

can be more willing to send me out of it. And seeing, through the chinkes of the boards, that some people were got under the scaffold, about the very place where the block was seated, he called on the officers for some dust, to stop them, or to remove the people thence, saying, it was no part of his desires that his blood should fall upon the heads of the people.\* Never did man put off mortality with a braver courage, nor looke upon his bloody and malicious enemies with more Christian charity. And thus farre he was gone in his way towards Paradise, with such a primitive magnanimity as equalled, if not exceeded the example of ancient martyrs, when he was somewhat interrupted in his quiet passage, by one Sir John Clotworthy, a fire-brand brought from Ireland, by the earle of Warwicke, to increase the combustions in this kingdome; who, finding that the mockings and revilings of malicious people had no power to move him, or sharpen him into any discontent, or shew of passion, would needes put in, and try what he could do with his sponge and vinegar; and stepping to him, neare the block, asked him, (with such a purpose as the Scribes and Pharisees used to propose questions to our Lord and Saviour,) not to learne by him, but to tempt him, or to expose him to some disadvantage with the standers-by, What was the comfortablest saying which a dying man could have in his mouth? To which he meeklely made this answer, *Cupio dissolvi et esse cum Christo*, i. e., I desire to bee dissolv'd, and to bee with Christ. Being asked againe, What was the fittest speech a man could use to expresse his confidence and assurance? he answered, with the same spirit of meeknesse, that such assurance was to be found within, and that no words were able to expresse it rightly: which, when it would not satisfie the troublesome and impertinent man, (who aimed at something else than such satisfaction,) unlesse he gave some word, or place of Scripture, whereupon such assurance might bee truely founded; hee used some words to this effect,—that it was the word of God concerning Christ, and his dying for us. And so, without expecting any further questions, (for hee perceived, by the manner of Sir John's proceedings, that there would bee no end of his interruptions, if he hearkned any longer to him,) he turned towards his executioner, (the gentler and discreeter man of the two,) and gave him mony, saying, without the least distemper or change of countenance, Here, honest friend: God forgive thee; and doe thy office upon mee with mercy: and having given a signe when the blow should come, he kneeled down upon his knees, and prayed as followeth:—

*The Lord Arch-bishop's Prayer, as hee kneeled by the Blocke.*

LORD, I am coming as fast as I can. I know I must passe through the shadow of death, before I can come to see thee. But it is but *umbra mortis*, a meere shadow of death, a little darknesse upon nature; but thou, by thy merits and passion, hast broke through the jaws of death. So, Lord, receive my soule, and have mercy upon me, and blesse this kingdom with peace and plenty, and with brotherly love and charity, that there may not bee this effusion of Christian blood amongst them, for Jesus Christ's sake, if it bee thy will. Then, laying his head upon the block, and praying silently to himselfe, he said aloud, "Lord, receive my soule," which was the signall given to the executioner, who very dextrously did his office, and took it off at a blow; his soule ascending on the wings of angels into Abraham's bosome, and leaving his body on the scaffold, to the care of men:—a spectacle so unpleasing unto most of those who had desired his death with so much heat and passion, that many who came with greedy eyes to see him suffer, went backe with weeping eyes, when they saw him dead; their con-

XIII.

\* There was something of amiable superstition in this anxiety. Laud, with all his talents and learning, was a believer in omens and dreams, and has recorded many of them in his *Diary*.

sciences, perhaps, bearing witness to them, as you know whose did, that they had sinned, in being guilty of such innocent blood. Of those whom onely curiosity and desire of novelty brought thither to behold that unusuall sight, many had not the patience to attend the issue, but went away as soon as the speech was ended; others returned much altered in the opinion which before they had of him, and bettered in their resolutions towards the king and the church, whose honour and religious purposes they saw so clearly vindicated by this glorious martyr: and for the rest, (the most considerable, though, perhaps, the smallest part of that great assembly,) as they came thither with no other intention than to assist him with their prayers, to imbalme his body with their teares, and to lay up his dying speeches in their hearts and memories, so, when they had performed those offices of Christian duty, they comforted themselves with this, that as his life was honourable, so his death was glorious, the pains whereof were short and momentary to himselfe, the benefit like to be perpetuall unto them and others, who were resolved to live and dye in the communion of the church of England.

XIV.

Acts, 6. 15.

But to proceed, (for I have some few things to note.) It was observed, that whereas other men, when they come to the blocke, use to looke pale, and wan, and ghastly, and are even dead before the blow, he, on the contrary, seemed more fresh and cheerfull than he had done any part of the day before; a cleare and gallant spirit being like the sunne, which shews greatest alwayes at the setting. And as the Scripture telleth us of Saint Stephen, the proto-martyr, that whilst he spake his last oration before the chiefe priests and elders of the Jewes, "they of the counsell looking stedfastly upon him, saw his face as it had been the face of an angell;" so was it generally observed, not without astonishment, that all the while our martyr prayed upon the blocke, the sunne, which had not showne itselfe all the day till then, did shine directly on his face, which made him looke most comfortably, (that I say not gloriously,) but presently, as soone as the blow was given, withdrew behinde a cloud againe, and appeared no more, as we are credibly advertised by good hands from London, though it be otherwise reported in their weekly pamphlets. And if the bodies of us men be capable of any happinesse in the grave, he had as great a share therein as he could desire, or any of his friends expect; his body being accompanied to the earth with great multitudes of people, whom love, or curiosity, or remorse of conscience had drawne together, purposely to performe that office, and decently interred in the church of All-hallowes, Barking, (a church of his own patronage and jurisdiction,) according to the rites and ceremonies of the church of England. In which it may be noted, as a thing remarkable, that being, whilst he lived, the greatest champion of the Common Prayer-Booke, here by law established, he had the honour, being dead, to be buried in the forme therein prescribed, after it had beene long disused, and reprobated in most churches of London. Nor need posterity take care to provide his monument. He built one for himselfe while he was alive: it being well observed by Sir Edward Dering, (one of his most malicious enemies, and hee who threw the first stone at him, in the beginning of this parliament,) that Saint Paul's church will be his perpetual monument, and his owne booke (against the jesuite) his lasting epitaph.

In his book of  
Speeches.

XV.

Thus dyed this most reverend, renowned, and religious prelate, when he had lived 71 yeares, 13 weekes, 4 dayes; if, at the least, he may properly be said to dye, the great example of whose vertue shall continue alwaies, not only in the mindes of men, but in the annals of succeeding ages, with renowne and fame. But how he lived, what excellent parts he was composed of, and how industriously he imployed those parts, for the advancement of Gods honour, his soveraignes power and safety, and the churches peace, will be a worke becoming a more able pen; unto whose care and diligence I commend the same. And so I leave him to that comfort which the psalmist gives him, and 'tis the greatest comfort that can befall those men who have beene tortured on the



racke of malicious tongues, viz. "The righteous shall be had in everlasting remembrance, and shall not be afraid of any evill report." Ps. cxii. v. 6, 7.

Horat. Carm. L. 4. Ode 8.

*Dignum Laude virum Musa vetat mori.*

AND yet not leave thee thus; I faine would try  
A line or two in way of elegie,  
And wail so sad a losse, if to expresse  
The greatnesse of it would not make it lesse;  
If to lament thee might not vex thee more  
Than all the scornes thou hast endur'd before,  
And make thee thinke we envied thee thy start,  
Or doubted that thou wer't not what thou art.  
Yet, with thy leave, I needs must droppe a verse,  
Write it with teares, and fit it for thy herse;  
And at this distance from thy grave, which lacks  
The pompes of sorrow, hang my heart with blacks.  
Religious prelate, what a calme hast thou  
I' th' midst of all those turbulent stormes which now  
Shipwrack this island? At how cheape a rate  
Hast thou procur'd this change of thy estate?  
The mitre for a crowne, a few poore dayes  
For endlesse blisse, vile earth for heavenly joyes!  
Such glories hast thou found, such alteration,  
In this thy highest, as thy last translation.  
How were thine enemies deceiv'd when they  
Advanc'd thee thus, and chalk'd thee out the way;  
A way so welcome to thee! No divine  
But knowes the Red Sea leads to Palestine;  
And that since Jesus sanctified the crosse,  
Death's the best purchase, life the greatest losse.  
Nor be thou griev'd, bless't soule, that men do still  
Pursue thee with blacke slaunders, and doe kill  
Thy shadow now, and trample on thy ghost,  
(As Hector's carcasse by the Grecian host;)   
Or that thou want'st inscriptions, and a stone  
T' ingrave thy name, and write thy titles on.  
Thou art above those trifles, and shalt stand  
As much above mens malice. Though the hand  
Of base detraction practise to defame  
Thy spotlesse vertues, yet impartiall fame  
Shall doe thee all just honours, and set forth,  
To all succeeding times, thy matchlesse worth.  
No annals shall be writ but what relate  
Thy happy influence, both on church and state;  
Thy zeale to publicke order; thy great parts  
For all affaires of weight; thy love to arts;  
And, to our shame and his great glory, tell  
For whose deare sake, by whose vile hands, he fell:

(A death so full of merits, of such price,  
 To God and man so sweet a sacrifice,  
 As by good church-law may his name preferre  
 To a fixt rubrick in the calender.  
 And let this silence the pure sect's complaint,—  
 If they make martyrs, we may make a saint.)  
 Or should men envy thee this right, thy praise  
 An obelisque unto it selfe can raise :  
 Thy brave attempt on Pauls, in times to come,  
 Shall be a monument beyond a tombe :  
 Thy booke shall be thy statue, where we finde  
 The image of thy nobler part,—thy minde :  
 Thy name shall be thine epitaph; and he  
 Which hears or reads of that, shall publish thee  
 Above the reach of titles, and shall say,  
 None could expresse thy worthes a braver way :  
 And thus, though murder'd, thou shalt never dye,  
 But live renown'd to all posterity.  
 Rest thou then happy in sweets of blisse,  
 Th' Elysian fields, the Christian's paradise,  
 Exempt from worldly cares, secure from feares;  
 And let us have thy prayers, as thou our teares.

*Ad Regem Carolum.*

*Multis ille bonis flebilis occidit,  
 Nulli flebilior, quam tibi, Carole.*

Horat. Carm. L. 1. Ode 24.

*An Impeachment of High Treason, exhibited in Parliament, against James, Lord Strange, Son and Heire-Apparant of William, Earle of Derby, by the Commons assembled in Parliament, in the name of themselves and all the Commons of England: with an Order of the Lords and Commons, in Parliament, for the apprehending of the said Lord; to be published in all Churches and Chappels, Markets and Townes, in the County of Lancaster and Chester.*

16th September, 1642.

Ordered, by the lords, in parliament assembled, that this impeachment, with the order, shall be forthwith printed and published.

JOHN BROWNE, Cler. Parliament.

James, Lord Strange, afterwards Earl of Derby, to which title he succeeded by the death of his father, in 1642, was a nobleman of undaunted courage and steady loyalty. He was one of the first who took up arms for the king, and armed three regiments of his own friends and depen-



dants, with whom he made an attempt on the town of Manchester, which was occupied by the parliamentary forces. His activity and influence was so much dreaded, that the parliament offered him large terms, to which he replied, "When I turn traitor, I may hearken to these propositions, but till then let me have no more of these papers, at the peril of the bearer."—*Peck's Desiderata Curiosa*, Lib. XI. p. 450. This pertinacity procured him the distinction of being the first royalist proclaimed a traitor by the parliament, after breaking out of the war. He was beheaded after the battle of Worcester, at the town of Bolton, 15th October, 1651.

THAT the said James, Lord Strange, to the intent and purpose to subvert the fundamentall lawes and government of this kingdome of England, and the rights and liberties, and the very being of parliaments, and to set sedition betwixt the king and his people, did, upon the 15th day of July, in this present yeare of our Lord God, 1642, at Manchester, in the county of Lancaster, and at severall other times and places, actually, maliciously, rebelliously, trayterously, summoned and called together great numbers of his majesties subjects, and incite, perswade, and encourage them to take up armes, and leavie war against the king, parliament, and kingdome.

That the said James, Lord Strange, in further prosecution of his foresaid wicked, trayterous, and malicious purposes, did, upon the said 15th day of July, at Manchester aforesaid, and at severall other times and places, actually, maliciously, rebelliously, and trayterously, raise great forces of men and horse, and leavie war against the king, parliament, and kingdome; and, in further prosecution of the aforesaid wicked, trayterous, and malicious purposes, the said James, Lord Strange, and divers other persons, whom he had drawn into his party and faction, did also, upon the said 15th day of July, at Manchester aforesaid, maliciously and trayterously, with force and armes, and in a hostile and warlike manner, kill, murder, and destroy, Richard Parcivall, of Kirkmanshalme, in the said county of Lancaster, Lynen Webster; and did then and there, and at severall other times and places, in like hostile manner as aforesaid, shoot, stab, hurt, and wound diverse other of his majesties good subjects, contrary to the lawes and peace of this kingdom of England, and contrary to his majesties royall crowne and dignity: and the said James, Lord Strange, hath set sedition betwixt the king and his people, and now is in open and actuall rebellion against the king, parliament, and kingdome:—for which matters and things, the knights, citizens, and burgesses of the house of commons, in parliament assembled, doe, in the name of themselves, and of all the commons of England, impeach the said James, Lord Strange, of high treason: and the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or impeachment against the said Lord Strange, and also replying to the answers the said James, Lord Strange, shall make to the premises, or any of them, or any impeachment or accusation that shall be exhibited by them, as the cause, according to course and proceedings of parliament, shall require,—do pray that the said James, Lord Strange, may be put to answer all and every the premises, that such proceedings, examinations, tryalls, and judgements, may be upon them, and every one of them, had and used, as shall bee agreeable to law and justice.

*Veneris, 16 Septembris, 1642.*

Whereas the Lord Strange, having continued a long time, and still remaining in actuall rebellion against his majestic and parliament, is for the same impeached of high treason, by the house of commons, in the name of themselves, and all the commons of England,—it is therefore ordered, by the lords and commons, assembled in parliament, that publication thereof bee made in all churches and chappels, by the curats and church-wardens thereof, and in all markets and townes, by the constables and officers

of the townes within the counties of Lancaster and Chester, to the end that all his majesties loving subjects may have notice thereof, lest they, being deceived by the specious pretences made by the Lord Strange, should assist him with men, money, munition, or any other provision, and so make themselves guilty of the like treason and rebellion; and all sheriffs, and other his majesties subjects, are hereby required to doe their best endeavour for the apprehension of the said lord, and the bringing him up to the parliament, there to receive condigne punishment, according to his demerits.

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*A Declaration of the severall Votes and Resolutions agreed upon by both Houses of Parliament, being in all 32, for the Safety of his Majesty's Person, the Defence of the Kingdome, and the Security of both Houses of Parliament, and the Priviledges thereof; whereunto is annexed the Votes at which his Majesty takes exceptions. May, 1642.*

Ordered, that these votes and resolutions be printed and published.

JO. BROWN, Cleric. Parli.

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When Charles, who seemed doomed to miscarry in every sudden and bold attempt, had failed to make himself master of Hull, into which town Sir John Hotham refused him admittance, he sent a message to the Houses, declaring that the governor had justified his conduct, under pretence of orders from them, and demanding that they should disprove the scandal thus thrown on them. But the Houses, who had not been very confident of Hotham's steadiness, were greatly pleased with the resolution which he had shewn, and passed the following votes and resolutions, approving of his conduct, and numbering up the various grounds of suspicion which had induced them to declare the kingdom in danger. The king was much offended, and remonstrated against these declarations, which were studiously dispersed through the country. But the parliament only answered his complaint by a counter-remonstrance, in which their language was higher and rougher than what they had yet used. It was, indeed, obvious that the war of pens was drawing towards a sterner decision.

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*Questions, Resolutions, and Votes, by both Houses of Parliament, touching the Militia.*

1. THAT his majesties answer is deniall to the desires of both houses of parliament, concerning the militia.
2. That those that advised his majestie to give this answer are enemies to the state, and mischievous projectors against the defence of the kingdome.
3. That this deniall is of that dangerous consequence, that, if his majestie should persist in it, it will hazard the peace and safety of all his kingdomes, unlesse some speedy remedy be applyed, by the wisdom and authority of both houses of parliament.
4. That such parts of this kingdome as have put themselves into a posture of defence against the common danger, have done nothing but what is justifiable, and is approved by the house.
5. That his majestie removing into any remote parts from his parliament will be a great hazard to the kingdome, and a great prejudice to the proceedings of parliament.
6. That these houses hold it necessary that his majestie may be desired that the prince may come unto Saint Jameses, or to some other convenient place, neere about London, and there to continue.
7. That the lords bee desired to joyne with this house in an humble request unto his



majestie, that he will be pleased to reside neare his parliament, that both houses may have a convenient accesse unto him upon all occasions.

8. That the lords bee moved to joyne with this house in some fit course of examination, to find who were the persons that gave his majesty this advice, that they be removed from his majesty, and brought to condigne punishment.

9. That no charter can be granted by the king, to create a power in any corporation over the militia of that place, without consent of parliament.

10. That the lords be moved to joyne with this house in these votes.

11. That the lords shall be desired to appoint a select committee, that may joyn with a committee of a proportionable number of this house, to consider and prepare what is fit to be done upon these votes, or upon any thing else that may arise upon this answer of his majesty concerning the militia, and concerning the prince.

12. That the kingdome be forthwith put into a posture of defence, by authority of both houses, in such a way as is already agreed upon by both houses of parliament.

13. That the lords be desired to joyne with the house of commons in this vote.

14. That a committee shall be appointed to prepare a declaration upon these two heads, viz.

1. To lay downe the just causes of the feares and jealousies given to these houses ; and to cleare these houses from any jealousies conceived against them.

2. And to consider of all matters that may arise upon this message of his majesty, and to declare their opinions, what is fit to be done thereupon.

15. That Sir John Hotham, knight, according to this relation, hath done nothing but in obedience to the command of both houses of parliament.

16. That this declaring of Sir John Hotham traytour, being a member of the house of commons, is a high breach of the priviledge of parliament.

17. That this declaring of Sir John Hotham traitour, without due processe of law, is against the liberty of the subject, and against the law of the land.

Ordered, by the lords and commons in parliament, that these votes shall be printed, and sent to the sheriffes and the justices of the peace, to be published in all market townes of the counties of Yorke and Lincolne.

*Votes in Parliament concerning Serjeant-major-general Skippon.\**

18. That the command of his majesty to call Captain Philip Skippon, serjeant-major-generall of the forces of London, to attend his majesties person at Yorke, is against the law of the land, and the liberty of the subject.

19. That this command of his majesty to call Captain Philip Skippon, serjeant-major-generall of the forces of London, to attend his majesties person, being imployed by both houses to attend their service, without their consent, is against the priviledge of parliament.

20. That Captaine Philip Skippon, serjeant-major-generall of the forces of London, shall continue to attend the service of both houses, according to their former commands.

HEN. ELSING, *Cleric. Parl. D. C.*

*Votes touching the Members of both Houses.*

21. That this house doth declare, that if any person whatsoever shall arrest or im-

\* Skippon, an old low-country soldier, commanded the forces of the city of London. The king had summoned him to attend his person, in order to remove him from the charge intrusted to him by the Houses and city.

prison the persons of the lords and gentlemen, or any of them, or any other of the members of either house of parliament, that shall be employed in the service of both houses of parliament, or shall offer violence to them, or any of them, for doing any thing in pursuance of the commands or instructions of both houses, shall be held disturbers of the proceedings of parliament, and publicke enemies of the state: And that all persons are bound, by their protestation, to endeavour to bring them to condigne punishment.

22. That this house doth declare, that all those of the city of London, and all other persons that have obeyed the ordinance for militia, and done any thing in execution thereof, have done according to the law of the land, and in pursuance of what they were commanded by both houses of parliament, and for the defence and safety of the king and kingdome, and shall have the assistance of both houses of parliament, against any that shall presume to question them for yeelding their obedience unto the said commands, in this necessary and important service; and that whosoever shall obey the said ordinance for the time to come, shall receive the approbation and assistance from both houses of parliament.

23. That this house doth declare, that they are resolved to maintaine those lords and gentlemen in those things they have done, and shall further doe, in the obedience of their commands, for the preserving of the peace of the kingdome.

*Votes touching his Majesties taking up Armes.*

24. That it appears that the king (seduced by wicked councell) intends to make war against the parliament, who (in all their consultations and actions) have proposed no other end unto themselves but the care of his kingdome, and the performance of all duty and loyalty to his person.

25. That whensoever the king maketh warre upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of this government.

26. That whosoever shall serve or assist him in such warres are traytors, by the fundamentall lawes of the kingdome, and have been so adjudged by two acts of parliament.

27. That the kings absence so farr remote from his parliament is not only an obstruction, but may be a distruction to the affaires of Ireland.

28. That when the lords and commons shall declare what the law of the land is, to have this not only questioned and contraverted, but contradicted, and a command that it should not be obeyed, is a high breach of the priviledge of parliaments.

29. That those persons that advised his majesty to absent himselfe from the parliament are enemies to the peace of the kingdome, and justly to be suspected to be favourers of the rebellion in Ireland.

30. That the kingdome hath beene of late, and still is in an evident and eminent danger, both from enemies abroad and a popish and discontented party at home: That there is an urgent and inevitable necessity of putting his majesties subjects into a posture of defence, for the safeguard both of his majesty and his people.

31. That the lords and commons, fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have, in several petitions, addressed themselves to his majesty, for the ordering and disposing of the militia of the kingdom in such a way as was agreed upon, by the wisdom of both houses, to be most effectuell and proper for the present exigents of the kingdome, yet could not obtaine it; but his majesty did several times refuse his assent thereunto.

32. That in this case of extreme danger, and his majesties refusall of the ordinance of parliament, agreed upon by both houses, for the militia, doth oblige the people, and ought to be obeyed by the fundamentall lawes of this kingdome.



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*A Worthy Speech, spoken in Parliament, by Mr Pym, concerning Evil Counsellors about his Majesty; also manifesting the particular Advantages that would redound to this Kingdome, if the said Evil Counsellors were removed from about his Majesty.*

SAM. X. 3. Evil counsellors purchase hatred to the prince, where good might happen.

London, printed by T. F., for I. H., November 17, 1642.

