exercise of religion, or against the rights and priviledges of the subject, but patiently for the same to undergo his prince's displeasure, whether it be to his imprisonment, confiscation of goods, banishment, or any other punishment whatsoever, without murmuring, grudging, or reviling against his sovereigne or his proceedings, but submitting willingly and cheerefully himselfe and his cause to Almighty God, is the only signe of an obedient and loyall subject.

I come now to the second meanes to know the difference betweene a good subject and a bad, by their obedience to the laws, statutes, and ordinances made by the king, with the whole consent of his parliament. And in this I observe a twofold subjection : In the particular members thereof dissenting from the general votes of the whole parliament ; and, secondly, the whole state of the kingdome to a full parliament.

1. First, I conceive, if any particular member of a parliament, although his judgement and vote bee contrary, doe not willingly submit to the rest, is an ill subject to the king and country.

And secondly, to resist the ordinance of the whole state of the kingdome, either by



the stirring up a dislike in the hearts of his majestie's subjects of the proceedings of the parliament; to endeavour, by levying of armes, to compell the king and parliament to make such lawes as seeme best to them; to deny the power, authority, and privileges of parliament; to cast aspersions upon the same and proceedings, thereby inducing the king to thinke ill of the same, and to be incensed against the same; to procure the untimely dissolution and breaking off of a parliament, before all things be settled by the same, for the safety and tranquillity both of king and state,—is an apparant signe of a treacherous and disloyall subject against his king and country. And thus having troubled your patience, in shewing the difference betweene true protestants and false loyall subjects and traytors, in a state or kingdome, and the meanes how to discerne them, I humbly desire my actions may be compared with either, both as I am a subject, a protestant, and a native in this country, and as I am a member of this present and happy parliament; and as I shall be found guilty upon these articles exhibited against my selfe and the other gentlemen, either a bad or a good subject to my gracious soveraigne and native country, to receive such sentence upon the same, as by this honored house shall be conceived to agree with law and justice.

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*Master Pymme his Speech in Parliament, on Wednesday, the 5th of January, 1641, concerning the Vote of the House of Commons for his Discharge upon the Accusation of High Treason exhibited against Himselfe, and the Lord Kimbolton, Mr John Hampden, Sir Arthur Haslerigge, Mr Stroud, and Mr Hollis, (by his Majestie).*

Mr Speaker,

THESE articles of high treason, exhibited by his majestie against me and the other gentlemen, in the accusation charged with the same crime, are of great consequence, and much danger to the state: The articles, in themselves, if proved, are, according to the lawes of this land, high treason.

First, to endeavour to subvert the fundamentall lawes of the land, is, by this present parliament, in the earle of Straffords case, adjudged high treason.

Secondly, to endeavour to introduce into this kingdome an arbytrarie and tyrannicall forme of government, is likewise voted high treason.

Thirdly, to raise an army to compell the parliament to make and enact lawes, without their free votes and willing proceedings in the same, is high treason.

Fourthly, to invite a forreigne force to invade this land, to favour our designes agitated against the king and state, is high treason.

Fifthly, to animate and encourage riotous assemblies and tumults about the parliament, to compell the king to assent to the votes of the house, is treason.

Sixtly, to cast aspersions upon his majestie and his government, to alienate the affections of his people, and to make his majesty odious unto them, is treason.

Seventhly, to endeavour to draw his majestie's army into disobedience, and to side with us in our designes, if against the king, is treason.

I desire, Master Speaker, the favour of this house to declare my selfe concerning this charge, shall onely parallell and similize my actions since the sitting of this parliament with these articles.

First, Master Speaker, if to vote with the parliament, as a member of the house, wherein all our votes ought to be free, it being one of the greatest privileges thereof to have our debates, disputes, and arguments in the same unquestionable, be to endeavour to subvert the fundamentall lawes, then am I guilty of the first article.

Secondly, If to agree and consent with the whole state of the kingdome, by vote, to ordaine and make lawes for the good government of his majesties subjects in peace and dutifull obedience to their lawfull soveraigne, be to introduce an arbitrary and tyrannical forme of government in the state, then am I guilty of this article.

Thirdly, If to consent by vote with the parliament to raise a guard, or traine-band, to secure and defend the persons or the members thereof, being invironed and beset with many dangers in the absence of the king, and by vote with the house, in willing obedience to the royall command of his sacred majesty, at his returne, be actually to levie armics against the king, then am I guilty of this article.

Fourthly, If to joyne with the parliament, by free vote, to crave brotherly assistance from Scotland, kingdomes both under obedience to one soveraigne, both his loyall and dutifull subjects, to suppress the rebellion in Ireland, which lies gasping every day, in danger to be lost from his majesties subjection, be to invite and encourage a forraigne power to invade this kingdome, then am I guilty of high treason.

Fifthly, If to agree with the greatest and wisest councill of state to suppress unlawful tumults and riotous assemblies, to agree with the house, by vote, to all orders, edicts, and declarations for their repelling, bee to raise and countenance them in their unlawfull actions, then am I guilty of this article.

Sixtly, If by free vote, to joyne with the parliament in publishing of a remonstrance, in setting forth declarations against delinquents in the state, against incendiaries betweene his majesties kingdome, against ill counsellors, which labour to avert his majesties affection from parliaments, against those ill-affected bishops that have innovated our religion, oppressing painfull, learned, and godly ministers with vexatious suites and molestations in their unjust courts, by cruell sentences of pillory, and cutting off their eares, great fines, banishment, and perpetual imprisonment; if this, Mr Speaker, be to cast aspersions on his majestie and his government, and to alienate the hearts of his loyall subjects, good protestants, and well affected in religion, from their due obedience to his royall majestie, then am I guilty of this article.

Seventhly, If to consent by vote with the parliament to put forth proclamations, to send declarations to his majesties army, to animate and encourage the same to his loyall obedience, to give so many subsidies, raised so many great summes of money willingly, for their keeping on foote, to serve his majestie upon his royall command, on any occasion; to apprehend and attach as delinquents such persons in the same as are disaffected, both to his sacred person, his crowne and dignity, to his wise and great councill of parliament, to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ himselfe, and established and confirmed by many acts of parliament, in the reigne of Hen. 8., E. 6., Queene Elizab., and King James, of blessed memory; if this, Mr Speaker, be to draw his majesties army into disobedience, and to side with us in our designes, then I am guilty of this article.

Now, Master Speaker, having given you a touch concerning these articles, comparing them with my actions ever since I have had the honour to sit in this house as a member thereof, I humbly crave your consideration and favourable judgment of them, not doubting, they being weighed in the even scales of your wisdomes, I shall be found innocent and cleare from these crimes laid to my charge.

Master Speaker, I humbly crave your further patience, to speake somewhat concerning the exhibiting of this charge, which is to propose to your considerations these propositions, viz.

First, Whether to exhibit articles of high treason by his majesties owne hands in this house, agrees with the rights and priviledges thereof.

Secondly, Whether for a guard armed to come into the parliament, to accuse any of the members thereof. be not a breach of the priviledge of parliament.

Thirdly, Whether any of the members of parliament being so accused, may be committed upon such accusation, without the whole consent thereof.

Fourthly, Whether a parliament hath not priviledge to bayle any member so accused.

Fifthly, and lastly, Whether if any of the members of a parliament so charged, and by the house discharged, without release from his majestie, may still sit in the house as members of the same. And thus, Master Speaker, I humbly crave pardon for my presumption in so farre troubling this honourable house, desiring their favourable consideration of all my actions, and that I may have such tryal as to this wise counsell shall seeme meete, cheerefully submitting my selfe and actions to the righteous judgment of the same.

*Speech made in Parliament by Mr Glyn, on Wednesday, the 5th of January, 1641, concerning the Breaches of the Priviledges thereof, by breaking open the Chambers, Truncks, and Studies of the Six worthy Members of Parliament, upon their Accusation of High Treason by his Majesty.*

The enterprize, so rashly commenced by the accusation of the six members, was followed up with a presumption equally astonishing and fatal. The studies, chambers, and trunks of the accused were broken open and searched; proceedings arbitrary and illegal at all times, but which, attempted at such a period, argued either frenzy or treason in the king's advisers. So soon as the intelligence reached the house, it was received with the highest indignation; and after some speeches from the leading members, two of which are here inserted, the house adopted the following resolution:

"Die Lunæ, 3d January, 1641.

"It is this day ordered, upon the question by the commons of parliament, that if any person whatsoever shall come to the lodgings of any member of this house, and there do offer to seal the trunks, doors, or papers of any member in this house, or to seize upon their persons,—that then such members shall require the aid of the constable, to keep such persons in safe custody till this house give further order. And this house doth farther declare, that if any person whatsoever shall offer to arrest or detain the person of any member of this house, without first acquainting the house therewith, and receiving further order from this house, that it is lawful for such member, or any person, to assist him, and to stand upon his and their guard of defence, and to make resistance, according to the protestation taken to defend the privileges of parliament."

H. ELSYNGE, Cler. Parl. D. Com.

Mr Speaker,

WE sit now upon that grand businesse of the breaches of the rights and priviledges of parliaments, which are so many and great, so carefully preserved and defended, and having in former times severely punished the infringers thereof, that I had thought and conceived that no subject, of what degree or dignity soever, would, either in their owne persons, or by misinforming his majesty concerning the same, would have presumed to have intrenched in the least measure upon the free liberty, rights, and very beings of parliaments, tending to the breach thereof. But, Mr Speaker, I perceive the perversenesse of diverse persons in places of authority, that they dare not onely presume to provoke his majesty, by their politicke misinformations, but dare attempt, of them-



selves, to resist the lawfull power, both of the king and his high court of parliament.

Mr Speaker, these men, notwithstanding they apparantly perceive that their wicked practises and malicious designes cannot take effect according to their expectation, but are erected and detected as well by his sacred majestie as his lords and his whole counsell, dare venture to endeavour, by casting aspersions, and spreading abroad evill reports, not onely of the members, but of the proceedings of the house of commons against them and others of their adherents, and favorets in their wicked and desperate actions and designes against their lawful sovereigne and his liege people.

I conceive, Mr Speaker, did these persons but remember the many presidents, yet extant, of the just and deserved punishments inflicted by former parliaments upon such miscreants, as witnesse the arch-bishop of Yorke, the duke of Suffolke, Chiefe-justice Belknap, and the rest of that conspiracy, in the raigne of King Edward the Second, they would have prejudicated to themselves the like danger would follow upon them, for their evill actions.

Nay, Mr Speaker, did these men but consider with themselves the just judgements of God, that have immediately lighted upon the nexes of such as have beene the troublers of kingdomes and comon-wealth, whereof they have beene members, as well recorded in sacred writ as of late times in this kingdome, yet still in fresh memory, they would have layd their hands upon their mouthes and hearts, when they went about to speake or doe any thing tending to the dishonour of Almighty God, in innovating of his true religion, corrupting the sincere doctrine and discipline of Christ and his apostles, as also any thing tending to the dishonour and perpetuall distruction of his royall majestie, (however otherwise they may pretend,) the fundamentall lawes and liberties of this kingdom, the rights and priviledges of parliaments, and the very being thereof; but surely, Mr Speaker, they are altogether benumbed and stupified, their consciences dead and cheered, their lives and conversations altogether devoted to the workes of darknesse and impurity, their desires altogether sensuall, carnall, and divelish, forgetting God, kicking and spurring, with maliciousnesse, against all piety and godlinesse, or else they would never have adventured to practise such things as it is too manifest they have done.

Mr Speaker, I intend to be brieve in that which I am to speake concerning the breaches of the priviledges of parliament.

First, to informe his majesty of any proceedings in the house of commons, upon any businesses whatsoever, before they have concluded, finished, and made ready the same to present to his majesty, for his royall assent thereunto, is a breach of the priviledges of parliament. Secondly, to misinforme his majesty, contrary to the proceedings in parliament, thereby to incense and provoke him against the same, is a breach of priviledge of parliament. Thirdly, to cause or procure any information or accusation to be brought or preferred, without the knowledge or consent of the parliament, into the house, against any of the members thereof, is a breach of priviledge of parliament. Fourthly, to apprehend any such accused, to imprison their persons, to seize upon their goods or estates, to prosecute and proceed against them to their tryall and judgement, to condemne or execute them upon such accusation, without the consent or advise of the parliament, is a breach of the priviledges thereof. Fifthly, to endeavour to cast an evill opinion of such members accused into the hearts of his majesties loyall subjects, whereby they, disaffecting them, may be ready and willing to put in execution any command or warrant for their apprehension and imprisonment, is a breach of the priviledges of parliament. Sixthly, to come in open parliament for any officer or serjeant to demand and arrest any such member accused, be it of high treason or any other crime whatsoever, without the knowledge of the whole house, is a breach of the priviledges of parliament. Seventhly, to come to a parliament, sitting in free consultation,

assisted and guarded armed men, and with them bee sitting, the house to demand, as it were, viz. &c. armies, such members accused, is a breach of priviledges of parliament.

Lastly, to procure to be set forth, or to set forth, under his majesties name, any proclamation or declaration, prohibiting the repaire of such persons accused to the parliament, as members thereof, and to apprehend them in what place soever they shall be found, without the advice and consent of the whole state assembled, and sitting in free parliament, is a manifest breach of the priviledges thereof. And this, Mr Speaker, is all that I have to say concerning this dayes businesses, humbly leaving the same to the consideration of this honourable assembly.

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*Mr Grimston his Speech, at the Committee sitting at Guild-hall, on Thursday, the 6th of January, 1641, concerning the Breaches of the Priviledges of Parliament; by breaking open the Chambers, Studies, and Trunks of the Lord Kimbolton and the rest of the Members of the House of Commons accused by his Majesty of High Treason. Whereupon, the same day, there was a Declaration agreed upon, and published, for the Preservation of their Priviledges, and Protection of their Members from the like Violence for the time to come.*

Mr Speaker,

THERE is no courts of judicature within this kingdome of England but have several rights and priviledges appertaining and belonging unto them, and have such power and authority, in the severall jurisdictions of the same, that they may call to an account, prosecute, and bring to judgement, the infringers and breakers of the same. Of all these courts there is none, yea, put them all together, they are not of such power and jurisdiction, but inferiour and subject to the ordinances and statutes of the high court of parliament.

Mr Speaker, of such awfull predominance is the very name of a parliament of this nation, that it strikes with terrour and despaire all such evill doers as are malefactors in the state: on the contrary side, it cheares and comforts the drooping spirits of men groaning under the burden of tyrannicall oppression, inflicted on them, unjustly and maliciously, by unmercifull and wicked men, that have usurped to themselves places and offices of power and authority, both in church and state.

Mr Speaker, this great and high court is not only the powerfulest of all other courts whatsoever, but the prudentest and wisest, made and compacted, not onely of men sound in religion, well learned, but ripe in their judgements, contracted from all parts of this kingdome, elected and chosen with the free consent of the whole body politique of the kingdome. This great and high councill is not onely of such power and wisdom, but endowed and attended with the most and greatest priviledges of all others; yea, so great are the priviledges thereof, that not onely the meanest of his majesties subjects, but the greatest personages of the kingdome are in danger, if infringers of the same, to be called in question, and by them punished therefore. Give me leave, Mr Speaker, to speake somewhat of the priviledges, in particular, incident and appertaining to this wise senate; and in speaking thereof, I shall observe these three particulars: first, the rights and priviledges belonging to the same, in the free votes and judicature thereof; secondly, the rights and priviledges belonging to the power and jurisdiction thereof; and thirdly, the rights and priviledges in the continuance thereof, being freely called and assembled by his majesties royall authority, not to be

dissolved or broken off, till all things agitated therein, for the good both of church and common-wealth, be fully concluded and determined.

First, Mr Speaker, concerning the priviledges of a parliament, belonging to the free votes and judicature thereof, I shall observe these particulars: first, to speake freely, without interruption or contradiction, in any debate, dispute, or argument, upon any businesse agitated in the same, being a member thereof, I conceive to be one priviledge of a parliament.

Secondly, not to be questioned for any such free dispute, argument, or debate, to be taxed or accused for the same, either during the free sitting thereof, or after, is another priviledge of parliament.

Thirdly, freely to give vote, judgement, or sentence, upon the reading of any bill, to be made a law, or any bill, either of attainder, or other charge, against delinquents and criminous persons of the state, at their triall upon the same, is a third priviledge of parliament.

Fourthly, to defend and maintain the free votes, judgements, and sentences of the whole house, by protestation, remonstrance, or other declaration, if not consented unto or opposed by the house of lords, is a fourth priviledge.

Fifthly, for any member of the house not to be accused of any crime, or impeached for treason, by any person whatsoever, during the continuance of the parliament, for things done in the same, without legall accusation and prosecution of any such member by the whole house, is another priviledge of parliament.

