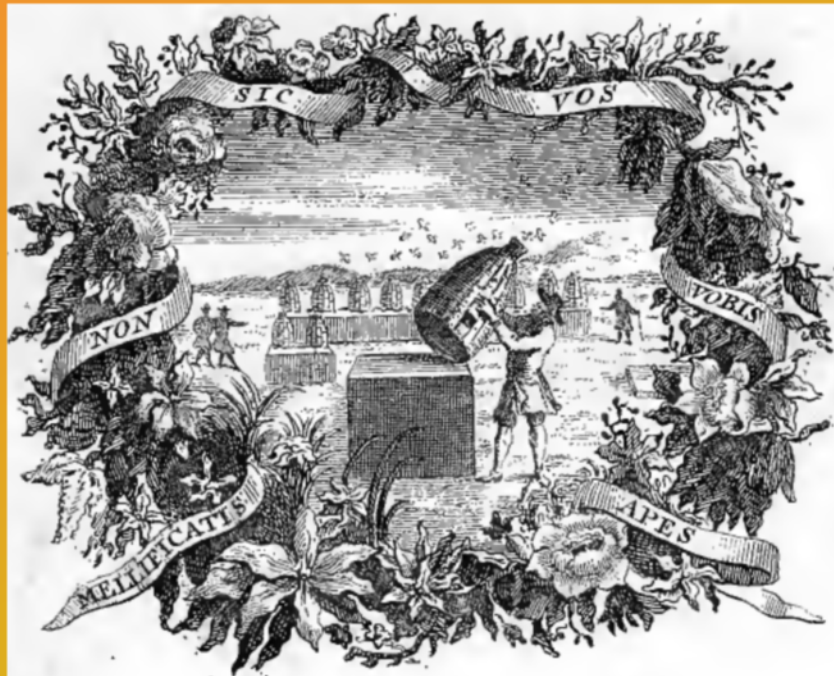


Rapin's History of England



**Book Twenty
Volume 2**

**The Second Part of the Reign of
Charles I.**

**The History
of
England
Written in French
By
Mr. Rapin de Thoyras**

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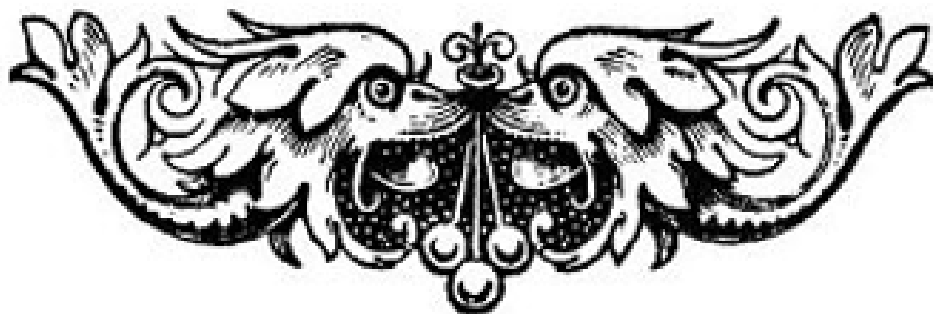
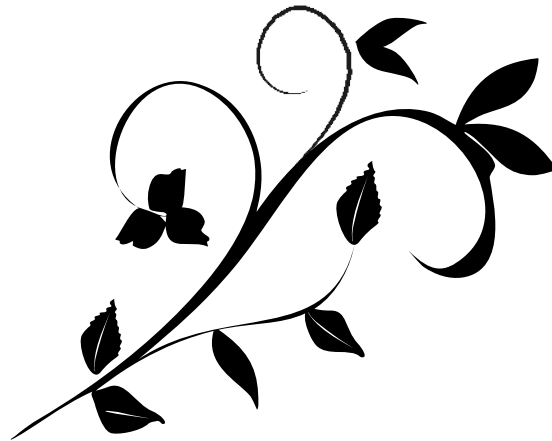
London

1733



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Book Twenty

The Second Part of The Reign of King Charles I



The Five Members were those five Members of Parliament whom King Charles I (1625–1649) attempted to arrest on 4 January 1642.

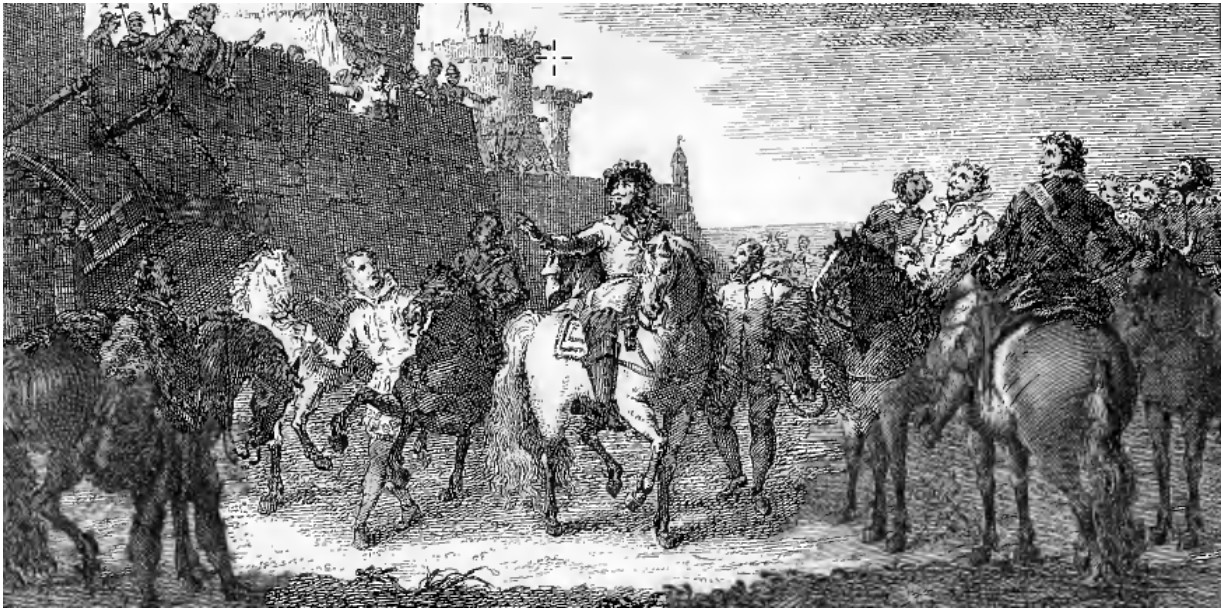


**Speaker Lenthall asserting the
privileges of the House of
Commons against Charles I, who
had entered the house to seize
five Members**





King Charles I of England Opening Parliament



THE HISTORY OF ENGLAND, BOOK XX

Chapter I The Second Part of the Reign of Charles I

November 3rd 1640 The State of The King's Affairs



THE KING'S AFFAIRS, AT THE MEETING PARLIAMENT, were in a very ill situation. Instead of subduing the Scots, as he flattered himself, he had the mortification to see them enter England, force the passage of the Tine, defeat a considerable body of his army, and render themselves masters of Newcastle.

Moreover, he saw his own troops not very ready to serve him. They consisted, for the most part, of soldiers listed against their wills, in the several counties, and prejudiced, like the rest of the nation, against the government. Besides, the valour of the Scots being magnified by those who had been routed, and by the King's private enemies, inspired the English troops with some terror. Moreover, the King wanted money to pay them. His whole resource was the two hundred thousand pounds borrowed of the city of London, till it should please the Parliament to furnish

him with the necessary supplies. But he could hardly expect that the Parliament would be favourable to him. It was universally believed, he had called it against his inclination, and because he could find no other way to free himself from his present circumstances.

What had passed in the four Parliaments held since the beginning of his reign, the dissolutions of these Parliaments, with heat and animosity, the imprisonment of their members, the discontinuance of Parliaments for twelve years, the taxes imposed by the King's sole authority during that space, the monopolies upon all sorts of goods and commodities, the decay of trade; the open protection granted by the King to the Papists and Armenians, the severities exercised upon the Presbyterians, the innovations in religion, the almost universal suspicion of a design to introduce Popery, the excessive authority usurped by the Council and Star-Chamber, the corruption of the Judges, in a word, the principles of arbitrary power asserted by the Court, bred a general discontent.

1642 AD] The King was not ignorant of it, and till now had disregarded it. But he began to dread the consequences, when he saw himself upon the point of being exposed to the ill humour of a new Parliament, who, probably, would not lose the opportunity of labouring the redress of grievances, which the former Parliaments had in vain demanded.

Nevertheless, he was so prejudiced and exasperated against the Scots, that he still hoped the new Parliament would look upon their entrance into England as an invasion, as a war made, not upon the King, but the Kingdom, and would furnish the means to drive them into their country, and chastise their audaciousness. But it was not long before he perceived his hopes were ill-grounded.

Parliament Meets

The Parliament met the 3rd of November, according to the King's writs. There had never been a more numerous assembly, very few members being absent[1]. Everyone looked upon this as the fairest opportunity that could, possibly offer, to cure the evils of the Kingdom, and all the members, except such as were entirely devoted to the» King, were ready to contribute to the restoring of the government to its true and antient constitution.

Accordingly this was what the people expected. On the first day, the King made the following speech to both Houses:—

The King's Speech at The Opening of Parliament

My Lords,

THE knowledge I had of the desires of my Scottish subjects, was the cause of my calling the last assembly of Parliament: wherein had I been believed, I sincerely think that things had not fallen out as now we see. But it is no wonder, that men are so slow to believe that so great a sedition should be raised on so little ground. But now, my Lords and Gentlemen, the honour and safety of this Kingdom lying so near at stake, I am resolved to put myself freely and clearly on the love and affection of my English subjects, as these of my Lords that did wait on me at York, very well remember I there declared.

Therefore, my Lords, I shall not mention my own interest, of that support I might justly expect from you, till the common safety be secured ; though I mull tell you, I am not ashamed to say, those charges I have been at have been merely for the security and good of this Kingdom; though the success hath not been answerable to my desires:

Therefore, I shall only desire you to consider the best way both for the safety and security of this Kingdom; wherein there are two parts chiefly considerable. First, the chasing out of Rebels[2]. And secondly, that other, in satisfying your just grievances, wherein I promise you to concur so heartily and clearly with you, that all the world may see my intentions have ever been and shall be to make this a glorious and flourishing Kingdom. There are only two things that I shall mention to you:

The one is to tell you, that the loan of money which I lately had from the city of London, wherein the Lords that waited on me at York assisted me, will only maintain my army for two months, from the beginning of that time it was granted. Now, my Lords and Gentlemen, I leave it to your considerations, what dishonour and mischief it might be, in case for want of money my army be disbanded before the rebels be put out of this Kingdom.

Secondly, the securing against the calamities the northern people endure at this time, and so long as the treaty is on foot: And in this I say, not only they, but all this Kingdom will suffer the harm:

Therefore I leave this also to your consideration, for the ordering of those great affairs; whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the honour and safety of the Kingdom, that I shall freely and willingly leave to you where to begin. Only this, that, you may the better know the state of all the affairs, I have commanded my Lord-Keeper to give you a short and free account of those things that have happened in this interim, with this protestation, that if this account be not satisfactory as it ought to be, I shall, when soever you desire, give you a full and perfect account of every particular.

One thing more I desire of you, as one of the greatest means to make this a happy Parliament, that you on your parts, as I on mine, lay aside all suspicion one of another; for, as I promised my Lords at York, it shall not be my fault, if this be not a happy and good Parliament.

The Lord Keeper's Speech to Parliament

After the King had done speaking, the Lord-Keeper Finch made his Speech. He began with encomiums of the King and Queen, and then endeavoured to persuade the two Houses, that the calling of the Parliament was wholly owing to his Majesty, who had resolved it, before he received any Petition on that subject[3].

After that, he strove to shew, though in a very general manner, that the Scots had violated the late treaty, and the King, against his will, taken arms by the unanimous advice of his council, to reduce them to obedience. He concluded with informing both Houses, of what had passed as well in the beginning of the war as in the conferences at Rippon.

The Commons being returned to their House, **chose for Speaker William Lenthall, a bencher of Lincoln's-Inn**, who was proposed by Sir Henry Vant, Secretary of State[4]. This choice being approved by the King, they appointed, according to custom, a committee to examine all questions that might arise about elections, returns, or other Privileges of the House.

Then it was resolved, that a Committee of the whole House should meet on certain days of the week, for these five principal heads, namely, for religion, grievances, Courts of Justice, trade, and Ireland. These were the articles which chiefly occasioned the nation's complaints and murmurs, and the Commons thereby evidently discovered their intentions.

As from the 3rd of November 1640, to the 25th of August 1642, the History of this reign wholly consists of Parliamentary transactions, I think it necessary before all things to give a description of this Parliament, and of the different parties into which it was divided. It will afterwards be more easy to perceive the motives of its acts and resolves, and withal, the true grounds of the Civil War that afflicted England.

Description of Parliament With Respect to Grievances

First, it is certain there was hardly a member of either House but what was disposed to procure the redress of the grievances so long complained of. These grievances were so manifest, that it was almost impossible, without subverting the constitution of the Government, to find plausible reasons to justify the King's and the Ministry's conduct, during the fifteen foregoing years.

They were of such a nature, that no man was free from them, not even those who served for instruments to impose them on the people, though they were in great measure indemnified some other way. In short, they were of such consequence, that admitting the principles whereon they were founded, the necessary result was a total subversion of the Government, and an arbitrary power unknown to the English for many ages.

It may therefore be affirmed, that from the very beginning of this Parliament, the general sentiment of both Houses was, that the present opportunity of applying proper remedies to the evils of the Kingdom was not to be neglected.

But the members were divided upon a principal point, which however flowed from the general disposition. Some were of opinion, that after all the grievances were redressed, the Government should be restored to its natural state, such as it was before the reigns of James and Charles; without any additions or alterations.

Others, on the contrary, thought, that after the redress of grievances it would be necessary to use some effectual method, to put it out of the King's power ever to invade the liberties of the people and the privileges of the Parliament. But these carefully concealed their intentions, lest they should give occasion to the others to suspect a design to alter the established Government, and cause them to oppose even the most reasonable things, out of fear of the consequences. They hoped to find or start in time opportunities enough to inspire the whole nation with a distrust of the King, and by that means to accomplish their ends.

Such being the general disposition of the Parliament, it is evident, the entrance of the Scots into England was to be deemed a very considerable advantage, granted to the English by providence, to hinder the King from breaking the measures which might be taken against him. The King was under an absolute necessity to maintain an army for his defence against the Scots, without having for that purpose other means than the assistance of the Parliament, for the times being changed, the impeding of arbitrary taxes could not be practised any longer, upon which, probably, he had depended in the beginning of the war, since, in a month after taking the field, he was destitute of money to pay his troops.

So, it was the Parliament's interest to keep the King in this necessity, that he might not be able to oppose the resolutions of the two Houses. It is not therefore to be thought strange, that the Parliament did not much attend to what the King most desired, namely, to be enabled to drive the Scots out of the Kingdom, since, on the contrary, the presence of the Scots gave the two Houses a superiority they were unwilling to lose.

The sentiments of the Parliament were also very various with respect to religion. There were in the House's rigid Episcopalians, who believed Bishops essential to religion, and that without them there was no lawful ordination, nor consequently any valid administration of the sacraments. Of this number were the Bishops, and almost all the King's party.

There were moderate Episcopalians, who being sincerely attached to the Church of England had however different ideas of Episcopacy. They had a veneration for Episcopal Government, as being very ancient in the Church, and what they most liked. But though they had no design to alter it, they did not think it, however, so absolutely necessary, but that religion might well submit under any other kind of Government.

This was the prevailing opinion, and espoused by a majority in both Houses. Wherefore it may be said, that in the beginning of this Parliament, the members in general had no intention to attack the government of the Church, established in England since the Reformation.

But there was in the two Houses another party more powerful by the ability of their leaders than by their number. I mean that of the Presbyterians, who were divided also into moderate and rigid. The former had no other view, than to obtain some liberty and security against persecution. The latter were of a different stamp.

They considered Episcopal Government as repugnant to the word of God, and the jurisdiction of the bishops as a real tyranny. These were the particular objects of the hatred of the King, Ministry, Bishops, and most of the clergy, because their principles tended to the utter ruin of the Church of England. For that reason, they believed there was no safety for them, but in an entire change of Episcopal into Presbyterian Government. But they easily perceived, that to attain their ends, the King was to be disabled to oppose them, knowing, that as long as it was in his power, he would never consent to this change.

Their number was however so inconsiderable, that they would have made no figure in the Parliament, had they not been supported by the Scots, whose aid they could not be without. Moreover, among these rigid Presbyterians, lay concealed a certain set of men, known afterwards by the name of Independents, who held concerning civil, as well as ecclesiastical, Government, uncommon opinions, which they took care not to explain, till they found occasion to published them.

They were contented for some years, to conceal themselves among the rigid Presbyterians, in order, at a proper time, to accomplish their designs more effectually. It was the particular interest of these men so to manage, that the government of the state should be changed, or rather overthrown, well knowing their party could never subsist but in anarchy.

And therefore, without discovering their intentions, they improved all occasions to sow and cherish discord between the King and the Parliament. The whole Presbyterian party was directed by the heads of the rigids and independents, men of great parts, who, without discovering themselves more than was necessary, seemed to confine their designs to the redress of grievances, which was the general aim of the Parliament, and wherein almost all were united.

They found a double advantage in this conduct. First, they removed all suspicion of their intending to change the government of Church or State, and withal preventing the union of the other members, who would not have failed to unite, in order to oppose such a change.

The second advantage was, that by being solely intent at first upon the redress of grievances, they had frequent occasions of exclaiming against the King's former administration, and fomenting the Parliament's distrust and jealousy of him. For it was by that chiefly they hoped to be able to execute their projects.

Such being the disposition of the Parliament, it is easy to perceive the reason why the Commons were so intent at first upon the redress of grievances, as well public as private. A great number of petitions upon that subject were presented to them, within a few days after their meeting.

Many members were likewise charged with the like petitions from their Burroughs and Shires, and several very mortifying speeches to the King and his Ministers were made in the House[6]

Of all their speeches, I shall insert only one, wherein are enumerated all the public grievances, of which the people thought to have reason to complain. It is that of Mr. Pym, member of Parliament for Tavistock in the County of Devon[6],

Pym's Speech About Grievances

Mr. Speaker,

TO redress grievances will not hinder, but further the service of the King: To take away the weights, does as much advantage motion, as to add wings.

I shall:—

1. instance several heads of those grievances we labour under.
2. Demonstrate them to be as hurtful to the King, as to the People.
3. That the remedies will prove equally good to both of them.

The King can do no wrong; the law calls all miscarriages upon the Ministers: Thus the influence of heaven conveyeth vigour into sublunary creatures; but the malignity of all epidemical diseases, proceedeth from the ill affected qualities of the earth or air.

There are a threefold sort of grievances:—

1. Some against the privilege of Parliament:
2. Others to the prejudice of religion:
3. Some against the liberty of the subject.

For the full, the members are free from arrests; to have liberty of speech; a legislative, judiciary, and conciliary power; being the same to the body politic, as the faculties of the soul to a man.

These privileges have been broken:—

1. In restraining the members from speaking.
2. In forbidding the Speaker to put a question; both of these practised in the last Parliament.
3. By imprisoning divers members for matters done in Parliament.
4. By proceedings against them for the same in the inferior courts.
5. Enjoining them to give security for their good behaviour, and continuing them in prison, even to the death.
6. In abrupt dissolutions of Parliament; the great grievance; like the execution of a man, without being heard: It receives a being by the summons, and a civil death by dissolution; not only thereby to die, but

to be made instestabiles incapable of making their wills, the good acts that they were about.

The second is, encouragement of Popery:—

1. By suspension of laws against them: Now it is certain there can be no security from Papists, but in their disability; their principles are incompatible with any other religion; Laws will not restrain them, nor oaths; for the Pope dispenseth with both, and his command acts them against the realm in spirituals and temporals, *in ordine ad Spiritualia*. Henry the Third, and Henry the Fourth of France, were no Protestants, yet were murdered because they tolerated reformation.
2. By allowing them places of trust and honour in the Commonwealth.
3. Their free resort to and to the court; to communicate their counsels and designs, diving into the secrets of State.
4. That as they have a congregation of Cardinals at Rome for advancing the Pope's authority in England; so have they a nuncio here, for the execution thereof.

Then as to innovations of religion introduced:—

1. Maintenance of Popish tenets, in books, sermons, and disputations.
2. Practice of popish ceremonies countenanced and enjoined, as altars, images, crucifixes, bowings, These I may in some respect compare to the dry bones in Ezekiel; which first came together, then sinews and flesh came upon them, afterwards the skin covered them, and then breath and life was put into them; so first the form, then the spirit and life of Popery was to come amongst us.
3. Preferment of persons popishly affected.
4. The discouragements of Protestants, by over-rigid prosecutions of the scrupulous for things indifferent: No vice made so great as in conformity; by punishing without law, for not reading the book for Sunday recreations; for not removing the communion-table otherwise; for not coming to the rails to receive the communion; for preaching on the Lord's day in the afternoon; for catechising otherwise than as in the short catechism in the Common Prayer Book.
5. By encroachment of ecclesiastical jurisdiction; particularly,
 1. In fining and imprisoning without law
 2. Challenging their jurisdiction to be appropriated to their order *jure divino*.
 3. Contriving and publishing new articles of visitation, new canons; and the boldness of Bishops, and their subordinate officers and officials.

As to the third sort of grievances, I shall observe rather the order of time when they were asked, than the consequence; but when we come to the cure, it will be best to begin with the most important.

There is first, Tunnage and Poundage, and the late new book of rates taken by prerogative, without grant of Parliament; from whence these inconveniences follow:

1. Men's goods are seized, their suits stopped.
2. Misemployment of the sums of money imposed; for though intended for the guard of the seas, they are disposed to other uses, and a new tax raised for the same purpose.
3. The burthen excessive, trade hindered, home commodities abased, and foreign enhanced; by which means the stock of the Kingdom is diminished, especially insupportable to the poor planters in America, by the tax upon tobacco.

There is competition for knighthood; which though it refers to a former custom, yet upon the same grounds, the King may renew it by a new fine, immoderate multiplication of distress and issues, and enforce them to compound with the commissioners. An inundation of monopolies undertaken by Papists, and full of mischief.

First. By impairing the goodness, and enhancing the price of salt, soap, beer, coals, &c.

Secondly, under colour of which, trade was restrained to a few hands.

Thirdly, many persons thereupon illegally imprisoned.

But the great and unparalleled grievance is the ship money, being aggravated, not supported by the judgment, which is not grounded upon law, custom, precedent or authority: It being improper for a case of necessity; and abounding in variety of mischief.

As first, The general extent to all persons, all times, and the subject left remediless.

Secondly, The arbitrary proportion without limits.

Thirdly, Imposed by writ, and disposed by instructions.

Improper, for the office of a sheriff in the inland counties, and inconvenient for the inhabitants; without rule or suitable means for the levying or managing of it.

The enlargements of Forests, beyond the bounds of the statutes, 27 and 28 Edw. I. which perambulations then were the cause of that famous *Charta de Foresta*. And now reviving these old questions, new distempers may follow, and particular obliquities we may already observe, and surreptitious proceedings, as in Essex; yet that verdict was enforced in other counties, and a judgment upon the matter after three or four hundred years quiet possession of the subject, who thereupon is forced to compound for great fines.

The selling of nuisance: The King as a father of the cc Commonwealth, is to take care of the public commodities and advantages of the subjects, as rivers, highways, and common sewers, by ordinary writs, *Ad quod damnum*: But now by a course extra-judicial, by enforcing compositions: so then, if really it be a nuisance that is compounded for, 'tis an hurt to the People; if no nuisance, then 'tis a grand prejudice to the party. The Commission for buildings about London, was presented as a grievance in the time of King James; now much more increased, and much more pre-judicial.

The Commission for depopulation began some few years since; by both these commissions, the subject is retrained from disposing of his own; demolishing their houses, punishing and fining their persons for that, for which they are still liable by law; for the King cannot licence a nuisance; and although these are not nuisances, yet it is of ill consequence to be compounded for, and may make a precedent for Kings to licence such things as are nuisances indeed.

Military charges ought not to be laid upon the people by warrant of the King's hand, nor by letters of the Council table, nor by order of the Lords Lieutenant of counties, nor their deputies. It began to be practised as a loan for supply of coat and conduct money in Queen Elizabeth's time, with promise to be repaid it, as appears by a constat warrant in the exchequer, and certain payments: But now-a-days never repaid.

The first particular brought into a tax was, the muster master's wages; which being but for a small sum, was generally digested: Yet in the last Parliament, it was designed to be remedied. But now there follows pressing of men against their wills, or to find others.

Secondly, Provisions for public magazines for powder, spades, and pickaxes.

Thirdly, Salary of officers, carthorses, carts, and such like.

The extra-judicial declarations of Judges without hearing of counsel or argument: A teeming grievance, productive of many others.

Monopolies countenanced by the Council-table, and the clause in their patents of monopolies, commanding the Justices of Peace to assist them; whereby the great abilities of that honourable board, receive a stain by such matters of so mean a report in the estimation of the law, so ill in the apprehension of the people.

The High-Court of Star-Chamber, called in the Parliament rolls *Magnum Concilium*, to which the Parliaments were wont to refer such matters as they had not time to determine: A court erected against oppression, a court of councils, and a court of justice, now an instrument of erecting and defending monopolies, to set a face of public good on things pernicious.

That great and most eminent power of the King in edicts and Proclamations, called *Leges Tcmporis*, used heretofore to encounter with sudden and unexpected danger, till the Great Council of the King could be called, hath of late been exercised for enjoining and maintaining monopolies.

But the last and greatest grievance leads us a step higher, even as high as heaven, as the throne of God, his word and truth. The ambitious and corrupt clergy, preaching down the laws of God, and liberties of the Kingdom; pretending divine authority and absolute power in the King, to do what he will with us; and this preaching is the highway to preferment; as one Manwaring sentenced in the former Parliament for this doctrine, then a doctor, is now become a Bishop.

The intermission of Parliaments contrary to the statute, whereby they are to be called once a year, is the main cause of all these and other mischief, to which Parliaments give remedy.

These grievances are as well hurtful to the King as to the subjects, by interrupting their communion; they have need of his general pardon, and to be secured from projectors and informers; to be freed from obsolete laws, and from the subtle devices of such who seek to drain the prerogative to their own private advantage, and the public hurt; and the King hath need of them for counsel, for support.