FIRST, That the dangers that come to a state by ill counsels, that they are the most pernicious dangers that can come to a state, it is usefull to compare politique bodies with the naturall. The naturall body is indangered divers wayes, either by outward violence, and that may be foreseene and prevented, or by lesse appearing maladies, which grow upon the body by the distemper of the ayre, immoderate exercise, dyet, &c.; and when the causes of the disease are cleare, the remedy is easily applyed; but diseases which proceed from the inward parts of the liver, the heart, or the braine, it is a hard thing to apply cure to such diseases. Ill counsels they are of that nature, &c.; for the mischiefs that come by evill counsels corrupt the vitall parts, and overthrow the administration of publicke government, &c. Secondly, that there have been lately, and are still, ill counsels here in this kingdome, and about the king:—that there hath been lately, you will not doubt, when the maine course of government hath been so employed, as popery thereby hath been so maintained, the lawes subverted, and no distinction between justice and injustice; and that there is still reason to doubt, is apparent by courses taken to advance mischievous designs; but that his majesties wisdom and goodnesse kept out of the court, so the principall and most mischievous designs have been practised by such as have neer accesse unto his majesty. Thirdly, that the ill counsels of this time are, in their owne natures, more mischievous and more dangerous then the ill counsels of former times. Former counsels have been to please the king and prince, to raise up prerogative: if it had gone no further, it had brought many miseries, but not to ruin and destruction: but the ill counsels of this time were to alter religion and law, therefore more mischievous in their own nature then the ill counsels of former times. Fourthly, That these ill counsels proceeded from a spirit and inclination to popery, and have had a dependence on popery. The religion of the papist is a religion incompatible to any other religion, destructive to all others, and doth not indure any thing that doth oppose it: whosoever doth withstand their religion, if they have power, they bring them to ruine. There are other religions, but not so destructive as popery is; for the principles of popery are destructive to all states and persons that oppose it. With the progresse of this mischievous counsel they provided counsellors, that they may execute their own designs, and to turne all counsels to their own ends: and you finde, that now, in Ireland, that those designs that have been upon all the three kingdomes doe end in a warre for the maintenance of popery in Ireland. Fifthly, That unlesse these ill counsells be changed, as long as they continue, it is impossible that any assistance, ayd, or advice that the parliament can take to reform, will be effectuell for the publicke: those that are the instruments of state, they put things into action, in good order; but if acted by evill men, while these counsels are on foot, we can expect no good.

Sixthly, That this is the most proper time to desire of his majesty the alteration and

change of evill counsellors, because the commonwealth is brought into distempers by them, and so exhausted, that we can endure no longer. The next reason why we cannot admit of them is, to shew our love and fidelity to the king, in great contributions and adventures. When God doth imploy his servants, he doth give them some promise, to rouse up their spirits. This is the time wherein the subjects are to save the kingdome, with the hazard of their lives and fortunes, and therefore expect from his majesty in a more large and bountifull manner then at other times. As we have weaknesse made at home, so we ought to discerne the actions abroad, where great provision is; and a carelesnesse and improvidence herein, when our neighbours are so provided, and have so great fleets at sea, will open a sudden ruin and destruction, before we can be prepared, and therefore now is the fittest time to move the king.

And lastly, that this alteration of counsels will bring great advantage to the king in his own designes, in all our actions, our prayers unto God should be, that his name might be glorified, so our petitions to his majesty should usher on our profit and advantage to him.

1. A discouragement to the rebels:—a great part of their confidence is in the evill counsellors at home, as by examination appeareth.

The second advantage:—it is great incouragement to the king's good subjects at home, who hazard their lives, and give aid and contribution to have things governed for the publique good: it will make men affraid to preferre servants to the king that are evill counsellors, when they shall come to an examination of a triennial parliament; for many times servants are preferred to princes, for advantage to forraigne states. Next, this will put an answer into the king's mouth against all importunates, that he is to preferre none but such as will be approved on by parliament: those that are honourable and most ingenious are aptest to be troubled in this kind, and not to deny; therefore the king may answer, he hath promised his parliament: this will answer them all.

Next advantage:—it makes us fitter to enter into union with forraigne nations and forraigne states; and to be made partakers of the strength and assistance of it, will fortifie us against the designs of forraigne princes. There hath beene cunning counsels at Rome, and in Spain, to reduce us to popery: if good counsels at home, we shall be the better prepared to preserve peace and union, and better respect from abroad. Lastly, it will make us fit for any noble design abroad.

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*A Catalogue of the Names of the Lords that subscribed to levie Horse, to assist his Majesty, in defence of his royall Person, the two Houses of Parliament, and the Protestant Religion. York, the 22d of June, 1642.*

London, printed for Richard Lownds, anno Domini, 1642.

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Both parties were now drawing their swords, though each was profuse in protestations of their desire for peace. On the 15th June, 1642, most of the peers subscribing the following paper signed a declaration, professing their entire belief and confidence that the king abhorred all



design of making war with his parliament. But they did not judge it at all inconsistent to prepare what they wished to be considered as defensive arms, and to array a guard to the king's person. Commissions had been already issued by the king for levying the trained bands, as the parliament were, on their part, embodying the militia.

WHEREAS it may be collected, by severall declarations, printed in the name of both houses of parliament, that the king's sacred person, the houses of parliament, the protestant religion, the laws of the land, the liberty and property of the subject, and privileges of parliament, are all in danger,—

We, whose names are under-written, do voluntarily offer, and severally engage ourselves, according to the following subscriptions, to assist his majesty, in defence of his royall person, the two houses of parliament, the protestant religion, the lawes of the land, the liberty and property of the subject, and privileges of parliament, when his majesty shall have given commission, under the great seal, for levying of forces for those purposes, against all power, levies, and forces whatsoever, or to be raised upon any pretence whatsoever.

*To pay horses for three months, thirty days to the month, at two shillings and sixpence per diem, still advancing a months pay; the first payment to begin so soon as the king shall call for it, after the commissions shall be issued under the great seale. In this number are not to be reckoned the horses of the subscribers, or those that shall attend them.*

	Horse.		Horse.
The Prince,	200	Earl of Newport,	50
The Duke of York,	120	Lord Mowbray,	50
Lord-Keeper,	40	Lord Willoughby,	30
Duke of Richmond,	100	Lord Gray of Ruthin,	10
Lord Marquisse Hartford,	60	Lord Lovelace,	40
Lord Great Chamberlain,	30	Lord Paget,	30
Earl of Cumberland,	50	Lord Faulconbridge to come.	
Earl of Huntington,	20	Lord Rich,	30
Earl of Bath,	50	Lord Pawlet,	40
Earl of Southampton,	60	Lord Newark,	30
Earl of Dorset,	60	Lord Mountague,	30
Earl of Northampton,	40	Lord Coventrey,	100
Earl of Devonshire,	60	Lord Savill,	50
Earl of Dover,	25	Lord Mohun,	20
Earl of Cambridge,	60	Lord Dunsmore,	40
Earl of Bristoll,	60	Lord Seymour,	20
Earl of Westmorland,	20	Lord Capell,	100
Earl of Barkshire, and Lord Andover,	30	Lord Faulkland,	20
Earl of Monmouth,	30	Master Comptroller,	20
Earl Rivers,	30	Master Secretary Nicholas,	20
Earl of Carnarvan,	20	Lord Chief-Justice Banks,	20

The Lord Thanet is not here, but one hath undertaken for 100 for him.

Sum total, 1695

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*The Kings Majesties Charge, sent to all the Judges of England, to be published in their respective Circuits, by his Majesties speciall Command.*

London, printed for Laurence Blaiklock, July 26, 1642.

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When the civil war was on the point of breaking out, the judges were holding their general assizes. The king came to Leicester, and found Judge Reeves sitting upon the bench. At this place the celebrated Dr Bastwick was made prisoner, and stood in some risk of being executed, on 25 Edward III.; but, as each party was desirous to gain the character of moderation, he was sent prisoner to York. In the same tone of gentleness the present charge is drawn up, and must be understood to contain, not so much instructions to the judges, as an exposition to the people of the interest which the king would be thought to take in the administration of justice, even during the rage of civil war.

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Charles R.

TRUSTY and well-beloved, we greet you well. We call to mind, that, in former times, the constant custome was, by the mouth of the lord-keeper for the time being, at the court of star-chamber, in the end of Trinity term, to put the judges of assize (shortly after to undertake their several circuits) in mind of such things as were then thought necessary for the present, for the good government of the kingdome. This course, in our judgement, we do well approve of,—that although we want the opportunity, which we and our predecessors then had, of communicating our thoughts to our judges, for the good of our people, yet we do still retain the same care for the safety and prosperity of our good subjects; and much more, by how much the distempers and distractions of the present times, unhappily fallen, have given us more occasion. We have therefore thought it fit to supply the defect by these our letters; wherein, besides the general care of our justice, committed to us by God, and by us delegated to our judges, by our several commissions, we recommend unto you, in your circuits, as we shall do to the rest of your brethren in their several circuits, these particulars following:—

First, That you take care, by all the best means you can, to suppress popery, in all those counties whither you are to go, by putting the laws made against them in due execution: And that you take like care to give a stop to the over-hasty growth of anabaptisme, and other schismes, as far as by the good laws of the land you may; and to punish the delinquents with an equall hand, and those specially of either sort whom you shall discover to be seditious stirrers and movers of others to any acts of disobedience to us and our government: And that, in your charge, and otherwise, as you shall have fit opportunity, you assure our good subjects, in our name, and in the word of a king, who calls God to witnesse, that, by his gracious assistance, we are constantly resolved to maintain the true protestant religion, established by law in this church of England, in the purity thereof, without declining either to the right hand or to the left, as we found it at our accesse to the crown, and as it was maintained in the happy times of Queen Elizabeth and King James, our dear father, both of happy memory, and therein both to live and die.

Secondly, You shall let our people of the counties know, that, according to our kingly duty and oath, we are also constantly resolved to maintain the laws of this our kingdom, and by and according to them to govern our subjects, and not by any arbi-



trary power, whatsoever the malevolent spirit of any ill-affected to our person or government have suggested, or shall suggest to the contrary: and that we shall also maintain the just privileges of parliament, as far as ever our predecessors have done, and as far as may stand with that justice which we owe to our crowne, and the honour thereof: but that we may not, nor will admit of any such unwarranted power, in either, or both houses of parliament, which, in some things, hath been lately usurped, not only without, but against our royall consent and command. And we require and command you, as there shall be just occasion offered, in a legall way, that you take care to preserve our just right in these cases.

Thirdly, We charge you, as you tender the peace of the kingdom, in the government whereof, according to the laws, you, our judges of the law, have a principal part under us, that you take care for suppressing of all insurrections, if any such should happen, and of all riots and unlawful assemblies, under any pretence whatsoever, not warranted by the laws of this land; and whosoever shall transgresse therein, that you let them know that they must expect that punishment which by the law may be inflicted upon them; and at your hands we shall look for such an account herein, within your circuit, as becometh the quality of the place wherein you serve us.

Fourthly, Because the distempers of the present times, unhappily stirred up and fomented by some, under specious, but unjust pretences, and probable to stir up loose and ungoverned people, under hope of impunity, as far as they dare, to make a prey of our good subjects, we straitly charge and command you to take the best order you can in those counties, that rogues, vagabonds, and other disorderly people may be apprehended, dealt with and punished according to the laws, whereby the good and quiet people of our kingdome may be secured, and the wicked and licentious may be suppressed; and we charge and command you to give it in charge, in all the counties whither you are sent by our commissions, that watches and wards be straitly kept in all parishes and places convenient, whereby the laws made against such disorders may be put in due execution.

Fifthly, and lastly, You shall let our people of those counties know, from us, and by our command, that if they shall professe unto us, or unto you, in our stead, any thing wherein they hold themselves grieved, in an humble and fitting way, and shall desire a just reformation or reliefe, we shall give a gracious eare unto them, and, with all convenience, return them such an answer as shall give them cause to thank us for our justice and favour: And when you shall have published our clear intentions to our people in these things, lest, at the first hearing, they should not so fully apprehend our sense therein, you shall deliver a copy of these our letters to the foreman of the grand jury, and to any other, if any one shall desire copies of these our letters, for their better information. And to the end that our services, in your circuit, may not suffer through the absence of our learned counsel, our will and command is, that you assign, in every place of your sessions, some of the ablest lawyers who ride that circuit to be of counsel for us, to assist in such pleas of the crown that may be most necessary for our service, in the execution and punishment of notorious delinquents.

Of all these things we shall expect that good account from you, as we shall from the rest of your brethren, our judges, to whom we have also written to the like purpose, of whose fidelity and good affections we are confident, as becometh us to look for from you, and for you to render to us, wherein you have so great a trust committed.

Given at our Court at York, July 4, 1642.

*To our Trusty and Well-beloved the Judge or  
Judges of Assize for our Counties of Kent,  
Surrey, Sussex, Hartford, and Essex.*

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*Certain select Observations on the several Offices and Officers in the Militia of England, with the Power of the Parliament to raise the same, as they shall judge expedient, &c. Collected and found among the Papers of the late Mr John Pymm, a Member of the House of Commons. Writ in the year 1641. MS.*

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These authorities are collected with a view to buckler the plea of the parliament in the fierce dispute respecting the right of officering and calling out the militia, upon which points the parliament chiefly relied for making good their cause against the king.

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WHEN kings were first ordained in this realm, the kingdom was divided into forty portions, and every one of those portions, or counties, was committed to some earl, to govern and defend it against the enemies of the realm. *Mirror of Justice*, p. 8.

Those earls, after they received their government in each county, divided them into centurians, or hundreds; and in every hundred was appointed a centurian, or constable, who had his portion and limits assigned him to keep and defend with the power of the hundred; and were to be ready upon all alarms, with their arms, against the common enemy. These, in some places, are called wapentakes, which, in French, doth signify, taking of arms. *Mirror*, p. 10, 12. H. VIII. fol. 16, 17.

King Alfred first ordained two parliaments to be kept every year, for the government of the people, where they were to receive laws and justice. *Mirror*, p. 10, 11.

The peers, in parliament, were to judge of all wrongs done by the king to any of his subjects. *Mirror*, p. 9.

The ancient manner of choosing and appointing of officers was by those over whom their jurisdiction extended.

#### *Instances.*

1. Tythingman. This man was, and at this day is chosen by the men of his own tything, and by them presented to the leet, to be sworn for the true execution of his office.

2. Constable. This officer is chosen by the inhabitants who are to be governed by him, and those of the place where his jurisdiction lieth, and presented unto the leet to be sworn.

3. Coroner. This officer hath jurisdiction within the whole county, and therefore was chosen by the freeholders of the county-court. *Cook's Magna Charta*, p. 174, 175, 559.

4. Such as had charge to punish such as were violators of Magna Charta. These were chosen in the county-court, as appeareth by stat. 28 Ed. I. c. 1. 17.

5. Sheriffs were, in time past, and by the common law, to be chosen likewise in the county-court. *Lamb. Saxon Laws*, fol. 137. Stat. 28 Ed. I. c. 8. 13. *Cook's Magna Charta*, p. 175, 559. *Mirror*, p. 8.

6. Lieutenants of counties (anciently known by the name of *heretoch*) were chosen



in the county-court; which Cook, upon *Magna Charta*, p. 69, calls the *folkmote*. *Lamb. Saxon Laws*, fol. 136. *Mirror*, p. 8, 11, 12.

7. Mayors and bayliffs, in boroughs and towns corporate, are chosen by the commonality of the same corporation within their jurisdiction.

8. Conservators of the peace were anciently chosen, by the freeholders, in the county-court. *Cook's Magna Charta*, 558, &c.

9. Knights for the parliament are to be chosen in the county-court. Stat. 7 H. IV. cap. 15; 1 H. V. 1; 8 H. VI. cap. 7; 10 H. VI. cap. 2.

10. Verdurers of the forest are chosen within their jurisdiction, by the inhabitants. *Cook's Magna Charta*, 559.

11. Admirals, being the sheriffs of the counties, as Selden, in his *Mare Clausum*, p. 169, 118, affirms, must be chosen as the sheriffs were, viz. in the county-court: But the parliament of R. II. fol. 29, saith, they are chosen in the parliament, the representative body of the realm, because they had the defence of the realm by sea committed unto them.

12. The captain of Calais, viz. Richard, earl of Warwick, in the time of Henry VI., refused to give up his captainship of Calais unto the king, because he received it in parliament. *Cowel's Interpreter in the word Parliament*.

13. The lord-chancellor, to whom is committed the great seal of England, being the publick faith of the kingdom, was, in former times, chosen in parliament. *Lamb. Archeion*, p. 48. *Dan. Chronicle*, p. 139, 148, 195.

14. Lord-treasurer, an officer to whom is of trust committed the treasure of the kingdom, was, in like manner, chosen in parliament.

15. Chief-justice, an officer unto whom is committed the administration of the justice of the realm, was chosen in parliament. *Lamb. Archeion*, p. 48, *ut supra*.

Anno 15 Ed. III., the king was petitioned, in parliament, that the high officers of the kingdom might, as in former times, be chosen in parliament: to which the king yielded, that they should be sworn in parliament. *Dan. Chronicle*, p. 195. *Quære* the parliament roll and petitions.

And it appeareth, by a printed statute, anno 15 Ed. III. cap. 3, that the great officers of the kingdom were sworn to maintain *Magna Charta*.

16. The great council of the king and kingdom, namely, the parliament, is chosen by the commons; for they choose the knights and citizens, and burgesses, or barons; for so the citizens were anciently called; and the Cinque-ports retain the name to this day.

And this was, as I conceive, the ancientest constitution of the kingdom for choosing of their officers.

In the next place, it will be requisite to inquire which of these officers are not altered, and by what authority. And, first, of sheriffs.

The choice of sheriffs was first taken from the freeholders by the statute of 9 Ed. II., and the choice of them committed to the lord-chancellor, treasurer, the barons of the exchequer, and the justices of either bench. *Cook's Magna Charta*, 559.

This election is to be made the morrow after All-Souls day, in the Exchequer, by stat. 14 Ed. III. c. 7.

*Quære* 1. If they choose none at that day and place, but at some other time, whether the choice be good? Or if he be chosen by any other?

*Objection*. The king himself doth usually make and appoint sheriffs in every county, by his prerogative.

*Solution.* It hath been agreed, by all the judges, that the king cannot appoint any other to be sheriff than such as are named and chosen according to the statute of Lincoln. *Cook's Magna Charta*, p. 559.

If so, then it is questionable whether the making of Mr Hastings sheriff of Leicestershire be warrantable by law, or not.

*Query 2.* If no sheriff be legally chosen, whether the freeholders of the county shall not choose one, as they were accustomed before the making of the statute of 9 Ed. II., for these reasons?

1. If there be no sheriff legally chosen, there will be a failure of justice, which the law will not permit.

2. Because the statute is in the affirmative, and therefore doth not altogether take away their power of choosing, because affirmative statutes do not alter the common law.

Next, let us consider the choice of justices of the peace, who, as they are commissioners of the peace, are not officers by the common law; and, therefore, this case will differ in some respects from the former, it being an office created by statute.

1. I conceive that no court may be erected without the authority of parliament; for the court of first fruits was erected by stat. 32 H. VIII. cap. 45; the court of wards by stat. 32 H. VIII. cap. 46; the court of justice in Wales by stat. 34 H. VIII. cap. 26; and power to erect courts given, 1 Mar. sess. 2. cap. 10: And it was resolved in this parliament, at the trial of the earl of Strafford, that the court at York was against law, albeit it hath had continuance these hundred years, because it was not erected by parliament.

And justices of peace, being judges of record, were first ordained by statute, as appeareth by 18 Edw. III. cap. 2, and 34 Ed. III. cap. 1, with such other additions of power as later statutes have given unto them.

Justices of peace, then, having their being by vertue of the statute law, they are to be ordained in the same manner as the statutes prescribe, and not otherwise.

1. After their first institution, the statutes did leave the choice of them indefinitely in the crown, as I conceive, until the statute of 12 R. 27, which statute doth instruct the chancellor, treasurer, keeper of the privy-seal, steward and chamberlain of the king's house, the clerk of the rolls, the justices of both benches, barons of the exchequer, and others, to name and make them.

2. Other statutes do appoint what persons shall be chosen to be justices of the peace; namely, such as reside in the same county where they are justices of peace, as stat. 12 R. II. c. 10: and they must be of the most sufficient knights, esquires, and gentlemen of the same county, stat. 17 Rich. II. 10; and dwelling in the same county, 2 Hen. V. stat. 2. cap. 1. (except lords, and justices of assizes.) Upon this last statute it may be doubted if choice may be made of any lords and justices of assizes which have no residence or estate in the county where they are so made justices of the peace; which, if it doth, it doth repeal all former statutes, which confines them to such persons as are of the same county; which I conceive is against their meaning; for that statute doth only dispense with the residence of lords and justices of assize, because men of the same county, inhabiting in the county where they are justices of peace, in regard of their other employments in the commonwealth, which necessarily requireth their absence; and so it amounteth only to a dispensation for their residency.

*Objection.* The common practice is, that the lord-keeper doth appoint whom he pleases, and that by vertue of the statute of 18 Hen. VI. cap. 1.



*Solution.* True; such is the practice; but the doubt is, how warrantable his act is; for the statute of 18 H. VI. doth give the lord-chancellor (alone by himself) no other power, but in case there be no men of sufficiency in the county, and where none of twenty pounds per annum are to be found; for, in such case, he hath power to appoint such as he conceives are men most fit. But in case there are men of sufficient estates in the county to be found, he must join with the others mentioned in the statute, viz. the treasurer, privy-seal, &c., who have a joint and undivided power with him.

If this be so, then it may be doubted whether the Lord Viscount Falkland, being no peer of the realm, Sir Peter Miche, Sir Edward Nichols, of late put into the commission of the peace, in many counties of this kingdom, are, by the law, capable of being justices of the peace in those counties where they do not reside. *Et sic de similibus.*

*Query* also, Whether a justice of the peace, being once legally chosen, according to the statute before-mentioned, may be put out at the pleasure of the lord-keeper alone, without any just cause alleged; for, being a justice of record, whether some matter of record must not appear to disable him? For, being settled by law, he is to be displaced by law, and not upon displeasure or surmise.

3. A third office is, the lieutenants in every county, in former times known (for the name only is out of use) by the name of *heretoch*.—*Lamb. Saxon Laws*, fol. 136. And here will fall into debate the ordinance of parliament about the settling of the militia of the kingdom.

The choice of these, as was formerly mentioned, was by the freeholders, in the county-court; but, of later times, they have exercised the same power, being appointed by the king, under the shadow of his prerogative.

