

brother) which perhaps may never happen ; but if it should, he is of too great an age now to begin such change of government and religion, as is suspected, with any hopes of accomplishing the same in his own time ; if so, and it be also true, as it is, that he is without hopes of a successor of his own religion, to carry on such attempt by him begun (the Prince and Princess of Orange, and the Lady Anne, being all protestants) why then should any man believe his royal highness so weak a prince, as to attempt such change with so small a number of men as his religion shall have left him ; which will appear so very small, as not to be feared by Englishmen when Rome shall assault their religion and properties, and oblige them to fight for the same ?

That prince, be he who he will, that shall at any time come into England with popery, will come in with weakness and inability to hurt his subjects by any force of his own ; nor will any neighbouring prince, unless he and all his subjects be lunaticks, help to make him absolute, that being to endanger themselves.

What prince will be at charges, exhaust his treasure, weaken himself to strengthen his neighbour ? nor is that prince much less than mad, that should, in such a case, rely on or trust to such a neighbouring prince for assistance.

And for his own subjects, they will be more dangerous and uneasy to him than he can be to them ; for such prince being without reputation, trust, or money at home, will be without assistance from abroad ; and his own subjects will never assist him to break their own laws, well knowing no prince ever attempted the same but he hazarded his crown by making the essay ; nor did ever any prince actually break through the laws, but he was ruined and lost his crown thereby.

Nor is it in the power of the Duke of York, if he succeed his brother, to break our laws in either of the respects feared ; but if ever they be broken, it must be with mutual assent of both prince and people assembled in parliament ; for as our law now stands, no magistrate can do any legal or judicial act in any inferior court of justice, nor bear any public office, civil or military, nor accept of or be admitted into any ecclesiastical promotion, or meet to vote in either house of parliament till they shall have first renounced popery, by taking the oaths and tests, and making the subscriptions by law required.

If therefore a popish successor should hereafter happen to reign over us, he will find it very difficult to repeal those laws that establish our religion ; the consideration that the subjects will always have, being fresh in their memories, of the fire and faggot Queen Mary exercised in her reign for the rescuing the popish religion, will oblige them to a stedfast resolution never to depart from that of their own, I mean the true protestant religion ; and until those laws be abrogated by parliament, it will be absolutely impossible for any popish successor to establish popery here.

If, then, what I have offered to consideration be true, and it shall appear impossible to settle a government in this kingdom, out of the royal family, that shall continue, as the late rebellion hath demonstrated, or to hinder the crown from descending in its due course, without endangering all our ruins and the destruction of the three kingdoms, then am I sure every true protestant that either loves God, or the king and government, or wishes happiness to himself and posterity, and the true protestant religion, must surcease all further attempts for altering the same, since nothing imaginable can have a greater tendency to the entailing confusion and misery upon us, and the generations to come after us.

And the better to persuade to this mode of procedure, consider, that the king cannot but have the resentments of human nature, as he is a man, though (returning to his kingdom after the horrid and barbarous murder of his royal father, and the illegal banishment and long and miserable exile of his own, with divers proclamations after him, setting prices on his head to have betrayed him) he hath shewn and exercised the mercy of a most excellent Christian and gracious sovereign ; for who can say, with

truth, that his life, liberty, or property hath been taken away, or invaded by him contrary to law, or without legal trial by their peers, since his restauration?

Blame not, therefore, his majesty, the impressions of these former usages being fresh in his mind, if he, taking notice of the late violent and unwarrantable proceedings against him, and apprehending from thence the same mischiefs now designed as heretofore, seem tenacious in some points of his royal prerogative; lest the government, by the wicked practices and restless endeavours of some aspiring subjects, uneasy in obeying any government in which they have not a share, and accounting it usurpation to be deprived of that part thereof which they heretofore too long enjoyed, should once more revert and start back.

This will appear at last, if I be not greatly mistaken, the chief occasion of all our present unhappy and highly to be lamented, divisions, and of the distrust created between the king and his people, each fearing to be bound, both striving to be free; those who contrive to bind the king faster believe he designs himself to be loose, judging of the king's actions by the measures of their own wicked and fallacious intentions; and thereupon strive to break all his measures, and disappoint him in all his undertakings.

And if this be the occasion of our present misery, every loyal subject and true protestant in England, that loves the king, his country, and religion, ought to make it his business to prevent these misunderstandings for the future; which, if he would seriously, and with sincerity and truth endeavour, I am of opinion the work would not be so difficult as our jesuitical incendiaries and French pensioners represent it to be, and persuade those among whom they converse it is.

That Almighty God, of his infinite goodness and mercy, may be prevailed with graciously to bestow so great a blessing as this upon these poor distracted kingdoms, give me leave to propose to every man's consideration the practice of these following directions:—

First, be truly humble for, and unfeignedly repent of, all your former sins by which you have provoked God to anger; and turn from all your iniquities for the time to come, that his wrath may be appeased, and he may repent him of the evil intended against us.

Love God with all your heart, serve him with all your strength, make his holy word the rule of your life, and the measure of all your future actions, daring to do nothing contrary thereunto, or derogatory to his holy commands.

Live by faith, not by sight; walk with God, and be upright; do your duty, in your place, to God, the king, your country, your neighbour, your family, and to your own soul.

Make it your business to be holy and humble, value the love and favour of God, and an interest in the merits of his dear Son your Redeemer above all things whatsoever, and endeavour to obtain to yourself a well-grounded assurance thereof.

Die daily to sin, self, the world, and all things therein; and live to that God by whom you live, giving him the glory of all his goodness and mercy extended towards you.

Set not your affection inordinately upon things below, which are all vain, momentary, and uncertain, but on things above, that are eternal.

Be contented in every condition, thankful and fruitful under every various dispensation of God's providence; submit to his will, acquiesce in his pleasure, bless him for what you have, and murmur nor repine not because you have no more.

Envy not those who are above you, and possess more of the riches and honours of this life than you enjoy; but behold with pity and Christian compassion how many there are better and more deserving, perhaps, than you, who yet want what you enjoy, and, it may be, sinfully waste; help and relieve such with a part of what you have.

Trust God with the government of the world, and submit to the powers that are over you, as being of him; believe he is a jealous God, will take care of his glory, vindicate his honour, advance his kingdom and the interest of Christ, and propagate his gospel maugre all the opposition of men and devils; and that this he will do in his own way, and at his own time, without any direction or assistance from you therein; remember that he knows best what is good for you, and has promised that all things shall work together for good to those that love and fear him, and keep his commandments; and that he will keep them in perfect peace, whose minds are staid on him, because they trust in him; be not therefore wise in your own conceit, and think that you can direct God; Solomon saith, "Seest thou a man wise in his own conceit, there is more hopes of a fool than of such a man."

Judge yourself and not another, meddle with your own and no other man's business, search your own heart, and try your own spirit whether it be of God; look into your own deformities, and mend what is amiss in yourself, before you undertake or go about to find fault with or reform others; every one mending one, is the only way to mend all; and by such reformation and amendment we are fit for mercy: God will give it if we seek it in a right way.

Think and esteem every man better than yourself, for the lower a man is in his own conceit, the higher he is in the esteem of God and good men; the proud, God sends away empty, and causes to stand afar off, but to the humble he will draw near, and him will he fill with good things.

Live in love, and, as much as in you lies, follow peace with all men.

Do as you would be done unto, love your neighbour as yourself, forget and forgive injuries, recompence good for evil, pray for those that hate you, do good to those that despitefully use you; yea, pray for your enemies, and do them good, if in your power, but not hurt.

Lay aside all malice, prejudice, and thoughts of revenge against all mankind; let not difference in opinion in matters of religion beget difference in affection, especially amongst protestants, but unite in love, bear and forbear with and hide the infirmities of each other.

Be easy to believe and make known what good you hear of any man whom you have reason to judge honest, though of a different persuasion from you; and as hard to believe ill, unless you know it, and more of discovering it, except to himself, lest it prove false.

Give not credit to all you hear, neither divulge all you know; take care not to invent and spread abroad any false stories, to the defamation of any person whatsoever, especially of those that are set in authority over you, and to whom you are obliged to be subject, whereby their honour, reputation, or good name may be called in question or prejudiced, or their persons and government rendered low or contemptible; this is abominable, worse than murder, reputation to a man of honour being dearer than life itself.

Lay aside and give over all names of distinction, such as Tory, Whig, Fanatick, Tantivy-men, Brumingshams, Masquerade-papists, Masquerade-protestants, Church-whigs, Church-papists, and all provoking scurrilous speaking, writing, and printing against each other; these are publick mischiefs, tending to the destruction rather than the advancement of our government or the protestant religion, and proceed from the spirit of the devil rather than from that of our blessed Saviour, whose example we are commanded to imitate.

Be just, follow truth, pursue righteousness, execute justice impartially, relieve the oppressed, cloath the naked, feed the hungry, visit the sick, release the imprisoned, be a husband to the widow and a father to the fatherless; always go about doing good and no hurt, avoid all frauds and deceits, deal fairly and above-board with all men.

kind, abhor all tricks and little cheats ; they will never last long, or do any man long good ; God will discover and detect them, to the scorn and contempt of whoever uses them, either on one side or the other, be the pretence what it will for so doing, there being nothing that He, who is the God of truth, more abhors than such base and false practices.

If every man would make it his business to observe these few directions, and submit, as commanded, to the powers that are over him, as being of God ; pay the king the honour and duty due to him as his sovereign, and prefer as he ought the publick good and welfare of the kingdom before his own private interests, which now too much governs most men in our age : And if the people of England, when they shall next elect members to serve them in parliament, would chuse such persons to represent them as shall, when they come together to consult of and provide for their interests and security in their religion and property, carry on their debates with calm and serene spirits, lay aside all passion, prejudice and prepossession ; act with moderation, wisdom, and prudence, and behave themselves with that loyal and dutiful respect to the king which becomes them, and is their duty as they are his subjects ; his majesty would then soon perceive, and easily be brought to believe, that he need not fear them ; and with confidence I will presume to say, the king is not in such a condition as that his subjects need to fear him, there being more danger of a commonwealth than of absolute monarchy where the people set up for reformers.

By this way of proceeding, the king, who is of a most excellent temper and disposition, ready to pass by and forgive whatever has been amiss so amendment be made for the future, would quickly be gained by his people ; and, as he is our sovereign, give me leave to say, he ought to be thus treated. Hereby the kingdom may obtain reasonable laws for their security against all their present fears and jealousies, and future dangers ; so as such laws be pursued with becoming humility and duty, and without heats and passions. However, if, by this method of proceeding, the parliament should not arrive at those, both reasonable, and perhaps necessary, laws they so pursue, yet will they have peace and satisfaction in their own mind, remain quiet in their consciences, and be justified before God and man for having done their duty both to their king and country.

On the other hand, devise what good laws you can for the nation's security, though you should get them past, yet if they be pursued in parliament with heat, violence, or any unhandsome or unmannerly way of proceeding, such procedure I am sure cannot be justified either before God or man, let the pretence for so doing be ever so specious ; and give me leave to say, that the most just and reasonable things in the world may justly be denied, if demanded or pursued in a method that is unjustifiable.

Nor does it become so great and venerable an assembly as the parliament of England, when met together to advise the making laws for the preservation of the nation in peace and tranquillity, to be themselves froward, restless, or peevish ; wherefore I shall comfort myself at present with the hopes of seeing our next parliament come together with all the qualifications of wisdom becoming the greatest and freest assembly in the universe ; and proceeding with temper, moderation, and prudence, of which there never was more need than now ; and, if they so do, I doubt not but that they may effect that good they hope for, seem to desire, and ought to pursue for their country, if they do their duty and perform the trust reposed in them.

So may they gain glory to themselves, and be eternally stiled, The happy and healing parliament ; and the generations to come will have cause to call them blessed, for having healed our divisions, reconciled our differences, made up our breaches, united the king and his people, restored to us the paths of peace, and transmitted happiness to us and our posterities, and to the generations that shall come after them.

Reflections upon the Conduct of the King of Great Britain in the late Wars; contained in a Letter from a Subject of one of the Confederated Princes, to a Friend in Holland. 1682.

This sensible little treatise points out, in few words, the evil policy by which Charles was guided in all his exterior relations. The scandalous cause of his indifference to the fate of Holland, and the encroachment of France, is now too plainly to be traced to the pensions which he derived from favouring the latter.

SIR,

SINCE, in renewing the correspondence between us, which has so long a time been interrupted, you are fallen upon the subject of the affairs of Europe, and particularly touching the share that the King of Great Britain has had therein for some late years, which has given you occasion to take some freedom in making reflections upon the conduct of that prince, I do not doubt but you now reciprocally expect my sentiments upon this matter, which, by consequence, I will give you with the same liberty, but also with all the impartiality that an honest man can have in judging of the actions of others, and much more of those of great princes. You may easily imagine I know nothing of the articles of that treaty of alliance you speak of between the said king and Spain; and I must confess to you, that the author of the reflections upon that treaty seems to have found a fine matter for the exercising of his pen. But, as amongst all the sportings of his wit, the severest remark he makes seems to me to be in the paragraph where he blames that king for not having endeavoured to put a stop to the course of the victories of France when it lay in his power, and for having contributed more than any other to the greatness of France; it does likewise concern us allies, for the measures we are to take, to judge soberly. If this imputation can be justly charged upon that prince, it is then very true that, to take the thing in general, 'tis difficult not to lay the blame at his door for not having taken the part of the allies before the peace, and that this seems to justify our resentments against him. However, to give them so much the more ground, if they are just, let us consider what time in the course of affairs could be assigned to him for the entering into war; and to decide that question in general, it seems it ought to have been either when the interest of his nation, or his own honour, or the necessity of the allies, began to exact it. Now, as for the interest of his nation, and principally of his great city of London, methinks that king could not have chosen a better policy than, after being got out of the war wherein he had left his neighbours engaged, to keep his people as long as he could in peace, and in a state of enjoying alone the commerce of Europe; an advantage which we know was envied them with anguish by you Hollanders, and which made you so impatient to engage England in a war as well as yourselves, even before the honour of that king obliged him to it, or he was pressed to it by the necessity of the allies. As for the honour of his majesty, what could he desire more glorious than to see himself

the sole mediator, and, when he pleased, the arbitrator of the affairs of Europe, to receive the deferences and addresses of all other princes; and, in short, to have it in his power to re-establish a sure and honourable peace when he thought convenient, either by his own sole authority, or by joining his own forces when it should be necessary to employ them for that purpose? This case of necessity being the sole one which could change the considerations of the honour of his majesty and the interest of his nation, we have now to examine at what time it began, when it was pressing, and how far we may impute to the prince we speak of the having failed in what all these considerations together counselled him to do. We shall easily agree, that while our forces were sufficient, not only to defend us, but even to attempt upon France, it would not have been handsome for us to have proposed to that king to have engaged himself contrary to the interests of his nation. Now it is manifest that during the three first campaigns, at least, after the peace between his majesty and Holland, we were in that posture, which may be easily made appear by looking back upon the events of those campaigns. Certain it is, that at and after the battle of Seneffe, in the year 1674, the forces of France were worsted, and continued in the weakest condition, the prince of Conde was obliged to retire behind the Sambre, and the army of the confederates was then in a posture of laying siege to Oudenarde; and though the prince of Conde made an effort to come suddenly to its relief, he would in all probability have been repulsed if the Count de Souches, general of the imperial army, would have come up in time according to the advice of the Prince of Orange, of which his highness made great complaints to the emperor; and several of the principal officers of the army refused to serve any longer under this count, which obliged the emperor to take away his commission. The armies of the allies were likewise much the stronger upon the Rhine that same campaign; the Elector of Brandenburg took his winter quarters in Alsatia, from whence Monsieur De Turenne was obliged to retire and go to Paris; and though by an admirable diligence and conduct he returned the same winter, and constrained the forces of the elector to re-pass the Rhine, which he likewise passed himself, make to the campaign of 1675; this however having been his last and fatal year. General Montecuculi repulsed and pursued his army, diminished by above half, to the other side of the said river, and laid siege to Saverne; and though when the Prince of Conde, who was sent to save the ruins of that army, and give reparation to the affairs of France, approached him, he raised the siege, yet indeed it was only to triumph over that prince, and to drive him before him as far as he pleased; after which, when it seemed he might have made some good use of his advantage, he attempted nothing farther before their going into winter quarters. On the other side, the total rout of the Marshal de Crequi, by the forces of the Dukes of Lunenburgh, and the recovery thereupon of the city of Treves out of the hands of the French, had reduced their affairs into that condition, that his most christian majesty found not a more present remedy than to have recourse to his Aricreban, which was likewise beaten by the Duke of Lorraine; the Elector of Brandenburg having besides so gloriously freed his country from the Swedes, and the Duke of Lunenberg, and Bishop of Munster, having stripped them of all they possessed in the dutchy of Bremen, except the city of Staden; Denmark likewise having taken part in the war, whereby the Swedes remained altogether unable to defend themselves, and much less to assist France, the forces of the allies began to be formidable to it, and found themselves capable, in the campaign of 1676, to attempt at the same time the two sieges of Maestricht and Philipsbourg. But, as most of them saw themselves in a fair way of making conquests, jealousy began to rise up among them, each party fearing that his neighbour would have too good a share therein; the disputes for the dividend having delayed the taking of Staden, as well as the succours which were to have come to the Prince of Orange of the troops which blocked up that place, were the causes that this prince was obliged to raise the

siege of Maestricht, during which the French had time to take Aire from the Spaniards. Hitherto we all thought ourselves uppermost in our affairs, which I might easily demonstrate by things that passed openly in the congress of Nimeguen; where it was clearly to be seen by all the world that the most christian king aimed at nothing but securing his honour by a peace that might have given us satisfaction. But after the misfortune of Maestricht, the Hollanders began to fear, with more apprehension, what afterwards happened, namely, That the remissness and different interests of the German princes, the weakness of Spain, and the diligence of the French, the Spanish Low Countries would be swallowed up in spite of all the forces of the confederates. Yet, as by the taking of Philipsbourg the power of the emperor was augmented, by that of Staden the Princes of Lunenburg and of Munster had their hands free, that they promised a good and sincere correspondence; and as there were great hopes conceived from the zeal and good conduct of the Duke of Lorrain, who commanded the imperial army, the power of the allies seemed still vigorous and formidable. But as the most christian king, by his usual diligence, began the campaign of 1677 with the sieges of St Omers and of Cambray at the same time, before any army of the allies could or would appear, except that of the States; and the Prince of Orange being nettled with the reproaches of the Spaniards, that he did but eat up their good land of Waes while he saw two of their towns besieged, out of a generosity which filled them with admiration, he hazarded both his army and person for the relief of St Omers; but without any other success than what might be expected from an army inferior in forces to that it attacked, which was likewise powerfully succoured by that of the king, insomuch that the abovementioned places, and the town of Valenciennes, were thereupon taken by the French; and afterwards the Prince of Orange was obliged to quit the enterprise of Charleroy, by a laudable and necessary prudence not to hazard once again all the forces the States had left for their defence. On the other side, it was evident that it was impossible for the Duke of Lorrain, and would be always so for the Imperialists, to make any great invasion into France, or to execute any considerable enterprise elsewhere, while the French should content themselves with acting upon the defensive with a sufficient army. I must confess it was in that juncture our affairs began to stand in need of some powerful intercession of the prince whose conduct we are considering, and it is from what passed since in England that we are principally to judge of his intentions.

The parliament had been a long time making him addresses to recall his troops out of the service of France; and though his majesty, suffering at the same time six regiments of his subjects in Holland, and being to keep his neutrality as mediator, did at first only forbid by his proclamations any new troops from passing into France, he recalled them at length; and they returned very much diminished in number, and misused, as is well known. But as this was but the least remedy to our evils, and the parliament had more warmly taken the alarm in the beginning of the campaign 1677, those gentlemen were of opinion that it was time to make some paces towards a war, and prayed the king in their addresses to fortify himself with alliances against France. Hereupon, to our misfortune, which will be found theirs likewise at the end of the account, jealousies began to break out between the king and his parliament. His majesty demanded of them a sum of 600,000*l.* sterling, as necessary for the putting him in a posture of speaking and acting as became him; those gentlemen gave him credit for only 200,000*l.* with general promises of assisting him after he had made his alliances. His majesty imagined that the course they took was an encroachment upon his prerogatives, and upon that prorogued from time to time their assembly until the beginning of the year 1678. In the mean while, after the end of the aforementioned campaign of 1677, he called his nephew, the Prince of Orange, into England, for the personally concerting affairs with him, and giving him in marriage the Lady Mary,

against the will, as was believed, of the Duke of York, that princess's father ; which methinks is a sufficient testimony that this king withdrew himself entirely from France, and it has not been doubted but that the French so understood it. His majesty made likewise thereupon an alliance with your republic, and at the assembling of the parliament communicated to them these things, with promises, if they would arm him sufficiently to enter into a war, that he would never be at rest until he had re-established a peace in Christendom, which any one prince should not be capable of disturbing. Those gentlemen thereupon presented an address, wherein, giving him still only general promises of assistance, they desired him to make new alliances, engage all his allies not to make any peace but upon the foot of the treaty of the Pyrenees, nor to have any commerce with France, nor to suffer the ships of any nation to enter or go out of the ports of that kingdom. This proposition, which was very remarkable, gave different motions to those it concerned ; most of the allies took courage, seeing the assurance and resolution with which those gentlemen spoke ; it gave astonishment to you in Holland, where you were not desirous to embark in a long war, and were content with a peace of less safety ; and your profound dreamers in policy did already imagine that the English might carry their arms as far as formerly into France. But it was very displeasing to the king, as may be seen by the answer he made thereto, which was found very rational, and wherein, after his arguments, he presses them again to hasten their assistance of money as the time required ; but there still passed a month or more, before they compleated the resolution for money to raise forces. By that time the French had made themselves masters of Ghent, and were in a condition of proceeding much further before the succours that were preparing in England could hinder them. The Hollanders seeing none of their allies ready, some refusing to march, their own forces being for the greatest part in the Spanish towns, from whence they could not withdraw them, and the rest being incapable to defend them, were in a great consternation. The most christian king did not fail to take advantage of this juncture, and having made them propositions of a general peace, which he caused to be printed, they easily disposed themselves to accept them, and to persuade their allies to do the like. They sent for that purpose to the Duke of Villa Hermosa, who opposed it a long time ; but the parliament in England, seeing by the disposition of the Hollanders that it would be almost impossible to prevent the peace, and not being willing to leave the king armed, turned all their thoughts from war, and took the resolution to speak no more of money until they had obtained their demands in affairs of religion ; that duke did likewise then accept of the peace, seeing there was no timely succour to be expected from England.