Queen Elizabeth's victorious attempts, were for the most part carried on upon the subjects purses, and not upon her own; though the honour and profit were hers. These discontents at home

diminish the King's reputation abroad; and disadvantage his treaties, and weaken his party beyond sea, by encouraging popery; by forcing the subjects to leave the Kingdom, to the prejudice of the King's customs and subsidies. As for instance, divers clothiers forced away, who set up their manufacture abroad to the hurt of the Kingdom.

The King hath received upon the monopoly of wines, thirty thousand pounds per annum. The vintner pays forty shillings per tun, which comes to ninety thousand pounds; the price upon the subject by retail is increased two-pence a quart, which comes to eight pounds a tun, and so forty five thousand tun brought in yearly, amounts to three hundred sixty thousand pounds which is three hundred and thirty thousand pounds lost to the Kingdom, above the King's receipt.

Now the remedies, and removing these grievances, consist of two main branches, in declaring the Law where it is doubtful, and in providing for the execution of the Law where it is clear. But these I refer to a farther time, and for the present advice speedily to desire a conference with the Lords touching grievances and always to humble our selves for God's assistance.

As Mr. Pym, who spoke this speech, was one of the leading men in the House of Commons, he was extremely applauded, and the more, that in giving a summary of all the public grievances, he had not used any disrespectful terms against the King or his Ministers. This speech was followed with another by Sir Benjamin Rudyard, who, to intimate that there was a settled design to introduce Popery and arbitrary power into England, expressed himself after this manner:-

Expressions of A Member About The Persecution of The Puritans

They have so brought it to pass, that under the name of Puritans, all our religion is branded and under a few hard words against Jesuits, all Popery is countenanced. Whosoever squares his actions by any rule either divine or human, be he as a Puritan, whosoever would be governed by the King's p Laws, he is a Puritan; he that will not do whatsoever other men would have him do, he is a Puritan: their great work, their master-piece, now, is to make all those of the religion, to be the suspected party of the Kingdom.

These speeches were seconded with so great a number of complaints and petitions concerning grievances both public and private, that the House was divided into above forty committees upon this single article, according to the different nature of the complaints; But before the particular examination of these grievances was begun, the Commons thought fit to desire the concurrence of the Lords, to move the King, that he would be pleased to appoint a Fast, which met with no opposition either from the Lords or the King[7].

Then they appointed a Committee to examine what number of Papists were in and about London, and how they were armed. As the King (by a message) had acquainted them with his design to publish a Proclamation against recusants, this committee was empowered to examine the same after the publication, and see how it was executed.

A Motion to Make Remonstrance of The State of The Kingdom

Two days after, on the 9th of November, the House, going upon the grievances, the Lord Digby, son of the Earl of Bristol, made on that subject a speech, which he concluded with this motion:-

That a select Committee may be appointed to draw out of all that has been complained of, such a remonstrance as may be a faithful and lively representation to his Majesty of the deplorable state of the Kingdom[8].

Very probably, this motion had been resolved among the leaders, because they were apprehensive of the King's opposing the redress of grievances, and because in that case it was requisite to shew the people the necessity of this redress, by informing them wherein consisted the grievances of the Nation.

The Lord Digby's motion being approved, the House appointed a Committee of twenty-four to prepare the remonstrance. But because the King shewed greater condescension than was expected, this remonstrance was not drawn till above a year after, and upon another occasion.

Votes Against Monopolies

Sir John Culpeper, one of the members who had spoken upon the grievances, having chiefly insisted on Monopolies, it was voted, that all such members as directly, or indirectly had any share in, or benefit from any project or monopoly, should be disabled to sit in the House, and that Mr. Speaker should issue out writs to chuse others in their room. There were afterwards four expelled the House upon that account[9].

During the four or five first days, the House of Commons was almost wholly employed in receiving petitions and complaints, as well from private persons, as from boroughs and shires. Amongst the private petitions, the most remarkable were those of Bastwick, Burton, Prynne[10], Lilburn, Leighton, Jennings, Smart[11].

These men complained of the exorbitant pains and penalties inflicted on them by the Star-Chamber and High-Commission. As I intend not to dwell upon the affairs of private persons, I shall only say, that within the space of about a year, the Commons found time to examine all these sentences one after another, and to punish the members of the Star Chamber, who had given their votes, by condemning them to pay all the costs and damages to the parties. The reparations to Bastwick, Prynne, and Burton were fixed to above four thousand pounds each[12].

Grievances of Private Persons Redressed

All the other complaints of private persons, whether against the Courts of Justice, or the Star-Chamber and High-Commission, or certain Bishops and Deans, who laboured more than the rest, to introduce innovations in religion, were heard. The Commons took a pleasure to mortify in their turn, those who had stretched the **prerogative royal**, in persecuting the Puritans, or rather such as did not bear the yoke patiently, who were confounded, under that name, with the Presbyterians.

The Public Grievances Redressed Also

If the Commons endeavoured to do justice to private persons, who had suffered any injury during the first fifteen years of this reign, it may well be imagined, they neglected not to redress the grievances of the whole nation. This was their principal business during the first year of their session. Though the Parliament was composed of several parties, who had not all the same views, they were, however, united with respect to the redress of grievances.

Even those members who were most devoted to the King, durst not oppose the general sentiment, some because they thought the thing just, others, not to lose their labour, and for fear of rendering themselves too suspected.

Principal Authors of Grievances

Among those who had most contributed to the public mischief, the Archbishop of Canterbury was considered as one of the chief and most worthy of punishment, as being author of the

innovations in the Church, promoter of the war with Scotland, persecutor of the Presbyterians, and head of the Arminians.

The Earl of Strafford was likewise of this number, because he had so entirely devoted himself to the King, that in his two great offices of president of the Court of York, and Lord-Lieutenant of Ireland, he had no other view than to stretch the prerogative royal, and increase the King's revenues.

His proud and haughty carriage had no less offended the public than his actions, whereby he strove to establish an arbitrary power. He was accused of advising the King to transport his Irish army into England, to subdue the opposers of his will. Though he was highly in the King's favour, he had nevertheless made himself many enemies at Court, and in the Kingdom, who earnestly sought occasions to ruin him.

The Lord-Keeper Finch, was looked upon also as a pernicious counsellor, wholly devoted to the King, and ready for any attempt, to establish a despotic government. It was not doubted, but he was the man that had corrupted the Judges in the business of ship money. Sir Francis Windebank, Secretary of State, was reckoned the patron of the Catholics, and it was by his means that the condemned Priests and Jesuits escaped one way or other the sentence passed upon them.

In short, the Judges of the realm had rendered themselves extremely odious to the people, as well by the judgment they had given in Mr. Hampden's affair, as by numberless other acts of injustice to private persons. These were the principal authors of the grievances, whom the Commons intended to bring to exemplary punishment.

The Earl of Strafford Accused of High Treason

The Earl of Strafford was the first on whom the storm fell. The 11th of November, eight days after the opening of the Parliament, Mr. Pym, having desired, and obtained his desire of the Commons, that the doors of the House might be locked, and the outward room cleared of strangers, informed them, that there were several complaints against the Earl of Strafford, which afforded good ground to accuse him of High Treason. Upon this information, the House immediately appointed a Committee of seven[13], who withdrawing into another room, and conferring together, reported, presently after, that it was their opinion, there was just cause to impeach the Earl of Strafford.

Then Mr. Pym was ordered to go to the House of Lords, and accuse the Earl of High Treason, in the name of all the Commons. He had orders likewise to tell the Lords, that in due time the Commons would produce the articles of accusation, and in the meantime, desired the accused might be put into safe custody.

The Earl of Strafford was that very day come from the army, and had taken his place in the House of Lords. Before his departure from the army, he had received notice that there was a design to attack him. But whether through pride, or a belief that having done nothing without the Kings warrant, he was secure, he slighted the advice, and would be present in the Parliament. Indeed, some months before, the King's protection was more than sufficient to screen him from all danger. But the face of affairs was altered, and it is strange a person of so great a genius, and so good sense, could imagine the King was able to protect him in such a juncture[14].

The Earl of Strafford is Sent to The Tower

However this be, upon the Commons impeachment, the Lords committed him to the custody of the Black-Rod, and some days after sent him to the Tower. As this affair was prolonged till May the next year, I shall not speak of it, till I come to the time of this famous trial, and shall continue

to relate, without interruption, what concerns the redress of grievances, and the punishment or accusation of their authors.

Secretary Windebank was attacked next. Several petitions were presented against him to the House, whereof he was member, complaining, that as Secretary of State, he had issued out warrants under his own hand, for the discharge of prosecutions against Priests, and for their release out of prison.

All these petitions tended to shew, that he lost no opportunity to countenance the Papists, and gloried in being reckoned their patron. I do not know whether he professed the Roman Catholic religion. Be this as it will, he was summoned several times to come to the House, and answer what was laid to his charge. But he believed it more proper to avoid the impending storm, and withdraw into France. When he was out of danger, he sent the Earl of Pembroke, Lord-Chamberlain, a letter, lamenting his misfortune, and intimating, that if he was guilty, it was only for having served the King faithfully, and obeyed his orders[15].

Debates on The Convocation

The convocation, their Canons, oath, and the tax they had laid upon the clergy to aid the King in his war with Scotland, were next taken into consideration by the House. This affair was debated with great warmth. Several members made, on this occasion, speeches, tending to shew, the King could not, by his authority, turn the convocation into a synod.

They alleged for reason, that the clergy who composed it, could act but as members of the convocation, because to act as members of a synod, they ought to have been elected by the people, and it did not belong to the King to make this election as he pleased:—

That the convocation or synod had not power to make canons for the whole nation, without the consent of the people themselves, nor consequently without the intervention of the Parliament.

That most of the canons were unjust in themselves, and tended to increase the clergy's power, to the prejudice of the King's authority, and the people's liberties.

That by these canons the convocation assumed a power above the Parliament.

That the oath they had imposed was strange, doubtful, contrary to the privileges of the Parliament, and the rights of the people, and obliged men to swear as necessary, things that were alterable, without any danger to religion.

For instance, supposing it true, that Bishops are *Jure divino*, which the Church of England never acknowledged[16], it could not be affirmed, that Archbishops, Deans and Archdeacons, are of divine or apostolical institution, and yet people were made to swear, never to consent to the altering of the government of the Church by Archbishops, Bishops, Deans, Archdeacons, &c. That by this oath, the representatives of the nation would be so tied up, that though the Parliament should have power to alter the government of the church, they could not even debate upon that subject, by reason of their oath.

Votes Concerning The Convocation

Upon these and many other reasons, which I omit, to avoid tediousness, the Commons voted unanimously:—

1. That the clergy of England convened in a convocation or synod, or otherwise, have no power to make any constitutions, canons, or acts whatsoever, in matters of doctrine or discipline, or otherwise, to bind the clergy or laity of the land, without common consent in Parliament.

2. That the canons treated upon by the late convocation, do contain matters contrary to the King's prerogative, to the fundamental Laws and Statutes of the realm, to the rights of Parliament, to the property and liberty of the subject, tending to sedition, and of dangerous consequence[17].

Immediately after these resolutions, the House appointed a committee of thirty six, to examine, who were the chief promoters of these Canons, and how they had been executed to confide how far, in particular, the Archbishop of Canterbury had been concerned, in the great design of subverting the Laws of the land and religion; and to draw up a charge against him and such others, as should appear guilty of the same crime.

The Scottish Commissioners who were sent to London to continue the treaty begun at Rippon, were, as I said, in good understanding with the leading members of the Commons, and in all appearance, had been informed of the design to prosecute the Archbishop. And therefore, to make the blow fall the heavier on this prelate, by joining their complaints with those of the Commons, they presented next day to the Lords, a charge against him, to this effect:—

Articles of Accusation Against Archbishop Laud

That he was the cause of all the troubles in Scotland, and the author and urger of introducing into Scotland the book of canons, and the liturgy, as appeared by fourteen letters which they offered to produce:

That the Scotch prelates having sent to him a book of canons, written upon the one side only, with the other side blank, he had made several interlinings, and filled up the blank pages with several directions; which changes and supplements were taken from the Romish rituals, that varied from the book of England:

That they were contrary to the King's intentions, who in his large declarations had professed, that all the variations in the Scotch service from that of England, should be only in such things as the Scottish humours would better comply with. But that the Archbishop had no regard to this. On the contrary, the Scottish prelates having petitioned the suppression of some of the English ceremonies, as the cross in baptism, the ring in marriage, and some other things, he was so far from consenting, that he had added several others:

That in the order of the administration of the Communion in the book of England, he had made several alterations, which plainly shewed his design of introducing Popery into Scotland:

That he had kindled war between the King and the Scots and been one of the chief causes of breaking the last pacification, and renewing the war:

That he had inserted into the divine service a prayer against their nation, by name of traitorous subjects, having cast off all obedience to their anointed Sovereign, and coming in a rebellious manner to invade England; that same might cover their faces as enemies to God and the King.

I have very much abridged these articles, which are very particular: but what is here said, suffices to shew their design.

Laud Accused and Sent to The Tower

On the morrow, Sir Harbottle Grimston made in the House a speech against the Archbishop, pretending to shew, that all those who were concerned in the evils of the state, as the Earl of Strafford, the Bishops of Chester, Oxford[18], Ely, Bath and Wells, had been raised by his means, and that there was not a single grievance but what flowed from him. Whereupon the Commons impeached (by Mr. Denzil Hollis) the Archbishop of High-Treason, and the Lords committed him to the custody of the Gentleman Usher. Some time after he was sent to the Tower.

Then the Commons sent a message to the Lords, to let them know, they had received information of a very high nature against Matthew Wren Bishop of Ely; and having heard that he intended to make an escape out of the Kingdom, they desired them to think of some way to prevent it. Whereupon, the Lords ordered the Bishop to give ten thousand pounds bail for his forthcoming, to which he consented.

The Lord Finch Voted A Traitor Flies into Holland

Of those whom the Commons considered as the chief authors of the public grievances, there remained only the Lord-Keeper Finch, and the judges. The first was declared a traitor by a vote of the House of Commons, notwithstanding the eloquent speech he was permitted to make at the Bar of the House in his vindication. But before he was accused in form, he fled into Holland. However, he was impeached afterwards, though absent. Presently after his flight, the King made Sir Edward Littleton Lord Keeper.

In fine, the Commons sent word to the Lords, that they had received information against three judges, Sir John Bramston, Lord Chief Justice of the King's Bench; Sir Humphrey Davenport, Lord Chief Baron; and Justice Crawley[19]; and desired the House, that they might put in good security for their appearance. Whereupon, the Lords obliged these three judges, each, to give ten thousand pounds bail. The other Judges were also accused afterwards.

Thus they who were considered by the Commons as the principal authors of the public grievances, were disabled not only to continue to advise the King, but also to escape punishment, except the Lord Finch and Sir Francis Windebank, who saved their persons, by leaving their estates in England. I shall not stay to speak of many others of an inferior rank, who were variously punished, whether for exercising monopolies, or inventing means to raise the King money, whether for introducing or countenancing innovations in religion, or lastly, for prevaricating in the exercise of their offices.

Whilst the Commons were employed in securing those, they intended to punish, they also prepared whatever was necessary to free the nation from all their grievances. The same method was used to this end, as had been employed against the persons. That is, petition's from all quarters were presented to the House upon grievances.

These petitions being read, several speeches were made in the House, to shew how prejudicial these grievances were to the public; and the principles which gave them birth, were particularly insisted on, as being directly contrary to the constitution, and tending to the subversion of the government. Whereupon, it was voted that such a thing was illegal, and ordered that a bill should be prepared to abolish it. This was the subject of divers acts, which were presented to the King for the Royal assent from the 3rd of November 1640, to the 10th of August 1641. The principal were these:—

An Act for a Triennial Parliament: That is, to ordain that a Parliament should be held at least every three years though the King should neglect to call it, in order to prevent the inconveniences arising from a too long intermission of Parliaments.

An Act to abolish the Star-Chamber and High Commission.

An Act to reduce the forests to the same state as under Edward I.

An Act to repeal the statutes made in the Reign of Edward II. concerning Knighthood.

An Act to permit any subject to make salt-petre and gunpowder throughout the Kingdom.

An Act to abolish ship-money[20].

The necessity of these Acts was so manifest, that the King must have either consented to them, or plainly declared he would govern with an absolute power. But he was not so unwise as to oppose them in his present circumstances. An illustrious historian makes no scruple to say:—

“That these acts will be acknowledged by an uncorrupted posterity, to be everlasting monuments of the King's fatherly affection to his people; and such an obligation of repose and transform his Majesty in the hearts of his subjects, that no expressions of duty and confidence from them could have been more than a sufficient return on their parts”.

The King himself afterwards would frequently have had these concessions to be considered as acts of pure grace, for which the public ought to have been thankful. But unhappily for him, neither Parliament nor people believed them to be the effect of his justice or affection to them, but rather of the necessity he was under, of giving his assent.

Proceedings of The Commons by Votes

Besides these acts, the Commons passed many general votes upon several other articles. Indeed, these votes are not considered as laws, neither do the Judges proceed by them in their determinations. Nevertheless, such is their effect, that few persons are so hardy as to act directly contrary to these decisions of the Commons, since it is in some measure to oppose the sentiment of the people whom they represent.

Besides, an action directly contrary to a vote of the House, is liable to be questioned, when least expected, and draws upon the actor the indignation of the House, who have but too many opportunities to make him feel the effects of their resentment.

The design of the Commons was not only to stop the evil by means of these votes, but also to terrify all those who had been concerned in the grievances, in order to take from the King all hopes of supporting his people. For after the House had voted, for instance, that such a monopoly was illegal, if any person concerned in that monopoly, behaved in a manner disagreeable to the Commons, or appeared too much attached to the King, an accusation against him was the certain consequence of such a behaviour.

By that means, the King's most devoted friends chose rather to relinquish his interest than be liable to a charge, from which, they plainly saw, it was not in the King's power to secure them. This had very clearly appeared by the great examples of the Earl of Strafford, Archbishop Laud, Lord-Keeper Finch, and Secretary Windebank, after whom no private person could hope for any protection from the King.

Thus the Commons rendered themselves so formidable at the very beginning of the Parliament, that the King was suddenly deserted by all, without having other refuge than to consent to whatever was proposed by the Parliament. He hoped however, that when all the grievances were redressed, he should be, if not in the same state he had been for fifteen years, at least in the natural

state of a King of England, according to the laws and the constitution of the government. But it will hereafter appear, how much he was mistaken in his conjecture. His former administration had made too deep impressions in the minds of his subjects, for the majority ever to believe, he would for the future be contented with the power allowed him by the law. This distrust was the immediate cause of the war between the King and the Parliament. But it is not yet time to descend to these particulars.

Another Method to Declare People Delinquent

The Commons used also another expedient to make themselves feared. As there were many people who, in conformity to the intentions of the Court, had been concerned in the monopolies, or countenanced the innovations, or been subservient to introduce and support the occasion of any grievance, the Commons, upon the petitions, presented to them against these men, sent for them to London, and examining them by a committee, declared them delinquents.

As much as to say, that according to the opinion of the House, they were guilty of faults or offences for which they deserved to be prosecuted and punished according to law. This word delinquent, was very much in use during this Parliament. Thus, a great number of those who had been most noted for their adherence to the maxims of the Court, or the principles of the Archbishop, were voted delinquents, and thereby kept in awe by the Commons, who according as they behaved well or ill to them, could prosecute or leave them unmolested.

But the number of those who were declared delinquents was nothing in comparison of such as had reason to fear the like declaration, upon the least petition against them. From hence there followed an unanimous approbation of whatever was done by the House; some conferring because they thought the things just, and others out of fear of chastisement. This is what rendered the redress of grievances very easy to the Commons, and would have made it impracticable for the King to oppose it, though he should have had such a thought.

The King reaped at least this advantage from his consent to the redress of grievances, that he gave occasion to many to believe he sincerely concurred in that work. But his enemies drew from thence a very different consequence. They said, as the Parliament's measures were so well laid, that it would have been in vain for the King to oppose them, he was not to be thanked for a consent, to which necessity forced him, since, whilst it was in his power to hinder the redress of grievances, he had always refused to hearken to the instant desires of his Parliaments.

Warning Concerning The Impartiality of Historians

I am now to warn my readers, that we are come to a time wherein they must be very much upon the guard with respect to the partiality of the historians, each of whom does his utmost to prejudice his readers in favour either of the King, or the Parliament. This partiality consists not so much in disguising the facts, (wherein both parties are agreed), as in the principles they establish.

Those for the King, exalt, as high as possible, the Prerogative Royal. Nay, some stretch it even to a sort of despotic power, as we have seen instances in the writings and sermons of Sibthorp, Montague, Manwaring, mentioned in the first part of this reign.

According to this principle, they think and maintain, that the Parliament's aim was not to restore the Government to its natural state, as was pretended, but rather to overturn the constitution both of Church and State. That therefore the objects were so much magnified, by aggravating some acts of authority done by the King, as tending to subvert the Government, though they might have been justified by the Prerogative Royal, if any but the Commons had been judges. But though they manifestly declared themselves parties against the King, they however made themselves judges, voting such and such actions of the King, to be contrary to the laws. Nothing

shews more plainly, according to these men, the Parliament's secret design to overthrow the Government, nor a stronger proof of it can be desired than the experience of what afterwards happened, when the Government of the State and Church were actually changed.

The favourers of the Parliament say, that without examining the extent of the Prerogative Royal, it may at least be affirmed, that it cannot be contrary to the laws:—

That if the King has his Prerogatives, the Parliament have their Privileges, and the people their liberties, which the Prerogative cannot invade without destroying the constitution of the government, which consists in a happy mixture of the lights of King and People.

That, before this Parliament, the King had manifestly stretched his Prerogative to the prejudice of the nation's rights, which the most attached to his interests did not dare to deny.

That this being the case, nothing was more just, nothing more necessary, than to restore the Government to its natural state.

That it is therefore preposterous to have recourse to a secret design of subverting the Church and State, since the necessity of redressing the grievances is undeniably evident:

That supposing it true, that the Commons used sundry artifices to render themselves formidable, and more easily accomplish their design, namely, the redress of grievances, these artifices were not blamable, considering how impracticable the former Parliaments had found it to execute the same design.

Proceedings in Parliament on Ship Money

I am persuaded, that most of the Readers for whom I write this history, such, I mean, as are not Englishmen, would not require of me a particular account of all that passed in the House of Commons, concerning the redress of grievances. It would be too tedious a work, which, after all, would inform them of nothing more material than what has hitherto been paid.

Nevertheless, for the satisfaction of those who are unacquainted with the manner of Parliamentary proceedings, I shall give here a brief relation of what was done with regard to ship money, the grievance most complained of, and by that will be seen the method taken with respect to the rest.

During the first whole month of this session, scarce a day passed, but the House received petitions from divers counties, concerning grievances, amongst which, that of ship money, was never forgotten.

At last, on the 7th of December, the day appointed to debate upon that affair, the Lord Falkland(1), afterwards Secretary of State, made the following speech to the House:—

Lord Falkland's Speech 7th December, 1640

Mr. Speaker,

I REJOICE VERY MUCH TO SEE THIS DAY; and the want I hath not lain in my affection but my lungs, if to all that hath been past, I have not been as loud with my voice as any man in the House; yet truly my opinion is, we have

yet done nothing, if we do no more; I shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that says it.

I will first desire the forgiveness of the House, if ought I say seem to entrench upon another's profession, and enter upon the work of another robe. Since I have been entrusted by the report of a learned Committee, and confirmed by the un-contradicted rule of the House; since I shall do nothing of this kind, but in order to something further, and, (which moves me most to venture my opinion, and to expect your pardon) since I am confident, that history alone is sufficient to shew this judgment contrary to our laws, and logic alone to be sufficient to prove it destructive to our property, which every free and noble person values more than his profession.

I will not profess I know myself, but all those who know me, know that my natural disposition is to decline from severity, much more from cruelty. That I have no particular provocation from their persons, and have particular obligations to their calling, against whom I am to speak; and though I have not so much knowledge in Law, yet far more than I have use for; so I hope it will be believed, that only public interest hath extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested meat can lie heavier upon the stomach, than this unsaid would have lain upon my conscience.

Mr. Speaker, the constitution of this Commonwealth hath established, or rather endeavoured to establish to us the security of our goods, and the security of those laws which would secure us and our goods, by appointing for us judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessory; since if they neither deny, nor delay us justice, which neither for the great nor little seal they ought to do, the greatest persons in this Kingdom cannot continue the least violence upon the meanest; but this security, Mr. Speaker, hath been almost our ruin, for it hath been turned, or rather turned itself into a battery against us:

And those persons who should have been as dogs to defend the sheep, have been as wolves to worry them. These Judges, Mr. Speaker, to instance not them only, but their greatest crime, have delivered an opinion and judgment in an extra judicial manner, that is, such as came not within their cognizance, they being judges, and neither philosophers nor politicians; in which, when that which they would have so absolute and evident takes place, the law of the land ceases, and that of general reason and equity, by which particular Laws at first were framed, returns to his throne and government, where *salus populi* becomes not only supreme, but *filalex*, at which, and to which end, whatsoever should dispense with the King to make use of any money, dispenses with us, to make use of his, and one another's.

In this judgment they contradicted both many and learned acts, and declarations of Parliament; and those in this very case, in this very reign, so that for them they needed to have consulted with no other record, but with their memories.

2. They have contradicted apparent evidences, by supposing mighty and imminent dangers in the most serene, quiet, and halcyon days, that could possibly be imagined, a few contemptible pirates being our most formidable enemies, and there being neither Prince nor State, with whom we had not either alliance, or amity, or both.

3. They contradict the writ itself, by supposing that supposed danger to be so sudden, that it would not stay for a Parliament, which required but forty days stay; and the writ being in no such haste, but being content to stay forty days seven times over

Mr. Speaker, it seemed generally strange, that they saw not the law, which all men else saw, but themselves; yet though this begot the more general wonder, three other particulars begot the more general indignation.

The first of all the reasons for this judgment was such, that there needed not any from the adverse party to help them to convert those few, who before had not the least suspicion of the legality of that most illegal writ, there being fewer that approved of the judgment, than there were that judged it legal, for I am confident they did not that themselves.

Secondly, when they had allowed to the King the sole power in necessity, the sole judgment of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to persuade us, that they had left us our liberties and properties.

The third and last is, and which I confess moved most, that by the transformation of us from the state of free subjects (a good phrase, Mr. Speaker, under Dr. Haylin's favour) unto that of villains, they disable us by legal and voluntary supplies to express our affections to his Majesty, and by that to cherish his to us, that is, by Parliaments.