First, It is to be demanded, whether the king's prerogative can take away that ancient right which the subjects had, by law, invested in them? If so, then the king, by his prerogative, may do wrong, which is contrary to a maxim in law, *Fortescue de Legibus*, &c. fol. 25. If not, then, whether the power of choosing a lieutenant, or *heretoch*, doth not yet remain in the subject, so as they may now choose one as well, and by the same right they did in former times?

If freeholders of a county may yet choose, then I conceive the parliament, being the representative body of the whole kingdom, may appoint lieutenants, because they include them, or, at least, they are not excluded from such a power, no more than where the statute giving power unto justices of peace to inquire of a riot doth exclude the power of the King's Bench; which no man will affirm; and therefore the ordinance of the militia is legal.

That, the parliament hath power to make an ordinance, may be proved, *a minori*; for,

If the inhabitants of a town, without any custom to enable them, may make an ordinance, or bye-law, for the reparation of their church, high-way, or bridge in decay, or any the like thing, being for their publick good, and upon a pecuniary pain, in case of neglect; and if it shall bind all within the town, as hath been agreed for law, 44 Ed. III. fol. 19, *Cook*, lib. v. fol. 63, the chamberlain of London's case, Clarke's case, and Jeffery's case, *ibid.* fol. 64, 65.

If a township be amerced, and the neighbours, by assent, shall assess a certain sum upon every inhabitant, and agree, that if it be not paid by such a day, that certain persons, thereto assigned, shall distrain, and, in this case, the distress is lawful. *Doctor and Student*, fol. 74. cap. 9.

If a bye-law, that every one that holdeth land shall pay one penny towards the reparation of a church, and, for non-payment, shall forfeit to the church-wardens twenty shillings, be good, and doth bind, as the book saith, 21 H. VII. fol. 20, holdeth.

If a town make bye-laws, and they shall bind every one of the town, if it be for the common good, as 11 H. VII. fol. 14, then, by the same reason, may the parliament make ordinances and by-laws for the common good of the kingdom, as shall bind all; for if a town may make ordinance, much more may the knights and burgesses of the parliament, because they have their power, *ad faciendum et consentiendum*, as appeareth of record, under their hands and seals in chancery, in return of their several elections for knights and burgesses.

Lastly, as every private man is, by law, bound to preserve the peace; as, in case an affray be made by two, and a third man standing by shall not use his best endeavour to part them, and preserve the peace, he may be indicted and fined for it,—why may not the parliament, being intrusted with the preservation of the peace of the realm, make an ordinance for the preservation of the peace, in case of apparent danger?

Ordinances made in parliament, 8 Ed. II., for the preservation of the alienation of the king's land, and fines set upon such as presume to break them. Rot. Parl. 28 H. VI. art. 29.

The judges and courts of Westminster may make an ordinance for fees to be paid unto the clerk of their courts, and for bar fees taken by sheriff and gaolers. 21 H. VII. fol. 17.

An ordinance made in parliament, 21 Ed. III., fol. 60., for exemption of the abbot of Bury from the jurisdiction of the bishop of Norwich. *Selden's Titles of Honour*, page 702. 12 H. VII. fol. 25.

Heyborne and Keyland's case, M. 14 Ed. IV., Rot. 60, in Banco Reg. Crook, p. 25; who had his money taken away from him by vertue of an ordinance, and was adjudged that the ordinance did bind him.

Whether an infant may be a colonel, admiral, &c.

1. None, by the intention of the law, can do knights service before he be twenty-one years of age; and this is the reason of wardship.
2. It is an office of trust, which may not be executed by a deputy.
3. Such an office requires personal attendance; for otherwise the county may be overthrown unawares, in the absence of such a governor from his charge.

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*To the Right Honourable the Lords and Commons, assembled in Parliament, the humble Declaration and Resolution of the Deputy-Lieutenants, Colonels, Captains, and Officers, assented unto, and, with great chearfulness, approved of by the Soldiers of the Trained Bands within the County of Southampton, at the General Musters, begun the 21st day of June, 1642, being to the number of above five thousand Men, besides a great many of Voluntiers, who then offered to serve in Person.*

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This is one of the numerous declarations of attachment by which the parliament were encouraged to proceed in their determination to refer their disputes with Charles to the fate of war.

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Humbly acknowledge,  
That the ordinance of parliament concerning the militia doth much conduce to the defence of the true protestant religion, the security of his majesty's sacred person, the



preservation of the publick peace, and privileges of parliament, against the evils that threaten them by foreign invasion, rebellion, or insurrection. Nevertheless, with great sense and grief of heart, we cannot but apprehend the continual practices and attempts of the malignant party to invalidate the said ordinance, wickedly endeavouring to cross the settlement of the militia, as aforesaid, by colour of a proclamation, sett forth in his majesty's name, forbidding the execution thereof; which we humbly conceive to be illegal, upon these reasons laid down in the late declaration of both houses of parliament concerning the said proclamation, and thereby unjustly to hazard the very being and constitution of this kingdom.

Therefore, in pursuance of the said ordinance, and in obedience thereunto, being assembled in arms, we have thought it our duties hereby to make our humble tender, unto this honourable assembly, of our lives and fortunes, in maintenance of the said ordinance, so necessary for the defence of our religion, his majesty's sacred person, the publick peace of this kingdom, the privilege and very existence of parliament.

*The Lords Answer.*

My lords have taken your petition into consideration, and receive much contentment in the good affections you have expressed, thus seasonably and necessary, for the good of the king and kingdom, and for their lordships encouragement in the performance of their duty; for which they give you hearty thanks: And my lords do assure you, that (God willing) they resolve to insist in their former declared resolutions for the upholding the true religion, the king's authority in the highest court, which, by sundry late declarations and practices to abuse the people, they find so much vilified and invaded, the privileges of parliament, the free course of justice, the laws and peace of this kingdom, notwithstanding any dangers and hazards for that cause befall them.

That for the manifestation of their good affections, and their lordships kind acceptance thereof, they have commanded your petition and this answer to be forthwith printed and published.

*Die Veneris, Julii, 1642.*

Ordered, by the lords in parliament, that this declaration and answer be forthwith printed and published.

JOHN BROWN, *Cler. Parl.*

London, printed for Joseph Hunscomb, 1642.

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*A true and exact Relation of the Manner of his Majesties setting up his Standard at Nottingham, on Monday the 22d of August, 1642.*

- First, The form of the standard, and who were present at the advancing of it.
- Secondly, The danger of setting up of former standards, and the damage which ensued thereon.
- Thirdly, A relation of all the standards that ever were set up by any king.
- Fourthly, The names of those knights who are appointed to be the king's standard-bearers, with the forces that are appointed to guard it.

Fifthly, The manner of the kings coming first to Coventry.

Sixthly, The cavaliers resolution, and dangerous threats which they have uttered, if the king concludes a peace without them, or hearkens unto his great councill, the parliament: Moreover, how they have shared and divided London amongst themselves already.

London, printed for F. Coles, 1642.

This melancholy and ill-augured ceremony took place under circumstances which struck a general damp into the minds of the king's party. It was immediately subsequent to an unsuccessful attempt on the city of Worcester, and is thus described by Clarendon:—"According to the proclamation, upon the twenty-fifth day of August, the standard was erected, about six o'clock in the evening of a very stormy and tempestuous day. The king himself, with a small train, rode to the top of the castle-hill, Varney, the knight-marshal, who was standard-bearer, carrying the standard, which was then erected, in that place, with little other ceremony than the sound of drums and trumpets. Melancholy men observed many ill presages about that time. There was not one regiment of foot yet brought thither, so that the train-bands, which the sheriff had drawn together, were all the strength the king had for his person, and the guard of the standard. There appeared no conflux of men, in obedience to the proclamation; the arms and ammunition were not yet come from York; and a general sadness covered the whole town. The standard was blown down, the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. This was the melancholy state of the king's affairs, when the standard was set up."—CLARENDON, I. 557.

The following tract, which seems to have been composed for the information and encouragement of the adherents to parliament, does not give such a doleful impression of the ceremony as the narrative of the royalist Clarendon.

It is an ancient question, whether industry or fortune have most credit; for it is out of all doubt that both have; and it is clearly false that one alone doth all, and the other nothing; and commonly they that settle themselves unto the one, condemn the other; but the difficulty is, how to join them together, and to attend and wait upon them both: therefore, saith Martial, very well measure thy burthen, and so thou shalt beare it very well; not doing as many men do, who have their eyes only upon such as are wealthy, admiring and reputed them only happy and blessed, and none else. We all ought to know that prosperity is the very life of peace, and love the very bond which ties the heart of king and people together; and for want of these two, all things are contrary and opposite one to the other. The life of a prince is two-fold,—either of peace or war: if it be of peace, then happy are such a people that are in such a case; if war, then none more unhappy, especially when it is within its own kingdome, or bowels: therefore a prince must be sure that his war be just; for justice must march before valour, as deliberation before execution.

These reasons in a prince for making a war with his own people must be of no force, yea, they are to be abhorred, viz. first, That right consisteth in force; secondly, That issue or event decideth it; thirdly, That the stronger carrieth it away: But a prince must look into the cause, into the ground and foundation, and not into the issue or effect. War hath its laws and ordinances as well as peace. God favours just wars, and giveth the victory to whom it pleaseth him; and therefore we must first make ourselves capable of this favour from Heaven, by the equity of the cause or enterprize. War must not be begun and undertaken for all causes, upon every occasion; so saith Pliny, *Non ex omni occasione querere triumphum*; not to seek victory for every occasion. And



above all, a prince must take heed that ambition, avarice, choler, night-crows, evil counsellors, possesse him not, and carry him beyond reason, which are always, if I dare speak truth, the only and ordinary means and motives to war, to incense a prince to go to war with his own people for a little, nay, too far and too much a stretched prerogative; and this is commonly one of the causes of a national war, in maintaining and bussing into the eare of a prince the rights and prerogatives of princes over their people.

Another chief and ancient cause of war is, the greedy desire of rule and of riches: they esteem the greatest glory in the greatest command; and the wicked rage and desire of gain breaketh leagues, and stirs up wrath. All these considered, and put together, make the justest war that may be detestable, saith St Augustine; and therefore a prince ought not to suffer himself to be carried away by those incendiaries and fire-brands of war, who, for some particular passion, or some old grudge to a kingdome, are ready to kindle and inflame their prince: but a wise sovereign will keep himself in peace, neither provoking nor fearing war, neither disquieting either his own state or others, especially his own subjects, standing betwixt hope and fear, nor coming to those extremities of perishing himself, or making others to perish; for, saith Livius, the fortune of one houres war may overthrow all honour both gotten and hoped for: and there is no war undertaken by any worthy city, but either from faithfulness, or for safety of their king and country, and the liberty of the subject.

It is true, in all ages, some differences or other have been between king and people: the first that our chronicles make mention of was in the time of William Rufus, who set up his standard, and went against the Welchmen, in the year 1090, with a great army of horse and foot, at which time he lost diverse of his foot and horse. The second king that our histories make mention of was in King John's time, in the year 1210, who went into Wales against Lewlin, his son-in-law, who had married his bastard daughter; at which battel he subdued all the nobles and princes, without controle. The third ensigne, or standard, which is made mention of, was in the year 1332, and in the fourth year of his reign, where there was a great battell fought between the English and Scots, at Hallidown-hill, near Barwick, where divers of the Scots were slain, and divers taken prisoners. The fourth standard that ever was erected in this kingdome was in the 9th year of Richard II., and in the year 1485, who, having set it up, proclaimed a proclamation for all his subjects to ayde him against the Scots, who went very lovingly and freely with him, because it was then held a forraign enemy to our state; who marched into Scotland, and the enemy not appearing, burnt only some towns, and so returned.

The first standard which was ever raised in the bowels of this kingdom was in the 3d year of Richard the Third, and in the year 1483, at a place called Redmore, near the town of Bosworth, where he pitched his tents in the open fields, called all his souldiers together, and declaring the cause of his taking up armes, and the setting up of his standard, which was against Henry, earl of Richmond; telling them that he was only come to spoile their lands and houses, and ravish their wives and children, and to dispossesse him, who was their lawful king: and to this purpose he made a large speech to his souldiers, against the earl of Richmond, encouraging them to stand to him now, or else never. Then King Richard having set up his standard, which was formerly sent out of the Tower of London, and brought to him by Sir Robert Brakenbury, who was then lieutenant of the Tower, whom he appointed to be his chief standard-bearer, together with Sir Thomas Bouchier and Sir Walter Hungerford, and divers other knights and gentlemen, in whom the king had a good affiance and trust;—the standard being set up in great state, and well guarded, the whole countrey, being much displeased because the king would make their countrey the seat of war, brake out, and declared, by certain papers, which were scattered and thrown about the army, which they had heard of

by ancient records,—that if any king doth proclaim war, and set up his standard within his own kingdome, and against his own people and nation, not having any just occasion, but only a rash humour, and desire of revenge, and not having no affront given him by foreigne princes, nor his land invaded by any foreign forces,—upon the setting up any such flag or standard, first, that the law itself ceases to be of any force; secondly, that all prisoners whatsoever, that lay in custody upon any suit of law, or execution, contempt, or any other degree, were presently freed, and the doors of the prison set open, and that no jaylor whatsoever to detain either him or them; thirdly, that such a king ought to be dispossessed, and his crown bestowed on another; fourthly, neither he nor his posterity should have any right or succession to the crown and dignity. This coming to the kings view, he made slight of it, and went on his way regarding nothing, depending upon his own strength, and the forces he had: But see what the divine power can do:—He, at the battle, lost his own life, was deprived of his crown and dignity, none of his posterity or kindred enjoyed the kingdome; and this was a just reward for such a tyrant as he was. I pray God no good Christian king may follow him as a man, but imitate him as a king; for he was called a bad man, but a good king, for the laws he then made.

Now, it is the generall prayers and cry of this whole kingdome, that our gracious soveraign would not be led by any evil counsellors, whereby this glorious and famous kingdome may become ruinated, and wallow in its own blood; and especially such a pious prince as his majesty is would not give way to those malignant parties whose end and study is only for blood; and that our peacefull England may not be made an aceldema, or field of blood, and so future times report that his majesty was guilty of spilling so much of his own subjects blood; but as it is the bishops and others of the clergies wars, so not to protect them, but leave them and such delinquents to the censure of the law.

Monday, being the 22. of August, in the morning, his majesty left his forces before Coventry, and, with some lords and others in company, rode to Leicester, where he dined that day at the abby-house, the countesse of Devonshires house; however so many printed intelligences doe falsely, with much confidence, aver (much like their other relations) that the king was with his army in the field at the time of the battel betweene them and the lord Brookes forces, which was not untill the day following. Presently after dinner, the king again took horse, and, with his company, rode to Nottingham, where was great preparation for the setting up of the standard that day, as was formerly appointed. Not long after the kings coming to towne, the standard was taken out of the castle, and carried into the field, a little on the back side of the castle-wall. The likenesse of the standard,—it is much of the fashion of the city streamers used at the lord-mayors show, having about twenty supporters, and is to be carried after the same way: on the top of it hangs a bloody flag, the kings arms quartered, with a hand pointing to the crowne, which stands above, with this motto: "Give Cæsar his due." The name of those knights baronets who were appointed to beare up the standard, viz. the chiefe was Sir Thomas Brookes, Sir Arthur Hopton, Sir Francis Wortley, and Sir Robert Dadington.

Likewise, there were three troops of horse appointed to wait upon the standard, and to beare the same backwards and forwards, with about sixe hundred foot souldiers. It was conducted to the field in great state, his majesty, the prince, Prince Robert, (whom his majesty hath lately made knight of the garter,) going along with divers other lords and gentlemen of his majesties traine, beside great company of horse and foot, in all to the number of about two thousand, who came more to see the manner of the thing, than any waies to offer assistance to his majesty, as did afterwards evidently appeare; for that upon taking downe of the standard, there were not above thirty of the trained



bands that offered to come into his majesty, which, because their number was so considerable, his majesty refused to accept of.

So soone as the standard was set up, and his majesty and the other lords placed about it, a herald at armes made ready to proclaime a proclamation, declaring the ground and cause of his majesties setting up of his standard, namely, to suppress the pretended rebellion of the earle of Essex, in raysing forces against him, to which he required the ayde and assistance of all his loving subjects. But before the trumpeters could sound to make proclamation, his majesty called to view the said proclamation; which being given him, he privately read the same over to himselfe, and seeming to dislike of some passages therein, called for penne and inke, and, with his own hand, crossed out and altered the same in diverse places, (a thing well worthy the noting,) and then gave it the herald, who proclaymed the same to the people, though with some difficulty, after his majesties corrections; after the reading whereof, the whole multitude threw up their hats, with other such like expressions, "God save the king." Not long after the reading of the said proclamation, it being towards night, the standard was taken downe, and again carried into the castle, with the like state as it was brought into the field: And the next day it was againe set up, and his majesty came along with it, and made proclamation, as the day before; and the like also was done on Wednesday, his majesty being present: but since that hath been set up with the lesse ceremony, there being not a hundred persons, as they yet heard of, that have offered themselves to his majesty, since the first setting up of his standard.

Since which time, his gracious majesty hath pleased to send some propositions to both houses of parliament, and hath imployed the earle of Dorset, the earle of Southampton, and Sir John Culpeper, and Sir William Uvedall to deliver his majesties minde to the honourable house of parliament, for a faire treaty and accommodation of peace, and that all differences and mistakes might be ended, and all hostile manner of warre to cease in our land, and that it might be sent over to Ireland. Upon which report, the cavaliers which are about the country are desperate to hear that his majesty will hearken to an accommodation of peace, or to apply or comply with his parliament; telling his majesty that it is dishonourable to stoop to his subjects, and if his majesty doth, they will either hang themselves, or kill and murther themselves, and do vow private revenge to this kingdom, if they do now misse of their hopes and enterprizes; for they say they are sure to overcome us, whom they call round-heads, and call our souldiers nothing else but a company of Shrove-Tuesday boyes, and idle-headed prentises, who run away from their masters, under pretence of having opportunity to get liberty from their hard service and cruelty. It is truly reported, that the cavaliers are all desperately bent against the city of London, and the inhabitants: they have already within themselves shared and divided it: some have allotted to themselves Gracious street, others Lumbarde street; then others have shared Cheap-side and Pauls Church-yard; others do determine to seize upon the rich aldermens houses and persons; others, to whom they owe or are indebted to by bond, or bill, or booke, doe resolve, when they come into the city, to seize those persons first to whom they are indebted, and to cut their throats, and then to seize upon rich usurers or others, and to cut their throats; for that money, so say they, we shall be both at once out of debt, and have money to boot: these are the resolutions of the cavaliers, who do but looke for such an advantage; so full of cruelty and malice they are; which God in his infinite and blessed mercy protect both our king and kingdome from; and that their own swords may returne into their own bosomes, that wish and long for such a day.

A proclamation presented to both houses from his majestie, declaring that his majesty will set up his standard on Monday next at Nottingham, being the 22d of August,

where his majestie intends to draw up his main forces, and to make it one of the places or seats of war, and there to reside for a time; commanding all his subjects that will ayd and assist him to come thither; ordaining the earle of Cumberland generall for raising of forces in the northern parts; and proclayming all traytors that refuse to obey the commission of array.

Whereupon both houses have drawn up a declaration against his majesties proclamation for setting up his standard, commanding that none proclaim the same in any part of the kingdom; and that such as shall suffer any losse and damage by the same, in any part of the kingdom, by the cavaliers, or their adherents, shall have full reparation and satisfaction allowed them out of their land.

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*A Worthy Speech, spoken by his Excellence the Earle of Essex, in the Head of his Armie, before his Arrivall at Worcester, on Saterdag last, being the 24th of September, 1642; wherein is declared every particular Order and Duty which his Excellence expects to be performed, both by his Commanders and Souldiers: With a Royall Protestation taken by his Excellence, and by him prescribed to be taken throughout the Armie.*

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The earl of Essex, the favoured and trusted general of the presbyterians, left London on the 9th September, in great splendour, attended by both houses of parliament, and put himself at the head of an appointed army of 15,000 men. The houses had previously complimented him with votes, pledging themselves to live or die with him. The king was now in command of an army equal in numbers, though not so well equipped and provided, and was stationed at Shrewsbury, where he waited supplies from North Wales. Essex advanced upon Worcester, from which place the royalists retreated; but Essex remaining too long there, the king made a start towards London, and Essex pursuing him, brought on the battle of Edge-hill.

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GENTLEMEN and fellow soldiers, which are at this time assembled for the defence of his majestie, and the maintenance of the true protestant religion, under my command, I shall desire you to take notice what I, that am your generall, shall, by my honour, promise to performe toward you, and what I shall be forced to expect that you should performe toward me.

I do promise, in the sight of Almighty God, that I shall undertake nothing but what shall tend to the advancement of the true protestant religion, the securing of his majesties royall person, the maintenance of the just priviledge of parliament, and the liberty and property of the subject; neither will I ingage any of you into any danger, but (though, for many reasons, I might forbear) I will, in my owne person, runne an equall hazard with you, and either bring you off with honour, or (if God have so decreed) fall with you, and willingly become a sacrifice for the preservation of my country.

Likewise I doe promise that my eare shall be open to heare the complaint of the poorest of my souldiers, though against the chieftest of my officers; neither shall his greatnesse (if justly taxed) gaine any priviledge, but I shall be ready to execute justice against all, from the greatest to the least.



Your pay shall be constantly delivered to your commanders, and if default be made by any officer, give me timely notice, and you shall find speedy redresse.

This being performed on my part, I shall now declare what is your duty toward me, which I must likewise expect to be carefully performed by you.

1. I shall desire all and every officer to endeavour, by love and affable carriage, to command his souldiers, since what is done for feare is done unwillingly, and what is unwillingly attempted can never prosper.

Likewise, 'tis my request that you be very carefull in the exercising of your men, and bring them to use their armes readily and expertly, and not to bussy them in practising the ceremonious formes of military discipline; onely let them be well instructed in the necessary rudiments of warre, that they may know how to fall on with discretion, and retreat with care, how to maintain their order, and make good their ground.

Also, I do expect that all those which voluntarily ingaged themselves in this service should answer my expectation in the performance of these ensuing articles.

1. That you willingly and cheerefully obey such as (by your own election) you have made commanders over you.

2. That you take speciall care to keepe your armes at all times fit for service, that, upon all occasions, you may be ready, when the signall shall be given, by the sound of drumme or trumpet, to repaire to your colours, and so to march upon any service, where and when occasion shall require.

3. That you beare yourselves like soldiers, without doing any spoile to the inhabitants of the country: so doing you shall gaine love and friendship; whereas otherwise you will be hated, and complained off, and I, that should protect you, shall be forced to punish you according to the severity of law.

