

*The King.* Duty, sir !

The clerk reads.

Charles Stuart, king of England, you are accused, in the behalfe of the commons of England, of divers high crimes and treasons, which charge hath been read unto you : the court now requires you to give your positive and finall answer, by way of confession or deniall of the charge.

*The King.* Sir, I say againe to you, so that I might give satisfaction to the people of England, of the cleerness of my proceeding, not by way of answer, not in this way, but to satisfie them that I have done nothing against that trust that hath been committed to me, I would do it ; but to acknowledge a new court, against their privileges, to alter the fundamentall laws of the kingdome, sir, you must excuse me.

*Lord President.* Sir, this is the third time that you have publicly disown'd this court, and put an affront upon it. How far you have preserved privileges of the people, your actions have spoke it ; but, truly, sir, mens intentions ought to be knowne by their actions. You have written your meaning in bloody characters throughout the whole kingdome.—But, sir, you understand the pleasure of the court.—Clerk, record the default ; and, gentlemen, you that took charge of the prisoner, take him back again.

*The King.* I will only say this one word more to you :—If it were only my own particular, I would not say any more, nor interrupt you.

*Lord President.* Sir, you have heard the pleasure of the court, and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

Then the king went forth with his guard ; and proclamation was made, that all persons which had then appear'd, and had further to do at the court, might depart into the Painted Chamber, to which place the court did forthwith adjourne, and intended to meet in Westminster Hall by ten of the clock next morning.

*Cryer.* God blesse the kingdome of England.

*Wednesday, January 24, 1648.*

This day it was expected the high court of justice would have met in Westminster-Hall about ten of the clock, but at the time appointed, one of the ushers, by direction of the court, (then sitting in the Painted Chamber,) gave notice to the people there assembled, that in regard the court was then upon the examination of witnesses in relation to present affairs, in the Painted Chamber, they could not sit there ; but all persons appointed to be there were to appear upon further summons.\*

*A Continuation of the Narrative, being the last and final Dayes Proceedings of the High Court of Justice sitting in Westminster-Hall, on Saturday, January 27, concerning the Tryal of the King : With the severall Speeches of the King, Lord President, and Solicitor-General : Together with a Copy of the Sentence of Death upon Charles Stuart, King of England.*

O YES made ; silence commanded ; the court called.

First, the lord president, (who was in a scarlet vesture, befitting the business of the day ;) after him 67 members more answered to their names.

\* The court sat privately while examining evidences against the king, perhaps that the witnesses might not be daunted at delivering their testimony in the presence of their sovereign. The evidence may be found at length in the State Trials. Whitlocke barely says, "The high court of justice met, and proceeded in examination of witnesses, to prove the charge against the king. Some proved that they saw him present at the setting up of his standard ; others, that they saw him in the field in several fights, with his sword drawn."—WHITLOCKE, *ut supra*, p. 367.

The king came in, in his wonted posture, (with his hat on.)

A cry made in the hall (as he passed to the court) for justice and execution.

O yes made, and silence commanded. The captain of the guard commanded to take into custody such as made any disturbance.

Upon the king's coming, he desired to be heard.

To which the lord president answered, that it might be in time, but that he must hear the court first.

The king prest it, for that he believed it would be in order to what the court would say; and that an hasty judgement was not so soon recalled.

Then the lord president spake as followeth:

Gentlemen, It is well known to all, or most of you here present, that the prisoner at the bar hath been several times convented, and brought before this court, to make answer to a charge of treason, and other high crimes exhibited against him in the name of the people of England. To which charge being required to answer, he hath been

\* Here a malignant lady interrupted the court, (saying, not half the people,) but she was soon silenced.—*Orig. Note.*

This was Lady Fairfax, wife of the celebrated general. Sir Purbeck Temple, an eye-witness, gave the following account of this and other remarkable incidents during the trial, in his evidence against Colonel Axtell, who commanded the guard upon that occasion, and suffered as a regicide at the restoration.

"*Sir Purbeck Temple.* My lord, being present, and engaged by some persons of honour, servants of his late majesty, to be present when that horrid murder was acting before this court of justice, (as they called it,) I was present at all the trials of the king, and very near him. I heard the king demand from Bradshaw, by what authority and commission they proceeded thus strangely to try him. Then I heard the lady Fairfax, and one Mr Nelson, my sister, after the exhibiting of the charge in the name of the commons assembled in parliament, and the good people of this kingdom, against Charles Stuart, king of England; I say, I heard the lady cry out, from a gallery over the court, 'Not half the people: it is false: where are they, or their consents? Oliver Cromwell is a traitor.' Upon which I heard the prisoner at the bar cry out, 'Down with the whores: shoot them;' which made me take notice of him. Seeing him in Westminster-Hall, commanding the soldiers there, I saw him the most active person there; and, during the time that the king was urging to be heard, he was laughing, entertaining the souldiers, scoffing aloud; whilst some of the soldiers, by his suffering, and (I believe) procurement, did fire powder in the palms of their hands; that they did not only offend his majesty's smell, but inforced him to rise out of his chair, and, with his hands, turn away the smoke; and after this he turned about to the people, and smiled upon them, and those soldiers that so rudely treated him: then turning himself to Bradshaw, said to him and the court, 'There are some sitting here (fixing his eyes upon some persons near Bradshaw) that well knew if I would have forfeited or betrayed the liberties and rights of the people, I need not have come hither, (or words to this effect;) but their liberties and rights are dearer and nearer to me than my three kingdoms, nay, than my life itself; therefore I desire you to hear me, and to remember that I am your lawful king, that have done you many acts of grace and favour.

"After which, this person, Mr Axtell, prisoner at the bar, commanded his soldiers to cry out, 'Justice;' which the soldiers not readily obeying of him, I saw him beat four or five of them with his cane, until they cried out, (with himself,) 'Justice, justice; execution, execution;' which made me turn to a noble lord, by whom I then stood, and say, Pray, my lord, take notice, there is not above four or five that cry out 'Justice.' I heard also of their spitting in the king's face; and I think nobody's sufferings have been so like those of our Saviour Christ Jesus, as his majesty's were. After this, this person crying 'Justice, justice; execution, execution,' a second time, the court proceeded to pass sentence; the which his majesty pressed hard against, and said, 'Sir, before you pass that ugly sentence, (which I very well understood you are determined to do,) I desire you to hear me, hear me, hear me;' passionately and most affectionately expressing it; which they denying the king, and the noise of 'Justice, justice; execution, execution,' being repeated, they proceeded, and read that ugly sentence of death: After which his majesty was immediately hurried away from the bar, into a common sedan, where he was carried by two common porters; which sedan I followed to the middle of King's Street, where I saw the two porters, in reverence, go bare, till the soldiers (under the command of the prisoner at the bar) beat them, and would not suffer them to go bare when they carried him. After this, the people cried out, 'What, do you carry the king in a common sedan, as they do such as have the plague? God deliver your majesty out of such enemy's hands.' In which street I was forced to leave the sight of his majesty, occasioned by the injuries and hurts I received in my person, from the soldiers under Axtell's command; they carrying him through the streets, shouting in triumph. A short time after, I received an importunate command, from a lady of great honour, (a servant of his majesty's,) that I would endeavour to find out where the body of the martyr'd king was, and to give her an account where it then was. Applying myself to Whitehall, after two or three score intrigues, I was denied; but understanding that money would do it, I gave the person then under the command of Mr Axtell, that then kept it, half-a-piece to shew it me, who, in a scoffing manner, took me by the hand, and said, 'If thou thinkest there is any sanctity or holiness in it, look here;' where I saw the head of



so far from obeying the commands of the court, by submitting to their justice, as he began to take upon him reasoning and debate unto the authority of the court, and to the highest court that appointed them, and to try and to judge him; but being over-ruled in that, and required to make his answer, he was still pleased to continue contumelious, and to refuse to submit to answer: hereupon the court, that they may not be wanting to themselves, nor the trust reposed in them, nor that any man's wilfulness prevent justice, they have thought fit to take the matter into their consideration: they have considered of the charge; they have considered of the contumacy, and of that confession which in law doth arise upon that contumacy; they have likewise considered of the notoriety of the fact charged upon this prisoner; and upon the whole matter, they are resolved, and have agreed upon a sentence to be pronounced against this prisoner; but in respect he doth desire to be heard before the sentence be read and pronounced, the court hath resolved that they will hear him: Yet, sir, thus much I must tell you before-hand, which you have been minded of at other courts, that if that which you have to say be to offer any debate concerning the jurisdiction, you are not to be heard in it: you have offered it formerly; and you have struck at the root, that is, the power and the supreme authority of the commons of England, which this court will not admit a debate of, and which, indeed, it is an irrational thing in them to do, being a court that acts upon authority derived from them. But, sir, if you have any thing to say in defence of yourself, concerning the matter charged, the court hath given me in command to let you know they will hear you.

Then the king answered,—

Since that I see you will not hear any thing of debate concerning that which, I confess, I thought most material for the peace of the kingdom, and for the liberty of the subject, I shall wave it; I shall speak nothing to it; but only I must tell you, that this many a day all things have been taken away from me, but that that I call dearer to me than my life, which is my conscience and my honour: and if I had a respect to my life more than the peace of the kingdom, the liberty of the subject, certainly I should have made a particular defence for myself; for by that, at least-wise, I might have delayed an ugly sentence, which, I believe, will pass upon me; therefore, certainly, sir, as a man that hath some understanding, some knowledge of the world, if that my true zeal to my country had not overborne the care that I have for my own preservation, I should have gone another way to work than that I have done. Now, sir, I conceive that an hasty sentence, once past, may sooner be repented of than recalled; and, truly, the self same desire that I have for the peace of the kingdom, and the liberty of the subject, more than my particular ends, makes me now at last desire that I have something to say that concerns both. I desire, before sentence be given, that I may be heard in the Painted Chamber, before the lords and commons. This delay cannot be prejudicial unto you, whatsoever I say: If that I say no reason, those that hear me must be judges: I cannot be judge of that that I have: if it be reason, and really for the wellfare of the kingdom, and the liberty of the subject, I am sure on't it is very well worth the hearing; therefore I do conjure you, as you love that that you

that blessed martyr'd king lye in his coffin with his body, which smiled as perfectly as if it had been alive. This is the sad account of the martyr'd king, and of this horrid prisoner, Mr Axtell.

"Axtell. My lord, may I ask that gentleman a question?

"Lord Chief Baron. Yes, yes.

"Axtell. My lord, he seems to say, that I bid the soldiers cry out for justice: he doth not say at all I was there in command, but he saith, a lady, by report, the lady Fairfax, spoke some words, and that I should bid the soldiers silence her: truly, I desire to know the certainty of the place where I stood.

"Sir Purbeck Temple. My lords, and gentlemen of the jury, I saw this person standing within a pike or two's length, as I can guess it: (I remember the place, within a yard of the ground, in Westminster-Hall.) I do say this person sat in the court as a principal officer, that did then hold his majesty prisoner at the bar. I did not say it was a lady unknown, or reported to be such a one, but I said, it was the lady Fairfax, and my own sister, Mrs Nelson; and he cried, 'Shoot the whores.'—*State Trials*, II., 371.

pretend, (I hope it's real,) the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be past. I only desire this, that you will take this into your consideration: it may be you have not heard of it before-hand. If you will, I will retire, and you may think of it; but if I cannot get this liberty, I do protest, that these fair shews of liberty and peace are pure shews, and that you will not hear your king.

The lord president said, that what the king had said was a declining of the jurisdiction of the court, which was the thing wherein he was limited before.

The king urged, that what he had to say was not a declining of the court, but for the peace of the kingdom, and liberty of the subject.

*Lord President.* Sir, this is not altogether new that you have moved unto us, though it is the first time that, in person, you have offered it to the court: and afterwards, that though what he had urged might seem to tend to delays, yet, according to that which the king seemed to desire, the court would withdraw for a time, and he should hear their pleasure.

Then the court withdrawing into the court of wards, the sergeant at arms had command to withdraw the prisoner, and to give order for his return again.<sup>1</sup>

The court, after about half an hours debate, returned from the court of wards chamber; and the king being sent for, the lord president spake to this effect:—

Sir, you were pleased to make a motion here to the court, touching the propounding of somewhat to the lords and commons in the Painted Chamber, for the peace of the kingdom: you did in effect receive an answer before their adjourning, being *pro forma tantum*; for it did not seem to them that there was any difficulty in the thing: they have considered of what you have moved, and of their own authority. The return from the court is this,—that they have been too much delayed by you already; and they are judges appointed by the highest authority; and judges are no more to delay, than they are to deny justice. They are good words in the great old charter of England. *nulli negabimus, nulli condemus, et nulli deferemus justitiam*: but every man observes you have delayed them in your contempt and default, for which they might long since have proceeded to judgement against you: and notwithstanding what you have offered, they are resolved to proceed to sentence and to judgement; and that's their unanimous resolution.

*King.* Sir, I know it is in vain for me for to dispute. I am no sceptic, for to deny the power that you have: I know that you have power enough. Sir, I must confesse I think it would have been for the kingdomes peace, if you would have taken the pains for to have shown the lawfulness of your power. For this delay that I have desired, I confesse it is a delay, but it is a delay very important for the peace of the kingdome; for it is not my person that I look at alone; it is the kingdomes welfare and the kingdomes peace. It is an old sentence, That we should look on long before we have resolved of great matters suddenly; therefore, sir, I do say again, that I do put at your doors all the inconveniency of a hasty sentence. I confesse, I have been here now, I think, this week: this day eight daies was the day I came here first; but a little delay of a day or two further may give peace, whereas an hasty judgment may bring on that trouble and perpetuall inconveniency to the kingdome, that the child that is unborne may repent it;

<sup>1</sup> "Upon this," says Whitlocke, "the court withdrew into the court of wards, and the king to Sir Robert Cotton's house; and after about an hour's debate, they returned again into Westminster-Hall.

"The court resolved that what the king had tendered tended to delay; yet, if he would speak any thing for himself in court before sentence, he might be heard.

"Many of the commissioners in the debate were against this resolution, and pressed to satisfy the king's desire and themselves, to hear what the king would say to them in the Painted Chamber before sentence; but it was voted by the major part in the negative. Upon which Colonel Harvey and some others went away in discontent, and never sat with them afterwards. This proposal of the king's being denied, the king thereupon declared himself, that he had nothing more to say."—WHITLOCKE'S *Memorials*, p. 368. It is generally believed, that as a last stake for his own life, Charles intended to proffer to parliament to resign his crown to his son.



and therefore againe, out of the duty I owe to God and to my country, I do desire that I may be heard by the lords and commons in the Painted Chamber, or in any other chamber that you will appoint me.

The president replied, that what he desired was no more than what he had moved before, and therefore the court expected to heare what he would say before they proceeded to sentence.

*King.* This I say, that if you will heare me, I do not doubt to give satisfaction to you and to my people, and therefore I do require you (as you will answer it at the dreadfull day of judgment) that you will consider it once againe.

*President.* The court will proceed to sentence if you have no more to say.

*King.* Sir, I have nothing more to say, but I shall desire that this may be entred, what I have said.

The lord president then proceeded to declare the grounds of the sentence; that the court were resolved to discharge their duty; that he had spoken of a precious thing cal'd peace, and it were to be wish't that God had put it into his heart, that he had effectually and really indeavoured and studied the peace of the kingdome, as now in words he seem'd to pretend; that it appeared to the court that he had gone upon very erroneous principles; the kingdom had felt it to their smart; that the court was very sensible of it, and so he hoped the understanding people of England would be; that the law was his superiour, and that he ought to have ruled according to the law; the difference was, who should be the expositors of the law, whether he and his party, out of the courts of justice, or the courts of justice, nay, the soveraigne and high court of justice, the parliament of England, that is not only the highest expounder of the law, but the sole maker of the law; and that for him, and those that adhere to him, to set themselves against it, was not law; that what some of his owne party had said, *rex non habet parem in regno*, was granted; but though he was *major singulis*, yet he was *universis minor*; that the barons of old, when the kings playd the tyrants, called them to account; that they did *frenum ponere*; that if they did forbear to doe their duty now, and were not so mindfull of their owne honour and the kingdome as the barons of old were, certainly the commonalty of England would not be unmindfull of what was for their preservation and their safety; that if the king went contrary to that end, he must understand that he is but an officer in trust, and they to take order for the punishment of such an offending governour; that this is not a law of yesterday, upon the division of him and his people, but of old; and that the king's oath implied as much; and where the people could not have any other remedy, the parliament were to do it, who were ordained to redresse the grievances of the people. The parliament were to be kept, we find in old authors, twice in the year, that the subject might, upon any occasion, have a ready remedy. That his designe had beene to destroy parliaments; and that, when they would not ingage against his native kingdom of Scotland, he dissolved the parliament; that, as Caligula, the great Roman tyrant, wisht the people of Rome had but one neck, that at one blow hee might cut it off; and this king's proceedings had beene somewhat like his; for the body of the people of England is no where represented but in parliament; and could hee but have confounded that, hee would soone have cut off the head and neck of England; that it was no new thing to cite presidents, where the people (when power was in their hands) have made bold to call their kings to account; that it would be too long a time to mention either France, Spaine, the emperour, or other countreyes; but he instanc'd in the kingdome of Aragon, where there was a man *tantum in medio positus*, betwixt the king and the people, and he is acknowledged to be the king's superiour, and is the grand preserver of the people's priviledges; and what the tribunes of Rome were heretofore, and the ephori to the Lacedemonian state, that was the parliament of England to the English state; that he needed not to mention those forraigne stories, if he look'd

but over Twede; there was enough in his native kingdome of Scotland, if they look'd upon their first king Tergusius, who left two sons in their minority, and the elder seeming disaffected to their peace, and opposing his uncle, who ruled well, they chose the younger; that of 109 kings of Scotland, he need not make mention how many of them the people had made bold to deale withall; some to banish, and some to imprison, and some to put to death; no kingdome had more plentiful experience then that kingdome hath of the deposition and punishment of their offending and transgressing kings; and not to go farre for example, the king's grandmother set aside, and his father, an infant, crowned: And there wants not examples here, in England, both before and since the conquest, as King Edward the Second and King Richard the Second were so dealt with by the parliament; and whosoever looks into their stories, should not find the articles that are charged upon them to come neare to that heighth and capitalnesse of crimes that were laid to his charge: And for succession by inheritance, it was plaine, from the conquest, that of 24 kings, one halfe of them came in by the state.

That the oath at his coronation did shew there was a contract and bargain made by the people.

After the lord president had cited many things to this purpose, in relation to the power of kings, and their being called to account for breach of trust, and expressed in what sence this present king had been guilty, according to his charge of being a tyrant, traytor, murtherer, and public enemy to the common-wealth, he further declared, in the name of the court, that they did heartily wish that hee would be so penitent for what hee had done amisse, that God might have mercy, at least-wise, upon his better part; for the other, it was their duty to do it, and to doe that which the law prescribes: They were not there *jus dare*, but *jus dicere*. That they could not but remember what the Scripture said: For to acquit the guilty it is equal abomination as to condemn the innocent. We may not acquit the guilty. What sentence the law affirms to a traytor, a tyrant, a murtherer, and a public enemy to the countrey, that sentence he was to hear read unto him.

Then the clerk read the sentence, drawn up in parchment.

*That whereas the commons of England, in parliament, had appointed them an high court of justice, for the trying of Charles Stuart, king of England before whom he had been three times convented, and at the first time a charge of high treason, and other crimes and misdemeanours was read, in the behalfe of the kingdome of England, &c.*

Here the clerk read the charge.

Which charge being read unto him as aforesaid, he, the said Charles Stuart, was required to give his answer, but he refused so to do, and so exprest the several passages at his triall in refusing to answer.

*For all which treasons and crimes, this court doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murtherer, and a public enemy, shall be put to death, by the severing of his head from his body.*

After the sentence read, the lord president said,

This sentence now read and published, it is the act, sentence, judgment, and resolution of the whole court. Here the court stood up, as assenting to what the president said.

*King.* Will you heare me a word, sir?

*Lord President.* Sir, you are not to be heard after the sentence.

*King.* No, sir!

*Lord President.* No, sir, by your favour, sir. Guard, withdraw your prisoner.

*King.* I may speake after the sentence.

By your favour, sir, I may speak after the sentence ever.

By your favour, (hold,) the sentence, sir——

I say, sir, I do——



I am not suffered for to speak : expect what justice other people will have.

O Yes. All manner of persons that have any thing else to do are to depart at this time, and to give their attendance in the Painted Chamber, to which place this court doth forthwith adjourne itselfe.

Then the court rose, and the king went with his guard to Sir Robert Cottons, and from thence to Whitehall.<sup>1</sup>

<sup>1</sup> To complete this narrative, the following extract from Sir Philip Warwick's Memoirs is subjoined, containing some interesting particulars respecting the king's execution. " Though he was brought to St James's by Saturday noon, and though the bishop was in town, and, by their own directions and upon his desire, called thither to attend him, in order to the preparation for his death, yet they admitted him not until Sunday evening, though they murdered him on Tuesday. The bishop himself told me the manner of his reception. As soon as he came in, the king very open-facedly and cheerfully received him : the bishop began to make some condolence : ' Leave off this, (says he,) my lord ; wee have not time for it : let us think of our great work, and prepare to meet that great God, to whom, ere long, I am to give an account of my selfe ; and I hope I shall do it with peace, and that you will assist me therein. We will not talk (says he) of these rogues (for that was his term) in whose hands I am : they thirst after my blood, and they will have it, and God's will be done. I thank God I heartily forgive them, and I will talk of them no more. ' And so for two or three hours the bishop and he conferred together ; and though they shut the door, a soldier would open it once in half a quarter of an hour, and see whether the king was there, and so shut it again : and then the next day, which was Monday, they spent much of their time together in like manner ; and then they parted late that night, the murder being to be committed the next day. I have this comfort, that of himselfe, without any occasion to move him into the discourse, ' My lord,' says he, ' I must remember one that hath had relation to you and my selfe : Tell Charles,' (for so he was pleased to call the prince,) ' he hath been an useful and honest man unto me.' He required Mr Herbert (a gentleman who was appointed to attend him, and who had been very civil to him, and whom he recommended likewise to the present king) to call him at four of the clock in the morning : and Mr Herbert slept little himselfe, lying by him on a pallet-bed ; but I observed, through the whole night, that the king slept very soundly, and at his hour awak'd of himselfe, and drew his curtain. He soon got up, was about an hour at his own private devotions, and then called to be drest ; and Mr Herbert, who was wont to comb his head, combed it that day with less care than usually. ' Prethee,' says he, ' though it be not long to stand on my shoulders, take the same pains with it you were wont to do : I am to be a bridegroom to-day, and must be trimm.' Afterwards the bishop came in to him, and they were together until Hacker led him through the park to Whitehall : and one of the commanders, by the way, thinking to disturb him, askt him, whether he were not consenting to his father's death ? ' Friend,' says he, ' if I had no other sin, (I speak it with reverence to God's majesty,) I assure thee I would never ask him pardon.' When he was come to Whitehall, they conveyed him into a room, which is that they now call the green chamber, betwixt the king's closet and his bed-chamber, as I think.

" There they permitted him and the bishop to be alone for some time ; and the bishop had prepared all things in order to his receiving the sacrament : and whilst he was at his private devotions, Nye and some other bold-faced ministers knockt at his door, and the bishop going to open it, they told him they came to offer their service to pray with the king : he told them the king was at his own private devotions ; however, he would acquaint him : but the king resolving not to send out to them, they, after some time, had the modesty to knock again : the bishop suspecting who they were, told the king, it would be necessary to give them some answer : the king replied, ' Then,' says he, ' thank them from me for the tender of themselves ; but tell them plainly, that they that have so often and causelessly prayed against me, shall never pray with me in this agony. They may, if they please, (and I'll thank them for it.) pray for me.' When he had received the eucharist, he rose up from his knees with a cheerful and steady countenance : ' Now,' says he, ' let the rogues come ; I have heartily forgiven them, and am prepared for all I am to undergo.'—It was a very cold day, and they at Whitehall had prepared two or three dishes of meat for him to dine upon ; but he refused to eat any thing ; and the bishop told me he resolved to eat nothing after the sacrament ; but the bishop expostulated with him, and let him know how long he had fasted, how sharp the weather was, and how some fitt of fainting might take him upon the scaffold ; which he knew he would be troubled at, for the interpretation his murderers would put upon it ; which prevailed with him to eat halfe a mouthful of bread and drink a glass of wine ; and thus prepared, he marcht to the scaffold ; and a gentleman of my acquaintance, that had so placed himselfe in Wallingford House, that he could easily discern all that was done upon the scaffold, protested to me, he saw him come out of the Banqueting-House with the same unconcernedness and motion that he usually had when he entered into it at a masquerade. And another gentleman, whom I'll name, Dr Farrer, a physician, (a man of a pious heart, but phantasticall brain ; for this was he that would have had the king and parliament have decided their business by lot.) had gain'd such a place upon the stage, that he assured me, that as he had observed him before very majestick and steady, so when he had laid down his neck upon the block, he standing at some distance from him, in a right line, he perceived his eye as quick and lively as ever he had seen it.

" His speech before this time unto the people (for me, who relate too many things to be long upon any, to say no more) was very worthy of himselfe. This part of it became his great wisdom, when he told them, ' They

*His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, which he intended to deliver in Writing, on Monday, January 22, 1648. Faithfully transcribed out of the original Copy, under the King's own hand.*

This paper was drawn up by Charles, for the vindication of his character to posterity. His only purpose in making such a defence must have been to die with decency; for he could not suppose that his fate was undecided. That he entertained no such expectations, appears from the following anticipations of his fate in the Icon Basilicon. "That I must die as a man is certain; that I may die a king, by the hands of mine own subjects, a violent, sudden, and barbarous death, in the strength of my years, in the midst of my kingdoms, my friends and loving subjects being helpless spectators, my enemies insolent revilers and triumphers over me, living, dying, and dead, is so probable in human reason, that God hath taught me not to hope otherwise, as to man's cruelty; however, I despair not of God's infinite mercy.

"I confess it is not easie for me to contend with those many horrors of death wherewith God suffers me to be tempted; which are equally horrid, either in the suddenness of a barbarous assassination, or in those greater formalities whereby my enemies (being more solemnly cruel) will, it may be, seek to add (as those did who crucified Christ) the mockery of justice to the cruelty of malice. That I may be destroyed, as with greater pomp and artifice, so with less pity, it will be but a necessary policy to make my death appear as an act of justice done by subjects upon their sovereign; who know that no law of God or man invests them with any power of judicature without me, much less against me; and who, being sworn and bound, by all that is sacred before God and man, to endeavour my preservation, must pretend justice, to cover their perjury."—SANDERSON, *ut supra*, p. 1111.