Mr. Speaker, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had, that we should yet suffer, is, that a most excellent Prince hath been most infinitely abused by his judges, telling him, that by policy he might do what he pleased; with the first of these we are now to deal, which may be a leading to the rest.

And since in providing of these Laws, upon which these men have trampled, our ancestors have shewn their utmost care and wisdom for our undoubted security, words having done nothing, and yet they have done all that words can do, we must now be forced to think of abolishing of our grievances, and of taking away this judgment, and these judges together, and of regulating their successors by their exemplary punishment.

I will not speak much; I will only say we have accused a great person of High Treason, for intending to subvert our fundamental Laws, and to introduce arbitrary Government; which we suppose he meant to do, we are sure these have done it, there being no Law more fundamental than that they have already subverted, and no Government more absolute, than that they have really introduced.

Mr. Speaker, not only the severe punishment, but the sudden removal of these men, will have a sudden effect in one very considerable consideration, we only accuse, and the House of Lords condemn; in which condemnation they usually receive advice (though not direction) from the Judges; and I leave it to every man to imagine, how prejudicial to us, that is, to the Commonwealth, and how partial to their fellow malefactors, the advice of such judges is like to be.

How undoubtedly for their own sakes, they will think it may conduce to their power, that every action be judged to be a less fault, and every person to be less faulty, than in justice they ought to do:

Amongst these, Mr. Speaker, there is one I must not lose in the crowd, whom I doubt not but we shall find, when we examine the rest of them, with what hopes they have been tempted, by what fears they have been allayed, and by what, and by whose importunity they have been pursued, before they consented to what they did; I doubt not, I say, but we shall find him to have been a most admirable solicitor, but most abominable judge; he it is, who not only gave away with his breath, what our ancestors had purchased for us by so large an expense of their time, their care, their treasure, and their blood; and employed his industry, as great as his injustice, to

persuade others to join with him in that deed of gift: But strove to root up those liberties which they had cut down, and to make our grievances immortal, and our slavery irreparable, least any part of our posterity might want occasion to curse him; he declared that power to be so inherent to the crown, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I think here that common fame is ground enough for this House to accuse upon, and then undoubtedly there is enough to be accused upon in this House; he hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell you news, when I tell you it is my Lord-Keeper; but this I think fit to put you in mind of, that his place admits him to his Majesty, and trusts him with his Majesty's conscience; and how pernicious every moment must be, which gives him means to infuse such unjust opinions of this House, as are expressed in a libel, rather than a declaration, of which many believe him to be the principal secretary, and the other puts the most vast and unlimited power of the chancery into his hands, the safest of which will be dangerous.

For my part, I think no man secure, that he shall think himself worth anything when he rises, whilst all our estates are in his breast, who hath sacrificed his country to his ambition, whilst he who hath prostrated his own conscience, hath the keeping of the King's, and he who hath undone us already by wholesale hath a power left in him by retale.

Mr. Speaker, in the beginning of the Parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, though a sorry witness is a good testimony against himself, that his Majesty never required anything from any of his Ministers but justice and integrity.

Against which, if any of them have transgressed, upon their heads, and that deservedly, it all ought to fall; it was full and truly said, but he hath in this saying pronounced his own condemnation; we shall be more partial to him than he is to himself, if we be slow to pursue it.

It is therefore my just and humble motion, that we may chuse a select committee to draw up his and their charge, and to examine their carriage in this particular, to make use of it in the charge, and if he shall be found guilty of tampering with judges against the public security, who thought tampering with witnesses in a private cause worthy of so great a fine[22], if he should be found to have gone before the rest to this judgment, and to have gone beyond the rest in this judgment, that in the punishment of it, the justice of this House may not deny him the due honour both to precede and exceed the rest.

Ship Money Voted Illegal

After this speech, the affair of ship money having been debated, it was resolved upon the question *nemine contradicente*,

1. That the charge imposed upon the subjects for the providing and furnishing of ships, and the assessments for raising of money for that purpose, commonly called ship money, are against the laws of the realm, the subjects right of property, and contrary to former resolutions in Parliament, and to the Petition of Right.

2. That the extra judicial opinions of the judges published in the Star-Chamber, and enrolled in the Courts of Westminster in these words,——in the whole, and in

every part of them, are against the laws of the realm, the subjects right of property, and contrary to former resolutions in Parliament, and to the Petition of Right.

3. That the writ following and the other writs commonly called the Ship-Writs, are against the laws of the realm, the right of property, and the liberty of the subjects, and contrary to former resolutions in Parliament, and to the Petition of Right.

Committee to Examine The Judges

After these resolutions, the House appointed a Committee of sixteen, at the head of whom as the Lord Falkland, to go forthwith to the several judges, to know in what manner, and by whom they were solicited or threatened to give their extra judicial opinion concerning ship money. It was ordered, that every one of the judges should be examined at the same time by two of the committee, and be told what had been voted in the House concerning ship money, and that the committee should ask such questions as they should think material, to the execution of this order.

Precaution Against The King's Arbitrary Acts

Next day, the House ordered that the committee appointed to consider of the property of the subjects in their goods, should take into consideration some way of seeing the entering upon record, the King's several commissions for leans and excise, and the resolutions of former Parliaments thereon, and the addition that was offered by the Lords to the Petition of right, with the resolution of the House; and also the resolutions of the questions proposed in the House concerning Ship Money, that they might remain fair to posterity.

An Order to Prepare a Charge Against The Lord Finch

It was also referred to the same Committee to make a preparation of the vote passed about ship money, to be sent to the Lords; to draw up a charge against the Lord Finch, and the rest of the judges that gave their opinion upon that tax; and likewise to take into consideration their extra judicial opinions and the judgments in the case of ship money; to inquire of the several denials of *Habeas Corpus*, and prohibitions, their extra judicial proceedings and opinions concerning ecclesiastical jurisdictions, and the Court of Admiralty; their denial of legal and ordinary proceedings in cases of justice, and the binding of the whole Kingdom by any one man's particular case.

The same committee had power to send for parties, witnesses, papers, records, or any thing else that might conduce to this business, and were to present the state of the whole matter to the House.

The Lords Cancel The Judgment in Mr. Hampden's Case

On the other hand, the 26th of February 1640-41, the Lords ordered to be brought to their House the record in the Exchequer of the judgment in Mr. Hampden's case, and also the rolls in the Star Chamber and other Courts, wherein the extra judicial opinions of the judges were entered, and caused them to be annulled in their presence.

They ordered moreover, that a copy of what they had done should be delivered to the judges to be published at the assizes in every county within their circuits, and that an Act of Parliament should be prepared concerning this matter.

All this produced at length charges against the Lord-Keeper, and each of the judges, with an act to abolish ship money, to which the King gave the royal assent the 7th of August 1641.

Much the same method was taken with regard to the other grievances, and in the end, there was not one, public or private, but what was redressed within the nine first months of this session.

I intend not to include in these grievances, those concerning religion. Besides that these were not generally acknowledged for grievances, this matter requires a more particular explication of what passed in the Parliament.

I shall therefore show in the first place, the disposition of the Parliament, with respect to religion, and then relate what passed concerning this subject.

Disposition of The Two Houses With Regard to Religion

Since the beginning of the reign of James I. the Bishops had rendered themselves much more powerful than before. The opposition of the Presbyterians, who never ceased to exclaim against the hierarchy, though they were not in condition to overthrow it, had greatly contributed to the increase of the Episcopal power.

Their impetuous zeal caused the King to think it proper to humble them, least in the end they should occasion some disturbance in the Church, and the bishops were charged with the care of executing this resolution. The endeavours to reduce them to obedience, served only to inflame the evil. Instead of trying to convince them by arguments, they were treated without moderation, and, if I may venture to say it, without charity. It was resolved at any rate to compel them to conform to the Church of England, not only in things considered as necessary, but also in others regarded by most people as indifferent.

Moreover, divers ceremonies were added to the divine service, which many persons well affected to the Church thought too near allied to Popery. William Laud Archbishop of Canterbury was the principal author of these ceremonies, as well before, as after, he was Archbishop. His chief aim was to mortify the Puritans. But in proceeding too briskly or rather too rigorously, he gave them room to accuse him that his design was to favour Popery, on pretence of forcing the Puritans to conform to the worship of the Church of England.

No man was ever more wedded to ceremonies, and the more he was reproached with it, the more he urged them as necessary. This chiefly gave occasion to the Puritans, and even to some Church of England men to suspect he had a design to introduce the Romish religion; this extreme attachment to ceremonies seeming to them as a means whereby he intended to compass his ends.

As for Arminianism, all agree that Laud was not only Arminian, but also head of that party in England, from the time he was received into favour by King James I through the Duke of Buckingham's means. As the knowledge of what passed in the reign of James I. may be of great service to the understanding the affairs of religion, which I have undertaken to explain, I shall briefly relate what I think most necessary, though mentioned before in King James's reign.

Progress of Laud's Credit

When the disputes concerning grace arose in Holland, James I espoused the opposite party to Arminius, and used even threats to oblige the States of Holland to condemn Vorstius his successor. After that, he sent Bishops and Divines to the synod of Dort, to strengthen the contra-remonstrants. Meanwhile the Arminians in England were forced to lye dormant, because the court was not their friend.

Laud, then only a private doctor in the University of Oxford, had yet no credit, though shortly after the Duke of Buckingham procured him the Bishopric of St. David's in Wales. At the same time King James was vigorously pushing his design to stretch the Prerogative royal, to which

he met with great opposition, chiefly from the Puritans, who concerning Grace were directly contrary to the Arminians. For this reason the King and Duke thought fit to caress and support the Arminians, in order to oppose them to the Puritans, the King's grand aim being to weaken that party, which was always ready to obstruct the execution of his designs.

From that time the Arminian party became powerful. The heads were Neil Bishop of Winchester, and Laud Bishop of St. David's, who found means to gain the King's confidence, and to have the disposal of the Church preferments. They improved this advantage to strengthen their party, by promoting to the benefices such as were most averse to the Calvinists, for so these began now to be called who embraced Calvin's opinion concerning grace, whether Presbyterians or Church of England men. There, were therefore three principal causes of the animosity of the Court and its friends, against the Presbyterians.

The first was, that they rejected the Ecclesiastical Hierarchy.

The second, that they were entirely against the King's design to stretch his prerogative, knowing the more power he had, the more they should be persecuted.

The third, that they were all Calvinists as to the notions of grace. Though the King had not, perhaps, altered his opinion concerning that point, he deserted however the Calvinists, because they were in other respects, for the most part, Presbyterians and Puritans. From that time the Court and their agents counted among the Puritans, those who refused to conform to the Church of England all the Calvinists Presbyterians or other; all who opposed the King's designs with regard to the Prerogative; and they were all, under the name of Puritans equally obnoxious to the hatred of the King and his Ministers.

So, by this policy, many people who had no inclination for Presbyterianism, were made to become Puritans. At least, they were forced to join with the Puritan party, to hinder the Court, on pretence of destroying Puritanism, from establishing by degrees an arbitrary power, which would have been fatal to the whole nation. For the King pretended, his will could be opposed but upon puritanical principles.

The Presbyterian Party Prosecuted

The reign of Charles I was still more violent in this respect, than that of James, as has been shown in the first part. Laud being made Bishop of London, and afterwards, Archbishop of Canterbury, and one of the King's prime Ministers, used all his industry and credit to humble the Puritan party, that is, not only the Presbyterians, but also the Calvinists, and such who would not patiently bear the yoke of servitude.

Matthew Wren Bishop of Norwich, and afterwards of Ely, the Bishop of Bath and Wells, Cosins, Prebendary of Durham[23], being all of the same principles, seconded him in this design, And as if the difference between the Church of England and Presbytery, had not been sufficiently marked, they added to the worship sundry innovations, and represented as absolutely necessary, things indifferent, which religion might well have dispensed with. Hence pretences were found to persecute the Puritans, by reckoning among that party, all whom the court was pleased to call by that name.

The Persecution of The Puritans is Looked Upon as an Artifice of The King to Arrive at Despotic Power

The wisest part of the nation had long since perceived the King's and the Court's policy, and their artifices to pave the way to arbitrary power. But it had not been possible to avoid the effects

of it, because the King had dissolved the Parliaments, the moment they were bent to examine the grievances.

Thus the regal power had gained ground by degrees, no one being in a capacity to hinder its progress. But as soon as the King's affairs had taken a new turn, by the entrance of the Scots into England, and the taking of Newcastle, and when the King saw himself under an absolute necessity of calling a Parliament, most of the members resolved not to lose the opportunity of abolishing the perfection, introduced under the specious pretence of stopping the progress of Puritanism, but in reality for the better advancement of arbitrary power.

Above all, the House of Commons considered the innovations, and the rigour wherewith people were made to observe them, as so, many artifices of the court party, for the more easy attainment of their end. It must not therefore be thought strange, if most of the Members being united with regard to the grievances, were so likewise for the abolishing of innovations, and punishing the authors, as having served, for instruments to the King in the execution of designs, wherein religion was not solely concerned.

This is what produced the charges against the Archbishop of Canterbury, the Bishops of Ely, Bath and Wells, and against Cosins, besides the brand of delinquents given by the Commons to a great number of Ministers and others, who had countenanced the innovations.

Views of The True Presbyterians

Most of the members, as I said, were united as to this point, because there was not one but what considered it as a branch of the design to subject the Realm to the King's will and pleasure. But among this great number, there were real Presbyterians, who had more extensive views, and thought, no doubt, of altering the government of the Church, on pretence of the ill use, the Bishops had made of their power.

These, though not very numerous in the Parliament, were supported by a great party in the Kingdom, and particularly by the Scots, whose assistance was then absolutely necessary. But they took care not to discover their intentions. They were contented at first to join with those who only intended the redress of grievances, and to restore the government to its natural state.

They hoped, as it happened indeed, that the first examination of the grievances and innovations, would convince most of the members of the necessity to abolish the hierarchy, of which the Court had made so great use in the execution of their designs. They proposed to show on all occasions, that it was almost impossible to restore the civil government, whilst the King had in the clergy of the Church of England, a support capable of raising insuperable difficulties to the reformation of the Government.

For this reason, on all occasions, the leaders of the Presbyterians were the most forward to speak against the grievances. They aggravated chiefly those that concerned the innovations in religion, which they openly ascribed to the design of introducing the Romish religion. All this was done with a view to cast upon the hierarchy, and the Bishops in general, the faults and ill conduct of some particular persons.

The other members who were of the Church of England, though very opposite to the King, saw what was the intention of the Presbyterians. But they were kept in awe by the fear of losing the assistance of the Scots, who supported this party, and rendered it very considerable. Wherefore they durst not displease the Presbyterian party, for fear of causing in the Parliament a division, which must be fatal to the common cause, and consequently very advantageous to the King.

Besides, the men I am speaking of, did not believe the Hierarchy to be absolutely necessary in the Church, or that religion could not subsist without bishops. Only the rigid Episcopalians, and

the King's party were of this opinion, but they made not a majority. Those therefore who had only in view the reformation of the State, and not that of the Church, could not however, without great inconveniences help having some condescension for the Presbyterians, for the reasons just mentioned. Perhaps they had no other view in their policy, than to gain time, till the civil grievances were redressed, without any design to go farther. But they had to deal with very able heads, who artfully led them beyond their first resolutions.

The Bishops are Attached More and More to The King

On the other hand, the Bishops perfectly knew the intention of the Presbyterians, and that in lessening the King's power, their designs to render him unable to oppose the change they were meditating. Wherefore they adhered the more firmly to the King's interest, and often, by the number of their voices, so managed it, that the Upper House voted directly contrary to the resolutions of the Lower. But thereby they procured the Presbyterians a considerable advantage.

For these last took occasion from thence, to represent how advantageous it was for the King to have at his devotion so great a number of voices among the Lords, and consequently, how impossible it would be to succeed in the intended reformation, so long as the Bishops had votes in the Upper House. This led them at length to bring in a Bill for the exclusion of all ecclesiastics from civil employments, and the Bishops in particular, from a right of sitting in the House of Lords.

Views of The Politicians

Those who had only in view to restore the Civil Government, without meddling with the hierarchy, and whom I shall call the politicians, though I don't know, they were ever so termed, were greatly embarrassed. They plainly saw, that sundry abuses had crept into the Church, and would have readily agreed to their abolition, provided nothing more had been required.

But it was proposed to go one step farther, and exclude the Bishops from the upper house, in which they saw several inconveniences, with regard to the interest of the Church of England, to which they were attached. Though the Presbyterian party did not entirely discover themselves, and seemed to have no other view than to facilitate the redress of all abuses after the exclusion of the Bishops, it was easy to perceive, their projects reached farther, and that their aim was to undermine the hierarchy.

It is certain, there was no less inconveniences in rejecting than conferring to, the Bill. By leaving the Bishops in the upper house, the King would be always secure of so many votes. As the Lords were not then so numerous as at present, as some were absent or otherwise employed, and some also were Roman Catholics, the Bishops and the rest of the King's party greatly influenced the resolutions of the upper house, as was daily experienced. Consequently the work of the reformation of the Government could not but meet with great obstacles.

On the other hand, by rejecting the Bill proposed, the Presbyterian party would be displeased, which was very considerable in the Kingdom, chiefly by the support of the Scots, of whom there was great occasion, since it was by their means that the Parliament was enabled to labour effectually the redress of the grievances.

Question by What Title do Bishops Sit In Parliament

Then began to be debated the famous question, By what title do Bishops sit in Parliament? It was not denied, they had enjoyed this privilege from the beginning of the Monarchy; but some pretended, they sat in Parliament as Barons only, on account of the Crown lands granted them by the Anglo-Saxon Kings, for which they did homage to the King like the rest of the Barons.

Others maintained, they had a seat there as representatives of the clergy, who could not be bound by the laws made in Parliament, without giving their consent to them, according to the constant maxim of the Kingdom, and the undeniable privilege which English subjects had ever enjoyed.

That the Lords gave their consent to the Laws, for themselves, and the Commons for all the Commons of the Kingdom, and therefore it was necessary, there should be in the Parliament representatives of the Church and Clergy, otherwise the maxim would be false, that no man can be bound by the Laws to which he has not consented.

They added farther, that the Parliament had always been thought to consist of three Estates, of which the clergy had been always considered as one, whence they inferred, that to exclude from the Parliament one of its three Estates, would be to above the constitution of the Government.

Reply to These Reasons

To these arguments it was answered:—

Though it should be true, that the clergy were an estate of Parliament distinct from the rest of the people, which was contested, it did not follow, that the Bishops represented the whole Church:

That there were in the Parliament two Houses, one of the Lords, and the other of the Commons; and two Houses in the convocation, the upper of the bishops, and the lower of the inferior clergy; and therefore, according to this rule, the inferior clergy should likewise have representatives in the Parliament, that they might be deemed to give their consent to the Laws, which however, was never pretended. Hence it was inferred, the bishops did not represent the clergy, and added, that this supposed representation was a new thing, unheard of before, and that a few months since, the bishops would have been very angry to be counted only bare representatives:

That though it was necessary, the clergy should be represented in the Parliament, it would not follow, that they ought to be represented by the bishops, as all the people of England were not represented by the Lords:

That the Abbots had formerly a seat in Parliament, not as representatives, but as being tenants in chief, and when they were excluded, it was not said, that a breach was made in the constitution of the Parliament, either by the exclusion of the abbots, or dissolution of the monasteries.

These, if I am not mistaken, are the principal arguments alleged for and against the bishops, with regard to their seat in Parliament.

This question was the more difficult, as it had been never determined by what right the bishops sat in Parliament. Very probably, from the beginning of the Monarchy, till about the end of the reign of Henry III, the Parliaments consisted only of Lords, who were in possession of all the lands of the Kingdom, for which they did homage to the King. And indeed it appears, the Lords, before that time, granted the King the money necessary for the support of the government, without any mention of the Commons.

It may therefore be said, that the Lords sat in Parliament by a double title, namely, for themselves, and as representatives of the nation. But after the Commons were introduced into Parliament, and had a separate House, the Lords lost the last of these titles, and sat only for themselves, the rest of the people having other representatives. The bishops and abbots, who belonged to the body of the Lords, had probably their seat too by a double title, as possessors of Baronies, and as representatives of the clergy, secular and regular.

But as in introducing representatives of the Commons into the Parliament, representatives of the inferior clergy were not also introduced, the bishops and abbots may be said to preserve their double title to sit there, as possessors of Baronies, and as representatives of the clergy.

The dissolution of the monasteries in the reign of Henry VIII, rendered needless the representation of the regulars, who no longer subsisted; but it made no alteration in the bishops right, who, according to this supposition, represented the secular clergy, and continued to sit in Parliament, though the Abbots were abolished. But after all, it must be owned, this representation of the secular clergy by bishops, is only a supposition, which, though probable, cannot be said to be so evident as not to be opposed[24].

But it seldom happens, that in disputes of this nature, justice and right are solely regarded. Though the reasons which may be drawn from the thing itself are not neglected, yet those are much more strenuously urged, which are founded in interest and policy.

Representation of The Presbyterians to The Politicians

The heads of the Presbyterians never ceased to represent to the politicians the impossibility of restoring the government to its natural state, so long as the Bishops should sit in the House of Peers:—

That the King had found means to gain the clergy to his interest, by expressing a great zeal for the Church of England, and an extreme aversion to the Presbyterians;

That the clergy, and especially the bishops, were entirely devoted to the King, in the belief that he was their protector and only support;

That therefore they were persuaded he could not be too powerful, since this power would be so advantageous to the clergy;

That there were convincing proofs of this - truth in the conduct of Laud, Wren, and other clergymen, particularly Sibthorpe, Montague, Manwaring, who had used their utmost endeavours to procure the King an unlimited power;

That the clergy in general were still in the same dispositions, and could do for the future as much mischief as formerly, if care was not taken to humble their pride and power, by confining them within the bounds of their calling.

The Politicians Agree to The Exclusion of The Bishops

The Politicians granted all these things, and besides, were not very well pleased with the bishops and the rest of the Clergy. But they were both to yield, for fear the alteration proposed might produce others in Church and State, which they did not care to meddle with.

Meanwhile, after long weighing the inconveniences which might flow from their acceptation or refusal, they resolved at last to sacrifice the bishops right, rather than run the risk of seeing all their projects fall to the ground, by the obstacles which the bishops might raise.

Artifices of The The Presbyterians

Whether this resolution was taken by the leaders at the beginning of the Parliament, which I think not unlikely, or whether it was necessary to use some time to prevail with the politicians, those who solicited the thing, judged that before it came to be publicly debated, it was convenient to breed prejudices against the Bishops in the minds of the people, and to cherish those already

entertained. The House wanted not opportunities to execute this design. The Bill to take from the bishops their seat in Parliament was not voted in the House of Commons till the 11th of March 1640-1, and passed not the House of Peers till the 27th of May following.

But before the moving of this Bill, the Lower-House had taken several steps tending to incense the people against the bishops. The great number of petitions against the Bishops in general, against episcopal government, against some particular prelates and clergymen, against innovations, against the late convocation, served them for foundation to examine the conduct of the bishops with all the rigour, their design required.

Artifices of The Commons

Several pretend, all these petitions were begged, and I won't affirm the contrary, though I know nothing particular concerning it[25]. There is no clearer evidence of the Commons design with regard to the bishops, than their resolution on the 20th of November, seventeen days after the opening of the Parliament, namely, that on Sunday the 22nd of the same month[26] every member should be obliged to receive the Communion, and bring with him a ticket of his name and the place for which he served, and that after the Communion-day none should sit in the House but those that had first received the sacrament.

This resolution could be with no other view, than to prevent the Commons from being esteemed Presbyterians, and their resolutions disparaged on that pretence. Thus in the reign of Henry V, the House of Commons intending to give a mortal blow to the clergy, began with passing an act for burning heretics, least the clergy should pretend that the House consisted only of such.

Proceedings of The Commons Concerning Religion in 1640 and 1641

To show now all the preparations that were made in the House of Commons, before they proceeded in the Bill I have been speaking of, I shall only briefly mention the petitions that were presented, the speeches that were made on this subject, and the several resolutions that were taken.

On the 10th of November, seven days after the opening of the Parliament, Sir Edward Deering made a speech in the House, to persuade them to enter upon matters of religion. He took occasion to present a petition from one Wilson a minister against the Archbishop who had suspended him, and concluded with saying:

Our manifold griefs do fill a mighty and vast circumference, yet so that from every part our lives of sorrow do lead unto him, and point at him the centre, from whence our miseries in this Church, and many of them in the Commonwealth do flow.

The same day was read the Petition of Peter Smart, prisoner in the King's Bench, complaining of Dr. Cosins innovations in the Church of Durham, and his prosecution of the prisoner in the High Commission at York, where he was sentenced and deprived of his living, and prebend of Durham.

Whereupon it was ordered that he should have liberty to go abroad in safe custody, to prosecute his petition, which was referred to a committee who were to consider by whose motion and means Dr. Cosins was preferred to his late dignity[27]. It was Archbishop Laud they had a mind to meet with. On the 21st, Dr. Cosins was sent for as a delinquent by the serjeant at arms.

The same day Sir Edward Deering made a speech, complaining, that there was a severe High Commission established in England, worse than the Popish inquisition; that the Archbishop of

Canterbury affected the title and power of a patriarch, and a died like a sovereign; that he allowed of the impression of books in favour of Popery, of which he named several, and refused the same license for printing orthodox writings. He moved that there might be a Committee to inquire into the great number of oppressed Ministers under the Bishops tyranny, (for ten years last past), and to examine the licences granted for bad books, and refused for good books.

On the 28th the town of Banbury presented a petition against innovations.

On the 30th it was reported from the committee for Mr. Wilson's petition, that he had been sequestered four years from his living, only for not reading the **Book of Sports** on the Lord's day: That after he was absolved, he was prosecuted for not reading the prayer commanded to be read by the Archbishop against the Scots.

On the 1st of December was read a Bill for reformation of abuses in Ecclesiastical Courts.

Three days after, the House received a petition from two of the inhabitants of Chester, complaining of their having been inhumanly treated by the High Commission at York, for visiting Mr. Pryn when he was going to his prison in Caernarvon Castle. Upon this petition the House appointed a numerous Committee to examine the jurisdiction of the two commissions of Canterbury and York and the abuses committed in the courts.

On the 9th a committee was appointed to examine the proceedings of the late convocation, as well as the convocation writs, whether they were the same with the writs of former times, and the opinions of the judges in that affair, and enquire how and by whom the commotion that enabled the clergy to give and take the new oath was withdrawn.