4. That you accept and rest satisfied with such quarters as shall fall to your lot, or be appointed you by your quarter-master.

5. That you shall (if appointed for centries or per-dues) faithfully discharge that duty; for upon faile hereof, you are sure to undergo a very severe censure.

6. You shall forbear to profane the Saboth, either by being drunke, or by unlawfull games; for whosoever shall be found faulty must not expect to passe unpunished.

7. Whosoever shall be knowne to neglect the feeding of his horse with necessary provender, to the end that his horse be disabled or unfit for service, the party, for the said default, shall suffer a months imprisonment, and afterward be cashiered, as unworthy the name of a souldier.

8. That no trooper or other of our soldiers shall suffer his paddee<sup>\*</sup> to feed his horse in the corne, or to steale mens hay, but shall pay every man, for hay 6*d.* a day and night, and for oats 2*s.* the bushell.

Lastly, that you avoid cruelty; for it is my desire rather to save the life of thousands than to kill one, so that it may be done without prejudice.

These things faithfully performed, and the justice of our cause truly considered, let us advance with a religious courage, and willingly adventure our lives in the defence of the king and parliament.

<sup>\*</sup> *Pedee*, or foot attendant.

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*Three Speeches made by the Kings most Excellent Majesty : the first to divers Lords and Colonels, in his Majesties Tent ; the second to his Souldiers in the Field ; the third to his whole Army, immediately before the late Battell at Keinton, near Banbury : wherein his Majesties Resolutions are declared, being sent to Mr Wallis, in London, in a Letter from an eminent Gentleman, Colonel Weston, one of his Majesties Commanders.*

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The battle of Edge-hill was fought on the 23d October, 1642. Its doubtful issue, and the fury with which it was maintained on both sides, were melancholy presages of the length of the war.

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My lords, and the rest here present, if this day shine prosperous unto us, we shall all be happy in a glorious victory. Your king is both your cause, your quarrell, and your captain. The foe is in sight ; now shew yourselves no malignant parties, but with your swords declare what courage and fidelity is within you. I have written and declared that I intended alwayes to maintaine and defend the protestant religion, the rights and priviledges of the parliament, and the liberties of the subject, and now I must prove my words by the convincing argument of the sword. Let Heaven shew his power, by this days victory, to declare me just, and as a lawfull, so a loving king to my subjects. The best encouragement I can give you is this,—that, come life or death, your king will beare you company, and ever keep this field, this place, and this days service in his gratefull remembrance.

*The King's Speech to his Souldiers.*

Gentlemen,

You are called cavaliers and royalists, in a disgracefull manner :—if I suffer in my fame, needs must you doe also. Now expresse yourselves my friends, and not malignants ; fight for your king, the peace of the kingdome, and the protestant religion. It is not so great an honour to keep the white candor of opinion, sometimes confirmed by the rabble multitude without distinction, as, when our reputation hath suffered some diminution, and been in the eclipse of royal splendor, to make it shine out againe with cleere, resplendent beames of majesty. I have drawne and collected you from severall countries, and you have, like true friends, followed me in all my occasions and fortunes. We are now all engaged as near as life or fame concernes us ; and if I thought that any of your affections wanted provocation to stir your magnanimous resolutions in the action of this dayes service, I would use words to inflame your anger, and tell you some reason of high encouragement, that should produce in you all a nobly mounted anger ; since the inequality of this field, pretended for the defence of the protestant religion, and by me intended to the same purpose, doth expresse a secret distrust of reality in my royall intentions. You are called cavaliers, in a reproachfull signification, and ye are all designed for the slaughter, if you do not manfully behave yourselves in this battell. They call all the kings troopers cavaliers ; but let them now know that the va-



jour of the cavaliers hath honoured that name, both in France and other countries, and now let it be known in England, as well as horseman or trooper; it signifying no more but a gentleman serving his king on horseback. Shew yourselves therefore now courageous cavaliers, and beat backe all opprobrious speeches and aspersions cast upon you by the enemy. Let them know and discern that for your king you dare adventure yourselves, and for the eternall reward of a just acquired honour.

*The Kings Majesties Speech to his whole Army, immediately before the Battell.*

THE king, riding up to the fore-front or head of his armie, made a royall speech unto them all, the effect whereof I have signified unto you in this my letter.

Friends and souldiers, I look upon you with joy, to behold so great an armie as ever king of England had in these later times, standing with high and full resolutions to defend your king, the parliament, and all my loyall subjects. I thanke your loves offered to your king, with a desire to hazard your lives and fortunes with me, and in my cause, freely offered, and that in my urgent necessitie. I see, by you, that no father can relinquish and leave his son, no subject his lawfull king; but I attribute all this unto God, and the justnesse of my cause: HEE that made us a king will protect us. We have marched so long in hope to meet no enemy, we knowing none at whose hands we deserve any opposition; nor can our sunne-shining through the clouds of malignant envie suffer such an obscuritie, but that some influence of my regall authoritie, derived from God, whose substitute and supream governour, under Christ, I am, hath begotten in you a confidence in my intentions. But matters are now not to be declared by words, but by swords. You all think our thoughts; endeavour to defend our person, while I raign over your affections as well as your persons. Now, therefore, know, my resolution is to trie the doubtfull chance of warre, which, with much grief, I must stand to, and endure the hazard. I desire not the effusion of blood, but since Heaven hath so decreed, that so much preparation hath been made, we must needs accept of this present occasion and opportunitie of gaining an honourable victory, and some addition of glory to our crowne; since reputation is that which doth guild over the richest gold, and shall be ever the endeavour of our whole raigne. The present action of this battell makes me speak briefly, and yet lovingly and royally unto you, our loyall armie. I put not my confidence in your strength or number, but confide, that though your king speaks unto you, and that with as much love and affection as ever king of England did to his armie, yet God, and the justnesse of our cause, together with the love I bear to the whole kingdome, must give you the best encouragement. In a word, your king bids you all be courageous, and Heaven make you victorious.

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*The Kings Majesties Speech, as it was delivered, the Second of November, before the University and City of Oxford; together with a Gratulatory Replication, expressed by that learned man, Doctor William Strode, Orator for the famous University of Oxford.*

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After the battle of Edge-hill, and the king's subsequent attempt upon London, he retired to Oxford for winter-quarters, and continued to make that loyal university his chief place of residence during the civil wars. Of Dr Strode, the university orator, Wood gives the following account.

“William Strode, the only son of Philip Strode, sometimes living near Plimpton, and he a younger son of Sir Rich. Strode of Newneham, or Newinham, in Devonshire, was born in that county, elected student of Christ's Church, from the collegiate school at Westminster, about the latter end of 1617, and in that of his age 16, or thereabouts, took the degree in arts, holy orders, and became a most florid preacher in the university. In 1629, he was chosen the public orator of the university, being then one of the proctors of it, and two years after was admitted to the reading of the sentences. In 1638, July 1st, he was installed canon of Christ Church, and in the same year proceeded doctor of divinity; before which time, K. Charles I. had settled a canonry of the said church upon him, that should be lawfully elected public orator; but that pious act hath been since annulled, by pretended authority, and now such a thing seems totally to be forgotten among us. As for Strode, he was a person of great parts, but not equal to those of Cartwright, a pithy and sententious preacher, exquisite orator, and an eminent poet.” He wrote, “*Passions Calmed, or the Settling of the Floating Island*, Lond. 1635-4, a Comedy acted in Christ Church hall, before the King and Queen, 29th Aug. 1636;” a Speech before Queen Mary, at Oxford, printed 1643-4; various Sermons, Orations, Epistles, &c. Dr Strode died 10th March, 1644.

It brings great comfort unto me that I am now almost in the heart of my kingdom, and it brings more comfort unto me that I am now in the hearts of my subjects. I would to God we had all one heart in earnest, that so neither my kingdoms should suffer, nor I complaine. You see what is daily committed against me, (who am indeed the father of your countrey;) and I am most sorry that any part of my kingdom should owne those subjects who, in pretence of religion, should lament it, and destroy it. I come not here as a conquerour, but as your soveraigne; and, beleeve me, there is not a drop of blood hath fallen from a true loyall subject, but I have sympathized with it. All the blood is lost doth but open my wounds the wider, and I am sorry that you doe not understand it. Beleeve me, on the word of a prince, on the word of your soveraigne, there is nothing more deare unto me than religion, the religion of my father and the royall queene his predecessor,—a religion which ever from her owne flames hath arised more pure, and multiplied. This is my businesse to you, in which I hope I shall satisfie both God and you. And since I have left the warre behind me, take peace and the day while you see it: I see the clouds make haste to overcome it. The scepter is, and must be mine. Unite yourselves to maintain so honourable, so just a cause; and what one hand cannot infringe, let many maintaine. You have God for your cause, you have me for his second; and since both are together, who can oppose us. You have seen the first and second victory which the justice and mercy of God hath beene pleased to bestow upon me. In the first, we have taken prisoners and slaughtered the chieftest of their men, which was the sinewes of victory: in the second, we have taken all their treasure, which is the sinewes of warre. Warre and victory, victory and warre; and since the first is come unto us by necessity, I hope the second will bee devolved to us and to ours by inheritance.

Gentlemen, My heart doth bleed to see the losse of so many of my people; and where warre cannot prevaile upon me, piety hath done. I bleed in your wounds, and am much overcome to hear my selfe a conquerour. Give me your hearts, and preserve your owne blouds. The heart of a prince is kept warme with the blood of his subjects; the blood of the subjects being not to be preserved, were it not loyally entertained into the heart of the prince. The movings of my lord of Essex did never trouble mee. I have offered my selfe in a quiet and inoffensive march, which I have found as open as it was in my progresse.

I have endeavoured after a desired reconciliation, and I hope, ere many daies passe over, to see it accomplished. It shall be a great happinesse unto mee, if, through the many troubles and travails of my life, I can distill at last the soveraigne balme of peace into the desperate wounds of my distracted kingdom.



*The Speech of the University Orator, to gratulate his Majesties coming unto Oxford.*

HIGH words cannot reach the joy that your presence hath created in our hearts, which doe blesse our eyes for so desired an object. Learning doth acknowledge the mercy of Heaven, in bringing your majesty to give voyce to the dumbe academy, and renue the muses, slain by that Briareus of ignorance which breathes nothing but religious destruction. Our Oxford hath now throwne off all clouds of discontents, and stands cleare, guilded by the beames of your majesties royall presence. The burden cast on me is my joy, or rather the joy of the academy, extasie into a learned amazement, and raptured into speech, to see your majesty. All gratulation cannot comply with our thoughts, to shew the pleasure our fancie takes to behold your majesty. See, royall king, how Oxford, beauteous in her age, doth kneele, making tears of joy a sacrifice, and begging to be protected from threatned ruine. Shall the springs of learning bee dam'd up? while ignorance doth teare and rend the muses garlands, as would both contemne and destroy schollers; for no enemy can learning have, unlesse it be the ignorant. Your royall majesty is, by descent, a protector of learning, and borne (as your father was) to be the glory and defender of the muses. This may strongly invite your love, wherein wee are already happy in some degrees. But wee feare a malignant enemy should violate our cleare Minerva, and banish from her both maintenance and glory. Pure zeale doth make them seek with one blow to destroy both learning and religion, now bleeding and wounded by schismaticall heads, and expecting cure from your royall majesty. Yet our feares are great, and grounded upon the unhappy fate of learning, which is despised of precise schollers, that weare black onely to mourne for the decease of learning. But joy cannot imagine the time discreet for a just reproofe, and therefore I must tell what pleasure doth refreshe and water our thirsty garden, rather than complaine of scorching heate of persecution. Our memory must not be active in striving to manifest sorrow incompatible with our present joy. Enlarge thy selfe, therefore, Oxford, and let not any grieve so blinde thy heart to a stupid peace, but let loud gratulations wound the aire with reporting welcome to our gracious King Charles.

It is reported, by men of good credit and authority in the citie of Oxford, and by those who, with a watchfull eye, have beheld all his actions, that Prince Robert keepe his souldiers in good discipline, neither are those disorders committed by him, as is commonly reported.

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*A Speech delivered by the Kings most Excellent Majestie, in the Convocation-House, at Oxford, to the Vice-Chancellour, Doctors, &c.*

WE have considered, gentlemen, the loyaltie and readinesse which your selves, the chiefe of this famous universitie, and the students in generall, have expressed toward our person and affaires, and find, in the demonstration of your affections, that you, who have most industriously studied the best of arts, and growne up to perfection in them, have likewise studied in them the perfection of obedience to us your soveraigne, excelling the rest of our subjects as much in that, as you do in all good learning and sciences: your knowledge, surely, of the resemblance the power and dignitie of kings hath to that of the Divine Majestie, urging and enciting your minds to these so daily

explanations and testimonies of your forward zeale to our service, which Heaven will see shall not passe unrewarded. And, for our part, we shall not so derogate and transgresse against that best of vertues, gratitude, as not to esteeme these services of your courtesies, which wee beleeeve the modestie of disposition accounts merely the obligation of your dutie to us, as you are our subjects. And if God had pleased that the rest of our people and cities had been of the same heart that this citie and your selves are, never had these unnaturall and lamentable distractions diffused themselves thorow our dominions; wee had at this time been peaceably at our palace in London, without this number of souldiers, guarded only by our accustomed menial servants; our parliament had proceeded cheerfully in the hard and doubtfull affaires of the kingdome; that citie (the constant chamber of our royall ancestours) been free from the trouble of nightly and daily watchings in armes; no noyse or rumour of war had beene once heard in our dwellings, but everie man had eaten, under his owne vine, the bread of plenty, in peace and securitie: all the natives of this kingdome had acknowledged us their loving soveraigne, we them our faithfull subjects, and with a fatherly care, as wee have formerly provided for their prosperities and well-fares. But the justice of the Almighty (for the sinnes of us and our people) stirred up, at least gave way to the rising of these dissensions: they (by what act of ours mov'd to it our innocence is ignorant) growing fearfull and jealous that wee endeavoured the infringement of their ancient and national liberties; and wee, on the other side, by their strange and rude deportment towards us, engaged to beleeeve they intended tumultuously to invade our person in our palace; and had also no meane nor improbable conjectures they aimed at the diminution of our royall prerogative. But feares oft times make men of soundest judgements behold dangers as thorow a perspective, which shewes them, when they are at a remote and scarce-discernable distance, as neerest and most conspicuous objects, encreasing and multiplying the extent of their dimensions; so tender is every mans affection to himselfe; for but for these feares, which, for our part, wee verily beleeeve, now, were on both sides needlesse, and some misunderstandings between our self and our parliament, we had never deserted them, nor they us, but gone on, hand in hand, with a mutualitie of faire correspondence and concordance, which yet, wee hope, ere long, will be re-united betwixt us. So much we render the good of our subjects equall with our owne well-fare, that wee daily, in our prayers, implore the Divine assistance, for a reconciliation of our kingdomes distractions.

But this attestation of ours, some over-precise zealots in the common cause will not, perhaps, give credit to. Our charity can forgive their rashnesse, and wish they did as truely intend as they superficially pretend the prosperity of the commonwealth, with the same fervour that our selfe always have done, and will doe, to the uttermost. And for bringing in any innovation into the orthodox doctrine of the church of England, with which some maliciously and inconsiderately slander the integrity of our intentions, next to God Almighty, the knower of all secrets, and searcher of all mens hearts, wee appeale to you, gentlemen, who are best of all other skilled in the tenets of our English church, whether you have either heard, knowne, or imagined that we have, directly or indirectly, pursued any such practice. If directly, surely some of you, or some other reverend divines of your acquaintance, who are best versed in the purity of religion, would have been of our councill in that purpose, and so you must have either heard or knowne of it: if indirectly, it must have beene subtilly, and, as it were, by unperceived degrees. But what one new doctrine, essential to faith, hath been by us, our meanes, or countenance, introduced into the English church? It is needlesse to excuse our selfe to you, whose judgements, we are assured, in conscience acquits us of any such attempts or intention: and so, deserting this theame, which wee cannot without great griefe of soule remember, for its fatality and obnoxiousnesse to our selfe and subjects, we must, gentlemen, descend to the particularity of your truth, reallity, and service to us, our



crowne, and dignity. And, in the first place, we give you our royall thanks for your readinesse to give up your city and university into our protection, and for the entertainment of us and our followers, wishing you to give credit, that though we could, with as much ease to our selfe, and utilitie to our affaires, have withdrawne our selfe to divers other of our good townes or cities, yet that there was no place in our whole dominions, since we abandoned, for urgent causes, our royall city of London, that we accounted more faithfull to us than this our city of Oxford, and so esteemed none apter to be made by us the residence of our person. And here, if our more weighty occasions call us not hence, we intend to abide, till we can, with safety to our honour and person, in peace returne to the Jerusalem of our nation, our city of London; in which time of our abode, and ever hereafter, we shall make it one of our chiefeest endeavours to maintaine you and your university in all its ancient liberties and priviledges, free from any insolencies or oppressions, either from our owne souldiers, or the parliaments forces, which, while wee are present, certainly will hardly invade you. Nor is there a greater joy or comfort incident to us, amidst these troubles and distempers of our state, then to behold this noble university, anciently, and in these times famous, through the whole Christian world, for its learning, and profession of liberall arts, animated by our presence to reflourish with a numerous and hopeful company of students, who go on cheerfully with their studies, growing up, as they doe in yeeres, so in good letters, which, as one of the maine dignities of the church and kingdome of England, wee shall labour to maintaine and preserve, especially in this your university, against all innovations and oppositions; for wee are confidently assured, that the nurse of barbarisme is ignorance, of civility and humanity, knowledge; nor is there any one cause that hath kept a great part of the world so long in slavery to the Mahometan misbeliefe, as that craftie tenet of their false prophet, wherein he prohibits his sectaries the study of, or acquaintance with the learning; that cunning impostor (in that presaging truly) that the madnesse of his erroneous doctrine could indure no longer then the followers of it were blinded with a generall ignorance. Wee shall therefore take care lest that fatall contagion of ignorance doe over-shadow the light of good learning in our dominions; the originall of all the schismes and heresies, which now too amply abound in our English church, deriving themselves from ignorance, that still goes accompanied with selfe opinion, which, in the most dull and mechanike brests, ingenders those pestilent conceptions, that they as well understand the mysteries of faith, and purity of religion, as the most learned and orthodoxall divines or doctors. But this is too large a digression from our purpose, which was, Master Vice-Chancellor, to give you, and these your assistants, for the whole university, our hearty and royall thanks, for the late present your loyall bounty rendered to us. It was meerely unexpected from you, gentlemen, as these times goe, and therefore received with a greater sense of thankfulness; you studying, it should seem, as in all your expressions of service to us, so in this last, to outdoe and transcend your neighbours. And we are heartily sorry that your goodnesse should betray you to such an extraordinary charge, which, since you would be at, to demonstrate over and over your good affections to us, we could not chuse but accept, in as high a nature of thankfulness as if you had presented us the Indian wealth you wished us; and so we shall endeavour to let you know wee esteeme your integrity towards us, when Heaven shall please, that, by a faire reconciliation of differences betwixt our selfe and our parliament, wee shall be abilited to make a full demonstration of our royall regards to you and your university. In the interim, you shall assure your selves we shall no longer desire to be king of England then we shall strive to maintaine your rights, and the priviledges and property of all our subjects.

*Master Vice-Chancellors' Speech to his Sacred Majestie, at his Entertainment at Christ Church, in Oxford, on New-Years Day.*

MAY it please your sacred majesty that I, in the name of this university, may salute your highnesse with the same words and wishes that the noble poet Horace, once of old, used to that great favourite of Augustus, and patron of desert Mæcenas, according to that poets testimony, *Atavis edite regibus*; namely, *spectatum satis est et donatum cum rude quæris*.

*Mæcenas iterum antiquo me includere ludo,  
Non eadem est ætas.*

Never any words ever suited our purpose with a more efficacious aptitude; for now wee may justly say, in this university, *non eadem est ætas*: the face of times are so wrinkled on the sudden, that they who not long since beheld them young, faire, and flourishing, looke upon them now as if they were quite banished their memory; they appeare so decayed, aged, and uncomely, as if the chaos were returned againe, and the fabricke of our English world shaken into a rude and undigested masse of confusion.

And not without reason, when that all illustrating sunne of your majesties royall presence hath, as it were, suffered a long and hideous eclipse, been obvolv'd and surrounded with cloudes and darknesse, in respect of the diminution of that light of obedience which was refulgent in the bosomes of all your subjects: darkned are the beams too of your royall countenance, in regard of the absence of your deare consort the queen, her majesty, who hath blessed your majesty with so many faire and hopeful pledges of your loves, so many sweet and gracious princes, of both sexes, that they doe, as those in the Psalmist, sit like olive branches round about your table: darkned they are also in regard of the still-increasing and over-flowing troubles and distractions that so riot in your majesties dominions; a streame of blood, which hath issued from the bodies of your wounded and slaughtered subjects, like a purple cloud, shadowing the accustomed rayes that used so cheerfully to issue out from your majesties eyes, which now seeme all to be transformed into the very ideas of pensivenesse and sadnesse; so that we may, with much griefe of heart, say of your grace, *O quantum mutatus ab illo*. How much are you altered from that king you were, when you used, before these civil warres, to grace our universitie with your royall presence, when nought was heard in our colleges, halls, and houses, nay, in this whole city, but the voyce of joy and gladnesse: but now, *non eadem est ætas*, the gallant and learned orations made here in entertainment of your majestie are now reduced to this poore and unworthy speech of mine, the meanest of your highnesse subjects, instead of those pregnant issues of wit and fancie which the nimble brains of our poets have invented to fill the scene of your welcome hither. Nothing is heard here, at this great festival of our Redeemers nativity, but the tongue of mourning, the universitie being a very theatre of silence; though we must confesse ourselves more obliged to the bounty of the Almighty then any city in your majesties kingdomes, in that he hath blessed us thus long with being esteemed worthy to enjoy your majesties presence; and so that never-forgotten benefit hath a little revived and refreshed our drooping soules: yet the sense of our neighbours sufferings comes like the ill genii into our imaginations, to affright them with the horror of their ghostly and hideous countenances. *Non nobis solum nati sumus*; wee were not worthy the religion wee

<sup>1</sup> John Tolson, D. D. provost of Oriel, who continued in his office till the 18th of November.



professe, if wee should not have a fellow-feeling of the afflictions of our country, and its inhabitants, who groane, as the Israelites did under the Egyptians, under the oppressive weight of their burthens, so insupportable, that they would cracke the shoulders of another Atlas to sustaine them; their burthens, which comprehend the contracted weight of all miseries incident to mortality, since all of them are charactered in this civill warre,—this civill warre, that hath robbed the kingdome of the ancient tranquillitie, the church of its so despised ornaments, the subjects of their estates quite, nay, lives, and many of them undone, past all reparation or recovery, by these military tumults. Your sacred majestie will be pleased to afford mee an indulgent pardon for my expatiating so much on this point of the subjects calamity: it is not that I dare be so disloyall to believe any fault of it rests in your majesty, but out of the tender compassion and hearty consideration of their afflictions, which we all hope your majesties paternall and pious care will in good time rectifie. For this particular city, but especially for the body of this university, which this yeere is under my government, unworthy as I am of that charge, had not your majesties comfortable and all-quickning sight removed away the clouds that shadowed us, certainly, ere this darknesse had encompassed us round about, here would have beene no need of a vice-chancelour, when there would have been no students to governe; no need of schooles, when there would have been none to have been taught in them; no science liberall practised in the colleges, whence all the practisers were fled, for feare of persecution, of being plundered of their substances, nay, deprived (as it was probable enough) of their lives, for being loyally affected to your most excellent majestie.