Having already made my protestations, not only against the illegality of this pretended court, but also, that no earthly power can justly call me (who am your king) in question as a delinquent, I would not any more open my mouth upon this occasion, more than to refer my self to what I have spoken, were I alone in this case concerned. But the duty I owe to God, in the preservation of the true liberty of my people, will not suffer me at this time to be silent; for how can any free-born subject of England call life, or any thing he possesseth, his own, if power without right daily make new, and abrogate the old fundamental law of the land; which I now take to be the present case: Wherefore, when I came hither, I expected that you would have indeavoured to have satisfied me concerning these grounds which hinder me to answer to your pretended impeachment; but since I see that nothing I can say will move you to it, (though negatives are not so naturally proved as affirmatives,) yet I will shew you the reason why I am confident you cannot judge me, nor, indeed, the meanest man in England; for I will not, (like you,) without showing a reason, seek to impose a belief upon my subjects.

mistook the nature of government; for people are free under a government, not by being sharers in it, but by the due administration of the laws of it. After having prayed with the bishop and by himselfe, he submitted cheerfully unto the providence that was dispens'd unto him; but he took notice of some engines his murderers had made, that in case he would not willingly submit, they might by violence have pulled him down; at which he smiled, as if he had been contented that they shewed the world the barbarities of their natures, and the equanimity of his own. And indeed I had almost omitted one other evidence of it; for the chapter of the day fell out to be that of the passion of our Saviour; wherein it is mentioned, that 'they led him away for envy, and crucified their king;' which he thought had been the bishop's choice; but when he found it was the course of the rubrick, he put off his hat, and said to the bishop, 'I bless God it is thus fallen out.' At last he laid down his head, stretcht out his hands as the sign, and the executioner let drop the hatchet, which severed it from his body. And thus this saint and martyr rested from his labour, and follows the Lamb."—Sir P. WARWICK'S *Memoires*, p. 340—346.



There is no proceeding just against any man, but what is warranted either by God's laws, or the municipal laws of the country where he lives. Now, I am most confident that this day's proceedings cannot be warranted by God's law; for, on the contrary, the authority of obedience unto kings is clearly warranted, and strictly commanded, both in the Old and New Testament; which, if denied, I am ready instantly to prove. And for the question now in hand, there it is said, that "where the word of a king is, there is power, and who may say unto him, what doest thou?" Eccles. viii. 4. Then for the laws of this land, I am no less confident that no learned lawyer will affirm that an impeachment can lie against the king, they all going in his name; and one of their maxims is, that the king can do no wrong. Besides, the law upon which you ground your proceedings must either be old or new: if old, show it; if new, tell what authority, warranted by the fundamental laws of the land, hath made it, and when. But how the house of commons can erect a court of judicature, which was never one itself, (as is well known to all lawyers,) I leave to God and the world to judge; and it were full as strange that they should pretend to make laws without king or lords house, to any that have heard speak of the laws of England.

And admitting, but not granting, that the people of England's commission could grant your pretended power: I see nothing you can shew for that; for certainly you never asked the question of the tenth man of the kingdom; and in this way you manifestly wrong even the poorest ploughman, if you demand not his free consent: nor can you pretend any colour for this your pretended commission, without the consent, at least, of the major part of every man in England, of whatsoever quality or condition; which I am sure you never went about to seek; so far are you from having it. Thus you see that I speak not for my own right alone, as I am your king, but also for the true liberty of all my subjects, which consists not in sharing the power of government, but in living under such laws, such a government as may give themselves the best assurance of their lives, and propriety of their goods. Nor in this must or do I forget the privilege of both houses of parliament, which this day's proceedings doth not only violate, but likewise occasion the greatest breach of their public faith that I believe ever was heard of, with which I am far from charging the two houses: For all the pretended crimes laid against me bear date long before this late treaty at Newport; in which I having concluded as much as in me lay, and hopefully expecting the two houses agreement thereunto, I was suddenly surprised, and hurried from thence as a prisoner; upon which account I am, against my will, brought hither; where, since I am come, I cannot but to my power defend the ancient laws and liberties of this kingdom, together with my own just right. Then, for any thing I can see, the higher house is totally excluded.

And for the house of commons, it is too well known that the major part of them are detained or deterred from sitting; so as, if I had no other, this were sufficient for me to protest against the lawfulness of your pretended court. Besides all this, the peace of the kingdom is not the least in my thoughts: and what hopes of settlement is there, so long as power reigns without rule of law; changing the whole frame of that government under which this kingdom hath flourished for many hundred years; (nor will I say what will fall out in case this lawless, unjust proceeding against me do go on;) and believe it, the commons of England will not thank you for this change; for they will remember how happy they have been of late years under the reign of Queen Elizabeth, the king my father, and myself, until the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any new. And by this time it will be too sensibly evident that the arms I took up were only to defend the fundamental laws of this kingdom, against those who have supposed my power hath totally changed the ancient government.

Thus having shewed you briefly the reasons why I cannot submit to your pretend-

ed authority, without violating the trust which I have from God, for the welfare and liberty of my people, I expect from you, either clear reasons to convince my judgment, shewing me that I am in an error, (and then truly I will readily answer,) or that you will withdraw your proceedings.

This I intended to speak in Westminster-Hall, on Monday, 22d January, but, against reason, was hindered to shew my reasons.

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*King Charles his Case; or, an Appeal to all rational Men, concerning his Tryal at the High Court of Justice: Being, for the most part, that which was intended to have been delivered at the Bar, if the King had pleaded to the Charge, and put himself upon a fair Tryal: With an additional Opinion concerning the Death of King James, the loss of Rochel, and the blood of Ireland. By John Cook of Gray's-Inn, Barrester. 1649.*

Justice is an excellent virtue:  
Reason is the life of the law.  
Womanish pity to mourn for a tyrant,  
Is a deceitful cruelty to a city.

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The following intended charge is of a nature which shews a consciousness in the accuser's mind, that he was unable to bottom his plea upon any known or established grounds in law, but was reduced to make it up from current reports, insinuations, and aggravations, joined to instances of mal-administration, which cannot be defended or palliated; thus extracting a general conclusion of guilt from a variety of charges, some of which were false, or incapable of proof, while others, though proved, fell short of the penal consequences which were to be attached to the accusation. The scurrilous violence with which the charge is expressed is likewise the attribute of one who wishes to drive his audience farther than his own conviction has been able to carry himself.

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*To the Reader.*

The righteous Judge, whose judgment is not only inevitable, but infallible, must shortly judge me, and all that concurred to bring the capital delinquent to condign punishment; but, in the interim, I desire to be judged by all understanding men in the world, that suffer their judgments to be swayed by reason, and not biassed by private interest, whether ever any man did so much deserve to dye. Cain for the murder of one righteous Abel, and David for one Uriah, had been men of death, had not God pardoned them. Those thirty-one kings which Joshua hanged up, and Saul's seven sons, which were but, at the worst, (as it seems to me,) evil counsellors, were they not innocent, nay, saints, in comparison of this man? Those that crucified Christ did it ignorantly; for had they known him, they had not crucified the Lord of Glory. The saints under the ten persecutions suffered by the hands of heathens; the Sicilian vespers, the Parisian massacre of the protestants, and the gun-powder plot, were acted and intended by papists, out of a conceit of merit; but for a protestant prince, stiled



the Defender of the Faith, in a time of light, that had sworn to keep the peace, received tribute to that end, and might have had the very hearts of the people, if they could have given him them without death, (the strongest engagements;) I say, for such a one to persecute the faithful, destroy and enslave the people by oppressing cruelties, and, when Machiavel could not do it, to levy a war to that wicked end, which never any of his ancestors durst attempt; that might at any time, with a word of his mouth, have stopt all the bleeding veins in the three kingdoms, but would not; and for the satisfying of a base lust, caused more protestant blood to be shed than ever was spilt, either by Rome, heathen, or antichristian. Blessed God, what ugly sins lodge in their bosoms, that would have had this man to live! But words are but women, proofs are men: it is reason that must be the chariot to carry men to give their concurrence to this judgment: Therefore I shall deliver my thoughts to the courteous reader, as I was prepared for it if issue had been joyned in the cause, but with some addition, for illustration sake, desiring excuse for the preamble, because there is some repetition in matter.

*May it please your Lordship,*

My lord president, and this high court, erected for the most comprehensive, impartial, and glorious piece of justice that ever was acted and executed upon the theatre of England, for the trying and judging of Charles Stuart, whom God, in his wrath, gave to be a king to this nation, and will, I trust, in great love, for his notorious prevarications and blood-guiltiness, take him away from us; he that hath been the original of all injustice, and the principal author of more mischiefs to the free-born people of this nation than the best arithmetician can well enumerate, stands now to give an account of his stewardship, and to receive the good of justice, for all the evil of his injustice and cruelty. Had he ten thousand lives, they could not all satisfy for the numerous, horrid, and barbarous massacres of myriads and legions of innocent persons, which, by his commands, commissions, and procurements, (or at least all the world must needs say, which he might have prevented; and he that suffers any man to be killed, when he may save his life without danger of his own, is a murderer,) have been cruelly slain, and inhumanely murdered in this renowned Albion. Anglia hath been made an Akeldama, and her younger sister Ireland a land of ire and misery; and yet this hard-hearted man, as he went out of the court, down the stairs, January 22, said (as some of his guard told me, and others) that he was not troubled for any of the blood that hath been shed, but for the blood of one man, (peradventure he meant Strafford.) He was no more affected with a list that was brought in to Oxford of five or six thousand slain at Edgehill, than to read one of Ben. Johnson's tragedies. You gentlemen royalists that fought for him, if ye had lost your lives for his sake, you see he would have no more pitied you, by his own confession, than you do a poor worm; and yet what heart but would cleave, if it were a rock, melt, if it were ice, break, if it were a flint, or dissolve, if it were a diamond, to consider that so much precious protestant blood should be shed in these three kingdoms, so many gallant, valiant men, of all sorts and conditions, to be sacrificed, and lose their lives, and many of them to dye so desperately, in regard of their eternal conditions, and all this meerly and only for the satisfying and fulfilling of one man's sinful lust and wicked will. A good shepherd is he that lays down his life, or ventures it to save the sheep; but for one to be so proudly wedded to his own conceits, as so maliciously to oppose his private opinion against the publick judgment and reason of state, and to make head against the parliament, who acknowledged him to be the head thereof, so far as to give him the honour of the royal assent, in settling the militia and safety of the people; I say, for a protestant prince, so beloved at home and feared abroad, that in love and gentle means might have had any thing from the parliament; for him to occasion the shedding of so much blood, for a pretended prero-

gative, as hereafter will appear nothing, in effect, but to fix and perpetuate an absolute tyranny; I can say no less, but, O Lucifer, from whence are thou fallen; and what hereticks are they in politicks, that would have had such a man to live; much more, that think his actions to have merited love and praise from heaven and earth? But now to dissect the charge.

I. That the kings of England are trusted with a limited power to govern by law, the whole stream and current of legal authorities run so limpid and clear, that I should but weary those that know it already, and trouble those that need not know the particular cases; for it is one of the fundamentals of law, that the king is not above the law, but the law above the king. I could easily deraign it from 1 Edward III. to the jurisdiction of courts, that the king has no more power or authority than what by law is concredited and committed to him: but the most famous authority is Fortescue, chancellor to Henry VI., (and therefore undoubtedly would not clip his master's prerogative,) who most judicially makes a difference between a government wholly regal and seignioral, as in Turkey, Russia, France, Spain, &c., and a government politic and mixed, where the law keeps the beam even between sovereignty and subjection, as in England, Denmark, Sweden, and Poland: the first, where the edict of a prince makes the law, resembles an impetuous inundation of the waters, whereby the corn and hay, and other fruits of the earth are spoiled, as when it is mid-winter at mid-summer; the latter is like a sweet, smooth stream, running by the pleasant fields and meadows. That by the law of England the king ought not to impose any thing upon the people, or take any thing away from them, to the value of a farthing, but by common consent in parliaments or national meetings; and that the people, of common right, and by several statutes, ought to have parliaments yearly, or oftener if need be, for the redress of publick grievances, and for the enacting of good and wholesome laws, and repealing of old statutes of Omri, which are prejudicial to the nation; and that the king hath not by law so much power as a justice of peace, to commit any man to prison, for any offence whatsoever, because all such matters were committed to proper courts and officers of justice: And if the king, by his verbal command, send for any person to come before him, if the party refused to attend, and the messenger endeavouring to force him, they fell to blows, if the messenger killed the party sent for, this, by the law, is murder in him; but if he killed the messenger, this was justifiable in him, being in his own defence, so as to sue forth a pardon of course. These, and many other cases of like nature, are so clear and well known, that I will not presume to multiply particulars.

That the king took an oath at his coronation to preserve the peace of the nation, to do justice to all, and to keep and observe the laws which the people have, himself confesses. And it was charged upon the late arch-bishop, that he emasculated the oath, and left out very material words,—*which the people shall chuse*; \* which certainly he durst not have done without the king's special command: and it seems to me no light presumption that from that very day he had a design to alter and subvert the fundamental laws, and to introduce an arbitrary and tyrannical government. But though there had been no oath, yet, by special office and duty of his place, every king of England is obliged to act for the people's good; for all power, as it is originally in the people, (he must needs be extream ignorant, malicious, or a self-destroyer, that shall deny it,) so it is given forth for their preservation, nothing for their destruction. For a king to rule by lust, and not by law, is a creature that was never of God's making, not of God's

\* It was clamorously urged against Laud, that he had counselled the omission of the following clause from the coronation oath: "*Ac de faciendo per ipsum Dominum regem eos esse protegendos et ad honorem Dei corroborandum quas vulgus juste et rationabiliter eligerit.*" But this omission was of an earlier date, as was proved by comparing the oath of Charles with that of his father James, with which it agreed *verbatim*. As this appeared on Laud's trial, it was the height of injustice to revive a confuted accusation against his master Charles. Probably James I. had been himself the author of the alteration which was objected to his son.



approbation, but his permission: and though such men are said to be gods on éarth, 'tis in no other sense than the devil is called the god of this world. It seems that one passage which the king would have offered to the court (which was not permitted him to dispute the supreme authority in the nation, and standing mute, the charge being for high treason, it is a conviction in law) was, that 1 Sam. viii. is a copy of the king's commission, by virtue whereof he, as king, might rule and govern as he list: that he might take the people's sons, and appoint them for himself, for his chariots, and to be his horsemen, and take their daughters to be his confectionaries, and take their fields, and vineyards, and olive yards, even the best of them, and their goodliest young men, and their asses, and give them to his officers, and to his servants; which, indeed, is a copy and pattern of an absolute tyrant and absolute slaves, where the people have no more than the tyrant will afford them. The holy spirit in that chapter does not insinuate what a good king ought to do, but what a wicked king would presume to do. Besides, Saul and David had extraordinary callings; but all just power is now derived from, and conferred by the people: yet in the case of Saul it is observable that the people, out of pride to be like other nations, desired a king, and such a king as the heathens had, which were all tyrants; for they that know any thing in history, know that the first four monarchs were all tyrants at first, till they gained the people's consent. Nimrod the great hunter was Ninus that built Nineveh, the first tyrant and conqueror that had no title; and so were all kingdoms, which are not elective till the people's subsequent consent; and though it be by dissent, yet 'tis a continuation of a conquest. Till the people consent, and voluntarily submit to a government, they are but slaves, and in reason they may free themselves, if they can. In France the king begins his reign from the day of his coronation: the arch-bishop asks the people if he shall be king; the twelve peers, or some that personate them, say yes: they girt the sword about him; then he swears to defend the laws. And is any thing more natural than to keep an oath? And though virtuous kings have prevailed with the people to make their crowns hereditary, yet the coronation shews the shell that the kernel hath been in. Samuel was a good judge, and there was nothing could be objected against him, therefore God was displeased at their inordinate desire of a king: and it seems to me that the Lord declares his dislike of all such kings as the heathens were, that is, kings with an unlimited power, that are not tied to laws; for he gave them a king in his wrath; therein dealing with them as the wise physician with the distempered and impatient patient, who desiring to drink wine, tells him the danger of inflammation, yet wine he will have; and the physician, considering a little wine will do but little hurt, rather than his patient by fretting should take greater hurt, prescribes a little white wine; wherein the physician doth not approve his drinking of wine, but of two evils chooseth the least. The Jews would have a king for majesty and splendor, like the heathens: God permits this; he approves it not. It seems to me that the Lord renounces the very genus of such kings as are there mentioned: and the old word conning (by contraction king) does not signifie power or force to do what he will, but a knowing, wise, discreet man, that opens the peoples eyes, and does not lead them by the noses, but governs them with wisdom and discretion, for their own good. Therefore, gentlemen-royalists, be not so mad as to misconstruct, either the oaths of allegiance or supremacy, or any league or covenant, that any man should swear to give any one leave to cut his throat. The true meaning is, that the king of England was supreme in this land, in opposition to the pope, or any other prince or potentate, as the words of the oath do import, that no foreign state, prince, or potentate, &c. In case of any foreign invasion, the king was by law to be generalissimo, to command the people for their own safety; and so it was expounded by the parliament in 13 Eliz., which, for some reason of state, was not permitted to be printed with the statutes. Besides, God told those kings whom he had formerly anoynted what their duty was; not to exalt themselves over-much above their brethren, to delight

themselves in the law of God; out of which I infer that the Turks, Tartars, Muscovites, French, Spaniards, and all people that live at the beck and nod of tyrannical men, may and ought to free themselves from that tyranny, if, and when they can; for such tyrants, that so domineer with a rod of iron, do not govern by Gods permissive hand of approbation or benediction, but by the permissive hand of his providence suffering them to scourge the people, for ends best known to himself, until he open a way for the people to work out their own enfranchisements.

But before I speak of the war, it will be necessary, for satisfaction of rational men, to open and prove the kings wicked design, wherein he stands charged. Now, that he had, from the beginning of his reign, such a design and endeavour so to tear up the foundation of government, that law should be no protection to any mans person or estate, will clearly appear by what follows.

1. By his not taking the oath so fully as his predecessors did, that so, when the parliament should tender good laws to him for the royal assent, he might readily answer that he was not by oath obliged to confirm or corroborate the same.

2. By his dishonourable and perfidious dealing with the people at his coronation, when he set forth a proclamation, that in regard of the infection then spread through the kingdom, he promised to dispense with those knights, that, by an old statute, were to attend at the coronation, who were thereby required not to attend; but did, notwithstanding, within few months after, take advantage of their absence, and raised a vast sum of money out of their estates at the council table; where they pleading the said proclamation for their justification, they were answered, that the law of the land was above any proclamation; like that tyrant that, when he could not by law execute a virgin, commanded her to be deflowered, and then put to death.

3. By his altering the patents and commissions to the judges, which having heretofore had their places granted to them so long as they should behave themselves therein, he made them but during pleasure; that so if the judges should not declare the law to be as he would have it, he might with a wet finger remove them, and put in such as should not only say, but swear, if need were, that the law was as the king would have it; for when a man shall give five or ten thousand pounds for a judges place during the kings pleasure, and he shall the next day send to him to know his opinion of a difference in law between the king and a subject, and it shall be intimated unto him, that if he do not deliver his opinion for the king, he is likely to be removed out of his place the next day; which if so, he knows not how to live, but must rot in a prison for the money which he borrowed to buy his place; as was well known to be some of their cases who under-hand and closely bought great places, to elude the danger of the statute. Whether this was not too heavy a temptation for the shoulders of most men to bear, is no hard matter to determine; so as upon the matter, that very act of his made the king at the least a potential tyrant; for when that shall be law which a king shall declare himself, or which shall be declared by those whom he chooses, this brings the people to the very next step to slavery.

But that which does irrefragably prove the design, was his restless desire to destroy parliaments, or to make them useless: And for that, who knows not but that there were three or four national meetings in parliament in the first four years of his reign, which were called for supply, to bring money into his coffers in point of subsidies, rather than for any benefit to the people, as may appear by the few good laws that were then made? But that which is most memorable, is the untimely dissolving of the parliament in 4 Car., when Sir John Elliot and others (who managed a conference with the house of peers concerning the duke of Buckingham, who, amongst other things, was charged concerning the death of King James) were committed close prisoners to the Tower, where he lost his life by cruel indurance: Which I may not pass over without a spe-



cial animadversion; for sure there is no Turk or heathen but will say, that if he were any way guilty of his fathers death, let him die for it.

I would not willingly be so injurious to the honest reader, as to make him buy that again which he hath formerly met with in the parliaments declaration or elsewhere: in such case a marginal reference may be sufficient. Nor would I herein be so presumptuous as to prevent any thing that happily may be intended in any declaration for more general satisfaction; but humbly to offer a students mite, which satisfies my self, with submission to better judgments.

How the king first came to the crown, God and his own conscience best knew. It was well known and observed at court, that a little before he was a professed enemy to the duke of Buckingham, but instantly upon the death of King James, took him into such special protection, grace, and favour, that upon the matter he divided the kingdom with him. And when the Earl of Bristol had exhibited a charge against the said duke, the 13 article whereof concerned the death of King James, he instantly dissolved that parliament, that so he might protect the duke from the justice thereof, and would never suffer any legal inquiry to be made for his fathers death. The Rabbins observe, that that which stuck most with Abraham about Gods command to sacrifice Isaac, was this: "Can I not be obedient, unless I be unnatural? What will the heathens say, when they hear I have killed my only son?" What will an Indian say to this case? A king hath all power in his hands to do justice. There is one accused, upon strong presumptions at the least, for poisoning that king's father; the king protects him from justice: whether do you believe that himself had any hand in his fathers death? Had the duke been accused for the death of a begger, he ought not to have protected him from a judicial trial. We know that by law it is no less than misprision of treason to conceal a treason; and to conceal a murder strongly implies a guilt thereof, and makes him a kind of accessory to the fact. He that hath no nature to do justice to his own father, could it ever be expected that he should do justice to others? Was he fit to continue a father to the people, who was without natural affection to his own father? Will he love a kingdom, that shewed no love to himself, unless it was that he durst not suffer inquisition to be made for it? But I leave it as a riddle, which at the day of judgment will be expounded and unriddled; for some sins will not be made manifest till that day; with this only, that had he made the law of God his delight, and studied therein night and day, as God commanded his kings to do, or had he but studied Scripture half so much as Ben. Johnson or Shakespear,<sup>a</sup> he might have learnt that when Amaziah was settled in the kingdom, he suddenly did justice upon those servants which had killed his father Joash: he did not, by any pretended prerogative, excuse or protect them, but delivered them up into the hands of that justice which the horridness of the fact did undoubtedly demerit.

That parliament 4 Car. proving so abortive, the king sets forth a proclamation, that none should presume to move him to call parliaments, for he knew how to raise monies enough without the help of parliaments; therefore, in 12 years, refuseth to call any: in which interval and intermission, how he had oppressed the people, by incroachments and usurpations upon their liberties and properties, and what vast sums of money he had forceably exacted and exhausted by illegal patents and monopolies of all sorts, I refer the reader to that most judicious and full declaration of the state of the kingdom, published in the beginning of this parliament. That judgment of ship-money

<sup>a</sup> The mingling an insinuation of so black a nature, and so totally alien to the king's temper and disposition, seems intended by the orator to poison his arrow, as it were, by bespeaking the public antipathy against the accused. Some remarks on the falsehood of the charge will be found prefixed to Dr Eglisbame's Fore-runner of Revenge.

<sup>a</sup> This is the second time that Mr Cooke upbraids the unhappy prince with his taste for polite learning, and for the poetry of Shakespear and Johnson. This reproach was quite in character from a rigid and puritanical lawyer. But what shall we say, when it is re-echoed by the immortal Milton, who taunts Charles's memory with a quotation from "the closet companion of his solitudes—William Shakespear!"

<sup>2</sup> Kings, xii.  
<sup>20</sup>; xiv. 1, 5.

<sup>27</sup> Mar.  
<sup>5</sup> Car.

did, upon the matter, formalize the people absolute slaves, and him an absolute tyrant ; for if the king may take from the people in case of necessity, and himself shall be judge of that necessity, then cannot any man say that he is worth 6*d.* ; for if the king say that he hath need of that 6*d.*, then by law he must have it: I mean that great Nimrod that would have made all England a forrest, and the people, which the bishops call his sheep, to be his venison, to be hunted at his pleasure.

Nor does the common objection, that the judges and evil counsellors, and not the king, ought to be responsible for such male-administrations, injustice, and oppression, bear the weight of a feather in the ballance of right reason ; for, 1. Who made such wicked and corrupt judges ? Were they not his own creatures ? And ought not every man to be accountable for the works of his own hands ? He that does not hinder the doing of evil, if it lies in his power to prevent it, is guilty of it, as a commander thereof. He that suffered those black stars to inflict such barbarous cruelties and unheard-of punishments, as brandings, slitting of noses, &c., upon honest men, to the dishonour of the protestant religion, and disgrace of the image of God, shining in the face of man, he well deserved to have been so served. But, 2. He had the benefit of those illegal fines and judgments. I agree, that if a judge shall oppress I. S., for the benefit of I. D., the king ought not to answer for this, but the judge, unless he protect the judge against the complaint of I. S., and in that case he makes himself guilty of it. But when an unjust judgment is given against I. S., for the king's benefit, and the fine to come immediately into his coffers, he that receives the money must needs be presumed to consent to the judgment. But, 3. Mark a Machiavel policy. Call no parliaments, to question the injustice and corruption of judges, for the people's relief, and make your own judges, and let that be law that they declare ; whether it be reasonable or unreasonable, it is no matter.

But then how came it to pass that we had any more parliaments ? Had we not a gracious king, to call a parliament when there was so much need of it ; and to pass so many gracious acts to put down the star-chamber, &c. ? Nothing less. It was not any voluntary free act of grace, not the least ingredient or tincture of love or good affection to the people, that called the short parliament in 1., but to serve his own turn against the Scots, whom he then had designed to enslave. And those seven acts of grace which the king past were no more than his duty to do, nor half so much, but giving the people a take of their own grists ; and he dissents with them about the militia, which commanded all the rest : he never intended thereby any more good and security to the people, than he that, stealing the goose, leaves the feathers behind him. But to answer the question : thus it was :

The king being wholly given up to be led by the councils of a jesuited party, who indeavoured to throw a bone of dissention among us, that they might cast in their net into our troubled waters, and catch more fish ; for St Peter's see perswaded the king to set up a new form of prayer in Scotland, and laid the bait so cunningly, that, whether they saw it or not, they were undone : if they saw the mistery of iniquity couched in it, they would resist, and so merit punishment for rebelling ; if they swallowed it, it would make way for worse. Well, they saw the poison, and refused to taste it : the king makes war ; and many that loved honour and wealth more than God assisted him : down he went with an army, but his treasure wasted in a short time : fight they would not, for fear of an after-reckoning : some commanders propound that they should make their demands ; and the king grants all, comes back to London, and burns the pacification, saying it was counterfeit : they re-assume their forts : he raises a second war against them, and was necessitated to call a parliament, offering to lay down ship-money for twelve subsidies : they refuse : the king, in high displeasure, breaks off the parliament, and in a declaration commands them not to think of any more parliaments, for he would never call another.