On the 9th the House received a petition subscribed by a great number of the inhabitants of London and several counties, containing twenty-eight grievances against Episcopal Government, the substance whereof was as follows:—

1. Grievance. The Bishops subjecting and enthralling all ministers under them and their authority, and so by degrees exempting them from the temporal power.
2. The faint heartedness of ministers to preach the truth of God, and oppose the progress of Arminianism, lest they should displease the prelates.
3. The encouragement of ministers to despise the temporal Magistracy, and to live contentiously with their neighbours, knowing that they, being the Bishops creatures, shall be supported.
4. The restraint of many godly and able men from the Ministry, and thrusting out of many congregations their Ministers, because they could not in conscience submit unto, and maintain the Bishops needless devices.
5. The suppressing of the buying of impropriations, and placing of able ministers in them.
6. The great increase of scandalous men in the ministry, who, if they but wear a canonical coat, a surplice, a hood, and bow at the name of Jesus, think they have fully discharged their duty.
7. The discouragement of many from bringing up their children in learning; the many errors and strange opinions which are in the church; great corruptions in the universities; the want of preaching ministers in many places; the loathing of the ministry, and the general defection to all manner of profaneness.

8. The swarming of lascivious and unprofitable books, in disgrace of religion; as namely, *Ovid's Fits of Love*, *The Parliament of Women*, &c.

9. The hindering of godly books to be printed; the blotting out or perverting in those which they suffer, whatever strikes either at Popery or Arminianism; the adding of what pleaseth them, and the restraint of re-printing books formerly licensed, without re-licensing.

10. The publishing of Popish, Arminian and other dangerous books and tenets; as namely, That the Church of Rome is a true Church, and in the worse times never erred in fundamentals; that the subjects have no propriety in their estates; but that the King may take from them what he pleaseth; that all is the King's[28] and that he is bound by no Law, &c.

11. The growth of Popery, and increase of Papists, Priests and Jesuits; the frequent venting of crucifixes and popish pictures both engraven and printed, and the placing; of such in Bibles.

12. The multitude of monopolies, and impositions upon all kinds of commodities, &c[29].

13. That the church government in England was upheld the same way as in the Romish Church. Hence it was that the prelates maintained, that the Pope is not anti-christ, and forbad praying in the church for the conversion of the Queen.

14. The great conformity of ventures and ceremonies with those of the Church of Rome.

15. The standing up at the Gloria Patri, and at the reading of the Gospel; praying towards the East; the bowing at the name of Jesus; the bowing to the altar; towards the east; cross in baptism; the kneeling at the Communion.

16. The turning of the communion table altarwise; the letting images and tapers upon them; the reading of the second service at the altar, which is termed the mercy-seat; the forcing people to come up thither to receive the Sacrament.

17. The consecrating of churches, chapels, fonts, &c. and the re-consecrating of them upon pretended pollution.

18. The liturgy for the most part taken out of the Romish breviary, and the book of ordination framed out of the Roman pontifical.

19. The multitude of canons; abuse of excommunication; denying of appeals; the canons of the last Synod.

20. Plurality of benefices; prohibiting of marriages without licence at certain times, and licensing of marriages without bans asking.

21. Profanation of the Lord's-day, the suspending and depriving ministers for not reading a declaration for tolerating sports on that day.

22. The pressing of the strict observation of the saints days, and drawing great sums of money out of men's purses for giving them leave to work on them.

23. The great increase of adulteries, &c. occasioned by the prelates corrupt administration of Justice in such cases, who taking upon them the punishment of it, do turn all into moneys for the filling of their purses.
24. The general abuse of excommunication, which was inflicted for trivial matters; and the absolution whereof could not be obtained without money, &c.
25. The prelates claiming their office and jurisdiction to be *Jure Divino*, their taking upon them temporal dignities, &c.
26. The forcing people to take Commissions out of their own courts.
27. The imposing of oaths upon church wardens and sidesmen, winch they cannot take without perjury[30].
28. The great abuse of Ecclesiastical Courts, and the Bishops usurpations.

This petition ended with some considerations, the last whereof was, that the Bishops having occasioned the war with Scotland, this war could be terminated only by the suppression of Episcopacy.

The next day, several Ministers[31] were declared delinquents, for introducing innovations into the Church, and a committee was appointed to examine the complaints exhibited against the Bishop of Bath and Wells.

On the 15th the House proceeded to take into consideration the new Canons of the late convocation, and voted what has been related. After that, Laud was accused, and Wren obliged to give bail.

On the 12th of January 1640-1, Petitions were presented from four several counties against the hierarchy.

On the 16th a complaint was brought to the Lords[32], against a Conventicle held in the Parish of St. Saviours in Southwark, where at least sixty persons were seized, who upon being asked why they did not resort to their Parish church, according to the Law of the 35th of Elizabeth, answered, that the Law of Elizabeth was not a true Law, for that it was made by the Bishops[33].

The Lords contented themselves with ordering, that Divine Service should be performed as appointed by the Acts of Parliament; and that the Ministers should forbear to introduce any innovations.

On the 19th the city of Gloucester presented a petition against the Bishops.

On the 23rd was read a petition of several Ministers, on behalf of themselves and many others their brethren, praying a redress of certain irregularities in the government of the church. To which was annexed a remonstrance, setting forth these pretended irregularities, and the great revenues and the little use, of deans and chapters.

The Kings Speech to Parliament on January 25th

1640 AD] All these petitions, which were very graciously received by the House of Commons, being plain indications that the House had some ill design against the bishops, his Majesty sent for both Houses to attend him at the Banqueting House at Whitehall, where he made the following speech.

My Lords, and you the Knights, Citizens, and Burgesses,

THE principal cause of my coming here at this time, is by reason of the slow proceedings in Parliament, touching which is a great deal of inconvenience.

Therefore I think it very necessary to lay before you the state of my affairs as now they stand, thereby to hasten (not to interrupt) your proceedings.

First, I must remember you, that there are two armies in the Kingdom, in a manner maintained by you, the very naming of which doth more clearly shew the inconvenience thereof, than a better tongue than mine can express. Therefore, in the first place, I shall recommend unto you the quick dispatch of that business.

In the next place, I must recommend unto you the state of my navy and forts; the condition of both which is so well known unto you, that I need not tell you the particulars, only thus much; they are the walls and defence of this Kingdom, which is out of order, all men may easily judge what encouragement it will be to our enemies, and what disheartening to our friends.

Last of all (and not the least to be considered) I must lay before you the distractions that are at this present occasioned through the connivance of Parliament; for there are some men that, more maliciously than ignorantly, will put no difference between reformation, and alteration of Government. Hence it cometh, that divine service is irreverently interrupted, and petitions in an ill way given in, neither disputed nor denied.

But I will enter into no more particulars, but shew you a way of remedy, by shewing you my clear intentions, and some rocks that may hinder this good work.

I shall willingly and cheerfully concur with you for the reformation of all innovations both in Church and Commonwealth, and consequently that all courts of justice may be reformed according to Law. For my intention is clearly to reduce all things to the best and purest times, as they were in the time of Queen Elizabeth.

Moreover, whatsoever part of my revenue shall be found illegal, or heavy to my subjects, I shall be willing to lay it down, trusting in their affections.

Having thus clearly and shortly set down my intentions, I will shew you some rubs, and must needs take notice of some very strange (I know not what term to give them), petitions given in the name of divers counties, against the present established government, and of the great threatening against the Bishops, that they will make them to be but ciphers, or at least their voices to be taken away.

Now I must tell you, that I make a great difference between reformation and alteration of government; though I am for the first, I cannot give way to the latter.

If some of them have overstretched their power, and encroached too much upon the temporality, if it be so, I shall not be unwilling these things should be redressed and reformed, as all other abuses, according to the wisdom of former times; so far I shall go with you, nay farther, if upon serious debate you shall shew me, that Bishops have some temporal authority, inconvenient to the State, and not so necessary for the government of the Church, and upholding episcopal jurisdiction; I shall not be unwilling to desire them to lay it down; but this must not be understood, that I shall any way consent that their voices in Parliament shall betaken away; for in all the times of my predecessors since the Conquest, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamental constitutions of this

Kingdom. There is another rock you are on, not in substance but in form; yet the form is so essential, that unless it be reformed, it will mar the substance.

There is a bill lately put in concerning Parliaments. The thing I like well, to have frequent Parliaments, but to give power to Sheriffs and Constables, and I know not whom, to use my authority, that I cannot yield unto. But to shew you, that I am desirous to give you content in forms which destroy not the substance, you shall have a Bill for this purpose; so that it trench neither against my honour, nor against the ancient prerogative of the Crown, concerning Parliaments, to which purpose I have commanded my learned council to wait upon you, my Lords, with such proportions as I hope will give you content, for I ingenuously confess, that frequent Parliaments are the best means to keep a right understanding between me and my people, which I so much desire.

To conclude, I have now shewn you the state of my affairs, my own clear intentions, and the rocks I wish you to eschew; in all which you may perceive the desire I have to give you content, as you shall find also by those Ministers I have, or shall have, about me for the effecting of these my good intentions, which, I doubt not, will bring peace and happiness to my subjects, and contentment to you all.

Concerning the conference, you shall have a direct answer, which shall give you satisfaction.

This speech produced not the effect, the King expected:

First, because probably the exclusion of the Bishops was already resolved, and there was nothing in the King's speech capable of altering that resolution.

Secondly, the great concern expressed by the King for the Bishops right, was precisely the principal cause that made their exclusion to be desired.

Thirdly, the King seemed to banter the Parliament, when he said, if they would shew him that the Bishops have any temporal authority inconvenient to the State, he should not be unwilling to desire them to lay it down. As if the Parliament ought to have expected, from the pure condescension of the Bishops, the reformation of an authority prejudicial to the State, a maxim directly contrary to the principles, the Parliament was then of.

Complaint Against Matthew Wren Bishop of Ely

The next day, a complaint was brought to the Commons against; Matthew Wren, for having, whilst Bishop of Norwich, by oppressions, innovations, and requiring of certain oaths, compelled above fifty families of that City to withdraw out of England.

On the 1st of February, the Commons examined (part of) the London Ministers remonstrance against the bishops. In the debate upon this subject, some impart repartees passed between Mr. Grimston and Mr. Selden. Mr. Grimston argued thus:

That bishops are *Jure divino*, is a question;

That Archbishops are not *Jure divino*, is out of question.

Now that Bishops which are questioned whether *Jure divino*, or Archbishops, which out of question are not *Jure divino*, should suspend Ministers that are *Jure divino*, I leave to you to be considered. To which Mr. Selden answered,

That the Convocation is *Jure divino*, is a question;

That Parliaments are not *Jure divino*, is out of question:

That Religion, is *Jure divino*, there is no question.

Now, Sir, That the convocation, which is questionable whether *Jure divino*, and Parliaments, which out of question are not *Jure divino*, should meddle with religion, which questionless is *Jure divino*, leave to your consideration.

I own these two arguments do not seem to me of equal force.

The first: supposes, that for the particular act of suspending a Minister, there must be an authority derived from God, a supposition seemingly very natural.

The other supposes, that there is occasion for the like authority, to meddle with the affairs of religion, a supposition which to me appears a little too general, and which should be reduced to particular acts, to render this argument like the first.

On the 5th, upon the complaint of the inhabitants of Wood-Church in Kent, against Mr. Bowen their minister, who being also a justice of peace, had, by colour of that office, done several things contrary to the laws, the House ordered, that the Lord-Keeper should be denied to leave out the clergy of England and Wales, at the renewing of the commission of the peace.

On the 8th and 9th the House resumed the debates concerning the Bishops, and many speeches were made for and against them[34], but they are too long to be inserted. I shall content myself with observing, that though the point in question seemed to be only to know, whether the Bishops ought to be excluded from the House of Peers, yet the arguments against them tended much farther, even to the entire abolition of Episcopacy.

I shall also remark, that among those who spoke for the Bishops, there was not one that denied, the prelates had abused their power. But they maintained, that these were personal faults, which might be punished and prevented for the future, without any necessity of attacking Episcopacy itself. The adversaries of the Bishops intimated on the contrary, that there was no reforming Episcopacy, but by changing the government of the Church.

They said, whilst there were Bishops there would be so many tyrants, who would think more of establishing their grandeur, than of the people's salvation. Unhappily, they had but too many instances to confirm their opinion. The Lord Falkland, who spoke that day against the Bishops, said, among other things:—

A Paragraph Out of Lord Falkland's Speech Against Bishops

We fall find them to have tythed mint and anise, and have left undone the weightier works of the Law; to have been less eager upon those who damn our Church, than upon those, who upon weak conscience, and perhaps as weak reason, (the dislike of some commanded garment, or some un-commanded posture) only abstained from it. Nay, it hath been more dangerous for men to go to some neighbour's parish, when they had no sermon of their own, than to be obstinate and perpetual recusants; while masses have been said in security, a conventicle hath been a crime; and which is yet more, the conforming to ceremonies hath been more exacted, than the conforming

to Christianity, and whilst men for scruples have been undone, for attempts upon sodomy they have only been admonished.

The oppositions which the enemies of Episcopacy then met with in the execution of their designs, was strong enough to retard it, but not capable to make them desist. What they had just done was properly but an effort, in order to take more effectual measures hereafter. They were contented, therefore, with having prevailed with the House, that the petition of the inhabitants of London should be taken into consideration, contrary to the opinion of those who would have it rejected without reading.

Besides, what had been said on this occasion against the Bishops, promoted the execution of the project, to take away their votes in the House of Lords, which most of the Commons had already resolved in private. They continued therefore to receive petitions against Episcopacy, and to take several steps tending to inspire the people with an aversion for the Bishops, and the rest of the clergy.

The 13th of February, a Bill was brought in for abolishing superstition, in the supposition, that Bishops had introduced into the Church sundry superstitious practices.

The 1st of March the Commons appointed a committee to prepare reasons to be offered to the Lords, that all clergymen in England and Wales, should be put out of commission of the peace,

The 9th it was moved in the House, that a Bill be drawn against pluralists, and non-residents.

Votes of The Commons Against The Bishops

The same day were presented, from the committee for the Ministers remonstrance against the Bishops, three heads for the debate and consideration of the House. The first concerned their secular employments, namely, their legislative and judicial power in Parliament; their judicial power in the Star-Chamber, and commissions for the peace; their employment as Privy counsellors, and temporal offices.

The second related to their sole power in ecclesiastical things, as ordination and censures. The third concerned the greatness of the revenues of Deans and Chapters, the little use of them, and the inconveniences thence arising. The House having debated upon the first of these heads, came to these resolutions:—

I. That the legislative and judicial power of Bishops in the House of Peers, is a great hindrance to the discharge of their spiritual function, prejudicial to the Commonwealth, and fit to be taken away by Bill, and that a Bill be drawn to that purpose.

II. That for Bishops, or any other clergymen, to be in the commission of the peace, or to have any judicial power, in the Star-Chamber, or in any civil court, is a great hindrance to the discharge of their spiritual function, prejudicial to the Commonwealth, and fit to be taken away; and that a Bill be brought in to that purpose.

Dr. Pocklington's Books Ordered to Be Burnt

The same day, the Lords ordered to be burnt two books, written by Dr. Pocklington, entitled, *Sunday no Sabbath*, and *Altare Christianum*.

The 15th the Commons sent up to the Lords articles against Dr. Cosins, who was accused of introducing into the Church of Durham divers innovations, tending to restore Popery.

The 21st of April, petitions against the hierarchy were presented by Nottinghamshire and Lancastershire.

The 26th of the same month was read (a second time) a Bill, for punishing and fining the members of the late Convocation. The Archbishop of Canterbury's fine was of twenty thousand pounds. There were others of ten thousand pounds, of five thousand, three thousand, two thousand, and the least of a Bishop was of a thousand. The rest of the members were rated, each in proportion to his ecclesiastical revenues[35].

The same day was read a Bill, for regulating abuses in ecclesiastical Courts.

It was evident, that the Commons were projecting some great reformation in the ecclesiastical State, and probably, the Deans and Chapters were first to be attacked, because their use did not appear so manifest. For this reason, Dr. Hacket desired leave to speak before the House, on the behalf of Deans and Chapters, which was granted him. But after he had done, Dr. Burgess was permitted also to answer his reasons. The two Universities presented likewise petitions to the House on the same account, but to no manner of purpose.

At last, the Bill against the Bishops and clergy exercising temporal jurisdiction, passed in the House of Commons, and was sent up to the Lords for their concurrence. But this Bill meeting with great opposition in the House of Peers, who put off the debate from day to day, the Commons caused a new Bill to be brought into their House, for the taking away of Archbishops, Bishops, Deans, Archdeacons, &c. which was read the first time.

Whilst they were debating whether it should be read again or laid aside, a message came from the Lords, signifying, that they were ready to concur with them as to the former Bill, except only taking away the Bishops votes in Parliament. But the Commons, without taking any notice of this offer, ordered the new Bill to be read a second time.

The second of June, at a conference between the two Houses, the Lords gave reasons why they did not judge it unlawful for the Bishops to sit in Parliament, alleging, that for their right to vote there, they conceived by the Common and Statute-Law, and antient practice, there was no question of it. As for any inconveniences, they did not yet understand any such as might induce them to deprive the Bishops and their successors of their right. But for removing them from the Star-Chamber, Council-table, or any office in secular affairs, they would fully concur with the Commons.

Reasons Why Bishops Ought Not to Have Votes in Parliament

Next day, heads for a conference with the Lords were reported, containing nine reasons why Bishops ought not to have votes in Parliament[36].

- 1. Because** it is a great hindrance to their ministerial function.
- 2. Because** they do vow and undertake at their ordination, when they enter into holy orders, that they will give themselves wholly to that vocation.
- 3. Because** councils and canons in several ages, do forbid them to meddle in secular affairs.
- 4. Because** the twenty-four Bishops have dependence on the two Archbishops, and take their oath of canonical obedience unto them.
- 5. Because** they are but for their lives, and therefore are not fit to have legislative power over the honours, inheritances, persons, and liberties of others.

6. Because of Bishops dependency and expectancy of translation to places of greater profit.

7. That the several Bishops have of late much encroached upon the consciences and liberties of the subject; and they and their successors will be much encouraged still to encroach; and the subject will be much discouraged from complaining against such encroachment, if twenty-six of that order be to be judges upon that complaint. The same reason extends to their legislative power in any Bill to pass for the regulation of that power, upon any emergent inconvenience by it.

8. Because the whole number of them are interested to maintain the jurisdiction of Bishops; which hath been found so grievous to the three Kingdoms, that Scotland hath utterly abolished it.

9. Because the Bishops, being Lords of Parliament, it settleth too great a distance between them and the rest of their brethren in the Ministry; which occasioneth pride in them, discontent in others, and disquiet in the Church.

And as to their having votes a long time, the answer is, if it be inconvenient, time and usage are not to be considered with lawmakers: Some abbots voted as antiently in Parliament as bishops, yet are taken away.

Among these reasons, the Commons only insinuated the principal in the sixth article, which however was universally known, namely, that the Bishops had been too much devoted to the King, and countenanced arbitrary power.

Meanwhile the Commons ordered a Bill to be prepare against the late convocation, and another to abolish the High Commission.

The 7th of June the Lords voted for maintaining the Bishops right to sit in Parliament.

Preamble to The Bill Against Episcopacy

The 9th, the affair of Episcopacy coming again into debate, lasted from seven in the morning, till night[37], and it was resolved by the Commons, that the preamble to the Bill should be expressed in these words:—

Whereas the government of the Church of England by Archbishops and Bishops, the Chancellors and Commissaries, Deans, Archdeacons, and other Ecclesiastical Officery, hath been found by long experience to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the State and Government of this Kingdom, &c.

Votes Against The Hierarchy

The 15th the Commons voted that all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and Petty-Canons, and their officers, shall be utterly abolished: That all the Lands taken from Deans and Chanters shall be employed to the advancement of learning and piety, provision being made that his Majesty be no loser in his rents, first-fruits, and other duties; and that a competent maintenance shall be made to the several persons concerned, if such persons appear not to be delinquents.

Several speeches too long to be inserted, were made upon this occasion.

The 21st the House being resolved into a grand committee to debate the Bill for abolishing Episcopacy, Sir Edward Deering proposed, in a speech, that there should be in every shire twelve divines and a president, to whom might be given what title they pleased, whether that of Bishop or any other: but nothing was resolved thereupon.

It is easy to perceive by what passed in the Parliament, during the first months, with regard to the church, that the Commons considered this affair as a capital point, though they affected to let it pass as dependent on the design of reforming the civil Government. For scarce a day passed without some debate, directly or indirectly, on this subject. But as this was not the only affair then in agitation in the Parliament, it will be necessary to break off the narration, in order to speak of some other matters of no less importance.

The King could not but be very much displeas'd with the proceedings of the Commons, as well in the affair of grievances, as in that of Episcopacy. The two things he had most at heart, since the beginning of his reign, were the stretching his prerogative, and maintaining the Church of England in its full lustre, and the Bishops in all their authority.

Nevertheless, upon these two points it was that the Commons seem'd to affect to give him daily mortifications, not only by their speeches, but also by their vote, and the Bills they sent up to the Lords.

Proceedings of The Commons Against The Papists

But besides grievances and Episcopacy, there was another article, wherein the Commons shew'd no great complaisance to the King; and that was the affair of the Catholics. Charles follow'd the King his father's method, that is, he appear'd to be entirely attach'd to the Protestant religion and Church of England; whilst on the other hand, he protect'd and countenanc'd the Papists.

But there was this difference between the father and son; King James's religion was always very doubtful, notwithstanding his outward profession of the Protestant religion; whereas King Charles was never accus'd of being a Papist, but by men of very warm and passionate tempers. However, several things induc'd him to favour the Catholics, which gave his enemies some advantage.

1. The example of the King his Father, who, throughout his whole reign, could never be prevail'd with to execute the Laws against them.
2. Though the Papists would not take the oath of supremacy, they refus'd not to swear allegiance, and that was sufficient for him to reckon them good subjects.
3. In his project of humbling the Parliament, and reducing the Commons to the sole affair of supply, the Parliament's desiring the execution of the Laws against the Papists, suffic'd to throw him upon a contrary course, in order to deprive them by degrees, of the custom of obtaining every thing by importunity.
4. The Catholics having no other refuge but the King's protection, it was natural for them firmly to adhere to his person and interest, and the King thought himself oblig'd to grant them an extraordinary protection, in reward of their fidelity.
5. Nothing was more grating to the Puritans, than to see the Papists well received at court; and as the King hated the Puritans, he took a pleasure in mortifying them, by caressing their enemies.
6. The Queen, for whom the King had a very great condescension, did not a little contribute to inspire him with a good opinion, if not of her religion, at least of the professors.

7. Archbishop Laud, who was Arminian, took care not to strengthen the Calvinistic party, by incensing the King against the papists.

8. Lastly, Charles I was naturally of an inflexible temper, and this quality, added to his maxims of Government, made him impatient of whatever tended to curb his will. These are probably, the reasons that induced the King to countenance the Catholics, during the first fifteen years of his reign. He carried his regard for them to far, that not only the penal Laws enacted against them, were never executed, but the papists were also considered at court as the best subjects whereas the Puritans were regarded as enemies to the King and State.

The face of affairs being changed by the calling of the Parliament, and the King unable to protest the papists, they were treated somewhat roughly. It was supposed, there was a settled design to introduce popery, and that several Bishops and other clergymen were in the plot. The Archbishop of Canterbury, the Bishops of Ely, and of Bath and Wells Dr. Cosins, Secretary Windebank, and some others, were accused of being chiefly concerned in this affair, which was openly said to be managed by the Queen and her Confidants.

Though this charge was perhaps carried too far, with respect to the private persons, it can hardly be denied, that they gave some cause for it by their proceedings. Their hatred to the Presbyterians made them not to scruple to make too near approaches to Popery, in order to be at a greater distance from Presbyterianism. This, if I am not mistaken, was the true cause of all the innovations introduced into the public worship, and of the inviolable attachment to the observance of certain indifferent or needless customs and ceremonies.

The chief aim of the Governors of the Church was to widen continually the distance between Presbyterianism and the Church of England. But this policy, which was advantageous to the enemies of the Puritans, whilst the King ruled with an absolute power, turned to their prejudice entirely, because in this Parliament they were accused of having had more secret designs; in a word, of having intended to introduce Popery, and the punishment of the faults committed by some hot and passionate persons, was made to fall on the whole Church.

In all the proceedings of the Parliament against the Papists, the King had properly nothing to say. He could not deny that there were Laws against recusants, and that these Laws had not been executed, though he had several times solemnly promised it. It was no longer a proper season to protect them openly, and therefore he published proclamations, enjoining the execution of the Laws, in order to content the Parliament.

But these proclamations were so artfully drawn, that they properly granted nothing of what they seemed to promise. especially, the Parliament could never prevail with the King to let the condemned priests be executed, whether the King believed these sentences too rigorous, or the Queen's solicitations had a greater influence upon him than those of the Parliament. I shall now proceed to the most material transactions concerning the Catholics, during the first seven or eight months of this session.

In the beginning of the Parliament, the King having published a proclamation against recusants, the Committee, charged with examining it, reported, it was not according to (his Majesty's intentions, or) the expectation of the House, for me following reasons:

Report of The Committee Concerning The Proclamation Against Recusants

1. In the clause wherein the proclamation commands all Popish recusants within fifteen days to depart the City, &c. it is added, without special licence had thereunto:

So; that if by any means they can obtain any licence from his Majesty (which the Committee thinks they cannot) or from the Lords of the Council, Bishop, Lieutenant, or Deputy-Lieutenant, then they are not within that clause.

2. The order to disarm all recusants, is limited to recusants convict, and being so restrained, if any be armed, and not convicted, a Justice of Peace cannot disarm them.

3. Recusants are commanded to depart to their own dwelling houses; but as of late days there is great resort of recusants to London and Westminster, and places adjacent, there is no urging them from thence by Law.

The Committee added, that many recusants had letters of grace to protect their persons and estates.

In the continuation of this report, a few days after, the Committee said:—

That upon the examination of the Keepers of two prisons only, Newgate and the Clink, they found sixty-four Priests and Jesuits discharged in one year, some by Privy-signet, others by warrants from the Lords of the Council, but most of them by warrants from Secretary Windebank, without any mention of the King's pleasure[38]:

That upon examination of the Clerk of the Peace for Middlesex, and the Clerk of the Crown in the King's Bench, it was found, that within the compass of seven or eight years there had been seventy four letters of grace[39].