This, sir, I take to be the true draught of things, from whence we are to judge if the King of England is the only cause of the greatness of France. We may certainly say, the jealousies that arose betwixt him and his parliaments were the true occasion of them. It was to be wished, both for him and us, that either one party or other had yielded sooner. I am not well enough acquainted with the maxims of their country to decide positively which ought to have done it. The king not only thought his prerogatives were usurped upon, but seemed to have just apprehensions of engaging in a war, which it was in the power of his people to put an end to by shutting their purses. If they had furnished him with the sum of 600,000*l.* when he demanded it, he might either have engaged himself in a war, or been in a posture of making peace, as he thought convenient ; but those gentlemen dreaded to put arms into the hands of his majesty, for fear he should make use of them to render himself absolute : however, since they found it necessary to do it afterwards, had it not been better they had done it in time ? To speak the truth, methinks that great body, though composed of so many wise heads, did not sufficiently foresee what might happen, or those gentlemen did secretly aim at peace while they openly declared for war ; and they hoped the heat

and resolution which they shewed for the latter would produce the former without striking a blow, and such an one too as they desired. We must however say, that they shewed a great deal of wisdom in not continuing inflexibly bent to the last to hazard rather the ruin of Europe than to confide an army in the king. The consideration they had for the publick good has likewise appeared, in that they made no difficulty of paying that army, though the king kept it on foot much longer than they ordered, for the obliging the French to restore the towns of the Spanish Netherlands before the restitution of the Swedes. The king likewise, on his side, had manifestly made appear the little ground there was to suspect him of a design to render himself absolute; since, having that army so long at his disposal, he made not the least use of it to that purpose: methinks then that his subjects may be in repose on that side; and would to God for our interests, that the future parliaments may be in the same disposition as was that we speak of, of yielding rather to his majesty, than suffer France to draw the fatal advantages from their dissention, which in all likelihood it will endeavour to do.

I am, &c.

The memorable Case of Denzil Onslow, Esq. tried at the Assizes in Surry, July 20, 1681, touching his Election at Haselmere, in Surry; wherein is much good Matter and Direction touching the due ordering of Elections for Parliament.

In this remarkable case, the person elected to serve in parliament seems to have been found entitled to proceed in an action at law for recovery of damages against the sheriff, by whose false return he was for some time kept out of his seat. But although this is the amount of the case as far as here reported, yet it is certain that, upon farther procedure, this principle was found inadmissible; for in the great case of *Ashby and White*, 1703-4, an argument is founded upon the case of *Onslow*, shewing that damages had not been finally awarded by the courts of law:—"I must confess I take the case of the elected to be much stronger than the case of the electors; and yet in such cases relief at common law was always denied, as in the case of *Sir Samuel Barnardiston and Soame*; there the sheriff made a double return; and in the case of *Mr Onslow* a false return; and the persons injured by those returns were put to very great charges, and kept long from their seats in the house, and yet at common law could never obtain a relief. The judges were of opinion (as they now are in the case of the elector) that it was a matter of parliamentary cognizance, of which they were not competent judges. And should we now admit this matter to be determined by the courts below, what great confusion and inconvenience would follow? I presume nobody will pretend to exclude the jurisdiction of the House of Commons in this case; and yet if they judge one way, and the courts below another, and neither have power to supersede or reverse the determination of the other, under what uncertainty will the officers and others concerned lie? Whereas in other cases, where one court errs a superior court reverses; but here both adjudications shall stand together, though inconsistent the one with the other."—*State Trials*, VIII. 94.

At the Assizes holden for Surry, on Wednesday the twentieth Day of July, in the Year of our Lord 1681, at Kingston upon Thames, was tried before the Lord Chief Justice of England, Sir Francis Pemberton, this Cause.

The Declaration.

DENZIL ONSLOW, Esq. had brought his action on his case in the court of Common Pleas, against William Rapley, late bailiff of the borough of Haselmere; thereby setting forth, that Haselmere was an ancient borough that used to send burgesses to parliament. That a writ issued to the sheriff of Surry, to cause knights and burgesses to be chosen for the parliament to be held the 17th day of October, *anno 31 Caroli Regis*. The sheriff made a precept to the borough of Haselmere, to chuse burgesses. That August 31, *anno 31 Caroli Secundi*, the plaintiff was duly elected one of the burgesses, and returned by indenture with Sir William Moore. That the defendant, intending to deprive the plaintiff of the honour and benefit of his election, did by another indenture return Sir William Moore, Bart and James Gresham, Esq. as duly elected, whereas the said Gresham was not duly elected; whereby the plaintiff was hindered from sitting in parliament, and put to great charge to assert his right to his damage of two hundred pounds.

After not guilty pleaded, upon evidence given on both sides at the trial, the case appeared to be thus.

The Case and Evidence.

At the election in this borough for the last parliament at Westminster, there were four competitors, viz. Sir William Moore, the plaintiff, Mr Dorrington, and Mr Gresham. The electors meeting and voting, the poll was demanded, granted, and taken; the defendant took time to peruse and consider the poll until the afternoon; and having considered of it, came again to the place of election, and declared the plaintiff and Sir William Moore had the majority of the ancient and lawful burgesses, and proclaimed them two to be duly elected, and sealed an indenture thereof accordingly; and Mr Gresham being then present, opposed not the same, but desired that Sir William Moore (with regard to his title and quality) might be first named in the indenture, although (as was then admitted) Mr Onslow had the majority of him; which was done accordingly, Mr Onslow readily and generously consenting to the doing thereof.

That about a week or fortnight after, the bailiff was prevailed with to seal and return another indenture, whereby Sir William Moore and Mr Gresham were returned as elected. Whereupon Mr Onslow's right to sit was controverted, and he suspended from sitting; and was put to his petition to the house of commons. Who, upon hearing of the whole matter, and consideration had of the indirect dealing of the defendant and others, declared Mr Onslow duly elected, and committed the defendant. And Mr Onslow sat in the last parliament at Westminster for that borough, and that Mr Onslow had been at great charges to clear his election.

I. The defendant's council insisted on the statute of 1 Hen. 5. cap. 1. That a person elected must be free, resiant, and dwelling within the borough. To which it was answered, and resolved by the court, That little or no regard was to be had to that ancient statute, forasmuch as the common practice of the kingdom had been ever since to the contrary; and it was the way to fill the parliament house with men below the employment; and the objection was disallowed.

II. It was agreed unto by the parties and their council on both sides, that the right

of choice of burgesses for this borough to parliament lay in the burgage freeholders, resiant and inhabiting within the borough, and none others.

Then the plaintiff's council insisted and proved, that there voted for him thirteen, having good and unquestionable votes; unto one whereof the defendant's council excepted, for that he before the election had mortgaged his estate: which the party himself, present in court, denied upon oath; and the court was of opinion, it had not been a good objection, if true, so long as the mortgager continued the possession, and had the benefit of redemption in him.

The defendant's council said, there voted for Mr Gresham fourteen, having good votes; which, if so, would have made a majority; but the plaintiff's council excepted to six of the fourteen, as being no good electors, for that one of them lived not within the borough; which was proved by ancient reputation and perambulation, that the house wherein he lived was left without the bounds. As to the other five, the objection was, they were no real burgage-tenants; and that if any conveyances had been made to them of burgage-lands, they were lately made, and fraudulently contrived, to make votes against an election; and because the defendant's council could not deny but these conveyances were lately made, the court put the defendant to produce and prove them, which was done; and upon reading of them, it appeared two of the five were made after the test of the parliament writ, and three of them in order to carry on Sir Philip Floyd's election in the borough about five years since. Two of them were conveyances by one Vallor, who had a garden of about thirty rods content, and conveyed to each of his two sons a piece of it containing about ten rods, of which they made jointures to their wives, each share being worth at best two shillings per annum. Another of the five was made by a father who had a close containing two acres, and made a conveyance to his son of about a quarter of an acre, which always after lay undivided, and was constantly enjoyed by the father. Another conveyance was made by a son-in-law to his father-in-law, of a cart-house. The last was a conveyance to one Jackson of a little tenement; but it was proved that collateral security was given to re-convey, and that the grantor had repaired it. As to all five, there appeared several badges of fraud, as a continued possession in the grantors, &c. and the several confessions of the purpose and intent of making them for the elections.

The matter appearing so foul, the court began severely to censure such proceedings as evil and unlawful: Mr W. (recorder of G.) one of the defendant's council, stood up to justify these proceedings, and said it was part of the constitution of our government to do so. At which the court seemed very angry, and wondered that any one, especially a man of the gown, should say so; and said, Do you think our government has no better constitution? With which the gentleman not being satisfied, he was told by the court, he deserved to be taken notice of for saying so, and that he seemed to have advised the thing done. To conclude the evidence, the plaintiff's council delivered into court ten or twelve several conveyances that were proved, by the party that wrote them, to have been made by Mr G.'s order, to make so many votes at a former election, wherein Mr Gresham was concerned; and the election being over, they were cancelled and delivered up: concerning which Mr Gresham endeavoured to say something by way of excuse, but was told by the court, it was too bad to be excused; and it was well an act of general pardon had passed since this was done, else he should have answered it in another place. During the whole time of the trial, the same was managed with great patience and circumspection; for so soon as the cause was opened by the plaintiff's council, the court, perceiving the nature of it, commanded silence, and attention in the jury: The court declaring it was of great weight, as great as any that ever came there to be tried. And the evidence being fully given on both sides, the court by way of direction told the jury, that the plaintiff need not, as this case is, prove any express malice in the defendant; for it shall be intended when a man shall

do such an evil thing as this is contrary to his own knowledge, and declaration made upon the election and afterwards also; (for it is proved against him by one or two witnesses, that a little time before this trial he did confess Mr Onslow was duly elected, and that he had told Mr Gresham what would come of it.) And the court further told the jury, that this was a cause of moment, and deserved more than ordinary consideration; and that the making votes by such means, was a very evil and unlawful thing, and tended to the destruction of the government, and debauching of parliaments; and although some of the conveyances were made some time before his election, to serve a turn at a former choice, yet that they were fraudulent, and void in their creation, and ought not to be made use of at any time against any other person; and that it was senseless to think such practices were part of the constitution of our government, or to imagine that persons whom we intrust with our lives and fortunes ought to be made and chosen by such evil devices; and that such practices deserve to be severely punished, and directed the jury to give signal damages: whereupon the jury withdrew, and, after a short stay, gave a verdict for the plaintiff, and fifty pounds damages.

And the court, in the course of the evidence, having observed one Billingham to be much concerned in the proof and management of their fraudulent deeds, conceived him to be privy to much of the practice thereabouts, and commanded him to stay in court until the jury had given in their verdict; which when they had done, the court required him to find sureties to appear in the court of King's Bench, next Michaelmas term, to answer to an information touching the said misdemeanour, and in the meantime to be of the good behaviour; which accordingly he did do, and Sir William Moor, and Sir George Woodruff, whom he had served in the last election at Haselmere, were his sureties. And the court required the plaintiff, Mr Onslow, to see that an information be preferred, which he promised to do; and the court declared it was a very great offence, and should be severely punished.

The court had great reason to shew an extraordinary abhorrency of such practices, for that the mischief is grown almost general. To rectify and punish which abuses, the House of Commons in every parliament are compelled to spend near half their time. And such is the frowardness of evil-minded men, as neither to forbear the practice nor to acquiesce under the punishment, but to cry out of too much severity therein, when it bears no proportion to the offence; nor indeed can, when a man shall duly consider and weigh the great and important trust left with and reposed in every parliament-man by his choice, who is thereby intrusted with life, religion, liberty, estate, indeed all. And every one so chosen is a counsellor, as he is a member of the *commune concilium* of the nation. And although one be chosen for one particular county or borough, yet when he is returned and sits in parliament, he serveth for the whole realm; and undue and contrived choices are injurious.

I. To those that have right to elect, according to the custom of the place; and such right to chuse being a privilege accompanied with so great a trust, ought not by them be easily parted with, nor by others be injuriously invaded.

II. To the persons that are duly and fairly elected; for although it be a trust without any legal recompence but wages, and those no way proportioned to the charge or burthen of the place, yet it is attended with confidence and honour in a due discharge of it; and although a man ought not to seek it too earnestly, yet he may and ought to accept it courteously; for the deference of so great a trust supposes merit.

III. To the whole kingdom, who have an interest in every member's service; and it is odds, that he that obtains an election or return by the worst means, will use it to the worst end; for such devices are commonly the attempt of designing men, and by such courses get into our councils debauched, impudent, ambitious, needy, covetous persons.

IV. To the king, whose laws are thereby broken, and his government invaded. How many good laws have we to regulate elections, with respect to the electors, elected, time, place, and manner of election and return ! So that nothing remains unprovided for by parliament, but what was thought too evil to be committed, namely, the corrupt obtaining and ill using so great a trust ; a trust without particular profit to any save pensioners, if such there be ; a weighty trust, which neither they that confer it, or those who receive it, can duly value without a true notion of an English parliament, whose power over both statute and common law, take in the accurate and significant words of a parliament, viz. 25. Hen. VIII. 21. "Whereas this realm, recognizing no superior under God, but the king, hath been and is free from any man's laws, but only to such as have been devised, made, and ordained within the realm for the wealth thereof, or to such other as the people of this realm have taken at their free liberty by their own consent to be used amongst them, and have bound themselves by long use and custom to the observance of the same ; not the observance of the laws of any foreign prince, potentate, or prelate, but as to the accustomed and ancient laws of this realm, originally established as laws of the same by the said sufferance, consents, and custom, and none otherwise. It standeth, therefore, with natural equity and good reason, that in all and every such laws human, made within this realm, or induced into this realm by the said sufferance, consents, and custom, the king and lords spiritual and temporal, and commons representing the whole estate of the realm in the most high court of parliament, have full power and authority to dispense with those and all other human laws of the realm ; and with every one of them as the quality of the persons and matter shall require. And also, the said laws and every of them, to abrogate, adnul, amplify, or diminish as it shall be seen unto the king, and the nobles and commons of the realm, present in parliament, meet and convenient for the wealth of the realm."

By this great act we clearly see it is beyond the wit and reason of any man to contradict or deny the ancient and supreme power of the parliament, as well in matters ecclesiastical as civil ; a statute it is, declarative of the law of the kingdom, and that of as great force and use as ever any was, is, or can be made by the legislative power and authority of this nation. The Lord Coke also bears testimony to this truth ; the power of parliaments is so transcendant and absolute for making laws in proceeding by bill, as it cannot be confined, either for causes or persons, within any bounds. Take all that shall be said hereof in the words of Sir Thomas Smyth, a man of great knowledge in the law, and in great place and esteem under Queen Elizabeth. "The most high and absolute power of the realm of England consisteth in the parliament. A parliament abrogateth old laws, maketh new ; giveth order for things past, and for things hereafter to be followed ; changeth rights and possessions of private men, legitimateth bastards, establisheth forms of religion, altereth weights and measures, giveth form of succession to the crown, defineth of doubtful right, whereof is no law already made ; appointeth subsidies, tails, taxes, and impositions ; giveth most free pardons and absolutions ; restoreth in blood and name, and representeth and hath the power of the whole realm, both head and body."

But, because here is by statute law no particular provision made against such frauds and practices as appear in the foregoing case, many by sordid means have endeavoured to perplex elections and debauch parliaments, and think themselves not punishable for it. This case, and the reason of it, will better inform them, that by the rule of the common law an offence of this nature is punishable ; for will any man think that small frauds, cheats, and practices should undergo a censure in the ordinary courts of justice, and not such great violations of truth and honesty in matters of the greatest moment ? But I hope the proceedings against Billingham will convince some men of their mistakes, others of their faults.

And, to bring men to a sober consideration of their duty and danger, I shall give a few instances of what the House of Commons have done in former ages to punish and prevent evils about elections.

1. *Anno 20 Jacobi*, Doctor Harris, minister of Blechingly, in Surry, for misbehaving himself by preaching, and otherwise, about election of members of parliament, upon complaint was called to the bar of the House of Commons, and there as a delinquent, on his knees, had judgment to confess his fault there; and in the county, in the pulpit of his parish church, on Sunday before the sermon.
2. *Anno 21 Jacobi*, Ingry, under-sheriff of Cambridgeshire, for refusing the poll, upon the promise of Sir Thomas Steward to defend him therein, kneeling at the bar, received his judgment to stand committed to the serjeant at arms, and to make submission at the bar, and acknowledge his offence there; and to make a farther submission openly at the quarter sessions, and there also to acknowledge his fault.
3. *Anno 20 Jacobi*, the mayor of Arundel, for misbehaving himself in an election, by putting the town to a great deal of charge, not giving a due and general warning, but packing a number of electors, was sent for by warrant, and after ordered to pay all the charge; and the house appointed certain persons to adjust the charges.
4. And lastly, 3 *Car. I.* Sir William Wray and others, deputy-lieutenants of Cornwall, for assuming to themselves a power to make whom they pleased knights, and defaming those gentlemen that then stood to be chosen; sending up and down the country letters for the trained bands to appear at the day of the election, and menacing the country under the title of his majesty's pleasure: 1. Had judgment given upon them to be committed to the Tower. 2. To make a recognition of their offence at the bar of the house upon their knees; which was done. 3. To make a recognition and submission at the assizes in Cornwall, in a form drawn by a committee.

To conclude, this case being of great use is now made publick,

I. To evidence to the world the wrong done the plaintiff by the bailiff's unjust return, and by whom, and by what means procured; as also to testify his courage and generous resolution to assert his own right and the people's just liberty of choice, with his utmost care and great charge.

II. To vindicate the justice of the House of Commons, which are frequently aspersed as shewing too great affection to persons in their proceedings touching elections; whereas, by this case, it appears how just they were in bringing Mr Onslow to sit as a member, according to the strictest rules of common law, and in punishing the bailiff who so wilfully offended.

III. To direct places, having right to elect, to manage the same duly and lawfully; not only to caution them against making votes by splitting burgh-tenures by such fraudulent conveyances, where the choice is annexed to such tenure (all such conveyances as are not real, and made *bona fide* upon good consideration, being in this case held to be void by the common law.) But the reason of this case will extend to other ways of election; for, where the choice is by the body corporate, the putting out without just cause such as are incorporate, or the making other members of the corporation to serve a turn at an election, will be equally dangerous, and also ineffectual. For as those that are so put in gain hereby no right to elect, so those that are so put out lose no privilege of vote; and the officers and persons doing the same are, by the reason of this case, severely punishable.

So likewise, in case of elections by inhabitancy, the coming to live in a place for a small time upon some particular occasion, or coming to or taking a house for to serve

an election, doth not give right to vote, as was (conformable to the rules of the common law, and the reason of this case) determined by the House of Commons in the case of Windsor, touching such as came to live there in attendance on the court, although they stayed there three or six months.

In like manner, where the election ought to be by those that pay lot and scot, as they call it, whereof the poor-tax is the usual measure; if any are put out by design that have paid or ought to pay, or any by like design are put in that have not paid, or cannot or ought not to pay, the one loseth, the other getteth no vote: and the doing of it, in order to further an election thereby, is an offence at common law, and punishable. So also, where elections are by freedom of places; for as elections are to be free, in respect of terror and constraint, so are they to be candid without fraudulent practices and designs.

The Complaint of Liberty and Property against Arbitrary Government; dedicated to all true Englishmen, and Lovers of Liberty, Laws, and Religion.

Printed in the Year 1681.

This is a tory tract, the object of which is, to shew that liberty and property, which were the watch-words of the country party, were never in greater danger than when the Long Parliament, and Cromwell its successor, held the supreme sway. And the writer does not forget to enumerate the particular acts of violence, or arbitrary power, which were sanctioned by Shaftesbury while acting under the commonwealth and protectorate. On this subject, Dryden has severely arraigned that great but versatile statesman:—

“ A martial hero first, with early care
Blown, like a pigmy by the winds, to war;
A beardless chief, a rebel ere a man;
So young his hatred to his prince began.
Next this,—how wildly will ambition steer!
A vermin wriggling in the usurper’s ear;
Bartering his venal wit for sums of gold,
He cast himself into the saint-like mold;
Groaned, sighed, and prayed while godliness was gain,
The loudest bagpipe of the squeaking train.
But, as ’tis hard to cheat the juggler’s eyes,
His open lewdness he could ne’er disguise.
There split the saint; for hypocritic zeal
Allows no sins but those it can conceal:
Whoring to scandal gives too large a scope,
Saints must not trade, but they may interlope:
The ungodly principle was all the same;
But a gross cheat betrays his partner’s game.
Besides, their pace was formal, grave and slack;
His nimble wit outran a heavy pack;
Yet still he found his fortune at a stay,
Whole droves of blockheads choking up his way;

They took, but not rewarded his advice ;
 Villain and wit exact a double price.
 Power was his aim ; but thrown from that pretence,
 The wretch turn'd loyal in his own defence,
 And malice reconciled him to his prince." }

Upon which the editor makes the following note :—" Shaftesbury was by no means in a hurry to submit to Cromwell's domination ; the uncontroled authority of an individual, and of one too who was inaccessible to all arts of cajoling or management, and only acted upon his own opinions and impulses, presented to the art and ambition of our statesman a very unpromising field of exertion. Accordingly, he is said to have been active in opposing the dispossession of the Long Parliament ; and, being a member of that convoked by the protector in 1656, he signed the famous protestation against the personal usurpation of Cromwell, which occasioned a very sudden dissolution of that assembly. But, notwithstanding this occasional opposition, he sat in all Cromwell's parliaments, was a member of his privy council, and was so far in his favour that he is said by his enemies to have nourished hopes of succeeding him in his power, with which view he became his son-in-law. Hence he is called, in ' The Dream of the Cabal,'—

A little bob-tailed lord, urchin of state,
 A Praise-God-Barebone peer, whom all men hate."