Sixthly, not to be apprehended upon such impeachment, or arrested by any officer, or to have, upon such accusation, their chambers, trunks, and studies broken open, their bookes and writings seized upon, without consent or warrant of the whole parliament, is another priviledge of the same. And thus much, Mr Speaker, shall suffice to be spoken concerning the priviledges and rites of parliament, pertinent to the subject of which I am to speake. I come now to the second thing I proposed to your audience, which was the rites and priviledges belonging to the power and jurisdiction of the parliament; in which I shall observe these particulars. First, to consult and consider of what lawes are fit to be made and enacted in this kingdome, for the good government thereof, is one priviledge belonging to the power and jurisdiction of this high court.

Secondly, to nullifie and abrogate, repeale, make voide, to ratifie and confirme, establish and maintaine lawes, statutes, and ordinances, made and enacted by precedent parliament, by counsels of state, or other courts of judicature, is a second priviledge pertaining to the power and jurisdiction of the parliament.

Thirdly, to give subsidies, to raise taxes, to impose loanes and other charges upon the subject, is another priviledge belonging to the power and jurisdiction of the parliament.

Fourthly, to accuse or impeach any incendiaries or delinquents in this kingdome of any crime notorious, tending to the prejudice of his majesty or any of his loyall subjects, whether it be for treason or otherwise, be they members of the parliament or no, is another priviledge belonging to the power and jurisdiction of the parliament.

Fifthly, and lastly, to proceed and bring to judgement such persons so accused or impeached, for any crime whatsoever, is another priviledge belonging to the power and jurisdiction of this court. And thus much of the rites and priviledges belonging to the power and jurisdiction of a parliament.

And now, Mr Speaker, I come to the last things I mentioned to you, concerning the priviledges belonging to the continuance and free sitting, till all things be concluded of for the good government, both of church and state; in which I shall also observe these particulars. First, that for a parliament, when freely called and assembled by royal authority, not to be tyed to debate or argue any one particular businesse,



appointed by any person whatsoever, is one priviledge belonging to the free continuance of a parliament.

Secondly, not to break off or dissolve a free parliament, untill all the grievances and oppressions of all his majesties loyall subjects bee fully redressed and remedied, is a second priviledge belonging to the continuance of a parliament.

Thirdly, not to breake off or dissolve a parliament, till all incendiaries and delinquents in the state be brought to condigne punishment for their crimes.

Fourthly, and lastly, not to accuse or impeach any member of the parliament, thereby to hinder and interrupt the legall proceedings thereof in the waighty affaires of the common-wealth, is another priviledge belonging to the continuance of a parliament.

And thus, Master Speaker, having briefly declared unto you the power and jurisdiction of a parliament, above all other courts of judicature in this land; the wisdom and policy of a parliament above all other councells; the rights and priviledges of a parliament, in respect of the free votes and judicature thereof; the power and jurisdiction thereof; and the free continuance thereof; I humbly leave to the consideration of this house, whether the accusation of these gentlemen, accused by his majesty, and the illegall breaking open, upon this their accusation, of their chambers, trunks, and studies, be not a breach of some of the priviledges of parliament which I have mentioned unto you.

*The Kings Majesties Demand of the House of Commons concerning those Members who were accused of High Treason, Jan. 4, 1641; with Mr Speaker's Reply unto the said Demand: also, the Occasion of his Majesties comming to Guild-hall on Wednesday; with the Conference betweene his Majesty and the Lord Mayor concerning these present Tumults in the Citie; with his Majesties Speech in Guild-hall, to the Court of Aldermen and Common Councell of the City of London. Whereunto is added, an Order or Protestation of the Grand Committees of both Houses of Parliament of Guild-hall, concerning the Protection of the Members of the House of Commons attached of High Treason, and others.*

The accusation of the six members, and the attempt to seize their papers, wonderful and unseasonable as such proceedings were, bore no proportion to the final act of infatuation when the king went down in person to the house, to demand that they should be surrendered to him. Rushworth gives the following account of that marvellous transaction.

“ The said five accused members, this day, after dinner, came into the house, and did appear, according to the special order and injunction of the house, laid upon them yesterday, to give their attendance upon the house *de die in diem*, and their appearance was entered in the journal.

“ They were no sooner sate in their places, but the house was informed, by one Captain Langrish, lately an officer at arms in France, that he came from among the officers and soldiers at Whitehall, and understanding by them that his majesty was coming, with a guard of military men, commanders, and soldiers, to the house of commons, he passed by them with some difficulty, to get to the house before them, and sent in word how near the said officers and soldiers were come; whereupon a certain member of the house having also private intimation from the Countess of Carlile, sister to the Earl of Northumberland, that endeavours would be used this day to apprehend the five members, the house required the five members to depart the house forthwith, to the end to avoid combustion in the house, if the said soldiers should use violence to pull any of them out: to which command of the house four of the said members yielded ready obedi-

ence, but Mr Stroud was obstinate, till Sir Walter Earle (his ancient acquaintance) pulled him out by force, the king being at that time entering into the New Palace-Yard, in Westminster. And as his majesty came through Westminster-hall, the commanders, reformadoes, &c. that attended him, made a lane on both sides the hall, (through which his majesty passed, and came up the stairs to the house of commons,) and stood before the guard of pensioners and halberters, (who also attended the king's person;) and the door of the house of commons being thrown open, his majesty entered the house, and as he past up towards the chair, he cast his eye on the right hand, near the bar of the house, where Mr Pym used to sit, but his majesty not seeing him there, (knowing him well,) went up to the chair, and said, "By your leave, Mr Speaker, I must borrow your chair a little;" whereupon the speaker came out of the chair, and his majesty stept up into it. After he had stood in the chair a while, casting his eye upon the members as they stood up uncovered, but could not discern any of the five members to be there, nor indeed were they easie to be discerned, (had they been there,) among so many bare faces, all standing up together,—  
 "Then his majestie made his speech.

"Gentlemen,

"I am sorry for this occasion of coming among you. Yesterday I sent a serjeant-at-arms, upon a very important occasion, to apprehend some, that, by my command, were accused of high treason; whereunto I did expect obedience, and not a message. And I must declare unto you here, that albeit no king that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be, yet you must know, that in cases of treason, no person hath a privilege; and therefore I am come to know if any of these persons that were accused are here: for I must tell you, gentlemen, that so long as these persons that I have accused (for no slight crime, but for treason,) are here, I cannot expect this house will be in the right way that I do heartily wish it: therefore I am come to tell you, that I must have them wheresoever I find them. Well, since I see all the birds are flown, I do expect from you that you shall send them unto me as soon as they return hither. But I assure you, in the word of a king, I never did intend any force, but shall proceed in a legal and fair way, for I never meant any other.

"And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly,—that whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it. I will trouble you no more, but tell you, I do expect, as soon as they come to the house, you will send them to me; otherwise, I must take my own course to find them."

"When the king was looking about the house, the speaker standing below, by the chair, his majesty asked him, Whether any of these persons were in the house? whether he saw any of them? and where they were? To which the speaker, falling on his knee, thus answered:

"May it please your majesty,

"I have neither eyes to see, nor tongue to speak, in this place, but as the house is pleased to direct me, whose servant I am here; and I humbly beg your majesty's pardon, that I cannot give any other answer than this, to what your majesty is pleased to demand of me."

"The king having concluded his speech, went out of the house again, which was in great disorder; and many members cried out aloud, so as he might hear them, 'Privilege! privilege!' and forthwith adjourned till the next day, at one of the clock."—RUSHWORTH, IV. 477.

Lord Digby is universally allowed to have had the credit of recommending this extraordinary proceeding, and his fidelity to the king has never been doubted, or he would have lain open to much suspicion. If the members had remained in the house, they could not have been secured without violence, the effect of which must necessarily have been, the endangering the king's person, whose handful of attendants could have made no effectual resistance against the numbers who would instantly have assembled to the assistance of the house of commons. We can pardon a king for believing in the hedge of his divinity, but scarcely the counsellor who advises him to confide in it.

### His Majesties comming to the House of Commons.

UPON Tuesday last, being the 4th of January, his majesty came himselfe in person unto the house of commons, and desired to know the reason why his command concerning



pawse, he recollected himselfe, and replyed unto the lord-mayor,---that all these things should have speedy remedy; that the citizens should have satisfaction, so farre forth as their demands were reasonable; and withall, told them that were there present, that he would referre himselfe and the ordering of all the affayres wholly unto the care and judgment of the parliament; withall telling them, that whatsoever they should conclude of, that he would ratifie and confirme. No sooner did this reply come to their eares who waited in the yard to understand the conclusion of this conference, but that they gave a great shoote, and made a loud acclamation of joy, and so departed peaceably unto their own houses, as men well satisfied and contented; and so, presently after, his majesty, and those who did there attend him, took coach, and went to Whitehall.

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*His Majesties Speech at Guild-hall, to the Court of Aldermen and Common-Councell of the City of London, January 5, 1641.*

Gentlemen,

I AM come to demand such prisoners as I have already attainted of high treason; and doe believe they are shrouded in the city: I hope no good man will keep them from me: their offences are treason and misdemeanors of a high nature. I desire your loving assistance herein, that they may be brought to a legall triall.

And whereas there are divers suspitions rayseed that I am a favourer of the popish religion, I doe professe, in the name of a king, that I did, and ever will, and that to the utmost of my power, I will be a prosecutor of all such as shall any way oppose the lawes and statutes of this kingdome, either papist or seperatist; and not onely so, but I will maintaine and defend that true protestant religion which my father did professe, and I will still continue in during life.

After which, his majesty was conducted to Alderman Garretes house, in Aldermay Church-yard, nere St Antholins, where he was royally feasted; and after dinner, he was attended with the lord-mayor, the sheriffes, and others, the aldermen of the city, to his pallace at Whitehall.

But the lord-mayor, taking his leave of his majesty, upon his returne to his house in London, was most violently assaulted by a multitude of rude citizens and other uncivill women, amongst whom he was much abused, his chayne broken, which was about his necke, and his gowne torne upon his backe; whereupon the citizens was rayseed to conduct him home to his house in the Old Jewry.

On the next day, being Thursday, and the twelfe day, the grand committee of both houses of parliament repaired to Guild-hall, where, after debate of many particular businesses,—

It was this day ordered upon the question, by the commons house of parliament, that if any persons whatsoever shall come to the lodgings of any member of this house, and there doe offer to seale the trunks, doores, or papers of any members of this house, or to seize upon their persons; that then such members shall require the ayd of the constable, to keep such persons in safe custody till this house doe give further order. And this house doth further declare, That if any person whatsoever shall offer to arrest or detain the person of any member of this house, without first acquainting this house therewith, and receiving further order from this house, that it is lawfull for such member, or any person to assist him, and to stand upon his and their guard of defence, and to make resistance, according to the protestation taken to defend the priviledges of parliament.



Whereupon Serjeant Dandy, a messenger, and an officer to his majesty, was apprehended, upon suspicion of having power and commission to apprehend any of the fore-named members of the house of commons, who was brought before the said grand committee to be examined; but, upon extraordinary occasions, he was commanded to attend at Grocers-Hall, where the committees had appointed to meet the next day, in regard the court at Guild-hall was to be kept the next day.

H. ELSYNG, Cl. Par. D. Com.

*Master Meynard his Speech at the Committee at Guild-hall, in London, on Thursday, January 6, concerning the Breaches of Priviledges of Parliament. An. Dom. 1641.*

The house of commons did not fail to avail themselves of the rash and infatuated proceedings of their misguided sovereign. Every ill directed blow which he had aimed against them, had, at the same time, exhausted his own strength, and given additional spirits to the enemy. But it was necessary to assume an appearance of apprehensive terror, which they were far from feeling. They lamented their state of insecurity at Westminster, as if they had expected another and more hostile visit from the king and his cavaliers. As they could not adjourn the parliament to meet else-where than at Westminster, they resolved the house into a committee, which was appointed to sit both forenoon and afternoon in the city. They were received with acclamation, found a guard ready to attend them, and a committee of the common-council appointed to execute their commands. It was in this state of power and security that they proceeded to make inquiry into the most obnoxious particulars attending the king's ill-judged prosecution of the five members.

Master Speaker,

THE intermission of parliaments, so long together, hath been the onely cause, I confidently beleieve, of all those evils and troubles that have happened upon this and the other his majesties kingdomes. The perverse nature of man is so froward and crooked, that it is alwayes inclined and bent to do nothing but that which is evill, without restriction, either by the powerfull preaching of the word of God, wholesome and pious discipline in the exercise of religion, and good lawes made for the strict observance and performance of the same, under paine of severe punishment for not obeying thereof; I say, without restraint, by such meanes, the corrupt nature of the flesh is not to be curbed, but will goe on to the committing of all manner of wickednesse, both against God, his king, and country; and, Master Speaker, the onely meanes to preserve and injoyne the sincere and pure teaching of Gods word and pious discipline, by wholesome lawes, enacted and made for that purpose, is by a parliament, by that great and wise councell, expert in all the sciences of good government, either of a church or common-wealth.

A parliament, Master Speaker, is the clearest looking-glasse for a state perfectly to see it selfe in, that ever was made; there is no disease, infirmity, misery that groanes under the burtlien of, but in this glasse it may be perspicuously perceaved, and the originall and prime causes that have produced the same: this glasse is not onely cleere and bright to looke in, but it is medicinall, of that soveraigne power and efficacy, that it can cure and remedy all the grievances of the spectatours therein, of what personage, degree, or dignity soever they be, of what condition or quality soever the disease be

they are infected withall, of what profession or function so ever, whether spirituall or temporall, they are of, if they do but looke herein.

Be they infected with pride, hautinesse of heart, (if in places of authority,) exercising tyranny over the kings good people and loyall subjects, let them be but brought to looke in this glasse, they may have remedy.

Be they infected with too much ease, idlenesse, and plenty, (if of the clergie,) whereby is produced covetousnesse, luxury, wantonnesse, avarice, and all manner of lasciviousnesse, neglecting their duties in their severall places in the church, as ordinary teachers and dispensers of the word of God; or, being in authority and places of government in the church, becoming hoarse and dumbe in their preaching and dispensation of the truth of God, according to the spirituall and pure meaning thereof; or else corrupt in their doctrine, teaching false doctrine, not the word of God, but their owne inventions, or the inventions or traditions of others; turning the truth into a lye; joyning and adding to the same their own devices; as they are teachers and instructors of the people and children of God, or as they are in authority, becomming proud, high-minded, not contented with their spirituall offices, but usurping to themselves temporall jurisdiction, exercising cruelty; and those that are faithfull and painfull teachers of the word, holy in their lives and conversations, encouraging vaine and idle persons, scandalous both in their teaching and in their lives: these, I say, Master Speaker, infected with all these sores and dangerous ulcers, looking but into this glasse, may receive cure.

Be they infected with bribery, injustice, and oppression, (be they judges, or other officers, in places of judicature in this kingdome,) in their severall courts, over his majesties subjects, by viewing themselves in this glasse, may receive remedy.

Be they infected with subtle plots, monopolizing devises, (be they courtiers, officers, customers, or whatsoever else,) thereby procuring graunts, pattents, monopolies, by them, oppressing and excessively charging the subject, raising and increasing the rates and prices of all commodities, either imported or exported in this land, if they looke in this prospective, may be cured.

Be they infected with treachery, conspiracy, or with any other divellish practise or designe against his majesty or his kingdomes, as they are either papists, recusants, priests, and jesuits, or dissolute and disaffected protestants, or Baals priests, that halt betweene divers opinions, in part protestants, in part papists, and in part arminians, if they will but look into this glasse, it will cleerly discover and cure them.

And thus, Master Speaker, having spoken somewhat of the nature of a parliament, and of the sovereignty thereof, in discovering and curing all diseases in a commonwealth, I come to speak a word or two of the rights and priviledges appertaining and belonging to a parliament. I know right well these gentlemen that spake yesterday have set forth clearely and learnedly the priviledges thereof, sufficiently serving, as I conceive, for this days businesse: I shall onely speake concerning that priviledge which one of them have already mentioned,—not to be questioned or accused for or concerning any vote, argument, or dispute, as members of a parliament in the same, during the free sitting thereof, either in the continuance of parliament, or after the same be dissolved, or broken off, either legally or illegally. That which I shall onely speake of, is, the breach of this grand priviledge of parliament, as I conceive, by the accusing of high treason those six worthy members of the same, during the continuance thereof, for matters debated of and done in the same, as members thereof; and, upon this accusation, to breake open their chambers, trunks, and studies, and seysing on their bookes and writings; these, I conceive are great breaches of this priviledge, for these reasons:

1. If to be questioned for free debating or arguing in parliament be no breach of this priviledge, then can we not safely intermeddle and agitate any busines whatsoever, either concerning church or state, but what shall be appointed and nominated by his



majesty and his privy-councell; which is a restriction of the power of parliament, given unto the same by the royall confirmation of his majesty, confirming to us, at our meeting, all our rights and priviledges.