Then they descended to particular circumstances, concerning the discharge of several persons condemned for treason, all by the order of Windebank:—

They said moreover:—

That they had discovered sixty four letters of grace to stay the prosecution against Papists, directed to several counties and judges. It was added, that indeed the King had power to pardon the condemned: but to command no further prosecution, was contrary to Law.

The 30th of November, the Commons desired the General of the army to dismiss all popish officers[40], and moved his Majesty, that all commanders and other officers in any town or garrison that were papists, might be removed. The King answered, he knew of no Papist that had the command of any place, but however, had given orders to be more particularly informed.

The 1st of December, the House ordered the preparing of a remonstrance to his Majesty, concerning the Pope's (pretended) Nuncio. This was Count Rosetti, who exercised in England the function of Nuncio, under colour, that it was necessary to the Queen for matters of conscience.

The 5th the House sent an order to all the justices of peace of Westminster, London and Middlesex, enjoining them to proceed against recusants according to Law, notwithstanding any inhibition or restraint.

Business of Goodman The Jesuit

In January following, there was a sort of dispute between the King and Commons, on account of John Goodman a Jesuit, who had been condemned to die, but was reprieved by the King. The Houses had several conferences upon this subject, and at last agreed to join in a remonstrance

to his Majesty, to move him, that the Laws might be executed against priests and Jesuits, and particularly against Goodman. The King, who desired to save this Jesuit, alleged, That he had been condemned merely for being in orders of a Priest, and had never been condemned or banished before. But the two Houses represented to him, that this priest and Jesuit had been a minister in the Church of England, and had been formerly twice committed and discharged.

In short, the King replied:—

That if Goodman were put to death, the Protestants abroad, in Catholic countries, might suffer for it; but however, would leave it to both Houses to act as they thought fit.

Next day, Goodman sent a petition to the King, which was immediately communicated to the House of Lords, wherein he said:—

That he was content to die, rather than live the subject of so great discontent between him and his people. As it does not appear that the Parliament insisted any more upon this matter, it is likely, the King obtained his desire, and saved the Jesuit's life. But this sort of victory failed not to do him some prejudice, in that his enemies took occasion from thence to represent, that there was no depending upon his proclamations or promises, with respect to the Papists, since they were never executed. It is not doubted but the Queen solicited strongly in Goodman's behalf.

The 11th of February 1640-1, notice was given to the Commons, that the Papists were preparing to execute some great design[41], and that by the Queen's order, all Roman Catholics fasted every Saturday, for the prosperous success of the same. Whereupon an order was made, that all Judges in their circuits should effectually put the Laws in execution against Priests and Jesuits [42].

The 17th of May, the Commons ordered the Lord- Mayor of London, and the Justices of Peace for London, Westminster, and Southwark, to prevent Papists from resorting to Ambassadors houses, and the Queen's chapels.

The 24th the members of the House had orders to bring in, by such a time, the names of all recusants convicted in each county.

The 2nd of June, was read in the House of Commons a Bill, for disarming all the Papists in the Kingdom.

Proceedings of The Commons Concerning The Money Given by Papists For The War With Scotland

In January last, the Commons had begun to take into consideration the contribution raised among the Roman Catholics, for carrying on the late war against the Scots, at the instance of the Queen, who wrote a circular letter to exhort them to it.

Walter Montague and Sir Kenelm Digby, (who had writ on the same occasion to some of the principal of the popish party) were sent for and examined, and the Commons seemed resolved vigorously to push this affair. But the Queen found means to appease them by a message, wherein she said:—

That she was moved to raise money in that manner for the King's assistance, merely out of her tender affection to him, and if it were illegal, she was ignorant of the Law, but promised to be more cautious for the future.

She said moreover:—

That understanding, the having one sent to her from the Pope was distasteful to the Kingdom, she was desirous to give the Parliament satisfaction, and in convenient time would remove him.

This convenient time was not yet come in June following, when the Nuncio Rosetti was still with the Queen. But at last, the Commons having ordered him to be brought to the Bar of their House to be examined, he hid himself, and on the morrow departed for Rome. Montague, Winter, and Sir Kenelm Digby, withdrew into France.

The Queen's Confessor is Accused

Father Philips, the Queen's councillor, was also examined by the Commons, who afterwards brought an accusation against him to the Lords, and against the superior of the Capuchins belonging to the Queen. Probably, this accusation was only to frighten, and oblige them to retire.

These are all the material transactions concerning the Catholics, before the King's journey to Scotland, which will be mentioned hereafter. It is time to return to the Scotch army, which we left at Newcastle.

Affairs With The Scots

The King had flattered himself, that the Parliament would espouse his cause against Scotland, and furnish him with means to drive the Scots out of the Kingdom. This was the first, or rather the only thing he recommended in his first speech to both Houses. But to perceive how vain this hope was, it needs only to be considered, that the leading men of the party against the King, were the persons that encouraged the Scots to enter England, and that this party was so superior in the Parliament, that but few of the King's friends durst open their mouth to support his interest.

It was this Scotch invasion that compelled the King to call a Parliament, and enabled the Parliament to break all the King's measures, and oblige him to suffer the redress of grievances. In a word, it was solely by means of the Scots, that the Parliament had it in their power to restore the Government to its antient and natural state.

They would therefore have acted against their own interest, and directly contrary to the end they proposed, if they had supplied the King with means to drive the Scots out of the Kingdom. Accordingly, they took not one step tending to that purpose. On the contrary, it evidently appeared, that they considered the Scots as brethren, who, having the same interest as the English, were come to assist them, and act in concert with them.

The 9th of November, six days after the opening of the Parliament, Sir William Widdrington, Knight of the Shire for Northumberland, speaking concerning the matter of a petition, presented by that County, on account of the oppressions they laboured under from the Scotch army, called the Scots, invading rebels.

The House was so offended at the expression, that Widdrington escaped imprisonment only by recanting, and promising to call them rebels no more. Nothing was more capable to show the King, how averse the Commons were from aiding him against the Scots. But this was not the only mark they gave of their intention.

In the first place, they thought proper to give the Scots the sum of three hundred thousand pounds, in reward for their brotherly assistance to England. In the second place, they found means to prolong the negotiation of peace till the 7th of August 1641, that is, till almost all the grievances were redressed, the triennial Bill passed, and another, that the Parliament should not be dissolved, but by an act for that purpose.

All this was very remote from the hopes the King had flattered himself with, that he should have a sufficient supply to compel the Scots to return home. As the troubles of Scotland were the fountain and origin of all that passed in this Parliament, I am persuaded, the reader will not take it ill, to see here a brief account of the negotiation of peace between the King and the Scots, and between Scotland and England.

What follows is the substance of the Earl of Bristol's speech to both Houses, when he was chosen by the Lords Commissioners, to give them an account of what had passed hitherto in that affair.

The Earl of Bristol's Relation of His Negotiation With The Scots

THE COMMISSIONERS employed by his Majesty intention to look further back into the business, than the acts of their own employments; they intend to give no account of the pacification interrupted, nor war renewed; no account how the armies in England, Ireland, and by sea were designed; they, purpose not to lay fault upon any man, nor to enquire into the cause why the Scots (as they pretended from necessity) were drawn to enter this Kingdom; nor why the King's army, when service was to be done, was out of the way; but that those through whose hands these have passed, may hereafter give their own account.

His Majesty having called his Great Council at York, made to them two propositions. The first was how his army should be relieved and maintained? To this the Lords resolved to engage themselves, and to send deputies to London to negotiate a supply.

The second proposition was, that after the Scots had passed Northumberland, taken Newcastle, and possessed the Bishopric of Duresm, they sent a petition to his Majesty, which contained in general terms a desire to have their grievances taken into consideration. Upon receipt of his Majesty's answer, the Scottish Lords sent his Majesty a second petition, in which they made their particular demands, and declared, that according to his Majesty's command they would advance no further into England.

So his Majesty asked the Lords what answer should be made to that petitioner letter? The Lords replied, that it was impossible for them to give any well-grounded advice, unless the true state of his affairs, and the condition of his army were laid before them.

Whereupon his Majesty commanded the Earl of Traquair to make the narration of the Scottish business, and their late acts of Parliament, and the, Earl of Strafford, Lord-Lieutenant-General to give an account in what condition the army stood.

The Scots army had passed Northumberland without resistance. They had disputed the passage of the river Tyne at Newburn, where the English horse retired in disorder. His Majesty's foot army consisting of twelve or fourteen thousand men in Newcastle, likewise retired to York, whereby the town of Newcastle, a place of great consideration, was fallen into the Scots hands, and the Bishopric of Duresm brought under contribution.

In this state the gentry of the Bishopric repaired to his Majesty from whom they were referred to the Earl of Strafford, who gave them this answer positively, that they could look for no help nor protection from the King, and therefore they might use the best means they could to preserve their lives and estates. Whereby they were forced to consent to a very heavy contribution, though such without which the

Scottish army could not subsist. This contribution was eight hundred and fifty pounds a day for the Bishopric of Durham, Northumberland, and Newcastle. These gentlemen much lamented their estates, that the Scots should be irritated by being proclaimed traitors.

The Scots on the other hand represented to the King's commissioners, that being threatened with an army of thirty or forty thousand men, another of ten thousand out of Ireland, and by proclamation declared traitors and rebels; and having heard of another army providing, of eight or ten thousand by shipping to hinder their trade, at least their commerce with England, that they were drawn together by necessity, as they pretended, of defence.

They further alleged, that it was a common discourse, of which they had seen papers that they should be reduced into province, which would be but one summer's work. Therefore they had drawn their power together, and being assembled, and their country poor, taking advantage of the time, while all those armies that should oppose them were out of the way, they were forced to enter into England.

Thus the Great Council of the Lords found that the Scots had increased their confines near fourscore miles in England, and had passed the rivers of Tweed and Tyne; and that the river of Tees, the boundary of Yorkshire, was not to be defended, being fordable in many places by forty horse a front. That if the Scots should pass that river, there was no possibility to hinder them from coming to York, without hazarding a battle, which the Earl of Strafford declared unto them he would not advise, because the King's army consisted of troops that were untrained, and unused to arms.

This being the case, the Lords advised his Majesty that the Scots, and their grievances might be heard. And whereas their complaint had been, that their petitions to his Majesty had been conveyed by conduits of an evil relish, that there might be chosen such Lords commissioners, of whose integrity they could not doubt.

The King was pleased to refer the choice of these commissioners to the Great Council: And to them power was given, under the Great-Seal of England, to hear whatsoever the Scots could lay before them, and to enter into treaty with them.

When this was proposed to the Scots commissioners, they represented, that the countries where they lay were become poor; that they could not think, as their affairs stood, of returning home; that his Majesty had restrained them from passing further into England; so that a treaty in this exigent was worse than a war, unless means might be thought upon how they might subsist, while the treaty was on foot; otherwise they should be obliged to plunder the country.

The commissioners having dispatched some of their company to acquaint his Majesty with the Scots demands, a commission was given them by the King to treat with the Scots for a maintenance, and the Commissioners thought, that instead of giving them any allowance, they should be left to their proportion of that contribution of eight hundred and fifty pounds a day, already agreed upon by the counties, as less dishonourable than to assign them maintenance.

Accordingly the preliminaries were agreed upon; the treaty of cessation concluded, and the commissioners advised his Majesty to ratify it, which was accordingly done. The Parliament approaching, their Lordships advised his Majesty to transfer the treaty from Rippon to London, to which his Majesty consented.

To excuse the preliminaries agreed on at Rippon, the Earl of Bristol, added, that it was indeed hard to pay the Scots a contribution of eight hundred and fifty pounds a day, and that there was already some doubt that the counties were not able to bear it: But that on the other side it was objected by the Scots, that it was impossible, if the payment should fail, to keep their promise, or to obey his Majesty, but that they should be necessitated against their will to plunder the country.

For which reasons the Earl of Strafford had declared, that the counties of Cumberland and Westmoreland being under the Scots power, it was reasonable that *in subsidium* they should contribute some help to their neighbours: But he added, that the commissioners left at Duresm had written, that it was impossible for them to proceed in the agreement; which if it were broken on their part, the Scots would allege an impossibility to consent to starve; so that if some means were not found, by which those counties engaged might be relieved, he was afraid all their labour and treaty would come to nothing.

Therefore the commissioners, and call the Lord, engaged themselves faithfully and truly, to declare all these things to the Parliament.

The Earl of Bristol declared further, that it was far from the Lord Commissioners purpose to move any supply of money from the House of Commons, but to lay the cause before them. Averring certainly, that if some course were not taken, the whole Kingdom would be put into disorder.

Armies would not starve; retiring was not yet in the thoughts of the Scots; therefore they must plunder and destroy, or advance into Yorkshire, and so farther into England to seek subsistence; the prevention whereof did highly import the King and Kingdom.

Lastly, the Earl proposed to the Parliament another thing, no less worthy of consideration, viz. That if the Scots army were provided of a competency, it were very strange there should not an equal care be had for maintaining the King's army.

He said the Scots army was strong and powerful, and little other resistance against it, but the impediments of an army marching in winter; but whether it were fit for a Kingdom to be trusted to accidents of frosts, with a people bred in Swedeland[43], and cold countries, he left to their discretion. He confessed, that the Scots had made great protestations, and with great execrations, averred, that they had no intent to advance forward, but return when they shall have received satisfaction.

Yet the Commissioners did not conceive that the Kingdom should rely upon promises and protestations. Many accidents might happen, when a nation come from a far country to a better, should be told, the business they came about was just, and their quarrel good; who finding themselves in a fat pasture, may pick quarrels with their leaders, if they should go about to prevent them.

Upon these grounds his Lordship presented to the general consideration, the supply of his Majesty's army, that it be not disbanded; which if it should come to pass, Yorkshire, and other parts of England were left to the Scots discretion. His Lordship said, he durst not say the Scots would not come forward, but that it was in their power if they would; and therefore he recommended this representation to the whole body of the Kingdom, to prevent future dangers.

There was no occasion to use many arguments to induce the Parliament to allow that the Scottish army should be maintained in England. Upon the Earl of Bristol's

report, it was resolved, that the Commons approve of the persons of the Lords that were commissioners in the late treaty, to be commissioners now to treat with the Scots commissioners in this declaration, that no conclusion of theirs should bind the Commons, without their consent in Parliament.

Though the Scotch army was very expensive to England, the negotiation however lasted till the 7th of August 1641, when the treaty was at length signed.

I shall insert here a summary of the articles, that it may be seen, first, wherein confided the differences between the King and the Scots, and the difficulties of the peace; and secondly what the King's grand project came to, of reducing the Kirk of Scotland to a perfect conformity with the Church of England, and perhaps of rendering himself absolute in Scotland, as he was almost in England, when he formed this enterprise.

The Substance of The Treaty Concluded Between England And Scotland, The 7th Day Of August 1641

FIRST, the Scots declare, that by their treating with the English Parliament, they do not acknowledge any dependence of Scotland upon England, &c.

1. The Scots first demand.

That his Majesty would be graciously pleased to command that the acts of the late Parliament of Scotland, may be published in his Majesty's name, with consent of the Estates of Parliament convened by his Majesty's authority, the 2nd of June 1640.

Answer. His Majesty doth in the word of a King, promise the publishing of the said acts, with the acts to be made in the next session of the same Parliament; and that all the said acts have in all time coming the strength of Laws &c.

Second Demand. That the castle of Edinburgh, and other strengths of the Kingdom should be furnished, and used for defence and security of the Kingdom.

Answer. Agreed unto.

Third Demand. That Scottish men within his Majesty's dominions of England and Ireland, may be freed from censure for subscribing the Covenant and be no more pressed with oaths, and subscriptions, unwarranted by their Laws, and contrary to their national oath, and Covenant approved by his Majesty.

Answer. Granted with regard to the subjects of Scotland, who shall be sojourners only in England or Ireland. But such shall be excepted as are settled inhabitants in either of the two Kingdoms. The English and Irish shall have the like privilege in Scotland.

Forth Demand. That whosoever shall be found, upon trial and examination, by the Estates of either of the two Parliaments, to have been the authors and causers of the late and present troubles and combustion; whether by labouring to make and foment division betwixt the King and his people, or betwixt the two nations, or any other way, shall be liable to the censure and sentence of the said Parliaments respectively, the English to the Parliament of England, and the Scots to that of Scotland.

Answer. His Majesty believeth he hath none such, as incendiaries, about him; and therefore he can make no other declaration, than that all his Courts of Justice are free

and open to all men. His Parliament in this Kingdom of England is now fittings and the current Parliament of Scotland near approaching the time of their meeting, to either of which, be doth not prohibit any of his subjects to present their just grievances and complaints, of whatsoever nature.

And whereas it was further demanded, that his Majesty would be pleased not to employ any person or persons in office or place, that shall be judged incapable by sentence of Parliament, his Majesty agreeth thereto; nor will he make use of their service, without the consent of Parliament, nor grant them access to his person.

Fifth Demand. That their ships and goods, and all damage thereof may be restored.

Answer. This is condescended unto, on condition it be reciprocal. And the Scottish commissioners having informed, that about fourscore ships of Scotland are yet stayed in the English ports, and are likely to suffer much further loss and damage; it is agreed. That warrants shall be presently granted for the delivery of them and that four thousand pounds be presently advanced, for helping the present setting forth of the said ships.

Sixth Demand. That for the losses which the Kingdom of Scotland hath sustained, and for the vast charges they have been put unto, reparation be made.

Answer. The Parliament of England grants to the Scots for this purpose the sum of three hundred thousand pounds.

And whereas it was defined by the Scottish Commissioners, that the English Commissioners would let them know the security, manner, and terms of payment, of the aforesaid sum, and of the arrears due for relief of the northern counties; It was agreed by order of the Parliament, that they should have fourscore thousand pounds with the whole arrears due to the army, before the disbanding thereof And for paying the remnant of the said sum, an act of Parliament of public faith, shall pass for security thereof; and that one moiety shall, be paid at midsummer 1642, and the other moiety a year after, in 1645.

And in like manner, whereas it was desired by the Scottish Commissioners, that they might know to whom they should address themselves for payment of the aforementioned sums, the Parliament hath appointed Commissioners— and resolved that the place of payment shall be the Chamber of London.

And lastly, that a safe conduct shall be granted for the secure transporting of the monies to Scotland.

Seventh Demand. That all such declarations, proclamations, books, libels, &c. as have been made against the subjects of Scotland, may be suppressed and, destroyed.

Answer. It is agreed, that all such declarations, &c., is reciprocally suppressed in England, Ireland, and Scotland.

Eighth Demand. Containing several articles:—

- 1. That** all tokens and shews of hostility upon the borders of the two Kingdoms may be taken away; and particularly, that not only the garrisons of Berwick and Carlisle may be removed, but that the works may be slighted, and the places dismantled[44].

Answer. His Majesty is desirous, that all things between the Kingdoms of England and Scotland, be reduced into the same state they were in before the beginning of the late troubles.

2. That there be unity in religion, and uniformity of Church government between the two nations.

Answer. His Majesty, with the advice of both Houses of Parliament, doth approve of the affection of his subjects of Scotland, in their desire of having a conformity of Church government between the two nations; and as the Parliament hath already taken into consideration, the reformation of Church government, so they will proceed in due time, as shall best conduce to the glory of God, the peace of the Church, and of both Kingdoms.

3. That the King's Majesty and the Prince come and reside sometimes in Scotland,

Answer. His Majesty will repair thither, as he shall find the urgency of their affairs require his presence, and his other conveniences here permit.

4. That the officers of State, Counsellors and Sessioners within the Kingdom of Scotland, be placed by advice of Parliament.

Answer. His Majesty promises to give ear so far to the information of his Parliament, and when the Parliament is not sitting, of his Council and College of Justice, as that he shall neither make choice of such as they shall recommend unto him; or if he thinks another person fitter than any of those recommended, he shall make the same known to the Parliament, or in the time between Parliament, to the Council end session, that if there is just exception against the life and qualification of the said party, he may timely nominate some other, against whom there shall be no just exception.

His Majesty declares also, that the places in the College of Justice, shall be provided unto the judges, *Quamdiu fe bene gesserint*. If this answer cannot content the Scottish Commissioners, his Majesty remits the whole answer to be considered by him, or his Commissioners, at the Parliament, at the next sitting thereof.

5. That his Majesty would be pleased to place about his own person, in places of greatest nearness and trust some of his Scottish subjects.

Answer. His Majesty shall continue the same care which hitherto he hath done for their satisfaction in this particular; and not only so, but shall also recommend the same to the Prince his son.

6. That none may have place about his Majesty and the Prince, but such as are of the reformed religion.

Answer. His Majesty doth conceive, that his subjects of Scotland have no intention by this proposition, (especially by way of demand) to limit, or prescribe unto him the choice of his servants, but rather to shew their zeal to religion; wherein his own piety will make him do therein, that which may give just satisfaction to his people.

7. **That** the copper coin, which hath passed in Scotland this long time, for seven times, and above as much as the true value and worth thereof, be newly regulated; and that no copper money be coined hereafter without consent of the Estates convened in Parliament.

Answer. His Majesty recommends this matter to the ensuing Parliament of Scotland, not only concerning the copper coin to be coined hereafter, but also the copper money already coined, how the same shall pass in payment for the time to come.

After these articles, there was added to the treaty, the draught of an *Act of Oblivion*, the most ample that could be, which was to pass in all the Parliaments of the three Kingdoms, but of which the benefit was not to extend to the Scottish prelates, the Earl of Traquair, Sir Robert Spotiswood, Sir John Hay, and Mr. Walter Balcanqual.

The Lord Lowdon having carried this treaty to Scotland, to communicate it to the Parliament of that Kingdom, now assembled, returned some time after with twelve articles, explaining certain passages of the treaty, and to which the English Commissioners returned answers that were approved.

These articles with the answers were added to the treaty. In fine, the treaty was confirmed and ratified by an act of Parliament inserted at the end, to this effect:—

BE IT THEREFORE ENACTED by his Majesty, with the assent of the Lords and the Commons in this present Parliament assembled, that the said treaty, and all the articles thereof assented to, as aforesaid, be and stand forever ratified and established, and have the force, vigour, strength, and authority of a Law, Statute, and Act of Parliament.

(The Same Thing for Scotland)

And his Majesty for himself, and his successors, doth promise in *verba Principis*, never to come in the contrair of this Statute and sanction, or any thing therein contained; but to hold the same in all points firm and stable, and shall cause it to be truly observed by all his Majority's lieges, according to the tenor and intent thereof, for now and ever. Like as the Parliament of both Kingdoms give full assurance, and do make public faith in the name of both Kingdoms respectively, for the true and faithful observance of this treaty, and whose articles thereof inviolably, *binc inde*, in all times to come.

A Particular Clause Concerning War Between The Two Kingdoms

As afterwards the King thought he had reason to complain, that the Scots had violated this treaty in two of the principal articles, I imagine the reader will be glad to see these two articles at large, on which this complaint was grounded. They are contained in the **Act of Oblivion** in these words:—

It is agreed, that an Act be passed in the Parliament of England; That the Kingdoms of England or Ireland, shall not denounce nor make war upon the Kingdom of Scotland, without consent of the Parliament of England: As on the other part, it shall be enabled there, That the Kingdom of Scotland shall not denounce nor make war against the Kingdom of England, or Ireland, without consent of the Parliament of Scotland.

And in case any of the subjects of any of the Kingdoms shall rise in arms, or make war against any of the Kingdoms and subjects thereof without consent of the Parliament of that Kingdom whereof they are subjects, or upon which they do depend, That they shall be held, reputed and demeaned, as traitors to the States whereof they are subjects.

It happened afterwards, that the King and Parliament making war upon each other, the Scots sent an army to the assistance of the Parliament of England, against the King, from whence he inferred, that to make war against him, was to make war against England. The Scots on the contrary pretended, that very far from making war against England, they sent their troops thither on purpose to assist that Kingdom. It is easy to perceive, that from the diversity of the principles, proceeds the diversity of the consequences.

The King Grants The Scots All They Demand

To finish in a word what relates to Scotland, I shall only say, that the King went thither in August 1641, stayed there till the 19th of November, assisted in person at the Parliament, and gave the Royal ascent to all the Acts presented to him. To this came the projects he had formed with regard to Scotland, from the beginning of his reign[45].

What has hitherto been said of the Parliament's behaviour to the King, is sufficient to show, how sensible the King must have been of the mortifications he daily received. He had passionately desired to be revenged of the Scots or at least to drive them out of the Kingdom; and he saw that the Parliament made them a present of three hundred thousand pounds, to reward them for their coming.

He hated the Presbyterians, and would have been glad to have had it in his power to root out Presbyterianism: but he saw, that on the contrary, the House of Commons openly took their part, and laboured to destroy Episcopacy. His two principal Ministers in whom he most confided, were in the Tower, and he easily perceived the Commons intended not to stop there, since with regard to the Earl of Strafford, they were daily seeking means to make good their charge. Two other of his ministers had been forced to fly, and the appearing to be still well affected to him, was sufficient to render any person the object of the persecution of the Commons.

It has already been seen after what manner the King governed for fifteen years, and the reader must be convinced, that he intended to alter the Government, and procure for himself and successors, a power much more extensive than what was allowed him by the laws, and to which none of his predecessors, except Richard II, had ever pretended.

Difference Between Charles I and Henry VIII

I except not even Henry VIII, the most absolute of all the Kings of England since William the Conqueror. But there was this difference between Henry VIII. and Charles I. Henry did whatever he pleased by way of Parliament, whereas Charles pretended to rule without Parliaments, looking upon them as little necessary to the Constitution of the Government.

Since the meeting of this Parliament, scarce a day had passed, but the Commons attacked the King's project, by declaring illegal, what he had done during fifteen years, or by rigorously prosecuting the instruments he had used to execute his designs. It is therefore easy to see, how much all these mortifications must have touched the King, and with what impatience he bore the haughty manner in which the Parliament acted with him.

Nothing was more contrary to his inflexible temper, than to be forced to stoop to a House of Commons, for whom he had before shown the utmost contempt. It is therefore no wonder, that

in his sad situation, he should think of some way to free himself from this bondage. But a slight attempt to compass this end, served only to throw him into irretrievable ruin.

A Plot to Get The Army to Declare for The King

I mean the project of gaining the army, and causing them to declare for the King. The King approved of the project, without perceiving the consequences, having no Minister about him, that had either the inclination or ability to give him good counsel.

I am sensible, this is a place full of dangerous rocks, on which a historian can very hardly escape splitting. This plot to gain the Army, is by some looked upon as a chimera, a mere fiction, to render the King odious. But on the other hand, the Parliament considered it as a very real conspiracy, and pretended to draw from thence an evident proof, that the King's compliance with respect to the redress of grievances, was all dissimulation, in expectation of an opportunity to restore himself by force, to the state he was in before this Parliament.