In that great defection of the Israelites from the tribe of Judah and family of David, the tribe of Levi stuck close to their rightfull king: so hath it in England to your highnesse; in all these domestick broyles not one of the clergie (but some of factious spirit) deserting your cause; the two universities, this and that of Cambridge, declaring themselves in your majesties behalfe. And surely wee in Oxford had been justly branded with the title of ingratitude, if we should have relinquished your grace, who have formerly, and at this present time, heaped upon us so many evident testimonies of your royall benignity to us, and your deare affection to the advancement of good literature, which, as I before related, was here reduced to the last gasp, labouring, as it were, for life, till your goodnesse, by transferring your person and presence hither, making this your winter residence, infus'd new life into the languishing academy. The fellows of houses now returne to their chambers, secur'd by your majestie from any feare of dangers: the young students, that, for their safeties, were retired home to their fathers houses, haste back to the colleges, proud that they shall have the happinesse to reside where they may see the light and favour of your royall countenance: So that (thanks be to God, and your majesty) decayed learning begins here againe to respire and flourish.

The Romans, in a noble gratitude to that great Camillus who rescued them from the tyranny and ruine of the Gauls, under the conduct of Brennus brought upon them, would needs have conferr'd upon him the title of the second Romulus, the founder of the citie, and allowed him equal honour with him. The same must wee, inspir'd with no lesse a gratefulnesse, tender to your majestie. You are our second Alured, the second founder of our universitie: and if to save when lost, in some opinion, was as great an action of the Almighty as to create man-kind out of nothing, surely our reason must enforce us to acknowledge ourselves as much indebted to your highnesse, for our preservation and restitution, as to Alured, for our foundation and institution. And so, with the generall votes of the whole universitie, this new yeere, I present your majestie, in their names, with these wishes:—Grace and peace this yeare be multiplyed upon yourselfe, your absent queen, and royal progenie: may the dew fall upon you all, and the blessings of Jacob be in your inheritance. May all these tumultuous and civill distrac-

tions end with the beginning of this yeere, and the rest of it be spent in imbalming and curing the many wounds of our English Israel: and, to conclude, may Heavens best bountie be showred down on you, its mightie and out-stretched arme protect you. And, as an humble and zealous testimony of the universities desires to serve your sacred majestie, in their names, and as the best expression they, for the present, can make of their loyaltie, I here beseech your highnesse to accept this widdows mite, cast, as this new years oblation, into your treasure,—this cup, with two hundred pounds in gold, which is contained within it: 'Tis all, royall sir, our universities decay'd debilitie hath to render as offering to your gracious hands: our wishes desire it were an unexhaustible Indies: and so we hope the intention of the gift will make us win favour in your eyes, so that your majestie will vouchsafe to accept it as graciously as we present it humbly.

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*The Earle of Dorset his Speech for Propositions of Peace, delivered to his Majesty, at Oxford, on January 18, concerning the Warre now in England.*

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Edward Sackville, Earl of Dorset, was one of the most accomplished courtiers in Europe, graceful in his person, sparkling in wit, and well acquainted with all branches of polite learning. His vices, says Clarendon, were those of the age, which he was not stubborn enough to contemn or resist. At the time of publishing this speech, both parties were disposed for peace, which probably would have taken place, if they could have trusted in each others sincerity. The city had petitioned the houses upon this subject, and had also sent a petition to the king, containing expressions of unbounded zeal for his service, and beseeching him to return to his parliament. The houses also began to see the necessity of making proposals for pacification; and this speech was probably published in order to show the king's willingness to meet them. Each party was naturally desirous to impute to the other the continuance of hostilities, though probably neither was seriously desirous of terminating them.

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Most gracious Sovereigne,

I AM not altogether unsensible of this businesse, wherein I am now called to give my advice. I know I shall suffer some disadvantage, being an Englishman by nation and education, and the best blood that runs in my veines I have extracted thence; besides, my fortunes have their scituation within these confines. What I shall now speak is not meerly *ex animo, sed ex corde*. Some may haply impute it as proceeding from strength of affection to that place and people from whence I came; but I doe protest, my zeale to your majesty shall, at this time, suspend the agitation of such principles, and I will set aside all particular relations, and looke upon the question as it is, and not as passion and affection may set forth.

The question is concerning wars,—an unknown subject, sweet to those that have not tried it; yet the worst of war is usually in the close: And of the conclusion of the most advantagious war that ever was waged, when all reckonings bee cast up, the conquerour hath had little whereof to glory. But this is not a warre betweene a king and a stranger, but between a soveraigne and his subjects; a neare relation, and they had need to be weighty motives that shall dissolve this knot. Subjects are easily lost: we see the worke is every day, but once lost, are hardly regained. Affections are like to crystal glasses, which broken, are hardly set together againe.

But these are not subjects as the kingly prophet speaketh of,—“a people that I know



not are subject unto mee ;” but your majesty may say of them as Adam of Eve, that was found out of his rib, “flesh of my flesh, and bone of my bone ;” or, rather, as David of his subjects, in the day of his inauguration,—“for my brethren and companions sake ;” for your majesty being theirs, and they yours by a double tye, you are not only *rex factus*, but *rex natus* ; and therefore the union being so straight, the motive had need be weighty that shall cause a man to set his own house a fire, and to destroy the worke of his owne hands.

Now let us consider two things : first, the necessity of warre ; secondly, the motives unto it ; whether they be *tanti*, and of such moment, that a king should hazard the uncertaine chance of warre, and the miseries that accompany it, rather then to forgo the same.

For the first, it is a good note of Tacitus, that Bellona should be *ultimum refugium*, because it is the worst refuge ; and if we consider the wisest kings that ever ware scepter in the latter times, how willing they were to deliver the stroake of warre, almost upon any termes.

If your majesty consider but the practise of King Lewis the Eleventh, and Henry the Seventh, which, of England and France, in the large list and catalogue of all their kings, cannot point forth two of more deepe and profound judgement, and better versed in the mystery of government ; yet what meanes they use (or rather did use) to divert the course, if at any time it did come within their channell : they counted it no dishonour to yeeld to their subjects demands, though sometimes unjust and unreasonable ; nay, themselves to bee the first seekers and propounders of peace. And so, by this meanes, when the storme was over, and things come to be debated upon the great corpit, they were masters of their own ends, and their subjects affections, and so obtained the victory without striking a stroke.

These wise kings considered the end of war was uncertaine, and the event various ; and he that committeth one errour in the warre, especially when the seat of it is in his owne kingdome, seldom has time to commit a second. We need not to goe far for instances : Richard the Second and Edward the Second will be fresh presidents for any that shall endeavour to buy the experience hereof upon such deare termes as they did. It should be in the body politique as it is in the body naturall. Phlebotomies should never be used but when the humours are so predominant that no other course will remove them, and that, unlesse they be expelled, they will occasion desolation.

But, blessed be God, there is no such necessitie in the case : there are some rough humours in the body politique, it cannot be denied, and some, it may bee, that worke obstruction in some of the lesser pipes of government, but when your *vena basilica* and *vena cava* are full of the royall spirits in them, have their proper influence and motion, without any opposition. What is now to be done by force is not fit for every subject : Some humours are to be expelled by *lena fines*, when all purgations make them malignant. There are three means to be used, that have not been tried, any of which are better then the means prescribed. The first removes the occasion. This can bee no impeachment to the scepter : the wisest kings have had their oversight in government, which a wiser day have taught them to recall.

Your father reigned gloriously, and commanded the affections as wel as the body of the English, yet he never sought the obtruding of *minimus infimis*, and yet none more zealous of a kingly government then he. It is an act of the extreamest folly to hazard the substance for a shadow not worthy to be contended for ; and if your majesty were master of your own desires, it would not add one cubit to your stature.

Secondly, If this like not, let time work it forth, and by this meanes swallow up the hooke, or induxor : the proposal of it left, recreets distastefull things, works most at first, least afterwards. By degrees, your majesty may work them to that, (which, for the present,) they wil rather dye then embrace. We see how, by degrees, the Romans

brought a royall slavery upon the world, which, if they had at first propounded upon down-right terms, had hardly been accomplished. If ever Norman William by degrees brought the English to weare the yoke, which, if he had at the first tendred, he either must have missed his ayme, or Norman no people to employ; ' so impatient then were the English nation to heare of a conqueror; and we see it is sometimes costly.

What if your majesty should seem to yield to the demands of the English now, and give the advantage of a faire game? Cannot your majesty remove the objects by degrees, turne the humours some other way, for a more seasonable opportunity to scue in things, by instruments more fit, and lesse subject to exception. The proposal of the course I hold more certain, more safe, more secure, which knows no law, but devours all the other: and I hold that kingdom most miserable which is forced to make use of a remedy worse then the disease.

Thus much for the first:—there is no necessity of warre, *rebus sic stantibus*.

Secondly, These things in agitation are not *tanti*, of such consequence as should require such a desperate adventure, as to hazard a kingdom at a cast. Plutarch wisely compared those that know onely to propose the means to such as fish with a golden hooke, the losse of which hooke is of more consequence then the fish they can take. Truly, to speake plainly what I think, they that advise war in this case, know not what it is to get, nor greatly care for the losse of a kingdom, so they may play their own games, and fish in troubled waters. Such counsellours as these were the bishop of Rosse to the late queene of Scots, and the bishop of Brookes to that miserable king of Hungary who was the cause and occasion to bring the Turke into Hungary, and the French into Scotland; both which nations have cause to wish that they never knew the way thither againe.

Three reasons have been given to perswade to war, I will not now answer, but leave to him that is better able, and instructed to such a purpose; whereof considering *nulla salus Bello, nulla necessitas Belli*.

My advice to your majesty is not to use warre, but when the end of it is a certaine or probable peace, and when there is no way left but that only to obtaine it.

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*Prince Charles his Gracious Resolution concerning the present Affaires of this Kingdome, presented to his Sacred Majesty by Doctor Duppa, Bishop of Salisbury, in a Speech delivered in the Princes behalfe, for a sudden Accommodation of Peace between his Majesty and his High Court of Parliament.*

First printed at Oxford, by Leonard Lichfield, and now reprinted at London, for John Rivers.

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When both parties were desirous of peace, there was, nevertheless, some difficulty in the mode of proposing it. Those who were about the king's person had, more than once, recourse to the prince's name. The following are a few particulars of the life of the venerable prelate who was probably the real author of the proposition made in name of his royal pupil.

"Brian Duppa, successively bishop of Chichester, Salisbury, and Winchester, was born at Lewisham, in Kent, March 10, 1588-9. He was educated in Westminster school, and, in 1609, entered student at Christ Church, Oxon. In 1614, he took the degree of master of arts, obtained, successively, the office of proctor, and the degrees of bachelor and doctor of divinity.



In 1632 and 1633, he was vice-chancellor of the university. Soon after, he was appointed chaplain to King Charles: in 1638, tutor to the Prince of Wales, and afterwards to the Duke of York. About the same time, he was nominated bishop of Chichester. During the misfortunes of the king, he constantly attended him, and after his death, lived in a retired manner, at Richmond, in Surrey. After the restoration, he was made lord-almoner, and translated to the see of Winchester, and died in the year 1662, aged 73 years.

MAY it please your sacred majesty, I am, by the commands of that lively image of your royall virtues, your gracious sonne, our hopeful prince Charles, first to make an humble tender of his duty to your majesty, and then to remonstrate to your supreme wisdom the sense his highnesse hath, in these so tender yeers, of the calamitous and intolerable afflictions that march, as it were, *magnis catervis*, through your majesties dominions, and the resolutions his gracious desire hath fixt on (with your majesties favourable allowance) for their sudden cure and remedy. Your highnesse was pleased, in his infancy, to commit the prince, the darling and little eye of this kingdome, to my tuition; and, without arrogating any thing to my owne paines, (in that *absit jactantia verbis*;) I must assure your majesty, in his very disposition then appeared the true character of royaltie, written by the hand of Nature in the faire table of his mind: and though *velle et nolle* was not then in his reach, it being not capable in so young years of the use of reason, yet that strong propension was in his soule to good, that he appeared in all his actions as if he had been moulded for the sovereignty and empire of the world. And those childish and gentle vertues once meeting (as now by his age they have done) with the guidance of reason and discretion, how incomparable and admirable they will grow, to the joy of the whole kingdome, and comfort of your majesty, may be conjectured by this, that he does with so much tenderness and grief resent the distractions and dissensions teeming in every place of your majesties dominions, and, with much earnestnesse, beseech your goodnesse to accept from me his intentions and resolutions concerning the composing these differences; which certainly have not been infused into the prince his highnesse by any counsels or perswasions of mine, or any other that attend his gracious person, but are meerly the issues of his own Minerva, the conceptions of his excellent and encreasing fancy. He is not ignorant (as sayes his highnesse, and so injoynd me to informe your majesty) that the injuries and disobediences which have been attempted against your royal dignity, by divers of your subjects, ought not to be put up, without punishing the offenders; but his highnesse humbly beseeches you to make more use of your mercy then justice: and surely in that (under your royal pardon) the judicious infant hath delivered that which Heaven commands, and commends to rulers of the earth, namely, to shew mercy:—I will shew mercy to the merciful. But your sacred goodnesse is so well skilled in all the works of mercy, that it does appeare a needless labour in his highnesse to incite your disposition to that which is already as inseparable to your royall nature as is your reason. The particular, if it please your majesty, in which his grace implores (for his sake) your compassion is, that you would graciously be pleased to let no further prosecution of justice or punishment be used against the persons of Captaine Lilborne, and other of the parliaments commanders, now prisoners here, and by the severe letter of the law condemned to death; his highnesse beleeving, and not without reason, (the parliament having declared as much,) that whatsoever punishment shall be inflicted on them, the same will be extended to the persons of such noble gentlemen as, in your majesties service, by the uncertaine chance of war, have been made their captives. And surely my opinion in that is concurrent with that of the princes. Besides, there can be no greater ornament to imperiall majesty, then to remit the offences of their subjects, especially when it is apparent they were not intentionall nor malicious offences; as my charity in-

duces me to beleieve these captaines never entertained the meanest thought of disloyalty to your sacred person or dignity, but came into the field, as it were, in the company, and by the examples of their neighbours. Nor should a publicke crime be attributed to a few private men, such as these are, who, having the authority of parliament for their putting on armes, believe, in their misled consciences, it was warrant sufficient for them to doe their endeavours in these unhappy civill warres. For the general state of the kingdome, dissected into several factions and distractions, the prince hath oftentimes, ever with teares, bewailed to me and others the miseries which oppressively are diffused throughout your majesties (his royall fathers) dominions; of which, though his yet budding reason cannot comprehend the absolute causes, yet he gives a shrewd guesse at them, far above the expectation of his tender yeeres. He hath informed me, out of his owne genius, royall sir, that he conceives businesses have beene transacted between your sacred selfe and your high court of parliament with too much acrimony and violence; for, as much as his small reading had informed his understanding, he had gathered, that the English parliaments were the best and most necessary councillors of the English kings; and then againe complained he was fearfull your majesty had beene misinformed against your parliament by some, who, for their owne pernicious ends, affected the fomentation and continuance of the dissentations; so prettily reasoning the causes and effects of these distractions, that, in truth, with much joy I heard his highnesse, resembling him to that young hopefull monarch of this nation, Edward the VI., who was indued with an inspired wisdom above his yeers; concluding with my selfe, that if that kingdome were to be held unhappy that had a child to their king, how fortunate and blessed were ours that had a prince, who, though in yeers a child, was a man in the purity and solidnesse of his discretion,—another Solomon,\* that (when Heaven takes your majesty from us) might sit upon the throne of his father David, and governe his people Israel with wisdom and equity: and surely we may believe that Heaven, as it hath conferred an eminent dignitie upon princes, transcending that of other inferiour persons, it hath likewise furnished and adorned them with more select and superlative understanding and indowments of the mind then are in other men.

But to his highnesse resolution, with which he desired me to acquaint your sacred majesty, he doth first resolve, that if God should please to take your majesty from him and us (which, in his mercy, we all hope he will not) during the time of these afflictions and distractions, that he a childe should then come to a scepter so incumbered, a kingdome so perplexed and rent in pieces with civill troubles, that it were impossible for him ever to quench the wild-fire of these distractions, which, out of the confidence of his weaknesse, and the inabilities of his youth, would increase past his extinguishment, and so diminish the royalty of this crowne, that he should be impossibiled for ever attaining to the full imperiall state and absolute monarchall dignity of his famous ancestors; a torture, I know, to the greatnesse of his spirit far more intolerable than death itselfe. Next, may it please your majesty, he resolves, that if these bloody and inhumane wars run through the body of this kingdome, that, as their subsequents, must necessarily follow devastations, ruines of cities and townes, by fire and sworde, murthers of men, women, and children, by the cruelty and barbarousnesse of the souldiers, the utter extirpation of Gods true religion and worship, sects and schismes usurping the face of truth, and bewitching the minds of ignorant minded people: All which misfortunes he imagines are reflexive on his gracious selfe, as he is your sonne, and (if God doe not, for our sinnes, take him away from us) must succeed your grace in the royalties of this and your other dominions. The townes or cities that shall or have been ruined in these wars, his highnesse accounts as part of his patrimony rioted from his inheritance:

\* When Charles II. attained the crown, at a later period of his life, little could be said for the purity and solidness of his discretion.



the subjects your majesty loses, he concludes, might have lived to have been his, and believes that their decreasing is a diminution to his power and the abilities of this kingdom. Finally, he takes to heart so all the evils which now overspread the face of this our earth, that they almost include his gentle and sweet disposition to an unwelcome melancholy, that it may prove prejudicial to his health and our hopes. And truly, so please your majesty, if, when your wisdom shall fully take it into your gracious consideration, nothing can be more destructive to the obedience which the subjects of England (should the prince ever arrive to be king) ought to pay his highness, then the remembrance of these warres hapning in your raigne; the people, who alwayes believe of time past according to the traditions they have from their fathers, being apt to credit that those bloody mischiefs were only occasioned by your majesty, and so your memory will be nothing gratefull to posterity; and where they doe not affect the memory of the father, hardly can that various beast the multitude ever be induced to love and reverence the sonne. Besides, should the wars continue, what insufferable daily miseries must this wretched kingdom expect, when all places shall only be, as it were, constant scenes where tragedies are daily acted. And for that phenix, true religion, which hath long beautified this nation, if she expire by the malignity of these wars, we must not expect a new one will miraculously arise out of the parents ashes: a new one there may, but not a true one; it will rather be a harpy then a phenix,—some strange compound of sundry schismes, polluting the beauty of the church of God; or perhaps every man will be of his owne religion, or else be of none at all.

And what a strange and uncouth metamorphosis this will be, your majesty may judge, and so depress the serpent while it is in the egge, lest, if brought forth, it grow up a dragon, formidable, for its poysonous venome, to all your dominions. In the princes name, therefore, most dread soveraigne, and by his appointment, and for his sweet sake, the staffe and prop of your age, and the growing hope of this kingdom, I am to beseech your majesty to thinke on some way for a speedy accommodation betwixt yourself and the honourable your high court of parliament. The princely hopefull sonne intreats it, your nobles hope and expect it, and, briefly, as the maine support of your royal dignity and the prosperity of all your kingdom, your people, that bleed with these wounds, and groane under that burthen of war, implore it from your goodnesse:—for all their sakes, in especiall for your princely sonnes, for whom I am now imployed, an elegant orator, great king performe it. And so, begging your royall pardon, if the zeale I have to the cause of your majesties service have made me transcend my commission, I beseech Him in whose hands are all the corners of the earth, and the hearts of princes, to give no lesse then Methusala's date to your raigne over us, in peace, prosperity, and plenty.

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*A Whisper in the Eare, or a Discourse between the Kings Majesty and the High Court of Parliament, concerning a Pacification and Conditions of Peace, by a Scholler of Oxford, and a Citizen of London.*

Blessed are the peace makers.

Oxford, printed by Leonard Lichfield, Printer to the University, 1642.

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This is a royalist tract, composed for the purpose of at once representing the king's arms and preparations as formidable, and his dispositions to peace as sincere, and deserving of confidence.

Such were the various artifices and arguments by which either party endeavoured to cast upon the other the blame and guilt of the civil bloodshed. The author seems also to have had it in view to excite among the presbyterians, to whom we must suppose his Citizen belongs, a jealousy of the various sectaries, afterwards so well known under the general name of Independents. But the presbyterians continued to use them as auxiliaries, until the sectaries became strong enough to dictate to them, as masters and conquerors.

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*A Conference between a Gentleman of Oxford and a Citizen of London.*

*Cit.* NOBLE SIR, y'are welcome, more, and most welcome, all the degrees of welcome; thrice welcome you have beene, and shall to my house, and to the best entertainment I may, or can afford you.

*Gent.* Deserving friend, you have really shewed it, and I have experimentally found it; for which I must ingenuously acknowledge that I am deeply engaged in the debt-booke of your love, and so farre runne in arrerage upon the score of your favour, that, for the present, though I am your obliged debtor, yet, for the future, I shall endeavor, by all faire and civill respects, to demeane myselfe as your avowed, devoted, and most gratefull servant; for to you I may well say, as sometimes Æschines said to Alexander, *Debo tibi meipsum*, I owe you my very selfe.