THERE is no nation under heaven that enjoys a greater share of what all mankind covet than the English ; nor is there any thing of which they are more jealous than the liberty of their persons and the property of their estates : and with good reason, for there is but a third, which is health to enjoy these, which renders human life as happy as this world can afford ; and for this reason our ancestors have obtained all those admirable laws, which stand as a continual guard about us night and day, to protect our freedom and our estates.

There is a known fable of the dog, that coveting the shadow lost the substance ; and once already we of this nation have been so stupid to turn the fable into truth. We were frightened with the shadow of the government, which we were told had a black and longer reach than did appear ; and were terrified out of our wits, reason, and religion, into a most bloody and unnatural war, and at last into that very mischief which we took up unlawful arms to avoid.

To cry out against arbitrary government is of late become not only a virtue but a point of religion, and has been set up as a mark and estimate of a true protestant ; but to lay the saddle upon the right horse is accounted a crime so great, that whoever attempts it is presently cried out upon for a papist. And the reason is evident, for they who make all this noise about it are the most arbitrary principled persons in the world ; and if I do not make it appear so, I will be content to be esteemed the most infamous liar under the cope of heaven : but if I speak truth, and such evident truth as is perfect matter of fact, and too notoriously known by thousands yet living to be denied ; if I cannot prevent the mischiefs which may follow these wild and groundless clamours against the government, I shall however discharge my conscience to my neighbour, and my duty to God and my king, and leave a testimony against such as pretend to be religious, for speaking evil of dignities and despising dominions ; which will one day rise up in judgment against them, and defeat them of the plea, That they did it ignorantly.

I would only desire the honest reader to enquire who they were that first cried out against arbitrary government, or the designs of it, in the reign of King Charles the First ? It was the protestant dissenters, and principally those then called presbyterians. Let them deny it if they can or dare ; for if they do, I will shew that they not only did

it, but gloried in it; and were reputed the most noble patriots, and so styled for so doing.

Who was it that animated the people to take up arms, for defence of liberty and property, against the king? The very same.

Who maintained, continued, and finished the war and the tragedy of the king's murder? The same men, though now they had gotten new frocks and vizards on, and called themselves independents or congregational church-men; a name that comprehended all sects and opinions. I love truth, and will speak it; many of the presbyterians deserted them, and declared boldly against their proceedings: but still the others went on, and called themselves the godly party, and the saints; and all the thanks the poor presbyters got for assisting them to get into power, was to be trampled upon themselves, and reviled as antichristian and apostates.

Who were they that banished his present majesty, sought that life which could not have been preserved but by a miracle? Who composed and commanded Oliver's standing army? Who commanded all the garrisons, forts, castles, and ships? Who ruled according to will, without and against law? Even the very same men, the godly party of congregational protestant dissenters.

Who are they that cry out now against the government, and talk of the great danger of arbitrary power? Search the city, examine the country, ransack the coffee-houses, frequent the clubs: if you hear any person inveigh against the government, or discourse of the fear of arbitrary designs, you may pawn your life on't you will find him in a conventicle upon a Sunday, if he pretends to any religion; or reading Hobs's Divinity, and atheistical principles, at home.

It is an old saying, He that accuses another ought to be clear himself: For shame, let the congregational-men leave clamouring about persecution and arbitrary government, of which they are so horribly guilty, and for which they have so great an account to make to God Almighty: For though the law may have forgiven them, yet without repentance, which brings no other testimony than the repetition of the same offences, for which they ought to be penitent.

And if this be a demonstration that they are the same congregational-men, and only want power, I will shew you their picture drawn by their own hand, and if they look black and ugly, persecuting and arbitrary with a superlative tincture, 'tis their own handy-work, not one stroke of mine, more than hanging the picture in its proper light, which will discover its native colours.

At the Council at Whitehall, Wednesday, December, 21, 1653.

Present,

Mr Lawrence, Lord President,
Sir Anthony Ashley-Cooper,
Mr Strickland,
Lord Viscount Lisle,
Sir Charles Woolseley,

Col. Jones,
Major-General Lambert,
Major-General Skippon,
Col. Sydenham.

That it be referred to Sir Anthony Ashley-Cooper and Col. Jones, to draw up, and present to the council, a bill for restraining and punishing of sedition and treason, and to advise therein with the council learned of the commonwealth.

Observe this treason was to aid or assist his present majesty, (then in exile) to recover his crowns; observe here is a bill without a parliament, but you shall presently see a bill passed into a formal law without either consent of lords or commons: And

was not this excellent freedom of parliament, liberty of the subject, and a fence against arbitrary government?

Saturday December 31, 1653.

Present,

His Highness the Lord Protector,

Mr Lawrence, Lord President,
Sir Anthony Ashley-Cooper,

Col. Mountague, &c.

Sir Anthony Ashley-Cooper reports an ordinance for continuing the power to commissioners for compounding, &c. for advance of money, and indemnity, which was this day read the first and second time, &c.

The Ordinance was agreed.

Resolved, That this ordinance be presented to his highness the lord protector, as the advice of the council.

The lord president did accordingly present the same to his highness, and being read, the said ordinance was by his highness, with the advice and consent of the council, passed for a law, and was ordered to be printed and published.

Observe here, After all the blood and treasure spent, and the solemn oaths taken to defend the liberties and privileges of the parliament, against arbitrary power, how it is drawn into a compendium of council of state! and the free-born English governed at the will of his highness and officers! But this is not all, we want only a standing army and absolute dominion over liberty and estate to make up the complete picture of arbitrary government, and here it follows:

Tuesday, December 4, 1655.

Present,

His Highness the Lord Protector,

Lord President Lawrence,
Lord Deputy of Ireland,
Sir Charles Woolseley,
Col. Sydenham,

Mr Strickland,
Col. Jones,
Lord Lambert.

Ordered by his highness the lord protector and the council, That it be, and hereby is, referred to the committee for the army to send into the several counties of this nation, printed copies of the order and declaration of his highness, with the advice of his council, for an assessment of sixty thousand pounds, by the month, for the next six months, commencing from the 25th of December instant, for and towards the maintaining the army of this commonwealth, and to commend the same speedily to the care of such persons in each county as they shall think fit, to distribute the same to the commissioners thereby appointed, or some of them, to the intent the matters therein contained may be put in effectual execution.

December 1, 1655.

Instructions of His Highness and Council to certain Commissioners for securing the Peace of the Commonwealth.

I.

If it appear, that any person hath actually engaged in any design, against the person of his highness the lord protector, or in any insurrection in England or Wales, since November 16, 1653, that all such persons shall be secured, by imprisonment, or banishment, and have their estates sequestered for the payment of the forces newly raised, and other public charges of the nation, allowance for wives and children, not exceeding the third part.

II.

That all persons whatsoever, that shall appear by words or actions to adhere to the interest of the late king, or of Charles Steuart his son, and to be dangerous enemies to the peace of the commonwealth, to be secured by imprisonment, or sent beyond the seas.

III.

That an extraordinary tax be levied upon the estates of every person whose estate hath been sequestered for delinquency in England and Wales, or who hath been in actual arms for the king against the parliament, every one that hath an estate of 100l. per annum, and so proportionably for all greater estates: And whosoever hath a real and personal estate to the value of 1500l. or more, the real estate of every such person shall be assessed at 10l. or at the rate of 100l. per annum, to be paid half yearly; the said payment to be made December 21, next ensuing: And the payment to be made to such persons as the commissioners shall appoint; and if any will refuse to make payment, then the real estates of such persons shall be sequestered by the commissioners for the use of the commonwealth, which sequestration shall continue until such persons shall have paid in their tax, and given sufficient security for the payment of all such sums of money as his real estate shall be assessed and taxed at as aforesaid; and the same rule to be observed for all personal estates of those that stand in contempt. Nevertheless, if any of the persons, whose estates are so charged as aforesaid, shall be desirous to free their whole estates from the tax, and if such persons do set over by sufficient assurances in law, convey and assure to the protector, and his successors, for the use of the commonwealth, land free from incumbrances of the yearly value imposed on them, they shall then be free.

IV.

That all the said party who are persons of no estates, and live loosely without labour, be apprehended, and sent to foreign parts.

V.

That if any persons should be sent out of the commonwealth, and shall return without license, that their estates shall be sequestered to the public use.

VI.

That any three of the commissioners shall be empowered to administer oaths, send for persons, papers, and records, as also to imprison any person for contempt of their order; for which the commissioners shall be saved harmless and indemnified.

Instructions for Commissioners of each County.

I.

You are to find out all persons comprized under the first head, and to cause them to be forthwith secured within your county, and you are also by good ways and means to discover and find out what estates, real or personal, such persons, or any other intrusted for them, or to their use and benefit, have had at, or on the first day of September, 1653, and to secure and sequester the same for the use of the commonwealth; and to certify their names, together with the account of your proceedings, to his highness.

II.

You are to use your utmost endeavours, to find out the persons comprized under the second head, and to secure them.

III.

You are forthwith to inform yourselves of the names and places of abode of all such persons as are comprized under the third head, and their estates, and who are intrusted for them; and as soon as you know their estates, to proceed accordingly, and tax the same.

Observe here, dear countrymen, imprisonment, fine, and banishment commanded, and practised with the highest arbitrary power, and to maintain a standing army.

Observe, it was by clamouring against arbitrary government, that deluded the people to rebel, and assist them with power, which when they had got, you see how the congregational people used it.

Observe, who are they that now make the out-cry against arbitrary government, Andrew Marvel, Oliver's Latin secretary, leads the van, in a libel, which wore that name, and I need not tell you who they are that prosecute the out-cry.*

If after all this you cannot by comparing their past actions with their present, see the snare they are laying for your liberty and property, you are not so wise as the fowls of the air, or the beasts of the field; for Solomon tells you, "In vain is the snare laid in the sight of any bird." I have done my duty, I have told you the truth, I have forewarned you of the danger. If you suffer yourselves to be imposed upon, you can blame only your own folly and credulity.

I have but one thing to add, and that is, if you think, and find I have told you a plain truth, and pointed to you where the real danger of arbitrary government lodges, that you would be as valiant for the truth, as some ill people are against it; that you would, upon all occasions, shew yourselves good subjects, by vindicating his majesty and the government from the scandalous imputations, with which virulent and seditious tongues blaspheme the footsteps of God's anointed; that you would inform the ignorant, confront the impudent, satisfy the doubtful and staggering, and unite the loyal, which will be no more than your own duty, interest, safety, liberty, and property calls for at your hands; and for the congregational declaimers against arbitrary government, let them remember Adonibezek's toes and thumbs, and the gracious act of oblivion, and know that in heaven's high court of judicature, forbearance is no part of payment. Let them repent of their former arbitrary and tyrannical usurpation, or else I fear, and justly too, they will pull down swift destruction upon themselves, while they are preparing a pit for others.

* The author alludes to Marvel's celebrated "Account of the Growth of Popery and Arbitrary Government in England, 1677." Marvel was assistant to Milton when Latin secretary to Cromwell.

A Letter to a Noble Peer of the Realm, about his late Speech and Petition to his Majesty.

Charles II. offended by the zeal of the city of London, regarding the exclusion bill and other political measures, resolved, that the parliament, which he convoked for the 21st March, 1681, should be summoned to meet at Oxford, as being the head quarters of monarchical and high-church principles. This precaution did not fail to alarm the opposite party. "They were desirous that the parliament should sit at Westminster, where they were sure of the assistance of the Londoners in case of need. And who knows whether some did not propose to use, for passing the exclusion bill in the House of Lords, the same means formerly used to extort from the peers their consent to the bill of attainder against the Earl of Strafford? Be this as it will, they resolved to use their utmost endeavours to have the place altered, and the parliament removed to Westminster. For this purpose the Earl of Essex, attended by fifteen lords, delivered a petition to the king, introducing it by the following speech."—RAPIN'S *History*, II. 720.

May it please your Majesty,

"The lords here present, together with diverse other peers of the realm, taking notice, that by your late proclamation your majesty hath declared an intention of calling a parliament at Oxford, and observing from histories and records, how unfortunate many such assemblies have been, when called at a place remote from the capital city; as particularly the congress in Henry the Second's time at Clarendon; three several parliaments at Oxford, in Henry the Third's time; and at Coventry in Henry the Sixth's time, with diverse others, which have proved very fatal to those kings, and have been followed with great mischief to the whole kingdom. And, considering the present posture of affairs, the many jealousies and discontents which are among the people, we have great cause to apprehend, that the consequences of the sitting of a parliament now at Oxford, may be as fatal to your majesty and the nation, as those others mentioned have been to the then reigning kings; and therefore we do conceive that we cannot answer it to God, to your majesty, or to the people, if we, being peers of the realm, should not, on so important an occasion, humbly offer our advice to your majesty; that, if possible, your majesty may be prevailed with to alter this (as we apprehend) unseasonable resolution. The grounds and reasons of our opinion are contained in this our petition, which we humbly present to your majesty.

To the King's most excellent Majesty,

The humble Petition and Advice of the Lords undernamed, Peers of the Realm;

Humbly sheweth,

That whereas your majesty hath been pleased, by diverse speeches and messages to your houses of parliament, rightly to present to them the dangers that threaten your majesty's person, and the whole kingdom, from the mischievous and wicked plots of the papists, and the sudden growth of a foreign power; unto which no stop or remedy could be provided, unless it were by parliament, and an union of your majesty's protestant subjects, in one mind and one interest: And the lord chancellor, in pursuance of your majesty's commands, having more at large demonstrated the said dangers to be as great as we, in the midst of our fears, could imagine them, and so pressing, that our liberties, religion, lives, and the whole kingdom, would certainly be lost, if a speedy provision was not made against them:

And your majesty, on the 21st of April, 1679, having called unto your council many honourable and worthy persons, and declared to them, and to the whole kingdom, that, being sensible of

the evil effects of a single ministry, or private advice, or foreign committee, for the general direction of your affairs, your majesty would for the future refer all things unto that council, and by the constant advice of them, together with the frequent use of your great council the parliament, your majesty was hereafter resolved to govern the kingdom, we began to hope we should see an end of our miseries.

But, to our unspeakable grief and sorrow, we soon found our expectations frustrated; the parliament then subsisting was prorogued and dissolved, before it could perfect what was intended for our relief and security: and though another was thereupon called, yet by many prorogations it was put off till the 21st of October past; and notwithstanding your majesty was then again pleased to acknowledge, that neither your person, nor your kingdom, could be safe till the matter of the plot was gone through, it was unexpectedly prorogued on the 10th of this month, before any sufficient order could be taken therein; all their just and pious endeavours to save the nation were overthrown, the good bills they had been industriously preparing to unite your majesty's protestant subjects brought to nought; the discovery of the Irish plots stifled; the witnesses that came in frequently more fully to declare that both of England and Ireland discouraged; those foreign kingdoms and states, who, by a happy conjunction with us, might give a check to the French powers, disheartened even to such a despair of their own security against the growing greatness of that monarch, as, we fear, may induce them to take new resolutions, and perhaps such as may be fatal to us: the strength and courage of our enemies, both at home and abroad, increased, and ourselves left in the utmost danger of seeing our country brought into utter desolation.

In these extremities we had nothing under God to comfort us, but the hopes that your majesty (being touched with the groans of your perishing people) would have suffered your parliament to meet at the day unto which it was prorogued, and that no further interruption should have been given to their proceedings, in order to their saving of the nation: but that failed us too: for then we heard that your majesty had been prevailed with to dissolve it, and to call another to meet at Oxford, where neither lords nor commons can be in safety, but will be daily exposed to the swords of the papists, and their adherents, of whom too many are crept into your majesty's guards; the liberty of speaking according to their consciences will thereby be destroyed, and the validity of all their acts and proceedings (consisting in it) left disputable: the straitness of the place no way admits of such concourse of persons as now follows every parliament: the witnesses which are necessary to give evidence against the popish lords, such judges or others, whom the commons have impeached, or had resolved to impeach, can neither bear the charge of going thither, nor trust themselves under the protection of a parliament, that is itself evidently under the power of guards and soldiers.

The premises considered, we, your majesty's petitioners, out of a just abhorrence of such a dangerous and pernicious council, (which the authors have not dared to avow) and the direful apprehensions of the calamities and miseries that may ensue thereupon, do make it our most humble prayer and advice, that the parliament may not sit at a place where it will not be able to act with that freedom which is necessary; and especially to give unto their acts and proceedings that authority which they ought to have amongst the people, and have ever had, unless impaired by some awe upon them (of which there wants not precedents;) and that your majesty would be graciously pleased to order it to sit at Westminster (it being the usual place) and where they may consult with safety and freedom.

And your petitioners, &c.

Monmouth,	Shaftsbury,
Kent,	Mordaunt,
Huntington,	Ewers,
Bedford,	Paget,
Salisbury,	Grey,
Clare,	Herbert,
Stamford,	Howard,
Essex,	Delemere."

To this petition or letter, as to the previous address, the king turned a deaf ear. And some tory partizan has here stated arguments for his persisting in his resolution to convoke the parliament at Oxford.

My Lord,

THOUGH the great esteem I have always had, as well for your lordship's parts and prudence, as your father's loyalty, inclines me to make a favourable construction of your words and actions, yet the late speech and petition published under your name, are of so strange a nature, and so ill an aspect in our present circumstances, that I cannot but acquaint you with my thoughts upon that unseasonable subject; where (did I not see my sovereign so nearly concerned) that many do construe this to be, not so much petitioning, as threatening his sacred majesty, I would have passed it over, and buried my resentments in oblivion.

I am sorry, my lord, you begin with so weak an observation from histories and records, as that many parliaments have been unfortunate when called at places remote from the capital city. Did you ever observe, how unfortunate many parliaments have been when called in this capital city; or how many have been fortunate when elsewhere convened? Do not all writers of the late rebellion observe it as a great oversight in his late majesty not to have called his Long Parliament to York, or some other place remote from the city of London, where so many factious cabals were held, and so many pernicious consequences hammered, together with the rabble's tumultuous running to Westminster-hall, and the common council's petitioning, or rather advising the king (mechanics turning politicians, and leaving their shops and trade, to sit at the helm of government) that all wise men conclude, thence came the plague of war and desolation upon the whole kingdom?

But your observation is not so weak as your precedents are emphatical and mysterious: you instance three unhappy kings; and, without the least ground in history, you seem to suppose the places of calling their parliaments the cause of their miscarriage; I am sure you know the contrary is manifest by our most authentic monuments and records: to popular fears and jealousies, fomented by ambitious and discontented grandees, these, as well as other princes in general, owed almost all their troubles, as now we do, in a great proportion.

To these Henry II. (by you mentioned) owed the unnatural broils and distractions of his kingdom; when they, together with Lewis King of France, incited the son to rebel against the father; in which they were thus far more excusable than others, that the son was no bastard, but the undoubted heir of the crown, and a titular king. These were, in a great measure, the chief causes of all the mischiefs and miseries of Henry the Third's reign; when, under the colour of redressing the people's grievances, they brought upon the nation the greatest grievance of all, an intestine civil war for many years together: and though they loudly pretended to fight for the liberty of the subject, yet themselves were no better than so many tyrants, as ancient and modern authors testify.—BAKER, p. 86.

And for Henry VI., his fate was the consequence of his grandfather's usurpation; for *de male quæsitis vix gaudet tertius heres*.

The people at last, weary of their change, began to open their eyes, and think it better to submit to their lawful prince than to a violent usurper. Nevertheless, this revolution could not be effected without a great deal of difficulty; and had not a gap been opened by the ambition of wicked statesmen, who, to have the sole management of affairs to themselves, contrived the death of the king's brother and only support, the good Duke of Gloster; as now some conspire against his royal highness, the better to enable themselves to dispose of the king as they please.

Thus for your speech; but your petition runs a little further.

In the first place, you aggravate the dangers of popery, of which all true protestants are sufficiently apprehensive; yet, withal, my lord, we are too sensible papists are not our only enemies: we have whole swarms of republicans and others, influenced, and often misled by those that hate the name, but (as to themselves) love the practice of

arbitrary power; that pretend to stand for the church of England, but really advance presbytery: in fine, that would fain persuade us they love the king, though, by their actions, any man of sense may perceive how little they care for his government.

You are troubled, it seems, that the next parliament is to meet at Oxford, "Where," you say, "neither lords nor commons can be in safety, but will be daily exposed to the swords of the papists and their adherents; of whom too many have crept into his majesty's guards." Do you know, my lord, any such papists now in the guards? If you do, it is all our duty to our king and country to have them secured; if not, it is a groundless surmise, and a frivolous pretence unfit to be mentioned by persons of honour. Certain it is, we have more reason to believe our noble petitioners inclining to dissention than his majesty's guards inclined to popery; for the latter do openly protest against all papists; the former do zealously solicit for the fanatics; endeavouring to unite them to the church of England, not by their coming to us, but ours to them; we losing our ground, and they still keeping their own. Besides, we know the latter have often taken the tests and oaths against the innovations of popery; but I could never find that the former took any against the novelties of schism.

If his majesty thinks himself secure at Oxford, and doubts not to commit his sacred person to his guards, what reason have you to apprehend any danger? Sure, it is his majesty's death, not yours, the papists have hitherto designed: How then can you be so apprehensive while he is secure?

As for the king's evidence, I doubt not but they will cheerfully endure a little inconvenience to make an end of this execrable plot. It is an advantage most of them have, to endure the greatest hardship; which now, I am confident, they will not decline, to consummate the great work they have so well begun.