This bred in the Parliament an invincible distrust of the King, and a resolution to put it out of his power to break his word, and the means they used to execute this resolution, occasion the Civil Wars, of which I shall speak hereafter.

The Necessity of Examining The Reality of This Plot

It is therefore absolutely necessary to examine this conspiracy, in order to know, whether it was real or invented; for from hence flow all the ensuing proceedings of the King and Parliament, and upon this it is that the judicious and disinterested reader may blame the one or the other. But before I proceed to this plot, it will be requisite to say something of the Earl of Strafford's affair, with which this has some connection.

Its Connection With Earl of Strafford's Affair

The Earl had been impeached by the Commons the 11th of November 1640-1 but his process could not be ready to be tried till the 22nd of March 1640-1. This trial lasted till the 12th of April, and then the Commons, who had been always present, perceiving, doubtless, that the sentence would not be so rigorous as they wished, resolved to proceed against the Earl by way of Bill of Attainder.

They voted therefore, on the 16th and 19th of April, that it was sufficiently proved, that the Earl of Strafford had endeavoured to subvert the fundamental Laws of the Kingdom, and introduce an arbitrary and tyrannical government into the realms of England and Ireland, and that this was high treason. On the 21st of the same month, the Bill of Attainder passed, with the majority of 204 against 59.

The Bill met with so great opposition in the House of Peers, that it was very doubtful whether it would pass, or be thrown out. For which reason, on the 20th was presented to both Houses a petition, subscribed by above forty[46] thousand inhabitants of London, setting forth the causes of their suspicions and fears.

And amongst others, that Justice was not yet executed upon the Earl of Strafford, and that there was reason to dread some secret plot against the Parliament.

The 28th of April, the Commons sent, by Mr. Hyde, a message to the Lords, that they had received information, that the Earl of Strafford had a design to make an escape out of the Tower: that the guard about him was weak, and therefore they desired he might be a close prisoner, and his guards strengthened, to which the Lords consented.

The King's Speech to The Lords

The 1st of May the King came to the Parliament, and in a speech to both Houses, said to this effect:—

That having been present at the trial of the Earl of Strafford, he could not in conscience condemn him of High-Treason, though he thought him to guilty of misdemeanours. Therefore he desired the Lords to find some way to bring him out of this great straight.

The Rabble Get Together at Westminster

The Commons were much troubled and discontented with this speech, and immediately adjourned till May the 3^d on which day great multitudes of people[47] repairing to Westminster, insulted and threatened the Lords, as they were going to their House, crying out, Justice, Justice.

The same day Mr. Pym made known to the House:—

That there were divers information given of desperate designs both at home and abroad, against the Parliament, and the peace of the nation; and that the persons engaged therein were under an oath of secrecy:

That there was an endeavour to disaffect the army, not only against the Parliament's proceedings, but to bring them up against the Parliament to overawe them:

That there was also a design upon the Tower; and endeavours used for the Earl of Strafford to escape:

That these combinations at home, had a correspondence with practices abroad; and that the French were drawing down their forces to the seaside; and there was a cause to fear, their intent was upon Portsmouth:

That divers persons of eminency about the Queen were deeply engaged in these plots:

That it was necessary that the ports should be stopped; and his Majesty desired to command,

That no persona attending upon the King, Queen, or Prince, should depart without leave of his Majesty, with the humble advice of his Parliament.

Whereupon the House fell into a serious debate of this matter, and were generally of opinion, that it was necessary to enter into a common resolution for the safety of the Kingdom.

When it is considered in what juncture this conspiracy was discovered to the House, though Mr. Pym was informed of it long before; that it was at a time, when the Peers were, in some measure, to be compelled to pass the Bill of attainder against the Earl of Strafford, and when the rabble were also using violence for that purpose, there seems to be ground to suspect, that it was only an artifice to stir up the people, and induce the Lords to do as the Commons desired, from a fear of the imminent danger the Kingdom was threatened with.

At least, there is reason to believe, this conspiracy was greatly aggravated. But this is only a conjecture, which ought not to be relied on, till the arguments pro and con are examined. However this be, the Commons, after a debate, came to a resolution of taking the following protestation.

Protestation Taken By House of Commons

I **A. B.** do in the presence of Almighty God, promise, you and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed Protestant religion, expressed in the doctrine of the Church of England, against all Popery and Papist innovation within this realm, contrary to the said doctrine and, according to the duty of my allegiance, I will maintain and defend his Majesty's royal person, honour and estate.

Also the power and privilege of Parliaments, the lawful rights and liberties of the subjects, and every person that shall make this protestation, in whatsoever he shall do in the lawful pursuance of the same; and to my power, as far as lawfully I may, I will oppose, and by all good ways and means, endeavour to bring condign punishment on all such, as shall by force, practice, counsels, plots, conspiracies, or otherwise, do any thing to the contrary, in this present protestation contained:

And farther, That shall, in all just and honourable ways, endeavour to preserve the union and peace betwixt the three Kingdoms of England, Scotland, and Ireland:

And neither for hope, fear, or any other respects, shall relinquish this promise, vow, and Protestations.

Remarks on This Subject

It must be observed, this protestation was taken on Mr. Pym's bare assurance of the discovery of a plot, and before there was any proof of it. Hence it may be conjectured, that the thing had been determined among the leading men in the House. After that, the Commons came to several resolutions, to provide for the safety of the Kingdom, and the town of Portsmouth in particular.

They communicated to the Lords the information they had received, the votes they had passed, and their protestation, desiring that every Peer might be ordered to take it.

It was very difficult for the Lords to refuse the commons desire. In the first place, they had inspired the nation with such a terror, that no man durst oppose their resolves, for fear of being looked upon as having ill-designs, and exposed to inevitable ruin. Secondly, the people still continued to flock to Westminster, and openly threatened the Lords.

Thirdly, the multitude presented the same day a petition to the Lords, demanding justice upon the Earl of Strafford, and that their Lordships would please to free them from the fears of the conspiracy.

Fourthly, on the morrow, being the fourth of May, the people repairing to Westminster in greater numbers than the day before, some incendiaries posted up against a wall in the Old Palace-Yard, the names of fifty-six members, calling them Straffordians, and betrayers of their country.

Lastly, the same day the multitudes presented to the Lords another: petition, saying, that they understood the Tower was going to receive a garrison of men, not of the Hamlets, (as usually) but consisting of other persons under the command of a captain, a great confidant of the Earl of Strafford's, and that this was done to make way for "the Earl's escape."

Balfour's Confession Against The King

Upon this petition, the House sent six Peers to examine Sir William Balfour, Lieutenant of the Tower, concerning the truth of this fact. Balfour answered, it was true, he had his Majesty's order

to receive one hundred men[48] into the Tower, and Captain Billingsly to command them, and to receive only such men as the Captain should bring to him; but understanding now their Lordships pleasure, he would receive no other guard into the Tower but the Hamlet men.

The Lords Desire The Concurrence of The Commons to Disperse The Mob

The Lords did farther declare, at a conference with the Commons, that they were drawing to a conclusion of the **Bill of Attainder**, but were so encompassed with multitudes of people, that they might be conceived not to be free, and therefore desired the Commons to join with them, to find out some way to send the people to their homes.

They Take The Protestation

Then they debated the protestation, passed it, and took the same. It was taken by four hundred and thirty three Commoners, and one hundred and six Lords, including the Bishops and Judges. The Commons having ordered Dr. Burgess to acquaint the multitude with the protestation taken by both Houses, and that they were desired to return to their homes, they forthwith departed.

There are then two things which manifestly appear in this affair. The first, that there was a project on foot to favour the Earl of Strafford's escape, which will be seen more clearly hereafter. The second, that the concourse of the people was privately procured, by some of the leading men of the Commons, since, the day before, the House had taken no step towards dispersing the multitudes, though they were desired by the Lords, and since they found means to cause the people to retire, as soon as they knew the Lords had resolved to take the protestation.

But the Protestation was not the only effect of the conspiracy. The same day, the Commons ordered a Bill to be prepared for the continuance of this present Parliament, that it might not be dissolved without the consent of both Houses. They ordered likewise the protestation to be tendered to the whole Kingdom.

The same day, May the 4th, the House was informed, that six or eight of the conspirators were fled, of whom Mr. Henry Jermin, and Mr. Henry Percy, Members of the House, were two, and that they were gone towards Portsmouth. At the same time, information came that the Queen was preparing to go to the same place.

These two successive informations causing strong suspicions, the Houses dispatched to Portsmouth one Lord and two Commoners, to propose certain queries to the governor, and take care for the security of the town and haven. They agreed withal, to move the Queen to defer her journey to Portsmouth, alleging several reasons which were not the true, particularly the safety of her Majesty's person.

They desired also the King to publish a proclamation, for calling in Jermin, Percy, and other fugitives, which the King promised to do. The same day, the Speaker sent, by order of the House, the following letter to Sir Jacob Ashly, with a charge to communicate it to the army:—

SIR,

WE have had cause to doubt, that some ill-affected persons have endeavoured to make a misunderstanding in the army, of the intentions of the Parliament towards them. To take away all misunderstanding in that kind, the House of Commons have commanded me to assure you, that they have taken the affairs of the army into their versions care.

And though, for the present, their monies have not come in as they wished, and as was due, by reason of the many distractions, and other impediments which this House could no ways avoid: yet they rest most assured, that they shall not only have their full pay, but the House will take their merits into their farther consideration, in regard they take notice, that notwithstanding their want, and endeavours of these ill affected persons, they have not demeaned themselves otherwise than as men of honour, and well affected to the Commonwealth; which this House takes in so good party that we have already found out a way to get money for a good part of their pay, and will take the most speedy course we possibly may for the rest.

**So I remain,
Your very loving Friend,
William Lenthall.**

Meanwhile, the Committee, appointed to inquire into the conspiracy, made their report in the following manner.

That this plot consisteth of three heads:

The first was, the design upon the Tower.

The second, to engage the army.

The third, to bring in foreign forces. For the Tower, it appeared to be thus: Captain Billingsly being examined upon oath, confessed, that he was acquainted with Sir John Suckling:

That the said Sir John lately offered him employment in one of the King's ships, then at Portsmouth, afterwards employment for Portugal:

That this deponent having notice to meet at the Privy lodgings at Whitehall, did there receive orders to get an hundred men to serve in the Tower, under him. And if he did fail, he should answer it with his life. And afterwards meeting with Sir John Suckling and acquainting him therewith, he told him he would furnish him with the said number.

Sir William Balfour, Lieutenant of the Tower, being examined, said, that he had command to receive Captain Billingsly with an hundred men into, the Tower, who should be under his command.

That the Earl of Strafford at that time expostulating with him about his escape, told him, he would attempt nothing in that kind without his privy; and that he should have the King's warrant for his indemnity; and that the warrant should be to command him to remove the Earl of Strafford from the Tower, to some other castle; and he would then take his opportunity to escape; that the Lieutenant of the Tower not giving any complying answer thereunto, the said Earl sent again to entreat him to come to him, and would have persuaded him to let him make an escape; saying, with out your concurrence it cannot be done; and if you will consent thereunto, I will make you present payment of twenty-two thousand pounds, besides you shall have a good marriage for your son.

To which the Lieutenant of the Tower replied, he was so far from concurring therein, that he was not to be farther moved in such a thing. Thus much the Lieutenant of the Tower delivered upon his oath.

Colonel Goring, upon his examination in the House of Commons, did confess, that Sir John Suckling was the first person that ever made any overture unto him, concerning the army's marching towards London: Afterwards being in the Queen's lodgings, he met with Mr. H. Percy, which was about the beginning, or middle of Lent last, and Mr. Percy told him, there was a consultation of officers to be had, concerning the good of the army; and desired him to go along with him to his chamber, where the meeting was to be.

There were present at the same meeting, commissary Wilmot, Colonel Ashburnham, Captain Pollard, Sir John Berkly, Daniel O'Neal, Mr. Jermin, and himself:

That Mr. Percy said, there were propositions to be made which were of great concern; and that it was necessary there should be an oath of secrecy taken before any thing was propounded:

That the oath should be to this purpose:

That we should neither directly nor indirectly discover any part of the consultation, nor ever to think ourselves dissolved from that oath, by any other oath which might be imposed upon us hereafter:

Which oath was read out of a paper, when it was tendered unto them; and thereupon they were sworn, by laying their hands upon the Bible; that he and Jermin were sworn together, for the rest had taken the oath before.

Then three propositions were made to them, namely:

As these propositions are expressed in a letter which will be seen presently, they are omitted here for brevity's sake.

He farther said, that the whole number there met, were of opinion, that the army should not march towards London, till a declaration had been first sent up to the Parliament:

That he the said Goring answered, it was a nice point to interpose in the proceeding of the Parliament; and did propound some difficulties to allay the business, to divert commissary Wilmot, and those other persons from so dangerous a business:

And said, that he did think it was a design of folly to undertake it; for they must think the Scots would take the advantage upon the army's removal southwards, whose correspondence, was so great with the city; and for them to begin to shew their teeth, and not be able to bite, would argue little prudence; that they should either undertake it so as to go through with it, or let it alone:

That he did ask them what ammunition they had to accommodate so great an army; and whether they could command the ammunition in the Tower:

That Wilmot, Pollard, and Ashburnham, then made answer, they had no purpose to go to London; for to surprise the Tower, was to conquer the Kingdom:

That this, amongst other passages, was part of the discourse at the first meeting.

That shortly after there was another meeting of the same persons, and in the same place, in Mr. Percy's chamber, where there were proportions of another nature,

desperate and impious on the one hand, and foolish on the other; and that he endeavoured by argument to divert them, by propounding an impossibility to effect the same:

For how could the army, lodged in several quarters, unpaid, and at such a distance, march on a sudden to London, and surprise what they had in design?

That Mr. Jermin was the person that first proposed the marching of the army towards London: that for his part he declared himself absolutely against it.

That Mr. Jermin replied to him in private, You do not dislike the design, for you are as ready for any wild, mad undertaking, as any man knows; but you dislike the temper of those persons who are engaged in the business.

He did farther confess, that he propounded that Suckling might be admitted to the consultation: But Wilmot, Ashburnham, and Pollard, would not hear of it. And they three did then declare themselves against the army's marching towards London. Then he took occasion to say, that he did acquaint some members of both Houses, whom he could name, that there were some of the army whom they did not think so well of, were more faithful and serviceable to the Parliament than they were aware of, which time would produce; and named them:

And they did accordingly give testimony of his integrity, so far as could be discovered the design. He counselled, that Mr. Jermin did make some offers unto him, to relinquish the government of Portsmouth upon some terms of advance:

But he said, he did not conclude anything, for he would first see the performance of what was offered; so had no farther discourse with him concerning that business. But he doth believe that Suckling and Jermin did confer together about the design. He said, they did desire his opinion about a general; some were for Essex, some for Holland; but he, with Mr. Jermin, were for Newcastle.

Being again examined upon his oath before the Committee of Lords and Commons, and pressed more particularly to answer questions not before proposed unto him, he did confess, that meeting with Mr. Jermin in the Queen's withdrawing chamber, her Majesty came and told him, the King would speak with him; and meeting with his Majesty, he told him, he was minded to set his army in a good posture, being advised thereto by the Earl of Bristol (as he said) and his Majesty then commanded him to join with Mr. Percy, and some others in that business.

As for the designs from beyond the seas, the committee did make report to the House, that it was cleared unto them, that Jermin endeavoured to have got the possession of Portsmouth; that the King of France had drawn down great forces to the seaside; that the Governor of Calais had examined some Englishmen, whether the Earl of Strafford's head was cut off? And this was in point of time, the first of May, according to the English stile, and Sir Philip Cartwright, Governor of Guernsey, wrote letters also, which came in great haste, that he understood the French had a design upon that island, or some part of England.

It also appeared to the committee, by divers of the letters which were opened coming from beyond sea, that they expected the Earl of Strafford there; and that as they hoped the horse leeches should be starved for want of blood: and in some of those letters there was advice to the Cardinal to bestir himself betimes, to interrupt the height of the proceedings here in England.

Also examinations of some Priests were taken in Lancashire, and sent up to London, which were there taken the third of May, which did testify, that the Priests did say, the Parliament should be suddenly dissolved; For the army was to march up thither with all speed, and they would be seconded by forces out of France; and that Montague did write out of France to Mr. Percy (which was also intercepted) that if he did perform u what he had undertaken, he would be made a Knight of the Garter.

Votes Against Percy &c.

Upon these depositions, the House of Commons passed the following votes against: Percy, Jermin, and Suckling.

1 That in the months of March and last, they did conspire to draw the army together, and employ the same against the Parliament, and by force and dread thereof, to compel the Parliament to agree to certain propositions by them contrived, and to hinder and interrupt the proceedings of the Parliament.

2. That in pursuance of the said design, they did endeavour to persuade divers members of the House of Commons, and others, being officers of the said army, that is to say, Wilmot, Ashburnham, Berkley, Pollard, and O'Neal, that they were disobliged by the Parliament, thereby to incense them against the Parliament; and did hold divers consultations with the said parties, to effect the said wicked design; and to that purpose did set down in writing, certain propositions to the effect as followeth, viz.

- 1) The preserving of Bishops in their functions and votes,
- 2) The not disbanding of the Irish army, until the Scots were disbanded.
- 3) And the endeavouring to settle the King's revenue to the proportion it was formerly.

3. That for the more secret carriage of this plot, they did administer to the said parties a wicked and unlawful oath, whereby they did swear upon the holy evangelists, not to reveal anything that was spoken concerning the business.

4. That they did propound and endeavour to persuade the persons before named, and other officers of the army, to put the said army into a warlike posture to bring them up to London, to make themselves sure of the Tower, and so by force to compel the Parliament to conform to their will:

And they did endeavour to work a belief in the said army, that the King and Parliament would disagree; and that all the French about the city of London would assist them:

And to the great scandal of the King, that the Prince and the Earl of Newcastle were to meet the army at Nottingham with a thousand horse; that Suckling, to compass the design of gaining the Tower, did contrive that an hundred men, under Captain Billingsly, should be designed for that purpose, when the opportunity was offered, to the end the city of London should not be able to make any resistance, when the said army should come up, and Suckling, by the means and plot aforesaid did thereby endeavour, that the Earl of Strafford, then prisoner in the Tower, might the better compass his escape.

Besides the fore-mentioned depositions, here is a testimony of one of the chief conspirators, of which the Parliament made great use. It is Percy's letter after his flight into France, to his brother the Earl of Northumberland:-

Mr. Percy's Letter to The Earl of Northumberland

WHAT with my own innocently, and the violence I hear is against me, I find myself much distracted. I will not ask your counsel, because it may bring prejudice upon you; but I will with all faithfulness and truth tell you what my part hath been, that at least it may be declared by you, whatsoever becomes of me.

When there was fifty thousand pounds ready, designed by the Parliament for the English army, there was, as I take it, a sudden demand by the Scots at the same time of twenty five thousand pounds, of which there was fifteen thousand pounds ready; this they pressed with such necessity, as the Parliament, after an order made, did think it fit for them to deduct ten thousand pounds out of the fifty thousand pounds formerly granted:

Upon which the Soldiers in our House were much scandalized; amongst which I was one, and sitting by Wilmot and Ashburnham, Wilmot stood up, and told them, if that the Scots could thus procure money, he doubted not but the officers of the English army might easily do the like. But the first order was reversed notwithstanding, and ten thousand pounds given to the Scots.

This was the cause of many discourses of dislike amongst us, and came to this purpose, that they were disoblged by the Parliament, and not by the King: This being said often to one another, we did resolve, Wilmot, Ashburnham, Pollard, O'Neal, and myself, to make some expressions of serving the King in all things he would command us that were so honourable for him and us, being likewise agreeing to the fundamental Laws of the Kingdom, that so far we would live and die with him; this was agreed upon with us, not having any communication with others, that I am coupled now withal:

And further, by their joint consent, I was to tell his Majesty thus much from them; but withal, I was to order the matter so as the King might apprehend this as a great service done unto him at this time, when his affairs were in so ill a condition, and they were most confident, that they would engage the whole army thus far; but further they would undertake nothing, because they would neither infringe the liberties of the subjects, nor destroy the Laws; to which I and every one consented; and having their sense, I drew the heads up in a paper, which they all approved when I read it; and then we did, by an oath, promise one another to be constant and secret in all this, and did all of us take that oath together:

Then, I said, well, Sirs, I must now be informed what your particular desires are, that so I may be the better able to serve you; which they were pleased to do; and so I did very faithfully serve them therein as far as I could. This is the truth, and all the truth upon my soul, in particular discourses.

After that we did fall upon the petitioning to the King and Parliament for moneys, there being so great arrears due to us, and so much delays made in the procuring of them; but that was never done.

1. Concerning the Bishops functions and votes.

2. The not disbanding of the Irish army, until the Scots were disbanded too.
3. The endeavouring to settle his Majesty's revenue to that proportion it was formerly[49].

And it was resolved by us all, if the King should require our assistance in those things, that as far as we could, we might contribute thereunto, without breaking the Laws of the Kingdom; and in case the King should be denied these things being put to them, we would not fly from him:

All these persons did act and concur in this as well as I. This being all imparted to the King by me from them, I perceived he had been treated with by others, concerning some things of our army; which agreed not with what was purposed by me, but inclined a way more sharp and high, not having limits either of honour or law.

I told the King, he might be pleased to consider with himself, which way it was fit for him to hearken unto; for us, we were resolved not to depart from our grounds; we should not be displeased, whosoever they were, but the particular of the designs, or the persons, we desired not to know; though it was no hard matter to guess at them. In the end, I believe the danger of the one, and the justice of the other, made the King tell me, he would leave all thoughts of other propositions but ours, as things not practicable; but desired, notwithstanding, that Goring and Jermin, who were acquainted with the other proceedings, should be admitted amongst us.

I told him, I thought the other gentry would never consent to it, but I would propose it; which I did, and we were all much against it: But the King did press so much, as at the last it was consented unto; and Goring and Jermin came to my chamber; there I was appointed to tell them, after they had sworn to secrecy, to what we had proposed; which I did. But before I go into the debate of the way, I must tell you, Jermin and Goring were very earnest that Suckling should be admitted; which we did all decline, and I was desired by all our men to be resolute in it, which I was, and gave many reasons:

Whereupon Mr. Goring made answer, he was engaged with Mr. Suckling his being employed in the army; but for his meeting with us, they were contented to pass it by: Then we took up again the ways which were proposed; which took great debate, and theirs differed from ours in violence and heat; which we all protested against, and parted, disagreeing totally, yet remitted it to be spoken of by me and Jermin to the King, which we both did; and the King, constant to his former resolutions, told him, these ways were all vain and foolish, and he would think of them no more.

I omit one thing of Mr. Goring he desired to know how the chief commanders were to be disposed of; for if he had not a condition worthy of him, he would not go along with us. We made answer, That nobody thought of that; we intended, if we were sent down, to go all in the same capacity we were in. He did not like that by any means, and by that did work so with Mr. Chudleigh, that there was a letter sent by some of the commanders to make him Lieutenant general:

And when he had ordered this at London, and Mr. Chudleigh had his instructions, then did he go to Portsmouth, pretending to be absent when this was working: We all desired my Lords of Essex and Holland; but they said, if there were a general, they were for Newcastle:

They were pleased to give report that I should be general of the horse. But I protest, neither to the King, or any else, did I ever so much as think of it. My Lord of Holland was made General, and so all things were said aside. And this is the truth, and all the truth I know of these proceedings:

And this I will and do protest unto you upon my faith. And Wilmot, Ashburnham and O'Neal have at several times confessed and sworn, I never said anything in the business, which they did not everyone agree unto and justify. This relation I sent you, rather to inform you of the truth of the matter, that you may the better know how to do me good; but I should think myself very unhappy to be made a betrayer of any body.

What concerned the Tower or anything else, I never meddled withal, nor ever spoke with Goring, but that night before them all; and I said nothing but what was consented unto by every party: I never spake one word with Suckling, Carnarvan, Davenant, or any other creature. Methinks, if my friends and kindred knew the truth and justice of the matter, it were no hard matter to serve me in some measure[50].

This letter shows plainly, there was really a project to gain the army, and engage them to serve the King against the Parliament, and that the King knew and approved of the same.

The 16th of June, the committee appointed to examine the affair of the plot to seduce the army, made a second report to the House, and caused several depositions to be read.

The 1st was Captain Billingsly's, who confessed, that Sir John Suckling had invited him, to take upon him the command of the hundred men that were to be sent to guard the Tower.

The 2nd Mr. Nutt's, whereby it appeared, that the Earl of Strafford's escape was projected.

The 3rd Lieutenant Colonel Ballard's, who said, That Captain Chudleigh brought down to the army many propositions; some of which were, that Colonel Goring should be Lieutenant-general, and that the Prince and the Earl of Newcastle would be in Nottinghamshire with a thousand horse ready to join with the army.

The 4th was Willis's, who declared, That the French were to favour the enterprise; that the clergy would, at their own charge, send two thousand horse, and that the Prince was to come down to the army.xxx

The House was further informed, That the officers who had undertaken to serve the King, had communicated to him the draught of a petition, which was to be directed to the King and Parliament from the army: that they hoped to get it subscribed by most of the officers, and that the King, after reading it, had approved of the same, and writ at the bottom these two letters, **C, R.** in token of his approbation.

These are the grounds whereon was built the reality of this plot, which was extremely injurious to the King, by the distrust it bred in the minds of most of the Members of Parliament, and of the nation in general. But it must be added, that King Charles's favourers call it a mere chimera, even to this day.

For my part, I cannot help saying, that I believe there was some truth in it; but I am of opinion, that the heads of the contrary party to the King, greatly aggravated the circumstances and consequences, in order to cause to pass the more easily, the Bill of Attainder of the Earl of Strafford, and the act for the continuance of the Parliament, to which the King gave the royal assent the same day, and in this same juncture. And what confirms me the more in this opinion,

is, the very arguments themselves alleged by the King's friends, to shew that it was a fiction to render the King odious.

For they cannot help owning, there was a project to engage the army to declare for the King. They say only, that the end proposed by the authors of this project, was to hinder the army from being seduced to espouse the interest of the Parliament. But first, there appears not the least sign of this pretended sole end, either in the depositions of the witnesses, or in Percy's letter, or in the reports of the Committee appointed to examine this affair.

Secondly, the King, whom the Parliament so often reproached afterwards with this plot, never used this reason to excuse the authors.