There was a king of Ægypt that cruelly opprest the people : the poor slaves com-



plaining to one another, he feared a rising, and commanded that none should complain, upon pain of cruel death: spies being abroad, they often met, but durst not speak, but parted with tears in their eyes, which declared that they had more to utter, but durst not: this struck him to greater fears: he commanded that none should look upon one another's eyes at parting; therefore, their griefs being too great to be smothered, they fetcht a deep sigh when they parted, which moved them so to compassionate one another's wrongs, that they ran in and killed the tyrant. The long-hatching Irish treason was now ripe, and therefore it was necessary that England and Scotland should be in combustion, lest we might help the Irish protestants. Well, the Scots get Newcastle: he knew they would trust him no more, he had so often broke with them, therefore no hopes to get them out by a treaty. Many lords and the city petition for a parliament. The king was at such a necessity, that yield he must, to that which he most abhorred: God had brought him to such a strait. He that a few months before assumed the power of God, commanding men not to think of parliaments, to restrain the free thoughts of the heart of man, was constrained to call one; which they knew he would break off when the Scots were sent home, therefore got a confirmation of it, that he should not dissolve it without the consent of both houses, of which he had no hopes, or by force, which he suddenly attempted: and the English army in the north was to have come up to confound the parliament and this rebellious and disloyal city, as the king called it, and for their pains was promised thirty thousand pounds and the plunder, as by the examinations of Colonel Goring, Legge, &c., doth more fully appear.

And here, by the way, I cannot but commend the city malignants: He calls them rebels; they call him a gracious king: he, by his proclamation at Oxford, prohibits all commerce and intercourse of trade between this populous city (the life and interest whereof consists in trade, without which many thousands cannot subsist) and other parts of the kingdom: still they do good against evil, and, petitioning him so often to cut their throats, are troubled at nothing so much as that they are not reduced to that former and a worse bondage than when there was a lord-warden made in the city, and the king sent for as much of their estates as he pleased. But surely the Oxfordshire men are more to be commended; for when the king had commanded, by his proclamation, that what corn, hay, and other provision in the county of Oxford could not be fetcht into the said city, for his garrison, should be consumed and destroyed by fire, for fear it should fall into the hands of the parliaments friends, (a cruelty not to be paralleled by any infidel, heathen, or pagan king, nor to be presidented amongst the most avowed and professed enemies, much less from a king to his subjects,) they resolved never to trust him any more.

15 Apr.  
20 Car.

But the great question will be, What hath been the true ground and occasion of the war? Which unless I clear, and put it out of question, as the charge imports, I shall fall short of what I chiefly aim at, viz. That the king set up his standard of war for the advancement and upholding of his personal interest, power, and pretended prerogative, against the publick interest of common right, peace, and safety; and thus I prove it.

1. He fought for the militia by sea and land, to have it at his absolute dispose, and to justifie and maintain his illegal commissions of array; and this he pretended was his birth-right by the law of England: Which, if it were so, then might he, by the same reason, command all the money in the kingdom; for he that carries the sword will command the purse.

2. The next thing that he pretended to fight for was, his power to call parliaments when he pleased, and dissolve them when he list. If they will serve his turn, then they may sit by a law to enslave the people; so that the people had better choose all the courtiers and king's favorites at first, than to trouble themselves with ludibrious elections, to assemble the freeholders together, to their great labour and expence, both of time and coin; and those which are chosen knights and burgesses to make

great preparations, to take long journies to London, themselves and their attendants, to see the king and lords in their parliament robes ride in state to the house, and, with Domitian, to catch flies: and no sooner shall there be any breathings, or a spirit of justice stirring and discovered in the house of commons, but the king sends the black rod, and dissolves the parliament, and sends them back again, as wise as they were before, but not with so much money in their purses, to tell stories to the freeholders of the bravery of the king and lords.

3. Well, but if this be too gross, and that the people begin to murmur and clamour for another parliament, then there goes out another summons, and they meet, and sit for some time, but to as much purpose as before; for when the commons have presented any bill for redress of a publick grievance, then the king hath several games to play to make all fruitless; as, first, his own negative voice, that if lords and commons are both agreed, then he will advise; which (I know not by what strange doctrine) hath been of late construed to be a plain denial; though, under favour, at the first it was no more but to allow him two or three days time to consider of the equity of the law; in which time, if he could not convince them of the injustice of it, then ought he, by his oath and by law, to consent to it.

4. But if by this means the king had contracted hard thoughts from the people, and that not only the commons, but many of the lords, that have the same noble blood running in their veins as those English barons whose swords were the chief instruments that purchased Magna Charta; then, that the king might be sure to put some others between him and the peoples hatred, the next prerogative that he pretended to have was, to be the sole judge of chivalry, to have the sole power of conferring honours, to make as many lords as he pleased; that so he may be sure to have two against one, if the house of commons (by reason of the multitude of burgesses, which he likewise pretended a power to make as many borough-towns and corporations as he pleased) were not pack'd also. And this is that glorious priviledge of the English parliaments, so much admired for just nothing; for if his pretended prerogative might stand for law, as was challenged by his adherents, never was there a purer cheat put upon any people, nor a more ready way to enslave them, than by privilege of parliament; being just such a mockery of the people as that mock parliament at Oxford was, where the king's consent must be the figure, and the representative stand but for a cypher.

5. But then out of parliament the people are made to believe that the king hath committed all justice to the judges, and distributed the execution thereof into several courts; and that the king cannot so much as imprison a man, nor impose any thing upon, nor take any thing away from the people, as by law he ought not to do: But now see what prerogative he challenges.

1. If the king have a mind to have any publick-spirited man removed out of the way, this man is killed, the murderer known: a letter comes to the judge, and it may be it shall be found but man-slaughter: if it be found murder, the man is condemned, but the king grants him a pardon; which the judges will allow, if the word murder be in it: but because it is too gross to pardon murder, therefore the king shall grant him a lease of his life for seven years, and then renew it, (like a bishop's lease,) as he did to Major Prichard, who was lately justiced; who being a servant to the earl of Lindsey, murdered a gentleman in Lincolnshire, and was condemned, and had a lease of his life from the king, as his own friends have credibly told me.

2. For matter of liberty:—The king or any courtier sends a man to prison; if the judge set him at liberty, then put him out of his place; a temptation too heavy for those that love money and honour more than God to bear; therefore any judgement that is given between the king and a subject, 'tis not worth a rush; for what will not money do?

Next, he challenges a prerogative to enhance and debase moneys, which by law was



allowed him, so far as to ballance trade, and no further; that if gold went high beyond sea, it might not be cheap here, to have it all bought up and transported. But under colour of that he challenges a prerogative, that the king may by proclamation make leather currant, or make a sixpence go for twenty shillings, or a twenty shillings for sixpence: Which, not to mention any thing of the prospect of farthings, or brass money, he that challenges such a prerogative is a potential tyrant; for if he may make my twelve-pence in my pocket worth but two-pence, what property hath any man in any thing that he enjoys?

Another prerogative pretended was, that the king may void any grant, and so may couzen and cheat any man by a law, the ground whereof is, that the kings grants shall be taken according to his intention; which, in a sober sense, I wish that all mens grants might be so constructed according to their intentions, exprest by word or writing: But by this means it being hard to know what the king intended, his grants have been like the devils oracles, taken in any contrary sense, for his own advantage.

1. R. In the famous case of Altonwoods there is vouched the lord Lovels case, that the king granted lands to the lord Lovel and his heirs-males, not for service done, but for a valuable consideration of money paid: The patentee well hoped to have enjoyed the land, not only during his life, but that his heirs-males, at least of his body, should have likewise enjoyed it: But the judges finding, it seems, that the king was willing to keep the money, and have his land again. (for what other reason no mortal man can fathom,) resolved that it was a void grant, and that nothing passed to the patentee. I might instance in many cases of like nature, throughout all the reports; as one once made his boast, that he never made or past any patent or charter from the crown, but he reserved one starting hole or other, and knew how to void it, and so meerly to couzen and defraud the poor patentee. So that now, put all these prerogatives together,—1. The militia by sea and land; 2. A liberty to call parliaments when he pleased, and to adjourn, prorogue, or dissolve them at pleasure; 3. A negative voice, that the people cannot save themselves without him, and must cut their own throats, if commanded so to do; 4. The nomination and making of all the judges, that, upon peril of the loss of their places, must declare the law to be as he pleases; 5. A power to confer honours upon whom, and how he pleases; (a covetous base wretch, for five or ten thousand pounds, to be courted, who deserves to be carted;) 6. To pardon murderers, whom the Lord says shall not be pardoned; 7. To set a value and price of moneys as he pleases; that if he be to pay ten thousand pounds, he may make leather, by his proclamation, to be currant that day, or a five shillings to pass for twenty shillings; and if to receive so much, a twenty shillings to pass for five shillings; and, lastly, a legal theft to void his own grants;—I may boldly throw the gantlet, and challenge all the Machiavels in the world to invent such an exquisite platform of tyrannical domination, and such a perfect tyranny, without maim or blemish, as this is, and that by a law, which is worst of all. But the truth is, these are no legal prerogatives, but usurpations, ineroachments, and invasions upon the peoples rights and liberties, and this easily effected, without any great depth of policy; for 'tis but being sure to call no parliaments, or make them useless, and make the judges places profitable, and place avarice upon the bench, and no doubt but the law shall sound as the king would have it. But let me thus far satisfie the ingenuous reader, that all the judges in England cannot make one case to be law that is not reason, no more than they can prove a hair to be white that is black; which if they should so declare or adjudge, it is a meer nullity; for law must be reason adjudged, where reason is the genus; and the judgment in some court makes the *differentiæ*: and I never found that the fair hand of the common law of England ever reached out any prerogative to the king, above the meanest man, but in three cases: 1. In matters of honour and pre-eminence to his person, and in matters of interest, that he should have mines-royal

of gold and silver, in whose land soever they were discovered; and fishes-royal, as sturgeons and whales, in whose streams or water soever they are taken; which very rarely happened; or to have tythes out of a parish that nobody else could challenge; for says the law, The most noble persons are to have the most noble things: 2. To have his patents freed from deceit, that he be not over-reached or couzened in his contracts, being imployed about the great and arduous affairs of the kingdom: 3. His rights to be freed from incursion of time, not to be bound up by any statute of non-claim; for indeed possession is a vain plea, when the matter of right is in question, for right can never die; and some such honourable priviledges of mending his plea, or suing in what court he will, and some such prerogatives, of a middle, indifferent nature, that could not be prejudicial to the people: But that the law of England should give the king any such vast, immense, precipitating power, or any such god-like state, that he ought not to be accountable for wicked actions, or male-administrations and misgovernment, (as he hath challenged and averr'd in his answer to the petition of right,) or any such principles of tyranny, which are as inconsistent with the peoples liberties and safety as the ark and dagon, light and darkness, in an intensive degree, is a most vain and irrational thing to imagine; and yet that was the ground of the war, as himself often declared; and that would not have half contented him, if he had come in by the sword. But some rational men object, how can it be murder, say they, for the king to raise forces against the parliament? since there is no other way of determining differences between the king and his subjects but by the sword; for the law is no competent judge between two supreme powers: and then if it be only a contending for each others right, where is the malice that makes the killing of a man murder? Take the answer thus: First, How is it possible to imagine two supreme powers in one nation, no more than two suns in one firmament? If the king be supreme, the parliament must be subordinate; if they supreme, then he subordinate. But then it is alledged that the king challenged a power only co-ordinate; that the parliament could do nothing without him, nor he without them. Under favour, two powers co-ordinate is as absurd as the other; for though in quiet times the commons have waited upon the king, and allowed him a negative voice in matters of less concernment, where delay could not prove dangerous to the people, yet when the commons shall vote that the kingdom is in danger, unless the militia be so and so settled, now, if he will not agree to it, they are bound in duty to do it themselves: and 'tis impossible to imagine that ever any man should have the consent of the people to be their king upon other conditions, (without which no man ever had right to wear the diadem;) for conquest makes a title amongst wolves and bears, but not amongst men.

When the first agreement was concerning the power of parliaments, if the king should have said, Gentlemen, are you content to allow me any negative voice; that if you vote the kingdom to be in danger, unless such an act pass, if I refuse to assent, shall nothing be done in that case? Surely no rational man but would have answered, may it please your majesty, we shall use all dutiful means to procure your royal assent; but if you still refuse, we must not sit still and see our selves ruined; we must and will save our selves, whether you will or no. And will any man say that the kings power is diminished, because he cannot hurt the people, or that a man is less in health that hath many plisitians to attend him. God is omnipotent, that cannot sin; and all power is for the peoples good; but a prince may not say that is for the peoples good, which they say and feel to be for their hurt. And as for the malice, the law implies that; as when a thief sets upon a man to rob him, he hath no spite to the man, but love to the money: But it is an implied malice, that he will kill the people, unless they will be slaves.

*Q.* But by what law is the king condemned?

*R.* By the fundamental law of this kingdom, by the general law of all nations, and



the unanimous consent of all rational men in the world, written in every mans heart with the pen of a diamond, in capital letters, and a character so legible, that he that runs may read, viz. That when any man is intrusted with the sword for the protection and preservation of the people, if this man shall imploy it to their destruction, which was put into his hand for their safety, by the law of that land he becomes an enemy to that people, and deserves the most exemplary and severe punishment that can be invented: And this is the first necessary fundamental law of every kingdom, which, by intrinsical rules of government, must preserve it self: And this law needed not be exprest, That if a king become a tyrant, he shall die for it, 'tis so naturally implied. We do not use to make laws which are for the preservation of nature, that a man should eat and drink, and buy himself cloaths, and injoy other natural comforts; no kingdom ever made any laws for it: And as we are to defend our selves naturally, without any written law, from hunger and cold, so from outward violence; therefore, if a king would destroy a people, 'tis absurd and ridiculous to ask by what law he is to die. And this law of nature is the law of God, written in the fleshly tables of mens hearts, that, like the elder sister, hath a prerogative right of power before any positive law whatsoever: and this law of nature is an undubitable legislative authority of it self, that hath a suspensive power over all human laws. If any man shall, by express covenant, under hand and seal, give power to another man to kill him, this is a void contract, being destructive to humanity; and by the law of England, any act or agreement against the laws of God or nature is a meer nullity; for as man hath no hand in the making of the laws of God or nature, no more hath he power to marr or alter them. If the pilot of a ship be drunk, and running upon a rock, if the passengers cannot otherwise prevent it, they may throw him into the sea to cool him; and this question hath received resolution this parliament. When the militia of an army is committed to a general, 'tis not with any express condition that he shall not turn the mouths of his cannons against his own souldiers, for that is so naturally and necessarily implied, that it's needless to be exprest; insomuch, as if he did attempt or command such a thing, against the nature of his trust and place, it did, *ipso facto*, estate the army in a right of disobedience, unless any man be so grossly ignorant to think that obedience binds men to cut their own throats, or their companions. Nor is this any secret of the law, which hath lain hid from the beginning, and now brought out to bring him to justice; but that which is connatural with every man, and innate in his judgment and reason, and is as ancient as the first king, and an epidemical binding law in all nations in the world: For when many families agree, for the preservation of human society, to invest any king or governor with power and authority, upon the acceptance thereof, there is a mutual trust and confidence between them, that the king shall improve his power for their good, and make it his work to procure their safeties, and they to provide for his honour, which is done to the common-wealth in him, as the sword and ensigns of honour carried before the lord-mayor are for the honour of the city. Now, as when any one of this people shall compass the death of the governor, ruling well, this is a treason punishable with death, for the wrong done to the community, and anathema be to such a man; so when he or they, that are trusted to fight the peoples battels, and to procure their welfare, shall prevaricate, and act to the enslaving or destroying of the people, who are their liege lords, and all governors are but the peoples creatures, and the work of their hands, to be accomptable as their stewards, (and is it not senseless for the vessel to ask the potter by what law he calls it to account,) this is high treason with a witness, and far more transcendent than in the former case; because the king was paid for his service, and the dignity of the person does increase the offence. For a great man, of noble education and knowledge, to betray so great a trust, and abuse so much love as the parliament shewed to the king, by petitioning him as good subjects, praying for him as good Christians, advising him as good counsellors, and treating with

him as the great council of the kingdom, with such infinite care and tenderness of his honour, (a course which God's people did not take with Rehoboam: they never petitioned him, but advised him; he refused their council, and hearkened to young counsellors, and they cry, "To thy tents, O Israel," and made quick and short work of it;) after all this, and much more longanimity and patience (which God exercises towards man, to bring him to repentance) from the Lord to the servant, for him not only to set up a standard of war, in defiance of his dread sovereign, the people, (for so they truly were in nature, though names have befool'd us,) but to persist so many years in such cruel persecutions, who with a word of his mouth might have made a peace,—if ever there were so superlative a treason, let the Indians judge: And whosoever shall break and violate such a trust and confidence, *anathema maranatha* be unto them.

*Q.* But why was there not a written law to make it treason for the king to destroy the people, as well as for a man to compass the king's death?

*Resp.* Because our ancestors did never imagine that any king of England would have been so desperately mad, as to levy a war against the parliament and people; as in the common instance of parricide, the Romans made no law against him that should kill his father, thinking no child would be so unnatural as to be the death of him who was the author of his life. But when a child came to be accused for a murder, there was a more cruel punishment inflicted than for other homicides; for he was thrown into the sea, in a great leather barrel, with a dog, a jackanapes, a cock, and a viper, significant companions for him, to be deprived of all the elements, as in my Poor Man's Case, fol. 10. Nor was there any law made against parents that should kill their children; yet if any man was so unnatural, he had an exemplary punishment.

*Obj.* But is it not a maxim in law, that the king can do no wrong?

*Resp.* For any man to say so is blasphemy against the great God of truth and love; for only God cannot err; because what he wills is right, because he wills it; and 'tis a sad thing to consider how learned men, for unworthy ends, should use such art to subdue the people, by transportation of their senses, as to make them believe that the law is, that the king can do no wrong.

First, for law, I do aver it with confidence, but in all humility, that there is no such case to be found in law, that if the king rob, or murder, or commit such horrid extravagancies, that it is no wrong. Indeed the case is put in H. 7., by a chief judge, that if the king kill a man, 'tis no felony to make him suffer death; that is to be meant in ordinary courts of justice: But there is no doubt but the parliament might try the king, or appoint others to judge him for it. We find cases in law, that the king hath been sued even in civil actions.

In 43 E. 3. 22, it is resolved, that all manner of actions did lie against the king, as against any lord; and 24 E. 3. 23, Wilby, a learned judge, said, that there was a writ *præcipe Henrico rege Angliæ*.

Indeed E. 1. did make an act of state, that men should sue to him by petition; but this was not agreed unto in parliament. *Thelwall, title Roye Digest of Writs*, 711. But after, when judges places grew great, the judges and bitesheeps began to sing lullaby, and speak placentia to the king, that "my lord the king is an angel of light." Now angels are not responsible to men, but God, therefore not kings. And the judges, they begin to make the king a God, and say, that by law his stile is sacred majesty, though he swears every hour; and gracious majesty, though gracious men be the chief objects of his hatred; and that the king hath an omnipotency and omnipresence.

But I am sure there is no case in law, that if the king levy a war against the parliament and people, that it is not treason. Possibly that case in H. 7. may prove, that if the king should in his passion kill a man, this shall not be felony to take away the king's life; for the inconveniency may be greater to the people, by putting a king to death for one offence and miscarriage, than the execution of justice upon him can ad-



vantage them. But what is this to a levying of war against a parliament? Never any judge was so devoid of understanding, that he denied that to be treason. But suppose a judge that held his place at the king's pleasure did so, I am sure never any parliament said so. But what if there had, in dark times of popery, been an act made, that the king might murder, ravish, burn, and perpetrate all mischiefs, and play reaks with impunity, will any man, that hath but wit enough to measure an ell of cloth, or to tell twenty, say that this is an obligation for men to stand still, and suffer a monster to cut their throats, and grant commission to rob at Shooters-Hill; as such, and no better, are all legal thefts and oppressions. The doctor says, that a statute against giving an alms to a poor man is void. He is no student, I mean was never bound prentice to reason, that says a king cannot commit treason against the people.

*Obj.* But are there not negative words in the statute of 25 Ed. 3., that nothing else shall be construed to be treason, but what is there exprest?

*Resp.* That statute was intended for the peoples safety, that the king's judges should not make traytors by the dozens, to gratifie the king or courtiers; but it was never meant to give liberty to the king to destroy the people: And though it be said that the king and parliament only may declare treason, yet, no doubt, if the king will neglect his duty, it may be so declared without him; for when many are obliged to do any service, if some of them fail, the rest must do it.

*Obj.* But is there any precedent, that ever any man was put to death that did not offend against some written law? For where there is no law, there is no transgression.

*Resp.* 'Tis very true, where there is neither law of God, nor nature, nor positive law, there can be no transgression; and therefore that scripture is much abused, to apply it only to laws positive: For

First, *Ad ea quæ frequentius, &c.* 'Tis out of the sphere of all earthly lawgivers to comprehend and express all particular cases that may possibly happen, but such as are of most frequent concurrence; particulars being different, like the several faces of men, different from one another; else laws would be too tedious; and as particulars occur, rational men will reduce them to general reasons of state, so as every thing may be adjudged for the good of the community.

2. The law of England is *lex non scripta*; and we have a direction in the Epistle to the 3 Rep., that when our law books are silent, we must repair to the law of nature and reason. Holinshed, and one other historian, tells us, that, in 20 H. 8., the lord Hungerford was executed for buggery, for which there was then no positive law to make it felony: and before any statute against witchcraft, many witches have been hanged in England, because it is death by God's law. If any Italian mountebank should come over hither, and give any man poison, that should lie in his body above a year and a day, and then kill him, as it is reported they can give a man poison that shall consume the body in three years, will any make scruple or question to hang up such a rascal? At Naples, the great treasurer of corn being intrusted with many thousand quarters, at three shillings the bushel, for the common good, finding an opportunity to sell it for five shillings the bushel, to foreign merchants, enriched himself exceedingly thereby; and corn growing suddenly dear, the council called him to account for it; who proffered to allow three shillings for it, as it was delivered into his custody, and hoped thereby to escape; but for so great a breach of trust, nothing would content the people but to have him hanged: and though there was no positive law for it, to make it treason, yet it was resolved, by the best politicians, that it was treason to break so great a trust by the fundamental constitution of the kingdom, and that for so great an offence he ought to die, that durst presume to enrich himself by that which might indanger the lives of so many citizens; for as society is natural, so governors must of necessity, and in all reason provide for the preservation and sustenance of the meanest member, he that is but as the little toe of the body politique.

But I know the ingenuous reader desires to hear something concerning Ireland, where there was no less than 152,000 men, women, and children, most barbarously and satanically murdered in the first four months of the rebellion, as appeared by substantial proofs, at the King's Bench, at the trial of Macquire. If the king had a hand, or but a little finger in that massacre, every man will say, let him die the death; but how shall we be assured of that? How can we know the tree, better than by its fruits? For my own particular, I have spent many serious thoughts about it; and I desire in doubtful cases to give charity the upper hand; but I cannot in my conscience acquit him of it. Many strong presumptions, and several oaths of honest men, that have seen the king's commission for it, cannot but amount to a clear proof. If I meet a man running down stairs with a bloody sword in his hand, and find a man stabbed in the chamber, though I did not see this man run into the body, by that man which I met, yet if I were of the jury, I durst not but find him guilty of the murder. And I cannot but admire that any man should deny that for him, which he durst never deny for himself. How often was that monstrous rebellion laid in his dish? And yet he durst never absolutely deny it. Never was bear so unwillingly brought to the stake, as he was to declare against the rebels; and when he did once call them rebels, he would suffer but forty copies to be printed; and he hath since above forty times called them his subjects, and his good subjects, and sent to Ormond to give special thanks to some of these rebels, as Muskerri and Plunket, (which I am confident, by what I see of his height of spirit and undaunted resolution at his trial, and since, acting the last part answerable to the former part of his life, he would rather have lost his life, than to have sent thanks to two such incarnate devils, if he had not been as guilty as themselves.) Questionless, if the king had not been guilty of that blood, he would have made a thousand declarations against those blood hounds and hell-hounds, that are not to be named but with fire and brimstone, and have sent to all princes in the world for assistance against such accursed devils in the shape of men. But he durst not offend those fiends and fire-brands; for if he had, I verily believe they would soon have produced his commission, under his hand, and seal of Scotland, at Edinburgh, 1641; a copy whereof is in the parliaments hands, attested by oath, dispersed by copies in Ireland, which caused the general rebellion.

*Obj.* He did not give commission to kill the English, but to take their forts, castles, towns, and arms, and come over and help him.

*Resp.* And is it like all this could be effected without the slaughter of the poor English? Did the king ever call them rebels, but in forty proclamations, wrung out of him by force, by the parliaments importunity? murdering the protestants was so acceptable to him; and with this limitation, that none should be published without his further directions; as appears under Nichols his hand, now in the parliaments custody. But the Scots were proclaimed rebels before they had killed a man, or had an army, and a prayer against them enjoined in all churches, but no such matter against the Irish.

Well, when the rebels were worsted in Ireland, the king makes war here to protect them, which, but for his fair words, had been prevented, often calling God to witness, he would as soon raise war on his own children; and men, from popish principles, assist him. Well, we fought in jest, and were kept between winning and losing. The king must not be too strong, lest he revenge himself, nor the parliament too strong, for the commons would rule all, till Naseby fight, that then the king could keep no more days of thanksgiving so well as we. Then he makes a cessation in Ireland, and many Irish came over to help him; English came over with papists, who had scarce wiped their swords since they had killed their wives and children, and had their estates.