2. Secondly, if to accuse the members of the parliament of treason for things done in the house, be not a breach of this priviledge, then is it dangerous to sit in parliament upon any businesse of disorders in the state, and grievances of the subject, committed by great personages, as lords and bishops, which may, by their subtle inventions, induce his majesty to favour their actions, they pretending all they do is for his honour, maintenance of his prerogative and royall power, and the like.

3. And lastly, if, upon any such accusation, the chambers, trunks, and studies of such accused members may be broken open, and their writings seysed on, be not a breach of this priviledge, then will it altogether discourage any man to undertake any service for the good of his country, when he shall perceave he may at pleasure be bereaved of such meanes and helps as may inable and make him fit for the same.

And now, Master Speaker, having added to the former speeches what I conceive necessary to the businesse we have now in debate, my humble motion is, that a declaration may be forthwith drawne, and set forth in print, giving notice to all his majesties loyall subjects, of the priviledges of parliament, and breaches thereof, by the accusing of these gentlemen, breaking open their chambers, &c. and endeavouring to apprehend and commit them to prison, under a certaine punishment to be inflicted upon those that shall obstinately refuse to observe the same.

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*The Two Petitions of the county of Buckingham, as they were presented to both Houses, by Knights, Esquires, Captaines, and Gentlemen, with a very great number of Freeholders, being the true Copy, as it was presented to the Houses of Parliament, January 11, 1641; as also, the humble Petition of the Mariners and Sea-men, Inhabitants in and about the Ports of London, and the River Thames; together with the Petition of the Foure Innes of Court.*

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Notwithstanding this petition, the Inns of Court were far from being united in the popular cause. They had offered themselves as a guard to his majesty in the beginning of the tumults, and were so much relied upon by the court, that they had orders to be ready at an hour's warning, on the fatal 6th of January, when the king went to the house of commons, in case he should have occasion for their service. They were questioned on this account by the house of commons, but gave such answers as were deemed satisfactory.—RUSHWORTH, part III. vol. i. p. 476.

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*The humble Petition of the Gentlemen of the Four Innes of Court, to the House of Commons.*

THAT you will be pleased to reflect upon the honourable service of God; to behold him in his throne and dignity, that thereby the poore protestants of this kingdome, between the two extremities of zeale, may not suffer a distraction in religion.

That you will be pleased to serve Gods annointed, his immediate vice-gerent, our true and lawfull soveraigne lord the king, in his person and all his regall dignities and lawfull immunities, without any impeachment of his regality, in whose honour the reputation of the three kingdomes depend.



That you will be pleased to ratifie and confirme all things, both concerning his majesty and the state of this kingdome, as they were in those blessed daies of Queen Elizabeth and King James, that we may thereby live, in these latter and turbulent times, with as much peace to our consciences, with as much dignity to our nation, in as true love and obedience to our lawfull soveraigne, and with as much libertie and liberality of our fortunes, as our fore-fathers heretofore have done.

That you will not suffer learning to be defaced nor discountenanced by the ignorant, but rather that you will be pleased to advance it to its dignity, it being the maine supporter of lawfull obedience, of order, civility, and regularity in all sorts.

That you will be pleased to qualifie the exorbitances of the separatists and disorderly persons, that thereby the city of London and the suburbs may be disburthened from their continuall care and feares, besides their losse of time, health, and fortunes, which, by their train-bands, double and treble watches and wards, they continually doe sustaine.

That you will be pleased, as the state, by election, hath made you members of this honourable house, and adopted you our fathers, to governe our fortunes, to establish our lawes, and to regulate our actions; so we now beseech you to satisfie our consciences, to preserve our reputations, and to admit of a liberall and free discourse in parliament concerning all these particulars, without interruption or feare of punishment, that thereby the glory of God may be exalted, the dignity of our king and kingdom may be preserved, the immunities of your house, according to the ancient custome of England, continued, all precipitated tumults appeased, and all discords amongst us peaceably united, the valiant and renowned actions of our predecessors revived, our tottering fortunes established, our king and kingdomes united, that so our minds and consciences may be fully satisfied.

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*To the Honourable the Knights, Citizens, and Burgesses of the House of Commons, now assembled in Parliament, the humble Petition of the Inhabitants of the County of Buckingham.*

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This petition was said to be brought to London by upwards of six thousand men, and was probably drawn up by their representative, the celebrated Hampden. They presented another petition to the house of lords against wicked counsellors, plotters, and delinquents. They offered a third petition to the king, in which they lamented, "That Mr Hampden, whom they had chosen knight of their shire, and in whom they had ever good cause to confide, was, to their great amazement, accused, among others, of high treason. They said, that having taken into their consideration the manner of their impeachment, they could not but conceive that it did oppugn the rights of parliament, to the maintenance whereof their protestation did bind them; and they did believe that the malice which his and the others zeal to his majesty's service and the state had raised in the enemies of his majesty, the church, and the common-wealth, had occasioned that foul accusation, rather than any ill deserts of theirs; and that through their sides the judgment and care of the petitioners and others were wounded, by whose choice they were represented to the house; and therefore they did humbly desire his majesty that Mr Hampden, and the rest who lay under the burthen of that accusation, might enjoy the just priviledges of parliament." "So from this day," says Clarendon, "we may reasonably date the levying of war in England, whatsoever hath been since done, being the superstructures upon those foundations which were then laid."—CLARENDON, I. 300.

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Sheweth,

THAT whereas, for many yeers past, we have been under very great pressures, (which are cleerly set forth in the late remonstrance of the house of commons,) the redresse thereof, which hath for a long time been by you endeavoured, with unwearied paines, though not with answerable successe, having still your endeavours frustrated or retarded, and we deprived of the fruit thereof, by a malignant faction of popish lords, bishops, and others; and now, of late, to take from us all that little hope was left of a future reformation, the very being of the parliament shaken, and, by the mischievous practises of most wicked counsellors, the priviledges thereof broken, in an unexampled manner, and the members thereof unassured of their lives, in whose safety the safety of us and our posterity is involved;—we held it our duty, according to our late protestation, to defend and maintaine the same persons and priviledges, to the utmost expence of our lives and estates.

To which purpose we are now come to make the humble tender of our service, and remaine in expectation of your command and order, to the execution whereof we shall, with all alacrity, addresse ourselves, ready to live by you, or to die at your feet, against whomsoever shall in any sort illegally attempt upon you.

May it therefore please this honourable assembly to assist the ardent prayer of your poore petitioners, that popish lords and bishops may be forthwith outed the house of peeres; that all privileges of parliament, (yours and our posterities inheritance,) may be confirmed to you; and that all evill counsellors, the Achans of this common-wealth, may be given up to the hand of justice; without all which, your petitioners have not the least hope of Israels peace, or to reap those glorious advantages which the fourteene moneths seed-time of your unparalleled endeavours hath given to their unsatisfied expectations.

So your petitioners will be bound to pray, &c.

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*To the Honorable the Knights, Citizens, and Burgesses of the Commons, assembled in Parliament, the humble Petition of the Marriners and Sea-men, Inhabitants in and about the Ports of London, and the River of Thames.*

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“ At this time, divers mariners and seamen came to the committee, and, with a petition, signed by a thousand hands, tendered their service to guard the committee by water to Westminster; which was accepted of by the committee, and ordered that they should provide such artillery as was necessary, on Tuesday morning, and to rendezvous so as to go through bridge with the tide; and that all great guns and muskets in their vessels should be cleared before-hand, to the end there might be no shooting that day, except in case of great necessity: and the mariners and seamen declared they would readily perform what was proposed for the safety of the king and parliament, and in pursuance of their protestation.”—RUSHWORTH, IV. 483.



Shewing,

THAT they, with all submisse acknowledgment, do conjoyne with the citizens and common counsell-men of London, in the petition lately presented to this honourable assembly, in their hearty thankfulnesse for the great paines and care taken by you in seeking out the roote and remedies of those monstrous evils of late happening to both church and common-wealth; which, although it hath not taken that full effect which was by you desired, yet your endeavours was not thereby lessened, nor are any way (we hope) discouraged.

As the pressures of the kingdome are many, so are they weighty, and at large expressed in your late remonstrance; amongst which, as those your petitioners are most sensible of, (and they, their wives and children, too heavily feeble the burthen of,) is the decay of trade, and lying still of the ships, which hath occasioned many seamen to leave this land, and seeke employment in other countries, men being at such a straight, that they durst not adventure their ships nor estates in forraigne parts, in regard things are not as yet settled, neither in England nor Ireland, and that the papists remaine as stout, strong, and insolent, as formerly, which, under favour, they conceive to arise by reason of the continuance of the vote of the popish lords and bishops in the house of peeres; your petitioners having had sad experience, by their travels in forreigne parts, what evils and miseries that religion and men of those spirits have brought forth, which doth justly occasion your petitioners utterly to abominate and abhorre their religion and most unjust practises.

From which grounds the petitioners cannot omit to represent unto you the great terrors, and feares, and distractions that they lie under, of a sudden surprise by their bloody hands, by meanes whereof the trading of the city and kingdome is much more of late decayed then it hath beene for many yeares past; no man following his trade cheerfully, whilst the lives of himselfe and family, and the publique safety of the kingdome are in jeopardy, and whiles he knoweth not how soone they may feeble the like cruelty and inhumanity from the papists, and their adherents, as those in Ireland have done; which, if ever it shall happen, this honorable assembly must expect to have a deepe share in the malice and cruelty, against whom they have already, by themselves and their abettors, endeavoured to raise a disrespect in the hearts of the people, to divide between the kings majesty and the parliament.

To the end, therefore, that the destructive plots of the papists and their adherents may be defeated, the ground of their hopes and insolences removed, considerable forces with expedition sent to subdue those abominable and bloody rebels in Ireland, the petitioners freed from their feares, encouraged in their calling, and in due time obtaine their wonted employments and traffique, the want whereof causeth the whole land to mourne,—

It is humbly prayed, that you will vouchsafe to be a meanes to the kings majesty, and house of peeres, that life may be given to your good endeavours, by their concurrence with you in the punishment of delinquents, and redressing the pressures and grievances in the church and common-wealth; and for the better effecting hereof, that the popish lords and bishops may be removed out of the house of peeres, as was desired in the presence of divers of this honorable assembly, by the representative body of the city of London, in Guild-hall.

And the petitioners, who wel know that their own safeties are wrapt up in yours, shall not faile to put up dayly prayers to Almighty God for your good successe, and maintaine and defend, to the utmost hazard of their lives and estates, according to the late protestation, the kings majesty and high court of parliament, against all wicked counsels and malignant opposers, or that endeavour, by secret plots, or open force, to prejudice the one or the other, and to make division between his majesty and the par-



liament, whom God, and the lives of the commons, have united into so neere a relation. And it is not unknown unto your honours, that, upon any forraigne invasion, or enterprises, your petitioners estates and lives must be formost.

And your petitioners shall ever pray, &c.

This petition was subscribed by many thousands, and presented to the committee of the honourable house of commons, at Grocers-hall, 8th January, 1641.

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*Mr Pymme his Speech and Protestation in Parliament, on Friday, the Fourteenth of January, concerning his Innocency touching the Articles of High Treason exhibited against himselfe and the other Gentlemen accused upon the same; with his humble Motion to the House, to move the Lords to joyne with him in Petitioning his Majesty, that he may know his Accusers, against whom he may have liberty to vindicate his Reputation.*

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This speech was preparatory to turning the chace upon those counsellors by whose advice the king had proceeded in his rash accusation of the members. Neither were the commons slow in following up the vengeance which these threats foreboded. Sir Edward Herbert, the king's attorney-general, fell first under their lash.

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Master Speaker,

I AM now come to speake againe to these articles of high treason exhibited against me and the other gentlemen with my selfe accused. Although, as I conceive, I have already sufficiently cleared my owne innocency concerning the same, yet, in respect it is not so conceived by them by whom I am to be tryed, which is a select number of noble peers and worthy members of this honourable house, I humbly crave leave to speake something more touching the same, and then leave my selfe and actions to the righteous judgement of those by whom I am to have my tryall, and receive sentence.

Mr Speaker, it is to me strange and very hard to be accused of treason illegally, and not proceeded against upon the same by any charge to prove the articles, but onely accused and brought to tryall onely upon the same. It is the course of the parliaments of England, when any is by them accused of any crime, to proceed against such by charge, in which they legally prove their accusation by witnesses and perspicuous circumstances, making them manifest, by the same, their guiltinesse of such crimes layd to their charge; and to this charge is permitted the accused person legally to answer the same, (except it be matter of fact punctually against him,) by examination of witnesses on his part, to defend his case, and cleare his innocency. If this be the ordinary way of parliamentary proceedings against persons accused by them for any whatsoever treason or otherwise, then is this accusation not seconded and maintained by a

lawfull charge, but onely preferred and prosecuted without such legall way, I conceive, under favour of this house, contrary to the proceedings of parliament.

These six honourable personages, Mr Speaker, the earle of Essex, Holland, Pembroke, Salisbury, Lord Say, and the lord-keeper, joyn'd with as many of the worthy members of this honourable house, to whom it hath pleased his majesty, of his princely goodness, to refer our cause for finall determination and sentence, I doubt not but they are of that wisdom and judgement, that nothing is to be expected from them but justice, to whom I doe, with all my heart, submit my selfe and cause. I know the integrity and loyalty of my owne heart towards my gracious soveraigne and country, against whom I have not had the least thought of intending any evill, much lesse have beene an instrument to commit any designe tending to the damage or dishonour of either, but far from my indeavours to practise any thing against the fundamentall lawes of this kingdome, to bring in arbitrary government, or the like, but have alwayes, to the uttermost of my power, God is my witnesse, strived and laboured, with my best judgement and understanding, to defend the lawes of this land, the rights and lawfull liberties of the subjects, the royall power and prerogative of his sacred majesty, parliaments, and the ancient rights and priviledges thereof; to appease differences and divisions; to settle peace and unity betweene his majesties kingdomes; to bring to deserved punishment the incendiaries in the same; to settle true religion in the state, according to the purity of the sacred word of God; to purge out the corruption, by innovation of superstitious ceremonies and strange worshipping, introduced into the same: in all these things agreeing with the whole parliament. Then, Mr Speaker, can I not conceive in what I should be criminous; in what I should be treacherous, either to king or common-wealth. And these, my actions, I desire to defend, be it to the losse of life or fortunes.

To which purpose, I desire, Mr Speaker, I may have liberty to protest against all such as shall oppose these my proceedings, or any wayes accuse or impeach me for the same, and against these articles upon which I am now impeached.

And to that end, I, John Pym, esquire, one of the members of the high court of parliament, commanded to sit in the same by the royall power and prerogative of my lawfull and undoubted soveraigne, and elected and chosen by free consent, and sent hither to serve both king and country, doe, in the presence of Almighty God, protest and vow, to the uttermost of my power, with the losse of life and fortunes, if it shall please God to call me thereunto, to defend and maintaine the lawfull power and prerogative of the king, the fundamentall lawes of this kingdome, the just rights and lawfull liberties of the subject, the honour and dignity, power and jurisdiction of his majesty, and his high court of parliament, and the rights and priviledges thereof; true religion, according to the word of God; and to indeavour, to the uttermost of my power, to bring to deserved punishment all infringers of the priviledges of parliament, all incendiaries of division and dissention betweene the two kingdomes of England and Scotland, and all other delinquents in this state, that have beene causers of oppressions, injustices, and tyranny over his majesties liege people; and, by this my protestation, doe vow to defend and maintaine mine owne innocency and integrity, in all my actions, ever since my sitting in this house, as a member thereof, against any person or persons whatsoever, that have caused and procured the same to be called in question, and me to be accused as criminous therefore.

And now, Mr Speaker, having, I hope, sufficiently given satisfaction to this honorable house of my innocency concerning these articles, my motion is, that this house would be pleased to move the lords, on my behalfe, to joyne with them in petitioning his majesty that he would be pleased to make known my accusers, that I may vindicate my selfe and reputation against them, concerning this my accusation.



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*Sir Philip Stapleton his worthy Speech in the House of Commons, in Parliament, January 15, 1641, concerning the Accusation of the Lord Digby and Colonell Lunsford of High Treason.*

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" Information was given to the house of commons, that the Lord Digby, with Colonel Lunsford and other disbanded officers and reformadoes, have, with troops of horse, appeared in a warlike manner at Kingston, in Surrey, where the magazine of arms for that part of the county lies, to the terror of his majestie's subjects ; and that, 'tis given out, they were to go to Portsmouth. A committee was appointed to consider of this information, who reported, That there were about two hundred men there that are officers, and that the town is full of horses ; that they have pistols, and carry themselves in a disorderly manner, to the terror of the people ; that my Lord Digby was there on horseback, with pistols ; that Colonel Lunsford and two others of that name were there also ; and that there was two cart-loads of ammunition going to them. Whereupon there passed, the next day, the following order :—

" Whereupon information hath been given to the parliament, that the Lord Digby, son to the Earl of Bristol, and Colonel Lunsford, with others, have gathered troops of horse, and have appeared in a warlike manner at Kingston-upon-Thames, in the county of Surrey, where the magazine of arms for that part of the county lies, to the terror and affright of his majesty's good subjects, and disturbance of the publick weal of the kingdom,—it is this day ordered, by the lords and commons in parliament, that the sheriffs of the several counties of England and Wales, calling to their assistance the justices of the peace, and the trained bands of those several counties, or so many of them as shall be necessary for the said service, shall suppress all unlawful assemblies, gathered together to the disturbance of the publick peace of the kingdom, in their several counties respectively, and that they take care to secure the said counties, and all the magazines in them.