In the third place, it is not probable, the officers should have any such purpose, since at that time the army was too much displeas'd with the Parliament, to afford any ground to fear, they should be seduced to declare against the King. The most plausible thing they say, is, that there was never any express design to march the army to London, upon which however the Commons chiefly insisted. The denial of this circumstance was what the King solely adhered to, as will hereafter appear.

He called God to witness, he never knew of any such design. But he never denied positively his having been inform'd of a design to engage the army to his side. We must therefore carefully distinguish two things in this conspiracy, namely, the design of gaining the army, which clearly appears, and the design of marching the army to London. It appears by the depositions, that this design was proposed in the assembly of officers, but was not approved. So the King could affirm he knew not of it, because indeed it was never resolv'd, though he was not ignorant of its having been proposed.

In Percy's Letter there is a circumstance which may very much conduce to clear this affair. There were, as he says, two sets of people, who form'd at the same time a design to engage the army for the King, without having communicated their thoughts to one another.

The first were, Percy, Wilmot, Ashburnham, and Pollard. The second, Jermin and Goring, whose views reach'd much farther, and who propos'd to march the army to London. For though Goring in his deposition affirm'd, he had done his utmost to dissuade the rest from this design, he is said however to be the first mover of it. If Percy's letter is to be credit'd, the King had at first list'n'd to Jermin and Goring; but upon Percy's representation, had reject'd their project as impracticable, and laid aside all thoughts of it.

The King's friends confound these two projects, and all their proofs are directed against that of Jermin and Goring without meddling with Percy's. And because the Parliament could not fully prove, there was an express resolution to bring the army to London, they conclude, that the conspiracy in general was only a fiction and imposture. But though there had never been a settled design to march the army to London, it may be true, however, that endeavours were used to gain them, and that the King approv'd of the design.

In short, the King's friends do not deny that the draught of the Petition was communicat'd to him, before it was recommend'd to the officers of the army for their subscription. Of this petition I am free to speak, in order to clear this point fully.

It is strange, this Petition, which has made so much noise, should never be produc'd, either by the Parliament, in support of their charge, or by the King, for his own vindication. It is true, the King afterwards pretend'd he had recover'd a copy, but thought not fit to produce it, though he affirm'd it to be very innocent. This gives occasion to suspect, there was something prejudicial to him. The Earl of Clarendon has insert'd in his History, a petition, which he assures to be word

for word the same as was signed by the King with C. R. But it is evident, this cannot be the petition in question, as the reader will perceive.

The Pretended Petition From The Officers of The Army

To the King's most excellent Majesty; the Lords Spiritual and Temporal, the Knights, Citizens, and Burgesses, now assembled in the High-Court of Parliament, The humble petition of the officers and soldiers of the army.

HUMBLY SHEWETH, that although our wants have been very pressing, and the burthen we are become unto these parts (by reason of those wants) very grievous unto us; yet so have we demeaned ourselves, that your Majesty's great and weighty affairs in this present Parliament have hitherto received no interruption, by any complaint, either from us or against us; a temper not usual in armies; especially in one destitute not only of pay, but also of martial discipline, and many of its principal officers; that we cannot but attribute it to a particular blessing of Almighty God, on our most hearty affections and zeal to the common good, in the happy success of this Parliament, to which, as we should have been ready hourly to contribute our dearest blood, so now that it hath pleased God to manifest his blessing so evidently therein, we cannot but acknowledge it with thankfulness; as likewise his great mercy, in that he hath inclined your Majesty's Royal heart so to co-operate with the wisdom of Parliament, as to effect so great and happy a reformation upon the former distempers of this Church and Commonwealth:

As first, in your Majesty's gracious condescending to the many important demands of our neighbours of the Scottish nation:

Secondly, in granting so free a course of justice against all delinquents of what quality soever;

Thirdly, in the removal of all those grievances, wherewith the subjects did conceive either their liberty of persons, property, or estate, or freedom of conscience, prejudiced:

And lastly, in the greatest pledge of security that ever the subjects of England received from their Sovereign, the Bill of Triennial Parliament.

Three things so graciously accorded unto by your Majesty, without bargain or compensation, as they are more than exportation or hope could extend unto, so now they are certainly such, as all loyal hearts ought to acquiesce in with thankfulness; which we do with all humility, and do at this time, with as much earnestness as any, pray and with, that the Kingdom may be settled in peace and quietness, and that, all men may, at their own homes, enjoy the blessed fruits of your wisdom and justice.

But it may please your excellent Majesty, and this High Court of Parliament, to give us leave, with grief and anguish of heart, to represent unto you, that we hear that there are certain persons stirring and pragmatic, who instead of rendering glory to God, thanks to your Majesty, and acknowledgment to the Parliament, remain yet as unsatisfied and mutinous as ever; who, whilst all the rest of the Kingdom are arrived even beyond their wishes, are daily forging new and unreasonable demands; who, whilst all men of reason, loyalty and moderation, are thinking how they may provide for your Majesty's honour and plenty, in return of so many graces to the subject, are still attempting new diminutions of your Majesty's just regalities, which ever must be no less dear to all honest men, than our own freedoms; in fine, men of such turbulent spirits, as are ready to sacrifice the honour and welfare of the whole

Kingdom to their private fancies, whom nothing else than a subversion of the whole frame of Government will satisfy:

Far be it from our thoughts to believe, that the violence and unreasonableness of such kind of persons can have any influence upon the prudence and justice of the Parliament. But that which begets the trouble and disquiet of our loyal hearts, at this present, is, that we hear those ill-affected persons are backed in their violence, by the multitude and the power of raising tumults; that thousands flock at their call, and beset the Parliament, and Whitehall itself; not only to the prejudice of that freedom which is necessary to great councils and Judicatories, but possibly to some personal danger of your sacred Majesty, and the Peers.

The vast consequences of these persons malignity, and or the licentiousness of those multitudes that follow them, considered in most deep care and zealous affection for the safety of your sacred Majesty, and the Parliament; our humble petition is, that in your wisdom you would be pleased to remove such dangers, by punishing the ringleaders of these tumults, that your Majesty and the Parliament may be secured from, such insolences hereafter.

For the suppressing of which, in all humility we offer ourselves to wait upon you (if you please) hoping we shall appear as considerable in the way of defence to our gracious Sovereign, the Parliament, our religion, and the established Laws of the Kingdom, as what number soever shall audaciously presume to violate them.

So shall we, by the wisdom of your Majesty and the Parliament, not only be vindicated from precedent innovations, but be secured from the future, that are threatened, and likely to produce more dangerous effects than the former.

And we shall pray, &c.

Give me leave to make some remarks on this petition, in order to {hew, that it cannot be the same that was communicated to the King, and subscribed by him with the letters C. R. in token of his approbation.

In the first place, it evidently appears, this was drawn up at London, at the very time when the multitudes repaired to Westminster, which happened not till the third and fourth of May, there having been no such concourse of people before, and this lasting only two days. But it will be seen hereafter, that the King himself said, that this petition, which he signed with C. R. was brought to him from the army, and that after having read it, he approved of it, as being very innocent.

If the Petition communicated to the King, had been prepared in the army, it cannot be this, since those that penned it, could not foresee the riotous assemblies at Westminster on the third and fourth of May, which however they speak of as then in being. And if it was drawn at London, as it is very likely, it cannot be that which was communicated to the King, since he affirmed, it was brought to him from the army.

It will he said perhaps, that this petition might be prepared at London the third or fourth of May, at the time of the concourse, that it was sent to the army, and then brought back to London to be communicated to the King. But allowing only a fortnight for those journeys from London to York, and from York to London, and for communicating it to the officers dispersed in different quarters about the country, the Petition would have come too late to the King, and have been entirely useless, since the riots were ceased, the Earl of Strafford dead, and the King had passed the Bill for the continuance of the Parliament. It would have been therefore very preposterous for the King to approve of this Petition at such a juncture.

Secondly, the Earl of Clarendon intimates, this petition was projected and drawn long before the third and fourth of May, by the very officers who were afterwards accused of the conspiracy. He says, after the King had subscribed it, it was carried down to the army, and signed by some officers, but was suddenly quashed, and no more heard of till the discovery of the pretended plot, of which more in its place.

This is a clear evidence, that the Petition the King subscribed with C. R. had been communicated long before the third or fourth of May, the day of the discovery of the plot, but if this be so, how could the authors of the Petition speak of the riots on the third and fourth of May, as actually in being. The petition subscribed by the King cannot therefore be the same that the Lord Clarendon has inserted in his History.

In the third place, the officers who intended to gain the army to the King, and who, according to the Lord Clarendon, projected likewise the petition to the King and Parliament which was approved by his Majesty, proposed as their end, to preserve the Bishops votes and functions, to hinder the disbanding the Irish army till that of the Scots was disbanded too, and to settle the King s revenues. But in the petition above; there is no mention of any of these articles[51].

Lastly, it will hereafter be seen that the King to justify his signing the petition, said, nothing more was required in it, than the settling of the Government upon the same foot as under Queen Elizabeth. But in the petition given us by the Lord Clarendon as subscribed by the King, there is nothing like it, Elizabeth not being named in it[52].

Before I conclude this matter, I must not forget what has been said concerning Percy's letter to his brother the Earl of Northumberland. It is pretended that Percy, endeavouring to escape into France, was known at the seaside, and wounded by some persons who would have stopped him:

That getting from them, and flying to the Earl of Northumberland, that Lord prevailed with some of the leading men of the Commons, particularly Mr. Pym, that his brother's escape should be connived at, on condition he would write the letter above-mentioned, as if it was writ in France.

It is easy to perceive, that hereby the relation in that letter is designed to be rendered suspected of falsehood. But I don't find, it is positively affirmed, or that any proofs are produced to discover the forgery.

The whole amounts to a bare assertion, that the plot in question was a fiction, a chimera, an imposture: That the Parliament curtailed the depositions of the witnesses, omitting every thing that served to justify the King:

That the conferences in Percy's chamber, were free conventions between friends, of whom some were members of Parliament: That the depositions of the witnesses were fitter to demonstrate there was never any conspiracy to seduce the army, than to prove there was really any such thing. But upon the whole, we must take, as good proofs the bare assertion of those who relate these facts, which they have not cleared in the least[53].

As the King was frequently reproached with this conspiracy afterwards, I thought it necessary to give a just idea of the thing, that the reader may be the better able to judge of the objections and answers I shall have frequent occasion to mention. It is time now to proceed to the Lord Strafford's trial.

If it is not supposed, that Charles I. from the beginning of his reign to the time of this last Parliament, had formed a design to establish in England an arbitrary Government, it will be almost impossible to understand his history, and particularly this second part. But, upon this supposition, which to me appears incontestable, all difficulties vanish.

The Earl of Strafford's Trial

It is not surprising to see the King's Council, his ministers, favourites, the Star-Chamber, High-Commission, Judges of the realm, in a word, all persons in public employments, intent upon one single point, I mean, the stretching of the Royal authority as far as lay in their power. It is not surprising to see the implacable hatred of the House of Commons to the King's Ministers, and particularly to those who were most trusted by his Majesty, and believed the chief authors of the public evils.

Among these, the Earl of Strafford was considered as the most dangerous, because the most able, and because his two high posts of President of the Court of York, and Lord-Lieutenant of Ireland, afforded him frequent occasions to serve the King effectually, and assist him to execute his designs.

Accordingly he was the first the Commons attacked, eight days after the opening of the Parliament. The impeachment and trial of this Lord, contains many remarkable things, some whereof are, as I may say, above the comprehension of foreigners, by reason of the great difference between the Laws and Customs of England and those of other States. It would therefore be too difficult a task for me to undertake to give a particular account of all the circumstances of this famous trial, which have been collected in a large volume in folio. For this reason I shall content myself with giving a general idea of it, such as I shall think proper to satisfy the reader's curiosity.

There is, no doubt, when the Commons impeached the Earl of Strafford, his ruin was resolved by the leading men of that House. The Earl being looked upon as the most powerful, and most in favour of all the King's Ministers. and as the principal author of the miseries of the Kingdom, this was sufficient to make it thought requisite to sacrifice him to the public.

I do not think it necessary to seek other motives of this resolution, or to ascribe it to more secret causes. Since the Parliament undertook to redress grievances, and restore the Government to its ancient state, nothing was more natural than to punish such as had helped to unhinge it, and among these the Earl of Strafford was the principal, and consequently, the fittest to serve for example to those, who should in time to come, engage in the like enterprise.

But besides this, he had made himself many enemies, by his imperious behaviour, to which great Ministers, who are secure of their master's favour, are generally but too liable. Moreover, he had deserted the people's interest, after having strongly supported it whilst a member of the House of Commons, and devoted himself entirely to the King.

This sufficed to render him odious, and the Commons, when they impeached him, knew they could not do any thing more grateful to the people, he was therefore accused of High-Treason, not that in the short time, since the opening of the Parliament, the Commons could have any certainty of his being guilty of that crime, but upon a certain public evidence, and the inward conviction of most of the members.

After his being sent to the Tower upon this impeachment, the House considered of the articles on which they were to ground his accusation, and when they were brought to the Lords, proofs were sought to support them[54].

These articles, to the number of twenty eight, tended to prove in general, that the Earl of Strafford had endeavored to subvert the fundamental Laws of the State, and establish an arbitrary power. So, though each of the pretended crimes, whereof he was accused, could not be accounted High Treason, the House pretended, that all together manifestly shewed his design, and the means he had employed to accomplish it. The substance of the twenty eight articles, is as follows[55]:-

Articles of Accusation Against The Earl of Strafford

I. That he being President of the King's Council in the north parts of England, had procured to himself a commission, with instructions annexed, whereby power was given to him, to determine all offences, suits, &c. within certain precincts therein specified, and in such manner as the said instructions did appoint, according to the proceedings of the Star-Chamber. By virtue of which commission, he had exercised an exorbitant and unlawful jurisdiction over the persons and estates of his Majesty's subjects in those parts, to their ruin.

II. That at the assizes held for the county of York, he did publicly declare and publish before the people, that some of the justices were all for law, and nothing would please them but law; but they should find, That the King's little finger should be heavier than the loyns of the law.

III. That being Lord-deputy of Ireland, he did say in a public speech, that Ireland was a conquered nation, and that the King might do with them what he pleased: And speaking of the Charters of former Kings of England made to the City of Dublin, he further then said, That their charters were nothing worth, and did bind the King no farther than he pleased.

IV. That Richard., Earl of Cork, a Peer of Ireland, having sued out process in course of Law, for recovery of his possessions, from which he was put, by colour of an order made by the Lord Strafford, and the Council; he, the said Lord Strafford, threatened the said Earl to imprison him, unless he would surcease his suit, and said, that he would have neither law nor lawyers dispute or question his orders.

That the said Earl of Cork having contested the validity of an order of Council made in Ireland, in the time of King James I, the Lord Strafford had said, That he would make the said Earl and all Ireland know, that so long as he had the government of that Kingdom, any act of State there made, or to be made, should be as binding to the subjects of that Kingdom, as an act of Parliament. And that he did sundry other times, and upon sundry other occasions, by his words and speeches, arrogate to himself a power above the fundamental laws, and established government of that Kingdom, and scorned the said laws and established government.

V. That he did give, and procure to be given, against the Lord Mountnorris, (then a Peer of Ireland, vice treasurer, and receiver general of that Kingdom, and treasurer at war, and one of the principal Secretaries of State, and keeper of the Privy Signet of the said Kingdom), a sentence of death by a council of war, called together by the said Earl of Strafford, without any warrant, or authority of law, or offence deserving any such punishment.

And he the said Earl, did also at Dublin, without any legal or due proceedings, or trial, give, and cause to be given, a sentence of death against one other of his Majesty's subjects and caused him to be put to death in execution of the same sentence.

VI. That without any legal proceedings, and upon a paper petition, he did cause the said Lord Mountnorris to be disseized and put out of his manor of Tymore in the Kingdom of Ireland; the said Lord Mountnorris having been eighteen years before in quiet possession thereof.

VII. That he did cause a case, commonly called the case of tenures upon defective titles, to be made and drawn up, without any jury or trial, or other legal process, and

without the consent of parties, and did then procure the Judges of the realm of Ireland to deliver their opinions and resolutions to that case, and by colour of such opinion, did, without any legal proceeding, cause Thomas Lord Dillon, and many others, to be put out of the possession of divers lands and tenements, whereby many of his Majesty's subjects, and their families, were utterly undone.

VIII. That without any legal process, he had made a decree or order against Adam Viscount Loftus, a Peer, and Lord-Chancellor of Ireland, and did cause the said Viscount to be imprisoned, on pretence of disobedience to the said decree or order.

That afterwards, without any authority, he required and commanded the said Lord Viscount to yield up unto him the Great Seal of the realm of Ireland, which was then in his custody, by his Majesty's command, and imprisoned the said Chancellor for not obeying such his command.

That he did imprison George, Earl of Kildare, thereby to enforce him to submit his title to the manor and lordship of Castle-leigh in the Queen's County, being of great yearly value, to the said Earl of Strafford's will and pleasure, and kept him a year prisoner for the said cause; and refused to enlarge him, notwithstanding his Majesty's letters for his enlargement to the said Earl of Strafford directed.

That upon a Petition exhibited to him against Dame Mary Hibbots, Widow, the said Earl of Strafford recommended the said petition to the council-table of Ireland, where the most part of the council gave their vote and opinion for the said Lady; but the said Earl finding fault herewith, caused an order to be entered against the said Lady, and threatened her, that if she refused to submit thereunto, he would imprison her, and fine her five hundred pounds;

That if she continued obstinate, he would continue her imprisonment, and double her fine every month; by means whereof she was enforced to relinquish her estate in the lands questioned in the said petition, which shortly after were conveyed to Sir Robert Meredith, to the use of the said Earl of Strafford.

That the said Earl, in like manner, did imprison divers others of his Majesty's subjects, upon the like pretences, &c.

IX. That the said Earl, assuming to himself a power above and against law, took upon him, by a general warrant under his hand, to give power to the Lord Bishop of Down and Connor, his Chancellor, to attach and arrest the bodies of all such of the meaner and poorer sort, who after citation should either refuse to appear before them, or appearing, should omit or deny to perform, or undergo all lawful decrees, sentences, and orders imposed, or given out against them, and then to commit and keep in the next goal, until they should either perform such sentences, or put in sufficient bail, to shew some reason before the council table, of such their contempt and neglect.

X. That he had procured the customs of the merchandize exported out, and imported into Ireland, to be farmed to his own use. And, to advance his own gain and lucre, did cause and procure the native commodities of that Kingdom, to be rated in the book of rates for the customs, according to which the customs were usually gathered, at far greater values and prices than in truth they were worth; that is to say, every hide at twenty shillings, which in truth was worth but five shillings,

every hone of wool at thirteen shillings and four-pence, though the same were really worth but five shillings, at the utmost nine by which means the custom, which before was but a twentieth part of the true value of the commodities was enhanced some times a fifth part, and sometimes to a fourth, and sometimes to a third part of the true value.

XI. That the said Earl did retrain the exportation of the commodities of the Kingdom of Ireland, without his licence; and then raised great sums of money for licenses of exportation of those commodities, and dispensation of the said restraints imposed on them, by which means those commodities were raised above half in half.

XII. That under colour to regulate the importation of tobacco into Ireland, he did issue a proclamation, prohibiting the importation of tobacco into that Kingdom; after which restraint, the said Earl caused divers great quantities of tobacco to be imported to his own use:

That if any ship brought tobacco into any port these, the said Earl and his agents used to buy the same to his own use, at their own price; and if the owners refused to let him have the same at undue values, then they were not permitted to vent the same there; by which undue means, the said Earl having gotten the whole trade of tobacco into his own hands, he sold it at great and excessive prices.

That by a proclamation be commanded, that none should put to sale any tobacco by wholesale, but what should be made up into rolls, and the same sealed with two seals by himself appointed, one at each end of the roll: And such as was not sealed to be seized, appointing six-pence the pound for a reward to such persons as should seize the same. Which Proclamation was rigorously put in execution, by seizing the goods, fining, imprisoning, whipping, and putting the offenders in the pillory. And though he enhanced the customs, where it concerned the merchants in general, yet he drew down the impost formerly taken on tobacco, from six-pence, to three-pence the pound, it being for his own profit so to do.

That he raised several other monopolies and unlawful exactions for his own gain, viz. on starch, iron-pots, glasses, tobacco-pipes, &c.

XIII. That flax being one of the principal and native commodities of Ireland, the said Earl having gotten great quantities thereof into his hands, and growing on his own lands, did issue out several proclamations, prescribing and enjoining the working of flax into yarn and thread, and the ordering of the same in such ways wherein the natives of that Kingdom were un-practiced, and unskillful; and the flax wrought or ordered in other manner than as the said proclamation prescribed, was seized and employed to the use of him and his agents, and thereby the said Earl did gain, in effect, the sole sale of that native commodity.

XIV. That the said Earl, by Proclamation, did impose upon the owners, matters, pursers, and boatswains of every ship, a new and unlawful oath, viz. That they, immediately after the arrival of any ship within any port or creek in the Kingdom of Ireland, should give in a true invoice of the outward bulk of wares and merchandises first laden aboard them, together with the several marks and number of goods, and their qualities and condition, the names of the several merchants, proprietors of the said goods, and the place from whence they were fraughted, and

whither they were bound &c.

XV. That by his own authority, without any warrant or colour of Law, he did tax and impose great sums of money upon divers towns and places in Ireland; and did cause the same to be levied upon the inhabitants of those towns by troops of soldiers, with force of arms, in a warlike manner; and sent such numbers of soldiers to lie on the lands and houses of such as would not conform to his orders, until they should render obedience to his said orders; and this he did at several times, and in divers places, by which means he levied war within the said realm against his Majesty and his liege people of that Kingdom.

XVI. That the said Earl did make a proposition, and obtained from his Majesty an allowance thereof, That no complaint of injustice or oppression done in Ireland, should be received in England against any, unless it appeared, that the party made first his address to him the said Earl. And to prevent the subjects of that realm of all means of complaints to his Majesty, and of redress against him and his agents, he did issue a proclamation, thereby commanding all the nobility, undertakers and others, who held estates and offices in the said Kingdom, to make their personal residence in the said Kingdom of Ireland, and not to depart thence without licence of himself which proclamation the said Earl had by several rigorous ways, as by fine, imprisonment, and otherwise, put in execution; by means whereof the subjects of that realm were restrained from seeking relief against the oppressions of the said Earl.

XVII. That speaking of the army in Ireland, he did declare, That his Majesty was so well pleased with the army of Ireland, and the conferences thereof, that his Majesty would certainly make the same a pattern for all his three Kingdoms.

XVIII. That, in order to draw dependency upon himself, of the Papists in both Kingdoms of England and Ireland, during the time of his Government in Ireland, he restored divers Frieries and Mass-houses, (which had been formerly suppressed by the precedent deputies of that Kingdom; two of which houses are in the City of Dublin, and had been assigned to the use of the University there) to the pretended owners thereof.

That in the months of May and June last, the said Earl did raise an army in Ireland, consisting of eight thousand foot, all of which, except one thousand or u thereabouts were Papists; and the said one thousand were drawn out of the old army there, and in their places there were a thousand papists put into the said old army by the said Earl.

That the more to engage and tie the said new army of Papists to himself, and to encourage them, he did so provide,

That the said new army of Papists were duly paid, &c. but the said old army were, for the space of one whole year and upwards, unpaid.

That being appointed a Commissioner within eleven several counties of the northern parts of England, for compounding with recusants for their forfeitures due to his Majesty; and being also receiver of the composition money thereby arising, he did compound with them at low and under rates, and provided,

That they should be discharged of all proceedings against them in all his Majesty's courts, both temporal and ecclesiastical, contrary to the laws

and statutes of this realm.

XIX. That he did of his own authority contrive and frame a new and unusual oath, by the purport whereof, the party taking the said oath, was to swear that he should not protest against any of his Majesty's royal commands, but submit himself in all due obedience thereunto. Which oath he enforced on the subjects of the Scottish nation, inhabiting in Ireland; and compelled divers of his Majesty's said subjects there, to take the said oath against their wills; and of such as refused to take it, some he grievously fined and imprisoned, and others he destroyed and exiled; namely, he fined Henry Steward and his wife, who refuted to take the said oath, five thousand pounds a piece, and their two daughters and James Gray, three thousand pounds a piece, and imprisoned them for not paying the said fines.

That he did upon that occasion declare, that the said oath did not only oblige them in point of allegiance to his Majesty, and acknowledgment of his supremacy only, but to the ceremonies and government of the Church established, and to be established by his Majesty's royal authority, and said, That the refusers to obey he would prosecute to the blood.

XX. That he was the chief incendiary of the last war against the Scottish nation, by inciting and provoking his Majesty against his subjects of Scotland, and had declared and advised his Majesty, that the demands made by the Scots in their Parliament; were a sufficient cause of war against them:

That he said, that the nation of the Scots were rebels and traitors and he being then about to come to England, further said,

That if it pleased his Majesty to send him back again; he would root out of the Kingdom of Ireland the Scottish nation both root and branch:

That he had caused divers of the ships and goods of the Scots to be flayed, seized, and molested, to the intent to set on the war between the two nations.

XXI. That at his arrival into England, finding that his Majesty had composed the troubles in the north, and made a pacification with his subjects of Scotland, he laboured by all means to procure his Majesty to break that pacification. And having incited his Majesty to open a war against his Scottish subjects, he counseled his Majesty to call a Parliament in England, yet he intended, that if the proceedings of that Parliament should not be such, as would stand with his mischievous designs, he would then procure his Majesty to break the same; and by ways of force and power, to raise monies upon the subjects of this Kingdom. And for the encouragement of his Majesty to hearken to his advice, he did before his Majesty and his Privy-Council, then sitting in Council, make a large declaration, that he would serve his Majesty in any other way, in case the Parliament should not supply him.

XXII. That before the beginning of the last Parliament, the said Earl of Strafford went into Ireland, and procured the Parliament of that Kingdom to declare their assistance in a war against the Scots, and gave directions for the raising of an army there, consisting of eight thousand foot, and one thousand horse, being for the most part Papists, as aforesaid. And confederating with one Sir George Ratcliffe, did together with him traitorously conspire to employ the said army, for the ruin and destruction of the Kingdom of England, and of altering and subverting of the fundamental Laws, and established Government of that Kingdom. Shortly after, the said Earl returned into England, and to sundry persons declared his opinion to be,

that his Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might use then his prerogative as he pleased, to levy what he needed; and that he should be acquitted both of God and man, if he took some other courses to supply himself, though it were against the wills of his subjects.