But thus I argue:—The rebels knew that the king had proclaimed them traytors, and forty copies were printed; and the first clause of an oath enjoined by the general council of rebels was, to bear true faith and allegiance to King Charles, and by all means



to maintain his royal prerogative, against the puritans in the parliament of England. Now, is any man so weak in his intellectuals, as to imagine, that if the rebels had, without the king's command or consent, murdered so many protestants, and he thereupon had really proclaimed them rebels, that they would after this have taken a new oath, to have maintained his prerogative? No, those bloody devils had more wit than to fight in jest. If the king had once in good earnest proclaimed them rebels, they would have burnt their scabbards, and would not have stiled themselves the king and queens army, as they did. And, truly, that which the king said for himself, that he would have adventured himself to have gone in person into Ireland to suppress that rebellion, is but a poor argument to inforce any mans belief that he was not guilty of the massacre; for it makes me rather think that he had some hopes to have returned in the head of 20 or 30,000 rebels, to have destroyed this nation: For when the earl of Leicester was sent by the parliament to subdue the rebels, did not the king hinder him from going? And were not the cloaths and provisions which were sent by the parliament for the relief of the poor protestants there seized upon by his command, and his men of war, and sold or exchanged for arms and ammunition, to destroy this parliament? And does not every man know that the rebels in Ireland gave letters of mart, for taking the parliaments ships, but freed the kings, as their very good friends? And I have often heard it credibly reported, that the king should say, that nothing more troubled him, but that there was not as much protestant blood running in England and Scotland as in Ireland. And when that horrid rebellion begun to break forth, how did the papists here triumph and boast, that they hoped ere long to see London streets run down in blood? And yet I do not think that the king was a papist, or that he designed to introduce the popes supremacy in spiritual things into this kingdom: But thus it was:—A jesuitical party at court was too prevalent in his councils: and some mungrel protestants, that less hated the papists than the puritans, by the queens mediation joyned altogether to destroy the puritans, hoping that the papists and the Laodicean protestant would agree well enough together. And lastly, if it be said that the king and the rebels were never fallen out, what need had Ormond to make a pacification or peace with them by the king's commission, under the great seal of Ireland? Truly there hath been so much daubing, and so little plain dealing, that I wonder how there comes to be so many beggars.

Concerning the betraying of Rochel, to the enslaving of the protestant party in France, I confess I heard so much of it, and was so shamefully reproached for it in Geneva, and by the protestant ministers in France, that I could believe no less than that the king was guilty of it. I have heard fearful exclamations, from the French protestants, against the king and the late duke of Buckingham, for the betraying of Rochel. And some of the ministers told me, ten years since, that God would be revenged of the wicked king of England, for betraying Rochel. And I have often heard Deodati say, concerning Henry the Fourth of France, that the papists had his body, but the protestants had his heart and soul; but for the king of England, the protestants had his body, but the papists had his heart: Not that I think he did believe transubstantiation, (God forbid I should wrong the dead,) but I verily believe that he loved a papist better than a puritan.

The duke of Roan, who was an honest, gallant man, and the king's godfather, would often say, that all the blood which was shed in Daulphin would be cast upon the king of England's score; for thus it was:—The king sent a letter to the Rochelers, by Sir William Brether, to assure them that he would assist them to the uttermost against the French king, for the liberty of their religion; conditionally, that they would not make any peace without him: and Mountague was sent into Savoy, and to the duke of Roan, to assure them, from the king, that 30,000 men should be sent out of England, to assist them against the French king, in three fleets; one to land in the isle of Ree,

a second in the river of Bourdeaux, and a third in Normandy : Whereupon the duke of Roan. being general for the protestants, not suspecting that the French durst assault him in Daulphin, (because the king of England was ready to invade him, as he had promised,) drew out his army upon disadvantage : Whereupon the French king imployed all his army into Daulphin against the protestants, who were forced to retreat, and the Duke of Roan to fly to Geneva, and the protestants to accept of peace upon very hard conditions, to stand barely at the king's devotion for their liberties, without any cautionary towns of assurance, as formerly they had : being such a peace as the sheep make with the wolves, when the dogs are dismiss. And the protestants have ever since cried out, to this very day, it is not the French king that did us wrong, for then we could have borne it, but it was the king of England, a profest protestant, that betrayed us. And when I have many times intreated Deodati and others to have a good opinion of the king, he would answer me, that we are commanded to forgive our enemies, but not to forgive our friends.

There is a French book printed about two years since, called *Memoires du Monsieur de Roan*, where the king's horrid perfidiousness and deep dissimulation is very clearly unfolded and discovered. To instance but in some particulars : The king having solemnly ingaged to the Rochelers that he would hazard all the forces he had in his three kingdoms, rather than they should perish, did, in order thereunto, to gain credulity with them, send out eight ships to sea, commanded by Sir John Pennington, to assist the Rochelers, as was pretended, but nothing less intended ; for Pennington assisted the French king against the Rochelers ; which made Sir Ferdinando Gorge to go away with the great Neptune, in detestation of so damnable a plot ; and the English masters and owners of ships refusing to lend their ships to destroy the Rochelers, whom with their souls they desired to relieve, Pennington, in a mad spite, shot at them.

Subise being agent here in England for the French protestants, acquainted the king how basely Pennington had dealt, and that the English ships had mowed down the Rochel ships like grass, not only to the great danger and loss of the Rochelers, but to the eternal dishonour of this nation, scandal of our religion, and disadvantage of the general affairs of all the protestants in Christendom. The king seems to be displeased, and says, What a knave is this Pennington ? But whether it was not fained, let all the world judge. But the thing being so plain, said Subise to the king, Sir, why did the English ships assist the French king, and those that would not, were shot at by your admiral ? The French protestants are no fools : how can I make them believe that you intend their welfare ? The king was much put to it for a ready answer, but at last thus it was patcht up :—that the French king had a design to be revenged of Genoa for some former affront ; and that the king lent him eight English ships, to be employed for Genoa ; and that sailing towards Genoa, they met with some of the Rochelers accidentally ; and that the English did but look on, and could not help it, not having any commission to fight at that present ; wherein the Rochelers might and would have declined a sea-fight, if they had not expected our assistance. But still the poor protestants were willing rather to blame Pennington than the king ; who, in great seeming zeal, being surety for the last peace between the French king and his protestant subjects, sends Devick to the duke of Roan, to assure him, that if Rochel were not speedily set at liberty, (which the French king had besieged contrary to his agreement,) he would employ his whole strength, and in his own person see it performed ; which being not done, then the king sends the duke of Buckingham to the isle of Ree, and gives new hopes of better success to Subise ; commanding the admiral and officers in the fleet, in Subise's hearing, to doe nothing without his advice. But when the duke came to land at the isle of Ree, many gallant English men lost their lives ; and the duke brought back 300 tuns of corn from the Rochelers, which he had borrowed of them, pretending a necessity for the English men ; which was but fained, knowing it was a city impregnable, so long as they had provi-



sion within. I confess the Rochelers were not wise to lend the duke their corn, considering how they had been dealt with. But what a base thing was it so to betray them, and to swear unto them that they should have corn enough sent from England, before they wanted it: And for a long time God did miraculously send them in a new kind of fish, which they never had before. But when the duke came to court, he made the honest English believe that Rochel would suddenly be relieved, and that there was not the least danger of the loss of it. But Secretary Cook, an honest, understanding gentleman, and the only friend at court to the Rochelers, labouring to improve his power to send some succour to Rochel, was suddenly sent away from court, upon some sleeveless errand, or, as some say, to Portsmouth, under colour of providing corn for Rochel; but the duke soon after went thither, and said, his life upon it. Rochel is safe enough. And the next day, Subise being at Portsmouth, he prest the duke of Buckingham most importunately to send relief to Rochel, then or never: The duke told him that he had just then heard good news of the victualling of Rochel, which he was going to tell the king; which Subise making doubt of, the duke affirmed it by an oath; and having the words in his mouth, he was stabb'd by Felton, and instantly dyed. The poor Rochelers seeing themselves so betrayed, exclaimed of the English, and were constrained through famine to surrender the city; yet new assurances came from the king to the duke of Roan, that he should never be abandoned, and that he should not be dismayed nor astonished for the loss of Rochel.

But Subise spoke his mind freely at court, that the English had betrayed Rochel, and that the loss of that city was the apparent perdition and loss of 32 places of strength from the French protestants in Languedock, Piedmont, and Daulphin; therefore it was thought fit that he should have a figg given him, to stop his mouth. Well, not long after, two capuchins were sent into England, to kill honest Subise, and the one of them discovered the other. Subise rewarded the discoverer, and demanded justice here against the other, who was a prisoner, but by what means you may easily imagine: That assassinate rascal, instead of being whipt, or receiving some more severe punishment, was released, and sent back into France, with money in his purse: And one of the messengers that was sent from Rochel, to complain of those abominable treacheries, was taken here, and, as the duke of Roan writes, was hanged, for some pretended felony or treason: And much more to this purpose may be found in the duke of Roan's Memorials. But yet I know many wise sober men do acquit the king from the guilt of the loss of Rochel, and lay it upon the duke, as if it were but a loss of his reputation: They say that the duke of Buckingham agitated his affairs neither for religion nor the honour of his master, but only to satisfy his passion in certain foolish vows which he made in France, entered upon a war; and that the business miscarried through ignorance, and for want of understanding to manage so difficult a negotiation, he being unfit to be an admiral or a general.\*

\* It is impossible to acquit Charles of great negligence or treachery in the affair of Rochelle; of which Wellwood produces the following evidence:—"King Charles did not only assist the Rochellers after the war was actually begun, but we have reason to believe that he encouraged them to it at first, if we look into the duke of Roan's Memoirs and Apology; where that great man acquaints the world in what manner he was brought into that war, in these words, as near as I can translate them from the original:—"When all our privileges were violated, and our religion brought to ruin, and the city of Rochell in the greatest danger, I could see no possibility to escape, but was upon the sad thoughts of submitting ourselves to the mercy of the king, (meaning Lewis the XIII.) Being in this desperate state, there came a gentleman to me, from the king of England, who told me, from his master, that he seeing our privileges were violated, and our religion in danger of being subverted, had taken compassion on our sufferings, and thought himself obliged in honour and conscience to assist and protect us; which he was resolved to do, by employing all his kingdoms, and his own person in so just a war, provided we would join our arms with his, and not enter into any treaty with the king (meaning the French king) without him; and for that effect he would make war against the French king, both by sea and land: Intreating me (continues the duke of Roan) not to abandon my party in so just and honourable a war." And

I confess that for many years I was of that opinion, and thought that the king was seduced by evil council; and some thought that Buckingham and others ruled him as a child, and durst do what they list: But certainly he was too politique and subtle a man to be swayed by any thing but his own judgement. Since Naseby Letters, I ever thought him principal in all transactions of state, and the wisest about him but accessaries. He never acted by any implicit faith in state matters: the proudest of them all durst never cross him in any design, when he had once resolved upon it. Is any man so soft-brained to think that the duke or Pennington durst betray Rochel without his command? Would not he have hanged them up at their return, if they had wilfully transgressed his commands? A thousand such excuses made for him are but like Irish quagmires, that have no solid ground or foundation in reason. He is well known to be a great student in his younger days; that his father would say, he must make him a bishop: He had more learning and dexterity in state affairs, undoubtedly, than all the kings in Christendom. If he had had grace answerable to his strong parts, he had been another Solomon; but his wit and knowledge proved like a sword in a mad man's hand. He was a stranger to the work of grace and the spirit of God, as the poor creature confest to me soon after he was condemned; and all those meanders in state, his serpentine turnings and windings, have but brought him to shame and confusion. But I am fully satisfied none of his council durst ever advise him to any thing but what they knew before he resolved to have done; and that they durst as well take a bear by the tooth, as do, or consent to the doing of any thing but what they knew would please him: they did

a little after, in the same Apology, he has these words: 'I refer it to all the world if I can be justly called the author of the third war, considering I was solicited to it by the king of Great Britain.'

"But suppose there were no credit to be given to the duke of Rhoan, whose honour and veracity even his very enemies never call'd in question, and suppose it were false, which all the world knows to be true, that King Charles did actually assist the Rochellers again and again against their prince; yet we have authentick accounts of several speeches made by the duke of Buckingham's secretary to the Rochellers, and of several messages sent to them from the duke, in name of the king his master, all to the same purpose; and likewise a manifesto published by him, and sign'd with his own hand, dated July 21, 1627, aboard the admiral ship; in which he has this expression: 'No private interest,' says he, 'has obliged my master to make war against the French king, but merely the defence of the protestant church. My master's design is the re-establishment of the church; their good is his interest, and their contentment his end.'

"We have also authentick copies of the league betwixt King Charles and the people of Rochell; in which there is this expression: 'That the Rochellers may be delivered from the oppressions they groan under.' And to sum up all, there were two letters writ by King Charles, with his own hand, to the Rochellers, which are mentioned by Monsieur Mervault, a syndic of that town, and who was active in the whole matter, and present during the whole siege, of which the copies follow:—

"To the mayor, sheriffs, peers, and burgesses of the city of Rochell.

"Gentlemen,

"Be not discouraged though my fleet be return'd. Hold out to the last; for I am resolv'd that my whole fleet shall perish rather than you be not reliev'd. For this effect I have order'd it to return back to your coasts, and am sending several ships to reinforce it. With the help of God the success shall be happy for you.

Your good friend,

CHARLES R.

At Westminster, May 19, O. S. 1628.

"The other letter, directed as before, runs thus:—

"Gentlemen,

"I have been very much troubled to hear that my fleet was upon the point of returning home without obeying my orders in supplying you with provisions, cost what it will. I have commanded them to return to your road, and not to come away till you are supplied, or at least till they are reinforced, which I have ordered to be done with all diligence. Assure yourselves that I shall never abandon you, and that I shall employ the whole power of my kingdom for your deliverance, until God assist me to obtain for you an assured peace.

Your good friend,

CHARLES R.

Given at our palace of Westminster, May 27, O. S. 1628.—WELLWOOD'S *Memoirs*, London, 1702, p. 85—88.



but hew and square the timber; he was the master builder, that gave the form to every architecture, and being so, able and judicious to discern of every man's merits. Never think that the duke, or Pennington, or any judge or officer, did ever any thing for his advantage, without his command, against law or honour.

Upon all which premises, may it please your lordship, I do humbly demand and pray the justice of this high court, and yet not I, but the innocent blood that hath been shed in the three kingdoms, demands justice against him: This blood is vocal, and cries loud, and yet speaks no better, but much louder than the blood of Abel; for what proportion hath the blood of that righteous man to the blood of so many thousands? If King Ahab and Queen Jezabel, for the blood of one righteous Naboth, (who would not sell his inheritance for the full value,) were justly put to death, what punishment does he deserve, that is guilty of the blood of thousands, and fought for a pretended prerogative, that he might have any man's estate that he liked, without paying for it? This blood hath long cried, How long, parliament, how long, army, will ye forbear to avenge our blood? Will ye not do justice upon the capital author of all injustice? When will ye take the proud lyon by the beard, that defies you with imperious exultations? What's the house of commons? What's the army? As Pharoah said, "Who is the Lord? And who is Moses?" I am not accountable to any power on earth. Those that were murdered at Braintford, knockt on the head in the water, and those honest souls that were killed in cold blood at Bolton and Leverpool in Lancashire, at Bartomley in Cheshire, and many other places, their blood cries night and day for justice against him; their wives and children cry, Justice upon the murderer; or else, Give us our fathers and husbands again. Nay, should the people be silent, the very stones and timber of the houses would cry for justice against him. But, my lord, before I pray judgment, I humbly crave leave to speak to two particulars:—1. Concerning the prisoner. When I consider what he was, and how many prayers have been made for him, (though I know that all the world cannot restore him, nor save his life, because God will not forgive his temporal punishment, yet if God in him will be pleased to add one example more to the church, of his unchangeable love to his elect in Christ, not knowing but that he may belong to the election of grace,) I am troubled in my spirit, in regard of his eternal condition, fear that he should depart this life without love and reconciliation to all those saints whom he hath scorned, under the notion of presbyterians, anabaptists, independents, and sectaries. It cannot be denied but that he hath spent all his days in unmeasurable pride; that, during his whole reign, he hath deputed himself as a god, been depended upon, and adored as God; that hath challenged and assured an omnipotent power, an earthly omnipotence; that with the breath of his mouth hath dissolved parliaments; his *non placet* hath made all the councils of that supream court to become abortives: *Non curo* hath been his motto; who, in stead of being honoured as good kings ought to be, and no more, hath been idolized and adored, as our good God only ought to be: A man that hath shot all his arrows against the upright in the land, hated Christ in his members, swallowed down unrighteousness, as the ox drinks water, esteemed the needy as his footstool, crusht

<sup>1</sup> This comparison is about as blasphemous as that of the celebrated Hugh Peters, who, preaching upon the passage where the Jews desired the release of Barabbas, made the following practical application to the trial of Charles I., then in dependence. "It was a very sad thing that this should be a question amongst us, as among the old Jews, whether our Saviour Jesus Christ must be crucified, or that Barabbas should be released, the oppressor of the people. 'O Jesus,' saith he, 'where are we, that that should be a question amongst us?' Says he, 'And because that you should think, my lords and gentlemen, that it is a question, I tell you it is a question. I have been in the city, which may very well be compared to Hierusalem in this conjuncture of time; and I profess, these foolish citizens, for a little trading and profit, they will have Christ' (pointing to the red coats on the pulpit stairs) 'crucified, and the great Barabbas at Windsor released,' says he; 'but I do not much heed what the rabble say. I hope,' says he, 'that my brethren of the clergy will be wiser: the lips of the priests do use to preserve knowledge. I have been with them too in the assembly, and having seen and heard what they said, I perceive they are for crucifying of Christ, and releasing of Barabbas. O Jesus, what shall we do now?' With such like strange expressions, and shrugging of his shoulders in the pulpit."—*State Trials*, II. 362.

honest, publick-spirited men, and grieved when he could not afflict the honest more than he did, counted it the best art and policy to suppress the righteous, and to give way to his courtiers so to gripe, grind, oppress, and over-reach the free people of the land, that he might do what he list; (the remembrance whereof would pierce his soul, if he knew the preciousness of it.) But all sins to an infinite mercy are equally pardonable; therefore my prayer for this poor wretch shall be, that God would so give him repentance to life, that he may believe in that Christ whom he hath imprisoned, persecuted, and murdered in the saints; that he which hath lived a tyrant, and hated nothing so much as holiness, may die a convert, and in love to the saints in England; that so the tears of the oppressed and the afflicted may not be as so many fiery stinging serpents, causing an eternal despairing, continual horror to this miserable man, when all tyrants shall be astonisht, and innocent blood will affright more than twelve legions of devils. All the hurt I wish to him is, that he may look the saints in the face with comfort, for the saints must judge the world. And however may be he or his adherents may think it a brave Roman spirit, not to repent of any thing, nor express any sorrow for any sin, though never so horrid, taking more care and fear not to change their countenance upon the scaffold, than what shall become of them after death: yet I beseech your lordship that I may tell him and all the malignants now living but this:—Charles Stuart, unless you depart this life in love and reconciliation to all those saints and godly men whom you have either ignorantly or maliciously opposed, mockt, and persecuted, and still scorn and jeer at, as heretiques and sectaries, there is no more hopes for you ever to see God in comfort, than for me to touch the heavens with my finger, or with a word to annihilate this great building, or for the devil to be saved, which he might be, if he could love a saint, as such. No, sir, it will be too late for you to say to those saints whom you have defied, Give me some of your holiness, that I may behold God's angry countenance. You can expect no answer, but, Go, buy, sir, of those soul hucksters, your bishops, which fed you with chaff and poison, and now you must feed upon fire and brimstone to all eternity.

2. Concerning my self, I bear no more malice to the man's person, than I do to my dear father; but I hate that cursed principle of tyranny that has so long lodged and harboured within him, which has turned our waters of law into blood; and therefore upon that malignant principle I hope this high court (which is an habitation of justice, and a royal palace of principles of freedom) will do speedy justice, that this lion, which has devoured so many sheep, may not only be removed out of the way, but that this iron scepter, which has been lifted up to break this poor nation in pieces, like a potters vessel, may be wrested out of the hands of tyrants; that my honourable clients, (for whom I am an unworthy advocate,) the people of England, may not only taste, but drink abundantly of those sweet waters of that well of liberty which this renown'd army hath digg'd with their swords; which was stopt by the Philistines, the fierce Jew, and uncircumcised Canaanite; the hopes whereof made me readily to hearken to the call to this service, as if it had been immediately from Heaven; being fully satisfied that the prisoner was long since condemned to die by God's law, (which being more noble and antient than any law of man, if there had been a statute that he should not die, yet he ought to be put to death notwithstanding,) and that this high court was but to pronounce the sentence and judgment written against him. And though I might have been sufficiently discouraged, in respect that my reason is far less than others of my profession, yet, considering that there are but two things desirable to make a dumb man eloquent, namely, a good cause and good judges; the first whereof procures the justice of Heaven, and the second justice upon earth; and thinking that happily God might make use of one mean man at the bar, amongst other learned council, that more of his mind might appear in it, (for, many times, the less there is of man, the more God's glory does appear, and hitherto very much of the mind of God hath



appeared in this action,) I went as cheerfully about it, as to a wedding. And that the glory of this administration may be wholly given to God, I desire to observe, to the praise of his great name, the work of God upon my own spirit, in his gracious assistance and presence with me, as a return of prayer, and fruit of faith; believing that God never calls to the acting of any thing so pleasing to him as this most excellent court of justice is, but he is present with the honourable judges, and those that wait upon them. I have been sometimes of council against felons and prisoners; but I never moved the court to proceed to judgment against any felon, or to keep any man in prison, but I trembled at it in my thoughts, as thinking it would be easier to give an account of mercy and indulgence, than of any thing that might look like rigour; but now my spirits are quite of another temper, and I hope is meat and drink to good men; to have justice done, and recreation to think what benefit this nation will receive by it.

And now, my lord, I must, as the truth is, conclude him guilty of more transcendent treasons, and enormous crimes, than all the kings in this part of the world have ever been. And as he that would picture Venus must take the eyes of one, the cheeks of another beautiful woman, and so other parts, to make a compleat beauty; so to delineate an absolute tyrant, the cruelty of Richard the Third, and all the subtilty, treachery, deep dissimulation, abominable projects, and dishonourable shifts that ever were separately in any that swayed the English scepter, conspired together to make their habitation in this whited wall: Therefore I humbly pray, that as he has made himself a precedent in committing such horrid acts, which former kings and ages knew not, and have been afraid to think of, that your lordship and this high court, out of your sublime wisdoms, and for justice sake, would make him an example for other kingdoms for the time to come, that the kings of the earth may hear and fear, and do no more so wickedly; that he which would not be a pattern of virtue, and an example of justice in his life, may be a precedent of justice to others by his death.

Courteous reader, for thy full satisfaction in matter of law, how the late king was by the law of the land accountable for his tyrannous and trayterous exorbitancies, I refer thee to my lord president's most learned and judicious speech, before the sentence read. And I have one word to add: That high court was a resemblance and representation of the great day of judgment, when the saints shall judge all worldly powers, and where this judgment will be confirmed and admired; for it was not only *bonum* but *bene*; not only good for the matter, but the manner of proceeding. This high court did not only consult with Heaven for wisdom and direction, (a precedent for other courts to begin every solemn action with prayer,) but examined witnesses several days upon oath, to inform their consciences, and received abundant satisfaction in a judicial way, (which, by the law of the land, was not requisite in treason, the prisoner standing mute,) as judges, which before was most notorious and known to them as private persons; and having most perspicuously discerned and weighed the merits of the cause in the ballances of the sanctuary, law and right reason, pronounced as righteous a sentence as ever was given by mortal men. And yet what action was ever so good but was traduced? not only by unholy men, but by the holy men of the world; that professors should pray for justice, and then repine at the execution of it. Blessed Lord! How does the god of this world storm, now his kingdom is shaking? An enlightened eye must needs see that it is the design of Heaven to break all human glory with an iron scepter, that will not kiss his golden scepter, and to exalt justice and mercy in the earth. I confess, if the greater part of the world should approve such high and noble acts of justice, it might be suspected, because the most people will judge erroneously; but that Christians, that have fasted and prayed many years for justice, should now be angry to see it done, what is it? but, like foolish passengers, that have been long at sea in dangerous storms, as they are entering into the quiet haven, to be mad

with the pilot, because he will not return into the angry seas. But I shall observe one passage in the lord president's speech, as a scholar may presume to say a word after his master, concerning the many menaces and minatory dangerous speeches which are given forth concerning this high court. If men must be kill'd for the faithful discharge of their duties to God and their country, I am sure the murderer will have the worst of it in conclusion, if he should not be known here; (though murder is a sin that seldom goes unpunisht in this world; and never did any jesuite hold it meritorious to kill men for bringing tyrants and murderers to justice, or to do such horrid acts in the sight of the sun.) It was a noble saying of the lord president, that he was afraid of nothing so much as the not doing of justice; and when he was called to that high place which was put upon him, he sought it not, but desired to be excused more than once: Not to decline a duty to God and the people, for fear of any loss or danger, (being above such thoughts by many stories, as actions testifie,) but alledging that of himself, out of an humble spirit, which if others had said of him, I am sure they had done him a great deal of wrong. And though he might have been sufficiently discouraged, because it was a new, unpresidented tribunal of condemning a king; (because never did any king so tyrannize and butcher the people: find me but that in any history, and on the other side the leaf you shall find him more than beheaded, even to be quartered, and given to be meat to the fowls of the air;) yet the glory of God and the love of justice constrained him to accept it: and with what great wisdom and undauntedness of resolution, joined with a sweet meekness of spirit, he hath performed it, is most evident to all, the malignants themselves being judges. Concerning this high court:—To speak any thing of this glorious administration of justice, is but to shew the sun with a candle: (the sun of justice now shines most gloriously, and it will be fair weather in the nation; but, alas! the poor mole is blind still, and cannot see it; but none so blind as they that will not see it.) However, it is not proper or convenient for me at present to speak all the truth that I know (the generations that are to come will call them blessed) concerning the integrity and justice of their proceedings, lest I, that am a servant, should be counted a sycophant, which I abhor in my soul, as my body does poison. And this I will be bold to say, (which I hope God guides my hand to write,) this high court hath cut off the head of a tyrant; and they have done well; undoubtedly it is the best action that they ever did in all their lives; a matter of pure envy, not hatred; for never shall or can any men in this nation promerit so much honour as these have done, by any execution of justice comparable to this: and in so doing, they have pronounced sentence not only against one tyrant, but tyranny it self; therefore if any of them shall turn tyrants, or consent to set up any kind of tyranny by a law, or suffer any unmerciful domineering over the consciences, persons, and estates of the free people of this land, they have pronounced sentence against themselves. But good trees cannot bring forth bad fruits; therefore let all desperate malignants repent, ere it be too late, of any such ungodly purposes, and fight no longer against God. Every man is sown here as a seed or grain, and grows up to be a tree: It behoves us all to see in what ground we stand. Holy and righteous men will be found to be timber for the great building of God in his love, when tyrants and enemies to holiness and justice will be for a threshold or footstool, to be trodden upon, or fit for the fire.