*Cit.* Sir, you transcend the spheare of my deservings; and assure yourselfe I am all yours.

*Gent.* You are all goodnesse, the cord of whose fidelity hath so firmly tyed me unto you, that I am yours soly, and yours inseperably, yours perpetually, upon all occasions, wheresoever, whensoever, or in whatsoever you shall vouchsafe to command me.

*Cit.* Sir, all the favour that at this time I shall request of you is, onely that you would be pleased to impart unto me the late passages and occurrences which have beene in agitation at Oxford, where his majesty hath been and is now resident: the state of the whole kingdome is concerned therein, and we Londoners are of the Athenians humor and disposition, desirous and inquisitive to heare newes.

*Gent.* Indeed, 'tis the demand of all men now-a-dayes, in all places wheresoever they come, what novelty is abroad. Harke in your eare.—The times are now growne so perillous, that to be an honest man its a dangerous matter; and who is truly religious, in these distracted daies, (wherein most men have a forme of godlinesse, but deny the power thereof,) 'tis a difficult question to determine. There are so many sectaries sprung up amongst us, that more for number, and the like to these for nature, was never knowne in the memory of man. Hence it is that so many men, so many townes, cities, nay whole counties are divided; some are for the king, others altogether for his great counsell, the parliament. Wiltshire and the county of Salop are wholly for the king, as by their ingagement and resclution doth appeare: Hartfordshire and Buckinghamshire (*cum multis aliis*) are as much for the parliament, and are fully resolved to hazard their lives in the parliaments cause.

*Cit.* 'Tis strange that such divisions should bee amongst such loyall subjects, under so royall a soveraigne; for though prince and people have been happy a long time, (to the admiration of other nations,) yet never did the king and kingdom suffer more then both these have done of late.

*Gent.* 'Tis not so strange as true: Ile tell you the ground of it. Harke in your eare.—In these our present distractions, when forraigne forces threaten, and probably invited, and a malignant party at home offended, the envious one, that grand impostor, hath cast a bone, and raised a contestation between the king and his two houses of parlia-



ment, touching the militia. His majesty claimes the disposing of it to be in him by right of law ; the parliament sayth, *rebus sic stantibus*, and *volente rege*, the ordering of it is in them. That ordinance of the militia, without the kings consent, hath been a foment of this militia, and was one of the bones of our unhappy division.

*Cit.* I am of your mind, that that was the first fuill to the fire of this unnaturall warre.

*Gent.* There was not wanting other matter to encrease this flame : listen, and Ile tell you:—the keeping the king out of Hull, and taking his armes and ammunition from him.

*Cit.* But, with your favour, sir, these were not taken from the king, but for the king ; and good ground is there for it ; for the high and honourable court of parliament is his majesties just and faithfull counsell, and whatsoever they doe, or have at any time done, is upon grave advice, and in mature deliberation, and doth undoubtedly tend to the good and benefit of the king and the whole kingdom.

*Gent.* You say well, yet give me leave to tell you, that the kings counsellors at Oxford are of another opinion : they confesse it is so pretended ; but the quere is, whether it be so intended ? If it be, why is his navy at sea employed against him ? why have they made an ordinance for settling customes without an act of parliament ? when an act of this parliament declares, that no custome is due without an act ; and all such persons as receive the same incur the forfeiture of a premunire. Hereupon his majesty hath set forth a proclamation, at his court at Oxford, the 16th day of this present moneth, prohibiting the payment and receipt of customes, and other maritime duties, upon that late ordinance of both houses of parliament. In the proclamation, his majestie doth relate, that the monyes arising from these duties are to support an unnatural rebellion against him, and to foment an intestine and civill dissention ; and doth thereby declare to all his people, of what sort soever, that whosoever, henceforward, shall, by vertue of the pretended ordinance of parliament, pay any monyes for custome, or other duties therein mentioned, other then to his proper ministers, what is due to him by the knowne lawes of the kingdom, that he will proceed against him or them in due time, as an ill affected person or persons to the peace of this kingdom.

*Cit.* 'Tis impossible that such an aggregate body as the parliament is, can, or should do any injury, either to the king or his three kingdoms.

*Gent.* I assent to you in that. It is not the parliament, (for that assembly is *fons justitie*,) but some malignant members of the representative body, which have been taxed by the king, in his severall declarations.

*Cit.* The king stands for his prerogative, the parliament for their priviledge ; about these there are a great distance, and grievous difference between them both, insomuch that both are displeased, and 'tis much feared that nothing but the sword can decide their controversie : I would to God it were once sheathed ; I am sure, so long as it is brandished over our heads, 'tis a sad omen of fatall destruction, and doth menace ruine and desolation to the kingdom of England. Warre is the way to destroy all ; and of all warre, a civill warre is the worst ; and at this time our land is so fruitfull of such monsters, who, like so many Neroes, are ready to destroy their owne mother. How many myriads of barbarous men are there amongst us, who delight in nothing more then in the effusion of blood : these are the hot-spurres of the times, whose spirits have no spirit at all to peace. All are not well-affected unto peace ; but it is, and shall be my prayer to the God of peace, that the wounds of this destructive warre may be healed, that our peace may be, as formerly it hath beene, againe restored ; and, to this end, I pray God amend all those that are malevolently disposed.

*Gent.* Amen, say I.

*Cit.* And further, may it please God to take away the wicked from the king, that his throne may be established in righteousness.

*Gent.* You wish well; but who (I pray you) are those wicked ones?

*Cit.* Why, the malignant party, and they are the cavaliers, and evill counsellors, that have bin, and are still about his majesty, who have seduced our good king, and withdrawn him from his great and best counsell.

*Gent.* I wish that all who have been engines in withdrawing, or maine actors of withdrawing the king from his pallace at Whitehall, and from his parliament at Westminster, were hang'd and drawn, for their labour and invention; for had not his majesty beene so withdrawne from us, there had not beene such an unhappy warre amongst us as at this present there is.

*Cit.* That I verily beleieve; but I pray, sir, resolve me who those mayne ropes are, (a rope take 'em,) in withdrawing the king.

*Gent.* Harke in your eare, for feare one of 'em may overheare me: Though my braines be muddy, I would be loth to have them washt in the kennell, by those rude, unruly, headstrong, and giddi-headed schismaticks. They are a rable of brownists and anabaptists, who have beene, and continew still the chiefe disturbers of the peace, both of the church and commonwealth. By their factious meetings and illegall tumults, they have driven his majesty from us: the king himselfe professeth no lesse in these words:—No other reason induced us to leave our city of London, but that, with honour and safety, we could not stay there; and it was in regard of them; therefore, they are a most dangerous and mischievous generation; they are like the devil himselfe: legion, multitudes of them are now resident in the city of London, in every parish round about us.

*Cit.* I cannot confide in all that you averre.

*Gent.* (Harke in your eare.) There are a great many of these waspes now at this instant in the countries and in the parliaments army.

*Cit.* Say you so.—Pray, sir, what have they done?

*Gent.* What have they done! nay, what have they not done? Their barbarous and sacrilegious inhumanity hath beene of late exercised in churches, as in Canterbury, Worcester, Oxford, and other places, where they have perpetrated and committed such horrid and unheard-of outrages, as Jews and atheists never practised before.

*Cit.* I am sorry with all my heart to heare it.

*Gent.* I would I had no cause to relate it. At Canterbury, in Kent, they no sooner entred the church and quire, but, giant-like, they began a fight with God himselfe; overthrew the communion-table, tore the velvet cloth from before it, defaced the goodly skreene, violated the monuments of the dead, spoiled the organs, broke downe the rarest windowes in all Christendome, with the antient railes and seates, and the brazen eagle that did support the Bible, forced open the cupbords of the singing men, rent some of their surplices, gownes, and Bibles, and carried away others, mangled all the service bookes and bookes of common prayer, bestrowing the whole pavement with the leaves thereof.

*Cit.* If such an outrage was committed, may they answer for it that did it.

*Gent.* Nay, this was not all; for, as if all this had beene too little to satisfie the fury and madnesse of these miscreants, they further encreased their malice and cruelty upon the arras hangings in the quire, representing the whole story of our Saviour; wherein observing divers figures of Christ, (I tremble to expresse their blasphemy,) one said, here is Christ, swore that he would stab him; another said, here is Christ, swore that he would rip up his bowells; which they did accordingly, so farre as the figures were capable thereof; besides many other never the like heard of villanies: and, not content therewith, finding another statue of Christ in the frontispiece of the south gate, they discharged against it forty shot at least, triumphing much when they hit it in the head or face, as if they were resolved to crucify againe the Lord of life. They threatned the ruine of the whole fabrick, and would have done more mischief, had not Colonel Sandis, with some others, come to the reliefe and rescue.



*Cit.* I pray God amend all that is amisse.

*Gent.* The times are grown so bad, that better they may be, but worse they cannot be. We heard lately, at Oxford, that many of your citizens have petitioned to the parliament for peace; their apprentices, likewise, and divers well affected young men of London have supplicated to the two honourable houses for a blessed accommodation.

*Cit.* 'Tis true, there are some for it, and some against it.

*Gent.* Sir Robert Heath, sometimes lord-chiefe-justice of the Common Pleas, after glad to have the favor to plead as a common serjeant, now lord-chiefe-justice of the Kings Bench, is in great fame and favour with his majestie.

*Cit.* So are many more at this present; but the parliament are fully resolved to proceed against two persons, (delinquents,) as the maine promoters and fomenters of this unnaturall warre upon the subjects; thereby to give satisfaction to the world, in an example of justice to be executed upon them.

*Gent.* Who are they?

*Cit.* The one is the lord Digby, whom fame taxes to be the adviser of his majesty to come in person to the house of commons in a hostile manner, to accuse the five members of high treason. This lord fayling of his end in that designe, advised a warre upon the parliament, as it evidently appears by his actions and preparations, both beyond sea and here in England, and by severall letters which have been intercepted. The other person demanded to be proceeded against is the earle of Newcastle, who hath put the sword into the papists hands, who hath, in a most rigorous manner, tyrannised over the kings good subjects in Yorkeshire, imposing upon diverse men great and grievous taxes, as, upon some £2000, upon others £3000.

*Gent.* This is one ground (as I am enformed) that the marquesse of Hartford hath of late declined the service his majesty employed him in; for that the king hath not onely given way to the raising of a popish army in the north, but hath granted commission to the marquesse of Worcester, a knowne papist, to be generall of the forces in those parts where he is; whose army consists most of profest papists.

*Cit.* Have you heard yet of Colonel Gorings late landing at Newcastle?

*Gent.* I have. 'Tis for certaine that that faithlesse colonel, once governor of Portsmouth, who afterwards desired banishment, and promised never more to serve against the parliament, is yet, for all his vowe and promise, come over againe, and hath taken up armes, contrary to his faith. He is landed, with a regiment of a thousand old, experienced souldiers, eighty brave commanders, and twenty peeces of ordnance, with all ammunition and equipage proportionable: besides, he hath brought with him armes for tenne thousand men, and her majesties standard, which is to be the blazon of her army, and erected at the head of it, (called the catholicke army,) under the command of the earle of Newcastle.

*Cit.* They say there are three regiments more comming from the northerne counties to the said earle of Newcastle; which army of papists, come compleated, will prove more formidable to this kingdome then is at present imagined.

*Gent.* 'Tis credibly reported, likewise, that in Nottinghamshire the cavaliers doe make a party, having possessed themselves of Newarke upon Trent, and put 400 men into the castle, and command the passage there over the river.

*Cit.* But Ile tell you of a strange thing, the like you never heard of: 'tis of a pamphlet that was on Saturday last published and printed, entitled, A Complaint to both Houses of Parliament. The author and publisher of it hath scattered many of them

\* Colonel Goring having been appointed governor of Portsmouth by the parliament, declared, notwithstanding, for the king, at the commencement of the civil war, but was obliged to surrender the town to Sir John Meyrick, on condition he should be permitted to go beyond seas. He returned, however, if Clarendon may be credited, to do more mischief, by his treachery and profligacy, to the royal cause, than he could do it service by his excellent talents.

in divers places ; as, in Pauls Church-yard, in Westminster-hall, and Westminster-aby. The aforesaid pamphlet is stuffed with intollerable language, full of bitterness and invectives against the parliament, and their legall proceedings : therein that great councill of the king and kingdome is called a corporation of projectors, and most unjustly taxed for doing nothing these two yeares past tending to the good of the republique.

*Gent.* In that the pamphleteer (or rather scandalous libeller) is most injurious to our grave senate ; for the world knowes, and we can all sufficiently relate what memorable acts, and never to be forgotten things, the indefatigable labours and endeavours of those worthies have effected, and brought to passe, for the publicke good, (against all opposition whatsoever,) ever since their first session, to this present day.

*Cit.* Blessed be God for it ; and I pray God still blesse and prosper them in their determinations and consultations.

*Gent.* And as that scandalous pamphlet is condemned to be burnt by the hand of the hangman, so may the malignant author, contriver, and publisher thereof be stigmatized and branded with the perpetuall marke of infamy, for defaming so renowned an assembly, in that false, and infamous, and libellous pamphlet. At Oxford lately, at the councill-table, the earle of Bristol made a speech, the effect whereof was to animate his majesty not to lay downe armes, but to prosecute the parliament with all vigor ; and, at the same time, the earle of Dorset rose up, and spake bravely for a happy agreement and concurrence betweene the king and his parliament.

*Cit.* Pray, sir, how stands his majesty affected ?

*Gent.* Our gracious king desires it, and would willingly, upon honourable tearmes, embrace it with all his heart : so doth his nephew, Prince Rupert, if we may beleeve that speech which he lately spake to his majesty and the lords of his privy-councell, at his returne from Redding to Oxford.

*Cit.* I shall love Prince Rupert the better for this, and am now perswaded that he hath suffered more by the obloquie and detraction of factious spirits then ever he deserved.

*Gent.* That I verily beleeve. For my part, I thinke there's no good man but desires peace.

*Cit.* May peace bee within our walls, and plenty againe within our dwellings.

*Gent.* May the clouds of discord, discontent, division, and difference be all dissipated, that there may bee a cleere and right understanding between the king and the parliament : then, come peace or warre, life or death, it is, and shall be our prayer, God save the king.

*Cit.* And preserve the parliament.

FINIS.

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*The Queenes Message and Letter, sent to the Kings most Excellent Majestie, from the Hague, the Eight of October, 1641.*

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Henrietta Maria, it will be remembered, left England in 1642, for Holland, carrying with her the crown jewels, by pawning which, she purchased supplies of ammunition and arms for the royal forces. This letter, giving an exaggerated account of her preparation, was probably published to give spirit to the partizans of the royal cause.

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Most royall and illustrious monarch of Great Britain, my great, my good, and worthy liege, the most regall object of my loving heart, best affections, and utmost endeavours, be pleased to let this paper, in all humilitie, salute your princely hands, and to give your princely cogitations some account of my endeavours (as I am bound in duty, and as I am your spouse and loyall wife) for your majesty in my absence, my love having now no other wayes left of expectation, but by being your humble and faithfull agent in accommodating and promoting your high affaires, wherein, if my words, the pledges and earnest solicitors for the improvement of your present fame and glory, may cary in them any strength of perswasion, I would earnestly encite your princely thoughts to a remembrance of your majesties resolution to carry forward your designes untill they grow to a famous maturity and ripenesse: maintaine and continue your cause and complexion, in the hardy prosecution of your affaires, without any mittigation, unlesse an honourable satisfaction may make you disbandon and rayse your former intentions. Now you have a large field given you, wherein the illustrious vertues inherent in your royall person may be actually expressed, and give the whole Christian world, which are now spectators, and the eye of all Christendome upon your person, a cleare approbation and testimonie that your majesty merits that noble attribute annexed to your royall title, *Defender of the Faith*; for by such like actions as these, princes live when they have paid their debt to nature, and will be their own monument, which shall be everlasting, and more durable then that of marble. Be therefore constant in your princely resolutions, full of your own cause, and your majesty shall never want external accommodations and forreign compliances, which, by my earnest endeavours and solicitations, have of late bin somewhat advanced, having obtained a list from our brother the prince of Orange, from whence, as the speciall merit did distinguish them in worth, I have selected, out of that number, some choyse, well experienced, and serviceable souldiers, such as shall bee forward, with courageous affections, to maintaine your princely affaires, and to amplifie your renowne and glory in the engagement of present actions: and out of these deserving men I have sent fifty stout commanders, who will be alwaies ready to do your majestie service in your army; and that I might further supply and serve your present occasions, I have caused 400 barrells of powder, and 10 pieces of ordnance, to bee conveyed to your majesty, besides good store of all other ammunition, necessary upon all warlike occasions. The compliance of our noble brother the prince of Orange is so settled in a firme complexion, sympathising, and affectionately agreeing with the present condition of affaires, that he hath, by many demonstrations, given testimony thereof, and, by rayising divers sums of money for my use, hath endeavoured the inclination of his particular affections. Amongst other accommodations, least your majestie should be any ways necessitated, I am to certifie your majesty, that the jewels of your crown are, for present receipts, engaged to some certaine Jewes of Amsterdam. Moreover, I am to give your highnesse cause to esteeme the cheerefull undertakings and forward alacritie of our brother the prince of Orange, who will, with all carefull vigilancy, be ready to take all opportunities for your majesties advantage, and will, with cleere intentions, wherein you may repose trust, bee ready to expresse himself in all Christian offices. My acknowledgment of Prince Robert's valiant courage and love, exprest in personall actions, and those adhering to your majestie, being arrived to my knowledge by a letter lately sent to Mr Jermin, must needs deserve my approbation and highest commendation, since his worth and noble actions are of such transcendent expression of princely merit. Amongst the other endeavours of my affectionate desires, the States have been earnestly solicited for their ayde and assistance, which, as yet, cannot bee induced upon them to grant, nor can I, by any perswasion, obtayne the effect of my urgent motion, though I hope my letters, sent unto my brother the French king, shall infuse a royall flame into his breast, and make him, through accomplable fullnesse of your highnesse cause, give such ayd unto your majesty, as may

expresse him royall in his thoughts, and tender of his regall relation unto your highnesse; but if my letter should be so unhappy as not fully to inflame and instigate his minde to awake his power in your ayd and defence, I cannot, nor will not see your actions, brought on with so much expectation, any way disanimated; but since the ages hopes must be the production and business of your weighty affaires, my personall solicitation shall, at my going into Fraunce, enduce and incline my most Christian brother to appeare in promoting and assisting your majesties cause and actions, which are so full of honourable justice. Though absent, still wee bee resident in your princely heart; and beleive my affections and endeavours are ever ready to serve your majesty.

Sir, I am, and allwaies shall be your most dutifull wife and liege woman,

HENRETTA MARIA.

*The Declaration and Petition of the Prince Palsgrave of the Rhyne, and the Queene his Mother, disclaiming and discountenancing Prince Robert, in all his unciuill Actions which he useth in this Kingdom, desiring both Houses of Parliament not to stoppe their annual Pensions due to them for his Cause, which they cannot help.*

The services which Prince Rupert did to his uncle in the civil wars occur at once to remembrance, so soon as he is named. It would seem that his mother and his brother, the Prince Palatine, were willing to be thought averse to his proceedings. The reason is sufficiently obvious. The parliament held the purse, and nothing could be issued for supplying the necessities of this exiled family without their approbation.

#### *Their Protestation and Declaration, &c.*

WE do, in the presence of Almighty God, and to all the whole world, and in the sight of all good men, in no manner approve, allow, give consent, or any way countenance the unjust and unruly actions of my son Prince Robert, now in England; and so do I the same with the queene my deare mother, by the same vow, dis-relish and hate all those outrages and cruelties of my brother Prince Robert; and it grieves us at our very soules for his unhumane cruelties we heare he commits, whose passion we cannot confine, and whose hot spirit we cannot calme, nor dissuade him from acting, by all the lawfull meanes which we have used, as by letters, messages, and intimate friends.

And our petition and desire is, to the honourable houses of parliament, that our annual pensions may be duely payd us, which is our chieftest livelyhood under God, and that we may not suffer and languish for his sake, whose actions and behaviour we cannot helpe: hoping that both houses of parliament will speedily consider of our petition which we have sent unto them; having continually found that favour from this kingdome of England, for their reall loves in our distresse, that we are bound to assist you and your nation, both with our prayers and thankes, which is only acceptable and best pleasing unto God, and to all righteous men.

And for my particular, I take God to witnesse, so long as I was in England with his majesty, I laboured for peace, and a reconciliation betwixt his majesty and his par-



liament ; but finding that I could not prevaile, but I was over-borne by a strong faction, who had his majesties care, I took my leave, and went for Holland, obeying and hearkning unto my dear mothers counsel, whom I shall willingly obey and abide with.

*From the Hague, 5. Octob. 1642.*

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*Advertisements concerning the Impeachment of the Queene's Majestie of High Treason, by the prevayling Partie of the Lords and Commons, which remain at Westminster, May 23, 1643.*

2. SAM. xvi. 21.

"And Abithophel said unto Absalom, goe in unto thy father's concubines, &c., and all Israel shall heare that thou art abhorred of thy father ; then shall the hands of all that are with thee be strong."

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The queen having landed in Burlington Bay, marched through Yorkshire, at the head of a small army, and joined the king at Edgehill. The house of commons, incensed at the activity which she had displayed, resolved to proceed in her impeachment, although it was a certain method to render desperate the hope of any reconciliation with Charles.

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THE purpose to impeach the queen of treason was no new devise, occasionally taken up by chance, but a design which had been plotted and concluded on before her coming into England ; for no sooner had they heard that she was in readinesse to depart from Holland, and that some ships of hers were already landed, under the conduct of Van Tromp, admiral for the states-general of the United Provinces, but, to prevent her landing, or destroy her person, it was ordered, by the committee for the safetie, that if the queene, or any of her ships, put into Newcastle, their foure ships, which lay hovering on that course of purpose, should either hinder them from coming in, or else give them battel. But then, upon a supposition she might come too strong, either to be intercepted or kept from landing, it was proved, at the same time, also, that a strict inquisition should be made into all her actions while she was in Holland, (concerning which they had before devised and published many foolish pamphlets,) and that according to such information as should come from them, an impeachment of high treason should be drawn against her, at her coming over ; which proposition was laid by at the present time, not so much out of any due respects to the king or queen, but because, as one of them affirmed, the times were yet unripe, and themselves not ready for so great a business.