" Ordered, by the lords in parliament, that this order be printed and published in all the market towns in this kingdom.

JOHN BROWNE, Cler. Parliament."

This levying of war amounted only to a meeting of various officers, attached to the king, at Kingston, to whom Lord Digby came in *a coach with six horses*, no very warlike equipage, and after long conference, returned to Hampton-court. Lunsford was apprehended, and committed to the Tower, and Lord Digby found it prudent to fly into Holland.

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Mr Speaker,

It is the continuall practice of the divell, after any of his workes of darknesse and maliciousnesse, intended against God and his Christ, is discovered and annihilated, by the speciall power of Divine Providence, to practice new, being alwaies striving to encrease his owne kingdome, alwaies winning to himselfe fresh instruments to yeeld to his suggestions and temptations, and execute the same.

I am now to speake concerning this new trechery and conspiracy, endeavoured to be practised by two eminent persons, that have, especially the one of them, obtained the favour, not onely of their prince, but applauded for their better parts by most of his majesties subjects,—the Lord Digby and Colonel Lunsford : the first had the honour to sit in this house, a member thereof; so well approved was he, both of his king and coun-



try ; none more fervent against evill doers, at the first, then himselfe seemed to be, both by his speeches and disputes, but in heart alwayes, as it seemes, favouring the bishops and their cause, although it seemed but a little, yet increasing dayly more and more, grew to such strength in his opinion concerning his own worth, that he adventured to take part with the Earle of Strafford, trusting too much on the same ; so high is pride, that at length he presumed to oppose and set himselfe against the proceedings of the whole house against the said earle, obstinately refusing to be admonished concerning the same ; and yet keeping his friends, many of the lords, was, by his majesty, as a baron, called to their house ; and aspiring yet higher, obtained his princes favour, not being yet acquainted with his secret intentions ; by which meanes, too confident of his safety and security in his designe, adventured openly to comply with the publique enemies both of king and country, as especially now with this other person of whom I am to speake. This colonell,\* being, by his majesty, advanced to that dignity and trust, could not so content himselfe, but immitating the water toade, seeing the shaddowe of a horse seem bigger then it selfe, sweld, to compare with the same, and so burst ; even so this gentleman, having obtained, first this place of command, and afterwards lieutenant of the Tower, and being found of such a malignant spirit, that he was unfit and incapable for that great place of trust, and therefore removed, taking the same a great dishonour to his worth, now endeavours, by trayterous and desperate actions, to defend himselfe, and be revenged of his pretended adversaries ; and to that purpose they have betweene them joyntly raysed armes against the state, met together in peaceable consultations for the good of church and common-wealth.

Mr Speaker, these attempts made by these persons are of dangerous consequence ; and this their insurrection, by taking up armes, without warrant, both from his royall majesty and this high court of parliament, onely to doe mischief, in raising sedition and contention, thereby to preserve themselves from being called to an account for their desperate actions and disloyall taking up armes, will prove harder to appease and suppress, then any troubles we have yet suffered.

Mr Speaker, I conceive quick dispatch in our intentions, for the apprehending and suppressing these persons, is the onely meanes to prevent future danger ; and to that purpose I desire to present to your considerations these particulars :---

1. That warrants may issue forth for the speedy and private apprehending of them, in what places soever they shall be found, and immediately to bring them before the house.

2. If this cannot be effected, to issue forth proclamations for their calling in within a certaine time prefixed, under penalty of being prosecuted, and proceeded against as traytors to their king and country.

3. That warrants be forthwith sent for the guarding and securing of all the ports

\* Colonel or Sir Thomas Lunsford, a gentleman of an ancient family, but of decayed fortune, indifferent morals, and desperate character. Upon the recommendation of Lord Digby, he was most injudiciously appointed lieutenant of the Tower, in the room of Sir William Balfour, who was attached to the parliament. The king was almost instantly obliged to recal so unpopular an appointment, and to name Sir John Byron in Lunsford's stead. After this, Lunsford distinguished himself by his activity in the broils which took place between the citizens, who came down to Westminster, under pretence of petitioning parliament, and the cavaliers, or royalists. He wounded several of the former with his own hand, and so became, in all respects, the most unpopular character of the day, excepting, perhaps, his patron, Lord Digby. There was a caricature print, in which he was represented eating a child cut into steaks. See *Cleaveland's RUPERTISMUS*. Butler also says, that the preachers

Made children, with their tones, to run for't,  
As bad as Bloody-bones, or Lunsford.

Colonel Lunsford was killed at the taking of Bristol by the king, in 1643.

of this kingdome, and for the intercepting of all packets or letters intended to be conveyed into forraign kingdomes, or any brought from thence hither.

4. That order be sent downe into the severall counties of this kingdome, where it is suspected either of these persons have any friends or favorites, well-wishers to their cause, with command to the sheriffes, and severall officers of such counties, to stand upon their guard, and to rayse force for their owne defence and safety, and to endeavour, by all meanes possible, to apprehend and suppress them, and such of their conspiracy as shall be taken, presently to be sent up to this house, to be examined and prosecuted, according as they shall be found.

5. That order may be made by the parliament, that no officer that shall be found to have a hand in this plot may be employed in any service of publique command, either for Ireland or any other of his majestie's dominions, or any private affaires of this kingdome.

6. That we may, without further delay, proceed to sentence against all delinquents by this honorable house accused for any crime whatsoever, in whose defence, or for whose cause, these persons now accused pretend to take up armes.

7. That his majesty may be moved graciously to be pleased to declare himselfe against these persons, and all others that doe any wayes pretend to his authority or warrant for what they doe.

8. And lastly, his majesty may be moved to avert his intended journey for Portsmouth, for the safety and security of his royall person, till such time as their dangers be removed, and the peace and unity of all his majestie's loyall subjects be procured and settled.

And thus, Mr Speaker, having presented such things to this house which I humbly conceive to be necessary to suppress and prevent this new danger threatned by these two disaffected and malecontented persons, the lord Digby and Colonell Lunsford, I leave the same to the further consideration of this honourable house, desiring, from my heart, that it would please God to end all the troubles and distempers of this commonwealth, and that this high court of parliament may prove the firme settlement of all things amisse, both in church and state.

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*Mr Glyn his Speech in Parliament, upon the reading the Accusation of the House of Commons against Mr Herbert, the King's Attorney, for advising and drawing the Accusation of High Treason against the Six Worthy Members of the House of Commons; February 18, 1641.*

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This is a continuation of the proceedings of the commons in resentment of the accusation of the members. Sir Edward Herbert, the king's attorney, was examined, "Whether he did contrive, frame, or advise, the articles of impeachment against the members that were accused? Whether he knew the truth of them, upon his own knowledge, or by information? Whether he would undertake to make them good, when he should be thereunto called? From whom he received them; and by whose direction and advice he did exhibit them? Whether he had any testimony or proof of them before the exhibiting? And, having received his answer, that he had neither framed nor advised them, nor knew any thing of the truth of them, nor could undertake to justify them, but that he had received them from the king, and was, by him, commanded to exhibit them, they presently declared, that he had broken the privilege of parliament, in prefer-



ring those articles; and that the same was illegal, and he criminal, for so doing; and that a charge should be sent to the lords, in the name of the house of commons, against the attorney-general, to have satisfaction for the great scandal and injury to the members thereof, unless he did, within five days, bring in his proof, and make good the articles against them."—CLARENDRON, I. 302.

Mr Speaker,

THE subtilty and policy of man corrupted, and, for evill actions, in danger of punishment, is alwayes working, although by the destruction of the vertuous and innocent, to free and cleere himselfe. The actions and indeavors of the good man and the bad are alwayes opposite: The good man practiseth to defend vertue and piety, bring to deserved punishment the vitious and malignant out of duty to God, his king, and country; the wicked man strives to defend himselfe and vices, to the dishonour of God, the destruction of his true religion, of his king and country, if opposite to his designs. We have had the experience of the evils and great troubles that have been raised in this state by ill instruments, men of power and authority in the same; and not onely of open and publicke misdoers, but of private disaffected spirits, whose outward carriage hath procured to themselves great esteeme and respect in their countrey; nay, so well have they been approved of, that their countrey hath intrusted them with their estates and priviledges, as electing them members of this high court of parliament, wherein also, for a long time, they have discharged their duties to their king and countrey, nay, and obtained the general estimation and respect of all men, as worthy members of the common-wealth; but their hearts agreeing not with their outward carriage, being not upright and perfect, have at last shewed themselves in their owne colours, and brought to themselves shame and dishonour.

This gentleman now accused by this honourable house had the honour to be a member of the parliament, and so well esteemed by his majesty, that hee was entertained his attorney-generall; which, had he beene contented withall, and not been ambitious or malicious; which of the two I am not able to distinguish was his error, or whether he is guilty of both: however, it is cleare, his heart was not right in discharging his duty in that great place committed to him; and, as he was a member of the parliament, had he been faithfull to his king and countrey, he would never have undertaken this enterprise, to presume to advise his majesty to accuse the members of this house of high treason, and draw himselfe their accusation.

Mr Speaker, his offence is of a high nature, of dangerous consequence, a manifest breach of the priviledges of parliament, an apparent treachery against the persons of those worthy members, and consequently an offence against the whole state, deserving great punishment for the same.

By this, he hath made himselfe guilty of the same misdemeanours that other delinquents are impeached and accused for, not inferiour to them in this crime. This his practice and designe was a great offence against his sacred majesty himselfe, in seeking to worke an evill opinion in his majesty of his parliament, and their proceedings in the great affaires both of church and state: this discouraged and disheartened the parliament to proceed in any businesse for the good and honour of their king and countrey, when they perceive that all their endeavours and dutifull actions are not well accepted by his majesty, but ill thought of: this might prove a cause to alienate the hearts of king and people one from another: this hath caused all the trouble and distraction in this state,—ill counsell.



Mr Speaker, I humbly desire that this accusation may be perfected, and that we may proceed to voting him upon the same, as by this honourable house hee shall be found guilty; and with all convenient expedition, that may be presented to the lords, and that wee may proceed, with cheerfulness, to settle all disorders in this kingdome, both in church and state; redresse all grievances of his majestie's good subjects; expedite our indeavors for a timely reliefe of Ireland; and bring all delinquents in this common-wealth to deserved punishment, for their many misdemeanours, and dangerous crimes, by them committed; and the establishing such a forme of government and discipline ecclesiasticall in the church, for the true worshipping of God, as may be agreeable to his word and verity.

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*Master Hollis his Speech in Parliament, the 21st of March, 1642; wherein is contained his Declaration concerning the King's Attorney-Generall, for his Abuse given to the House of Commons, in the Accusation of High Treason against the six Members of the House: as also, his Advise concerning the last Commands issued from the said House; with his Arguments against Master Harbert, his Majestie's Attorney-Generall, for drawing the Articles of High Treason against Himselfe and the other five Members of the said House.*

Master Speaker, the subtlety policy, and dubious wayes bearing rule in a man corrupted, whose evill actions come within the compasse, and justly claim the reward of exemplary punishment, is alwayes working, although by the destruction and utter delabition of the vertuous and innocent, (whose words and works, actions and endeavours, can be termed to lay holds on nothing but realties,) to cleer himself: the actions, conditions, and endeavours of the good man being alwayes the contrary; there being no vicissitude or coherence with them, in respect they are meer opposites; the one seeking to performe his duty both to God and man, through his true dealing for the truth; the other seeking what in him lyeth for the advancing of impiety; the good man joyning with his practise his daily labours for the defence of vertuous and pious designes; thereby seeking, with vigilancy, to bring the malignant persons to deserved punishments; it being a work which, in conscience, is due both to God, his king, and country.

First, to God, in respect of religion, and the true and reall faith we now professe in the church of England, without which we are nothing, being no lesse than meer atomes to the world, and the just antipodes to a ground faith. No faith can stand without that true foundation of Christ; no grounds of salvation can be had but by and through those extraordinary merits and sufferings which we are partakers of in Christ. If so, then does our Saviour daily suffer, in the instigations and quotidian provocations against him; all which are violated by those (who are many) malignants to the truth.

Secondly, to the king. What greater abuse can there be to his sacred majesty, then, by the continual sufferance the subject endures, through the ill counsell administred to our sovereign, being done under the colour of loyalty, yet it proving in matter no better then flat abuses to this whole kingdom?

Thirdly, if that God and the king so much suffer by the aforesaid means, the poor subject and country can do no lesse; witness the daily disturbances which are now a dayes, being so many, that there is no county almost, within this his majestie's dominions, but hath delivered their humble petitions to this honourable assembly, for removall of the said grievances, and the depriving of the aforesaid persons of their usurped authority.

Master Speaker, it is palpable enough, that the wicked man cares not though he dishonours God in the highest degree, may he but defend himselfe and vices, though to the utter abolishing of religion, king, and countrey, (as aforesaid,) if opposite to his designes.

Wee have had the experience of the evils and great troubles that have beene raised in this state by ill instruments, men in power and authority in the same, and not onely of publique misdoers and open enemies, but also of many private disaffected spirits, whose outward carriage hath procured to themselves great esteem and respect in their county; nay, so well have they been approved on, that their countrey hath not misled them with both their estates and priviledges, as electing them members of this high court of parliament; wherein, also, for a long time, they have discharged their duties to their king and countrey, nay, and attained the generall estimation and respect of all men, as worthy members of the common-wealth; but their hearts disagreeing with their outward qualities, being not upright and perfect, have at last shewed themselves in their perfect colours, and brought themselves to shame and dishonour.

Master Speaker, I have hitherto spoken of nothing but generalls; now I intend to insist upon a particular, being the gentleman who as yet stands accused by this honourable house,—his majestie's attorney-generall, who hath been a man upon whom all these honours afore-named have been conferred in the parliament, and no lesse esteemed by his majesty; his place therein being sufficiently honourable, he needed not to have proceeded so farre as to prove ambitious or malicious; which of the two I cannot nominate, nor am able to distinguish, was his error, or whether he is guilty of both: however, it does appear his heart was not right in discharging his duty in that great place committed to him; and, as he was a member of the parliament, had he been faithfull to his king and country, he had never undertaken this enterprise, to accuse us of treason, and draw the accusation against us himself; for which we have already, and further are bound to answer.

Master Speaker, his offence is of a high nature, of dangerous consequence, a manifest breach of the priviledges of parliament, an apparent treachery (if found to rely upon him) against those accused members, of which I am the least, yet moved to speak in the cause: the offence is generally against the whole state, deserving great punishment for the same.

By this, he hath made himself guilty of those misdemeanours that other delinquents have been impeached and accused for, and nothing inferiour to them in their crime. This designe was a great offence (if by him advised) against his sacred majesty himself, in seeking to work an evill opinion in him concerning his parliament, and their proceedings in the great affaires of both church and state. This is the matter that discourages this honourable assembly in proceeding in such businesses as may be for the honour of their king and country, when they perceive that all their endeavours and dutifull actions are not well accepted by his majesty: this, and such like ill counsells, hath caused all this distraction in the state.

Master Speaker, the charge is apparent against him, the accusation is apparent before, (as though voyde;) therefore I, in behalfe of the rest of the members, most humbly desire you would proceed to voting him upon the same, as he shall be found guilty, and his reward may be contributed for the same. I, for my part, have performed my promise to those other members accused, in moving you in the businesse; to whose consideration I now leave it, as being best able to determine of a matter of so great weight.\*

\* Accordingly the following sentence was pronounced upon Herbert, by the house of lords:—"Whereas Sir Edward Herbert, knight, his majesty's attorney-general, hath been impeached by the knights, citizens, and burgesses of the house of commons, for the advising, contriving, and publishing, certain false, scandalous, and malicious articles of high treason against the lord Kimbolton, one of the members of the house of peers, Sir At-



*Master Grimstons Argument concerning Bishops; with Mr Seldens Answer: also, severall Orders newly made in Parliament, concerning Church Government.*

1. THAT bishops are *jure divino*, is a question.
2. That arch-bishops are not *jure divino*, is out of question.
3. That ministers are *jure divino*, there is no question.

Now, if bishops, which are questioned whether *jure divino*, and arch-bishops, which, out of question, are not *jure divino*, should suspend ministers, that are *jure divino*, I leave it to you, Master Speaker.