Lastly, for myself, I bless God I have not so much fear as comes to the thousand part of a grain: It is for a Cain to be afraid that every man that meets him will slay him. I am not so much solicitous whether I dye of a consumption or by the hand of Ravilliacks: I leave that to my heavenly Father: \* If it be his will that I shall fall by

\* Coke seemed to anticipate the fate of Dorislaus, and others of the regicides, who fell by the daggers of the royalists.



the hand of violence, it is the Lord; let him do what he pleaseth. If my indentures be given in before the term of my apprenticeship be expired, and that I be at my Father's house before it be night, I am sure there is no hurt in all this: If I have but so much time left, I shall pray my Father to forgive the murderer. The blood of Christ can wash away sins of the deepest stain, but when he sees his children's blood sprinkled upon the bloody wretch, he loves every member as he loves himself. But know this, ye that have conceived any desperate intentions against those honourable justices who have made you freemen, unless you will return to Egypt:—If God, in wrath to you, and love to any of his people, should suffer you to imbrue your hands in any of their innocent blood, either you will repent or not: if you repent, it will cost you ten times more anguish and grief of heart than the pleasure of the sin can cause delight; and what a base thing is it to do that which must be repented of at the best? But if you repent not, it had been better for you to have never been born. But let every man be faithful in doing his duty, and trust God with the success, and rejoice in Christ, in the testimony of a good conscience; for he that hath not a soul to lose, hath nothing to lose. But, blessed be God, I have no soul to lose; therefore I desire only to fear Him, whom to fear, is the beginning of wisdom. And for all malignants to come in, and joyn with honest men in settling this nation upon noble principles of justice, freedom, and mercy to the poor, will be the best and greatest understanding.

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*King Charles's Case truly stated: In Answer to Mr Cook's pretended Case of that blessed Martyr. By Mr Samuel Butler, Author of Hudibras.*

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The history of the ingenious and witty author of Hudibras is so little known, that it is impossible to say whether he was really the author of the following tract, or whether, like many others, it was imputed to him without grounds. There is reason to believe that it may have been written by Birkenhead, then the Coryphæus of the royal party, whose style it resembles more than that of Butler.

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MR COOK,

HAVING lately seen a book of yours, which you are pleased to call King Charles's Case, or an Appeal to all Rational Men concerning his Tryal, I was much invited to read it, by the ingenuity promised in your title: For having heard you stile yourself solicitor-general for the king's dread sovereignty, and your own honourable client the people, I was much taken with your impartiality, that not only exempts all rational men from being your clients in this case, in making them, by your appeal, your judges, (for no man, you know, can be judge in his own case,) but acknowledge your high court (from which you appeal to all rational men,) to consist of no such. But indeed I had not read many lines before I found mine own error, as well as yours, and your proceedings nothing agreeable to the plain dealing I expected from you; for you presently fall to insult upon the unhappiness of your undeserved adversary, and that with so little moderation, as if you strove to make it a question whether his incomparable patience, or your own ungoverned passion, should be the greater wonder of men; preposterously concluding him guilty, before, with one syllable, you had proved him so: A strange way of doing justice! Which you endeavour to make good by a strange, insolent

railing, and more insolent proceeding to the secret council of Almighty God, from whence you presume to give sentence on him; a boldness no less impious than unjust in you, were it true, since we can never know it to be so.

But indeed it is hard to say whether you have shewn more malice or vanity in this notable declaration of yours; for he that considers the affectation and fantastick lightness of your language (such as Ireland, a land of ire; bite-sheep for bishops, and other such ingenious elegancies of quibble) must needs confess it an oratory more becoming a fool in a play, or Peters before the rabble, than the patrons of his sovereign's sovereign, or the gravity of that court which, you say, right wisely, shall be admir'd at the day of judgement. And therefore you do ill to accuse him of reading Johnson's and Shakespear's plays, which, it seems, you have more been in yourself, to much worse purpose, else you had never hit so right upon the very dialect of their railing advocates; in which (believe me) you have really out-acted all that they could fansie of passionate and ridiculous outrage.

For certainly, sir, I am so charitable to believe it was your passion that imposed upon your understanding, else, as a gentleman, you could have never descended to such peasantry of language, especially against such a person, to whom (had he never been your prince) no law enjoyns (whatsoever his offences were) the punishment of ribaldry. And for the laws of God, they absolutely condemn it; of which I wonder you, that pretend so much to be of his council, should be either so ignorant or forgetful.

Calamity is the visitation of God, and (as preachers tell us) a favour he does to those he loves: wherever it falls it is the work of his hand, and should become our pity, not our insolence. This the ancient heathen knew, who, believing thunder came from the arm of God, reverenc'd the very trees it lighted on.

But your passion hath not only misled you against civility and Christian charity, but common sense also, else you would never have driven your chariot of reason (as you call it) so far out of the road, that you forget whither you are going, and run over every thing that stands in your way; I mean your unusual way of argument, not only against reason, but yourself, as you do it at the first sally; for after your fit of raving is over, you bestow much pains to prove it one of the fundamentals of law, that the king is not above the law, but the law above the king. And this you deraign, as you call it, so far, that at length you say the king hath not by law so much power as a justice of peace, to commit any man to prison; which you would never have done, if you had considered from whom the justice derives his power, or in whose name his warrants run; else you may as well say, a man may give that which he hath not; or prove the moon hath more light than the sun, because he cannot shine by night, as the moon doth. But you needed not have strained so hard, for this will serve you to no purpose, but to prove that which was never denied by the king himself; for if you had not a much worse memory than men of your condition should have, you could not so soon have forgotten, that, immediately after the reading of that charge, the king demanded of your high court, by what law they could sit to judge him, (as offering to submit, if they could produce any;) but then silence or interruption were thought the best ways of confessing there was no such thing. And when he undertook to shew them both law and reason too, why they could not do it, the righteous president told him plainly, he must have neither law nor reason; which was certainly (as you have it very finely) the most comprehensive, impartial, and glorious piece of justice that ever was played on the theatre of England; for what could any court do more than rather condemn itself than injure truth?

But you had better have left this whole business of the law out of your Appeal to all Rational Men, who can make no use of it, but against yourself; for if the law be above the king, much more is it above the subject; and if it be so heinous a crime in a king to endeavour to set himself above law, it is much more heinous for subjects to set themselves above king and law both. Thus, like right mountebanks, you are fain to



wound and poison yourselves to cheat others ; who cannot but wonder at the confidence of your imposture, that are not asham'd to magnifie the power of the law, while you violate it, and confess you set yourselves really above the law, to condemn the king, but for intending it.

And indeed intentions and designs are the most considerable part both of your accusations and proofs, some of which you are fain to fetch a great way off, as far as his coronation oath, which, you next say, he, or the archbishops, by his order, emasculated, and left out very material words, (which the people shall choose.) Which is false ; for these words were not left out, but render'd with more sense, (which the commonalty have ;) and if you consider what they relate to, (customs,) you will find you cannot, without open injury, interpret *elegerit*, (in the Latin oath,) shall choose, not, hath chosen ; for if you will have *consuetudines quas vulgus elegerit*, to mean customs, which are to be not only use, which must be often repeated before it become a custom, but choice, which necessarily precedes use.

But suppose it were as you would have it, I cannot see with what reason you can presume it to be a design to subvert the laws, since you know he had sworn to defend them before, in the first article of the oath, from which I wonder how you can suppose that so wise a prince (as you acknowledge him to be) could be so irrational to believe himself absolute by this omission. But you are not without further contradiction yet ; for if he were so perfidious a violater of oaths as you would have the world believe, what reason had he to be conscientious of taking them ? Certainly he hath little cause to be nice what oaths he takes, that hath no regard what oaths he breaks.

Nor can I possibly understand your other construction of his refusal to take the oath as his predecessors had done, which you will have a design to refuse his assent to such good laws, rather than bad ones, as the parliament should tender ; for besides the absurd conceits, that he must still like the bad better than the good, if you consider what you say afterwards, the charitable sense will appear by your own words to be truest ; for you confess he gave his assent to any bad one, else you had been fain, for want of such, to accuse him of a few good ones, as you do there. Which of these is most probable, let every rational Christian judge.

Your next argument, to prove the king's design to destroy the law, is thus ordered. Those knights that were by an old statute to attend at the king's coronation, being promised, by his proclamation, (in regard of the infection then spread through the kingdom,) a dispensation for their absence, were after fined at the council-table, (no doubt by the procurement of some of your own tribe ;) where they, pleading the proclamation for their indemnity, were answered, that the law of the land was above any proclamation. Your conclusion is, therefore, the king had a design to subvert the laws. Sure there is no man in his wits, but would conclude the contrary. Such arguments as these are much like the ropes that Oæneus twisted, only for asses to devour.

But if this should fail, you know you are provided with another not less substantial, and that is, his alteration of the judges commissions, who heretofore had their places granted to them during their good behaviour ; but he made them but during pleasure. Of this you make a sad business of a very imaginary evil consequence. But if you had considered before, what you say presently after, that the king, and not the judges, is to be accountable for the injustice and oppression of the government, &c., you would have found it very just that he should use his pleasure in their dismissal as well as choice ; for men of your profession, that have lived long enough to be judges, are not such punies in cunning, to play their feats of iniquity above-board : And if they may sit still, they can be proved to have misbehaved themselves. The prince, that is to give account for all, may sooner know he is abused, than how to help himself.

All the inconveniency which you can fancy possible to ensue it, is only to such bad judges as buy their places ; of whose condition and loss you are very sensible, as if they

had too hard a bargain of injustice. Believe, they may have reason enough to give unjust judgement, rather than lose their places and their money too, if they shall receive such intimation from the king. But you forget yourself, when you put this in your Appeal to all Rational Men; for they will tell you this was a bold affront done to your high court of justice: For if it were potential tyranny (as you will have it) in the king to have but a design to endure the judges to give sentence against the law, (which you say brings the people the very next step to slavery,) what is it in those who presume to give sentence themselves, not only contrary to law, but the declared opinion of all the judges, and those of their choosing too? And (I beseech you) whither, by your own doctrine, does this bring the people that submit to it? Certainly, if you, that can accuse the king of this, had been a Jew heretofore, you would not only have stoned your fellows, but your Saviour too.

But if all your arguments should miscarry, you have a reserve left, that does (as you say) irrefragably prove the design. What's that?—He is restless to destroy parliaments, or make them useless. Believe me, this is right *ignotum per ignotius*, excellent consequence, to prove his design by his desires: You should have proved his desires first, (if you would prove his thoughts by his thoughts;) for certainly if ever he designed it, he desired it first. You had better have concluded plainly, he did it because he designed it, for that is all one sense. But if I might be but half so bold with your designs, I should, with more reason, guess you have one to make us believe your familiar acquaintance with the secret councils of God, (which you so often pretended to;) else certainly, he has given the desires of men so private a lodging, that, without his own discovery, (which you can give us no account of,) you have no other way to know them. You do well; and, if I may advise you, you shall give over this unlucky thing called reason, and betake yourself wholly to revelations.

How these arguments might prevail with your high court of justice, I cannot tell; but, in my opinion, they had little reason to thank you for this last; for while you make the king a traitor, and prove his meer desire to destroy the parliament, or make it useless, a purpose to subvert the laws, you do but tell them what they are that have already done it, and the people what a deal of law they are to expect hereafter. All you can justly, in your own sense, accuse the king of, is but discontinuance, or untimely dissolution of parliaments; which I wonder with what sense you can interpret a design to destroy the parliaments, since all the world knows he parted with his power to dissolve the parliament too. But see how doubly unjust you are. You accuse him for not calling parliaments so often as he was bound to do by the law (once a-year, as you say, or oftner,) but never consider how that is impossible to be done, without dissolving them as often; for doing which, notwithstanding, with so much clamour you condemn him. Thus you charge him with inconsistencies, and may with much more reason accuse him for calling parliaments; because if he had not called them, he could never have dissolved them; which is very like your way of argument,—

But much better than you commonly use; for your next (to remove an objection out of your way) is thus managed: The king, and not the judges and evil counsellors, ought to be accountable for the male-administrations, injustices, and oppressions of the parliament. Your reasons are, because he made such wicked and corrupt judges. Were they not his own creatures? And ought not every man to be accountable for the work of his own hands? Believe me, this were something, if you could prove he made them wicked, as well as judges. But if this plea hold, you have argued well for your honourable clients the people; for if they made the king, as you say they did, you have cleared him of all such horrid crimes, murders, and massacres, which you take so much pains, to no purpose, to accuse him of; and, like a right man of law, have undone your clients, upon whose score you set them. Your next business will be, to prove God guilty of the sins of wicked men; for they are his creatures, and the work of his own



hands, I take it. But this is your perpetual method of doing him right, to make him sole author and owner of all his ill-ordered or unhappy actions, and not allow him a share in any good deed or act of grace.

And these are the fundamentals of the charge, only suppositions of intentions and designs, which how far you have proved just or profitable, let any man but your self judge. The course you take afterwards is much worse, in my opinion; for you make your own grounds, and either not prove them at all, or (which is worse) prove them upon their own bottom; as when you take upon you to state the ground of your wars, and prove the king to be the cause of it, you do it thus:

The king (you say) set up his standard of war for the advancement and upholding of his personal interest, power, and pretended prerogative, against the publick interest of common right, peace, and safety. How do you prove this? Because he fought for the militia, for a power to call and dissolve parliaments, a negative voice, to make judges, confer honours, grant pardons, make corporations, inance or debase money, and void his own grants. These you call his personal interest, power, and prerogative, which you say he fought for. Now put the position and proof together, and see what sense it will make: Truly none but this, that he made war for his prerogative, because he fought for his prerogative. Is not this fine logick? But suppose it were sense, how do you prove he fought for his prerogative? To this you have not one word to say; and why then should we rather take your word than the king's, who protested he took arms in defence of the protestant religion, the liberty of the subject, priviledges of parliament, and the laws of England? Certainly there is no man in his wits, but would rather believe his words than your arguments, if he does but consider that the most improbable part of all (he protested to fight for the defence of the priviledges of parliament) is found by experience to be no paradox. How true the rest is, time will instruct you. But yet I cannot see why we should not rather believe them than the pretences of the parliament, which were more to fight in defence of his person, and their own priviledges; which how they have performed your self can tell. But all this while you mistake your own question, which was not the right of the cause, but the cause, or (as you have it) the occasion of the war; and if you had a purpose to know that, actions had been the only guide of your inquiry; for intentions and words are uncertain; and if they make no assaults in private quarrels, I know not why they should in publick; and therefore, since we can never agree about the truth of more remote causes, 'tis most just for us to place the cause of the war where we find the first breach of the peace. Now that the king was cleared of this, all indifferent men, who had the unhappiness to be acquainted with the method of their own undoing, can very well testify. And if the parliament should deny it, their own votes would contradict them, as well as their actions; for when they first raised horse and arms, they pretended to do so, because it appeared the king, seduced by wicked council, intended to make war against the parliament; whereby they confess he had not then done it; and they had so little ground to make it appear he ever would, that they were fain to usurp the right of his cause, to justify their own, and they say, took arms for the defence of the king; which if we grant, it must follow they first made war against him; for no body else ever did, against whom they could possibly defend him. Nor did their actions, in offering the first violence, less declare who began the war, when, having an army ready to invade him before he set up his standard, they both followed and set upon him, as they did at Edge-Hill. Go as far as you can, you will still find the Scots (whose quarrel the parliament took up at the second hand, as well as they followed their examples) were the first beginners of all.

This being granted, how the king could afterwards do less than he did, I cannot understand. First, he was bound by the law of nature (which you say is legislative, and hath a suspensive power over all human laws) to defend himself; secondly, by his co-

ronation oath, which he took to keep the peace. And how could he do that, but by his raising power to suppress those who had already broken it? Thirdly, by the laws of the land, which, you say, trusted him with the power of the sword. And how could he preserve that trust, if he had sate still, and suffered others, not only to take it from him, but to use it against him?

But it is most probable that he never intended it, else he was very unwise to let them be before-hand with him, in seizing upon his castles, magazines, and ships; for which there can be no reason imagin'd, but that he was loath to give them any occasion (in securing them) to suspect he did but intend a war. And by all this, I doubt not but it appears plain enough to all rational men, that he was so far from being the cause of the war, that he rather fell into it by avoiding it; and that he avoided it so long, till he was fain to take arms at so great a disadvantage, as he had almost as good have sate still, and suffered. And in this you have used the king with the same justice the Christians received from Nero, who, having set Rome on fire himself, a sacrifice to his own wicked genius, laid the odium of it on the Christians, and put them to death for it.

But this way you found too fair and open for your purpose, and therefore declined it; for having proved his intentions by his desires, and his actions by his intentions, you attempt a more preposterous way yet to prove both, by what might have been his intentions: And to this purpose you have the confidence (in spite of sense) to make contingencies the final cause of things, and impolitick, accidental, possible inconveniencies (which all the wit of man can never avoid) the intended reasons of state: As when you will have the king fight for the militia, only to command the purse of the people; for a power to make judges, only to wrest the laws; to grant pardons, that publick-spirited men (as you call them) may be made away, and the murderers pardoned, &c. All which being creatures of your own fancy and malice, (and no part of his quarrel,) you are so far from proving what he fought for, that when you have strained your ability, all you can say is but this, in your own sense, that he fought for power to do that which he never would do when it was in his power. But if you take liberty, I can't but think how you would bestir yourself, if you could but get your God, as you have done your king, before such an impartial high court of justice as this! How would you charge him with his misgovernment in nature; for which, by the very same logick, you may prove he made us all slaves, in causing the weaker to hold his life at the pleasure of the stronger; that he set up a sun to dazle our eyes, that we might not see, and to kindle fevers in our veins; made fire to burn us, water to drown us, and air to poison us; and then demand justice against him; all which you may easily do, now you have the trick on't; for the very same reason will serve again, and with much more probability; for 'tis easier to prove that men have been burnt, and drowned, and died of the plague, than to make it appear the king ever used your finer device to remove publick-spirited men; or can you, without extreme injustice, suppose he ever would? For 'tis so much as very well known, he highly favoured and advanced his greatest opposers, (for such you mean, I know,) whom he found owners of any eminent desert; as he did the earl of Strafford and the attorney-general Noy, (and for other honest men, as you will have them,) whom frenzy or sedition set against him: By your own confession, he did not suffer those black stars (very strange ones) to slit their noses, and crop their ears.

But now I think these honest, publick-spirited men, certainly some of them, have not so good an opinion of the honesty of your publick proceedings, but they would willingly venture, not only their ears again, (if they had them,) but their heads too, in defiance of your most comprehensive piece of justice; whose cause while you take upon you to plead, against their consent, as you have done your honourable clients the people, you deserve in reason to be thrown over the bar by your own party; for you but



confess your own injustice, while you acknowledge the publick honesty of those that most oppose it.

How solid or pertinent those arguments of yours have been, let any man that is sober judge. But you are resolved, right or wrong, they shall pass; to let us know how easily he that has the unhappiness to be judged by his enemies is found guilty of any thing they please to lay to his charge; and therefore, satisfied with your own evidence, you proceed to sentence and condemn the king with much formality, by the fundamental laws of the kingdom, by the general law of all nations, and the unanimous consent of all rational men in the world, for imploying the power of the sword to the destruction of the people, with which they intrusted him for their own protection. How you got the consent of rational men to this sentence, I cannot imagine; for 'tis most certain (by your own confession) that he never imployed the sword but against those who first fought to deprive him of it; and, by that very act, declared they did not trust him, and consequently absolved him both from the obligation that he had to protect them, and the possibility too; for no man can defend another longer than he defends himself: So that if you will have your sentence to be just, you must confess it to be nonsense; for you must not only prove that those who fought against him were the people that trusted him, not those who fought for him, but the lesser, or less considerable part of the people; (the people, as you have the confidence to call your honourable clients, being not the twentieth part of the very rabble;) which if you can do, you are much wiser than Solomon; for it is easier to divide a child in two parts, than to make one of those two parts a whole child. And if you have the trick on't, you shall be next allowed to prove, that take four out of six, there remains six. Nor is there more justice or reason in the sentence than in the course you take to uphold it; for while you deny the old maxim of law, that the king can do no wrong, you maintain a new one, much worse, that he may suffer any; and having limited this power to act only according to law, expose him to suffer, not only without, but against law. Truly it is hard measure; but, rather than fail of your purpose, you will make as bold with Scripture as you have done with reason, if it stand in your way; as you do when you interpret that place of the apostle, "Where no law is, there is no transgression," to mean, where there is neither law of God, nor nature, nor positive law. I wonder where that is. Certainly you had better undertake to find out a plantation for Archimedes his engines to move the earth, than but fancy where that can be; which you must do before you can make this scripture to be understood to your purpose. And I cannot but smile, to think how hard a task that will be for such a strong fancy as yours, that cannot conceive what your self affirm; for when you deny it possible to suppose two supreme powers in one nation, you forget that you had acknowledged much more before; for you confess the king to be supreme, when you say, very elegantly, he made head against the parliament, who acknowledged him to be head thereof; and yet you say the parliament is the supreme authority of the nation. Thus you affirm that really to be, which you think is impossible to imagine.

But such lucky contradictions of your self, as well as sense, are as familiar with you as railing; for besides the many before mentioned, (and your common incongruities of speech is as far from construction as the purpose,) there are others, which, for your encouragement, ought not to be omitted. And when you would prove the king the most abominable tyrant that ever people suffer'd under, yet you say he was beloved by some, and feared abroad. His judges you compared to the saints sitting in judgment at the last day; and yet, by your own doctrine, they are more like bears and wolves, in sitting by a commission of force: Their high court is a royal palace of the principles of freedom; and yet, till the people voluntarily submit to a government, (which they never did to that,) they were but slaves. The parliament (you say) petitioned the king, as good subjects; and yet, immediately after, you make them his lords, and himself ser-

vant: So they give him the honour of his own royal assent, and yet they often petitioned him for it. His trial you call most impartial, and yet cannot deny all his judges to be parties, and his profest enemies. But you hit pretty right, when you say he caused more protestant blood to be shed than ever was spilt either by Rome, heathen, or antichristian; for grant that partly to be true, and confess as much protestant blood as ever was spilt by the heathen Romans, unless they could kill protestants eight hundred years before there were any in the world, which eloquent piece of nonsense we must impute to your ignorance in chronology, or confusion of notion, which you please. Nor are those riddles of contradiction only in your words, but in the whole course of your proceedings; for you never do the king any right, but where you do him the greatest wrong; and are there only rational, where you are most inhuman; as in your additional accusations since his death; for there you undertake to prove something, and give your reasons (such as they are) to make it appear; which were fair play, if you do not take an advantage too unreasonable, to argue with the dead. But your other impeachments consist only of generals, prove nothing, or intentions, which can never be proved, or your own forc'd constructions of actions, or what might have been actions, but never were; all which you only aggravate with impertinency and foul language, but never undertake to prove. And if we should grant all you would say, and suppose you said it in sense or order, it would serve you to no purpose, unless you have, by proof or argument, applied it to him; which you never went about to do.

But if this were the worst, you might be borne with, as a thing more becoming the contempt than the anger of men; but who can preserve any patience that does but think upon that prodigy of your injustice, as well as inhumanity, to accuse the king, after his death, of what you were ashamed to charge him with when alive? For what you say concerning the death of King James, you will become the scorn of your own party; for they never us'd it farther than they found it of advantage to some design they had in hand; as when they would move the king to grant their propositions, they made it serve for an argument to him: if he would sign, he should be still their gracious king; if not, he killed his father. But when they found he would not be convinced with such logick, they laid it utterly aside; for (without doubt) they had not lost an advantage so useful as they might have made it in the charge, had they not known it would have cost them more impudence to maintain, than they should need to use in proceeding without it. But let us consider your student's might, with which you first say you are satisfied, and yet after have it as a riddle. First, he was observed to hate the duke, but instantly, upon the death of King James, took him into his special grace and favour; of which you conceive this art must be the cause. Believe me, your conjecture is contrary to all experience, and the common manner of princes, who use to love the treason, but hate the traitor. And if he had been so politick a tyrant as you would describe him, he would never believe his life safe, nor his kingdom his own, while any man lived (much less his enemy, whom such a king would never trust) of whose gift and secrecy he held them both: Nor is it likely that he, who would not spare the life of his father to gain a kingdom, should spare the life of his enemy to secure it. As for his dissolving the parliament, I believe not only all wise men, but all that ever heard of this will acquit him: Whether he did it to avoid the duke's impeachment, you cannot prove: but if you could, you must consider, that, in such cases, princes may as well protect their favourites from injury as justice, since no innocence can save them, if they lie as open to the question as they do to the envy of men.

But for the better satisfaction of those you appeal to, I shall add this: It is most certain that this humour of innovation began to stir in the first parliament of this king, and grow to an itch in the commons for the alteration of government; to which end,



they first resolved to pull down the chief instrument thereof, the duke of Buckingham. But having then no Scotch army, nor act of continuance to assure their sitting, all the wit of malice could never invent more politick course than to impeach him, and put this article (true or false) into his charge; for thus they were not only sure of the affections of the people, who (out of the common fate of favourites) generally hated the duke, and are always pleased with the ruin of their superiors, but secured from the king's interposition, whom they believed, by this means, bound up from protecting the duke, (tho' he knew his innocency,) lest the envy and fancy of all should fall upon himself. But the king, who understood their meaning, and knew this was but in order to their further attempts, (which always begin with such sacrifices,) suddenly dissolved the parliament, and, by his wisdom and policy, kept that calamity sixteen years after from the people, which the very same courses and fate of these unhappy times have since brought upon them. But you have taken more pains to prove him guilty, since his death, of the rebellion in Ireland, altho' with as little reason or ingenuity; only you deal fairly in the beginning, and tell us what judgment and conscience we are to expect from you, when you say, as a ground of all your proofs, if you meet a man running down stairs with a bloody sword in his hand, and find a man stabbed in the chamber, though you did not see this man run into the body by that man which you met, yet if you were of the jury, you durst not but find him guilty of the murder. I hope not, before you know whether the man killed were sent by the king to fetch the man you met, for then you may say it must be in his own defence. Truly you are a subtil enquirer.—But let us hear some of the clear proofs. First, he durst never deny it absolutely. Besides the notorious falsehood of that, it is most senseless to imagine that he who had wickedness enough to commit so horrid an act, should have the innocent modesty not to deny it, when he durst not own it.