Afterwards, having taken Reading, and finding that their armie, under Sir William Waller, had run over the west, and fallen into some parts of Hereford and Gloucestershires, the proposition was resumed, and the project followed ; which they thought fit to venture first in generall terms, and not to specifie the particular which they aimed at most ; for upon Thursday, May 18th, Mr Pym brought up a vote from the lower house, that all papists whatsoever, which had assisted the king, in the present war, against his parliament, with money, men, armes, or horses, should be impeached of high treason : at which the earle of Holland stumbling, in regard there might be some intention to include the queene under the generalitie of that expression, the earles of Essex, Bullingbroke, Manchester, the lord Say, Rochfort, and Wharton, and the earle

of Denbigh, being of counsell in the plot, severally declared themselves, affirming, that they sawe no reason why she should be excepted, in regard she had been such an active instrument in furnishing the king with all things necessary to pursue the warre; the earle of Essex not sparing openly to say she was the cause of all our miseries, and therefore most especially to be proceeded with all. But, in conclusion, to please the more moderate lords, it was ordered that the word whatsoever should be left out of the vote, and a verbal declaration made, that they intended not to include the queene in the vote at all: Which declaration, how it edified in the house of commons, will appear fully by a letter sent from a member of that house to a friend of his, and is this that followeth:—

*A Copie of a Letter from a Gentleman in the House of Commons, concerning the Proceedings of that House against the Queen's Majestie.*

Sir,

You have heard formerly, from some other hand, what dangers the queen hath suffered when she was at sea, and what she suffered at her landing; and now shall receive from mine a true report of greater dangers threatened to her then those she scaped at sea, or upon the shore, which is briefly this:—

This day, being Tuesday, May 23d, hath produced the design of the lord-generals coming hither, introduced, as it were, by an accident, on occasion of one of the Marleburgh prisoners that hath escaped, and was examined this morning at the barr, relating such extream severitie, and Turkish usage (as his words were) of the prisoners with you, that many perished for want of water and other necessities; which was sent up to the lords, to be examined upon oath, and to be published. On which occasion, Mr Sallesway, knight for Worcestershire, moved that this crueltie, proceeding all from papists and popish counsels, they might forthwith proceed to the impeachment of all the papists, even of the greatest, which he did not feare to name, the queene; who (as the boy of Athens) ruled the king, and the jesuites ruled her, and she was the fountaine of all these troubles. Darley seconded forthwith to impeach her. Strode moved to treat with her as a friend to reconcile all differences, or to impeach her, to disable her from doing them injury. Pym,—that all the danger and mischief which hath befallen this state hath proceeded from her, all from beyond sea, both before and since the parliament; and that there is no want of evidence against her: witnesse her known sending in of forreine aids of arms, munition, money, men, and coming over, and being in the head of an army against the king and parliament; and they ought not to fear to impeach her, for fear had undone all their business, and it was now time to lay it aside, and she to be forthwith impeached of treason. Rows and Sir Nevitt Pool added, her pawning the jewels of the crown; Sir Arthur Haslerigg, her countenancing and protecting of traytors. Sir Peter Wentworth agreed to have her forthwith impeached, being high time to lay the axe to the roote, as she was, of all their calamities. Mr Wheeler moved they might proceed more advisedly in so great a business: their over-hasty impeachment of diverse, as the lord archbishop of Canterbury, Justice Berkeley, and others, before they had fully considered of the facts and offences, had much disadvantaged the affairs, and disreputed the honour of the house, for which he was in danger of being questioned, but passed over. Sir Robert Harlow and Mr Pym again moved to impeach her forthwith, and to desire that a proclamation might be also forthwith made for her appearance. Sir Henry Ludlow moved a learned doubt, viz. if they meant to proceed by bill, he thought they would hardly get the royall assent; if they impeached her in the way of ordinance, they should be parties and judges. Sir Gilbert Gerrard for present impeachment; and Mr Martin, that they should not fear the dig-



nitie of her person; for he knew no person so high (he excepted none) but was subject to the law; and would not have her impeached by the name of queene, but of Henrietta Maria, wife to the king. Mr Maynard moved that it might not be proceeded in, being inconvenient now, when there was an overture of peace, and dangerous from abroad, in regard of her great alliance. Mr Waller seconded it most rationally, and that now it was most unseasonable, a rejection of all means of peace, and a sentence to fight it out to the last man; whereas we were bleeding already, to fainting, fitter to be staunched then more let out: and it would be so far from subduing the papists, that whereas they were now under law, if the sword should decide the question, the sword would be the law: and this day, being yesterday, appointed to consider of the waies of peace, this was a strange, if not an ill one to it, and a going from it to war. Mr Pym,—it is the fittest time now to do it, and will be a proper part of our answer to yesterday's message, to shew the cause of all our obstructions to peace, and declare our hearts plainly, and so it may be for her and our good, and the most effectual way to peace. Mr John Potts moved it might not be now, because it would make France our enemy, and bitter any message we shall send to the king. Mr Whitlock would not have it now, because it takes away all the hopes of peace, and leaves all to be ended by the sword; would bring in foreign force and all her alliance, to destroy our peace; and no vote of ours can secure our religion or peace, but the sword, if this proceed, must do it. Mr Martyn,—she hath been the cause of all our idolatrie, and now we shall make her an idoll to us. Mr Jephson would not have it now, for it would be understood a deniall of peace. Strode,—no peace rather than a massacre, which will follow, if we secure not ourselves, which no faith nor promise of theirs will do, they holding it lawfull to break faith with us hereticks. Mr Bagshaw,—her majesties actions are no levying of war against the king, within the statute of 25 Edw. III. Sir John Holland seconded him, adding, it would put all to the triall of the sword, and so hazard or lose all, for what that got, must and would be maintained by it. Long, Sir William Armine, and Mr Glynn, for present impeachment, thereby to weaken their enemies. And so voted, that the queene had levied war against the parliament and kingdom, (not naming the king, but as included in these two words;) and 2dly, that Henrietta Maria, queene of England, shall be impeached forthwith, by the house, of high treason: and accordingly, about one o'clock, Mr Pym carried up the impeachment to the lords bar, (who were intreated, about twelve o'clock, to sit till they came,) there being not above a hundred in the house whilst the business was in agitation, and voted, without division of the house.

Sir, you may see by this, &c.

*Tuesday, May 23, 1643.*

In the pursuit of this impeachment, which Mr Pym delivered (as it was observed) with great paleness of face, and trembling of bodie, which seemed to argue an affrighted conscience, it was advertised, by letters of the last of May, that some of the lords had called upon the lower house to send up their articles against the queene; and that it was replied, by Serjeant Wild, that they were not ready for it yet: by other letters, on the 7th of June, that, on the landing of an ambassador from France, the Lord Say began to wax cold in the business, and seemed desirous to wash his hands of the impeachment, protesting, in the open house, (which was strangely impudent,) that he had ever been against it: By others, of the 14th of July, that, amongst other motives laid before the Londoners, to draw them on to the raising of new forces to continue the war, the first was, that it would bring on the business of the great seale; the second, that it would further and promote the impeachment of the queene; which was the last time that this business hath been toucht upon, (for ought we know,) their affairs beginning to decline, and the times being more unripe for the prosecution then they were at the first making of the proposition. When their affaires are in better condition, and the times more seasonable, we shall hear more of them.

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*The Inhumanity of the King's Prison Keeper, at Oxford, or a true Relation of the most transcendent Cruelties, Cheatings, Cozenings, and base, dishonest Dealings of William Smith, Provest-Marshall-General of the King's Army, against the Parliament Prisoners under his Custody; as it was delivered at the Barre, in the House of Commons, by one, who, with many others, were sworn before the Lords, assembled in Parliament, and were Prisoners in Oxford six Moneths; being further confirmed by Captain Wingate, in the Commons House, he being a Member of the said House, and some time Prisoner in Oxford, the space of nine Moneths: Together with the Copy of a Letter from a Gentleman of Quality, confirming the former Particulars: Also, the Copy of a Petition and Articles exhibited to the King, his Councell of Warre against Smith: Likewise, a Letter to the Speaker, subscribed with Seventy Prisoners Hands. Whereunto is added, the unsufferable Cruelties exercised upon the Cirencester Men, in their Passage to Oxford, and at Oxford, in the Castle and Bride-well, when they were taken. Written by Edm. Chillenden, who was a Prisoner there six Moneths. Printed according to Order.*

London, printed by G. D., for John Bull, 1643.

*A True Relation of the transcendent Cruelties, and base, inhumane Practises of Captain William Smith, Pro.-Marshall-Generall of the Kings Army, extended and exercised on the Parliament Prisoners in the Castle at Oxford.*

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It is seldom, according to Shakespeare, that "the steeled jailor is the friend of men;" and it may easily be supposed, that the agitation of passions, during civil commotions, renders those who possess the power of subaltern oppression doubly hard-hearted in exercising it. The charge of cruelty to prisoners was retorted, it may be feared, with equal truth, upon the parliament's party; and the reader may compare the character of the cavalier jailor, Smith, with that of a roundhead seneschal of Windsor Castle. "There is none so insolent and intolerable as a base mean man started up into command or authority: we cannot give you a greater instance than in that beggarly Captain Ven, citizen of London, made colonel and commander-in-chief of Windsor Castle, who doth not only assume to himself the propriety of his sovereign's house, dating his letters to Jezebel, his wife, 'from our Castle at Windsor,' and building some additions to the Dean's lodgings, as if he meant to set up his rest there, and make that his habitation; when no place in that royal castle is fit for such a couple but the coal-house, and even that too good for them. But, as if there would never come a time to call him to account, he doth use the gentlemen soldiers taken by the rebels, and sent prisoners thither, with that cruelty and inhumanity, as if they were Turks, not Christians; for the gentlemen that are prisoners there are not only kept from church, nor permitted to receive the sacrament, neither from their own preachers, nor from any friend whom they could procure to do that office for them; nay, they were not permitted to joyn together in devotions in their private lodgings, but each man apart: and if this petty tyrant could have hindered that intercourse which every particular devout soul enjoys with his God, this atheist would have hindered that too. And because the sedentary solitary lives which they led were prejudicial to their healths, they earnestly entreated Ven that they might recreate themselves in the Tennis-court, near the keep, and offered to be at the charges of a guard, if those high walls, and the many guards about them, were not sufficient to secure them; but yet they were denied. Nay, when the sheriff of Sussex was brought prisoner from London to Windsor, very lame, though his chirurgion offered to Colonel Ven to be deposed, that, on the least neglect, his leg was like to gangrene, yet, after he came to Windsor, he was forced to lie, with the rest of the knights and gentlemen, on the ground many nights: at last, shewing his leg



to Ven, he confessed that he never saw a more dangerous lameness, and promised to acquaint the earl of Essex with it: and the sheriff himself, being acquainted with the earl, presuming on some interest in him, wrote unto him, to acquaint him with his condition, and earnestly intreating him that he might be sent to London, and disposed of, though in a dungeon, for a week, that he might have the assistance of his own physician and chirurgeon, offering to give any security, and be at any charges, to assure him of his safe return, to render himself true prisoner; but neither the sense of his misery, nor his earnest solicitations, could prevail with his excellency. And if the knights and gentlemen, who had money to bribe that compassion which they could not entreat, found no better measure at their hands, what then, think you, were those heavy pressures under which the soldiers groaned? There were in the castle eight poor soldiers, to whom the sheriff of Sussex allowed eight shillings a-week; yet, notwithstanding, because they refused to take the wages of iniquity, and serve under the rebels colours, and fight against their sovereign, they starved them; in so much, that, being released, (that they might not die in the castle,) coming into the air, three of them fell down dead in the streets: three more recovered as far as Eaton, where a good woman, for five shillings a-week, given for their relief by the sheriff of Sussex, gave them entertainment; and when the sheriff made his happy escape, he left them alive."—*Mercurius Rusticus; or, the Countries Complaint of the Outrages committed by the Sectaries*. London, 1685, 8vo, p. 99—101.

UPON the fifth of December, 1642, I was travelling upon the road, about my lawfull occasions, and in my journey towards Newbury, between Henley and Reading, I met with one, whose name was (as after I was informed) Whithead, and falling into discourse, asked him the best and readiest way towards Newbury, which he certified me was through Reading. But I answered him I was loath to goe that way, because of the garrison, and for feare of giving offence. He replied to me, that, if I pleased to goe that way, he would do me so much favour as to have me through Reading, without any let or stay. I, giving credit to him, went with him into Reading, and set up my horse at the Beare, where we supped together, and there did inne all night. On the morrow, early in the morning, (the aforesaid) Whithead came to my chamber, and certified me, I must goe before the governour, which was Sir Arthur Ashton, (a ranke papist, as I'am informed.) Being come thither, there was also Colonel Fielding, which knew me to be a Londoner, and takes me by the hand, and swears he was very glad he had met with me, and so certified the governour that I was as arrant a round-headed rogue and traytor as any was in England, and one that hath seven hundred men to command at any time, to aid the parliament. With that, the governour, without any further examination, swore at me bitterly, and calls me dam'd rogue and traytor, and with that strook me with his cane on the head, and broke it very sorely, and swore like a mad man that he would presently hang me; and, with a guard of musqueteers, did send me to the gallowes, where I stood some quarter of an houre, expecting death; but such was God's goodnesse toward me, that I was conveyed from thence to prison, whither came the aforesaid Whithead, and, in the name of the governour, took away my moneyes. On the next Lords day, I was conveyed to Wallingford, and, the Wednesday following, to Abington. I being brought before the governour, Lieutenant-colonell Sherly,<sup>1</sup> there being divers cavaliers in his company, and one whose name was Smith, that had the watch that day, he would needs have me to say the Lords prayer over to him; which I refused; yet, to give him satisfaction, I told him, if he pleased to lend me a Bible, I would read the chapter over where that was; but that would not content him: he swore he would lay me, neck and heels, in irons; which to prevent, I addressed to the governour, and said, Sir, I conceive I am your prisoner, and this gentleman hath nothing to

<sup>1</sup> "This carriage of Ashton and Fielding is not to be paralleled in Turkey, or any part of the world."

<sup>2</sup> "A very moderate, civil gentleman."—*Orig. Notes*.

doe with me; and if it be your pleasure to put me in irons, I am content. With that the governour said, You came without irons to me, and without you shall go away: but Smith<sup>1</sup> swore I should not: they swore so long, that they fell to blowes; and by this difference, by Gods providence, I received mercy from the governour.\* So, the next day, being Thursday, I was convey'd to Oxford Castle. But, to leave my particular sufferings, and come to give you a relation of others, I shall begin with a relation of the usage of the prisoners taken at Malborough, (in the county of Wilts,) by the cavaliers, in their passage to Oxford.

After they had surprised the town, and had taken one hundred and eighty odde prisoners, they drove many of them through the waters, and the first night thrust them all up into a nasty stinking stable, amongst horses, where was one horse dead; there they continued till the next morning, and had no food allowed them; and so drove them, like rogues and thieves, tied together by the armes, in the horse way, up to the knees in mire and dirt, and allowed no food to them, nor suffered no friend to come at them; for a man coming to see some of them, was carried away to Oxon, to prison, with them; and in foure daies time, as they were drove from Malbrough to Oxford, were allowed no food, but only, at Lamburne, a gentleman did provide some for them; but they would scarce give time to receive it; and that was all the sustenance they had in all their passage, not so much as water; for some of them being drie, would faine have drank of the water in the high-way, but they would not suffer them; nay, they strook many of them over the heads with their canes, for stooping to take a piece of ice, to hold in their mouths, to quench their violent thirst.

On Friday, they came to Oxford; and as they passed through the streets, towards the castle, there was much rejoycing by the inhabitants, scollers, and souldiers, calling them round-headed rogues and traytors, and striking some of them. One passage is worthy observation,—that the lord George Digby<sup>3</sup> and Commissary Wilmot took Master John Franklin, member of the house of commons, and led him away, from all the rest of the prisoners, to a tree, and there swore deeply they would hang him, like a damn'd rogue and traytor, if he would not confesse where his money was. And this is a short relation of these mens sufferings before they came into the castle.

Now you shall know our usage after we were in the castle, under Captaine William Smith.<sup>4</sup> The first night we were put up into the Tower, one hundred and eighty odd; the place being so little, that we were forced to lie one upon another, and were allowed one penny bread a peace, and a can of small beere, (water was better;) and so for the best part of thirteene, nay some of us twenty-three weeks, were allowed no more; some of us have many times been two daies without any thing at all; so that, by this cruelty, and lying on the boards, many fell sick, and very weak in body, almost all of us like to perish, and end our daies by the bloody flux; and one of us was starving to death: and as this man was drawing on towards his end, Marshall Smith was solicited, in all the faire waies that possible could be, by the gentlemen and captaines there in prison, that he would suffer something to be provided for the poore man; but such was his crueltie, that he would not; and so the man died.

Some few daies after, he called us to take the protestation,<sup>5</sup> which he stiled the kings: we desired to heare it read over to us; which when we had heard it, we refused it, as being against our consciences; telling him we had taken one already, which was the king and parliaments: He swore at us,<sup>6</sup> and call'd us damn'd rogues and traytors, striking

<sup>1</sup> "This is not Smith the marshall, but a captain of a foot company."

<sup>2</sup> "Who afforded me a good supper and bed, at the provose-marshalls quarter, that night."

<sup>3</sup> "By this you may see how the lord Digbie and the now lord Wilmot loves the house of commons."

<sup>4</sup> "This is not Smith the fencer; his name is Thomas Smith."

<sup>5</sup> "He saies it was a base protestation, onely framed by a company of rebels and traytors, to take away the kings crown and life."

<sup>6</sup> "But he was forsworne; for we shewed him a faire paire of heels."—*Orig. Notes.*



us with his cane, drives us all up into the tower, swearing deeply he would make us take it, or he would make us shit as small as a rat : whereupon he gives command that no body be permitted to come at us to relieve us, either with food or linen, causes a hole to be made up, where things used to be conveyed to us, and confined us to our former allowance ; and charge was given, upon pain of death, that no more should be allowed us, or any thing else permitted to come at us ; which was accordingly done ; for food being sent to us out of the citie by some, he caused his souldiers to take it away, and eat it. Then the gentlemen and captaines imprisoned made a weekly purse for the reliefe of the poore prisoners, (and made<sup>a</sup> Lieutenant W. Dingly steward of it :) which if they had not done, I am very confident we should halfe of us have perished. He causes this to be restrained, and threatens the steward to lock him up close prisoner, if he did after offer to relieve us with bread or beere.

Some small time after this, Sir James Peniman wanting souldiers, they called us downe into the yard ; and as we passed through the great chamber, where at least twelve or fourteen gentlemen lodged, and had washed their hands in a bason of water, such was our extreme drought, that we could not be restrained from drinking it, yea, the very raine water that was on the barrels heads that stood in the yard.

There they propounded to us, that if we would take the protestation, and take up armes, to serve in that armie, we should presently be all released. We all refused it. With that Peniman swore at us, and Smith ran after us, as fast as his lame legs would give him leave, drives us all up again into the tower, striking us with his cane, swearing deeply that he would make us take it, or he would make us to shit as small as a rat ; and so kept us still to our former allowance.

When they had tryed by all these wayes of cruelty they had, or could extend to us in the castle, then they sought by faire meanes to win us ; and Sir James Peniman and Smith calls us all downe into the yard, and there they argue the case to us, and alledge the Scripture to us, (as the divell did to Christ ;) but when they saw that by this they could not prevaile with us, they swore most bitterly at us ; and Sir James Peniman swore, God dam me, none of us all did belong to salvation, but were a company of damned rogues, rebells, and traytors, and swore we should bee made to take the protestation, for we should have no victuals allowed us ; saying, they that would not worke should not eate ; and so we were kept without any thing for a day and above. And to extend his crueltie, and increase our misery, Smith causes us, on Monday,<sup>b</sup> Feb. 6th, to be removed from the castle to Bridewell, to the dungeon, where we were, above forty of us, put down into it, about foure weekes, thronged in so little roome, that wee were scarce able to stirre one by another ; the place also being made very noysome, because<sup>c</sup> we ceased ourselves in the same, so that in some place of it we might go over the shoes in pisse and filth.

About a fortnight after we had bin there, a petition that wee had made to the lord-generall of that army, and a letter that was written to London, setting forth the barbarous usage of us by Smith, came out in print :<sup>d</sup> whereupon the generall, as we conceive, appointed commissioners to examine the truth of the things contained in the letter and petition ; and on Monday, Feb. 22d, six of us, namely, Edmund Chillenden, Thomas Cheny, Edward Leader, Edward Bradney, William Whitlowe, Joseph Bliset, were, like felons and rogues, brought through the streets in irons, to Sir Jacob Ashleys,

<sup>a</sup> "A lieutenant of horse."

<sup>b</sup> "But after this, fourteen were removed out of the dungeon to an upper chamber, so little, that we could not lie down when we went to sleep."

<sup>c</sup> "There being never a house of office."

<sup>d</sup> "The letter was printed in my name, which is Edmund Chillenden, which Smith would have fathered on mee, but hee could not prove it. But this letter and petition nettled Smith, that he gave the captain and gentlemen a great deale of liberty upon it."—*Orig. Notes.*

where was Dr Reeves, the kings advocate, and two other commissioners, who, instead of examining of us, fell a railling at us, asking us to take the protestation. We answered, we had taken one already, which was the king and parliaments, which wee would maintaine to the last drop of our bloods;<sup>\*</sup> but as for this protestation, we know not what it is, nor whose authority it beareth; for we know that the lawes of this land provide, that no oath should bee forced on us, contrary to consent in parliament; which lawes were our inheritance, and therefore wee would defend and maintaine them, as our proper rights and liberties, and no wayes betray them; or words to this effect. We further said, that, to sweare the earle of Essex was a traytor, or the army under his conduct was raised against the kings, or that the kings proceedings with his army was good and necessary, or whether the subjects of England were bound, or not bound, by the votes, acts, and orders made by the lords and commons in parliament, was a high point, above our capacities to decide, and therefore desired to be excused from taking that oath, conceiving that we must not sweare upon doubts and questions, but in judgement, righteousness, and truth. Smith he cries out, Harke, harke, they are a-preaching. We then complained to them of our ill usage, and told them it was the way to starve us, and that many of us were sicke in the dungeon, and desired they might bee removed where they might have more aire; and wee said wee hoped that it was not the king's will, nor the counsell of wars pleasure, thus to destroy us. But Dr Reeves told us, in plaine termes, that it was the kings mind, and counsell of wars pleasure to destroy us, and took his spectacles,<sup>2</sup> and looked on us, and said, we looked as fat as conies; and so we were sent backe againe to the dungeon; and those that were sicke grew weaker and weaker; so that one eased nature as he lay,<sup>3</sup> and another was troubled with continuall vomiting: those things were grievous to us, they being done in the place where wee all were. When Smith came to Bridewell, we complained to him of it, and desired him that they might be removed where they might have more aire, and have some comfortable thing made, and permitted to come to them, or else they would not live long. He cald us, if we would take the protestation, we should have any thing we desired; but if we would not, if wee all died hee did not care,—wee were our owne murderers; and did not permit any thing more to be allowed, save our former allowance; not any friend, no not our wives, to come to see us, or any to have our shifts washed: nay, hee put the man that dwelt in the Bridewell in prison, in the castle, because he had meat a-boyling over the fire for his owne dinner; and all Smiths men came, and eate up the mans meat; so that by his cruel usage, the afore-named Giles Carter ended his daies in great extremity.