My lord, I wish as heartily as any one in England the frequent meetings of parliament, and the good correspondence of king and people; I am, perhaps, as much concerned as another to have the liberty of the subject preserved inviolable: yet, when I see those that should be preservers of this liberty first invade it, and endeavour to monopolise arbitrary power to themselves, I think self-preservation allows me to oppose them. It is a true saying, *Corruptio optimi pessima*; and experience tells us, that parliaments may err as well as kings.

I will conclude with a short reflection on some transactions preceding the Long Parliament, in the late king's reign; where it is observable, that his majesty, finding his parliaments still retrograde, and bent rather to foment than compose the differences of the kingdom, in September 40, he summoned the great council of his peers to consult about the weighty affairs of the nation: "But this," saith a late historian, "was not very well liked by those who favoured the Scots; whose chief design aimed at the calling of a parliament, which they feared the meeting of the peers might prevent. Wherefore the Earls of Bedford, Hertford, Essex, Warwick, Mulgrave, Bollingbroke, and Bristol; the Lords Say, Brook, Paget, Mandevile, and the Lord Edward Howard, presented a petition to the king, representing many great distempers and dangers threatening the church and state, and his royal person: as sundry innovations in matters of religion; increase of popery, by employing papists in places of trust; the great mischief that might ensue if the forces raised in Ireland should be brought into England, &c. For remedy whereof, they pray, that a parliament might be summoned, to redress these grievances, and punish the authors; and likewise to compose the war with Scotland without blood, and unite both kingdoms against the common enemy of the reformed religion."

And this was seconded by another petition of the common-council of London, to the same effect.—See BAKER, p. 470.

These, my lord, were as fair pretences, and as plausible inducements to have a parliament then called as any can offer at present; and yet the world knows what pernicious

cious designs were then hatching against the king and government, by those very persons that promoted that petition; and happy were his majesty had he rejected their importunity. "To every thing there is a season," saith the wise man; and without doubt there is a season for petitioning. It is certainly our duty, with all humility, to beg of our sovereign what we think necessary or convenient for the public good; yet to press him to it when he declares against it for good reason, (as we ought to suppose) is a very great presumption, not to be endured in a subject. If the laws have settled in the king the absolute power of calling, adjourning, proroguing, and dissolving his parliament when and where he pleases, shall we be wiser than the laws, and limit our prince's will?

Besides, when discontented statesmen are found the promoters of such petitions, it is natural to suspect that they do it for some sinister design; *timeo Danaos et dona ferentes*. If the great politician Achitophel hanged himself through discontent, because his council was not followed, we cannot in prudence but think others will leave no stone unremoved to satisfy their passion. There are some weathercocks in the world who had a hand in all the revolutions of their time, *modo harum, modo illarum partium*, but were never faithful to any: if your lordship be so far overseen as to join with these, they will undoubtedly leave you in the lurch, when it is too late to repent. Therefore, in time, consider the wise man's advice, "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?" Prov. xxiv. 21.

I am your lordship's real well-wisher,
And humble servant,
L. S.

A Speech without Doors, made by a Plebeian to his Noble Friends.

"According to the date annexed to this speech, it was made in the year 1681; but if it was then for the first time published, it was out of all question made at some other crisis. For how could it be said, that his majesty's expence was (unusually) vast, at the meeting of the Oxford parliament? Or that any enemy threatened to thunder against the kingdom? Or that the kingdom had then been often alarmed with such pretences? And, above all, that liberty of speech, in parliament, was either fallen into disuse, or become in the least dangerous to him who used it most? But then, whatever crisis it was calculated for, the topics are so constitutional, that they will be ever worth the attention of Englishmen as long as the English constitution has a being."—*First Edition of SOMERS' Tracts.*

PARLIAMENTS have been wont to take up some space, at their first meetings, to settle the house, and to determine of unlawful elections; and in this point they never had greater cause to be circumspect than at this time: for, by an abuse lately crept in, there is introduced a custom, which, if it be not seen and prevented, will be a great derogation of the honour, and a weakening of the power of your house; for whereas the law giveth a freedom to corporations to elect burgesses, and forbiddeth any indirect course to be taken in their elections, many of the corporations are so base-minded and timor-

ous, that they will not hazard the indignation of a lord-lieutenant's letter; who underhand sticks not to threaten them, if he hath not the election of the burgesses, and not they themselves.

And commonly those that the lords recommend are such as desire it for protection; and are so ignorant of the place they serve for, as that, there being occasion to speak of the corporation for which they are chosen, they have asked their neighbours sitting by, whether it were a sea or a land town?

The next thing that is required is liberty of speech; without which parliaments have little force or power. Speech begets doubts; and resolves them; and doubts in speeches beget understanding. He that doubts much asketh often, and learns much; and he that fears the worst soonest prevents all mischief.

This privilege of speech was anciently granted to be the privilege of the parliament, by the testimony of Philip Comines, a stranger; who prefers our parliaments, and the freedom of the subject in them, above all other assemblies; but this freedom has been much broken and diminished, if not negligently lost, since the days of Comines.

If freedom of speech should be prohibited, when men with modesty make repetition of the grievances and enormities of the kingdom; when men shall desire reformation of the wrongs and injuries committed, and have no relation of evil thoughts to his majesty, but with open heart and zeal express their dutiful and reverend respect to him and his service; I say, if this kind of liberty of speech be not allowed in time of parliaments, they will extend no farther than quarter sessions; and their meetings and assemblies will be unnecessary, for all means of disorder new crept in, and all remedies and redresses will be quite taken away.

As it is no manners to contest with the king, in his election of his counsellors and servants; (for kings obey no men, but their laws;) so were it a great negligence, and partly treason, for a subject not to be free in speech against the abuses, wrongs, and offences that may be occasioned by persons in authority. What remedy can be expected from a prince to a subject, if the enormities in his kingdom be concealed from him? Or what king so religious, and just in his own nature, that may not hazard the loss of the hearts of his subjects without this liberty of speech in parliament? For great is the misfortune of most princes, and great is the unhappiness of subjects, when kings' affections are so settled, and their loves so far transported to promote servants, as they only trust and credit what they shall inform.

In this case, what subject dares complain? Or what subject dares contradict the words or actions of such a servant, if it be not warranted by freedom of a parliament; they speaking with humility? For nothing obtaineth favour with a king so much as a humble remonstrance.

The surest and safest way, betwixt the king and his people, which hath least scandal of partiality, is with indifference, integrity, and sincerity, to examine the grievances of the kingdom, without touching the person of any man, farther than the cause giveth the occasion: for otherwise you shall contest with him that hath the princes ears open to hearken to his enchanting tongue; he informs secretly, when you shall not be admitted to make excuses; he will cast your deserved malice against him, to your contempt against the king; and so will make the prince the shield of his revenge.

These are the sinister practices of such servants to deceive their sovereigns; but when our grievances shall be authentically proved, and made manifest to the world by your pains to examine, and freedom to speak, no prince can be so affectionate to a servant, or such an enemy to himself, as not to admit of this indifferent proceeding. If his services be allowable and good, they will appear with glory; if bad, your labour shall deserve thanks both of prince and country.

When justice shall thus shine, people will be animated to serve their king with integrity; for they are naturally inclined to imitate princes in good or bad.

The words of Cicero will then appear, that "Malicious and evil men make princes poor; and one perfect good man is able to make a realm rich."

There is no remedy left for mis-reports, but a freedom of speech in parliament; for there is no wise man that speaks, but knows what and when to speak, and how to hold his peace. Whilst subjects tongues are tyed, for fear they may reach him a rap whose conscience cries guilty, the king and his people are kept from understanding one another; the enemy is heartened abroad, and the malignant humour of discontentment nourished at home; and all for one, who is like a dragon, that bites the ear of the elephant because he knows the elephant cannot reach him with his trunk; and princes are abused by false reports whispered in their ears by sycophants and flatterers.

Diogenes being asked, what beast bit sorest? Answered, Of wild beasts, the back-biter; of tame, the flatterer.

Now to descend to grievances, which are of two kinds; some concerning the kingdom in general, some in particular, which have relation to the general.

Grievances in general are so many in number as will serve for every member of the house to present two a-piece to your views: and I will presume so far to rank myself with you, as to tender the number of two unto your consideration.

My first complaint is of titles of honour; and in two kinds.

First, in respect of the parties themselves, their estates and parentage.

Secondly, in respect of their manner of their attaining therunto, which is mercenary, base, and corrupt, which in reason should not hold; for, by law, the consideration is unlawful.

Trajan commended Plutarch for his precept in school, when he taught, that men should labour to deserve honour, but avoid the getting of it basely. For if it were reputation to have it by desert, it were infamy to buy it for money. In that age, where rich men were honoured, good men were despised.

Honour is not to be valued according to the vulgar opinion of men, but prized and esteemed as the sir-name of virtue, ingendered in the mind; and such honour no king can give, or money can purchase. He that will strive to be more honourable than others, must abandon passion, pride, and arrogancy; so that his virtue may shine above others. For honour consists not in the title of a lord, but in the opinion people have of their virtue; for it is much more honour to deserve and not to have, than to have and not deserve it.

There is one of three things that commonly causeth man's advancement, desert, favour, and power.

The first makes a man worthy of it, the other two are but abuses; for favour is but a blind fortune, an ounce of which, at court, is better than a pound of wisdom. Fortune never favoureth, but flattereth; she never promiseth, but in the end she deceiveth; she never raiseth, but she casteth down again: and this advancement is meeter to be called luck than merit.

That honour that is compassed by power takes unto itself liberty, and desires not to be governed by wisdom, but force. It knows not what it desireth, nor hath a feeling of any injury: it is neither moved with sweet words nor pitiful tears; such men leave not to do evil, because they have a desire to it, but when their power faileth to do it.

The true honour among the honourable, is, where fortune casts down where there is no fault; but it is infamy where fortune raiseth where there is no merit.

Examine the state and condition of men raised to honour these twenty years past, and whether it be desert, favour, or power that hath preferred them.

Enter into the mischief the kingdom hath suffered, and doth suffer by it, and the cause of his majesty's great wants will soon appear, if you recollect with yourselves how many hungry courtiers have been raised to the highest top of honour.

After this examine their princely expence in these twenty years, their estates in present, and what is requisite to maintain them in their future degrees of honour to themselves and their posterity, and you shall find his majesty's annual revenues consumed and spent upon those unworthy persons. Besides the impairing and impoverishing the state, it brings with it the contempt of greatness and authority, it breeds an inward malice in gentlemen better deserving of their country, and better able to maintain the degree of honour without charge to king or kingdom, and whose houses and alliances may better challenge it than the best of them.

The character of a covetous man is, that he getteth his goods with care, and envy of his neighbours; with sorrow to his enemies, with travail to his body, with grief to his spirit, with scruple to his conscience, with danger to his soul, with suit to his children, and curse to his heirs. His desire is to live poor, and to die rich; but as these vices are made virtues, even so is he honoured for them with titles of nobility.

When Philip the Second, King of Spain, entered with arms upon his kingdom of Portugal, and though with his sword he might have made fighting laws, yet were there some privileges which the Portugals besought they might enjoy, one whereof was, That the king would make no unworthy person noble, or without their approbation, which was granted them: and to this day they hold their freedom, which keeps that kingdom in the ancient state, honour, and dignity; that is to say, two dukes, one marquis, and eighteen earls. And thus much for the point of honour.

The second grievance I will recommend to your view is, the carriage of our wars; the excessive charges vainly spent therein, the unworthiness of the people employed, the grave and experienced neglected, the designs not warranted by reason and direction, and the executions worse performed; with many other circumstances that depend upon it.

I must crave leave to declare the property and condition of impostors, and deceivers of princes.

Abusers of princes are they that persuade them to war, to become poor when they may live in peace, and become rich; when they may be loved, cause them to be hated; when they may enjoy their lives surely, put them in hazard of cross fortune rashly; and, lastly, having necessity to use their subjects, put them into that necessity as they refuse to do for him. All this is the pride of the persuader, as Socrates saith.

The first lessening of the greatness of the Roman empire, was by the insolence of soldiers; and the first raising of the Ottoman house was by permission and conniving at his army.

England, with small charge, can raise what men his majesty pleaseth to command, and that suddenly, and discharge them again without trouble or charge as quickly; England wants not good and able men, if his majesty had occasion to use them. The wise men of England would have thought two or three hundred thousand pounds better spared than thus wastefully consumed, and disorders committed; we may compute it to that sum, and yet keep ourselves within compass. And notwithstanding, the want of money, and the way to exact it on the subject, is all the song now sung. He that sees and complains of the evil managing of things is either imprisoned, banished the court, or censured for a discontent.

There is no Englishman but knoweth the heart of every other true Englishman, and with one consent we all obey our prince; to his person we owe all due reverence; and we may truly say, no king is more happy in subjects for their love, nor no subjects readier to serve their king with their purses and persons; nor never people were better blest with a king.

False informers, and misguiders of good kings, are much more perilous than if prin-

ces themselves were evil ; for commonly, as worms breed soonest in soft and sweet wood, so are the best natures, inclined to honour and justice, soonest abused by false flatterers.

The evil they commit under the authority of good princes is accounted as done by the prince himself ; but, commonly, such people in the end pay for it ; for he that desires not to do good cannot be wise, but will fall into a thousand follies.

One of the first propositions made to the house, will be for money to support his majesty's vast expence, at this time, that the enemy threatens thunder against the kingdom. Your often alarms, upon such pretences, may make you now too secure ; for true it is, that, in the last parliament, books were published of invincible preparations intended against us, and nothing came of it. But beware that you do not be deceived by an old saying, That when one usually tells lyes, he is not trusted when he speaks truth ; for certainly the danger is more, [*Here some words are wanting to compleat the sense*] than by the power and greatness of another enemy.

In this case you must give for your own sakes, that so you may be sure to enjoy what is yours ; for your sovereign's sake, to maintain his greatness and state ; and for your country's sake, to keep it from oppression of the enemy ; but withal, you ought to lay down the condition of the kingdom, and to shew that your necessity cannot run parallel with your hearts and your desires ; that your minds will be carried with a willingness to give, but your hands will keep back your hearts for want of ability to give.

Themistocles, demanding tribute of the Athenians, told them he brought two gods with him, that is to say, Persuasion and Violence. They answered, that they had two gods in their country as great and powerful, which were Poverty and Impossibility, which hindered them from giving.

We may truly say, that God hath so placed and seated this isle of England, that nothing but evil counsel can hurt it. But true it is, advice that is not warranted from wise men may prove more forcible and perilous than the power of an enemy.

The scripture telleth us, that "The thought perisheth that taketh not counsel."

A king of the Lacedemonians asked how a kingdom might ever stand, and was answered two ways : If a king take counsel of wise honest men, and they speak freely, and do justice uprightly.

There was never censor that judged, senator that ordered, emperor that commanded, counsel that executed, orator that persuaded, nor any other mortal man, but sometimes he committed errors, and deserved either blame or punishment for his misdoings ; and, if he were wise, desired advice what to do.

St Gregory saith, "No man can give so faithful counsel as he who loves a prince more than his gifts." Then who are or can be so true counsellors to our noble king as the house of commons, that hath no relation to a king's gift, but only to his honour, flourishing estate, and safety ?

This is the time to amend evil councils past, and to let evil counsellors see their errors.

This is the time for all men to put to their helps, some with their hands to fight, others with their advice to counsel. And for my advice it is this :

That you present to his majesty, in all humbleness, your willing mind and hearts, to repair and fit to sea his majesty's navy ; yourselves to have power to make them able and serviceable, with the advice of experienced men that you may call unto you. This is a matter of great importance at this present for the safety of the king, realm, and subject ; for the strength of the kingdom much depends upon this bulwark, which we may well term the Walls of England.

His majesty will find himself much eased by it, businesses shall be carried without his trouble or care, money shall not be sought for to that end, but provided by you ; his majesty may dispose of the rest of his revenue at his pleasure.

By your frugality and husbandry, his majesty shall have occasion to judge of things past, of yours in present, and hereafter it will serve for a precedent to walk after; it will stop the mouths of malignant tongues, that inform his majesty of the unwillingness of the subject to give; and it will make it apparent that their true grief is not in the matter of giving, but to see the evil employing of it when it is given.

If any man shall pervert this good meaning and motion of yours, and inform his majesty, It is a derogation from his honour to yield to his subjects upon conditions, his majesty shall have good cause to prove such men's eyes malicious and unthankful, and thereby to disprove them in all their other actions: for what can it lessen the reputation of a prince, whom the subject only and wholly obeyeth, that a parliament, which his majesty doth acknowledge to be his highest council, should advise him, and he follow the advice of such at council? What dishonour rather were it to be advised and ruled by one counsellor alone, against whom there is just exception taken of the whole commonwealth?

Marcus Portio saith, that "That commonwealth is everlasting, where the prince seeks to get obedience and love, and the subjects to gain the affection of the prince; and that kingdom is unhappy, where their prince is served out of ends and hope of reward, and hath no other assurance of them but their own service."

A Letter from a Person of Quality in Scotland to a Person of Honour in London, concerning his Royal Highness James, Duke of York.

"By whom this letter was writ, or to whom it was addressed, is equally unknown; but by some circumstances in it, namely, the confession, that the former was once an excluder, and the artful suggestion, that he intended to have writ at the beginning of the parliament at Oxford, and before they might meddle with the bill of seclusion, it is to be suspected that, whoever he was, he was induced to change his opinion, because the times were changed. As the sudden dissolution, on the eighth day of their sitting, when the exclusion bill had been just brought in, was a thunderclap to the malecontents; so the king's declaration against all their late proceedings seemed to denote a storm at hand, and with the very first blast the lightest leaves were sure to fly off. It was, besides, become the fashion for all the creatures of the court to make appeals to the people, on behalf of the king and his brother, against the violence of their own representatives; and Bishop Burnet acknowledges, that the spirit of the excluders was now so spent, that the answer^a they set forth to the king's declaration, though the joint labours of Algernoon Sydney, Sir William Jones, and Mr Somers, had no great effect."

Thus far the original editor of this collection, to whose observations it may be added, that doubtless many circumstances drew the Scots to the faction and favour of the duke. They saw the halls

^a What Bishop Burnet says, "That the king came to the house not very decently, in a sedan, the crown being carried between his feet," is flatly contradicted by a writer of the opposite party, who affirms, "That the regalia was carried by the king's servants and guards to the room where his majesty robed himself before he went to the House of Lords."—See a tract called *Cassandra*, 4to. 1704. And Mr North, treating of the same incident, uses these words: "The king came to the House of Lords, as he was wont, in a chair, and another chair followed, with the curtains drawn; but instead of a lord, as was thought to be in it, there was only the king's robes. Thus they went and sat down in a withdrawing-room."

^b Which is to be found both in Baldwin's Collection, and also in the Proceedings of Parliament.

of their ancient palace again graced with the appearance of royalty, and occupied by a descendant of their long line of kings. The formal, grave, and stately deportment of James, was more suitable to the manners of a proud, reserved, and somewhat pedantic people, than the lighter manners of Charles. The proud, as well as the ingenuous, know and feel the value of favours conferred by those who resemble them. York applied himself particularly to secure the personal attachment of the Highland chiefs, and to staunch the feuds by which the clans were divided. He, no doubt, reckoned upon the assistance of these ready warriors, in case the sword had been drawn in England; but he little foresaw that the last hopes of his family were to depend on the generous attachment of the descendants of the chieftains whom he then cultivated, and that his race were to involve in their fall the ruin of the patriarchal and feudal power of these faithful adherents. But if the conduct of James in these particulars was laudable, on the other hand, by introducing an inconsistent and absurd test into the law, by making it the means of ruining a loyal and innocent nobleman, the Earl of Argyle, by satiating his own eyes by the tortures inflicted on the covenanters,—he gave tokens of that ill-judged and bigotted severity which was the cause of his being precipitated from the throne.

SIR,

THE acquaintance that I contracted with you, when I was last in England with Duke Hamilton, and the several discourses that, with so much freedom, we had together concerning the state of affairs then in agitation, makes me thus familiarly renew that friendship which grew then between us; whereby you will see how much I am altered from myself since that time. You cannot have forgot, I am sure, in what opposition I then stood against the Duke of York's succeeding to the crown; and that so firmly, that all you could say, though backed with strong arguments and reasons, could not any ways shake me; and therefore you may now justly wonder how it should come about, that I should now write to you in his behalf. I intended this letter at the beginning of the parliament at Oxford, and thought it might arrive to you time enough before they might meddle with the bill of seclusion, if they should endeavour it at all, knowing the aversion of his majesty from putting by his brother from his hereditary right. And though, to our wonder, the parliament was dissolved before we could think it was well begun, and before I could write what I intended, yet, since the duke has many enemies in England, I have, in letting you see my thoughts as to his right of succession, shewed you that his virtues have begotten here, even in this cold and bigotted country, some friends.

But before I enter upon my reasons, that any man who shall endeavour to put by the Duke of York from his hereditary right, violates the laws of the land, scandalizes his religion, and does injustice to his prince, I shall acquaint you how I came to be thus interested for the duke, who was so much once against him. And, first, I declare to you, lest you should suspect that it might be the change of my religion that should have made this change in my politic opinion, that I am still, and ever shall be, of the same religion I was born and bred in, that is, a protestant; and that I have as much aversion for the religion of the duke as I have a love and affection for his person. But the greatest motive that begot in me a veneration for the duke, and so consequently for his just interest, is the personal knowledge of his very many excellencies and virtues, which has raised in me, not only an ordinary esteem, but has made me justly think him to be in himself no ordinary man, but one worthy of the greatest crown in Europe. Before I knew him but at a distance; and though I had often seen him, and been in his presence, yet I had received his character at second hand, and found him sometimes represented one thing, and sometimes another, according to the several opinions and interests of persons; so as my knowledge of this great man was very much disguised, and in the dark, till his residing here among us gave me, and many others, a clear prospect both of his person, actions, and virtues. I shall not go about to characterise

him to you, who so well know him, and who so often, from those many shining and excellent virtues in him, has raised up arguments to bring me from the opinion I had entertained against him. But you see that he himself, by his actions and converse, in a little time, has been able to do more than all the words and arguments in the world could do.