*Master Seldens Answer.*

1. That the convocation is *jure divino*, is a question.
2. That parliaments are not *jure divino*, is out of question.
3. That religion is *jure divino*, there is no question.

Now, Master Speaker, that the convocation, which is questioned whether *jure divino*, and parliaments, which, out of question, are not *jure divino*, should meddle with religion, which, questionlesse, is *jure divino*, I leave to you, Master Speaker.

*Master Grimstons Reply.*

But arch-bishops are no bishops.

*Master Seldens Answer.*

That's no otherwise true, then that the judges are not lawyers, and aldermen are not citizens.

*Severall Orders concerning Church Government.*

1. Every severall shiere of England and Wales to be a severall circute or diocesse for the ecclesiastick jurisdiction, excepting Yorkshiere, which is to be divided into three.
2. A constant presbitry, of twelve choyce divines, to bee selected in every shiere or diocesse.

thur Haslerig, knight, Denzil Hollis, Esq., John Pym, John Hampden, and William Strode, esquires, being then, and yet members of the house of commons; and for causing articles of high treason to be entered into the clerk's book of the said house of peers, which was done against the priviledges of parliament, tending to the subversion of the ancient rights and being of parliaments, and against the liberty of the subject, and contrary to his oath, and the laws of this realm,—

“The lords, having taken the said charge into due consideration, do find him guilty of the exhibiting the said articles into the house of peers, and causing the same to be entered into the clerk's book of the said house, intending thereby, falsely, unlawfully, and maliciously, to deprive the said houses of the said several members; all which doings were and are high breaches of the priviledges of parliament, tending to the subversion of the ancient rights and being of parliaments, and contrary to the liberty of the subject, and are of great scandal of his majesty, and of his government, and against the laws of this realm. For which offences, this high court doth award and adjudge,—

“1. That Sir Edward Herbert, his majesty's attorney-general, is, by sentence of this house, disabled and made incapable of being a member, assistant, or pleader in either house of parliament, and of all offices, saving that of attorney-general, which he now holds.

“2. That Mr Attorney-General shall be forthwith committed to the prison of the Fleet, during the pleasure of this house.”—RUSHWORTH, IV. 493.



3. A constant president to bee established as a bishop over this presbitry.
  4. This bishop, in each diocesse, to ordaine, suspend, deprive, degrade, and excommunicate, by and with the consent and assistance of seaven divines of his presbitry, then present, and not else.
  5. The times of ordination, throughout the land, to be foure times in the yeare, viz. 1st May, 1st August, 1st November, 1st February.
  6. Every bishop constantly to reside within his diocesse, in some one prime or chiefe city or towne within his diocesse, as in particular.
  7. Every bishop to have one speciall particular congregation, to be chosen out of the most convenient place for distance from his chief residence, and the richest in valew that may be had, where he shall duely preach, unlesse he be lawfully hindred, and then shall take care his cure be well supplied by another.
  8. No bishop shall remove, or bee translated from the bishopricke which hee shall first undertake.
  9. Upon every death, or other avoydance of a bishop, the king to grant a *congé de cleire* to the whole clergy of the whole diocesse, and they to present three of the presbitry aforesaid, and the king to choose and nominate whom he pleaseth of them.
  10. The first presbiters of every shiere to be named by the parliament, and afterwards, upon the death or other avoydance of any presbiter, the remaining presbiters to choose one other out of parish ministers of that shiere; and this to bee done within one moneth next after such death or avoydance.
  11. No bishop or clergy-man to exercise or have any temporall office, or seculer imployment, but onely for the present to hold and keepe the probat of wills, untill the parliament shall otherwise resolve.
  12. The bishop, once a yeare, (at Midsomer,) to summon a diocesan synod, there to heare and (by generall vote) to determine all such matters of scandall, in life and doctrines, amongst clergy-men, as shall be presented unto them.
  13. Every three yeares a nationall synod to bee, which (for persons) shall consist of all the bishops in the land, and of two presbiters, to bee chosen by the rest out of each presbitry, and of two clerkes, to be chosen out of every diocesse by the clergy thereof.
  14. This nationall synod to make and ordaine canons for the government of the church, but they not to bind untill they bee confirmed by parliament.
  15. Every bishop to have, over and above the benefice aforesaid, a certaine constant rent allowed and allotted, proportionall to the diocesse wherein hee is to officiate; that is to say,
  16. Every presbiter to have a constant yearly profit above his benefice.
- As for the renew of the bishops, deanes, and chapters, &c., a strict survey to be taken of all their rents and profits, and the same to bee represented at the beginning of our next convencion; and, in the mean time, no lease to be renewed, nor timber to be felled.

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*The Petition of the Lord's and Commons, in Parliament, delivered to his Majesty the 16th day of July; with his Majesties Answer thereunto.*

Charles Rex.

Our expresse pleasure is,—that this petition of the lords and commons, with our answer thereunto, be read in all churches and chappels within the kingdom of England and dominion of Wales, by the parsons, vicars, or curates of the same; with the votes *Die Martis, 12 Julii, 1642.*

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The ominous crisis of civil war was now impending, but each party displayed an anxiety to gain the advantage, in the public estimation, of having been the last to draw the sword. The house of commons, while they past the votes printed at the end of this tract, coupled their ordinances for levying an army, and standing by their general, the Earl of Essex, to life or death, with an humble petition to the king, to discontinue his military preparations, and reunite himself to his parliament, accompanied with offers of accommodation, on their own part, rather too general to produce much effect. They hastened the dispatching this petition, because they had determined that it should be the only answer they would return to a message which the king had dispatched to them from Beverley, announcing the rebellion of Sir John Hotham, and the other hostile acts of which he complained, and declaring his intention of reducing the place by force. "The Earl of Holland, Sir John Holland, and Sir Philip Stapleton, being the committee appointed for the same, made a speedy journey to Beverley, and arrived in the same minute that the king came thither from Lincoln; so that his majesty no sooner heard of the raising an army, and declaring a general against him, but he was encountered with the messengers for peace; who reported to all whom they met, and with whom they conversed, that they had brought so absolute a submission from the parliament to the king, that there could be no doubt of a firm and happy peace: and when the earl of Holland presented the petition, he first made a short speech to the king,—'That the glorious motto of his blessed father King James was *Beati Pacifici*, which he hoped his majesty would continue; that they presented him with the humble duty of his two houses of parliament, who desired nothing from him but his consent and acceptance of peace; they aiming at nothing but his majesty's honour and happiness:' and then read their message aloud, in these words."—CLARENDON, I. 529.

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To the Kings most excellent Majestie,

The humble Petition of the Lords and Commons, assembled in Parliament.

May it please your majestie,

ALTHOUGH we, your majesties most humble and faithfull subjects, the lords and commons in parliament assembled, have beene very unhappy in many former petitions and supplications to your majesty, wherein wee have represented our most dutifull affections, in advising and desiring those things which we held most necessary for the preservation of Gods true religion, your majesties safety and honour, and the peace of the kingdome, and, with much sorrow, doe perceive that your majestie, incenst by many false calumnies and slaunders, doth continue to raise forces against us and your other peaceable and loyall subjects, and to make great preparations for war, both in the

kingdom and from beyond the seas, and by armes and violence to over-rule the judgement and advice of your great councell, and by force to determine the questions there depending, concerning the government and liberty of the kingdom; yet such is our earnest desire of discharging our duty to your majesty and the kingdome, to preserve the peace thereof, and to prevent the miseries of civill warre amongst your subjects, that, notwithstanding we hold our selves bound to use all the means and power which, by the lawes and constitutions of this kingdome wee are trusted with, for defence and protection thereof, and of the subjects from force and violence, we do, in this our humble and loyall petition, prostrate our selves at your majesties feet, beseeching your royal majesty, that you will be pleased to forbear and remove all preparations and actions of war, particularly the forces from about Hull, from Newcastle, Tynmouth, Lincoln, and Lincolnshire, and all other places; and that your majesty will recall the commissions of array, which are illegall; dismissee troops and extraordinary guards by you raised: That your majesty will come neerer to your parliament, and hearken to their faithfull advise and humble petitions, which shall onely tend to the defence and advancement of religion, your owne royall honour and safety, the preservation of our lawes and liberties; and we have been, and shall ever bee carefull to prevent and punish all tumults and seditious actions, speeches, and writings, which may give your majesty just cause of distast, or apprehension of danger, (from which publick aims and resolutions no sinister or private respect shal ever make us to decline): That your majesty wil leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and directions of both houses of parliament, bee questioned any where but in parliament. And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the ordinance concerning the militia, as we have, in both these particulars, onely sought the preservation of the peace of the kingdome, and the defence of the parliament from force and violence, so wee shall most willingly leave the town of Hull in the state it was before Sir J. Hotham drew any forces into it, delivering your majesties magazin into the Towre of London, and supplying whatsoever hath bin disposed by us for the service of the kingdom. We shall be ready to settle the militia by a bill, in such a way as shall be honorable and safe for your majesty, most agreeable to the dutie of parliament, and effectually for the good of the kingdome; that the strength thereof be not imployed against it self, and that which ought to be for our securitie applied to our destruction; and that the parliament, and those who professe and desire still to preserve the protestant religion, both in this realme and in Ireland, may not be left naked, and indefensible to the mischievous designs and cruell attempts of those who are the profest and confederated enemies thereof, in your majesties dominions and other neighbour nations;—to which if your majesties courses and counsels shall from henceforth concur, wee doubt not but wee shall quickly make it appeare to the world, by the most eminent effects of love and duty, that your majesties personall safetie, your royall honour and greatnesse, are much deerer to us then our own lives and fortunes, which we do most heartily dedicate, and shall most willingly imploy for the support and maintenance thereof.



*His Majesties Answer to the late Petition.*

The tenour of this reply was thought, by some of the royalists, too severe and irritating. The Earl of Holland, in particular, took it upon him to undertake that satisfaction should be given to all his majesty's propositions, providing the offensive preamble were omitted, and his requests stated in soft and gentle language. But the king himself was, by this time, highly exasperated, and many of those whose prudence might have softened his displeasure, were themselves indignant at the terms of the petition. Sir Edward Hyde, also, afterwards the historian of the period, was fond of giving full latitude to the severity of his pen, and the drawing of the answer fell to his department. Sir Philip Warwick has some curious observations upon the peculiar style of this celebrated statesman.

"Hence it was, that his majestie's propositions, messages, replies, and declarations, were so well answering unto the rules of the house, and the subject matters treated of, and found so much better acceptance with the world than those of the house of commons; which, for a time, was very advantageous to his majesties service; for it drew the curtaine, and made plain the deceitfulness and unwarrantable designs of the contrivers in parliament, and the reasonableness of his majesty's propositions. But I remember a wise lord, who had great influence on them all, would complain, that their wit and elegancy, as it was very delightfull, so it would not long last usefull; since contests betwixt a king and his houses of parliament could not be separated from ill consequences and pressures upon the rest of the subjects, in generall, in their common course of life; and that would beget rather a forwardness in men to see such things treated of with elegancy and irony, than any delight or complacence; and, therefore, he was wont to say, 'Our good pen will harm us.' I find Mr Hobbes hath made a reflection on this, in his late book of the civill warrs. And when this good lord perceived (as in that declaration at York) where the government, or the office of the king and that of the three estates, was set forth by a spirit of phansy and accommodation, as it rather wounded the regality than convinced the refractory, and was not grounded as low as the law laid it, but suited to the lighter learning and disposition of the times, there he would be often wishing rather for a blunt than too keen a nibb of a pen."

—Sir P. WARWICK's *Memoirs*, p. 196—198.

THOUGH his majesty had no great reason to believe that the directions sent to the earle of Warwick, to go to the river of Humber, with as many ships as he should think fit, for all possible assistance to Sir J. Hotham, (whilst his majesty expected the giving up of the town unto him,) and to carry away such armes from thence as his discretion thought fit to spare out of his majesties own magazine; the choosing a generall by both houses of parliament, for the defence of those who have obeyed their orders and commands, (be they never so extravagant and illegall;) their declaration that, in that case, they would live and die with the earle of Essex, their generall, (all which were voted the same day with this petition;) and the committing the lord-mayor of London to prison, for executing his majesties writs and lawfull commands, were but ill prologues to a petition, which might compose the miserable distractions of the kingdom; yet his majesties passionate desire of the peace of the kingdom, together with the preface of the presenters, that they had brought a petition full of duty and submission to his majesty, and which desired nothing of him but his consent to peace, (which his majesty conceived to be the language of both houses too,) begot a greedy hope and expectation in him, that this petition would have beene such an introduction

to peace, that it would at least have satisfied his message of the eleventh of this moneth, by delivering up Hull unto his majesty. But, to his unspeakable grief, his majesty hath too much cause to believe, that the end of some persons, by this petition, is not, in truth, to give any reall satisfaction to his majesty, but, by the specious pretences of making offers to him, to misleade and seduce his people, and lay some imputation upon him of denying what is fit to be granted; otherwise it would not have thrown those unjust reproaches and scandals upon his majesty, for making necessary and just defence for his own safety, and so peremptorily justified such actions against him, as by no rule of law or justice can admit the least colour of defence, and, after so many free and unlimited acts of grace passed by his majesty, without any condition, have proposed such things, which, in justice cannot be denied unto him, upon such conditions as in honour hee cannot grant. However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two houses of parliament, (with whom he is sure he shall have no contention, when the private practises and subtile insinuations of some few malignant persons shall be discovered, which his majesty will take care shall be speedily done,) he hath with great care weighed the particulars of this petition, and returns this answer:—

That the petitioners were never unhappy in their petitions or supplications to his majesty, while they desired any thing which was necessary or convenient for the preservation of Gods true religion, his majesties safety and honour, and the peace of the kingdom; and therefore, when those generall envious foundations are layd, his majesty could wish some particular instances had been applyed. Let envy and malice object one particular proposition, for the preservation of Gods true religion, which his majesty hath refused to consent to: what himself hath often made for the ease of tender consciences, and for the advancement of the protestant religion, is notorious by many of his messages and declarations. What regard hath bin to his honour and safety, when hee hath been driven from some of his houses, and kept from other of his towns by force; and what care there hath been of the peace of this kingdome, when endeavour hath been used to put all his subjects in arms against him, is so evident, that his majesty is confident he cannot suffer by those generall imputations: tis enough that the world knows what hee hath granted, and what he hath denied.

For his majesties raising forces, and making preparations for war, (whatsoever the petitioners, by the evil arts of the enemies to his majesties person and government, and by the calumnies and slanders raised against his majesty by them, are induced to believe,) all men may know, what is done that way is but in order to his owne defence. Let the petitioners remember, that (which all the world knows) his majesty was driven from his palace of White-hall for the safety of his life; that both houses of parliament, upon their own authority, raised a guard to themselves, (having gotten the command of all the train-bands of London to that purpose,) without the least colour or shadow of danger; that they usurped a power, by their pretended ordinance, (against all principles and elements of law,) over the whole militia of the kingdome, without and against his majesties consent; that they took possession of his town, fort, and magazine of Hull, and committed the same to Sir John Hotham, who shut the gates against his majesty, and, by force of arms, denied entrance thither to his own person; that they justified this act, which they had not directed, and took Sir John Hotham into their protection, for whatsoever he had done or should do against his majesty;—and all this whilst his majesty had no other attendance then his own menial servants. Upon this, the duty and affection of this county prompted his subjects here to provide a smal guard for his person; which was no sooner done, but a vote suddenly passed, of his majesties intention to leavy war against his parliament, (which God knows his heart abhorreth;) and, notwithstanding all his majesties professions, declarations, and protestations to the contrary, seconded by the cleer testimony of so great a number of peeres upon the place, propo-



sitions and orders for levies of men, horse, and armes were sent throughout the kingdom; plate and money brought in and received; horse and men raised towards an army mustered and under command: and all these contrary to the law, and to his majesties proclamation; and a declaration published, that if he should use force for the recovery of Hull, or suppressing the pretended ordinance for the militia, it should be held leavying war against the parliament: and all this done before his majesty granted any commission for the leavying or raising a man. His majesties ships were taken from him, and committed to the custody of the earle of Warwick, who presumes, under that power, to usurpe to himselfe the sovereignty of the sea, to chase, fright, and imprison such of his majesties good subjects as desire to obey his lawfull commands, although he had notice of the legall revocation of the earle of Northumberland his commission of admirall, whereby all power derived from that commission seized. Let all the world now judge who began this war, and upon whose accompt the miseries which may follow must be cast; what his majesty could have done lesse then he hath done; and whether hee were not compelled to make provision both for the defence of himselfe and recovery of what is so violently and injuriously taken from him; and whether these injuries and indignities are not just grounds for his majesties feares and apprehensions of farther mischief and danger to him. Whence the feares and jealousies of the petitioners have proceeded, hath never bin discovered: the dangers they have brought upon his good subjects are too evident; what those are they have prevented no man knows: and therefore his majesty cannot but look upon that charge as the boldest and the most scandalous hath been yet laid upon him,—“That this necessary provision, made for his own safety and defence, is to over-rule the judgment and advice of his great councell, and, by force, to determine the questions there depending concerning the government and liberty of the kingdome.” If no other force had been raysted to determine those questions then by his majestie, this unhappy misunderstanding had not been. And his majesty no longer desires the blessing and protection of Almighty God upon himself and his posterity, then hee and they shall solemnly observe the due execution of the laws, in the defence of parliaments, and the just freedoms thereof.