He sent thanks to Muskerry and Plunket by Ormond; which you are confident his height of spirit would never have done, if he had not been as guilty as themselves. And may not Ormond, that carried the thanks, be, by the same reason, as well proved guilty as the king? What's next? If he had not been guilty, he would have made a thousand declarations, and have sent to all the princes in the world for assistance against such hell-hounds and blood-hounds, &c. That was impossible to be done, without sending to the pope, and then you would have proved it clear indeed. But the copy of his commission to the Irish rebels is in the hands of the parliament. 'Tis most certain they never believed it themselves, else it had not been omitted in the charge. But now for an argument to the purpose. After the Irish were proclaimed traitors and rebels by the king, their general council made an oath to bear true and faithful allegiance to King Charles, and by all means to maintain his royal prerogative, against the puritans in the parliament of England; which they would never have done, unless he had commanded or consented to the rebellion. But observe then what will follow. After the two houses at Westminster were proclaimed rebels and traitors by the king, they made a solemn covenant to defend his royal person, rights, and dignities, against all opposers whatsoever; and therefore, by the same reason, he did command or consent to the war raised by the parliament against himself. But did they not say they had his commission, and call themselves the king and queen's armies? But then you forgot who they were that said so:—hell-hounds and blood-hounds, fiends and firebrands, and bloody devils, not to be named without fire and brimstone. Do you think such are not to be believ'd, (especially when they speak for their own advantage,) rather than the people of God, the faithful of the land at Westminster; who likewise, when they raised forces, said, they did it for the king and parliament? Can any man in his wits deny but the king is to be believed before either of these? And yet you cannot be perswaded but his offer to go in person to suppress the rebellion was a design to return at the head of 20 or 30,000 rebels, to have destroyed this nation. That's very

strange ! But first, how shall we believe what you say before, (to shew your breeding.) Never was bear so unwillingly brought to the stake, as he to declare against the rebels, if he offered to adventure his person to suppress them. When you have made this agree in sense, let us know how you can suppose the same person the wisest king in Christendom, and yet so foolish to study his own destruction; for who could suffer so much in the ruin of this nation as himself? For his hindering the earl of Leicester's going into Ireland, he had much more reason to do so than the parliament had to hinder him; and therefore you may as well conclude them guilty, as him, of the rebellion.

That he sold or exchange'd for arms and ammunition the cloath and provisions sent by the parliament to the protestants in Ireland, you must either accuse the parliament, which seiz'd upon his arms first, and used them against him, or prove them above the law of nature, (which I believe you had rather do,) that commands every man to defend himself. But the rebels in Ireland gave letters of mart for taking the parliament's ships, but freed the king's, as their very good friends. I see you are not such a wizard at designs as you pretend to be; for if this be the deepest reach of your subtilty, had you been a senator in Rome, when Hanibal invaded Italy, and burnt all the country of the Roman dictator, you would have spared no longer to have proved him confederate with the enemy. But I fear I may seem as vain as your self in repeating your impertinencies. There is one argument that would have served instead of all to convince you of wickedness and folly in this business, and that is the silence of the charge, which, by your own rule, ought to be taken (*pro confesso.*) There was never any such thing.

I will not trouble my self nor any body with your French legend, as being too inconsiderable to deserve any serious notice, built only upon relations and hear says, and proved with your own conjectures, which how far we are to credit from a man of so much biass and mistakes, any of those you appeal to shall determine; to whom I shall say but this, that you do but acknowledge the injustice of the sentence, while you strive to make it good with such additions; for if you had not believed it very bad, you would never have taken so much pains to mend it: And I hope your high court will punish you for it, whose reputation your officious indiscretion hath much impaired, to no purpose: For tho' we should grant all your additions to be true, as you would have it, it does not at all justify the king's death, since he did not die in relation to any thing there objected; and all you can possibly aim at by this pitiful argument is but to prove him guilty, because he was punished; for you can never prove him punished, because he was guilty.

For your epilogue, I have so much charity to believe it, being of a different thread of language, none of your own, but either penn'd for you by your musty Peters, or else you writ short-hand very well, to copy after the speech of his tongue. However you came by it, sure I am, it could come from no body else; and having said so, I hope I shall need to say no more; for I shall be loth to commit the sin of repeating any of it. But since it is but a frippery of common places of pulpit-railing, ill put together, that pretend only to passion, I am content you should use them your self, and be allowed to say any thing, with as little regard as if you wore your priviledge: Yet, lest you should grow so conceited as to believe your self, I will take Solomon's advice, and answer you, not in your own way of railing or falsehood, but in doing some right to truth; and the memory of the dead, which you have equally injured.

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*The Character of King Charles I. By Mr Butler.*

That he was a prince of incomparable virtues, his very enemies cannot deny, (only they were not for their purpose,) and those so unblemish'd with any personal vice, that



they were fain to abuse the security of his innocence, both to accuse and ruin him. His moderation (which he preserved equal in the extremity of both fortunes) they made a common disguise for their contrary impalations, as they had occasion to miscall it, either an easiness to be misled by others, or obstinacy to rule by his own will. This temper of his was so admirable, that neither the highest of temptations, adoration, and flattery, nor the lowest of misery, injuries, the insolency of fools, could move him. His constancy to his own virtues was no mean cause of his undoing; for if he had not stated the principles of government upon unalterable right, but could have shifted his sails to catch the popular air when it grew high, (as his enemies did,) they had never undone him with empty pretendings to what he really meant. His wisdom and knowledge were of so noble a capacity, that nothing lay so much out of his reach as the profound wickedness of his enemies, which his own goodness would never give him leave to suspect, nor his experienced power to discover; for they managed the whole course of his ruin, as they did the last act of it, in disguise; else so great a wit as his had never been circumvented by the treachery and cheat, rather than policy of ignorant persons. All he wanted of a king was, he knew not how to dissemble, unless concealing his own perfections so, in which he only deceived his people, who knew not his great abilities, till their sins were punished with the loss of him. In his death, he not only out-did the high resolution of the ancient Romans, but the humble patience of the primitive martyrs; so far from the manner of tyrants, who use to wish all the world their funeral pile, that he employed the care of his last thoughts about the safety of his very enemies, and died not only consulting, but praying for the preservation of those whom he knew resolved to have none, but what was built upon their own destruction.

All this, and much more, the justice of posterity (when faction and concernment are removed) will acknowledge to be more true of him than any of those slanders you (or the mad wickedness of this age) have thrown upon his memory, which shall then, like dung cast at the roots of trees, but make his name more flourishing and glorious, when all those monuments of infamy you have raised shall become the trophies of his virtue, and your own shame. In the mean time, as your own conscience, or the expectation of divine vengeance shall call upon you, you will see what you have done, and find there is no murder so horrid, as that which is committed with the sword of justice; nor any injustice so notorious, as that which takes advantage both of the first silence of the living, and that of the dead. In this last you have been very sinful, and, in accusing the dead, have not behaved yourself so like a saint at the day of judgment, as the devil, whose office is to be solicitor-general in such cases. I will not judge you, lest I should do worse—imitate you. But certainly you will find it the worst kind of witchcraft to raise that devil by sacrificing to your own malice, especially to so bad a purpose as you have done, that you might invade the judgment-seat of Christ, and usurp his jurisdiction before his coming; which you have presumed to do with more rudeness than Hacket used, and less formality, in not sending your fore-runner to proclaim (in a turnep-cart) your coming to judgment. But the worst of all is, you seem to glory in your sins, and assert the martyrdom of your wickedness, for having supposed a possibility you may fall by the hands of violence. You arm yourself with a forced resolution, which you may be confident you will never have need of; for you have no reason to think any man can believe you have deserved a violent death: no, you have deserved rather to live; long, so long, till you see yourself become the controversie of wild beasts, and be fain to prove our scare-crow; unless you shall think it just, that, as you have been condemned out of your own mouth, so you should fall by your own hand. Indeed there was not a hangman bad enough for Judas, but himself. And when you shall think fit to do yourself so much right, you shall be your own soothsayer, and fall by the hand of a Raviliac; to whom, with more likeness, compare

yourself, than to Henry IV., for you are no king. What Raviliac was, is very well known; what you are, I leave to your own conscience.

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*A true Narration of the Title, Government, and Cause of the Death of the late Charles Stuart, King of England. Written for the satisfaction of all those that are not wilfully obstinate for a Regal Government, and neglecters or contemners of their own just Liberties. 1649.*

THE title of William the Conqueror, (by some surnamed the Bastard,) who first compelled our English necks to bear his Norman yoke, (whatever others may pretend,) was by his sword only, by power whereof his successors (even to this Charles Stuart, late king of England,) have, as it were, forced the suffrage of the people to their several elections and coronations, and by the same power have maintained all their actions, howsoever unjust, tyrannous, and illegal, contrary to that ancient, known, and received opinion in law, that the king is *singulis major, universis minor*; by which unjust, usurped, and tyrannous power of kings, they are become indeed (instead of shepherds, careful to defend their flocks) most ravenous wolves, whose paunches are never longer full than they are devouring the silly sheep; as may most plainly appear in the late bloody and tyrannous reign of this Charles Stuart, whose boundless prerogative (had his sword prevailed) had, like a general inundation, at once swallowed up both the laws of the land, the liberties of the subject, the privileges of parliament, and turned the sweet and pleasant streams of the gospel (into that sea of antichrist) into popish superstition. In the times of peace he was the most covetous P. that ever reigned in England, not caring how his subjects were impoverished or abused, so his private coffers were enriched. He never cared to maintain the laws, except such as conduced to his own particular profit, or to the augmenting his prerogative to that unlimited power, that his will, like the great Turk's, might command the lives and fortunes of all his subjects. In point of religion, his intents may be easily discerned, by intruding the new liturgy on the kirk of Scotland, and that too immediately after his coronation there; he well knowing that it could be no way consistent with the covenant by them taken, and maintained for some ages before; as also by enjoyning and compelling the communion-tables in England to be removed, and set altar-wise, with altar-worship, (thereby making way for the introducing of popery,) it being contrary to the known laws of this kingdom. We let slip his ambition of rule, though by common fame sealed in his father's blood, and fall to the point of that unparalleled piece of tyranny begun against the Scots, and since prosecuted against us, his late subjects of England. To begin therefore with the Scots, who, after many humble petitions, and fruitless answers, were forced, for their own safeties, to take arms, yet, with all submission, (upon a treaty,) taking the king's solemn engagement, laid them down, notwithstanding the great charge they had been put to, and their inability to bear the same. After which peace, the end of war being then expected, the conditions of the treaty were so well kept, that, the spring following, they were again forced (for their refuge) to take arms; in which their success is so notorious to all men, that the king, not able to raise or maintain an army able to oppose them, was, by necessity, compelled to call a parliament, only (as by the issue it appeared) to borrow monies, (without any intent to satisfy the subject;) which when he found he could not accomplish, he not only suddenly dissolved and imprisoned the members, but, by power of his own royal prerogative, as he calls it, (without consent of parliament,) endeavoured to impose on the free people of England the heavy tax of tunnage and poundage; which when he found that he could not wade through, the Scots at that time being come into the kingdom, necessity once more compelled him to call another parliament; who, in their wisdoms, contracted with the

Witness the monopolies and ship-money; witness the long vacancy of parliaments, and the illegal proceedings against the earl of Castlehaven; the over-awing the judges about ship-money, and the tyrannical proceedings of the star-chamber.

The Scots ly still liable to be questioned



Scots, for a great sum of money, to depart the kingdom, and willingly condescended that the king should go into Scotland to compose and settle businesses there ; which was no sooner effected, and he well rid of the Scots, and received into the city of London with joy and triumph, but he had presently his design on foot, how to be rid of this parliament also ; which, by reason of the act of continuation, could not be otherwise effected than by bringing up his northern army, not then disbanded ; which failing, he resolved to render his act of continuation (of grace he called it) as fruitless as possible might be ; whereupon, he first makes way to send the queen beyond seas with the chief jewels of the crown, endeavouring, through her means, to move foreign princes to send him aids to make war upon his rebellious parliament, as he called them ; after whose departure, contrary to all laws, or the precedent of any of his predecessors, he associated with a company of rude and uncivil fellows armed, came to the house of commons to demand the five members, and, notwithstanding he received the assurance of the house for their forth-coming, never so much as brought in any charge against them ; but finding himself frustrated in that his tyrannous design, immediately left the parliament, and repaired to Windsor, where he mustered together many deboised persons and cavaliers, with promise of great preferments and monies, if they would attend him at York, which they accordingly did ; he in the mean while trifling out the time, under the pretence of a treaty about settling the militia, with the parliament, first at Tybals, after at Newmarket, and at last at York ; in the mean time demanding the town of Hull, and providing arms, money, and men to make an army, (the parliament not yet dreaming of any such matter,) which he soon after performed, by setting up his standard at Nottingham.

for their first coming into England, not being authorized by king nor parliament.

And as this army was treacherously raised, under the cunning pretence of a treaty, so he hath proceeded with them to destroy the good people under the same colour ever since, so long as he had an army ; in which time, on both sides, above an hundred thousand of the good people of England have been murdered and destroyed. And since the said armies, by him raised, have been routed and dispersed, and he himself as a prisoner at the dispose of parliament and army, how many new commotions (in Wales, Scotland, Kent, Essex, Surry, and the West) he hath contrived (as much as in him lay) to the utter destruction of this whole nation, is sufficiently manifest to all men who are not more blinded in affection to the name of king than in love with their own just liberties. And, in the last treaty in the Isle of Wight, it did most evidently appear to the high court of justice, upon the examination of sufficient witnesses, that Charles Stuart (what pretences soever he made, or what assurances soever he pretended to give) never did, nor ever would decline the late murder of his subjects, but would ever prove it as an act most just. Yet, notwithstanding all these tyrannies, so unwilling were the parliament to depose him, much more to take his (long since forfeited) life, that had he not sent his two sons beyond sea, with commission to invade this nation, and to rob and murder his good subjects both by sea and land, (and at this very instant time of treaty, plotted and endeavoured a new disturbance by all means, labouring to engage the city of London to joyn with him in the same bloody design) he might have yet remained unquestioned.

Witness the falling on at Brainchford, on Col. Hollis his regiment.

Thus having given the reasons that forced on the king's ruin, and in him the disabling the Norman line for the future, all those that are true lovers of liberty, the laws, religion, and the kingdom's welfare, may both feel and see themselves unloosed from the Norman yoke, under which our forefathers have suffered for the space of five hundred sixty and two years ; for which let all true Englishmen rejoyce, and with the author cry, *Vivat lex, exercitus, vera religio, senatus populusque Angliæ.*

*The Declaration of the Reverend Mr Alexander Henderson, Principal Minister of the Word of God at Edinburgh, and chief Commissioner from the Kirk of Scotland to the Parliament and Synod of England, made upon his Death-bed.*

This declaration is imputed to the celebrated Alexander Henderson, the apostle of the Scottish covenant. As he had distinguished himself during the Scottish disturbances which preceded the great civil war, by his zeal for presbytery, he was judged by his brethren the most fit person to convince Charles I. of the *jus divinum* of that mode of church government. He accordingly attended the king while he was with the Scottish army, officiated as his chaplain, and exchanged several papers with him upon the comparative merits of presbytery and episcopacy. But ere this debate was concluded, Henderson was taken ill, and obliged to retire to Edinburgh, where he died about the middle of August, 1646. The royal party affirmed, that upon his death-bed he drew up the following declaration, which, to say the least, is contrary to the tenour of his whole life and doctrine. But the general assembly considering it as a forgery by some of the Scottish episcopal clergy, issued the following counter-declaration :

“The general assembly of this kirk having seen a printed paper intituled the Declaration of Mr Alexander Henderson, Principal Minister of the Word of God at Edinburgh, and Chief Commissioner from the Kirk of Scotland to the Parliament and Synod of England, made on his death-bed ; and taking into their serious consideration how many gross lies and impudent calumnies are therein contained, out of the tender respect which they do bear to his name, (which ought to be very precious to them and all posterity) for his faithful service in the great work of reformation in these kingdoms, (wherein the Lord was pleased to make him eminently instrumental;) and least, through the malice of some, and ignorance of others, the said pamphlet should gain belief among the weaker sort, they have thought fit to make known and declare concerning the same as followeth :

“That, after due search and trial, they do find that their worthy brother Mr Alexander Henderson did, from the time of his coming from London to Newcastle, till the last moment of his departure out of this life, upon all occasions, manifest the constancy of his judgment touching the work of reformation in these kingdoms ; namely, in all his discourses and conferences with his majesty, and with his brethren who were employed with him in the same trust at Newcastle, in his letters to the commissioners at London, and particularly in his last discourse with his majesty, when departing from him at Newcastle, being very weak and greatly decayed in his strength. When he came from Newcastle, by sea, to this kingdom, he was in such a weak, worn, and failed condition, that it was evident to all that saw him that he was not able to frame any such declaration ; for he was so spent that he died within eight days after his arrival : And all that he was able to speak in that time did clearly shew his judgment of, and affection to the work of reformation and cause of God, to be every way the same then that it was in the beginning and progress thereof, as divers reverend brethren who visited him declared to this assembly, particularly two brethren who constantly attended him from the time he came home till his breath expired.

“A further testimony may be brought from a short confession of faith under his hand, found among his papers, which are expressed as his last words ; wherein, among other mercies, he declareth himself ‘most of all obliged to the grace and goodness of God, for calling him to believe the promises of the gospel, and for exalting him to be a preacher of them to others, and to be a willing, though weak instrument in this great and wonderful work of reformation, which he earnestly beseeches the Lord to bring to a happy conclusion.’ Other reasons may be added, from the levity of the style, and manifest absurdities contained in that paper ; upon consideration of all which, this assembly do condemn the said pamphlet, as forged, scandalous, and false : And further declares the author and contriver of the same to be void of charity and good conscience, and a gross liar and calumniator, led by the spirit of the accuser of the brethren.”—*STEVENSON'S History of the Church and State of Scotland*, vol. iii, p. 1144.



The controversy was revived in the dispute between the learned Ruddiman and Logan, the latter addressing an epistle to the former, in vindication of Alexander Henderson from the charge of recanting his principles on death-bed. Judging from internal evidence, there is every reason to believe that the reverend assembly and Mr Logan are completely justified in challenging the authenticity of the document in question.

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Whereas the greatest part of the distempered people of these miserable distracted kingdoms have been, and are woefully abused and misled with malicious misinformations against his sacred majesty, especially in point of religion and moral wisdom; whereof I confess, with great grief of heart, myself to have been none of the least who, out of imaginary fears and jealousies, were made real instruments to advance this unnatural war,—I conceived it the duty of a good Christian, especially one of my profession, and in the condition that I lie, expecting God Almighty's call, not only to acknowledge to the all-mercifull God, with an humble sincere remorse of conscience, the greatness of this offence, but also, for the better satisfaction of all others, to publish this declaration to view of the world; to the intent that all those (especially of the ministry) who have been deluded with me, may, by God's grace, and my example, not only be undeceived themselves, but also stirred up to undeceive others with more alacrity and facility. I do therefore declare, before God and the world, that since I had the honour and happiness to converse and confer with his majesty with all freedom, especially in matters of religion, that I found him the most intelligent man I ever spoke with; as far beyond my expression as expectation, grounded upon the information that was given me (before I knew him) by such as I thought should have known him. I profess, that I was oft-times astonished at the solidity and quickness of his reasons and replies; wondered how he, spending his time so much in sports and recreations, could have attained to so great knowledge. I must say, that I never met with any disputant of that mild and calm temper, which convinced me the more, and made me think that such wisdom and such moderation could not be without an extraordinary measure of divine grace. I observed all his actions, more particularly those of devotion, which, I must truly say, are more than ordinary. I informed myself of others, who had served him from his infancy, and they all assured me, there was nothing new or much enlarged, in regard of his troubles, either in his private or publick way of exercise. O that those who sit now at the helm of these weather-beaten kingdoms had but one half of his true piety and wisdom! I dare say the poor oppressed subject should not be plunged into so deep gulphs of impiety and misery, without compassion and pity. I dare say, if his advice had been followed, all the blood that is shed, and all the rapine that is committed, should have been prevented. If I should speak of his justice, magnanimity, charity, and sobriety, chastity, patience, humility, and of all his both Christian and moral virtues, I should seem to flatter him to such as do not know him, if the present condition I lie in did not excuse me from any suspicion of worldly ends, when I expect every hour to be called, and the discharging my conscience before God and men did not oblige me to declare the truth simply and nakedly. Never man heard him complain or bemoan his condition, in the greatest durance of war and confinement. When he was separated from his dearest consort, and deprived of the comfort of his innocent children, the hopefulest princes that ever were in these ingrate kingdoms; when he was denied of his counsellors and domestick servants, and stripped of all council and help of man, and used so harshly as would have stupified any other man, then did his undaunted courage and transcendant wisdom shew itself more clearly, and vindicate him from the obloquy of former times, to the astonishment of his greatest enemies. I confess, this did so take me, that I could not but see the hand of God in it,

which will render his name glorious, and (I greatly fear) ours ignominious to all posterity.

N. B. It is to be observed, that this gentleman, when he came from Newcastle to Edinburgh, did design to unbosom himself in the great church at Edinburgh, as to the virtues of King Charles I., and the reasons of this change of his opinion of him; which being understood by some leaders in the assembly, they hindered his preaching; after which he fell sick, and, no doubt, to unburthen and ease his mind, drew up in this declaration what he intended to preach, had he been permitted. This was one of many of the loyal converts the king made, who wanted only to be known to be admired, and was still the more admired the better he was known.

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*The Sentiments of Mr Vines (another eminent Presbyterian Minister) of King Charles I.*

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This recantation seems to be as apocryphal as that of Mr Alexander Henderson.

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When Mr Vines returned from the treaty at Uxbridge, Mr Walden being at London with Mr Nathaniel Gilbert, news was brought to them that Mr Vines was returned; whereupon they both went to Mr Vines, who, after usual ceremonies between friends, said, with great affection, Brother Walden, how hath this nation been fooled? We have been told that our king was a child and a fool; but if I understand any thing by my converse with him, which I have had with great liberty, he is as much of a Christian prince as ever I read or heard of since our Saviour's time. He also said, he is a very precious prince, and is able of himself to argue with the ablest divines we have. *Item*, that he gave such undeniable reasons for episcopacy, &c., that the world could not answer them: That he had convinced him that it was agreeable to the primitive times. As for his (meaning the king's) clergy, there is no fence against their flails; they are a great deal too hard for us. In short, that among all the kings of Israel and Judah, there was none like him.

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*A Declaration from his Highnesse the Prince of Wales, concerning the illegal Proceedings of the Commons of England, and his Resolutions to endeavour the Settlement of the ancient knowne Lawes of the Kingdome of England.*

London, printed 1648.

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Charles II. appears to have used every exertion to prevent his father's fate. The following is a private letter which he contrived to convey to the king, notwithstanding his strict confinement, and is a favourable commentary on his public declaration.



" Having no means to come to the knowledge of your majesty's present condition, but such as I receive from the prints, or (which is as uncertain) report, I have sent this bearer, Seamour, to wait upon your majesty, and to bring me an account of it: That I may withall assure your majesty, I doe not only pray for your majesty, according to my duty, but shall alwaies be ready to do all which shall be in my power to deserve that blessing which I now humbly beg of your majesty upon, sir, your majesty's most humble and most obedient son and servant,

*Hague, 23d January, 1648.*

CHARLES."

SANDERSON'S *History of King Charles*, Lond. 1658, fol. p. 1135.

Having religion and reason to guard my actions, I need not be timorous to declare my intentions; neither doe I intend to act any thing that shall infringe the subjects liberty, or subject myself to that illegal, and never-before-heard of, authority which is lately crept out of the womb of faction. I confesse I cannot accuse all, nor excuse some: Those which I accuse are they who unjustly condemned my royal father, whose blood cannot be washed out of their spungious soules without an inundation of repentance: Those which I excuse are they which really endeavoured the prevention of so great a mischief.

1st, Let us consider their cruelty in imprisoning his person.

2dly, Their audaciousnesse in bringing him to an unjust trial.

3dly, Their barbarousnesse in condemning him without law or justice, not permitting him the liberty of speech.

I leave it to the world to judge whether these proceedings could be polished either with religion or justice? Or whether I (who have as great a portion of grief as any) can in justice wink at these enormities? No, I cannot, nor will not. I am, therefore, resolved to hazard that which is most deare to me, to recover and propagate the ancient lawes and liberties of the kingdome of England, whose crowne I may and will claime by lawful inheritance, in despite of those that pretend the greatest good to the kingdome, and intend the least; they have already acted their parts, and now (God assisting me) I will act mine, in opposing that spurious offspring, which is now more potent than just. Therefore, let them expect and prepare themselves to heare the alarums of justice, which shall suddenly rattle in their eares. I am well assured that my cause is balanced with justice, and that all unbribed hearts will be assistant to my designs. I will not waste so much time as to expostulate, or guild my intentions with plausible pratory; but with as much brevity as my cause will afford me, declare the reasons of my proceeding, which are as follow:

## I.

1st, It is sufficiently knowne that my royall father (during the time of his life) was alwaies willingly active to subscribe and condescend to any thing that was conducing to the peace and welfare of the kingdome; and without any sinister ends, agreed to a personal treaty with his two houses of parliament, protesting (and at last sealed his protestation with his blood) that nothing was more predominant in his thoughts than the preserving of his subjects liberties, and the priviledges of parliament; the reality of which his last declaration from the Isle of Wight doth abundantly manifest.

## II.

2dly, After his concessions were voted satisfactory, yet they were disavowed by that pregnant and pernicious party of independents, who endeavoured to enervate monarchy by the advancing democracy, and to regulate the kingdome according to their owne unlimited desires.

## III.

3dly, Did not the army under the command of General Fairfax protest and covenant to maintaine the priviledges of parliament; and now have deviated from their protestations, by their late barbarisme perpetrated on them, by imprisoning and subjugating those that were their first masters, and all this for the liberty of the subject? If these things can be consonant either to law or justice, let the world judge.

## IV.

Lastly, Did they not promise to make my royal father a glorious king, whom they have inhumanely murdered by a new-bred authority of their own instituting, and warped their protestations by the fire of their owne ambitious desires; pretending to prevent great mischiefs by enacting greater?

These, and other abominations under which the land groanes, are sufficient motives to incite my resolutions, and draw the world about their ears. And I hope all Christian princes (after they are fully acquainted with the particulars of my designes) will be ready to afford me their timely assistance, by which they shall engage me hereafter to shew myself ready in the performance of any thing which shall conduce to their peace and welfare.