Having thus shewed you upon what account I am become the duke's friend, you cannot now think it strange, that, as an effect of that reverence and esteem I have received from so worthy a person, I should write to you in his behalf: and though the parliament be dissolved, and that we fear not from thence the prejudice many did expect, yet I shall tell you, in few words, my mind; that I think it both unreasonable and unjust for any subject of England to attempt his seclusion from the crown. And I must here further protest unto you, that, although I had never so great esteem for the duke, yet were it not just, lawful, or right for him to succeed in the throne of England, I should never open my mouth, nor use any arguments in his behalf; but the right, justice, and equity, that I believe him to have on his side, make me trouble you with these: And I must also beg your pardon, that I presume to tell you my opinion, and to lay down my weak reasons for the justice of the duke's cause, since I know you are already furnished with such, that may, in law and equity, be a sufficient bulwark to defend his right against all the opposition can be made from rational men; therefore, honoured sir, I shall be obliged to use the less arguments to you upon that subject; nor will the scantling of a letter give leave for long harangues, or for oratorious pleadings of the case.

In the first place, I suppose there are none, even among his violent opposers, that any ways question the duke's right of succession; so that his indubitable right to succeed his brother (whom God long preserve) if he hath no legitimate children, is not the question: But whether it be commodious or profitable to the nation, or the people of England, that he should succeed, because a Roman Catholic, is the thing stood upon. We shall not here at all question the right and power that the king and his parliament may have to dispose of the succession, and to cut off the duke from all hopes of succeeding to the crown; we will grant it that it is in their power so to do; but all that I have to urge to you is, that, in so doing, they would be very unjust, or at least give very hard measure to the duke, only because he has changed his religion, and by which means they have entertained an opinion that he will bring in popery, and alter the religion of England: But I think it is a maxim in the christian religion, that we ought not to commit an evil that good might come thereon; and therefore, if putting the duke by his just and indubitable right be committing an evil against justice, law, and right, it ought not to be done in any expectancy of the good that shall follow thereupon; and how they can salve such an act, which is decried by all princes, and by many wise and great persons, from injustice and wrong, I cannot tell. The jealousies and fears of the people ought not to stir up those in authority to do unjustly: And it is feared likewise, that the bringing in of popery, as a consequence of his succeeding to the crown, is buzzed about into the people's ears, in order to increase their fears and jealousies, by some persons, who may perhaps have other designs in their heads, not only of breaking the legal line of succession, but that also of all kingly successors: so that, whilst, by this means, the people seek to maintain their religion, they will be forced to lose their government, and be reduced again to the many arbitrary-headed monster, whose paws will be far more heavy than the royal scepter in the hand of the duke: and this I doubt will be all that will be got by secluding the duke. This one thing is enough to make the king fearful of yielding to such an act, and to cause him by all means to endeavour the securing to his people the ancient government of the kingdom, as well as religion and property; since there are also fears and jealousies on the one hand as well as the other.



I see my letter grows long, and therefore beg your excuse, that I huddle up what more I have to say, which might be enlarged upon.

I say further, that the great and heroic love, as well as just and pious, that his majesty has for his brother,¹ should be some argument to his people, not to urge things so violently against the duke, and so opposite to the affection of his majesty; he having declared, That there is nothing that a parliament can demand, to secure them in their religion, and to quiet their fears and jealousies, he will not willingly grant them, excepting this one thing, of utterly secluding his brother from his right, which is against his conscience. I say, that methinks in this matter, the people should be as tender of the conscience of their king as he is of the desires of his people; and that a medium may be found out, that may satisfy both the one and the other, without laying this ax of seclusion to the root of the tree. And, to add to the weight in the duke's scale, and to oppose those who would have him to be the cause of the troubles of the nation, (though nothing yet has been plainly proved, that his enemies can lay to his charge) I say, the people ought not to forget the many heroic and valiant actions he has done for his country, how boldly and willingly he has ventured his blood and life in the Dutch wars, exposing himself to all manner of dangers for the sake of his country, for which, like the noble Themistocles, he is in danger of running the same fate, of being banished by those people to whom he had brought the crown of victory. But however justly the Athenians thought they might do it, his banishment, to this day, stands as a brand of their ingratitude and ill-nature in the records of history; as, no doubt, will this seclusion of the duke, after his valiant actions, be recorded to the dishonour and ingratitude of your nation.

We should now examine how far the religion of the prince is consistent with the essence of government; and whether there be that danger to the protestant religion, from a popish successor, as his adversaries pretend; and many arguments might hence arise, which might give an eclairsissement to the matter in question: But I doubt I have trespassed already too long upon your patience, and therefore shall not trouble you farther at this time concerning them; believing you sufficiently furnished of yourself with a true speculative knowledge of those cases, and that you are able there-hence to raise many arguments in so just a cause. But, before I bid you farewell, I must also take notice, that in pressing the king to perform an act of violence to himself, they mightily distrust Providence; for, after all, the duke being so little under the age of the king, he may first die, and by that most natural way secure them from their many fears and jealousies of dangers, that may accrue to them by his succession, if Providence thinks good; but if not, and that he should survive, I question whether an act of parliament would be able to keep him from endeavouring to obtain his right. It is therefore the best way to wait a while and, to submit to Providence, who knows best how to dispose of all things, and not to be too anxious and fearful of such things as may never come to pass, and not to run into unjust actions in order to prevent them. Pardon

¹ This love was disputed by Burnet, whose words, with Bevil Higgon's reply, run as follows:—"For though the king never loved or esteemed the duke, yet he seemed to stand in some kind of awe of him. This very thing he has asserted more than once; but how he will reconcile this notion to the actions of that prince, we cannot imagine. As to outward appearance, the friendship of the two brothers was very remarkable; whenever the sedition and violence of the times tore them from one another, they always parted with the most tender sentiments of brotherly love, and a friendship that was highly edifying to all men of honour and virtue. The king always employed him in places of the greatest trust, till the jealousy of the duke's religion rendered him unsuited for any employment. When the bill of exclusion had set the nation on fire, this weak, this indolent prince, absorbed in pleasures, according to our author's character, shewed a firmness and resolution in defence of a person whom he neither loved nor esteemed that must make his conduct in this light very unaccountable; when, by sacrificing to his interest the man whom he feared, he might at once have got rid of those apprehensions and the danger that threatened him at the same time from his people. Besides the tenderness with which, when dying, he bequeathed him his crown, might refute this false and ridiculous assertion of the author."—*Hanover's Memoirs, Lond. 1727, 8vo. p. 129.*

me, I beseech you, the trouble I have given you, since I was urged to it by the affection I have to a person, that I believe most in the world are mistaken in, because ignorant of his worth. I am, Sir,

Your most humble and faithful servant.

Some modest Reflections upon the Commitment of the Earl of Shaftesbury, arising from the late Indictment against Mr Stephen Colledge.

"It is now proper to recollect what is said in the letter from Paris to both houses of parliament, concerning Darius's not being afraid to throw the accusers of Daniel into the same den which Daniel had been delivered from. For, whether it was by way of menace, or from assurances received, that the accusers of the then suffering papists should suffer also in their turn, the saying was now remarkably fulfilled. The very witnesses which had been imported from Ireland to confirm the popish plot, all at once made a short turn, and swore high-treason against their importers: and, that they might open their evidence with so much the more credit, Plunket, the titular primate of Ireland, was executed at Tyburn for high-treason, at the very crisis that Rouse, Colledge, and the Earl of Shaftesbury were committed. For the two former were committed June 29; Plunket was executed July 1; and his lordship was committed July 2, 1681."

It is long since we were assured by those to whom we owe entire credit, that, had the papists succeeded in their design of murdering the king, 1678, the dissenters, and such others as they proposed to register and inroll in that number, were to have been charged with the guilt of that devilish and traiterous assassination: But it pleased God, through a timely discovery of their hellish conspiracy, not only happily to preserve his majesty's life, but to deliver many thousand innocent persons from the capital dangers into which the Romish party had contrived to have brought them, by a false and scandalous accusation. And therefore, finding the nation not only awaked to preserve itself by all due and loyal ways, but justly provoked to bring upon them the punishments which they had deserved by that hellish plot against the person of the king, the established government, our religion, and the lives of all true protestants, they have been endeavouring since, by all the arts and industry they could, partly to corrupt the witnesses that had discovered their villanies, and deposed against them, and partly to oblige them, and such other profligate persons as they could hire and suborn, to swear a sham-plot, wherein his majesty's best and most loyal protestant subjects should be reported to be engaged. And though they have been detected in above twenty several instances of this kind, and thereupon disappointed as to the ends which they proposed unto themselves, yet, having no other game which they can play with any probability of success, they have pursued this design with the more indefatigableness, and having employed all their policy to mould it into some credible form, they have been at great and vast expence to bribe needy and debauched fellows, to support and confirm it by horrid and unprecedented perjuries. For they suppose that, could they but get one protestant to be found guilty upon such an indictment as they have been providing and framing matter for, they should then be able to involve a great

many under the suspicion of the same guilt. And, consequently, should the king come to be assassinated by some popish hand, they would labour to render protestants obnoxious to the scandal of having perpetrated so abominable a crime. However, by suggesting to his majesty, that his protestant subjects are embarked in a conspiracy against his person, they do promise themselves to bring the king either to trust and rely upon them for his safety, or to grant an act of universal oblivion for the quieting the minds of his people, and the peace of his government. Or the least that they do hope from this pretended plot is, that the same persons being produced as witnesses in this case, that had appeared to give evidence concerning the popish plot in England and Ireland, they shall come to be disbelieved in reference to the one, through their not obtaining credit in relation to the other. But, as I shall at present decline the consideration of those reasons, why these very witnesses ought to be believed in whatsoever they have sworn against the papists, though no faith or credit is to be given unto what they depose against protestants, so I conceive the papal party may happen to exclude themselves from having any share in an act of indemnity, by being the authors and promoters of this sham conspiracy, whereby they would ruin so many of the chief upholders of the established government and the reformed religion. Nor can there be a greater evidence, that the popish plot is as effectually carried on as ever, than this late attempt to render his majesty jealous of his most loyal subjects, and to cause them to be distrustful of him, and thereby render him and them naked of all defence against the manifold preparations they have made both at home and abroad, for the destroying of his person, and the subversion of the government.

It is beyond all contradiction plain out of whose forge this engine to endanger our peace, and destroy many innocent protestants, came; seeing it appears, by the testimony of good and substantial witnesses, that the priests in Flanders had not only notice of, but divulged it to such as they conversed with abroad, before there was any suspect or apprehension of it here. For there are several now in town who were not only told beyond sea, about the 27th and 28th of June, that my Lord of Shaftesbury and diverse others would be secured before the said persons could arrive in England, but the priests who were the authors of this openly declared unto them, that they expected such success in their projections and undertakings from it as to be able to say mass in our churches at London before Christmas next. Nor was it only in Flanders, where the fathers, and those they had intrusted this secret unto, were acquainted with it; but we understand the same by some lately come through France, who also heard, from the like hands, that the Earl of Shaftesbury, and many other protestant lords, were to be committed before the most inquisitive and sagacious here could entertain a thought that there was any such thing intended.

But it is easier for men actuated by rage and malice to frame and contrive a design, whereby to ruin others, than to make it coherent in the parts of it, or give it that face and colour which may render it probable. And as no man that knows the Earl of Shaftesbury will think that ever he could enter into such a conspiracy as he is charged with, much less can they believe that persons of so mean fortunes and shallow understandings, as hitherto are accused for it, should not only be acquainted with, but have the principal promoting of it committed unto them. For though Mr Whitaker and Mr Colledge may be men very well qualified for their respective employments, of great zeal for the protestant interest and the legal rights of the people, and of good reputation for their integrity, yet they are not persons of those abilities, estates, or power in their country, as to be preferred before others, much above them in understanding, as well as in all other respects, to be consulted and advised with, about the regulation or change of the government.

But if we apply ourselves to consider the nature and quality of this plot, as we are let into it, and have it a little unveiled by the indictment preferred against Mr Stephen

Colledge on Friday last, we shall go near to find this protestant conspiracy, that some have made such a noise about, to be the most ridiculous and romantic invention that ever men, pretending to wit or sense, suffered to be imposed upon their belief. For by Colledge's being introduced by one of the witnesses reviling the Duke of Monmouth, in terms as gross and opprobrious as false, all that know the man are sufficiently instructed what little truth there is in all the rest whereof he is accused.* For next to his majesty, there is none in the world that he hath that known esteem for, and in whose service, in consistency with his loyalty to his prince, he would so soon sacrifice himself and all that he hath, as the Duke of Monmouth. And so far do all men judge him from using such ignominious expressions as he is accused of, concerning that great personage, that they verily think, had any of the witnesses used that language of his grace in Colledge's hearing, he would have taught him better manners, though with the hazard of his life. But the papists are so accustomed to asperse and slander this duke in the most ignominious terms, that they cannot forbear the fathering base and reproachful calumnies of him upon such who would not forgive themselves the crime of having a low or diminishing thought concerning him. But the design of making this accused person speak thus vilifying of his grace, is too obvious not to be discerned, and so silly that every apprentice-youth laughs at it. The popish party, finding that the duke is sincerely and unchangeably fixed for the protestant religion, and that thereupon he hath a great and deserved room in the hearts of all true Englishmen, they would fain endeavour to persuade him, that the people do despise and scorn him, thinking that, if any thing could, this would make him less zealous for the protestant doctrine and worship. But they will find themselves deceived; for as nothing can abate his love to the established religion, so the extraordinary respect which the people do universally bear him upon this account is neither to be lessened towards nor alienated from him. But when we advance a step further, and find this pretended plot to be no less than a national conspiracy to destroy a prince, whom they so unanimously restored to the throne of his ancestors a few years ago, we shall find cause to disbelieve every word concerning it, and to pity the folly and simplicity of those that have endeavoured to abuse his majesty, and his ministers, with so ill-contrived a sham. For, according to the evidence which Smith and others gave in court, it is no less than a plot, wherein not only city and country, but the very parliament, are all embarked and engaged. But as the naming and interesting the parliament in a conspiracy, is enough to satisfy any reasonable man that there is none at all, so it enlightens us, upon what motive and inducement all this is invented and contrived. For the papists, knowing the villanies which they are guilty of, and being sensible of the dangers they are liable unto, from the justice of a parliament, whensoever one meets and continues to sit, they have therefore no other course to steer, but to render parliaments suspected to his majesty, that he may call no more. Accordingly, after they had hired a company of rascally scribblers to defame parliaments, especially the House of Commons, they now assume the impudence openly to arraign them of a treasonable design of deposing the king and altering the government. But the fellows whom they had suborned to this purpose, though they had the villany to become instruments in so black an undertaking, yet they had not the wit to conceal it till it was ripe to be vented and improved. For, besides, that one had the boldness, in a late pamphlet,† to advise the king to reign

* Upon Colledge's trial, Haynes swore, that, being questioned concerning the Duke of Monmouth, he replied, "Alas, we make an idol of him to adumbrate our actions, but do you think the wise people of England would ever make a bastard upon record King of England? No! though we praise his actions, yet we cannot endure him, as being against his own father."

† Called an Apostrophe from the Loyal Party to the King's most sacred Majesty: humbly shewing how the next House of Commons, by law, may be purged of its disaffected members, which the author explains after this manner. By law no papist can sit in the House: all those concerned in the late rebellion, and even their children, are papists in masquerade; therefore one and all may be legally expelled. But, lest this kind of law should not:

arbitrarily, Smith,¹ that famous witness, is known to have given out some time ago, that he would spoil our parliaments. But the suffering mercenary persons to speak and write of parliaments with that impunity they have done of late, is enough to detect and betray the whole project and design to every rational man. And can any one think, that, if there were such a conspiracy, wherein so many persons of quality, power, and estates were engaged, his majesty's guards would be able to prevent their executing whatsoever they intended? Or can any man imagine, that it is for the king's safety and interest, to have the generality of his people brought to believe that he entertains such an opinion of them, as that they are united in a conspiracy against his person and government? Were not the king safe through the room that he enjoys in the hearts of his people, and did not they apprehend themselves protected by their own innocency? What Smith said (concerning the parliament), in the face of so great an assembly as was at the Old Bailey on Friday last, and with so much impudence, that it plainly appeared to be spoken upon design, were enough to blow up the peace of the nation, and to throw us into blood in four and twenty hours.

But the place where this plot of seizing the king was to have been executed does farther assure us, that all this is mere fiction and romance, and that there was no such thing ever thought of. For as it was impossible that any number of men, proportionable to such an undertaking, should go to Oxford, without being seen and observed, so it is very well known, that the town was much emptier than could have been expected, considering that, together with the whole court, the great council of the kingdom was there assembled: and, instead of the members being accompanied with a train suitable to such a design, they denied themselves the having those menial servants with which they are usually attended elsewhere. 'Tis true that some gentlemen were honoured with the company of their friends some part of the way thither; but it is as true, that the persons who paid them that respect returned quietly to their habitations, after they had discharged that piece of civility which they owed their representatives: And whereas it was sworn, that they rode armed and with led horses, and that this was in order to apprehend the king, I shall take the liberty to say, that the person who made such an inference deserved a reprimand in the open court. Shall the witness Smith ride out of town accompanied with two servants, martially accoutred with fuses and pistols, as he did on Sunday last? And shall not lords, knights, and the best gentlemen in the kingdom be allowed to travel with a sumpter-horse, and a man or two with carbines, but there must be a conspiracy to destroy the government? But though some men have both lost their discretion, and made shipwreck of their honesty, in obtruding so false and nonsensical a story upon the nation, yet there are those whose wit and understanding have not so forsaken them, but that they can see through all this, and whose integrity will guide and oblige them to judge impartially. For is it to be apprehended that they could entertain a purpose of seizing the king at Oxford, who were so afraid of venturing themselves thither, and so importunate with his majesty, that the parliament might have sat at Westminster?

be allowed, he advises his majesty, by way of *suædaneum*, to make his own will a law, and to take off the head of that man, who should dare to open his lips to contradict it. Such was the piece here referred to: And being such, it is perhaps as reasonable to conclude, that it was set forth by the malecontents themselves, in order to bring an additional scandal on the courtiers, as that the intemperate zeal of any among the latter should impel them, in so savage a manner, to gratify their passions at the expence of their cause.—*Orig. Note.*

¹ John Smith, one of the principal evidences against Colledge. His evidence went to prove that Colledge had gone down to Oxford in arms, expecting an open rupture between the king and his parliament, when he would be ready to assist in seizing upon the king's person, in case of his attempting to arrest any of the popular members.

² Notwithstanding this triumphant assertion, it is certain that the country party, or opposition members, appeared at Oxford in such a martial array as might either imply their own apprehensions of violence, or some intention to commit it themselves. The London members, in particular, were attended by a considerable body of armed horse-men, wearing in their hats a ribband, with the words, No Popery, no Slavery.

Alas! instead of harbouring any thoughts of attempting upon the king, or others, they were apprehensive that the papists had some design to be executed there against them.

Was it ever known that when a conspiracy was so universally laid, as this is said to have been, and wherein so many were concerned, as are reported to have been engaged in this, that men would lose the only opportunity of executing what they had intended, knowing withal the punishments to which they were liable, should they be discovered, and how impossible it would be to conceal a business of so high and dangerous a nature, with which so many were made acquainted? And can there be any thing more incredible, than that there should have been such a plot against his majesty at Oxford, and yet that there should never appear the least symptom or umbrage of it, neither during the sitting of parliament, nor at, or after, their dissolution? Yea, was not his majesty so surrounded with armed forces, besides his having the whole militia and posse of the shire in hands that he could trust, the noblemen and gentlemen who are fancied to have been in this conspiracy bearing no proportion unto them, that the very thought of such a thing as is imposed upon them would have argued them lunatic and distracted? But what villains were these witnesses, if they knew of such a design, that they did not acquaint his majesty with it, before he exposed his person to so imminent a hazard? Or how comes it, if the king and his ministers knew it, that it had lain dormant so long since? For, besides the great danger to which they must be believed to have suffered his person and the government to have been all this while exposed, if they were informed of such a plot so long ago; this one thing had been a more justifiable reason of the speedy dismissing that parliament, than all that are in the declaration which was published upon that occasion. It is true, Mr David Fitz-Gerald spake of such a design the night after the parliament was dissolved, with this further addition, that the city of London was in arms, and that his majesty would have been apprehended, had he not escaped in that haste which he did. But as the falsity of one part of this scandalous suggestion shews of what metal and stamp all the rest is, so no man had more reason to rejoice in the parliament's being dissolved, than this footman, metamorphosed of late into a gentleman of quality and estate: For, had the house sat on that Monday to hear the cause which was depending before them against him, he had been made appear to be the most infamous person alive, and more worthy of being sent to some place provided for receiving the worst of men, than to be allowed to frequent the palaces of public ministers, and the houses of administrators of justice.

But if we enquire into the quality of the witnesses, and consider not only the probabilities, but the demonstrative evidences of their having been tampered with, we shall be yet more clearly convinced that there neither is, nor ever was any such plot as the Earl of Shaftesbury stands committed for. And, to wave the consideration of several crimes, with which all of them are chargeable, and for which some of them have been indicted and arraigned, I shall insist upon some other topics, which it may be more convenient at present to discourse of. It is therefore, in the first place, no small inducement to think that they have been suborned, that it can be proved upon all of them, and that by many persons, and those of as good reputation as any in and about the city, that they have often declared, even since the Oxford parliament, that they never knew of any presbyterian plot, nor of any conspiracy wherein so much as one protestant was engaged. And, secondly, it contributes something to raise in us the same persuasion, that they delivered their testimony as if it had been consigned to them to get by heart, and not as a deposition relating to words which they had heard in occasional discourse, some time since, and which they were to call over with that fear and modesty which became persons that were liable to mistake and forget. Thirdly, the garb which they are lately gotten into, and the plenty of money that their

pockets are filled with, increaseth the belief that they have been managed by some one or other to say what they do, and that they are well paid and rewarded for it.