For the forces about Hull, his majesty will remove them, when he hath attained the end for which they were brought thither. When Hull shall be reduced againe to his subjection, he will no longer have an army before it; and when he shall be assured that the same necessity and publick good which took Hull from him may not put a garrison into Newcastle, to keep the same against him, he will remove his from thence, and from Tinnmouth; till when the example of Hull will not out of his memory.

For the commissions of array, which are legall, and are so proved by a declaration now in the presse, his majesty wonders why they should at this time be thought grievous, and fit to be recalled. If the fears of invasion and rebellion be so great, that, by an illegall pretended ordinance, tis necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular known lawfull way: but if, in the execution of that commission, any thing shall be unlawfully imposed upon his subjects, his majesty will take all just and necessary care for their redresse.

For his majesties comming neerer to his parliament, his majestie hath expressed himselfe so fully in his severall messages, answers, and declarations, and so particularly avowed a reall feare of his safety, upon such instances as cannot be answered, that hee hath reason to take himselfe somewhat neglected, that since, upon so manifest reasons, 'tis not safe for his majesty to come to them, both his houses of parliament will not come neerer to his majesty, or to such a place where the freedome and dignity of parliament might be preserved. However, his majestie shall be very glad to heare of some such example in their punishing the tumults, (which he knowes not how to expect, when they have declared that they knew not of any tumults, though the house of peeres



desired, both for the dignity and freedom of parliament, that the house of commons would joyn with them in a declaration against tumults, which they refused, that is, neglected to doe,) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himselfe hath made of businesses of that nature, and that, instead of inquiring out the authors, neglect of examination hath beene, when offer hath beene made to both houses to produce the authors, as in that treasonable paper concerning the militia; and when hee sees, every day, pamphlets published against his crowne, and against monarchy it selfe, as the observations upon his last messages, declarations, and expresses, and some declarations of their owne, which gives too great encouragement in that argument to ill affected persons;—his majestie cannot, with confidence, entertaine those hopes which would be most welcome to him.

For the leaving delinquents to the due course of justice, his majestie is most assured he hath been no shelter to any such. If the tediousnesse and delay in prosecution, the vast charge in officers fees, the keeping men under a general accusation, without tryall, a whole yeare, and more, and so allowing them no way for their defence and vindication, have frightened men away from so chargeable and uncertaine an attendance,—the remedie is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesties protection: but if by delinquents such are understood who are made so by vote, without any trespasse upon any knowne or established law; if by delinquents those nine lords are understood, who are made delinquents for obeying his majesties summons to come to him, after their stay there was neither safe nor honourable, by reason of the tumults and other violences, and whose impeachment, he is confident, is the greatest breach of priviledge that before this parliament was ever offer'd to the house of peeres; if by delinquents such are understood who refused to submit to the pretended ordinance of the militia, to that of the navy, or to any other which his majestie hath not consented to; such who, for the peace of the kingdome, in an humble manner prepare petitions to him, or to both houses, as his good subjects of London and Kent did, whilst seditious ones, as that of Essex and other places, are allowed and cherished; if by delinquents such are understood who are called so for publishing his proclamations, (as the lord-mayor of London,) or for reading his messages and declarations, (as divers ministers about London and elsewhere,) when those against him are dispersed with all care and industry, to poyson and corrupt the loyalty and affections of his good people; if by delinquents such are understood who have, or shall lend his majestie money in the universities, or in any other places;—his majesty declares to all the world, that he will protect such with his utmost power and strength; and directs, that, in these cases, they submit not to any messengers or warrants; it being no lesse his duty to protect those who are innocent, then to bring the guilty to condigne punishment; of both which the law is to bee judge. And if both houses doe thinke fit to make a generall, and to rayse an army for defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the law of the land, to perish and bee undone, because they are called delinquents: and when they shall take upon them to dispence with the attendance of those who are called by his majesties writ, whilst they send them to sea, to rob his majestie of his ships, or into the severall counties, to put his subjects in armes against him, his majestie (who only hath it) will not lose the power to dispence with them to attend his owne person, or to execute such offices as are necessary for the preservation of himselfe and the kingdome, but must protect them, though they are called delinquents.

For the manner of the proceeding against delinquents, his majestie will proceed against those who have no priviledge of parliament, or in such cases where no priviledge is to be allowed, as he shall be advised by his learned councill, and according to

the knowne and unquestionable rules of the law; it being unreasonable that he should bee compelled to proceed against those who have violated the knowne and undoubted law, onely before them who have directed such violation.

Having said thus much to the particulars of the petition, though his majesty hath reason to complaine, that since the sending this petition, they have beaten their drummes for souldiers against him, arm'd their new generall with a power destructive to the law and liberty of the subjects, and chosen a generall of their horse,—his majestie, out of his princely love, tendernesse, and compassion of his people, and desire to preserve the peace of the kingdome, that the whole force and strength of it may be united for the defence of it selfe, and the reliefe of Ireland, (in whose behalfe he conjures both his houses of parliament, as they will answer the contrary to Almighty God, his majesty, to those that trust them, and to that bleeding miserable kingdome, that they suffer not any monys granted and collected by act of parliament to be diverted or imployed against his majestie, whilst his souldiers in that kingdome are ready to mutiny or perish for want of pay, and the barbarous rebels prevailed by that encouragement,) is graciously pleased once more to propose and require,—

That this towne of Hull be immediately delivered up to him, which being done, (though his majestie hath been provoked by unheard-of insolencies of Sir John Hotham, since his burning and drowning the country, in seizing his wine and other provisions for his house, and scornfully using his servant, whom he sent to require them, saying, it came to him by providence, and he will keepe it, and so refusing to deliver it, with threats, if he or any other of his fellow-servants should againe repaire to Hull about it, and in taking and deteyning prisoners divers gentlemen and others in their passage over the Humber into Lincolne-shire, about their necessary occasions, and such other indignities as all gentlemen must resent in his majesties behalfe,) his majestie, to shew his earnest desire of peace, (for which he will dispence with his owne honour,) and how farre he is from the desire of revenge, will grant a free and generall pardon to all persons within that towne.

That his majesties magazine taken from Hull be forthwith put into such hands as hee shall appoint.

That his navy be forthwith delivered into such hands as he hath directed for the government thereof; the detaining thereof, after his majesties directions published and received to the contrary, and employing his ships against him, in such manner as they are now used, being notorious high treason in the commanders of those ships.

That all armies, levies, and provisions for a warre, made by the consent of both houses, (by whose example his majestie hath beene forced to make some preparations,) be immediately laid downe, and the pretended ordinance for the militia, and all power of imposing lawes upon the subject without his majesties consent, be disavowed, without which the same pretence will remaine to produce the same mischiefes. All which his majestie may as lawfully demand, as to live, and can with no more justice be denyed him, then his life may be taken from him.

These being done, and the parliament adjourned to a safe and secure place, his majestie promises, in the presence of God, and binds himselfe by all his confidence and assurance in the affection of his people, that hee will instantly and most chearefully lay downe all the force he shall have raysed, and discharge all his future and intended levies, that there may be a generall face of peace over the whole kingdome, and will repaire to them; and desires that all differences may bee freely debated in a parliamentary way, whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation, and so the whole kingdome a blessed peace, quiet, and prosperity.

If these propositions shall be rejected, his majestie doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects, who can



have no hope left them of enjoying their owne long, if their king may be oppressed and spoyled, and must be remedillesse. And though his townes, his ships, his armes, and his money be gotten and taken from him, he hath a good cause left, and the hearts of his people, which, with Gods blessing, he doubts not will recover all the rest. Lastly, if the preservation of the protestant religion, the defence of the liberty and law of the kingdom, the dignity and freedome of parliament, and the recovery and the releef of bleeding and miserable Ireland, be equally pretious to the petitioners as they are to his majesty, (who will have no quarrell but in defence of these,) there will bee a cheerfull and speedy consent to what his majestie hath now proposed and desired.

And of this his majestie expects a full and positive answer by Wednesday, the 27th of this instant July; till when he will not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners; and in the meane time, expects that no supply of men be put into Hull, or any of his majesties goods taken from thence.

*Votes. Die Martis 12 Julii, 1642.*

*Resolved upon the Question,*

That an army shall be forthwith raised for the safety of the kings person, defence of both houses of parliament, and of those who have obeyed their orders and commands, and preserving of the true religion, the laws, liberty, and peace of the kingdom.

*Resolved upon the Question,*

That the earle of Essex shall be the generall.

*Resolved upon the Question,*

That this house doth declare, that in this cause, for the safety of the kings person, defence of both houses of parliament, and those who have obeyed their orders and commands, and preserving of the true religion, the laws, liberty, and peace of the kingdom, they will live and die with the earle of Essex, whom they have nominated generall in this cause.<sup>1</sup>

*Resolved upon the Question,*

That a petition shall be framed, to move his majestie to a good accord with his parliament, to prevent a civill war.

The petition being drawn, was agreed unto upon the question, and with these votes were presented unto the lords; who returned answer, they did concur with the house of commons, *in omnibus*.

Whereupon both houses ordered, that the earl of Holland, Sir John Holland, and Sir Philip Stapleton should forthwith repaire to Beverley, and present the petition unto his majesty.

The message of the 11th of July came to the house of peeres after this petition was agreed on being so full an answer thereunto, as both houses resolved to give no other answer to that message but the said petition.

*Resolved upon the Question, 14th July, 1642,*

That all the members of this house that have subscribed for the bringing in of horse, money, or plate, do bring the same by Tuesday next, and that a report be made then to the house who are defective herein.

<sup>1</sup> "Which oath, among others, a good gentleman, Sir Sidney Mountague, father of the late earl of Sandwich, would not take; for he said, he would not swear to live with him, because he was an old man, and might dye before him; nor would he swear to dye with him, since the earle was going with an army against the king, which he did not know how to free from treason; and so he did not know what end that great man might come to. But for this reflexion he was presently voted to be dismembred, and another chosen into his place, to serve as knight for Huntingdon-shire."—Sir P. WARWICK'S *Memoires of K. Charles I.*, Lond. 1702., 8vo., p. 221.



*Resolved upon the Question,*  
That the earle of Bedford shall be generall of the horse.

HEN. ELSYNGE, Cler. Parl. D. Com.

*An Argument in Justification of the Five Members formerly, and so virtually clearing the Four Men now Accused by his Majesty; wherein is proved, that the Raising of this present Army by authority of Parliament is not Treason; by which it likewise appeareth, that never any King of England received Loss or Damage by any Parliament, from the first that ever was called, to this present Parliament.*

By Peter Bland of Grays-Inne, Gent.

London, Printed for John Field. 1641.

I am unable to point out the author of this treatise, who displays much research, and some acuteness. Of all the men of straw, however, who are set up in this sort of dialogue, to vindicate the opinion disapproved of by the writer, this poor doctor of divinity is the most defenceless: he is not suffered to make even the semblance of a successful thrust or parry through the whole argument, but is most triumphantly hit at every pass by his opponent.

*A Dialogue between a Doctor of Divinity and a Student at Law, concerning the King and Parliament.*

*Doct.* Sir, being acquainted with your ways of imployment, and knowing you to be a lawyer, I shall desire some satisfaction from you concerning a parliament, it being no way belonging to my own study, whereby I may resolve myself: and first, I desire you to tell me, who may be burgesses or knights in parliament.

*Stud.* I wish all divines were of your temper, not to meddle with that which belongs not to them: and, to answer your question,—the son and heir of an earl may be, and so was the lord Russell, Eliz. 6., or the son and heir-apparent of a baron, and so was Mr Henry Brook; for the eldest son of an earl is not a lord, only by the courtesie of England he is called so, but in any declaration or writing, he hath no more then his legal addition given.

*Doct.* But may not a divine be chosen for a burgesse, for he hath no voice in the upper house unless he be a bishop?

*Stud.* No, sir, he may not; and therefore Alexander Nowell was refused, being a prebend of Westminster; whereupon a writ issued to choose another in his room, for Leo, in Cornwall.

*Doct.* But I have heard that the country hath a free choice, and if they choose a divine, and he is returned, may the house put him out; and have they power to send out writs?

*Stud.* In 93 Eliz. it was ordered, that, during the session, no writs should issue to choose knights or burgesses but by warrant of the house to the clerk of the crown; and

18 Martii, 23 Eliz., it was agreed by the house, that if a burgesse be incurably sick, another may be chosen in his place by licence of the house, but not if he be easily sick, or sent of his majesties service, unless the house will allow of a new election.

*Doct.* What then, sir, if one man be chosen for two places,—which must he serve for?

*Stud.* He must serve for that place which first chose him. Sir Henry Piercy was chosen knight for two counties, and thereupon it was adjudged by the house that he should serve for that county which first chose him; 13 Eliz.: and in 7 E. 6. one Cavell was returned for Ludders-Hall and for Travayny, and he appeared for the first, and a writ issued to chose another for Travayny.

*Doct.* Well, sir, you have satisfied me for the election of burgesses, and who may be; now tell me what they do usually require at the king's hands, when they are all met, and a speaker made.

*Stud.* The first thing that they require at the king's hands is that which was required by the commons in the thirteenth year of Henry 8., to wit, that if any man of the commons house should speak more largely then of duty he ought to do, all such offences to be pardoned, and that to be of record.

*Doct.* If that be granted, then they may speak of the king what they please, and he must be pardoned.

*Stud.* No, sir; the reverence which a vassal oweth his sovereign is intended (in that motion) for to be proved in every speech; whatever it be, it must import the good of the king and his state; and so long it may be easily pardoned, otherwise not; for in Queen Elizabeth's time, who gave freedom of speech to all parliaments, when Wentworth made those motions that were but supposed dangerous to the queen's estate, he was imprisoned in the Tower, and there dyed.

*Doct.* I thought every burgesse or knight of the parliament house had a privilege that they could not be imprisoned.

*Stud.* No more they cannot, at the suit of any common person, where the offence does not touch the king directly, as by a trespass against another, or the like; but a man shall not have the privilege of the house for a criminal offence that immediately toucheth the king.

*Doct.* If he shall not have the privilege of the house for such an offence as immediately toucheth the king, who then must commit him,—the king, or the house of parliament, whereof he is a member?

*Stud.* As to that question, I shall not give you my own opinion, but I shall shew you what precedents have been done, if the books be true that I go by. Sir Edward Warner, (lieutenant of the Tower,) was sent out of his house to the Tower, for an offence done before the parliament was summoned; and Sir William Cecil, then secretary, said that the queen was then assured, by her justices, that she might commit any of the house, during the parliament, for any offence against the crown and dignity; and that they shewed divers precedents thereof: and Pearne was committed to the Marshalsey, for words, without any notice given to the house; and Master Cope, Master Lukenor, Hurlston, and Master Braynbridge, and others, were committed to the Tower by the queen, for that, before the parliament, they had sundry conventions for the preferring in parliament a book touching the rates of the church, and a form of an act for establishing the same; which also they did print, prefer, and urge in parliament; but it seemed, that if they had treated thereof only in time of parliament, (being burgesses,) they should not have been impeached: in 28 Eliz.

*Doct.* What then do you think of the king's accusing the five members?

*Stud.* Sir, you must know that the accusation laid before his majesty against them is not within the compass of any of those precedents; and we need not stand to give any reasons to prove how it differs from the precedents, because the king himself hath acknowledged it; and what dishonour can his so doing be to so religious a prince, when,



as he himself is subject to error, being considered as man? nay, in that point, he hath excelled the goodness of his royal ancestors; which act I hope shall be perpetually recorded in the hearts of all his subjects, for a testimony of his grace and goodness, and for a pattern to all succeeding princes.

*Doct.* But why did he not then accept of a pardon?

*Stud.* Then the king's mercy had been apparent, of which we have other great evidences; but his willingness to acknowledge his errors (which is a great virtue in a prince) had been concealed, and so he had been (in that respect) less glorious: besides, had they received a pardon, being not guilty, they had, *ipso facto*, lost their personal estate, by the statute, unless some words of art had been put into the pardon, which is not too late yet to be done.

*Doct.* Then it seems, that, in former times, the king had a power over the parliament, unless I misapprehend them: pray tell me, hath he not now a power over them?