I must now declare myself to the world, that I am an absolute enemy to the proceedings of those that title themselves the commons of England; and am resolved (by the grace of God) to employ the uttermost of my endeavours to reduce them to their former lawes, or else subvert them and their adherents. It is well known with what milde importunities my royal father accosted them, and yet could not woe them into an accommodation. 'Tis not unknown with what unfained alacrity he declared (even at his death) that he valued his subjects liberty more than his own life; and yet all these expressions made no impression on their obdurate hearts; therefore, I am confident that it is impossible to conquer them with any language but the language of the sword, with which I intend suddenly to treat. And I protest, that I will not willingly injure any that shall desert them, or are already oppugnant to their wicked designes; but will with my life and fortune protect them. And they that will in time repair to me shall be respected, and rewarded for their loyalty.

I further declare, that I am free from the thoughts of inducing any tyrannical or arbitrary government, or breaking the priviledges of parliament, or infringing the subjects liberty; but will absolutely endeavour to re-establish the ancient and knowne lawes of the land: For the effecting whereof, I shall desire all real hearts to shew their readinesse in promoting so excellent a work, and joyntly pray with me that God would prosper our designes, that we may once more sit under our vines and our fig-trees, and eat the fat of our land in peace and unmolested tranquillity.

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*Letters from the States General, &c. to the Parliament of England, &c., to desist from executing King Charles.*

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It seems obvious that the High and Mighty States, who here hold communication with the parliament, for the purpose of establishing a good correspondence between the two countries, and for



that of interceding for King Charles, had the former much more at heart than the latter. They were civilly received by the parliament, and their expostulations were listened to, but without receiving any satisfactory answer.

*Messieurs,*

Ayans tousjours en singuliere recommandation le bien de vostre repos, nous avons estimé convenable à nostre ancienne amitié et bienveillance envers le royaume d'Angleterre de charger le Sieur Pauw, Chevallier Sieur d'Heemstede, Hogersmilde, Niewerkerck, Rietwyck, Premier Conseillier et Maistre des Comptes des Domaines de Hollande et Wesfrise, Deputé extraordinaire de la Part de cette Province en nostre Assemblée; et le Sieur Joachimi, Chevallier Sieur d'Oestende en Oedekerkenskerck, nos Ambassadeurs Extraordinaires et Ordinaires, de faire entendre à vos Seigneuries, ce qui est de nos bonnes intentions, avec quelque chose de particulier, que nous affectons pour le benefice mesme et tranquillité du royaume, et pour icelles tousjours rendre preuve de la bonne volonté que nous portons à vos seig. Sur quoy nous aurons à plaisir que vos seig. adjoustiez, foy et creance en ce que les Sieurs de Heemstede, et Joachimi de vive voix vous représenteront de nostre part. Finissants nous prions Dieu, messieurs, de vous conserver en sa sainte et digne garde.

De vostre seig.

humbles et très affectionnés

pour vous faire service,

Les Estats Generaux des Provinces  
Unies du Pais Bas.

Par Ordonnan. d'iceux,

Ccoen. Mulz. 1649.

A la Haye, le 29 de Jan. 1648.

*A Messieurs,*

*Messieurs l'honorable Maison  
des Communes du Parlement  
d'Angleterre.*

*Monsieur,*

Envoyants par de là le Sieur Pauw, Chevallier Sieur de Heemstede, Hogersmilde, Rietwyck, Niewerkerck, Premier Conseillier, et Maistre des Comptes des Domaines de la Hollande et Westfrise, Deputé Extraordinaire de la part de cette Province en nostre Assemblée; et le Sieur Joachimi, Chevallier Sieur d'Oestend en Oedekenskerck, nos ambassadeurs extraordinaires et ordinaires, nous leur avons donné charge de vous aller trouver de nostre part, et communiquer le sujet de cette ambassade, qui n'a but que d'avancer le restablissement du repos et tranquillité du royaume d'Angleterre. Priants de toute nostre affection qu'il plaise à vostre ex. d'accorder audience aux sieurs nos ambassadeurs: et leur adjouster foy et creance en tout ce qu'ils proposeront de nostre part, comme à nous mesmes, ce que nous attendrons indubitablement de vostre

équité et bienveillance; et sur ce là nous prions Dieu, monsieur, de vous tenir en sa sainte et digne garde.

J. Van, gent.

De vostre ex.

tres humbles et tres affectionnés

à vous faire service,

Les Estats Generaux des Provinces  
Unies du Pais Bas.

A la Haye, le 29 de Jan. 1649.

*A Monsieur,*

*Monsieur Olivier Cromwell, Lieu-  
tenant-General de l'Armée du  
Parlement d'Angleterre.*

*Monsieur,*

Nous vous envoyons icy les lettres de creance, qu'il a pleu à Messeigneurs les Estats Generaux d'escrire à l'honorable Maison des Communes, et vous prions de les vouloir rendre le plustost, à fin qu'on puisse resoudre encore ce matin, s'il est possible, sur nostre audience, la quelle nous demandons avec tant plus d'instance, pour avoir à proposer des choses, qui concernent le bien, la tranquillité, et la seurté de ce royaume, et de l'Estat des Provinces Unies, dont les interets, pour plusieurs considerations, doivent estre tellement unis, que malaisement peuvent ils estre separez. Sur ce nous prions Dieu, monsieur, de vous tenir en sa sainte garde, et demeurons,

Vos très affectionnés serviteurs,

Adrien Pauw. Ath. Joachimi.

ce 29 Janv. 16<sup>48</sup>  
8 Fev. 49.

*A Monsieur,*

*Monsieur Guillaume Lenthall, Esquier,  
Orateur de l'honorable Maison des Com-  
munes du Parlement d'Angleterre.*

*Monsieur,*

Envoyants par de là le Sieur Pauw, Chevallier Sieur d'Hermstede, Hogersmilde, Ruetwyck, Nieuwerkerck, Premier Conseillier, et Maistre des Comptes des Domaines de la Hollande et Westfrise, Deputé Extraordinaire de la Part de cette Province en nostre Assemblée, et le Sieur Joachimi, Chevallier Sieur d'Ostende en Oedekerkerck, nos ambassadeurs extraordinaires et ordinaires, nous leur avons donné charge de vous aller trouver de notre part, et communiquer le sujet de cette ambassade qui n'a but que d'avancer le restablissement du repos et tranquillité du royaume d'Angle-



terre. Priants de toute notre affection qu'il plaise à votre Ex. d'accorder audience aux nos Sieurs Ambassadeurs, et leur adjouster foy et creance en tout ce qu'ils proposeront de notre part, comme à nous mesmes. Ce que nous attendons indubitablement de votre equité et bienveillance. Et sur cela nous prions Dieu, monsieur, de vous tenir en sa sainte et digne garde.

J. Van Gent.

De votre Ex.

très humbles Serviteurs,

Les Estats Generaux de Provinces  
Unies du Pais Bas.

Par Ordonnan. d'iceux,

Cœen, Mulz. 1649.

A la Haye, en Hollande, le 29 de Jan. 1649.

A Monsieur,  
Monsieur Thomas Fairfax, Baron,  
General de l'Armée en Parlement  
d'Angleterre.

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*The Declaration of the Most Christian King of France and Navarre, against the most horrid Proceedings of a rebellious Party of Parliament-men and Soldiers, in England, against their King and Country. Translated out of French by P. B.*

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This is one of those pieces of declamation which sovereigns often substitute for an effectual effort in favour of a distressed friend or ally. It may be compared with some similar declarations issued by the late Empress of Russia, at the beginning of the revolutionary war with France, and was not followed with more serious consequences. The Cardinal Mazarin, then at the head of the French administration, had no serious intention of assisting the king in his extremity, and was, on the contrary, one of the chief purchasers of his plundered and confiscated property.

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*Lewis XIV., by the Grace of God, the Most Christian King of France and Navarre, to all Christian Kings, Princes, States, and People, sendeth Greeting.*

Whereas we are informed, by our dear aunt, the Queen of England, of the distressed estate of the king her husband, forced upon him by a rebellious party of his meanest subjects, under the command of the Baron of Fairfax, who is likewise countenanced by a small handful of the basest of the people, crept into the lower house of parliament, but not being a tenth part thereof, the worthiest being either imprisoned or banished by the tyranny of the army, have a design to proceed against the person and

life of their king ; which is an action so detestable, and so destructive to the national rights of princes and people, who are like to be enslaved thereby, and to know no law but that of the sword, that we conceive ourselves obliged, by the laws of God and man, in the duty of a Christian, as well as the rights of a king, either to redeem from bondage the injured person of our neighbour king and uncle, or to revenge all outrages already done, or hereafter which may happen to be done thereupon.

Therefore, with the advice of our dear mother the queen regent, and council, we do publish and declare our detestation of all such proceedings ; and vow, in the presence of God and his holy angels, a full revenge upon all actors or abettors of this odious design, to the utter extirpation of them, their wives and children, out of all parts of Christendom, wherein our power or interest can prevail, if they proceed to this damnable fact ; we conceiving it fit to root out from human society such a spurious and viperous generation of men. And we do therefore prohibit all such persons, their wives and children, to come into any of our dominions, unless they will be proceeded against as traitors to God and nations.

And we do likewise invite all our neighbour kings, princes, and states in amity with us, or with whom we have any difference, to an honourable peace, that we may all join in God's cause and our own, to revenge these hypocritical proceedings of enraged villains, who, we hear, take the cause of God for their pretence to destroy his ordinance.

And we desire all our neighbour kings, princes, and states, to make the same proclamation we have done, against any of these, or their adherents, from coming into their territories ; that when, by God's justice, and ours and others endeavours, they shall be chased out of their native country, they may wander like vagabonds in heathenish places, with the odious brands of regicides upon them. And, further, to consider, whether that, if the like madness took any of their armies, they would not implore our helps, as now this afflicted queen and aunt of ours hath occasion to do theirs, against persons who are now twice rebels ; first, against their lawful sovereign, upon pretence of reformation of government, and now against the very men and authority which raised them for that pretended occasion : Wherein God's justice is so apparent, that we are confident he will bless this work intended by us ; and which, we hope, will be seconded by all persons of honour and justice, both at home and abroad, to help to suppress these rebels against their raisers ; who yet presume, upon the success of their arms, to erect their own base thoughts and fortunes above the limits of religion or reason, to suppress that authority which God hath set over them.

(Signed) LEWIS.  
(And below) BRYAN, Secretary of State.

Published at Paris, the 2d day of January, stylo novo, 1649.

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*The Dissenting Ministers Vindication of themselves from the horrid and detestable Murder of King Charles I., of glorious Memory, with their Names subscribed, about the 20th of January, 1648.*

ISAIAH, lxii, 1.

For Zion's sake I will not hold my peace, and for Jerusalem's sake I will not rest, until the righteousness thereof go forth as brightness, and the salvation thereof as a lamp that burneth.



PROVERBS, xxiv, 21, 22.

My son, fear thou the Lord and the king, and meddle not with them that are given to change; for their calamity shall rise suddenly, and who knoweth the ruin of them both?

The presbyterians, who saw the rise of the independents with jealousy and abhorrence, and whose tenets were grounded upon monarchy, began now to bestir themselves in behalf of Charles, whom they had been the primary means of reducing to his present extremity. Their leaders exclaimed against the trial of the king; nor were their teachers idle, according to a historian with whom the sect is no favourite.

"The presbyterian ministers (now too late) declaim against it; and many more of other sects, by their sermons, conferences, protestations, and remonstrances, publish and beseech, "That against the dreadful ties of so many oaths, against the public and private faith, backed by declarations and promises, against the law of the land, against the more sacred dictates of divine Scriptures and religion, nay, against the good of the commonwealth, they would not distain their own hands and the kingdom with the king's blood."—SANDERSON, *ut supra*, p. 1121. Neither did they content themselves with protestations against the fact before it was committed, but joined in the following vindication of their sect from any concern with it after the execution. It seems, from the notes, written by some zealous cavalier, that the copy used for this collection had been reprinted after the restoration.

It cannot be unknown how much we, and other ministers of this city and kingdom, that faithfully adhere to the parliament, have injuriously smarted under the scourge of evil tongues and pens, ever since the first eruption of the unhappy differences and unnatural war between the king and parliament, for our obedience to the commands and orders of the honourable houses, in their contests with his majesty, and conflicts with his armies.

We are not ignorant of the over-busy intermeddlings of prelates and their party heretofore, in over-ruling civil affairs, to the great endangering of kingdoms, and of this in particular, when private interests, ambitious designs, revenge, or other sinister ends, engaged them beyond their sphere. Howbeit, it cannot reasonably (as we conceive) be denied, that ministers, as subjects, being bound to obey the laws, and to preserve the liberties of the kingdom; and having an interest in them, and the happiness of them, as well as others, may and ought (without incurring the just censure due to busy-bodies and incendiaries) to appear for preserving the laws and liberties of that commonwealth whereof they are members; especially in our case, when it was declared by the parliament, that all was at stake, and in danger to be lost. No, nor, as ministers, ought they to hold their peace in a time wherein the sins of rulers and magistrates, as well as others, have so far provoked God, as to kindle the fire of his wrath against his people. And yet, for this alone, the faithful servants of God have, in all ages, through the malice of Satan and his instruments, been traduced, as arch-incendiaries, when only their accusers are indeed guilty of both laying the train and of putting fire to it, to blow up a kingdom.

An Ahab and his sycophants think none so fit to bear the odium of being the grand troubler of Israel as Elijah. Thus the popish device was, to charge the gun-powder treason, had it taken effect, upon the puritans. And, if you believe Tertullus, even a Paul is a pestilent fellow, a mover of sedition throughout the world, a ringleader of a sect, and what not, but what he is? Yea, Christ himself, though a friend to monarchy, even of heathenish Rome, is proclaimed an enemy to Cæsar, to open a way to his destruction, by their malice, who never cared for the interest of Cæsar.

Wherefore, although with us, who have had experience of like usage, it be a small

thing to be thus judged of men, when we regard only our own particular persons; for if they call the master of the house Beelzebub, how much more those of his household? Yet when we consider how much it concerns the honour of our Master, and the good of all, to preserve our ministerial function immaculate, (our good names being, in that relation, as needful to others, as a good conscience to ourselves,) we dare not but stand by and assert the integrity of our hearts, and the innocency of all our actings, in reference to the king and kingdom, for which we are so much calumniated and traduced.

This we are compelled to at this time, because there are many who very confidently, yet most unjustly, charge us to have been formerly instrumental toward the taking away the life of the king; and because, also, there are others who, in their scurrilous pasquils and libels, as well as with their virulent tongues, present us to the world as a bloody, seditious sect, and traiterous obstructors of what all the godly people of the kingdom do earnestly desire, for establishing of religion and peace, in that we stick at the execution of the king, while yet we are, as they falsely affirm, content to have him convicted and condemned: all which we must and do from our hearts disclaim before the whole world.

For when we did first engage with the parliament, which we did not till called thereunto, we did it with loyal hearts and affection towards the king and his posterity; not intending the least hurt to his person, but to stop his party from doing further hurt to the kingdom; not to bring his majesty to justice, as some now speak, but to put him into a better capacity to do justice,—to remove the wicked from before him, that his throne might be established in righteousness; not to dethrone and destroy him; which, we much fear, is the ready way to the destruction of all his kingdoms.

That which put on any of us at first to appear for the parliament was, the propositions and orders of the lords and commons in parliament, (June 10, 1642,) for bringing in of money and plate, &c.; wherein they assured us, that whatsoever should be brought in thereupon, should not be at all employed upon any other occasion than to maintain the protestant religion, the king's authority, his person in his royal dignity, the free course of justice, the laws of the land, the peace of the kingdom, and the privileges of parliament, against any force which shall oppose them.

And in this we were daily confirmed and encouraged more and more, by their many subsequent declarations and protestations; which we held ourselves bound to believe, knowing many of them to be godly and conscientious men, of public spirits, zealously promoting the common good, and labouring to free this kingdom from tyranny and slavery, which some evil instruments about the king endeavoured to bring upon the nation.

As for the present actings at Westminster, since the time that so many of the members were by force secluded, divers imprisoned, and others thereupon withdrew from the house of commons, (and there not being that conjunction of the two houses as heretofore,) we are wholly unsatisfied therein; because we conceive them to be so far from being warranted by sufficient authority, as that, in our apprehensions, they tend to an actual alteration, if not subversion, of that which the honourable house of commons, in their declaration of April 17, 1646, have taught us to call the fundamental constitution and government of this kingdom; which they therein assure us (if we understand them) they would never alter.

Yea, we hold ourselves bound in duty to God, religion, the king, parliament, and kingdom, to profess before God, angels, and men, that we verily believe that which is so much feared to be now in agitation, **the taking away the life of the king**, in the present way of trial, is not only not agreeable to any word of God, the principles of the protestant religion, (never yet stained with the least drop of the blood of a king,) or the fundamental constitution and government of this kingdom; but contrary to



them, as also to the oath of allegiance, the protestation of May 5, 1641, and the solemn league and **Covenant**; from all or any of which engagements, we know not any power on earth able to absolve us or others.

In which last we have sworn, **with hands lifted up to the Most High God**, that we shall, with sincerity, reality, and constancy, in our several vocations, endeavour, with our estates and lives, mutually to preserve and defend the rights and privileges of the parliaments, and the liberties of the kingdoms; and to preserve and defend the king's majesty's person and authority, in the defence of the true religion and liberties of the kingdoms; that the world may bear witness, with our consciences, of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness.

And we are yet further tied, by another article of the same **Covenant**, not to suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided or withdrawn from this blessed union and conjunction; whether to make defection to the contrary party, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerns the glory of God, the good of the kingdoms, and honour of the king; but shall, all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever. And this we have not only taken ourselves, but most of us have, by command of the parliament, administered it to others, whom we have thereby drawn in to be as deep as ourselves in this public engagement.

Therefore, according to that our **Covenant**, we do, in the name of the great God, (to whom all must give a strict account,) warn and exhort all who either more immediately belong to our respective charges, or any way depend on our ministry, or to whom we have administered the said **Covenant**, (that we may not by our silence suffer them to run upon that highly-provoking sin of perjury,) to keep close to the ways of God and the rules of religion, the laws, and their vows, in their constant maintaining the true reformed religion, the fundamental constitution and government of this kingdom, not suffering themselves to be seduced from it, by being drawn in to subscribe the late models or agreement of the people,\* which directly tends to the utter subversion of the whole frame of the fundamental government of the land, and makes way for an universal toleration of all heresies and blasphemies; (directly contrary to our **Covenant**, if they can but get their abettors to cover them, under a false guise of the Christian religion;) as also in preserving the privileges of both houses of parliament, and the union between the two nations of England and Scotland: to mourn bitterly for their own sins, the sins of the city, army, parliament, and kingdom, and the woeful miscarriages of the king himself, (which we cannot but acknowledge to be many and very great,) in his government, that have cost the three kingdoms so dear, and cast him down from his excellency into an horrid pit of misery, almost beyond example: and to pray that God would both give him effectual repentance, and sanctify that bitter cup of divine displeasure that the Divine Providence hath put into his hand; and also, that God would restrain the violence of men, **that they may not dare to draw upon themselves and the kingdom the blood of their sovereign.**

And now we have good reason to expect that they who brought us under such a bond, and thereby led us into the necessity of this present **vindication**† and manifestation of our judgments and discharge of our consciences, should defend us in it. How-

\* Declared by both houses, for the substance of it, to be destructive to the being of parliaments, and to the fundamental government of the kingdom, in December 1647; yea, condemned heretofore by the general and his council of war, and one of the soldiers shot to death for promoting it.

† Query, Whether 'tis any testimony of the sincerity of this vindication, the not observing the 30th of January, as the laws have appointed? Or, Whether the present dissenters have not outrun their forefathers?

ever, we resolve rather to be of their number that tremble at his terrors who is a consuming fire, and will not fail to avenge the quarrel of his covenant upon all that condemn it, than to be found amongst those who despise the oath, by breaking his covenant, (*after lifting up the hand,*) although it had been made but in civil things only, and that with the worst of men.

C. Burges, D. D., preacher of the word in Paul's, London.

Will. Gouge, D. D., pastor of Blackfriars.

Edm. Stanton, D. D., pastor of Kingston.

Tho. Temple, D. D., pastor of Battersey.

Geo. Walker, pastor of John Evang.

Edm. Calamy, pastor of Aldermanberry.

Jer. Whitaker, pastor of Mag. Bermonsey.

Dan. Cawdrey, minister of Martins in the Fields.

Will. Spurstow, minister of Hackney.

La. Seaman, pastor of Alh. Breadstreet.

Simeon Ashe, minister of Michael, Basingshaw.

Thomas Case, minister of Magd. Milkstreet.

Nich. Proffett, minister at Foster's.

Thomas Thorowgood, minister of Crayford.

Edward Corbet, minister of Croyden.

Henry Robourough, pastor of Leonard's, Eastcheap.

Arthur Jackson, pastor of Michael's, Woodstreet.

Ja. Nalton, pastor of Leonard's, Foster-Lane.

Thomas Cawton, pastor of Bartholomew's, Exchange.

Charles Offspring, pastor of Antholins.

Sa. Clark, minister of Bennet Fink.

Jo. Wall, minister of Michael, Cornhill.

Fran. Roberts, pastor of the church at Austin's.

Mat. Haviland, pastor of Trinity.

John Sheffield, minister of Swithin's.

William Harrison, minister of Gracechurch.

William Jenkyn, minister of Christ-church.

John Viner, pastor of Botolph, Aldgate.

Elidad Blackwell, pastor of Andrew, Undershaft.

John Crosse, minister at Matthew's, Friday-street.

John Fuller, minister of Botolph, Bishops-gate.

William Taylor, pastor of Stephen's, Coleman-street.

Peter Witham, pastor of Albane's, Woodstreet.

Fran. Peck, pastor of Nich. Acorn.

Christopher Love, pastor of Anne, Aldersgate.

John Wallis, minister of Martin, Ironmonger-Lane.

Tho. Watson, pastor of Stephen's, Walbrook.

William Wickins, pastor of Andrew, Hubbard.

Thomas Manton, minister of Stoke, Newington.

Thomas Gouge, pastor of Sepulchre's.

William Blackmore, pastor of Peter's, Cornhill.

Robert Mercer, minister of Brides.

Ra. Robinson, pastor of Mary, Woolnoth.

John Glascock, minister at Undershaft.

Thomas Whately, minister at Mary-Wool-Church.

Jonathan Lloyd, pastor of James Garlick, Hithe.

John Wells, pastor of Olaves, Jury.

Benjamin Needler, pastor of Margaret-Moses.

Nath. Staniforth, minister of Mary, Bothaw.

Stephen Watkins, minister of Mary, Overies.

Jacob Tice, pastor of Botolph, Billingsgate.

John Stileman, minister at Rotherhithe.

Josias Bull, pastor of North Cray.

Jonathan Deverux, late minister at Andrews, Holborn.

Paul Russel, preacher at Hackney.

Joshua Kirby, minister of the word.

Arthur Barham, pastor at Hellens.



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*Iter Carolinum ; being a succinct Relation of the necessitated Marches, Retreats, and Sufferings of his Majesty, Charles the First, from January 10, 1641, till the time of his Death, 1648. Collected by a daily Attendant upon his sacred Majesty during all the said time.*

Printed in the year 1660.

*To the Loyal Reader.*

I DO here present you with a compendious collection of thy late sovereign's afflictions, which are many and unparalleled ; in so much, that I may truly say, (though there-in contradictory to the wise man, who saith, There is nothing new under the sun,) that there was no such deed done or seen, from the beginning of the world until this day.

Look not hereon, I conjure thee, unless with tears ; nay, indeed, how canst thou ? to see the king driven from place to place, affronted, neglected, despised, hungry and thirsting, reviled, persecuted, and defamed ; so that he may justly take up that of the apostle, 1 Cor. iv, 9, 10, &c. And indeed *hinc fons ille lacrymarum* ; from this fountain came all our future sorrows. This, this, I say, was the cause of our succeeding miseries, our inestimable loss, and almost inexpiable ruin ; but *propitiatur Deus*, so infinite is God in his mercy, that he not only can, but will pardon, though his justice severely denounceth this sentence : The soul that sins shall die.

But our present time speaks better things : We have the Pool of Bethesda, whereat many have lain groaning, even despairing for help ; and now God hath sent his angel, and moved the water ; and the whole nation, by stepping in, are healed of the disease they too long laboured under. *O terque quaterque beatus !* Thrice happy he whose loyal actings by Heaven have crowned been with such a blessed success, that after-times shall call him, and confess he was his country's honour, and his prince's shield. Pardon, I pray, good reader, this zealous digression ; and in the short ensuing tractate please to take notice, that it begins at the 10th of January, 1641, when his majesty was forced by tumults from Whitehall, and is continued till his death, after the manner of a diary ; pointing out his travel from place to place, with their distances from each other ; his abode therein, and entertainment succinctly withal ; yet mystically relating the most remarkable passages and battles occuring in that time. I need say no more, but let it speak for itself : I suppose there are many who will remember much thereof. I know the author, my father, and self, were *testes oculati*, speaking only what we had sorrowfully seen and known. Oh ! that posterity may never know the like ! but for ever rest satisfied in their undoubted sovereign, that his generation may never fail to sway the scepter in these kingdoms, while the sun and moon endureth : Which is the cordial prayer of his majesty's most faithful subject,

THOMAS MANLEY.

*A List of his Majesty's Marches and Removes, since his coming from London, on Monday the 10th of January, anno Dom. 1641.*

## January, 1641.

	Nights.	Miles.
10. From Whitehall to Hampton-Court, - - - - -	2	12
12. To Windsor, - - - - -	28	10

## February.

9. To Hampton-Court, riding somewhat out of the way, -	1	12
10. To Greenwich, - - - - -	1	14
11. To Rochester, - - - - -	1	20
12. To Canterbury, - - - - -	4	22
16. To Dover, - - - - -	9	12
25. The queen went aboard to Holland, in the Lyon.		
25. To Canterbury, - - - - -	1	12
26. To Greenwich, - - - - -	2	42
28. To Theobald's, - - - - -	4	16

## March.

3. To Royston, - - - - -	5	21
7. To Newmarket, - - - - -	5	20
14. To Huntington, - - - - -	1	24
15. To Stanford, - - - - -	1	21
16. To Grantham, - - - - -	1	16
17. To Newark, - - - - -	1	10
18. To Doncaster, - - - - -	1	28
19. To York, - - - - -	110	28

## July, 1642. Lincoln Journey.

7. To Beverley, - - - - -	5	22
12. To Doncaster, - - - - -	1	28
13. To Newark, - - - - -	1	28
14. To Lincoln, - - - - -	2	12
16. To Beverley, - - - - -	2	45

## Leicester Journey.

21. To Nottingham, - - - - -	1	60
22. To Leicester, - - - - -	4	16
26. To Doncaster, - - - - -	1	32
7. To Beverley, - - - - -	3	28
30. To York, - - - - -	17	22

## August, 1642.

16. To Nottingham, Earl of Clare, - - - - -	2	55
18. To Leicester, - - - - -	1	16



	Nights.	Miles.
19. To Stonely Abby, Sir Thomas Lee,	3	20
23. To Nottingham, Earl of Clare, where his majesty set up his royal standard,	21	

September.