For some of them that were lately in debt, beyond any probability of being ever able to pay what they owed, have, within these few days, found money both to discharge their creditors and new vamp themselves. Fourthly, it creates a new suspicion, how these persons come to appear as evidence for the proof of a protestant plot, that diverse others, as will appear in due time by their own depositions, have been tempted to be serviceable in the same design. Fifthly, that all this is sham, and proceeds from subornation, is evident beyond all control, in that of the six witnesses, who were mustered up at the Old Bailey on Friday last, after they had sworn such and such things in the face of the court, some acknowledged to the grand-jury, when they were examined one by one, that they were hired unto it, and that they had a sum of money for doing it: which, as it vindicates the integrity of the jury in returning *ignoramus* upon the bill,* so it intimates to us upon what reasons some, whom I forbear to name, opposed their being examined apart. For as all the persons who served in that jury are men of that known honesty and uprightness, that they would not willingly perjure themselves to save a kingdom, so most of them are not only avowed members of the church of England, but two at this very time church-wardens, and a third of them an officer in the reformed militia of the city. But it being hoped that they will give the world an account of the justice of their own verdict, I shall leave what may be farther said in the vindication of it to themselves.

But what will it amount unto, towards the proof of a protestant plot, wherein my Lord of Shaftesbury, and many other great and worthy persons, are said to be concerned, if some rash and unadvised words should be proved against Colledge and Whitaker? Shall other men, and the best and wisest in the nation, under his majesty, be immediately judged traitors, because one or two warm and inconsiderate persons have talked foolishly and extravagantly? We are fallen into a strange world, if a body of men must be made accountable for the giddiness of some, and those such as they had little converse with. Nor are the fanatics to be reproached for the unwary and dangerous expressions of these persons, seeing they are not only members of the church of England, but chargeable with some failures that the dissenting churches would not allow any to continue in their communion that should be found guilty of them.

But I shall leave the further pursuit of this at the present, and only add, that the same day that the Earl of Shaftesbury was committed to the Tower, there was a warrant obtained of his majesty to the privy seal, for the pardoning three Oneals that are known traitors. Which, as it intimates how much his majesty is solicited by some ill men, so this ought to be recorded for his honour, that he commanded the stopping of their pardon as soon as he understood what they were.

* Who was hereupon indicted anew before the grand jury of Oxford, and the bill being found, tried by special commission, before the Lord-Chief-Justice North, &c. condemned and executed.

* Mr North, in his *Examen*, pronounces Colledge a fanatic.

Vox Populi, Vox Dei; or England's General Lamentation for the Dissolution of the Parliament.

Printed 1681.

The short-lived Oxford Parliament, after threatening something like a bloody termination, was very suddenly and peaceably dissolved; of which remarkable transaction, Rapin gives the following account:—"The 28th of march the Exclusion Bill was brought into the house and read. After the reading, Sir Leoline Jenkins alone spoke against it. He repeated some of his former reasons, as that this bill condemned a man unheard, was directly contrary to the wisdom and justice of the nation, and tended to introduce a new system of government. If, continued he, the duke will try to cut this law with his sword, if he overcome, he will have the same power to set aside all laws, both for religion and property; the power will be in the hands of the conqueror, &c. Some raileries were passed upon him for not being seconded, after which the bill was ordered a second reading. The House of Commons was resuming the debate about Fitzharris, when, on a sudden, the usher of the black rod commanded their attendance in the House of Lords, where they found the king in his robes, who told them,—'He perceived there were great heats between the lords and commons, and their beginnings had been such as he could expect no good success of this parliament; and therefore thought fit to dissolve them.' Accordingly, the chancellor declared the parliament dissolved. The king, who was prepared for what he had done, immediately took coach, and drove with all speed to Windsor, and the next morning to Whitehall; seeming extremely pleased that he had thus made his escape from the designs of the commons. This parliament, which sat but seven days, was the fifth and last of this reign. From this time the king, during the rest of his life, governed not only without a parliament but with an absolute power. - - -

"The reader must be astonished to see a king who had received so many mortifications from his parliaments, who had been so often obliged to comply and feign opinions he had not, on a sudden become absolute master of his kingdom, without fleet, without army, without foreign assistance, without money but that of his ordinary revenue, after many years fruitless labours to accomplish his designs. It is therefore absolutely necessary to unfold the causes of so surprising a revolution."—RAPIN, vol. II. p. 722.

No popish successor, no popish successor, is now the voice of the people; and if the prayers of most of the nation be heard, it will be also the voice of God, and England will be never so unhappy as to see a popish idolater on the throne. There is no nation in the world so jealous of their liberties as the English, and yet there is no right or privilege so dear to them as their religion. Their consciences sway more with them than their purses or their lives; and the protestant religion, in which they and their fathers have been so many years bred, and under which they have seen so many happy days, freed from the tyranny and oppressive yoke of the pope, is become so dear to them, that the apprehension only of the loss of it has of late put them into these dreadful agonies and apprehensive fears, by the plotting of popish traitors, to bring in their idolatry, even by taking away the life of the king, and subverting the present government; and by the prospect they have of all those subsequent evils, which are un-

evitably like to fall upon this nation by the means of a popish successor. For this reason the people seem to cry out with one voice, No popish successor, no idolater, no Queen Mary in breeches, no tyrant over the conscience, no new persecutor of protestants in our land.

That these fears and troubles might be allayed, that our hopes might be renewed of sitting down every man in peace and tranquillity, being assured to enjoy our religion undisturbed, and our consciences unconstrained, and that traitors, malefactors, pernicious and evil-counsellors might be punished and removed, was all our hopes in this parliament, and that which made them so dear in the eyes of the people, who of late thought that they might have applied to themselves the prophecy of Jeremiah, "That God would turn our mourning into joy, that he would comfort us and make us rejoice from our sorrow."—Jer. xxxi. 13. For, indeed, the drooping spirits of most of the people of England were suddenly revived and raised from trouble and affliction by the calling of this late parliament; and they blessed God, and gave thanks for the great care and kindness of his majesty to and over his people: We were comforted, and we lifted up our head with rejoicing and acclamations to see the comfortable beginnings of the king and his parliament; and we began to think, that God and the king had wiped away tears from all faces.

But, alas! how soon is our day clouded! And how are we cast down in a moment! Our trust and our confidence is broken, and God has "turned our feasts into mourning, and all our songs into lamentation: Shall not for this the land tremble, and every one mourn that dwelleth therein?" It is for our sin and iniquities that God suffereth this calamity, that he permitteth our hopes to be broken, and our parliament to be dissolved; and now, as if that prophecy of Zechariah were fulfilled in us, "In that day shall be great mourning in Jerusalem, as the mourning of Hadadrimmon, in the valley of Megiddon; and the land shall mourn every family apart," all the faces of the people are filled with trouble and confusion, and every one mourneth apart, and in secret; and they cry out. What shall we do to be saved from the fearful apprehensions of the evil to come? How dejected are all our hearts! How troubled are all people at this dissolution! How sensible are they of this so great unhappiness to the nation! And with what consternation and lamentation is it entertained! By what counsel or persuasion this comes about we know not. We know the hearts of kings are unsearchable, we question not the wisdom and power of his majesty, we know that it is by God kings reign, and that he turneth their hearts as the rivers of waters; but however this cometh to pass, we cannot but mourn and lament to behold our hopes so suddenly dashed and confounded. It is for our sins, doubtless, that this evil is come upon us; and therefore let us first prostrate ourselves humbly before the Lord, and then with one consent supplicate his majesty to ease us of the burden of our fears, and to stop the mourning and lamentation of his most faithful liege people.

Sure we have great cause to lament and to mourn to see England's most worthy patriots, who were assembled for the good of the king and the kingdom, to be so soon scattered and dispersed, before they had brought to perfection their good intentions, whilst they were endeavouring to establish the perpetual happiness of the nation in securing our religion, rights, and privileges, and in taking away our fears and jealousies. Such patriots they were as Jethro advised Moses to choose to judge the people of Israel; men fearing God, loving truth, and hating covetousness. How happy was our gracious king in such a council! How happy the people of England in such representatives! A parliament that, had they sat, would in after ages been called a blessed parliament, a parliament noted for four requisite virtues, religion, wisdom, courage, and industry. That they were religious, or men fearing God, appears, that before all other things they began with the securing to this nation the true protestant religion established by law, and what in them lay to prevent the rushing in of popery, which, like an un-

dation, is like to break our banks, and to bring a deluge of destruction and persecution upon the land. That they were wise appears, because they were men loving truth; for wisdom cannot stand without truth. Honesty is the best policy, though an old saying, is a true one; for to deal freely and sincerely is a sign of wisdom. They were such as would take off the vizard-mask of a most detestable plot as ever was hatched against a nation, and that would have shewn the truth of all, that yet lies lurking at the bottom. And at the last, had they continued, we doubt not but that the nations round about us would have been forced to have said by us as Moses prophesied those of Canaan should say by the Israelites, "Surely this nation is a wise and an understanding people." And if those many wise laws and statutes, which were under the consideration and wisdom of the late parliament, had been brought to perfection, they would then also have taken up the other part of that prophecy of that law-giver and prophet, Deut. iv. "What nation is there so great, that hath statutes and judgments so righteous?" That they were men of courage appears by their being no respecters of persons; for that they spared no man for his greatness and might, nor despised any one for his meanness and inability. They were bold assertors of the liberties of the people, and in the ways of righteousness feared no man. That they were men hating covetousness plainly appears by their votes against a late corruption of pensioning: gold would not blind their eyes, and being men of estates, and abhorring covetousness, they endeavoured to take away the temptation. And, lastly, that they were industrious, is manifested to all by their pains took, thinking it no labour night and day to serve their king and country; and by the many useful and beneficial acts, tending to the good and benefit of this nation, which they were promoting with all indefatigable pains and industry.

These are the men that are dissolved, their power broken, and our trust, hopes, and confidence cast down. It is for this England laments and mourns, the city is afflicted, and the country in trouble; and all good and loyal Englishmen, with dejected countenances, sad hearts, and wet eyes, bemoan their loss. It is now a time of trial and affliction. *Calamitas virtutis occasio est.* It is in calamity that our virtue will appear; let us not be afraid to petition his majesty in this our distress; let him behold our sad hearts, and our faces besprinkled with tears; let him know our just fears; lay before him our jealousies and distresses; let him hear our complaints and lamentations, and let us not be dumb; and withal, let every one endeavour to reform himself, and publickly call upon God to defend and protect us: "For he is king of all the earth, he is a God that doth wonders, he hath declared his strength among the people: He is a sun and a shield, he will give grace and glory, and no good thing withhold from them that walk uprightly." Therefore let us say with the prophet Isaiah, "We will trust and not be afraid, for the Lord Jehovah is our strength, he is merciful and gracious; he will at last hear the groans of his people, and swallow up death in victory, and wipe away tears from all faces," Amen. So be it.

Remarks upon the New Project of Association, in a Letter to a Friend.

"In these tracts we frequently meet with the word *ignoramus*; and that posterity may fully understand the use and application of it, during these times, a few words may be necessary by way

of explanation. According to Mr North, the malecontents had long expected a storm, and had as long provided against it, by endeavouring to secure the law, or at least the issue of it, on their side: This, in London and Middlesex, they did very effectually; for having obtained and secured a majority in the Common Hall, they had it thereby in their power to chuse such juries as should insure them an indemnity against any prosecution whatsoever. The malecontents, on the contrary, urge, that this precaution of theirs, with respect to juries, was only to provide against the artifices of the court, and to balance the influence of the bench, ever too prone to throw their weight into the royal scale, at the expence of the subject. This, however, is certain, that the court could not shew more solicitude to convict their prisoners than the jury to bring them off. Thus partiality encountered partiality, justice was out of the question: every charge was aggravated, or extenuated; and every verdict justified and condemned, not as reason but prejudice directed: and indifferent persons, if any such could be found, were utterly at a loss for a standard to fix their fluctuating opinions. To apply all this to the Earl of Shaftesbury: his name was no sooner printed in the Gazette, with an accusation of treason, than the whole nation took part for or against him. Every day produced its apology and invective. The court believed the strength was on their side; but were either afraid to make the experiment or lay in wait to re-inforce their evidence: for his lordship, at two several sessions, petitioned for a speedy trial, or to be admitted to bail, without effect. At last, however, on November 24th, the affair was put in train; for a bill was laid against his lordship, before the grand jury of Middlesex, for high treason. The witnesses for the king were solemnly examined in open court, by express command, to all the points alledged in it, but were re-examined by the jury apart; and, upon the issue of all, the bill was returned with an *ignoramus* indorsed on it; which so mortified the court, that they proceeded no farther against him, but did not agree to his discharge till the 15th of February following. As to the bill itself, it was, in short, for intending and compassing the death of the king: and for overt-acts, it was deposed, that he had consulted with one Booth* and others to effect his design; and that he had made a

* Of this latter kind was a paper called Articles against the Earl of Shaftesbury; the contents of which were as follow:

I. That he had imagined to compass and procure the death of the king, the subversion of the government, and the known laws of the land, by reducing this ancient monarchy into a republic.

II. That he used great endeavours to possess the people, That his majesty was a papist, and designed to introduce popery and arbitrary power; and to that end had promoted several seditious and treasonable libels against his majesty's person and government, purposely to bring his majesty into an odium and contempt with his loving subjects.

III. That he endeavoured to levy war against the king, both in England and Ireland, and bring bloodshed and confusion upon his majesty's good people, under pretence of prosecuting the popish plot, and preserving the protestant religion, the liberty and property of the subject, as he and his confederates had done in the late rebellion.

IV. That he endeavoured to render the church of England as ridiculous as popery, and defamed all his majesty's officers, both by land and sea; and all others, who out of a due sense of loyalty adhere to the crown, styling them Tories, Tantivies, Masqueraders, &c. purposely to frighten them from their duty, and wean them from their sovereign, to adhere to him and his faction.

V. That he countenanced, harboured, and hired persons to swear against the queen and his royal highness.

VI. That he procured several sums of money to be raised and collected to carry on these most abominable designs.

And in the close of all it was said, That the serjeant-at-arms, who apprehended his lordship, desiring him to eat something before he went out, his lordship answered, "I have no stomach to eat, unless I could get a roasted Irishman."

* Booth was a man of family, but of desperate circumstances. The stress of his evidence consisted in these particulars: That he had been introduced to the earl by one Captain Wilkinson, an old royalist, in the preceding January: That he had been of a continual club with him ever since: That, in the course of this time, he had heard his lordship inveigh sharply against the times, and discourse of the dangerous consequences likely to ensue, in case of a breach between the king and parliament. That, in particular, his lordship, judging it dangerous to go to Oxford, without a sufficient force to oppose the guards, &c. provided a troop of fifty persons of quality, to be commanded by Wilkinson: That of these Booth himself was one: That he became so at the instance of Wilkinson: That he bought himself a good stone-horse and accoutrements for the said service: That Wilkinson was to furnish his man with a horse: That, in case of the breach abovementioned, or any violence should be offered to the members, the said troop, in concert with those provided by other lords, were to repel force by force. That the guards were to be purged of papists and tories, and the privy-council of dangerous persons: That the king was to be brought to London: That such other measures were to be taken, as might secure the nation from popery and arbitrary power: That, on the Thursday before the dissolution, Wil-

provision of armed men for that end. There was, indeed, but one witness (Booth) to these overt-acts; but then there were five more, who swore to many dangerous expressions which he had let fall, concerning his majesty, the ruin of the monarchy, the establishment of a commonwealth, &c. and, to make up weight, was thrown in the Association, which is the subject of the ensuing paper, but not insisted on, as any direct proofs against him; though, afterwards, it was made the subject of more clamour than the overt-acts themselves, on which the indictment was grounded."

SIR,

You would have me give you the sense of the town, together with my own private thoughts, upon the subject of your last. The former would be tedious and extravagant in a case where people, either through passion or interest, are so extremely divided. And the latter, with submission, would be as unsafe; but I shall, however, gratify your curiosity in as full and as particular an answer to the sum of your demands as the quality of the matter in question, and the compass of a letter, will conveniently bear.

You are so far in the right, as that the paper you speak of is said, by some, to be the project of a bill for an association, and grounded upon the precedent of an association, 27 Eliz. It is further said, that it is no more than what was moved in the last Westminster parliament; and only a short draught or scheme of an association for a general defence against a popish king. But, on the other hand, it is cried out against

kinson told me he expected a summons that very week to go to Oxford, together with his troop; and that the news of that event coming to town on Saturday, nothing was done. Here he closed; but the king's council observing, that this was rather a deposition against Wilkinson than the earl, and asking, whether he had never any discourse with his lordship after Wilkinson had spoke to him? he recollected himself, and answered, That though the first motion, concerning the troop, came from the captain, he had heard his lordship, in person, discourse of it at his own house. Now is it probable that this very recollection shocked his credit with the jury, as much as it strengthened his evidence. But this is not all; he had endeavoured to induce Wilkinson also to turn evidence, the privy-council had done the same, and even the king himself had condescended to try the force of royal eloquence upon him; of all which the captain published a narrative. Besides, the dissolution did not take place until Monday, and was so much a secret, even at Oxford, until the very moment it took place, by the joint evidence of all parties, that it was impossible it should be known at London on Thursday; and in the celebrated answer to the king's declaration, by way of reproach to the court, it is said, that the Duchess of Mazarine had better intelligence than the two houses, because she published the news at St James's many hours before it took place. And, lastly, whereas Booth swears, that he bought a horse for the Oxford expedition, and that Wilkinson was to have mounted his man, the following advertisement was published in a newspaper, called Janeway's Intelligence, No. 65, the week after he gave the evidence:

"Whereas, upon Thursday last, an indictment was preferred to the grand jury, at the Old Baily, against the Right Honourable the Earl of Shaftesbury; and whereas Mr Booth was produced as one of the evidences, who swore in open court, that Captain Wilkinson was engaged with the said earl against his majesty and the government; and that the said captain was to command a troop of horse, to be mounted with fifty gentlemen; and that the said Mr Booth had listed himself as one of the troop: Also the said Mr Booth made oath, that he had bought himself a good stone-horse, and other accoutrements, for the said service; and Captain Wilkinson was to furnish his man with a horse.

"This is therefore to give notice, that if any one can make it appear that Mr Booth bought any such horse, with his marks and colour, and who he bought him of, about March last, or that he had any such horse within that time, and what stable he was kept at, shall have, upon good proof made thereof to Captain Wilkinson, five guineas paid him for a reward of his pains.

"Also, if any person can make appear, that the said Captain Wilkinson hath bought any horse, gelding, or mare, for these two years last past, or ever hath been on the back of any for the same space of time, saving one gelding, which he borrowed to ride to Wickham, when the members of the last parliament met at Oxford; or that ever Captain Wilkinson hath been nearer Oxford these twenty years than the said town of Wickham; upon proof thereof he shall have five guineas for his reward.

HENRY WILKINSON."

as the instrument of a treasonable conspiracy against his majesty and the government under the countenance of a religious association.

Thus far, sir, you are rightly informed as to the business of ordinary conjecture and discourse; but your intelligence afterwards runs a little too large, for the paper was barely found in my lord's closet; and any man may have papers perhaps in his possession that he does not approve of. How far the members of that parliament (which is the next point) will find themselves concerned in honour to search farther into this affair, I am not able to divine.

It will be both for your ease and mine to consult and compare the pieces themselves, and to see how far this late draught of association agrees with the ends and intent of the former; and after that, to examine its consistency with itself. To which purpose, I shall, in their due place, lay both the associations before you, with such notes upon, and concerning them, as may serve, in some measure, to explain the matter in hand; and therein I shall speak to the several points of your letter, as they fall in my way. The words of the former are as follows:

The Paper which was ' seized in the Earl of Shaftesbury's Closet, by Francis Gwin, Esquire, one of the Clerks of his Majesty's Privy-Council; and read November 24, 1681, at the Old Baily, before his Majesty's Commissioners of Oyer and Terminer.

1. We, the knights, &c. finding, to the grief of our hearts, the popish priests and jesuits, with the papists, and their adherents and abettors, have, for several years last past, pursued a most pernicious and hellish plot, to root out the true protestant religion as a pestilent heresy, to take away the life of our gracious king, to subvert our laws and liberties, and to set up arbitrary power and popery.

2. And it being notorious that they have been highly encouraged by the countenance and protection given and procured for them by James Duke of York, and by their expectations of his succeeding to the crown; and that through crafty popish councils his designs have so far prevailed, that he hath created many and great dependants upon him, by his bestowing offices and preferments both in church and state.

3. It appearing also to us, that by his influence, mercenary forces have been levied and kept on foot for his secret designs, contrary to our laws; the officers thereof having been named and appointed by him, to the apparent hazard of his majesty's person, our religion and government, if the danger had not been timely foreseen by several parliaments, and part of those forces, with great difficulty, caused by them to be disbanded at the kingdom's great expence; and it being evident, that notwithstanding all the continual endeavours of the parliament to deliver his majesty from the councils, and out of the power of the said duke, yet his interest in the ministers of state, and others, have been so prevalent, that parliaments have been unreasonably prorogued, and dissolved when they have been in hot pursuit of the popish conspiracies, and ill ministers of state, their assistants.

4. And that the said duke, in order to reduce all into his own power, hath procured the garrisons, the army, and ammunition, and all the power of the seas and soldiery, and lands belonging to these three kingdoms, to be put into the hands of his party and their adherents, even in opposition to the advice and order of the last parliament.