*Stud.* I shall tell you what I have read, and farther I cannot go. The house had agreed, in 23 Eliz., to have a common fast, whereof the queen misliked not for the matter, but for the innovation of order, without her privy, and without ecclesiastical authority; for which cause, the commons submitted themselves, and she gave them their pardon. And Sir Walter Raleigh saith, the three estates do but advise, as the privy-council doth; which advice if the king embrace, it becomes the king's own act in the one, and the king's law in the other; for, without the king's acceptation, both the publick and private advices be but as empty egg-shells. Again, if there be any difference, for alteration of a bill, between the lords and commons, then, usually, some special persons of each house meet, and confer, that one house may understand the meaning of the other: but a bill that is signed by the king, and sent to the lower house, may not be altered in any part thereof, without his majesty's licence; but if a bill come from the lords, and not signed by him, it may be altered, by noting what should be taken from it, or added unto it: from whence, learned doctor, I desire you to gather your own satisfaction. And in 4 and 5 Phillip and Mary, the speaker shewed, that it was the queen's pleasure that the house should proceed no farther with the bill for the revenues of the queen, because it extended to divers which had accompted; and then Peter Wentworth and James Dalton moved, whether this did not restrain the liberty of the house? upon which, after many arguments, they resolved to cease, till some other time: now the queen revoked her said command, and gave them liberty to proceed; but, upon consultation amongst themselves, they spared to proceed any further.

*Doct.* But pray, sir, tell me your opinion freely,—is it dangerous for the king to assemble the three states, for thereby former kings have always lost somewhat of their prerogative? and because you shall not think that I speak at random, I will begin with elder times, wherein the first contention began betwixt the kings of this land and their subjects, in parliament.

*Stud.* Sir, you would do me a singular favour in your so doing.

*Doct.* You know that the kings of England had no formal parliament till about the 18th year of Henry I.; for, in his 17th year, for the marriage of his daughter, the king raised a tax upon every hide of land, by the advice of his privy-council alone; but you may remember, how the subjects, soon after this parliament, began to stand upon terms with the king, and drew from him, by strong hand and the sword, the great charter.

*Stud.* You say well, sir; the great charter was drawn from the king by the sword; but hereof the parliament cannot be accused, but the lords.

*Doct.* Then afterwards King John promised to restore King Edward's laws, and also to confirm the charter of forests, and the great charter, upon his absolution; but after his return out of France, in his 16th year, he denied it, because, without such a promise, he had not obtained restitution; therefore, he said his promise was constrained, and not voluntary: What say you, therefore? Was he not bound in honour to perform it?



*Stud.* Certainly no; for it was determined, in the case of King Francis the First, of France, that all promises by him made whilst he was in the hands of Charles the Fifth, his enemy, were void, by reason of the judge of honour, which tells us, he durst do no other.

*Doct.* But King John was not in prison.

*Stud.* Yet, for all that, restraint is imprisonment; yea, fear itself is imprisonment; and the king was subject to both. I know there is nothing more kingly in a king, than the performance of his word; that is, his word that is freely given; for binding of a king by law, upon the advantage of his necessity, makes the breach itself, lawful in a king, (saith Sir Walter Raleigh;) his charters, and all other instruments, being no other than the surviving witnesses of unconstrained will, *Princeps non subicitur nisi sua voluntate libera, mero motu et certa scientia*; necessary words in all the grants of a king; witnessing that the same grants were given freely and willingly.

*Doct.* But what say you to the parliament of Westminster, in the 16th year of the king, when, notwithstanding the wars of France, and the great charge he had been at in repulsing the Welsh rebels, he was flatly denied the subsidy demanded?

*Stud.* I confess, sir, that the house excused themselves, by reason of their poverty, and the lords taking of arms. But you speak, sir, of danger of parliaments: now in this parliament, there was a denial, but there was no danger at all; yet, in the end of that year, at the assembly of the states at Lambeth, the king had the fortieth part of every man's goods given him freely, towards the payment of his debts; and those people who, the same year, had refused to give the king any thing, when they saw he had supplied his own necessity out of delinquents and corrupt officers, which he called to account, they willingly yielded to give him satisfaction: and, indeed, it is impossible for a king of England to greaten and enrich himself by any way so assuredly as by the love of his people; for by one year's rebellion, or civil wars, the king hath more loss than by a hundred years observance of Magna Charta, and the other laws that are in force; for in those times of war, kings have been forced to compound with rogues and rebels, and to pardon them; but by parliaments, the kings of England never received loss or prejudice.

*Doct.* But what say you to the denial in the 26th year of that king's reign, even when the king was invited to come into France, by the earl of March, who married his mother, and who promised to assist him in the conquest of many places that he had lost?

*Stud.* It is true, that a subsidy was then denied, and the reasons are delivered in English histories; who say, that, with a world of payments, there mentioned, the king had drawn the nobility dry; and besides, that whereas, not long before, great sums of money were given, and the same appointed to be kept in four castles, and not to be expended but by the advice of the peers, it was believed that the same treasure was yet unspent.

*Doct.* Good sir, you have said enough: judge you, yourself, whether that were not a dishonour to the king, to be so tied as not to expend his treasure but by other men's advice, as it were by their licence.

*Stud.* Surely (noble doctor) the king was well advised to take the money upon any condition, and they were fools that did propound the restraint; for it does not appear that the king took any great heed to those overseers:—kings are bound by their piety, and by no other obligations. In Queen Mary's time, when it was thought that she was with child, it was propounded that the rule of the realm should be given to King Philip, during the minority of the hoped prince, or princess; and the king offered his assurance, in great sums of money, to relinquish the government at such time as the prince and princess should be of age: at which motion, when all were silent in the house, the lord Dacres (who was none of the wisest) asked, Who should sue the king's bonds?

which ended the dispute ; for what bond is between a king and vassal, more than the bond of the king's faith ?

*Doct.* What say you then to the twenty-eighth year of that king, in which, when the king demanded relief, the states would not consent, except the former order had been taken for the appointing of four overseers for the treasury ; as also, that the lord-chief-justice and the lord-chancellor should be chosen by the states, with some barons of the exchequer, and other officers ?

*Stud.* Why, sir, admit the king had yielded to their demands, then whatsoever had been ordained by those magistrates, to the dislike of the commonwealth, the people had been without remedy ; whereas, while the king made them, they had their appeal, and other remedies. It is an excellent thing for a king to have patience, and give way to the fury of men's passions.

*Doct.* Was not the king denied a subsidy, in the forty-first of his reign ?

*Stud.* No, sir ; for although the king required money, as before, for the impossible conquest of Sicily, yet the house offered to give fifty-two thousand marks ; which whether he refused or accepted is uncertain ; and whilst the king dreamed of Sicily, the Welsh invaded and spoiled the borders of England ; for, in the parliament of London, when the king urged the house for the prosecuting the conquest of Sicily, the lords, utterly disliking the attempt, urged the prosecuting of the Welshmen : Which parliament, being prorogued, did again assemble at Oxford, and was called the mad parliament ; which was no other than the assembly of rebels ; for the royal assent of the king, which gives life to all laws formed by the three estates, was not a royal assent, when both the king and prince were constrained to yield to the lords : A constrained consent is the consent of a captive, not of a king ; and therefore there was nothing done there, either legal or royal ; for if it be not properly a parliament where the subject is not free, certainly it can be none where the king is bound ; for all kingly rule was taken from the king, and twelve peers appointed to govern the realm ; and, as other writers have it, twenty-four peers ; and therefore the assembly made by Jack Straw and other rebels may as well be called a parliament as that at Oxford, *principis nomen habere non est esse princeps* ; for thereby was the king driven, not only to compound all quarrels with the French, but he quitted his right to Normandy, Anjou, and Mayne.

*Doct.* But what needed this extremity, seeing the lords required but the confirmation of the former charter, which was not prejudicial to the king to grant ?

*Stud.* Yes, sir, but they insulted upon the king, and would not suffer him to enter into his own castles ; they put down the purveyor of the meat, for the maintenance of his house, as if the king had been a bankrupt ; and gave order, that without ready money he should not take up a chicken : and though there is nothing against the royalty of a king in these charters, yet it is so contrary to the nature of a king to be forced, even to those things which may be to his advantage, as that the king had some reason to seek the dispensation of his oath from the pope, and to draw in strangers for his own defence ; yea, *jure salvo coronæ nostræ* is intended inclusively in all oaths and promises exacted from a sovereign.

*Doct.* But you know 'tis dangerous to call in other nations, both for the spoil they make, as also because they have often held the possessions of the best places with which they have been trusted.

*Stud.* 'Tis true, sir, nothing is so dangerous for a king as to be constrained and held as prisoner to his vassals ; for by that Edward II. and Richard II. lost both their kingdoms and their lives.

*Doct.* Why, those were both deposed by parliament, were they not ?

*Stud.* Yes, sir, being prisoners, and being out of possession. It is an old contrary proverb, that (might overcomes right) a weak title that wears a strong sword common-





ly prevails against a strong title that wears but a weak one ; otherwise Philip II. had never been duke of Millaine, nor king of Naples and Sicily : but, sir, *errores non sunt trahendi in exemplum*, when I defend parliaments, I speak of peaceable, regal, and lawful parliaments.

*Doct.* What say you then to the parliament held at London, about the 6th year of Edward the Second's time ?

*Stud.* I say, that the king was not bound to perform the acts of that parliament, because the lords, being too strong for the king, enforced his consent ; for these be the words of our own history, viz. They wrested too much beyond the bounds of reason : and at the parliament in the 13 year of that king, the lords that were so moved came with an army, and by strong hand surprized the king ; they constrained (saith the story) the rest of the lords, and compelled many of the bishops to consent unto them ; yea, it saith farther, that the king durst not but grant to all that they required.

*Doct.* What say you to the lords in Richard the Second's time ? When he was first besieged in the Tower, the lords came to the parliament, and no man durst contradict them.

*Stud.* Certainly, in raising an army, they committed treason ; and though it did appear that they all loved the king, (for they did him no harm, having him in their power,) yet our law doth conster all levying of war without the king's commission, and all force raised, to be intended for the death of the king, not attending the sequel ; so saith Sir Walter Raleigh : But, Mr Doctor, for this war that our present parliament do maintain, I must tell you, that you must take this for a general rule,—that the immortal policy of a state cannot admit any law or privilege whatsoever, but, in some particular or other, the same must necessarily be broken ; therefore I hold not Sir Walter's opinion for good law in the case of our times ; for the supreme reason bears out their practise of many things without the advice of the law ; and where the law by forecast hath not provided remedies for future dangers, parliaments are forced to assist themselves by their privileges : and besides, who can shew a greater right or title to the exposition of that statute, and determining what is a levying of war within that statute, and what not, than those that can expound with the same authority that the thing expounded was made by : however, I am sure, that as those parliaments wherein the kings of this land have satisfied the people have been ever prosperous, both to king and people, so where kings have restrained the house, the contrary hath hapned.

*Doct.* Well, sir, but is it not the best way to compound a parliament of the king's servants and others, that shall in all obey the king's desires ?

*Stud.* Certainly no ; for it hath never succeeded well on the king's part, nor on the subjects ; for from such a composition do arise all jealousies and all contentions : it was practised in elder times, to the great trouble of the kingdom, and to the loss and ruin of many : in later times it was used by King Henry VIII., but every way to his disadvantage. When the king leaves himself to his people, they assure themselves that they are trusted and beloved of their king ; and there was never any people so barbarous as not to answer the love and trust of their king.

*Doct.* Well, sir, notwithstanding all this, who dares to advise a king to call a parliament ? for if it should succeed ill, those that advised the king to it should fall into the king's disgrace ; and if the king be driven into any extremity, they can say to the king, that because we found it extreemly displeasing to his majesty to hear of a parliament, we thought it no good manners to make such a motion.

*Stud.* As to the first part of your excuse, let me tell you, that there was never any just prince that hath taken any advantage of the success of counsels which have been founded upon reason : to fear that, were to fear the loss of the bell more than the loss of the steeple, and were also the way to beat all men from the study of the king's service. But for the second part of your excuse, where you excuse yourself upon the king's



protesting against a parliament, let me tell you, that the king, upon better consideration, may encounter that finesse of yours; therefore 'twill be better for a king to trust his own reason and excellent judgment, which have not deceived him in any thing wherein his majesty hath imployed them: Take counsel of thine heart, saith Solomon, for there is none more faithful unto thee then it.

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*A Declaration concerning the Generall Accompts of the Kingdome; with the true State of all Receipts and Disbursements of Moneys, both by Land and Sea, for the Use of the Commonwealth, since the first sitting of this Parliament unto the 1st of June, 1642. Published by Order of the Honourable House of Commons, assembled in Parliament, for the satisfaction of all his Majesties loving Subjects.*

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The parliament having the command of the national purse, and having, for some time, taken upon themselves the superintendence of the application of the supplies, as well as of providing them, were upbraided, by the king and his party, with wasting and squandering the money which was levied for public purposes. To refute this scandal, they made the accounts public, in the following tract, which was dispersed by their authority. It is, indeed, but doing justice to the Long Parliament to observe, that, even in the midst of the civil war, they were, as far as circumstances permitted, economists of the public treasure; and no circumstance conduced more to their final victory over the royalists.

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*Die Jovis, 5to Junii, 1642.*

It is this day ordered, by the commons assembled in parliament, that the generall state of the accompts of the kingdom, and likewise the accompts concerning the navy, this day presented to the said commons, by Mr Trenchard and Mr Green, be forthwith printed, by such person as shall be thereunto appointed by the said Mr Trenchard and Mr Green, unto whom the care of printing the said accompts is solely referred; and that no other shall presume to reprint any copies of the same, but they whom the said Mr Trenchard and Mr Green shall appoint.

HEN. ELSYNGE, *Cler. Parl. Dom. C.*

Wee doe appoint Laurence Blaiklock to print these accompts, according unto the order above said.

JOHN TRENCHARD.  
GILES GREENE.

*A Declaration of the Honourable House of Commons, concerning the Accompts of the Kingdom.*

The commons, assembled in parliament, taking into their consideration that the malignant party of this kingdom, the causes of all these disturbances in the common-wealth, which have enforced the parliament to raise great and vaste sums upon the subjects,

have likewise been the authors of many false aspersions, as if those summes had exceeded the necessity, or were diverted from publick services to the advantage of particular persons; and being thereof very sensible, have thought fit, for the satisfaction of all his majesties subjects, and removall of such unjust scandals, to publish an accompt of all summes received and disbursed by their order, from the beginning of this parliament untill the first of June, 1642, that so their own integritie may be cleared, and the people admonished not to give credit to those who, being prevented in their wicked designs of destroying the parliament by force, do now labour, by impudent falsehoods and calumnies, to deprive it of the confidence of those whom they represent, without which, all their paines will be unserviceable to the publike, and uncomfortable to themselves.

Before the sitting of this parliament, the mischievous counsels then prevailing had caused two armies of England and Scotland to bee brought very neere together, in the bowels of the kingdom; when, for the prevention of blood, and other mischiefs of warre, it was agreed, by the treaty of Rippon, that the summe of twenty-five thousand pound a moneth should be paid to the Scottish army, which, before it could be disbanded, put the kingdom to the charge of two hundred seventy-four thousand two hundred and fifty pounds.

It was likewise conceived, that the kings army could not with honour bee discharged before the removall of the Scots; for payment of which, his majesty was engaged by severall establishments under his royall signature, and the hands of the privie-councell: The consideration whereof moved the parliament, out of a tender regard of his majesties honour, and for the better securing the peace of the kingdom, to undertake the payment of that army, and of the garrisons of Carlile and Barwick; the charge whereof was about fifty thousand pound a month; which, from the tenth of November, 1640, untill the time of disbanding, in August and September following, amounted to the sum of foure hundred ninety-one thousand two hundred pounds, as may easily be collected out of these accompts.

Besides the monethly payments before mentioned, continued to the Scots for above tenne moneths, the losses and charges which his majesties loving subjects of that nation had sustained by occasion of these grievances and oppressions, which moved them to come into this kingdom, were presented to the consideration of this parliament, and, by their estimate, did amount to above seven hundred thousand pounds; a summe too great for that kingdome to beare; which caused the parliament, for their ease and reliefe, to afford them a brotherly assistance of three hundred thousand pound, to be satisfied at three payments, (*viz.*) at disbanding, eighty thousand pound; at midsomer, 1642, one hundred and tenne thousand pound; and at midsomer, 1643, one hundred and tenne thousand pound.

These great burthens, amounting to a full million and sixty-five thousand foure hundred fifty pound over, as they were caused by the malignant party, so ought in justice to be satisfied by them; towards the affecting whereof divers proceedings were commenced in a parliamentary way against severall delinquents, in favour of whom, and to prevent the just benefit which the common-wealth might have had by those proceedings, many diversions and obstructions have been interposed, and severall plots and designs against the parliament have been contrived. And whiles the parliament was conflicting with these great necessities and interruptions, and in a good forwardnesse to prevaile against both, the rebellion in Ireland brake out; for the speedy suppression whereof the parliament forthwith provided fifty thousand pound; and afterwards, when the rebellion increast to that strength and confidence that the whole kingdom was infested with it, and all the Irish papists actually in armes against this crown, for the rooting out of the protestant religion and the English plantation, in defence and maintenance thereof, they were enforced to raise severall armies, consisting, in all, of above forty thousand foot, and three thousand foure hundred horse, which are already in Ire-



land, except five thousand foot, and five hundred horse, to bee raised and maintained at the charge of the adventurers; which have long beene delayed, for want of his majesties commission, which cannot yet bee obtained, although both houses of parliament have often most earnestly desired the same.