13. To Derby,	3	12
16. To Utoxeter,	1	
17. To Stafford,	2	
19. To Wellington,	1	
20. To Shrewsbury,	3	
23. To West-chester,	4	28
27. To Shrewsbury,	15	27

October.

12. To Bridgnorth,	3	
15. To Wolverhampton,	3	10
17. To Breckinchem Aston, Sir Thomas Holt's,	2	
18. To Packington, Sir Robert Fisher's,	1	
19. To Killingworth,	1	
21. To Southam,	2	10
22. To Edgcott,	1	9

Edgehill Battle.

23. Octob. The great battle at Edgehill was stricken; the Earl of Lindsey, general for his majesty, who was killed in the field; and his majesty, notwithstanding the treachery of his chief gunner, the loss and retaking his standard, with the death of Sir Edmund Verney, the over-eager pursuit of the parliament's wing of horse by Prince Rupert, (whose soldiers, too, soon fell to plunder,) remained sole master of the field, and the next day had the advantage of the rout.

26. To Aynow on the Hill,	4	10
28. To Woodstock,	2	10
29. To Oxford,	4	6

November.

3. To Benson,	1	10
4. To Reading,	4	10
8. To Maidenhead,	2	
10. To Colebrook,	2	
12. To Hounslow,	2	5

Brentford Fight.

After Edge-hill battle, his majesty having continued his marches, as aforesaid, towards London, in the way, at Brentford, met with some forces of the parliament's there, falling into their quarters, and with much courage putting them to the worst, till, re-

lieved by other regiments lying near, it became a hot fight in the fields, lanes, and streets; his majesty's forces still valiantly maintaining their ground they had at first got, until, by intelligence, understanding the vast supplies, both of horse and foot, that were coming out of London, finding it impossible to be absolute victors, it was thought fit to retreat with honour and safety; which they did, marching away through Kingston.

	Nights.	Miles.
13. To Hampton-Court, - - - - -	1	
14. To Oatlands, - - - - -	1	4
18. To Bagshot, - - - - -	4	8
19. To Reading, which, immediately upon the king's recess, was surrendered to the Earl of Essex, - - - - -	9	10
29. To Wallingford, dinner; Oxford, supper, and there during pleasure.		

November, 1644.

*A List of his Majesty's Marches from Oxford to Bristol, Gloucester Siege, &c., beginning the First of August, 1643.*

	Nights.	Miles.
8. From Oxford to Farrindon, dinner; to Malmsbury, supper and bed,	1	12, 16

Bristol taken by the King.

2. To Bristol, - - - - -	6	22
8. To Tedbury, dinner; to Cirencester, supper and bed, Sir William Masters, - - - - -	1	20, 8
9. To Pansweck, - - - - -	1	11

Gloucester Besieged.

10. To Macseon, Mr Selwin's, near Gloucester, - - - - -	26	4
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September.

5. To Pansweck, - - - - -	1	4
6. To Bantley Hill, dinner; to Coverley, supper and bed, - - - - -	1	8
7. Dinner in the field; to Sudely Castle, supper and bed, - - - - -	4	12
11. Dinner in the field; to Evisholme, supper and bed, - - - - -	1	14
12. To Parshall, - - - - -	2	4

The Earl of Essex approaching with his army, the king raised his siege from Gloucester, and marched.

14. To Evisham, - - - - -	2	4
16. To Snowhill, - - - - -	1	6
17. To Norlich, dinner; Alscoc, supper, - - - - -	1	12
18. To Faringdon, dinner; to Wantage, Sir George Wilmot's, supper and bed, - - - - -	1	10



	Nights.	Miles.
19. Dinner in the field ; Newbury to supper and bed, Mr Cox's ; and on Wednesday the 20th, the great battle was struck there,	4	10
23. To Oxford, during pleasure,	-	20

April, 1644.

9. From Oxford to Childrey, the Lady Fettiplace's,	1	12
10. To Marlinborow, the Lord Seymers,	1	13
11. To Wantage, dinner ; to Oxford, supper and bed, during pleasure,	15	10

May, 1644.

16. To Coley, near Reading,	2	22
18. Dinner to Compton ; Oxford, supper and bed, during pleasure,	12	13

*A List of his Majesty's March with his Armies towards the West, &c., beginning on Sunday the 2d of June, anno Dom. 1644.*

June, 1644.

	Nights.	Miles.
Sunday the 2d day, in the afternoon, we went from Oxford to Woodstock, and returned back that night ; and on Monday morning, the 3d, about six o'clock, his majesty came back again to Oxford,	1	6
Monday the 3d, and Tuesday the 4th, about nine o'clock at night, his majesty marched again toward Woodstock, but left it on the right hand ; to Burford to supper ; the 4th day, and that night, lodged at Burton on the Water, at Dr Temple's,	2	18
Wednesday the 5th, to Evisham, Mr Alderman Martin's,	1	15
Thursday the 6th, to Worcester, the Bishop's Palace,	6	12
Tuesday the 11th, to Bewdley, Sir Thomas Littleton's,	3	12
Saturday the 15th, to Worcester again, the Bishop's Palace,	1	12
Sunday the 16th, to Bradway, Mrs Savage's,	1	17
Monday the 17th, to Burford, the George,	1	12
Tuesday the 18th, to Whitney, the White Hart,	3	6
Friday the 21st, to Blechington, Sir Thomas Coghil's,	1	7
Saturday the 22d, to Buckingham, Sir Thomas Richardson's,	4	12
Wednesday the 26th, to Brackley, the College there,	1	2
Thursday the 27th, to Culworth, Sir Samuel Danvers's,	1	8
Friday the 28th, to Grymsbury, a yeoman's house,	1	7
Saturday the 29th, to Williamscoth, a very poor man's house,	2	4

July, 1644.

Monday the 1st, to Dedington, the Parsonage,	1	2
Tuesday the 2d, to Morton Hinnmarch, the White Hart,	1	12
Wednesday the 3d, to Evisham, Alderman Martin's,	9	10
Friday the 12th, to Coverley, the Earl of Down's, by Bradway and Sudely,	1	16
Saturday the 13th, to Sapperton, Sir Henry Poole's, near Cirencester,	1	7
Sunday the 14th, Bodmyngton, the Lord Herbert's of Ragland,	1	14

	Nights.	Miles.
Monday the 15th, to Bath, Sir Thomas Bridges, the governor's,	2	11
Wednesday the 17th, to Mells, Sir John Horner's, the king's by at-tainder,	2	8
Friday the 19th, to Bruton, Sir Charles Bartley's,	2	10
Saturday the 20th, to Ilchester, Mr Dawes's house,	4	12
Wednesday the 24th, to Charde, Mr Barcroft's, a merchant of London,	1	12
Thursday the 25th, to Hunington, Dr Marwood's, a physician,	1	12
Friday the 26th, to Exeter, Bedford-House, Sir John Bartley's, the go- vernor,	1	15
Saturday the 27th, to Crediton, dinner; to Bradinch, Mr Seuter's, supper,	1	16
Sunday the 28th, to Crediton, Mr Tucker's house,	1	8
Monday the 29th, to Bow, Mr Philips's, a mean quarter,	1	10
Tuesday the 30th, to Oakhampton, at Mr Rotenbury's,	1	8
Wednesday the last, to Lifton, the Parsonage-house,	1	8

## August, 1644.

Thursday the 1st, to Trecarrol, Mr Manington's house in Cornwall,	1	9
Friday the 2d, to Liskard, Mr Jeane, a commissioner's house,	6	8
Thursday the 8th, to Boconnock, the Lord Mohun's, but called from thence to make ready at Mr Glin's of Glinford; affrighted from thence by the militia, his majesty lay in the field all night in his coach on Boconnock Down, a heathy place,	1	5
Friday the 9th, to Boconnock again, where his majesty quartered,	21	5
Saturday the last day, to Lestithiall, thence toward Foy; his majesty lay in the field, his meat and drink dressed at Mr Hixt's; the militia disarmed; E. fled the field; the articles confirmed,	2	5
And here his majesty's clemency was most eminent; when, having all the infantry at his mercy, he not only pardoned the soldiers in gene- ral, but admitted the chief officers to kiss his hand; only refused that favour to Major-General Skippon, as being too great an enemy to his majesty's honour and safety,	2	5

## September, 1644.

Monday the 2d, to Boconnock, the Lord Mohun's, again,	2	5
Wednesday the 4th, to Liskard, Mr Jeane's,	1	7
Thursday the 5th, to Tavistock, the Lady Glanvil's,	5	15
Tuesday the 10th, to Widey, near Plymouth, Yeoman Heale's house,	4	10
Saturday the 14th, to Tavistock, the Lady Glanvil's,	3	10
Monday the 16th, to Oakhampton, Mr Rottenbury's,	1	12
Tuesday the 17th, to Exeter, Bedford House, the governor's, at Cre- dilton,	6	20
Monday the 23d, to Chard, Mr Barcroft's; at Honiton, dinner,	7	27
Monday the last day, to South Parrat, Mr Gibbs; dinner in the field,	1	8

## October, 1644.

Tuesday the 1st, to Mayden Newton, Mr Osborne's; dinner in the field,	1	8
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	Nights.	Miles.
Wednesday the 2d, to Sherborn Lodge, the Lord Digby's; dinner in the field, - - - - -	6	12
Tuesday the 8th, to Stalbridge, the Earl of Cork's; dined there, - - - - -	1	5
Wednesday the 9th, to Stirmister Newton, Mr Reeves; dinner in the field, - - - - -	1	3
Thursday the 10th, to Brianstone, near Blandford, Mrs Rogers, - - - - -	4	7
Monday the 14th, to Cranborn Lodge, the Earl of Salisbury's; dinner in the field, - - - - -	1	10
Tuesday the 15th, to Salisbury, Dr Sadler's, chancellor; dinner in a little lodge, - - - - -	3	10
Friday the 18th, to Andover, the White Hart; dinner in the field, - - - - -	1	15
Saturday the 19th, to Whitechurch, Mr Brooke's; dinner in the field, - - - - -	2	7
Monday the 21st, to King's Cleer, Mr Tower's; dinner at Whitechurch, - - - - -	1	5

*His Majesty's March from the West, in October.*

October, 1644.

Tuesday the 22d, to Newbery, Mr Dunce; dinner at King's Cleer, - - - - -	5	6
Sunday the 7th, a great and second battle betwixt his majesty's army and the parliament's, by the same hands his majesty had disarmed and shewn mercy to at Lestithiall; wherein his majesty had much the better of the day, and yet was advised to desert the field; whereby, &c., his majesty marched to meet Prince Rupert at Bath. Prince Maurice, General Goring, and most of his majesty's household, about nine o'clock that Sunday night, marched from Denyngton Castle to Wallingford, and the next day, Monday the 28th, came all to Oxford, waiting for his majesty, - - - - -	1	25

*His Majesty's March from Bath to Oxford.*

Sunday the 27th, from Denyngton Castle, marching all night, and on Monday the 28th, came to Bath, and there, - - - - -	2	50
Wednesday the 30th, to Churchston, a widow's house, - - - - -	1	
Thursday the last, to Cirencester, Sir William Masters's, bart., - - - - -	1	26

November, 1644.

Friday the 1st, to Oxford, supper; and there during pleasure.

*A List of his Majesty's Marches from Oxford towards Denyngton Castle, both to relieve it, and to draw off the Ordnance left there the 27th of October before.*

	Nights.	Miles.
Wednesday the 6th, to Bullington Green, the rendezvous, dinner; Oxford, supper, where Prince Rupert was declared general, with great acclamation, - - - - -	2	1

	Nights.	Miles.
Thursday the 7th, to Wallingford, Colonel Blagues, the governor,	12	1
Friday the 8th, to West Illesley, the Bishop of Gloucester's, <i>in commendam</i> ,	8	1
Saturday the 9th, to Denyngton Castle, where was a great skirmish with the parliamenteers, in Newbury Field; whence we retreated, and lay on the Castle all night,	8	1

## November, 1644.

Sunday the 10th, to Lamborn, Mr Garret's,	8	2
Tuesday the 12th, to Marlinborough, the Lord Seymer's,	8	5
Sunday the 17th, to Hungerford, the Bear,	8	2
Tuesday the 19th, to Shelford, Mr Brown's, the king's birth-day,	6	2
Thursday the 21st, to Charlton, near Wantage, Sir George Wilmot's,	6	1
Friday the 22d, to Farrington, Sir Robert Pye's,	7	2
Saturday the 23d, to Oxford, dinner; and there during pleasure all winter,	14	

## Anno XXI. Regis Caroli, May.

*A List of his Majesty's several Marches, beginning upon Wednesday the 7th of May, anno Dom. 1645.*

	Nights.	Miles.
Wednesday the 7th, from Oxford to Woodstock,	1	6
Thursday the 8th, to Stow in the Wole, Mr Jones's,	1	13
Friday the 9th, to Evisham, Alderman Martin's,	1	12
Saturday the 10th, to Inkeborow, the Vicarage,	1	6
Sunday the 11th, to Droitwich, Mr Barret's,	3	9
Wednesday the 14th, to Coftonhall, Mrs Skinner's; Hawkesly House taken by Prince Maurice in our march, a garrison,	1	10
Thursday the 15th, to Hemly, near Wolverhampton, Mr War's,	1	12
Friday the 16th, to Bishberry, near Sturbridge, Mr Grosvenor's,	1	6
Saturday the 17th, to Chetwin, near Newport, Mr Pigot's,	3	12
Tuesday the 20th, to Beaton, near Drayton, Mr Church's,	2	8
Thursday the 22d, to Park-hall, near Stone, Mr Crompton's,	2	10
Saturday the 24th, to Eaton in the Clay, Sir Thomas Millware's,	1	10
Sunday the 26th, to Tutbury, dinner, Lord Loughborow's,	2	6
Tuesday the 27th, to Ashby de la Zouch, Earl of Huntingdon's,	1	9
Wednesday the 28th, to Coat's, near Loughborow, Sir H. Skipwith's,	1	9
Thursday the 29th, remarched to Elstone, near Leicester, which we faced with soldiers, the R. defaced with fire,	2	10
Saturday the last, to Leicester, which was taken by his majesty at two; many soldiers rewarded with the plunder; the slain equal on both sides: the Countess of Devonshire's we demolished with fire,	4	3

## June, 1645.

Wednesday the 4th, to Wistow, Sir Richard Halford's,	1	5
Thursday the 5th, to Lubenham, near Harborow, Mr Collin's,	2	7



	Nights.	Miles.
Saturday the 7th, to Daventree, the Wheatsheaf, from whence Oxford was relieved from a siege, and victualled, - - -	6	14
Friday the 13th, remarched again to Lubenham, Mr Collin's, -	1	14
Saturday the 14th, an alarm affrighted the king and army from Lubenham at two o'clock in the morning, to Harborow, the general's quarter; thence, about seven, towards Naseby, where the parliament's army quartered; rashly fought with them; were utterly defeated, through the cowardice of the horse, which fled to the walls of Leicester, 16 miles; never faced nor rallied till there, whereby many of the horse, all the foot, were either slain or taken prisoners, with some of his majesty's servants; all the ordnance, ammunition, the king's stuff, household carriages, and all the baggage of the army, were totally lost; the parliament having the clearest victory given them from the beginning; the king himself in person being necessitated, with his own troop only, to charge through their body for his escape. From Leicester we marched to Ashby de la Zouch in the night, and came thither about break of day, and halted there,	1	28
Sunday the 15th, to Litchfield, the governor's in the close, -	1	12
Monday the 16th, to Wolverhampton, Mrs Barnford's, a widow,	1	12
Tuesday the 17th, to Bewdley, the Angel, - - -	2	13
Thursday the 19th, to Bramyard, dinner; to Harriford, supper, -	12	24

*July, 1645.*

Tuesday the 1st, to Campson, dinner, Mr Pritchard's; to Abergaveny, supper, Mr Guncer's, - - -	3	15
Thursday the 3d, to Ragland, supper, Marquis of Worcester's,	12	7
Wednesday the 16th, to Tredegar, dinner; Cardiffe, supper, Sir T. Tirrel's, defrayed at the country's charge, - - -	1	20
Thursday the 17th, to Tredegar, Sir William Morgan's, to bed, -	1	8
Friday the 18th, to Ragland, dinner, &c.; on Tuesday the 22d, to Mr Moore's, of the Creek, near Black-rock, and came back to Ragland, supper, but came in so late as made us doubtful of his majesty's return. The Scots approach, and our own causeless apprehension of fear, made us both demur and doubt; on the first what to resolve, and in the latter, how to steer our resolutions, which involved us in a most disastrous condition, &c., - - -	6	12
Thursday the 24th, from Ragland, to Mr Moore's, of the Creek, to pass over at the Black-rock for Bristol; but his majesty sitting in council, and advising to the contrary, marched only with his own servants and troop, that night, to Newport on Uske; lay at Mrs Pritty's, - - -	1	21

*His Majesty's March in July, 1645.*

Friday the 25th, to Ruppera, Sir Philip Morgan's, - -	4	5
Tuesday the 29th, to Cardiff, dinner, the governor's, at our own charge,	7	7

	Nights.	Miles.
August, 1645.		
Tuesday the 5th, to Glancayah, Mr Pritchard's, dinner; at Brecknock, the governor, supper,	1	29
Wednesday the 6th, to Gurnevit, Sir Henry Williams's, dinner; to Old Radnor, supper, a yeoman's house; the court dispersed,	1	18
Thursday the 7th, to Ludlow Castle, no dinner, Col. Woodhouse,	1	14
Friday the great fast, the 8th, to Bridgnorth, Sir Lewis Kirke's, the governor's,	1	14
Sunday the 10th, dinner near Wolverhampton, <i>in campis</i> ; at Litchfield, supper, the governor's in the close,	2	22
Tuesday the 12th, to Tutbury Castle, Pr. in camp, and lying at the Lord Loughbrough's,	1	12
Wednesday the 13th, Ashborn in the Peak, Mrs Cakaine's,	1	14
Thursday the 14th, to Chattford, near Bakewell, Earl of Devonshire's,	1	14
Friday the 15th, to Welbeck, Marquiss of Newcastle's,	2	12
Monday the 17th, to Edlington, Mr Boswel's,	1	11
Monday the 18th day, to Doncaster, the Three Cranes,	2	3
Wednesday the 20th, to Redford, Mr Lane, a lawyer,	1	14
Thursday the 21st, to Newark, the Lord Danecourt's,	1	14
Friday the 22d, to Belvoir, the Earl of Rutland's,	1	12
Saturday the 23d, to Stanford, the George,	1	12
Sunday the 24th, to Huntingdon, the George,	1	16
Monday the 26th, to Woborn, the Earl of Bedford's,	2	21
Wednesday the 27th, to Ascot, near Winge, the Earl of Carnarvon's,	1	20
Thursday the 28th, to Oxford, at Christ Church, and there,	2	20

*A second List of his Majesty's Marches from Oxford, on Saturday the 30th of August, 1645.*

	Nights.	Miles.
Saturday the 30th, to Morton Hin. the March White Hart,	1	24
Sunday the last, no dinner; supper at Worcester; a cruel day,	3	24

*September, 1645.*

Wednesday the 3d, Bramyard, Mrs Baynham's,	1	10
Thursday the 4th, to Hereford, dinner, Bishop's Palace,	1	10
Friday the 5th, to Lempster, dinner at the Unicorn; to Webley supper, the Unicorn,	1	14
Saturday the 6th, to Hereford, dinner, Bishop's Palace,	1	7
Sunday the 7th, to Ragland Castle, supper, 17; Monday the 8th, to Abergain, dinner, Ragland, supper, 14; Thursday the 11th, to Ragland, supper, Abergaveny, dinner, 14,	7	45
Sunday the 14th, to Monmouth, dinner, the governor's; to Hereford, supper; Monday the 15th, we marched half way to Bramyard, but there was <i>Leo in itinere</i> , and so back to Hereford again,	3	10
Wednesday the 18th, the rendezvous was at Athurstone, there dined; 10 miles, to Hamlacy, supper, Lord Scudamore's,	1	26
Thursday the 18th, to a rendezvous five miles from Hamlacy, with intention for Worcester, Poins, and Roscester, in the passage, where-		



	Miles.	Nights.
upon we remarched towards Hereford, so to Leominster, then to Webley, thence to Prestine, there halted, at Mr Andrew's: this march lasted from six in the morning till midnight, &c.,	1	28
Friday the 19th, to Newton, Mr Price's; a long march over the mountains,	2	14
Sunday the 21st, to Llanvillin, supper; dinner, Mr Price's,	1	20
Monday the 22d, to Chirk Castle, Sir John Watt's, the governor's,	1	14
Tuesday the 23d, to Llangollen, 4; to Wrixham 8; to Chester: a great fight between Chester and Tarvin, the king victor, but made no use of it, leaving Chester unrelieved. This was performed by the same horse that fled at Naseby, on Rowton Heath, against Colonel Poyntz, and the army under his command,	2	20
Thursday the 25th, dinner at Chester; marched to Hawarden Castle, halted there; thence to Northop, to Skiviock, to Potvary, to Denbigh, William Salisbury, of Bohambed, governor,	3	20
Sunday the 28th, dinner at Denbigh; supper, late, at Chirke Castle,	1	18
Monday the 29th, dinner at Chirke Castle; supper at Halton, in Montgomeryshire, Mr Lloyd's,	1	26
Tuesday the last, <i>prand. in camp.</i> ; supper at Bridgnorth, the governor's,	2	30

October, 1645.

Thursday the 2d, dinner at Ridgheath, the rendezvous; supper at Litchfield, the close,	1	22
Friday the 3d, no dinner at Tongue; supper, Mr Sutton's,	1	15
Saturday the 4th, no dinner at Newark; supper, Lord Danecourt's,	9	26
Sunday the 12th, to Tuxford's, the White Hart,	1	12
Monday the 13th, dinner in the field at Welbeck; supper, Marquis of Newcastle's,	1	12
Tuesday the 14th, no dinner at Newark; supper, Lord Danecourt's,	18	12

November, 1645.

Monday the 3d of November, <i>anno Dom.</i> 1645, his majesty, about 11 o'clock at night, went out of Newark, marched all that night; all the next day, being Tuesday; at 12 o'clock that night, halted at Codsbury; Wednesday, about 10 o'clock in the morning, came to Banbury, made an halt, and dined there, at the Castle; and afterward, the same Wednesday, the 5th of November, about 5 o'clock in the evening, came to Oxford to supper, and continued there during pleasure,	4	90
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His majesty went from Oxford the 27th of April, 1646, towards Newark, to the Scottish leaguer there; but in regard of the privateness of his going away, Oxford being at that time belaguered by Sir Thomas Fairfax's army, and the fewness of his attendants, being at the most but two, we have no certainty where he staid by the way; but shortly after he appeared in the Scots army, who pretended to protect him from his English rebels: and for the better securing his majesty's person from danger, as was pretended, they staid not long after at Newark, but, by easy marches, removed with his majesty's person from Newark to Newcastle; where the solemn argument between his said majesty and Mr Henderson happened, concerning episcopacy and

church government, to his majesty's everlasting honour. But such was the horrid perfidy of those treacherous Scots, that, instead of the expected safety of his majesty's person, Judas like, for money, (though a far greater sum,) sold and delivered their sovereign lord and king into the hands of his English rebels; who, by this means, had, under God, a power to resettle the kingdom's peace: but they were blinded to their own destruction; and having taken the Lord's anointed in their pits, they now used him as they listed, carried him whither they pleased, and, indeed, treated him no otherwise than as their prisoner; for, with a strong guard of horse and foot, in the month of February, 1646, the depth of winter, they begin to remove him from Newcastle, in manner following:

*His Majesty's Gests from Newcastle to Holdenby, in February, 1646.*

	Nights.	Miles.
3 day, from Newcastle to Durham,	1	12
4 From thence to Aukland,	1	
5 From thence to Richmond,	1	
6 From thence to Rippon,	2	
8 From thence to Wakefield,	1	
9 From thence to Rotherham,	1	
10 From thence to Mansfield,	1	
11 From thence to Nottingham,	1	12
12 From thence to Leicester,	1	16
13 From thence to Holdenby, during pleasure.		

Long had not his sacred majesty continued there, but he was, by a part of the army, under one Joyce, violently taken from thence, and brought to his honour of Hampton-Court; where, for a while, he seemed to begin to reassume his pristine majesty, being admitted to see and to be seen: But Cromwell, fearing the frequency of so great resort might spoil his traiterous designs, with much serpentine craft and devilish subtilty, persuaded and insinuated into his majesty's heart doubts and suspicions of mischief intended against him; the only way for preventing whereof, he affirmed to be, the withdrawing his person from thence to a place of more strength and security; and to that purpose nominated the Isle of Wight; to which place his majesty, led by the innocency of his spotless conscience, was decoyed, and at his arrival found himself overreached; for he was immediately secured by Colonel Hammond, who then was governor in the said island, and kept a long time a prisoner there, in the castle of Carisbrook, until afterwards, upon the petitions of most counties of England, a personal treaty was appointed to be held in the said isle, at Newport; for which end commissioners were sent thither with instructions, and the treaty begun, and prosecuted with so good effect, that his majesty's concessions at that time were voted by the parliament a sufficient ground to proceed on for the settlement of the peace of the kingdom. But here again his majesty is violently and traiterously seized by the army, then under Fairfax's command; by whom, December the 1st, 1648, he was brought to Hurst Castle, in Hampshire, and there kept as a prisoner till the 21st of the same month, when he was brought to Winchester; thence, the 23d, to Windsor, where for a little time he staid, attended by strong guards of soldiers, till about the 9th of January following, when they removed him towards London, and brought him to his own house at St James's; and consequently to perfidious London; (Oh unfortunate monarch!) where, not long after, with hellish effrontery, even in despite of Heaven, at noon-day, before his own house, Whitehall, in the open street, with armed multitudes of soldiers, they sacriligi-