5. And as we, considering with heavy hearts how greatly the strength, reputation,

* In the Life of the Earl of Shaftesbury, 8vo, published in the year 1683, pag. 108, it is affirmed, " That one Mr Wilson, a gentleman in his service, perhaps as secretary, was entrusted to attend the council when his lordship's papers were looked over, to indorse those detained, and take care of those returned; that this paper was not indorsed as the rest were, and that Wilson himself was committed for high-treason."

and treasure of the kingdom, both at sea and land, is wasted and consumed, and lost by the intricate, expensive management of these wicked destructive designs; and finding the same counsels, after exemplary justice upon some of the conspirators, to be still pursued with the utmost devilish malice and desire of revenge, whereby his majesty is in continual hazard of being murdered, to make way for the said duke's advancement to the crown, and the whole kingdom, in such case, is destitute of all security of their religion, laws, estates, and liberty, sad experience, in the case of Queen Mary, having proved the wisest laws to be of little force to keep out popery and tyranny under a popish prince.

6. We have therefore endeavoured in a parliamentary way, by a bill for the purpose, to bar and exclude the said duke from the succession to the crown, and to banish him for ever out of these kingdoms of England and Ireland: but the first means of the king and kingdom's safety being utterly rejected, and we left almost in despair of obtaining any real and effectual security, and knowing ourselves to be entrusted, to advise and act for the preservation of his majesty and the kingdom, and being persuaded in our consciences that the dangers aforesaid are so eminent and pressing, that there ought to be no delay of the best means that are in our power to secure the kingdom against them, we have thought fit to propose to all true protestants an union amongst themselves, by solemn and sacred promise, of mutual defence and assistance in the preservation of the true protestant religion, his majesty's person, and royal state, and our laws, liberties, and properties; and we hold it our bounden duty to join ourselves for the same intent, in a declaration of our united affections and resolutions, in the form ensuing; (that is to say, ensuing the note, which here intervenes.)

Note, That the stile of the first clause, in these words, We the knights, &c. imports an act of the commons, exclusive of the lords; and *rege inconsulto*, the dread and danger of the popish plot is made the inducement to it; the papists' adherents and abettors being ranged with the papists themselves, and joined in the same design of murdering the king, &c.

In the second clause, his royal highness falls under the same accusation, and the government effectually put into his hands, toward the gaining of his ends. Now the meaning of adherents and abettors is expounded by the author of Smith's Queries upon the duke's bill, where he says, that [the pleaders for a popish successor ought to be esteemed no other than betrayers of their king and country, renegado's from their religion, (if ever protestants at all,) and the worst of papists, and so to be dealt withal in city and country.] Here's an anathema pronounced already against all men under that qualification; and the invalidating of the king's witnesses is one condition of the sentence, which does most expressly conclude all the present defamers of the king's witnesses under the same condemnation.

This way of exposing the king's loyal subjects of the English communion, under the notion of papists, or, in truth, beyond them, and that not only in libellous papers, but in some councils also, is too notorious to need any instances to confirm it. And what is the drift of these practices, but under a general scandal, to stigmatize that party that will not close with the faction, and to set them up as a mark to the fury of the rabble? And this is only a preparatory toward a greater work that is to follow; and whosoever is not wilfully blind, cannot but see the design to be all of a thread.

From this aversion toward a sort of people, in general represented under such a character, the next step is the naming of particular persons, the discriminating of parties, the computing of numbers and interests; and so from listing, to pass on into associations and levies. Let not this be taken for a trivial speculation upon the common methods and preliminaries to rebellion; for I have heard, and I do as firmly believe it, as a man can believe any thing that he never saw, that there is extant a calcu-

lation upon all the counties of England and Wales, alphabetically digested, dividing the men of interest and consideration in each respective county into two columns, one against the another; the one under the title of worthy men, and the other, of men worthy to be hanged, that is, ranging the country party, as they call it, under the former, and the court party under the other; which appears, as I am assured, by the transporting of names from one to the other, as any man is found to change his side and opinion. By the benefit of this roll, 'tis not above a week or ten days work to take a muster of the nation, to communicate orders, to know whom to impeach and whom to trust; and they that have money shall never want evidence. There is a wonderful correspondence betwixt the tendency of this list and the paper of association; betwixt the dictates of the factious pamphlets, and the matter of fact in evidence; and it were little less than a miracle, if all this should come by chance.

In the third and fourth clauses, the king's guards are pronounced to be contrary to law; the officers chosen by the duke, subservient to his designs, and dangerous to his majesty's person, &c. The king himself charged with following popish councils, unreasonable prorogations and dissolutions, in favour of popish conspirators and ill ministers of state, their assistants; the garrisons, army, and ammunition, in the hands of the duke's party and their adherents.

It is not work to amplify upon these falsehoods and slanders in this place, so that I shall proceed.

The fifth clause deplores the sad estate of the king and nation, by reason of the same council. And after this remonstrance upon the whole matter, (We the knights, &c.) come to a point, in that which follows; that is to say,

Sixthly, the king will not agree to bar and exclude the duke in a parliamentary way, and therefore we will enter into a league, and invite the king's subjects to join with us in a vow of mutual defence and assistance, in an unparliamentary way, to the intent of a declaration in the form ensuing.

Now put all together, and the sum of it, in short, is this: There's a plot upon the king's life, &c. The duke is in it, and prefers ministers of state, officers civil and military, for his purpose; prorogues and dissolves parliaments, saves the popish lords, makes the king a cypher, and, therefore, since he will not agree to exclude and banish his brother by act of parliament, (We the knights, &c.) will join with all true protestants in a sacred promise to destroy him and his adherents, without exception to his majesty himself, who, for refusing to exclude his royal brother, is declared to be one of the party. To what ends and purposes will be seen in the association itself.

The Association.

I, *A. B.* do, in the presence of God, solemnly promise, vow, and protest, to maintain and defend to the utmost of my power, with my person and estate, the true protestant religion, against popery and all popish superstition, idolatry, or innovation, and all those who do, or shall endeavour to spread or advance it within this kingdom.

I will also, as far as in me lies, maintain and defend his majesty's royal person and estate; as also the power and privilege of parliaments, the lawful rights and liberties of the subject, against all encroachments and usurpation of arbitrary power whatsoever, and endeavour entirely to disband all such mercenary forces as, we have reason to believe, were raised to advance it, and are still kept up in and about the city of London to the great amaze and terror of all the good people of the land.

Moreover, James Duke of York, having publicly professed and owned the popish religion, and notoriously given life and birth to the damnable and hellish plots of the papists against his majesty's person, the protestant religion, and the government of

this kingdom, I will never consent that the said James Duke of York, or any other, who is or hath been a papist, or any ways adhered to the papists in their wicked designs, be admitted to the succession of the crown of England; but by all lawful means, and by force of arms, if need so require, according to my abilities, will oppose him, and endeavour to subdue, expel, and destroy him if he come into England, or the dominions thereof; and seek by force to set up his pretended title, and all such as shall adhere unto him, or raise any war, tumult, or sedition for him, or by his command, as public enemies of our laws, religion, and country.

To this end, we, and every one of us, whose hands are here underwritten, do most willingly bind ourselves, and every one of us unto the other, jointly and severally, in the bond of one firm and loyal society or association; and do promise and vow, before God, that with our joint and particular forces, we will oppose and pursue unto destruction, all such, as upon any title whatsoever shall oppose the just and righteous ends of this association; and maintain, protect, and defend, all such as shall enter into it in the just performance of the true intent and meaning of it. And lest this just and pious work should be any ways obstructed or hindered for want of discipline and conduct, or any evil-minded persons, under pretence of raising forces for the service of this association, should attempt or commit disorders, we will follow such orders as we shall, from time to time, receive from this present parliament, whilst it shall be sitting, or the major part of the members of both houses subscribing this association, when it shall be prorogued or dissolved; and obey such officers as shall by them be set over us in the several countries, cities, and boroughs, until the next meeting of this or another parliament, and will then shew the same obedience and submission unto it, and those who shall be of it.

Neither will we, for any respect of persons or causes, or for fear or reward, separate ourselves from this association, or fail in prosecution thereof during our lives, upon the pain of being by the rest of us prosecuted and suppressed as perjured persons, and public enemies to God, the king, and our native country.

To which pains and punishments we do voluntarily submit ourselves, and every one of us, without benefit of any colour or pretence to excuse us.

In witness of all which premises to be inviolably kept, we do to this present writing put our hands and seals, and shall be most ready to accept and admit any others hereafter into this society and association.

This form of association is only the covenant revived, with the same licence, limitations, reserves, and equivocations, and to the very same end and purpose: And all schismatics, and heretics whatsoever, are taken and invited into the combination, under the colour of preserving the true protestant religion, (the papists only excepted.) The guards to be disbanded as illegal, his royal highness to be expelled or deposed, and all his adherents, (even the king himself,) to be destroyed by force of arms; that is to say, the king is to be allowed no other ministers, magistrates, officers, but what the associates shall vouchsafe to afford him, and he himself likewise upon his good behaviour, under the pain of an immediate insurrection, tumult, and revolt.

Being engaged by this vow, promise, protestation, (or to what else you please,) to a downright rebellion, unless the king will deliver up his crown without striking a stroke for it, the oath is carried on, even to the manner and method by which the nation is to be governed, after such violence acted upon the person and authority of the king: And this confederacy is extended even to the devolving of the sovereign power upon the House of Commons, sitting the parliament, and upon the major part of the members of both houses subscribing this association, after the prorogation or dissolution thereof: And they never to recede, upon any consideration whatsoever. So that here's a king deposed, a monarchy destroyed, a commonwealth erected, a free

people enslaved, and all in a trice, by the help of this pious union, if ever it should come to take effect : And in conclusion, the supreme power vested in the two houses to perpetuity. This is the fairest construction that can be made on it, for though the paper calls it the present parliament in a compliment, it is only the House of Commons in effect.

Now look back upon the whole, and take notice how frivolous all those colours and pretensions are, that have been produced, either in favour or excuse of this paper. (We the knights) do declare and swear, that what we cannot compass in a parliamentary way we will endeavour to bring about by force of arms. Here's the very constitution of parliaments overthrown at a dash ; and, pursuant to this resolution, so many members that were chosen and entrusted to serve their countries, and, as much as in them lay, to uphold and maintain the laws of the land, and the liberties of the people, have now propounded to set up themselves by this project, without either king or House of Lords, as a standing committee, and to exercise an arbitrary power over their fellow-subjects, to the subversion of the common rights, and in defiance of the fundamental privileges of king, parliaments, and people. So much for the pretended project of a bill.

Now to this scheme of an association for a defence against a popish king. The paper begins with exclamations against a popish plot, and concludes in an oath of conspiracy against a protestant prince. It begins with a pretended tenderness for religion, and ends in a peremptory sentence and determination of state. For fear of a popish king, here's a certain provision that we shall have no king at all ; and under pretext of opposing an arbitrary power in the crown, here's an expedient offered, (as for the avoidance of it,) by swearing allegiance to the unlimited will and pleasure of a committee of disbanded members of our own fellow subjects.

But this is no more, they say, than was propounded and debated in the House of Commons. There was an address of the commons, it is true, bearing date May 10, 1676, (that his majesty would be graciously pleased to give order for raising the militia, and keeping it for some certain time,) and the lords were afterwards reminded of it ; to which, as I remember, his majesty's answer was, That he would not part with it, so much as for an hour ; but here was no associating to take possession of it by force, in case it should be refused.

It is true likewise, that the commons, December 15, 1680, passed a vote that a bill should be brought in for an association of all his majesty's protestant subjects, &c. And that upon the one-and-twentieth of the same month, they presented an address to the king, desiring therein, that his majesty would be graciously pleased to assent to an act, whereby his majesty's protestant subjects might be enabled to associate themselves for the defence of his person, &c. Which very word (enabled) imports a concession, and acknowledgment, that without the king's passing such a bill, they had no right to authorise such a combination.

But that which has misled people into a mistake, so derogatory to the honour of the House of Commons, I presume may be this : There were several questions put by the foreman of the jury, first to Mr Gwin, and afterwards to Mr Secretary Jenkins, that carried some sort of countenance, as if, This association had been debated, and this very paper read in the House of Commons. It is a short passage, and I will recite it, as you will find it in the printed proceedings, page 34.

Foreman. Do not you know, sir, there was a discourse in the parliament of an association ?

Mr Gwin. Sir, I was not of the last parliament, I know nothing of it.

Foreman. You have not heard then that there was such a thing in parliament concerning an association ?

Mr Gwin. I have heard of an association talked of.

Foreman. Mr Secretary, I would ask you some questions, if you did not know of a debate in parliament of an association?

Mr Secretary. I was not present at the debate; but there was a talk in town of an association.

Foreman. Did not you hear of it in parliament?

Mr Secretary. Indeed, there was an answer to a message from the House of Commons, that had something in it did strongly imply an association; but this particular association I do not remember to have heard proposed.

Foreman. Do not you remember in the House of Commons, sir, it was read, upon occasion of that bill?

Mr Secretary. I heard such a thing spoken of; but at the reading of it I was not present, to the best of my remembrance.

I know nothing to the contrary, but that the form of this vow and protestation, (meaning the three first clauses of it,) might possibly be read in the house; but to imagine, that the honourable House of Commons would ever have endured the starting of a project to over-turn the very foundations of government, were to do them the greatest indignity in the world. The late usurpers themselves were half through the rebellion before they arrived at that degree of boldness. If any man should interpret these glancing interrogatories in such manner as to take this project for an act of the house, the jesuits themselves could not have done the popish plot a greater piece of service, than the promoting of such an error as might create a jealousy of treason within those walls; but on the other side, there may be scandals taken as well as given.

If it were not for tiring of you out, I could shew ye the originals, both of this draught and design, and trace the very footsteps of our reforming heroes, from his majesty's most dutiful and loyal subjects, with their outcries of plots and popery, and eyes and hands lifted up unto the Lord in a holy covenant; to the severing of his majesty's sacred head from his body upon a scaffold; but it is too copious a theme, and there needs no more than dipping any where in the records of the late times to finish the parallel.

There remains yet another abuse to be cleared, wherein they impose upon the people, that this association is founded upon the same grounds and considerations with that of the 27th of the queen. You will better judge whether it be so or no, upon a view of the instrument itself, and some few remarks thereupon.

The Instrument, or Writing of Association, that the Protestants of England entered into 27 Eliz.

"Forasmuch as Almighty God hath ordained kings, queens, and princes, to have dominion and rule over all their subjects, and to preserve them in the possession and observation of the true christian religion, according to his holy word and commandment; and in like sort, that all subjects should love, fear, and obey their sovereign princes, being kings or queens, to the utmost of their power; at all times to withstand, pursue, and suppress all manner of persons that shall by any means intend and attempt any thing dangerous or hurtful to the honour, states, or persons of their sovereigns:

Therefore, we whose names are, or shall be subscribed to this writing, being natural born subjects of this realm of England, and having so gracious a lady, our sovereign Elizabeth, by the ordinance of God, our most rightful queen, reigning over us these

many years with great felicity to our inestimable comfort: And finding lately, by diverse depositions, confessions, and sundry advertisements out of foreign parts from credible persons, well known to her majesty's council and to diverse others, that for the furtherance and advancement of some pretended title to the crown, it hath been manifested that the life of our gracious sovereign lady Queen Elizabeth hath been most dangerously exposed to the peril of her person, if Almighty God, her perpetual defender, of his mercy, had not revealed and withstood the same; by whose life, we and all other her majesty's true and loyal subjects do enjoy an inestimable benefit of peace in this land; do, for the reasons and causes before alledged, not only acknowledge ourselves most justly bound with our lives and goods for her defence, in her safety, to persecute, suppress, and withstand, all such intenders, and all other her enemies, of what nation, condition, and degree whatsoever they shall be, or by what counsel or title they shall pretend to be her enemies, or to attempt any harm upon her person; but do further think it our bounden duties, for the great benefit of peace and wealth, and godly government, we have more plentifully received these many years, under her majesty's government, than any of our forefathers have done in any longer time of any other her progenitors, kings of this realm,

To declare, and by this writing make manifest, our bounden duties to our said sovereign lady for her safety. "And to that end, we, and every of us, first calling to witness the name of Almighty God, do voluntarily and most willingly bind ourselves, and every one of us to the other, jointly and severally, in the band of one firm and loyal society: And do hereby vow and promise, by the majesty of Almighty God, that with our whole powers, bodies, lives and goods, and with our children and servants, we, and every of us, will faithfully serve and humbly obey our said sovereign lady Queen Elizabeth, against all states, dignities, and earthly powers whatsoever; and will, as well with our joint and particular forces during our lives, withstand, offend, and pursue, as well by force of arms, as by all other means of revenge, all manner of persons of what state soever they shall be, and their abettors, that shall attempt any act, counsel, or consent to any thing that shall tend to the harm of her majesty's royal person, and will never desist from all manner of forcible pursuit against such persons, to the utter extermination of them, their counsellors, aiders, and abettors.

"And if any such wicked attempt against her most royal person shall be taken in hand and procured, whereby any that have, may, or shall pretend title to come to this crown, by the untimely death of her majesty, so wickedly procured, (which God for his mercy sake forbid,) may be avenged, we not only bind ourselves, both jointly and severally, never to allow, accept, or favour any such pretended successor, by whom, or for whom, any such detestable act shall be attempted or committed; as unworthy of all government in any christian realm or civil state;

"But do also further vow and protest, as we are most bound, and that in the presence of the eternal and everlasting God, to prosecute such person and persons to death, with our joint or particular forces, and to act the utmost revenge upon them, that by any means we or any of us can devise and do, or cause to be devised and done, for their utter overthrow and extirpation.

"And to the better corroboration of this our loyal band and association, we do also testify by this writing, that we do confirm the contents hereof by our oaths corporally taken upon the Holy Evangelist, with this express condition, that no one of us shall, for any respect of persons or causes, or for fear or reward, separate ourselves from this association, or fail in the prosecution thereof, during our lives, upon pain of being by the rest of us prosecuted, and suppressed as perjured persons, and public enemies to God, our queen, and to our native country; to which punishment and pains we do voluntarily submit ourselves, and every of us, without benefit of any colour and pretence.

"In witness of all which promises to be inviolably kept, we do to this writing put our hands and seals; and shall be most ready to accept and admit any others hereafter to this society and association."

You may now be pleased to compare this association with the other, which pretends (effectually) to write after this copy. You have in this an ample and a solemn acknowledgment of sovereign power in the queen, and indispensable obedience in the subject. But in the other, not only a disclaimer of the king's authority, and the subjects duty, (unless his majesty will comply with whatsoever his people shall impose upon him,) but a total abdication of his imperial power, and a vow of conspiracy to oppose him by force, and set up an inconsiderable part of the people, masters of the government.

You have here an association to defend the queen against any pretender whatsoever upon a false title. The other is a conspiracy for the destruction, even of the present king, because he will not consent to the dispossessing his brother of a just and legal title both before God and man. This engagement extends only to a remote prospect of injury to the crown, with a resolution to employ violence when the occasion requires it, and not before; but the other is a confederacy to offer violence to the crown themselves; and to embroil the nation forthwith in a civil war, upon a pretended fear of danger at a distance. This is a combination against the queen's enemies, with her royal approbation and consent. The other is a confederacy against the king's brother and his friend, and against his majesty's approbation and consent. The one, in short, is for a submission to a lawful authority, the other for the final and irreparable extirpation of it. To conclude, whoever lays both ends together of this late association, will find, that it begins in the name of God, for the preservation of religion, and ends in the devil's name, with the total extinction of king and government.

A modest Vindication of the Earl of Shaftesbury: In a Letter to a Friend concerning his being elected King of Poland.

Many of the tory satires and libels against the Earl of Shaftesbury are founded upon an allegation, that he had been proposed as a competitor for the crown of Poland, at the vacancy occasioned by the death of John Sobieski. Hence Dryden terms his celebrated satire against this statesman, the Polish Medal. The following piece, remarkable for its vein of ironical humour, turns entirely upon this idle story, and perhaps had no small share in giving it currency.

At a time when the eyes of all Europe are directed towards the event of our present affairs; at such a time as this, when the balance of our public safety seems so equally poised, that it is hard to guess in which scale lies our happiness or ruin, I think it my duty, as an honest man, a true subject to the government I live under, and a friend to truth, to give you (since you so earnestly have requested it) my just and impartial

sentiments of our present condition, as it particularly relates to the Lord of Shaftesbury, now under confinement in the Tower.

This great man, (I cannot but call him so) this immediate first mover (as some would have it) of all the dreadful revolutions that, perhaps, of late years have seemed to threaten us, will nevertheless appear to you, by the following relation which I am to give you of him, a man as very extraordinary in his abilities, so no less wonderful for his virtue; not to mention his unshaken obedience to every government he has been concerned in or lived under; his steady adherence to every religion that had but hopes to be established; his unwearied endeavours for the restoration of the public peace, in the time of our late unhappy troubles; his admirable counsels all along for the improvement of the common good of the kingdom, the honour and safety of the monarchy, the success of our arms, and the overthrow of our enemies.

His obedience to the government is sufficiently evident, insomuch, that That never changed, but He did: his endeavours for public peace are eminently notorious: For in the late civil war (in spite of all obligations of honour and loyalty to the contrary) he forsook the king, and carried over his regiment to the parliament, on purpose (as much as in him lay) to weaken the royal cause, and by the ruin of that, to bring that war to an end, that no more rebel blood might be shed, though the great martyr's veins were drained afterwards without mercy.

So much he then acted for public peace: but what he has advised for public good would fill a volume up. Who can enough commemorate the shutting up of the exchequer, to put the king out of debt? The breaking of the triple league, to prevent the growth of France; the dividing of the fleet that we might be sure to beat the Dutch, though in the end it cost us a victory; yet certainly his meaning and foresight in it was to preserve the shipping and the tender lives of the subject?

Then for the honour and safety of the monarchy; none so sincere, so steady, and so faithful as he has been; for the honour of the king, witness his late speech in parliament, afterwards printed, and burned by the common hangman; and for the safety of the king, witness the cause of his present imprisonment: but for the public safety, what honours he has despised, what promotions neglected, will appear in the following relation, which certainly the world will never question the truth of, since the main of it has been taken from his own mouth, that perfect index of his heart and oracle of truth.