The expences in raising these armies, and supplying them with victuals and other necessities, amount to one hundred eighty-one thousand eight hundred forty-five pound, three shillings, foure pence, disbursed before the first of June, 1642; to which are to be added divers payments since, and the arrears to the souldiers still remaining due, both which wil make a great summe; besides the future growing charge of maintaining all these forces, which will come to about eighty thousand pound a month.

To these land forces we have been compelled to adde a great fleet at sea, for the defending this kingdom, and preventing supplies of men and munition to be brought to the rebels in Ireland; for which service are employed, upon the coast of England and Ireland, fifty-two saile of ships; the charge of which ships, and other necessities, and for satisfaction of arrears for his majesties navie, will appeare, in the accompt hereunto annexed, to be three hundred twenty-foure thousand foure hundred eighty pound, nineteen shillings, eight pence; besides fifteen saile of ships set out at the charge of the adventurers.

Notwithstanding all these great burdens upon the kingdom, his majesty hath received, towards the charge of his houshold, the maintenance of his royall children, the queen of Bohemia and her children, and other private uses, within the space of a year, ended in May last, one hundred eighteen thousand two hundred ninty-two pounds, nine shillings, eleven pence, out of the tunnage and poundage; and the monethly assignments are still continued. The compositions for purveyance are paid towards the maintenance of his majesties houshold, and some payments to the forts, which should have been issued out of the exchequer. Nothing hath been withdrawn from his majesty of any just profit, or diverted from the publike occasion to the private benefit of any person, as hath been falsely reported, nor any concealed from the publike, but all the disbursements will clearly appear upon the account; the particulars whereof being very large, and not to be contained in lesse than twenty quires of paper, this house hath ordered to be forthwith brought in, and to remaine on record in this house, where any that desire satisfaction may view them.

And there is good cause to hope that those difficulties might be overcome, and religion and peace settled in both kingdomes, without any greater burthens upon the common-wealth, if the subscription for adventurers in Ireland be furthered in the country, the summes collected or due by severall acts may speedily be sent up, and the proceedings against delinquents freed from those manifold obstructions wherby they have been hindred, that so the fines to be justly imposed upon them may be applyed to the ease and satisfaction of the common-wealth, as in justice they ought to be.

But such is the dangerous and miserable condition of this kingdom, by reason of the malicious and jesuiticall faction, which have corrupted his majesties counsels, captivated his person, seized upon his power, and not only withdrawn him from his parliament, but provoked him to raise armes against them, and by his countenance possessed themselves of places of strength in this kingdom, (as they had done at Hull, if they had not been prevented by the wisdom of the parliament,) and since have effected at Newcastle and Tynmouth, where garisons are already placed, and fortifications begun,—that the parliament can have no breathing or freedom from these mischievous plots and designs ever multiplying and renewing against them; whereby the faire hopes of succeſse of the Irish warre, all the good lawes already obtained, and the hopefull endeavours and preparations made in this parliament for the future safty and prosperitie of the kingdom, are like to end in the destruction of religion and the publike liberty, if the good subjects doe not unanimously apply themselves to assist the parliament in

redeeming his majesties person and government out of the wicked hands and pernicious counsels of those who have conspired to abuse his authority and power, to the destruction of himself and all his people; and which do daily produce effects so dangerous to the state, and burthensome to the subjects, as neither the wisdom of the parliament will long be able to resist, nor the treasure of the kingdom to defray.

*The Generall State of the Accompts of the Kingdom, both of Moneys borrowed and otherwise received for the Use of the Common-wealth, from the beginning of this present Parliament, 3d November, 1640, to the 1st of June, 1642.*

## RECEIPTS.

		£	s	d
Moneys borrowed for the affairs of England, viz. of	The aldermen and citizens of London, as moneys by them lent, in November, December, and January, 1640, fifty thousand pound,	50000	0	0
	Sir John Harrison, knight, for money by him lent, fifty thousand pound,	50000	0	0
	Master Isaak Penington, alderman, and others, for money by them lent, nine thousand seven hundred pound,	9700	0	0
	The inhabitants of the wards in London, for moneys by them lent, in February, March, April, 1640 and 1641, forty-foure thousand five hundred sixty-seven pound, fifteen shillings, foure pence,	44567	15	4
	Knights and esquires of the honourable house of parliament, for money by them lent, nineteen thousand pound,	19000	0	0
	The aldermen and citizens of London lent, in May, June, and July, 1641, ninety-five thousand nine hundred pound,	95900	0	0
	Divers knights and esquires, members of the house of parliament, for money lent to the poll accompt in London, seventy-six thousand three hundred sixty pound,	76360	0	0
	The summe, three hundred forty-five thousand five hundred twenty-seven pound, fifteen shillings, foure pence,	345527	15	4
Moneys borrowed for Ireland, viz. of	The citizens of London, for suppressing the rebels in Ireland, forty-nine thousand eight hundred twenty-three pound,	49823	0	0
	The company of merchant adventurers in London, seventy thousand pound,	70000	0	0
	The adventurers for Ireland, for moneys borrowed upon that accompt, thirty-one thousand pound,	31000	00	0
	The members of the honourable house of commons, upon a second loane, fourteen thousand five hundred pound,	14500	0	0
	Carry over,	165323	0	0



		£	s	d
Moneys borrowed for Ireland, viz. of	Brought over,	165323	0	0
	Master Henly, for money by him lent, five thousand pound,	5000	0	0
	The inhabitants of the county of Buckingham, by them lent to the accompt of contributions for Ireland, six thousand pound,	6000	0	0
	Divers others lent to the same accompt two thousand four hundred pound,	2400	0	0
	The sum, one hundred seventy-eight thousand seven hundred twenty-three pound,	178723	0	0

Money received by way of subsidie and otherwise, viz. received of	The foure subsidies first granted, two hundred sixteen thousand four hundred fifty-six pound, twelve shillings, eight pence,	216456	12	8
	Two intire subsidies, due in December, 1641, eighty-five thousand seven hundred eighteen pound, foure shillings, foure pence,	85718	4	4
	The poll-money paid to the treasurers in London, one hundred seventy-nine thousand one hundred and six pound, eleven shillings, eight pence, three farthings,	£179106	11	8 $\frac{3}{4}$
	The poll-money paid to the treasurers at Westminster, thirtie-eight thousand five hundred seventy-eight pound, thirteen shillings, eight pence,	38578	13	8
	The poll money paid to the treasurers at York, thirty-nine thousand three hundred seventy-six pound, eleven shillings, seven pence,	39376	11	7
	Delinquents, (viz.) of the late farmers of the old and new customs, one hundred sixty-five thousand pound,	165000	0	0
	The treasurers upon the accompt of contributions for Ireland, eighteen thousand eight hundred thirty-eight pound, thirteen shillings, four pence,	18838	13	4
	The sum is seven hundred forty-three thousand seventy-five pound, seven shillings, three pence, three farthings,	743075	7	3 $\frac{3}{4}$

Sum totall of all the receipts is one million two hundred sixty-seven thousand three hundred twenty-six pound, two shillings, seven pence, three farthings, - - £1267326 2 7  $\frac{1}{4}$

*The Generall State of the Accompts of the Kingdome, of Moneys disbursed for England, Scotland, and Ireland, from the beginning of this present Parliament, 3d November, 1640, to the 1st of June 1642.*

## DISBURSEMENTS.

		£	s	d
Imprests to divers trea- surers and others, for the affaires of the com- mon-wealth, and by them to be ac- counted for, viz.	To the right honourable the earle of Warwick, and by him paid over to the Scots, as by his accompt appeareth, two hundred eighty-six thousand three hundred sixty-one pound, nineteen shillings, foure pence,	286361	19	4
	To Sir William Uvedall, knight, treasurer at warre, by him disbursed for the reliefe of his majesties army, and the northern parts of the kingdome, and for the garrisons of Barwick and Carlile, as by the particular accompts thereof appeares, three hundred ninety-six thousand eight hundred forty-three pound,	396843	0	0
	To Sir John Hotham, knight, for the garison of Hull, six thousand pound,	6000	0	0
	To Master Paylor, for the garison at Barwick, besides the money paid by Sir William Uvedall, as by his accompts appeares, twenty-nine thousand pound,	29000	0	0
	To Master Walker, for the garison at Carlile, besides the money paid by Sir William Uvedall, as by his ac- compts appeares, ten thousand pound,	10000	0	0
	To Colonell Goring, for the garison at Portsmouth, three thousand pound,	3000	0	0
	To divers counties imprest for billeting-money in the north, as by the accompts at York appeares, nine thousand five hundred pound,	9500	0	0
	To Master Samuel Vassall, for freight of ships, and corne for Ireland, five hundred ninety pound,	590	0	0
	To Sir Adam Loftus, vice-treasurer of Ireland, and Nicholas Loftus, his deputy, and divers others, for leavying men and transporting them, and provision of armes and ammunition, and entertainment of the lord-deputy, and pay of souldiers, and other the occasions of Ireland, charged upon his ac- compt, and to be by him account- ed for, one hundred forty-nine thousand three hundred sixty- eight pound,	149368	0	0
	To Sir John Smith, one of the Scotch commissioners for Ireland, twenty-two thousand foure hun- dred seventy-seven pound, three shillings, four pence,	22477	3	4
	To Master Davis, for victualls for Ireland, foure thousand pound,	4000	0	0
	Carry over,	917140	2	8



		£	s	d
	Brought over,	917	140	2 8
Imprests to divers trea- surers and others, for the affaires of the com- mon-wealth, and by them to be ac- compted for, viz.	To the treasurer and victuallers of the navie, five thousand pound, £5000 0 0	6000	0	0
	Sir Tho. Staples, for armes for Lon- don-Derry, a thousand pound, 1000 0 0			
	In all to be cleared by the accompt of the treasurer of Ireland.			
	The totall summe, nine hundred twenty-three thou- sand one hundred forty pound, two shillings, eight pence,	923	140	2 8
Disburse- ments by warrant, for the service of the realm, viz.	Paid for transporting of the queen-mother, and her occasions, ten thousand pound,	10000	0	0
	Paid for interest of moneys borrowed, eleven thou- sand nine hundred ninety-one pound, eleven shil- lings, and eleven pence,	11991	11	11
	Paid to the committee of both houses, appointed to attend the king in Scotland, one thousand three hundred and fifty pound; and at York, two hun- dred pound; and at Hull, a hundred and three pound, ten shillings, for their severall charges; in all, one thousand six hundred fifty-three pound, ten shillings,	1653	10	0
	To Sir Nicholas Biron, for horse and arms delivered to the magazine at Carlile, two hundred pound,	200	0	0
	To Owen O-conellis, in reward for discovering the Irish treason, five hundred pound,	500	0	0
	The charge of building a house for a court of guard, seventy-one pound, fifteen shillings,	71	15	0
	The whole charge paid the trained bands, for guard- ing the parliament, from the 8th of November, 1641, for 20 dayes only, the sum of one hundred twenty-one pound, ten shillings. Since which time, the parliament hath been guarded without charge to the common-wealth,	121	10	0
	Fraight of ships from Barwick, beside two hundred twenty pound, by Mr Vassall, six hundred sixty- one pound, ten shillings,	661	10	0
	To divers persons employed in severall journeys into Yorkshire, Newcastle, Edenborough, Hull, and other places, for charges and paines in the same, two hundred seventy-six pound, ten shillings,	276	10	0
	Reward to divers persons, for severall services, one hundred sixty-four pound, fourteen shillings,	164	14	0
	Charges for clerks and others attending the accompt of poll-money in London, eight hundred and four pound, sixteen shillings, eight pence,	804	16	8
	Charges of clerks and others attending the accompt of poll-money at York, one hundred seventy-se- ven pound, thirteen shillings, six pence,	177	13	6

		£.	s.	d.
Disbursements by warrant, for the service of the realm, viz.	Brought over,	26623	11	1
	{ Paid out of the contribution-moneyes, to divers distressed persons that came out of Ireland, and sent thither for reliefs, five thousand five hundred seventy-four pound,	5574	0	0
	The totall summe, thirty-two thousand one hundred ninety-seven pound, eleven shillings, and a penny,	32197	11	1
Repaid of moneys borrowed.	{ Repaid to the citizens of London and others, in part of the moneys borrowed, and charged <i>per contra</i> , three hundred six thousand eight hundred forty-seven pound, fifteen shillings, foure pence,	306847	15	4
	The totall sum of the disbursements, one million two hundred sixty-two thousand one hundred eighty-five pound, nine shillings, and a penny,	1262185	9	1
Resting, in cash.	{ In the hands of the receivers, the first of June, 1642, towards the further discharge of debts, five thousand one hundred forty pound, thirteen shillings, six pence, three farthings,	5140	13	6 $\frac{3}{4}$
	In all, to ballance this accompt, one million two hundred sixty-seven thousand three hundred twenty-six pound, two shillings, seven pence, three farthings,	1267326	2	7 $\frac{3}{4}$

*Debts and Ingagements, the first of June, 1642.*

Debts.	To divers citizens of London, parcell of ninety-five thousand nine hundred pound, by them lent, in May, June, and July, 1641, for further reliefe of the northern parts, seventeen thousand foure hundred pound,	17400	0	0
	To divers persons, parcell of seventy-six thousand three hundred sixty pound, lent, and charged in the poll account of London, twenty-six thousand two hundred and foure-score pound,	26280	0	0
	To divers citizens of London, to suppress the rebellion in Ireland, forty-nine thousand eight hundred twenty-three pound,	49823	0	0
	To the merchant-adventurers of London, for money by them lent, seventy thousand pound,	70000	0	0
	To the adventurers for Ireland, for money lent out of that account, thirty-one thousand pound,	31000	0	0
	To divers members of the honourable house of parliament, for money by them lent, for the affaires of Ireland, fourteen thousand five hundred pound,	14500	0	0
	To the inhabitants of the county of Buckingham, six thousand pound,	6000	0	0
	To divers persons, for moneys lent to the account of the contributions for Ireland, two thousand foure hundred pound,	2400	0	0
	The summe, two hundred seventeen thousand foure hundred and three pound,	217403	0	0

		£	s	d
Ingagements.	To the Scottish men, for their brotherly assistance, besides twenty thousand pound payd them upon the Irish account, and fourescore thousand pound already payd, in part of three hundred thousand pound,—two hundred thousand pound,	200000	0	0
	Claymed for billet-money, not yet cleared by accounts, eighty-nine thousand foure hundred seventy-five pound, thirteen shillings, and eleven pence,	89475	13	11
	To the officers of the English army, for pay, besides eleven thousand nine hundred twenty-one pound, seven shillings, foure pence, demanded for waggon-money, eleven thousand seven hundred sixty-seven pound,	11767	0	0
	To the garrisons of Barwick and Carlile, three thousand two hundred ninety-nine pounds, fifteen shillings, ten pence,	3299	15	10
	To Mr Speaker, six thousand pound,	6000	0	0
	To the companies of London, for moneys by them lent, before the parliament began, and payd into the kings majesties exchequer, upon the lords security, and interest for the same, to the second of April, 1642, fifty-six thousand pound,	56000	0	0
	The summe, three hundred sixty-six thousand five hundred forty-two pounds, nine shillings, and nine pence,	366542	9	9
	The totall summe of the debts and ingagements, five hundred eighty-three thousand nine hundred forty-five pounds, nine shillings, and nine pence,	583945	9	9

Besides the arreares due to our army in Ireland; towards which,

Moneys to be received, viz.	Money, in cash, upon all accounts, the first of June, 1642, five thousand one hundred forty pound, thirteen shillings, six pence, three farthings,	5140	13	6 $\frac{3}{4}$
	To be received upon the act made for foure hundred thousand pound,	400000	0	0
	The summe, four hundred five thousand one hundred forty pound, thirteen shillings, six pence, three farthings,	405140	13	6 $\frac{3}{4}$

*An Account of such Monies as have beene paid into the Receipt of his Majestie's Exchequer, by the Collectors of the Customes, sithence the 25th day of May, 1641; collected upon the severall Bills of Tonnage and Poundage, and since that time disbursed for the use of the Navie, and towards the support of his Majestie, unto the ninth of June, 1642.*

	£	s	d
Received out of the collections of the customes, by the officers of his majesties receipt in the exchequer, sithence the 25th of May, 1641, as by their accounts appeareth, the summ of two hundred thirty-eight thousand two hundred eighty-six pounds, two shillings, and two pence,	238286	2	2