We, seeing this, conceived in ourselves, if wee staid here, there was no way but of death and perishing, did, with one consent, resolve our selves of this extreme misery; so we, with our knives, and the hooke of a doore, made a hole through a free stone wall, above a yard thicke, and so all that were well went forth, which was about forty, whereof four were taken againe, and six was left sicke in the dungeon; which six (when Smith knew the rest were gone) laid in irons, when we were so weake as not able to stirre; and so kept us till Thursday or Friday, having nothing to comfort us but water; and then wee were removed to the tower in the castle againe, where, in the roome where we were put, was about sixty men, and many sick of the small pox, so that the place was very unwholesome and nasty, and there allowed us one penny bread, and a can of beere.

I come now to relate to you some other of Smith's tyrannicall and dishonest practices.

When Marlborow men were sick, Smith gave to one Mr Betterise, a chyrurgion of

<sup>\*</sup> "I making this question, because it was I that spake for all of us. They told me that I should, of all the rest, bee hanged, saying, you are a peremptory rogue indeed."

<sup>2</sup> "But the doctor hath forgot his spectacles would multiply."

<sup>3</sup> "Namely, one Giles Carter and Caleb Selfe."—*Orig. Notes.*



Oxford, 5s., to provide some hot and comfortable things for the sick prisoners. Mr Betterise laid out some of the money presently. After this, meeting him in the street, demanded his money of him, and threatned him, if he would not give it him; so Mr Betterise gave him all his 5s. againe, though he had layed out some of it before. This Mr Betterise did use to come at first into the castle to dresse the wounded prisoners, and by that meanes knew the disease of the sicke prisoners, did say to some neighbours of his, that they were spoild for want of water; and so indeed they were; for we had no water sometimes in two dayes time. Smith he heares of this, and meeting with Mr Betterise, put him in prison in the castle, for so saying; but was, within a short time, by Sir Jacob Ashley, released out of the prison, but by Smith commanded to come no more to dresse the wounded prisoners.

About this time there were some prisoners brought in, which were taken at Banbury, and amongst them was one that was wounded in the head with a pole-axe. Smith was, by the gentlemen and captaines, in all the faire wayes, intreated to let a surgeon to come in to dresse him: He would not permit any to come, so that this mans wounds festered and stuncke, and in a short time hee ended his dayes in great extremity.

There also being in the tower many prisoners, and they having had no water in twenty, nay forty-eight houres time knockt for water. Ockdon, the captaines man, came and told them hee could help them to none, (though the river runne by the doore.) They, being dry, knocked again: Smith came himself, and said, I will give you water; caused three or four of his men to come arm'd, to guard his person, and cal'd down one that was my lord Saies miller, and layes him in irons, neck and heeles; and one Sergeant Wallis, he canes him at least sixty blowes over the head, and wounds him very sorely, that he hath lost one of his joints; and after this layes him in irons, twenty-eight pound weight, neck and heeles, and so keeps him forty-eight hours in a nasty dungeon, without bread or water, or any other sustenance; and caned Lieutenant Whitehead, and layd him in irons; and, to colour over his tyranny, commands his men to say they made a mutiny.

There was one Mr Freeman, a constable neere Banbury; Smith cals him to take the protestation; he refuses it: Smith said, if hee would not take it, hee should go up into the tower: hee said, that was the worst he could doe to him. Is it, says Smith, you damned rogne; and striked him with his cane, swearing bitterly at him; laied him in irons, neck and heeles, set him on a cold stone in the yard, takes away his coat from him, sets a sentinel over him, so keeps him three or four daies, in the winter time, without either bread or water, or any other food. This Freeman was also removed to the dungeon of Bridewell, where he escaped to his own house, and there was taken againe, and brought into the castle. Smith layes him in irons; and so he ended his dayes also in great misery.

The same day, he called down one of Marlborow souldiers, and offers him the protestation: the youth refused it. Smith sweares at him, and beats him with his cane, layes him, neck and heeles, in irons, puts him in a dungeon, set a sentinel over him, so keeps him till he had forced him to take the protestation, and allowed no food to be given him.

There was one Mr Wierby, a minister, and one Mr Price, and one Mr Selven, that did refuse the protestation: hee strikes them, and breaks their heads, makes the blood run down their eares, and sends them to the dungeon in Bridewell.

There was one Mr Edward Bradney, that had a man exchanged for him, yet had not his liberty. Smith told him, if hee could get 10*l.* to pay his fees, hee should have his liberty. Mr Bradney got 5*l.* told Smith, I have, 4*l.* 10*s.* Smith said he would not take that; so Mr Bradney was putting up his money againe: Smith snatches his money from him, and said, I will keepe this in part of payment; so took away foure pound, and kept the man in prison six months after; first in the tower, then in the dungeon in Bridewell, where hee escaped, but was taken again. Smith laied him in irons, hands and feet, and so keeps him about eight weekes. By reason of this cruell usage, he fell

very weak and sick; and in his sicknesse he would not suffer any body to come to helpe him in his great extremity, so that for three weeks he lay in his own dung and pisse, and so, by a long and languishing disease, being pined to nothing, in a great deal of woe ended his dayes.

There was one Richard Cawdle, and one Robert Neale, that escaped out of Bridewell, and were taken againe: he burnt them with match, between the fingers, to the bone, and laid them in irons, hands and feet, suffers no surgeon to come to them; so keeps them eight weekes; and they both, in this extremity, ended their dayes in much misery.

There was one Andrew, of London, who came to Oxford, and being brought into prison, Smith himselfe took 23s. out of his pocket, and kept him there a short space, and then turning him going, but never gave him his money.

There was one Mr I. A., the lord of Douns man brought in for a spie; he tooke the protestation, and was by Smith released, paying 50s. fees; and hee comming into the castle to see a friend, Smith would not let him goe till he had paid him 50s. more.

There was one Mr Wilde, a minister, a malignant, committed to prison, who lay there seven daies, and paid Smith 3*l.* 10s. for his fees.

There was two Londoners, Mr C. Mr M., that tooke the protestation, that paid Smith 20*l.* for their fees.

There was one William Burthen, a constable, that tooke the protestation, and was by Smith released, paying 4*l.*; but he afterwards heard he was a rich man, got him in prison againe, and there keepes him, to make him pay 60*l.* more; and did not let him goe, till hee had paid him 20*l.* more.

There was one Mr Ad, of London, prisoner: Smith tooke 5*l.* 10s. out of his pocket, and never gave it him more.

There was one Mr W. B., a gentleman whom the bishop of Armagh<sup>\*</sup> perswaded to take the protestation: hee was released, paying 20*l.* fees: Smith gets him againe, and keeps him prisoner, till he had made him pay, or given him bond for 30*l.* more.

He also got a bill of exchange for 30*l.* from Captaine Wingate and Captaine Austen; but he hath not yet paid them, though he hath bin often asked for it; and Captaine Austen asking him for it, Smith gave him very opprobrious words, calling him shitten prentice boy, and threatned to lay him in irons, neck and heels.

There was one Dr Claiton, doctor of divinitie, of Waltonstow, in Essex, (as he himselfe said,) who was taken at Branceford, and carried to Oxford prison, who, lying there in great misery, did endeavour to make an escape, and getting over a wall, fell downe, and broke his neck.

Captain John Lilburne, he kept him in irons nineteen or eighteen daies; and since he being very sick, even to death, yet would not permit any woman to come to look to him in his sickness.

Captaine John Franklin, and Master John Brown, gentleman, he ironed together, and so kept them a good while; and since, Captaine John Frankling is dead.

Master William Dingley, a lieutenant of horse, he laid him in irons, and so kept him eight or nine weeks. He kept one Master Andrew Ellis (one of my lord-generalls life guard, a gentleman of the innes of court) in the tower amongst the common prisoners, and made him to lie on the boards.

Master John Frankling, member of the house of commons, he hath most basely abused, and calld him rogue and damu'd traytor, yea, stinking fellow, and took him by the shoulders, and thrust him into a little chamber, saying to him, you are a damu'd traytor, and I will use you like a traytor; locks him up close prisoner, and gives the key to one Bradshaw,<sup>†</sup> that was a cavalier in prison: and Smith, on purpose, set on this Brad-

\* "You may see, by this, that if there be any villany to be done, a bishop is at hand to act it."

† "This Bradshaw being sick, did confesse."—*Orig. Notes.*



shaw, and one Captaine Cew, one of the cavaliers, an Irish papist, to drinke healths and carrouses in the roome with Mr Frankling, to abuse and torment him; and hath ever since kept him close prisoner. And Captaine Walton, Captaine John Lilburne, Captaine Vivers, Captaine Catesby, Captaine Scroope, Captaine Auston, Captaine Lidcot, he hath kept them all close prisoners, for the most part of their time, and seldome would permit their friends to come to visit them, no, nor their wives to see them.

Yea, he hath taken away the beds from the captaines, and made them to lye on the cords, and, against their wills, placed some of the cavaliers in them.

As for Captaine Wingate, he hath alwaies kept him close prisoner alone, without any company, not suffering him to conferre neither with men nor books, nor permit him to have a Bible, only when Blage was hanged. Master Harfeild, minister of Banbury, and he was in one chamber; and Smith had layed this reverend minister in irons, hands and feet; and after that Blage was dead, brought his body, and threw it into the roome where Captaine Wingate and this was, and so locked them up all three close prisoners: and many times Smith hath kept those that have died so long, that they have stunk like to poison them, nor would not carrie them away, till the prisoners were constrained to pay for their buriall. He would not suffer Captaine Wingate to walke in the garden, for his health sake, notwithstanding the kings mind was that he should, as hath been in my hearing declared by the lord of Craford.

As for Captaine Clifton, Catesby, and Captaine Vivers, they being in Banbury, his majesty was pleased, by his herauld of arms, to declare, that if they would come and yeeld themselves to him, they should have a free pardon; the which they did; and had also the lord-generalls word, on his honour, to confirme the same: yet, after this, they were brought to Oxford prison, and by Smith kept there, and were, before the lord-chiefe-justice Heath, on oyer and terminer, arraigned for their lives: Whereupon they both of them made a petition, declaring his majesties act passed to them; which was acknowledged by the generall, as appears plainly by the answer of the petition: and thereupon order was given, they should be released; yet, notwithstanding, Smith kept them in prison close; and, by his ill usage, Captaine Catesby is since dead, and Captaine Vivers hath bin almost at deaths dore, and is yet prisoner: Therefore it behoves the king and the generall to vindicate their honour, by executing justice on Smith, for thus grosely abusing the king and the generall.

He hath kept many in prison (after they have been pardoned by the king, and have taken the protestation) for excessive fees.

But, to let all the world see he is a knave in all respects, and to all persons friends and foes, he hired a priest to preach in the prison; and this priest was as base as Smith himselfe, and would raile against the parliament and the citie of London, as loud as Smith; yet when this priest came to demand his quarterage of Smith, he, to save his money, and deprive the priest of his due, calls him all to naught, and saies to him, you raile against the parliament; you shall have quartering; and so claps irons on the poore priest, that he was glad to loose his money to be rid of his irons; and so he serves all his men, when they aske him for money. Now, let all the world judge whether it be for a kings honour to have such officers.<sup>2</sup>

And further to set out his base dissimulation, when the commissioners from the parliament are in Oxford, then to make the matter faire, as if he were a stranger to a tyrant, he will let the gentlemen and captains have liberty to walke in the garden, and suffers their friends and wives to come to them; but as soon as ever they are gone forth

<sup>1</sup> "The petition I have seen, with the answer, but as yet cannot procure the copy of it. He would not release Captaine Catesby, because he would not pay him £200 for his fees: and so also he did by Mr Harfeild, minister of Banbury, and so by Captaine Vivers. I do not believe any of them committed any fault deserving any pardon; but this I say according to their proceedings."

<sup>2</sup> "By this it is clear that the parliament is not in the least mistaken, in saying the king is kept and invironed in by rogues, knaves, and thieves."—*Orig. Notes.*

from the city, he locks them up close prisoners, and debars all friends, yea, their owne wives, and, though they be sick, will not suffer them to come to helpe them in their extremity, nor no phisitions, but whom he will appoint; which, for ought any knowes, may poison them; for, in a short time, there hath died of these gentlemen, Captaine Lidcot, Captaine Fleminge, Captaine John Frankland, Captaine Gastrill, Captaine Stevens, junior, Captaine Stevens, senior, Captaine Plaier, Captaine Austen, Captaine Caseby, Lieutenant Flower, Master Witman, merchant of London, Mr Herfield, minister of Banbury, old Thomas Web, and three more clothiers of Glocestershire, and four more common men, which are before mentioned.

There was a clothier of Glocestershire which was released: Smith got him againe, and kept him in prison, to make him pay a great summe of money; and there the man ended his daies.

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*A True Relation of the taking of Cirencester, and the cruell Dealing of the merciles Cavaliers towards the Prisoners they there took in their Passage, as they went to Oxon, and at Oxon.*

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The following is Clarendon's account of the taking of Cirencester, in which he seems to admit a part, at least, of the charge of licence and inhumanity brought against the soldiery of Prince Rupert.

"In the beginning of February, Prince Rupert, at one and the same time, storming the town in several places, their works being not yet finish'd, though pertinaciously enough defended, enter'd their line, with some loss of men, and many hurt, but with a far greater of the enemy; for there were not so few as two hundred kill'd upon the place, and above one thousand taken prisoners; whereof Warneford and Fettyplace, (two gentlemen of good quality and fortune near that town, and very active in the service,) Mr George, a member of parliament, who serv'd for that borough, and two or three Scottish officers of the field, whereof Carr, the governour, was one, were the chief. The town yielded much plunder, from which the undistinguishing soldier could not be kept, but was equally injurious to friend and foe; so that many honest men, who were imprisoned by the rebels for not concurring with them, found themselves at liberty, and undone together; amongst whom, John Plot, a lawyer of very good reputation, was one; who, being freed from the hard and barbarous imprisonment in which he had been kept, when he return'd to his own house, found it full of soldiers, and twelve hundred pounds in money taken from thence, which could never be recover'd. The prince left a strong garrison there, that brought almost all that whole county into contribution, and was a great enlargement to the king's quarters, which now, without interruption, extended from Oxford to Worcester; that important city, with the other of Hereford, and those counties, having, some time before, been quitted by the rebels; the earl of Stamford, who was left in those parts by the earl of Essex, being called from thence, by the growth of the king's party in Cornwal, to the securing the west."—CLARENDON, II. 97.

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UPON Thursday, the second of February, 1642, Prince Rupert, with a great company of his cavaliers, came before Cirencester, and there, after an hot skirmish, they being valiantly resisted by about 400 of my lord Stamfords blew coats, and Captaine Wallingfords dragoons, there being in the town not above 500 souldiers, with the trained bands and all, yet such was the cruelty of the cavaliers, seeing my lord Stamfords blew coats thus valiantly resisting them, and in their resisting slew many of them; so



that thereby they were much enraged; insomuch, that they set on fire a barn, and some houses and hay ricks, which did much annoy our men, who had overtoyled themselves with resisting them, not being relieved by the trained bands which were in the towne; and by this means were forced to retreat into the town, the cavaliers pursuing them; and so surprized the towne; and after they had given them quarter, because they had slaine none, before they murdered many of the inhabitants, about twenty persons or more,<sup>1</sup> and most of them were malignants against the parliament.

After they had thus taken us, we were led into a field about half a mile from the towne, where the chiefe commanders were, that they might take a view of us, who threatned to do execution upon us all; and there the common souldiers stript us, and wounded many of us, and then drove us back to the church in Cirencester, where we remained almost two whole daies and two nights; in all which time they allowed us no sustenance wherewithall to live, till, just as they drove us towards Oxon, they gave each of us a small piece of bread and cheese, and then bound us all with match, and so drove us along, without stockings on our legs, or shoes on our feet, or hats on our heads, many of us having no dublets, and some gentlemen of good quality without breeches; and so we came to Burford hill, where the cavaliers gave each of us a little piece of bread; which was all the reliefe they gave us in our way between Cirencester and Oxon; and for this we waited a long time upon the hill, the wind blowing very cold, and we standing barefoot and bareleg'd in the snow. Then we came to Witneigh, where we lay in the church, and from thence were drove towards Oxon; and about a mile from the city, his majesty, with the prince and the duke of Yorke, came thither, to see us drove along, more like dogs and horses then men, up to the knees in mire and dirt, along the horse-way; and abundance of the scollers much rejoycing at our misery, calling and abusing us by the names of damned rogues and traytors.<sup>2</sup> And when we came to Oxon, we were put altogether in the church, and there we received, for the most part of us, a piece of bread that night: the next morning, they seperated the volunteers from the trained bands, and cruelly used us, to force us all to take the protestation, and take up arms for them, against the parliament; for they allowed us but one small piece of bread, and a can of beere, a-day, and would not allow us to have a draught of water to drinke; we offering to pay money for it, yet wee could not obtaine it: by which cruell usage they forced the most of them to take the protestation, that, of eleven hundred and sixty-six prisoners, there was but sixteen that refused it, that they had scraped about the countrey for; for they brought old almesmen, about three or foure score year old, and lame cripples from their mother's womb, blind men, and all, to make up the number of a great many prisoners; they not only forcing them to take the protestation, but afterwards fined them beyond their estates, and drove them to other desperate courses; so that one cut his throat: he not dying presently, was asked the reason

<sup>1</sup> Let all malignants take notice, that, notwithstanding they love them and their cause, yet, where they get the victory, they will make no difference between a malignant and an honest round-head.

<sup>2</sup> Whitlocke gives the same account of the inhumanity exercised towards these unfortunate prisoners.

"A few days after, Prince Rupert, with 4000 horse and foot, marchieth to Cirencester, where the magazine of the county lay: this he took, putting the earl of Stamford's regiment and many others to the sword: took 1100 prisoners, and 3000 arms.

"These prisoners were led in much triumph to Oxford, where the king looked at them, and too many smiled at their misery, being tied together with cords, almost naked, beaten, and driven along like dogs.

"Among them was a proper, handsome man, of a very white skin, where it could be seen for the blood of his wounds: he not being able to go, was set naked upon the bare back of an horse, his wounds gaping, and his body smeared with blood; yet he sat upright upon the horse, with an undaunted countenance; and, when near the king, a brawling woman cried out to him, 'Ah, you traiterly rogue, you are well enough served:' he, with a scornful look towards her, answered, 'You base whore,' and instantly dropped off, dead, from his horse.

"And the beginning of such cruelty, by Englishmen towards their countrymen, was afterwards too much followed."—WHITLOCKE, p. 64.

why he did so: he answered, he was so hungry, that the devill tempted him to cut his throat, to be out of his misery: And divers others of them fell weake and sick, and were sent to Bridewell, where they died two or three in a day; and one man drawing on towards his end, I and Edward Leader, and another, had opportunitie to speak unto him, and we asked him what he thought of his last end? He said unto us, and fetched a great sigh, he could have both said and thinked more, if he had refused the protestation, and kept close to Christ, and so departed. Whilest they continue in the churches, we, that were in the dungeon, hearing they wanted bread, gathered seven shillings amongst us, and gave it the woman of Bridewell to lay out in bread for them; which she accordingly did, and went to the church to give it them: but such was Smith's cruelty, as that he would not permit it to be given them: so it was returned to us again: and those of them that refused to take the protestation, he beat and abused, tying some of them neck and heels, and others he sent to the dungeon; others he brought into the castle, where we were made to stand in the cold yard all the first day in the snow; then, at night, we were put into the hall, where we continued three or four daies, without receiving any allowance from them: whereupon we asked Captaine Smith for some allowance: he then giving us bitter words, and swore at us, bid his man give us so much bread as he would give a dog a-day, and for water let them lap in the yard, and be hanged, or poxt, for a company of damn'd rogues dogs; or to this effect.

Then, after two or three daies, he allowed us half a penny loafe a day; but we had no water to drinke in two daies together. Then we were put up into the tower, and there we were allowed a penny a-day in bread, and a can of beere, which was the best allowance that ever we received from them, lying for the space of fifteen weeks on the boards; and by reason of this hard usage many of us fell sick, which drove us to call from the tower for more reliefe: whereupon he strikes two of us with his cane over the head, and layes us, neck and heels, in irons, and kept their allowance from them: and since the parliament hath sent down 100*l.* for the reliefe of the poor prisoners, he ever since kept away the king's allowance from us.

*The Copy of a Letter, written from the Castle at Oxon, by a Gentleman in Prison there, confirming the former Particulars.*

Noble Sir,

I cannot but take speciall notice of your respects manifested unto myselfe, and all the rest of the gentlemen my fellow-prisoners, in so kindly writing unto us, and sending to see how it faires with us; which, true it is, there came once a trumpeter of Captaine Lidcots about the exchange of his master for another, and for his paines he was clapt up prisoner with his master, and kept there, by Captaine Smith, till such time as he could conforme unto Captaine Smiths will and pleasure, and take a new protestation, and serve in the army, which is called the kings: and his captaine hath here since, with five more, in fourteen daies, ended his daies, in a great deal of misery and woe. In the last letter which I have seen, though the bearer was not permitted to come in to us, you let us understand of that courteous and noble usage the gentlemen that are prisoners with you find at your hands, and you tell us that you are sorry to hear of our hard usuage, which you hope is not so bad as the report goes. Truly, let me say thus much, in brieve:—From my very soul I doe believe that the barbariousnes inflicted upon the poore gally-slaves in Turkey cannot parallell those inhumane cruelties which abundance of poore men have undergone from the hands of Smith himselfe; the full particularising of which, I am confident, will fill divers hundred sheets of paper, to make a second book of martyrs, with more sadder stories then are to be found in Queen Maries cruelties: a little touch of some part of which you may read in the relation