In a late paper, printed for the vindication of this matchless patriot, the reader will find many and extraordinary instances of preferments and honours, which this noble peer has waved and refused, rather than suffer himself to be bribed from the interest of the common good: but what he has merely lost in tender pity and compassion to this poor kingdom of England, and its true protestant religion, ought to be remembered as long as there is a scepter swayed in Poland, or the Turk unconverted.

I suppose there are very few in this kingdom that do not very sensibly remember the late inter-regnum in Poland, and how many illustrious candidates stood fair for the election: Sobieski indeed had done great things for that people; he had kept their potent enemy, the Turk, from entering any farther upon their frontiers; was great and popular in the esteem and love of the best army that perhaps they ever had; but that was by much too little to entitle him to the succession on the throne; it appearing absolutely the interest of that nation, that the great Turk was not only to be beaten, but he must, in short, also be converted: and who so fit for such an enterprize as he that next should be promoted to the regal authority? One that, from the high place he was to possess, might not only administer justice to them, but salvation to the greatest part of Asia.

To find out such a spirit, one fit for so great and extraordinary an undertaking, you may imagine the wise diet omitted no diligence: The constitutions of all the governments in Europe were looked into, as they stood qualified both in church and state:

and whence was it so proper to expect a law-giver, such an oracle as they then wanted, but from the best modelled government, and best disciplined church in the world? Therefore, upon strict enquiry, France appearing too despotic, Spain too uncertain and irregular, Holland absolutely anti-monarchical, and few or no cheese-mongers in it fit to make a monarch of, Germany too near them; and that if once they ventured upon a king from thence, the emperor, upon every like occasion, might be imposing one thread-bare prince or other upon them to ease his own people: For you must note, that in Germany princes are quartered upon provinces, as regiments were in England upon corporations in the time of rebellion, and are indeed the great grievance of the country.

Upon these considerations, you may imagine, quickly the eyes of the whole diet were cast upon little England; and there, upon whom so soon as the little lord of Shaftesbury? Polish deputies were immediately sent post *incognito*, with the imperial crown and scepter in a cloak-bag to him. Old Blood¹ smelt it from Bishopsgate-street, where they alighted, to his lodging; and had it not been for an old acquaintance, and ancient friendship between King Anthony the elect, (for now I must call him so) and himself, I am credibly informed, he had laid an ambush for him at the Cock alehouse by Temple-Bar, where some thirty indigent bullies were eating stuffed beef, helter skelter, at his charge, on purpose to stand by, and assist him in carrying off the booty.

But Heaven (which, I hope, has ordained, that no crown shall ever suffer damage for King Anthony's sake) took care to preserve this: for the sinister designs of the old Irish crown-monger being yet to be doubted, this prudent prince (as I am told) having tryed and fitted it to his head, carefully sent it back again by a trusty messenger, concealed in the hulk or shell of a Holland cheese, taken asunder merely for that purpose, and cemented together again by an art fit for no man to know but a king presumptive of Poland.

All things thus prepared; his election being carryed in the diet so unanimously and so *nemine contradicente*, that no man to this hour ever heard of it but himself; it is not to be imagined how this little Grigg was transported with the thoughts of growing into a leviathan; he fancied himself the picture before Hobb's commonwealth already; nay, he stopt up his² tap (as I am told) on purpose that his dropsy might swell him big enough for his majesty, and of a sudden grew so utter an enemy to all republics and antimonarchical constitutions, that from that hour he premeditated, and laid the foundation of a worse speech than that famous one which he uttered once in our English senate, entituled *Delenda est Carthago*.

But now, upon deliberate and weighty consideration of the great charge he was to undertake, many difficulties, and of an extraordinary nature, seemed to arise. A protestant king being elected to a popish kingdom, great were the debates within himself, which way he was to steer his course in the administration of his government, so as to discharge his conscience, as well in respect of the case incumbent upon him of the souls of his people, as of the protection of their properties and persons.

The Great Turk, you have heard before, was to be converted. Now to bring so mighty a potentate over to the church of Rome seemed utterly destructive of the protestant interest, which he has always been so violent a champion for; therefore it is resolved, protestant (and true protestant) the Ottoman emperor must be, or nothing.

¹ Famous for stealing the crown out of the Tower, and many other similar exploits. See his life, among the Miscellaneous Tracts of this reign.

² This conceit of the tap is explained by the writer of Lord Shaftesbury's Life in this manner:—"When he was sent by the convention to Holland, as one of their commissioners, to invite home the king, he was overthrown in a caravan, and received a dangerous bruise between the ribs: This, in process of time, produced an ulcer, and laid him under a necessity to have his side opened, which was done in the year 1672, while he was yet chancellor, with so much hazard, and so much success, that it was esteemed one of the greatest cures that ever was performed." Shaftesbury was compelled, from this accident, to wear a silver pipe for discharging the humours collected in the abscess.

But how (when that was done) to establish the same church in his own dominions? There was the great question. Whereupon, after due consideration, he resolved, at his taking possession of that throne, which stood gaping for him, to carry over from hence such ministers, both of church and state, as might be proper to advise, assist, and support him, in a design so pious, though so difficult.

Immediately therefore he proceeds to the drawing a scheme of the whole ministry of his government; and in a large scrawl, whereon was indorsed, in text letters, this magnificent title; *Arcana Imperii Poloniensis sub Regno Augustissimi Principis Anthonileski Ashleiski primi Dei Gratia istius Populi Regis, &c.* was contained a list of all the great officers of the crown, and of his household, which (according to the best light I could get into the matter) was as follows :

¹ Seignioro Roberto Howardensko,²

*Eskricski,*³

*Slabberigund Kentelaus,*⁴

*Tarsallan Huntingtonierkew,*⁵

*Jalouxien Greyoski,*⁶

Whiggund Arronowitz,

*Loyallin Mordantaiko,*⁷

Braggardo Maclesfeildowski,

*and his two sons,*⁸

*Thomazo Armstrongeyland,*⁹

Seigniori Newportoski,

Fidelio Porterevski,

Richaiski Coolaiski, and his friend,

Willisko Herbertensko,

Tom Merrayo,

Suffolkin Feltonaiko,

Griffinceper, surnamed the clown,

Boobyen Bridgesmund,

Slowchero Postenowitz,

Don Stephano Volponiester,

*Prince Prettyman Perkinoski,*¹⁰

Our Chancellor.

Our Treasurer.

Privy Councillors, and lords of our bed chamber.

Admiral of our fleet, at present under an embargo.

Generals of our army.

Captain of a troop of tolerated banditti, to raise arbitrary contributions.

Comptroller of our household, and master of our ceremonies, to shew his civility on one hand, and his justice on the other.

First groom of our bed-chamber, though we suspect him for little better than a spy to the pope.

Secretaries of state.

Clerk of the council.

Masters of the horse and dog-whippers by turns.

Concealed politicians and counsellors, under the character and livery of our chair-men.

Another under the disguise of a footman, but designed paymaster of our army.

Our adopted heir, because a little wiser than our own son, and designed to be offered to the diet for our successor; his present employment (together with the assistance

¹ Persons supposed to be of the Shaftesbury faction, and whose names for the most part are too significantly indicated to need any explanation. The most remarkable may however be noticed.

² Sir Robert Howard, son of the Earl of Berkshire.

³ Lord Howard of Escrick, afterwards an evidence for the king against Russell and Sidney.

⁴ The Earl of Kent.

⁵ Lord Huntingdon, the well-hung Balaam of Dryden's *Satire*.

⁶ Lord Gray, whose wife is said to have intrigued with Monmouth.

⁷ Lord Mordaunt, one of the petitioning lords, as were all the above.

⁸ Sir ——— Macclesfield.

⁹ Sir Thomas Armstrong, afterwards executed,—a man of loose character and habits.

¹⁰ Duke of Monmouth, called Perkin by the tories. There was a story of his curing the evil.

*Slingibeski Betheliski,
Francisco Turnspitanski,*

The Valiant Russillaus,

Cappellanoff le Grandi,

*Madona le bella Crostesia, }
Poultneyinda la Pruda, }*

Everardo Fitz-henerisko,

Jean Drydenurtzitz,

*Tom Shadworiski,
Sodomito Fanshawiski.*

of the princess his sister) is to cure the plica or king's evil of this country, in case our own majesty should fail of that virtue.

Chief headsman of Warsaw.¹

Esquire of our body, in case he will promise not to sell his place.

Captain of our guards, and knight of the halter, a new order to be instituted at our coronation.²

Intended viceroy of the first kingdom our general shall conquer.³

Lady Abbesses for two protestant nunneries, to be established for the use of us and our ministers.

To write libels against us by our own consent, to bring us into favour with our people.⁴

Our poet laureat, for writing panegyrics upon Oliver Cromwel, and libels against his present master, King Charles II. of England.⁵

His deputy.⁶

Designed our ambassador to the Grand Seignior, with a present of protestant handsome boys, in order to his conversion.

This was the best account I could possibly get of the matter. There were indeed a great many more nominated to offices and preferments, but, not being able to gain a perfect catalogue of them, I have contented myself with barely a recital of such things as, upon my own knowledge, I dare recommend to the world for truth; and that, to the best of my remembrance, I have exactly observed in the foregoing relation.

But, in the very height of all this expectation, one night, as his majesty-elect lay musing in his bed, restless with the thoughts and expectation of the approaching empire, there appeared to him, by the light of a lamp that was burning in his chamber, a dreadful and most monstrous vision; the shape and figure of it was very confused and irregular: sometimes it looked like the whore of Babylon, naked, and of immense privities. Presently, in the twinkling of an eye, the form was changed, and it appeared like a justice of peace strangled by a crew of ruffians, who afterwards ran him through the body with his own sword, that it might be thought he hanged himself. Of a sud-

¹ Slingsby Bethel, while sheriff, was insolent to those who suffered for the popish plot. When Lord Stafford, on the scaffold, prayed him to compose the tumult of the rabble that he might die in peace, the sheriff replied, brutally, "We have orders to stop no one's breath but yours."

² Lord Russell, in the case of Lord Stafford, questioned the king's power to commute the punishment of treason into decapitation. This Charles did not forget when Russell himself was under sentence: "He shall find," said the king, "in his own case, that I have that power which he denied me in that of another."

³ Capel, Earl of Essex, whose discontent is said to have arisen from his not being named lord-licutenant of Ireland.

⁴ Everard and Fitzharris were concerned in drawing up a libel against Charles; but the latter, less fortunate than preceding witnesses and libellers, had the mischance to be hanged.

⁵ Dryden soon after cleared himself from the charge of disaffection, by writing Absalom and Achitophel and the Medal, but was then supposed to be engaged against the court.

⁶ Thomas Shadwell, the dramatic author, satirized by Dryden under the name of Og.

den it was altered again, and seemed a troop of¹ pilgrims, armed with black bills, that came from the Lord knows whence, landed the Lord knows where, and are gone the Lord knows whither. His majesty seeing it vary so often and so terribly, (calling up all the faith he had to his assistance) boldly demanded, In the name of, &c. what art thou? Instantly, after a terrible clap of thunder, attended with several flashes of lightning, it contracted itself into the shape of a doctor of Salamanca, and in an hideous tone cried out, "I am a plot; woe to England; farewell till 78," and vanished. No sooner was it gone, but a stupid amazement seized upon the majesty of Poland, and cast him into a deep sleep, where he lay till morning; when, awaking, he found himself stript of all the high aspiring thoughts that before had filled his mind; pity and compassion towards his native country utterly cooled his ambition; and from that moment he laid by all thoughts of converting the Turk, and resolved to stay at home for the confounding the pope.

Thus has this good man (for now he is no more his majesty) again refused the greatest promotion that, perhaps, any subject of England was ever raised to, merely to stand in a gap here, and stay the plague that was coming upon us.

Sir, what justification of him may be gathered from the truth of this, and his present condition, I leave to your better judgment, and subscribe myself

Your humble servant, &c.

A List of Abhorrrors, or the Names of such Persons as were lately under Custody of the Serjeant-at-Arms, for Abhorring and other Misdemeanours.

The petitioners are those who called upon the king, by petition, to summon the parliament. These applications were highly displeasing to Charles, whose followers, to balance them, made equally violent addresses, expressing their abhorrence of tumultuary petitions. Almost every county and town was thus divided into Petitioners, and Addressers or Abhorrrors, as they were sometimes called. The former experienced, on occasion of presenting their petitions, the royal frowns; while the latter were, in a very summary manner, committed by the House of Commons to the custody of their serjeant. This arbitrary course was ended by the refusal of one Stowel to submit to their arrest, which contempt the House was fain to pass over, by voting that he was indisposed. Charles was much alarmed at petitions so similar to those which had been the prologue to the troubles in his father's time, and was wont to say, "They may beat out my brains, but they shall not cut off my head."

Sir Robert Yeomans.

Mr Harnage.

Mr Joseph Pagett,

Mr Rich. Thomson,

} Clerks.

Mr John Hutchinson.

Mr Hen. Waldron.

Mr Tho. Warre.

Mr Edw. Strode.

Sir Thomas Holt.

Mr Arth. Yeomans.

Mr Willi. Jordan.

Mr John Lawes.

¹ See Oates's Discoveries of the Popish Plot.

Mr. Edw. Brett.
Captain Castle.

Mr Tho. Hertbert.
Mr Tho. Staples.

Mr Hen. Aulnet.

These are the contents ; the chapter follows.

Magna Charta, cap. 29. No freeman shall be taken, or imprisoned, or be disseized of his freehold, or liberties, or free customs, or be outlawed, exiled, or any otherwise destroyed. Nor we will not pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land, &c.

5 Edwardi III. cap. 9. Item, It is enacted, That no man from henceforth shall be attached by any accusation, nor fore-judged of life or limb, nor his lands, tenements, goods, or chattles seized into the king's hands against the form of the Great Charter, and the law of the land ; that is, according to the statute *25 Edwardi III. cap. 4.* by indictment, or presentment of good and lawful people of the same neighbourhood, where such deeds be done, in due manner, or by process made by writ-original at the common law.

28 Edwardi III. cap. 3. Item, That no man, of what estate or condition that he be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law.

Fiat justitia et ruat cælum.

If any man be dissatisfied with the coherence of the contents and the chapter, let him read the Lord Chief-Justice Coke's Institutes, part 2. chap. 9. upon Magna Charta.

This map be printed to prevent false reports, the fact and law being both true.

I do appoint Mr Benjamin Harris¹ to print this, that it may appear to all true English protestants that he once printed truth.

G. T.

A Letter from a Person of Quality to his Friend, about Abhorrors and Addressors, &c.
1682.

From the answer, reply, rejoinder, and reduplication which took place upon this letter, and which follow it in the collection, it would seem to have made a great impression when first published. From several passages it would seem, that the antagonist considered the piece as proceeding from the pen of Shaftesbury himself. This, however, is denied on the other side ; but it was probably written under his eye, and corrected by him.

The crisis at which it was written was of the utmost importance to both parties. Shaftesbury was no sooner liberated from the Tower by the verdict of *ignoramus*, than, to counterbalance the triumph which his party had obtained, the tories, in the principal towns and counties of Eng-

¹ Benjamin Harris figures as the great whig publisher of this age of controversial pamphlets. Most of the accounts of the plots are printed for this bookseller.

land, thronged to the crown with addresses, expressing in the strongest language their abhorrence of the principles contained in the model of association found in Shaftesbury's closet, and produced on his trial.

- "The immediate effect," says Ralph, "of this second round of addresses, was one of the sharpest and rudest controversies that ever disgraced the press, or amused the people; for the experiment had no sooner began to operate, than a paper was published under the title of *A Letter from a Person of Quality to his Friend, about Addressers and Abhorers*; in the former part of which, the success it met with is ascribed solely to the artifices of the court, the practices of the clergy, and the ambition, servility, depravity, corruption, and prejudices of the gentry; and, in the latter, it is asserted, that the paper called the *Association*, which was thus pelted at, was a man of straw of their setting up: That Gwyn, who pretended to find it, was Seymour's creature, and Shaftesbury's known enemy; and that all the papers reserved at council were marked by his lordship's agent Wilson or Starkley, whereas this was marked by neither. The drift of all was to dissuade persons from shewing any countenance to this device, and concluded with these words: 'But you are not to set your helping hand to these things; there is a God above that will certainly enquire after such matters: And, if you have patience but a while, the wicked that thus prosper, their place shall know them no more.'
- "It happened, unfortunately for the party that this paper was calculated to serve, that it abounded more with resentment than discretion. It charged the greatest part of the nobility and gentry with having lost their senses; it said that many of them had been corrupted by a vile and sordid education under the clergy; it said that without the help of university learning it was not possible to imagine how the protestant religion could be preserved under a popish prince; and it called upon the person to whom it was addressed to consider, when it should become notorious that all honours and advantages were conferred upon none but the duke's creatures, how long the dissolute and drunken part of the nobility and gentry would hold out as confessors for the protestant church of England. Whoever uses ill language in a controversy that regards great numbers of men, is sure to have the whole hive about his ears; and serves his adversary more by his indecency, than he hurts him by his inferences. This was no secret to those who undertook to answer this; and they accordingly brought forward all those broad and coarse expressions, accompanied with suitable remarks, and thereby more advantaged their cause than they could have done by ever so clear a deduction of facts, or ever so strong a chain of arguments."—RALPH, I. 670.

SIR,

I received yours of the sixth of January, and find your bishop and lord-lieutenant are carrying on very furiously an address of abhorrence of the association, pretended to be found amongst my Lord Shaftesbury's papers, and of *ignoramus* juries. I find you also are afraid not to be thought a loyal subject, or a good son of the church if you do not join in it; and therefore you are pleased to ask my judgment, whether the signing of it can be of as much prejudice to you as the refusal evidently will? If I shall answer you according to the rule of the apostle, "Let every man speak truth to his neighbour," you must expect plainness and freedom in my reply, without which you may have flattery, but cannot possibly attain advice. As for your gentlemen of quality and estate, that you find generally go these high-ways, and call it the support of the monarchy and the church; when you consider how many of them have been secretly converted to the Romish faith, and remain as yet church-papists; how many of them gape after honours and preferments from the court; how many the power and dominion in their own country, and the retaining the office of deputy-lieutenant, or justice of peace, does enslave; and how many the sordid and vile education they have had under the clergy does corrupt, you will not wonder that the yeoman and plain countryman hath kept his senses, when the greatest part of the nobility and gentry have lost theirs. Are there so blind a generation as they that do not see how deeply the churchmen have repented their departing from Rome? and how fixed they are in resolutions and interests to return back again upon the first opportunity. Is it possible for

a man without the help of university learning to imagine the protestant religion preserved under a popish prince, that shall not only have the nomination of bishops in his own time, but hath had that and most church preferments in his predecessor's? Consider, when all places are and shall be given, and all honours and advantages conferred upon none but his creatures, how long the dissolute and drunken part of our nobility and gentry will hold out as confessors for the protestant church of England! The steadiness of these worthy gentlemen, and the reliance that men of honour or worth can have upon them, cannot be better demonstrated than by the great zeal, and true care of their religion and country, expressed by Sir William Portman, Sir Nathaniel Napper, and several others of the last Oxford parliament, in their vigorous carrying on the bill against the Duke of York; and yet no sooner sent home into their own country and dissolved, but they address against themselves, calling themselves little less than rogues and traitors, and acknowledging the king's great justice and wisdom in sending them packing.

I would ask you, Should a popish prince hereafter have a desire to hang any man that was too busy in the protestant cause, whether he had more to do than to make a beggarly, necessitous, or bigot gentleman sheriff of that county, and send down his private orders to the lord-lieutenant, who shall return a grand jury of lieutenants and ensigns that shall never find *ignoramus*; and a petty jury of serjeants and corporals, before whom Irish witnesses may be believed; especially if care be taken that the lord-lieutenant be so good a churchman as to take his tutor in the university for governor of his affairs and fortune ever after?

I would only ask you seriously, Whether, without the experience you have had of this age, you could have imagined the gentry thanking the king, and addressing to him for dissolving a parliament, and acknowledging his majesty's goodness in promising to govern by parliaments, when, in several years of the greatest distress and danger of the nation, they have been dissolved and prorogued so often without their advice taken? Could you have supposed a judge of this land, bringing an address from Hereford, and Sandars, an eminent man in the law, bringing another from himself and his companions, directly contrary not only to the law of the land, but to the law of all nations, common sense, and reason? They tell you of a paper called an Association, found amongst my Lord Shaftsbury's papers; this they set up as a man of straw, and fight against it; and it is resolved that addresses shall go round the nation to this purpose. What can this mean but to persuade the world that the protestants have yet a plot, which hath been attempted so often by the popish and arbitrary party to be made believed. But if these gentlemen have read the proceedings at the Old Bailey, published by authority, of that matter, which is in many places short of and different from the truth; yet that tells the world, and them that read it, that it was not possible for the judges, as well as jury, to think the Earl of Shaftsbury guilty. We have always accounted the said earl among the statesmen of the age, but we must put him into the idiots college, if we can suppose that he should make so infamous and mean persons his counsellors, and talk treason so freely to them. Booth, the most known and

* "Some of the Middle Temple, headed by Mr Saunders, one of the council against Lord Shaftesbury, went so far as to declare, That they thought themselves, by reason of their profession, more obliged than others to declare it as their opinion, that the execrable paper produced against the Earl of Shaftsbury contained most gross and apparent treasons, more manifestly tending to the ruin of his majesty's dominions than the old hypocritical solemn league and covenant; and that whosoever promoted that rebellious association, designed by the said paper, or countenanced the same by refusing, upon full evidence, to find bills of indictment against the authors and promoters thereof, &c., had, in a high measure, perverted the laws; and could have no other design thereby than to usurp to themselves an arbitrary and tyrannical dominion not only over his majesty's subjects, but over his majesty also."—*RALPH'S History*, 1. 669.