XXIII. That upon the thirteenth day of April last, the Parliament of England met, and the Commons House did enter into debate and consideration of the grievances, of this Kingdom; he the said Earl of Strafford, and the Archbishop of Canterbury, did procure his Majesty, by sundry speeches and messages, to urge the said Commons House, to enter into some resolution for his Majesty's supply, for maintenance of his war against his subjects of Scotland, before any course taken for the relief of the grievances wherewith this Kingdom was then affected; whereupon a demand was then made from his Majesty of twelve subsidies, for the release of ship money only.

And while the said Commons were in debate and consideration concerning some supply, before any resolution by them made, the said Earl of Strafford, with the help and assistance of the said Archbishop, did procure his Majesty to dissolve the said Parliament; and upon the same day, the said Earl did endeavour to incense his Majesty against his subjects, who had been members of the said House of Commons, by telling his Majesty, they had denied to supply him; and afterwards upon the same day, did advise his Majesty to this effect, that having tried the affections of his people, he was loose and absolved from all rules of Government; and that he was to do every thing that power would admit; and that his Majesty had tried all ways, and was refilled, and should be acquitted towards God and man; and that he had an army in Ireland, which he might employ to reduce this Kingdom.

XXIV. That in the same month of May, he declared before others of his Majesty's Privy-Council. The Parliament of England had forsaken the King, and that in denying to supply the King, they had given him advantage to supply himself by other ways; and that he was not to suffer himself to be mattered by the frowardness and undutifulness of the people.

And having so maliciously slandered the said late House of Commons, he did, with the help and advice of the said Archbishop of Canterbury, and the Lord Finch, late Lord-Keeper of the Great Seal of England, cause to be printed and published in his Majesty's name, a false and scandalous book, full of bitter and malicious invectives, entitled, His Majesty's declaration of the causes that moved him to dissolve the last Parliament.

XXV. That not long after, he the said Earl of Strafford did advise the King to go on vigorously in levying the ship money, and did procure the Sheriffs of several counties to be sent for, for not levying the ship money, divers of which were threatened by him, to be sued in the Star Chamber.

And a great loan of one hundred thousand pounds was demanded of the city of London, and the Lord Mayor and Sheriffs, and Aldermen of the said city, were often sent for by his advice to the council table, and required to certify the names of such inhabitants of the city as were fit to lend; which they with much humility refusing to do, he the said Earl of Strafford did use these and the like speeches, viz. That they deserved to be put to fine and ransom; and that no good would be done with them; till an example were made of them, and that they were laid by the heels, and some of the Aldermen hanged up.

XXVI. That the said Earl having brought his Majesty into excessive charge,

without any just cause, did counsel and approve the two following dangerous and wicked projects, viz.

To seize upon the bullion, and the money in the mint: And to imbase his Majesty's coin, with the mixture of brass,

And accordingly he procured one hundred and thirty thousand pounds, which was then in the mint, and belonging to divers merchants, strangers and others to be seized on, and staid to his Majesty's use.

And when divers merchants of London, owners of the said bullion and money, came to his house, to let him understand the great mischief that course would produce here and in other parts; he the said Earl told them,

That the city of London dealt un-dutifully and unthankfully with his Majesty; and that they were more ready to Help the Rebels than to help his Majesty:

And that if any hurt came to them they may thank themselves; and that it was the course of other Princes to make use of such moneys to serve their occasions.

And when the officers of his Majesty's mint came to him and gave him divers reasons against the imbasement of the said money; he told them, That the French King did use to send Commissioners of horse, with commission to search into men's estates, and to peruse their accounts, that so they may know what to levy of them by force, which they did accordingly levy; and turning to the Lord Cottington then present, said, That this was a point worthy of his Lordship's consideration.

XXVII. That he was made Lieutenant-general of all his Majesty's forces in the north; and being at York, did, by his own authority, impose a tax on his Majesty's subjects in the county of York of eight pence *per diem*, for maintenance of every soldier of the trained bands of that county; which sums of money he caused to be levied by force. And to compel his Majesty's subjects out of fear to pay the same; he did declare, that he would commit them that refused the payment thereof; and they that refused it, were in very little better condition than of High-Treason.

XXVIII. That being Lieutenant-general of his Majesty's army, he did not provide for the defence of the town of Newcastle as he ought to have done, but suffered the same to be lost, that so he might the more incense the English against the Scots.

And for the same purpose he did write to the Lord Conway, the General of the horse, that he should fight with the Scottish army at the passage over the Tyne, whatsoever should follow; notwithstanding that the said Lord Conway had formerly by letters informed the said Earl, that his Majesty's army, then under his command, was not of force sufficient to encounter the Scots.

The Parliament of Ireland hearing the Earl of Strafford was in the Tower, immediately sent a committee of both Houses to England, to lay before the Parliament remonstrances concerning the grievances endured by the Irish, under that Lord's administration. But as these remonstrances contained little but what is mentioned in the twenty eight articles, I do not think it necessary to insert them.

Committee From The Parliament of Ireland to Complain of The Earl of Strafford

This process was not ready to be tried till the 22nd of March 1640-1, and lasted till the 12th of April. would be too tedious to give a particular account of the proofs, depositions of the evidences, answers of the party accused upon each article, and replies of the Commons.

To give a general idea of the thing, it will suffice to say in two words, that the impeachment running wholly upon the Earl of Strafford's pretended intention to subvert the fundamental laws of the Kingdom, the greatest part of the crimes he was accused of, could be accounted High Treason but on supposition of this same intention. And therefore the managers[56] insisted upon every one of the articles in order to prove this intention, maintaining that though each singly was not capable of proving it, they were however, when joined together, of the utmost evidence. But besides, that each of these articles was not equally well proved, it remained also to decide, whether the intention could render a man guilty of treason.

The Council for the Earl of Stafford maintained that although by the Law, the bare intention of killing the King was High Treason, it did not follow that the intention could be considered upon the same foot, with respect to other treasons, which the law had not explained in the same manner.

On the other hand the Earl of Strafford shewed that none of the particular crimes he was charged with could be deemed Treason, and that a hundred felonies could never make one treasonable crime. But this dispute concerned only the nature of the offence, in which the accused had a great advantage, especially if it be considered that in England, in criminal cases, the judges are extremely careful not to mistake, and to attend only to what proves directly the nature of the offence contained in the indictment.

If the Commons had been satisfied with accusing the Earl of Strafford of felony, or misdemeanours, very probably they would have obtained a speedy sentence against him. But having solely impeached him of High Treason, it belonged to the peers to condemn or acquit him solely upon that sort of offence.

In the reign Edward VI, the Duke of Somerset was accused of high of treason and felony. He was acquitted as to the first, but condemned for the last. The Earl of Strafford defended himself with all the ability, presence of mind, judgment and temper that could be expected from a person of his parts[57]. Accordingly the Commons easily found that the Lords would hardly be induced to condemn him. And therefore they thought fit to take another course to accomplish their ends.

Vote of The Commons Bill of Attainder Passed and Sent to The Lords

The 19th of April it was voted by the Commons, that the endeavour of the Earl of Strafford to subvert the fundamental Laws of the realms of England and Ireland, and introduce an arbitrary and tyrannical Government in both those Kingdoms, was high treason. Two days after the Bill of Attainder was brought in against the Earl. The Bill was read twice in the morning, and the third time in the afternoon, and was passed with the majority of 104 against 59, after which it was sent up to the Lords.

Petitions Against The Bill

Among the opposers of the Bill, the Lord Digby distinguished himself by a very eloquent speech, wherein he endeavoured to show, that to condemn the Earl of Strafford in that manner was a real Murder[58]. Great exceptions were taken at this speech, and though the House at first seemed not much to regard it, they ordered, afterwards that it should be publicly burnt by the hangman.

The Bill of Attainder produced not the effect the Commons desired. The Lords were in no haste to examine it, or to answer the impatience of the Commons. They had a mind first to consider the arguments for and against the bill. In this interval the peers caused Sir William Balfour to be examined concerning the project of letting the Earl of Strafford escape.

St. John's Speech for The Bill

Several thousands of the inhabitants of London presented to both Houses a petition against the Earl, saying, he was a sworn enemy of the City. The 29th of April Mr. St. John in the name of the Commons, made a long Speech to the Lords to prove that the Bill of Attainder was most contrary to Law. May the 1st, the King came to the Parliament, and made the following speech to both Houses:—

The King's Speech in Favour of The Earl Strafford

MY LORDS

I HAD not any intention to have spoken to you of this business. this day, which is the great business of the Earl of Strafford, because I would do nothing that might serve to hinder your occasion: But now it comes so to pass, that seeing of necessity I must have part in the judgment, I think it most necessary for me to declare my confidence therein. I am sure you all know, that I have been present at the hearing of this great case, from the one end to the other[59], and I must tell you, that I cannot in my conscience condemn him of high treason, it is not fit for me to argue the business; I am sure you will not expect that. A positive doctrine best becomes the mouth of a Prince:

Yet I must tell you three great truths, which I am sure no body knows so well as myself.

1. That I never had any intention of bringing over the Irish army into England, nor ever was advised by any body so to do.
2. That there was never any debate before me, neither in public Council, nor at private Committee, of the disloyalty of my English subjects, nor ever had I any suspicion of them.
3. I was never counselled by any to alter the least of any of the Laws of England, much less to alter all the laws.

Nay, I must tell you this, I think no body durst ever be so impudent to move me in it; for if they had, I should have put such a mark upon them, and made them such an example, that all posterity should know my intentions by it; for my intention was ever to govern according to Law, and not otherwise[60].

I desire to be rightly understood. I told you in my conscience, I cannot condemn him of high treason; yet I cannot say I can clear him of misdemeanours: Therefore I hope you may find a way to satisfy justice, and your own fears, and not press upon my conscience.

My Lords, I hope you know what a tender thing conscience is: Yet I must declare unto you, that to satisfy my people I would do great matters: But this of conscience, no fear, no respect whatsoever, shall ever make me go against it. Certainly I have

not so ill deserved of the Parliament at this time, that they should press me in this tender point; and therefore I cannot expect that you wilt go about it.

Nay, I must confess for matters of misdemeanour, I am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my Lord Strafford is not fit hereafter to serve me, or the commonwealth, in any place of trust, no, not so much as that of a constable. Therefore I leave it to you, my Lords, to find some such way as may bring me out of this great straight, and keep ourselves, and the Kingdom from such great inconveniences; certainly he that thinks him guilty of high treason in his convenience may condemn him of misdemeanour.

This Speech Produced a Quite Contrary Effect to What the King had Intended

This Speech produced a quite contrary effect to what the King had expected. Accordingly, the Earl of Clarendon intimates that the Lord Say advised the King to it, in order to draw him into a snare, and render the Earl of Stafford's ruin more certain[61].

The Commons were highly offended with it, saying, it was an unprecedented thing, that the King should meddle with Bills before they were presented to him, and a means to take away the freedom of votes, and immediately adjourned till Monday, the 3rd of May.

On that day it was that the rabble of London flocked to Westminster: And on the same day the House of Commons drew the protestation before mentioned, and on the morrow, the 4th of May, the Lords approved of the same, and (on the 7th) passed the Bill of Attainder of the Earl of Strafford, there being not above forty-six Lords in the House, of the fourscore who had constantly attended the trial[62]. It is pretended that those who absented themselves, were terrified by the threats of the populace.

1641 AD] The King was then in the most uneasy situation. He loved the Earl of Strafford, and was convinced the Earl had done nothing but what was agreeable to his intentions his means of government. He might be guilty with regard to the people on many accounts, but certainly he was not so with respect to the King, who had always approved of his conduct. Besides, the King had protested in full Parliament, that he neither could nor would do any thing against his conscience, and that he did not believe in his conscience, the Earl was guilty.

On the other hand, if he consented to the bill of attainder, after such a declaration, he would show that he was reduced to this extremity by the necessity of his affairs, so would not be thanked for it, and for the future would have nothing more to deny his Parliament. But in case he rejected the bill, he plainly perceived the consequences of his refusal, and that at least he should be accused of denying people justice, contrary to the advice of both Houses of Parliament.

The Continuance Bill Passed by The Lords

It is not unlikely that in this extremity some one advised the King to dissolve the Parliament. At least, the Commons imagined he had no other way to free himself from his present embarrassment. And therefore to deprive him of this refuge also, the same day, the 4th of May, they ordered the bringing in a Bill for the continuance of the Parliament, that it might not be dissolved without the consent of both Houses, which bill was read thrice in two days[63] and passed three days after in the Upper House, with the Bill of Attainder of the Earl of Strafford. In these two or three days the Commons, as hath been said, vigorously pushed the affair of the plot, to fill the people with fears and force the Lords to pass the two Bills.

Consultations of The King About The Bill of Attainder

The Bill of Attainder having passed the House of Lords, the King assembled his Privy-Council, and sent for his lawyers. He laid before them his scruples and reasons for not consenting to the bill. But Juxon Bishop of London was the only person that ventured to advise the King, to reject a Bill presented to him by both Houses. All the rest endeavoured to persuade him to satisfy his people, and that the life of any one person ought not to be put in the balance with the safety of the Kingdom. As to his scruples, they told him, he might consult his Bishop, who would give him the properest advice.

The King not meeting with the satisfaction he expected from his council, sent for some Bishops to advise with. It is affirmed, that (Williams) Archbishop of York said to him on this occasion:--

“That there was a private and a public conference; that his public conscience as a King, might not only dispense with, but oblige him to do that which was against his private conscience as a man.”

And therefore in plain terms advised him, even for conscience sake to pass the Act[64]. But what contributed most to determine him, was a letter from the Earl of Strafford, who hearing of the straights the King was in, humbly besought him himself to pass the Bill to remove him out of the way towards a blessed agreement, which he doubted not that God would forever establish betwixt him and his subjects. Adding, That his consent would more acquit his Majesty therein to God, than all the world could do besides, To a willing man there is no injury.

At last the King no longer able to withstand the pressing instances of the Parliament and his own counsellors, or rather the fear of the calamities he foresaw would befall both himself and posterity, if he refused to consent to the Bill, signed a Commission to four Lords[65] to pass it in his name [66].

The King Passes The Two Bills

By the same commission he empowered these Lords to give the Royal assent to the Bill for the continuance of the Parliament, which was of much greater importance to him than the Earl of Stafford's life, but which however it does not appear that he much regarded, so full was he of the other.

This Bill, which was of such conference to the King, was brought in the 6th of May, and in five days passed both Houses, and received the King's approbation, (on the 10th) as if it had been but a trifle.

The Earl of Strafford Beheaded

On the 12th of May, the second day after the Royal assent to the Bill of Attainder, the Earl of Strafford was executed, and suffered death with great constancy. It was then, and is still at this time a subject of dispute, whether he deserved to lose his head or not. Those who are for him, say there needs only to examine the articles of accusation, the evidences produced against him, and his answers, to be convinced that he was not guilty of High Treason.

That the conviction of his accusers themselves is a further proof, who perceiving they could not expect from the Lords a sentence according to their wish, used so many extraordinary means, to compare their ends.

First, the change of the judicial accusation into a Bill of Attainder.

Secondly, the tumultuous concourse of the people.

Thirdly, the discovery made to the House of Commons of the pretended conspiracy, precisely at this juncture, though it had been long neglected[67].

In the fourth place, the protestation, the sole design whereof was to terrify the people, and incense them against the King and his party.

Lastly the violence used to the Lords, to extort their consent to the bill, and which obliged many to absent themselves, to avoid being exposed to the fury of the people.

It is pretended, all this shows that the Commons themselves did not believe him guilty, since they used so many artifices to take away his life. They who are against him, say. It cannot be denied, that the King had formed a design to establish an arbitrary government, and turned to himself a power contrary to law. That he had made choice of such ministers and counsellors as he thought most proper to serve him in the execution of his design.

That from the King's Council had proceeded all the oppressions so long complained of by the people, and consequently the King's Ministers and Counsellors could not be innocent, unless these oppressions, which were as clear as the sun, were denied.

That the Earl of Strafford was universally known to be the chief of these ministers, and the person in whom the King most confided, and to hold the first place in the secret council, called the Junta, consisting of four or five persons only, where all the resolutions were taken for the oppression of the subjects.

That he could not be supposed to be against all these resolutions, since his arriving to so high a degree of favour, was entirely owing to his attachment to the King's will. That it was no less evident, in his three great posts of Privy Counsellor, President of the North, and Lord Deputy of Ireland, he had always carried himself agreeably to the King's principles and maxims, though he knew these principles were contrary to the law.

That all his endeavours tended to increase the King's revenues, and extend his prerogative, by all methods, even the most irregular.

That in England, obedience to the King's orders does not excuse the ministers in illegal proceedings.

That therefore it must either be denied that the King ever did any thing contrary to law, or be confessed, that his ministers, and especially the chief, were not innocent of these violations.

That the stress of the Commons accusation did not lye so much upon each particular article, as upon all together, to show that the Earl of Stratford really intended to establish an arbitrary government.

That every article was a proof of this intention, and it was a delusion to represent them as being each singly a separate charge of some particular crime.

That this intention, joined to the manner of exercising the power given him by the King, was an unpardonable crime, since it tended to subvert all the Laws, and alter the Constitution.

That it was not the same with the intention of subverting the laws, as with the intention of committing any other offence, even Treason itself.

That these last, when committed, may be punished by the laws: but if the intention of subverting the laws be not punishable till put in execution, there is no remedy; abolished laws not being of any use.

That upon these grounds, Parliaments had at all times, punished several ministers for this reason. In short, that an example being necessary to deter ministers for the future from devoting themselves so entirely to the King's will, to oppress the subject, there could not be a fitter for that purpose than the Earl of Strafford, whose power had made every one tremble, and who besides was the object of the public hatred, the whole nation considering him as the chief author of their miseries.

I shall add here, to finish what relates to the Earl of Strafford, that not long after his death, this same Parliament passed an act for restoring his children in blood and honour, and for settling the estate upon his heirs[68], and that the Act of Attainder was repealed in the reign of Charles II. I do not believe that ever any English subject had so many praises bestowed on him as the Earl of Strafford did. Several in speaking of him, have not been able to forbear adding always to his name, some honourable epithet, to show their esteem for him.

In a word, he is represented as one of the greatest men, one of the most accomplished Ministers England ever produced. I do not pretend by any means to question his natural or acquired abilities. But I own, when I consider his life and actions, I do not see what can serve for foundation to such exalted encomiums.

In the first place, after he was in favour, the King had no quarrel with any foreign state. So, he had no opportunity to display his talents in negotiations and embassies. As to war he was employed but once, in the late war with Scotland, in quality of lieutenant-general, commanding the army in the absence of the general.

On this occasion he may be said, to commit a very great error, in not being ready to oppose the Scots passage of the Tine, and in suffering them to take Newcastle, if perhaps it was not designedly done, to engage inevitably the two nations in a war, which certainly can be matter of no great Commendation.

It must therefore be owned, that his talents were confined to the discharge of his posts or employments. As to that, I find he was accused of having prevaricated, and entirely devoted himself to accomplish the King's design of setting up an arbitrary government. Suppose this were a slander, and he had never any such thought, I do not see, however, that his innocence can be matter of praise to him, any more than to many others who had been in the same posts, before him.

What then did he perform in the administration of his offices, to deserve the character of an accomplished minister, and the name of a great man, which is generally given him? If it is said, that he made use of his great talents to serve the King faithfully, and promote his designs, which doubtless is the sole foundation of the encomiums bestowed on him, it is to be feared, many will not allow that he ought to have served the King in that manner, or that he did him any real service, as the event has shown.

The King Tries in Vain to Pacify The Commons

The great praises therefore given to the Earl of Strafford, must be considered only as a sensible proof of the principles of his panegyrist, who perhaps are very sorry he succeeded no better. The death of the Earl of Strafford was a great, though not the only, mortification to the King.

After the Commons had made this trial of their strength, they resolved to complete the reformation of the Government, which till now was but commenced. The King, on his part, endeavoured,

though in vain, to cool the great ardour of the Commons, by granting or promising places to such as were most agreeable to them.

He had made Sir Edward Littleton Lord-Keeper, in the room of the Lord Finch, who was forced to fly. For the same reason, Dr. Juxon Bishop of London resigned his treasurer's staff, which was to be given to the Earl of Bedford. But the Earl died, whilst he was earnestly labouring to procure an agreement between the King and Commons. Oliver St. John, a leading man in the House of Commons, had been made Solicitor General.

The Lord Cottingham was to surrender the office of Chancellor of the Exchequer in favour of Mr. Pym, and the place of Master of the Wards in favour of the Lord Say. The office of Secretary of State exercised by Windchank, was designed for Denzil Hollis. The Earl of Essex, the Lord Kimbolton, and Mr. Hampden, were likewise to have places[69]. But the Earl of Bedford's death put an end to most of these projects.

The King ceased not, however, alter the death of the Earl of Strafford, to gratify the Commons, by making the Earl of Essex Lord Chamberlain, having first removed the Earl of Essex Pembroke; for the Earl of Essex was a great favourite of the Commons. But all this produced not the great alterations expected by the King. The wound was too deep to be cured by such lenitives.

The Parliaments Aim

The general aim of the Parliament was not only to redress part grievances, but also to free the Kingdom from the fear of being exposed hereafter to the like calamities. The King on the contrary, imagined, that by giving or promising good places to the leaders of the opposite party, he should stop their mouth, and render them dumb dogs.

But they were too wise to fall into the snare. They were very sensible, these places which the King gave or offered to give them, would be always at his disposal, and that when the motive of his giving them should cease, it would be ever in his power to turn them out.

Parliament's Great Distrust With Respect to The King

Besides, many of them were too conscientious to sacrifice the good of their country to their private interest. This disposition of their leaders manifestly appeared, in that the King's favours were not able so cause them to relinquish their project, so great was their distrust of him. They could not believe that a Prince, who had so openly discovered an intention to establish an arbitrary government, had suddenly changed his principles and maxims. Nay, what he did in their favour, convinced them of the necessity of firmly adhering to their project, perceiving his aim was to divide them.

This project consisted, as I said, first, in redressing all their grievances: Secondly, in taking measures to prevent the King from returning to his former course. This they laboured with great diligence, after the Earl of Stafford's death. Hitherto, they had only prepared matters by vote, which plainly showed their design, and by the Protestation subscribed by both Houses. But they expected to meet in the House of Peers, with obstacles so much the greater, as the King had there a strong party.

Objections to The House of Peers

The House of Peers consisted of one hundred and twenty Lords, the two Archbishops, and twenty four Bishops. Among the first, the two Princes Charles and James, the Duke of Buckingham, and seven or eight others, were yet minors; and there were some, whose age, or infirmities, or affairs, hindered them from being present in this Parliament.

The Archbishop of Canterbury, the, Lord Finch, the Earl of Strafford, were no longer there at the time I am speaking of: so that the Bishops would have made a fifth part of the House, had it been complete. But as, according to the Lord Clarendon, there were not above fourscore Peers at the Earl of Stratford's trial, a third part may be reckoned absent; and as, on the other hand, there were vacant Sees, the Bishops and popish Lords may, without a very wrong calculation, be counted about a quarter part of the upper-house. As they were all devoted to the King, it is easy to perceive, they rendered the King's party very powerful among the Lords.

Political Reasons for Excluding The Bishops

Accordingly, this was the reason which obliged the Commons to use their utmost endeavours to take away their votes in Parliament. Most of them had now made themselves odious, by promoting the King's designs with all their power, and persecuting the Puritans, and they still continued to obstruct the design of redrafting the grievances, by the number of their voices in the House of Peers.

This was the reason made use of by the leading Presbyterians, who had more secret and extensive designs, to induce such members of the Church of England as were against the King, to sacrifice the Bishops privilege of sitting in Parliament. They intimated to them, that whilst the King had so many votes in the Upper-House, it would be almost impossible effectually to labour the redress of grievances. That after all, to deprive the Bishops of this privilege, would, instead of being detrimental, be rather advantageous to religion, since they would thereby be more attached to their spiritual functions. That it would be no less beneficial to the State, since the King would be deprived of a means he had always used with success, to break the Parliament's measures.

Difference Between The Puritans

The opposite party to the King in the Parliament, consisted indeed of Puritans, but there were two sorts, as I observed. Some were true Presbyterians. Others were state Puritans, that is, persons whom the Court had always considered as Puritans; not that they were enemies to the Church of England, but because their maxims concerning civil government were thought to be founded upon Puritan principles.

These two sorts of Puritans had been equally oppressed the first fifteen years of this reign, as well by the Court as by the Clergy, so that the Hierarchy was become very odious to the one, and very suspicious to the other.

The true Presbyterians earnestly desired the utter extirpation of episcopacy. The other Puritans were extremely incensed; against the Bishops and the rest of the Clergy, who had always supported and countenanced the King's designs. Wherefore they were easily persuaded, that it would be a great service to the State, to clip the wings of the clergy, to the end they might be less useful to the King.

Besides, though Church of England men, they were not of the opinion of those who believed that religion could not subsist without bishops, and that episcopacy was so closely united with the Monarchy, that the one could not be abolished without the destruction of the other. So far was the Hierarchy from giving them any uneasiness, that they would have been very glad to perceive it, provided the clergy could have been confined to their spiritual functions. But they were grieved to see the clergy inverted with a secular power, which they abused. It must be further added, that being thus disposed, they saw the Presbyterians, who were numerous in the Kingdom, and supported by the sects, strenuously insist upon taking away the Bishops votes in the House of Lords. It was dangerous to displease them, for a very strong reason.

For though the Presbyterians affected to speak of the state only, it was well known, that religion was the principal thing they had in view, and that their transactions concerning the civil Government, tended only to disable the King from oppressing them, if he remained too powerful. Had the King therefore tried to gain the Presbyterians, by offering them reasonable terms, they might have accepted them, and relinquished the design of reforming the civil Government, and then the State Puritans would have been at the King's mercy. Union between the Puritans was therefore absolutely necessary.

For, it was no less dangerous for the Presbyterians, that the King should content the State-Puritans, in which case they would have infallibly abandoned the Presbyterians.

The King Helps Unite The Puritans

Both these parties therefore stood in great need of each other, and it was their interest to support one another, for fear the King should take advantage of their division. But he could never resolve either to grant any terms to the Presbyterian party, or to satisfy the politicians. He thereby formed, himself, so first an union between these two parties, that they became one and the same. The politicians chose rather, out of condescension to the Presbyterians, to sacrifice the Bishops privilege, than be exposed to the danger of seeing themselves again subject to an arbitrary Government.

The Commons Labour to Exclude Bishops and Redress Grievances

According to these dispositions, and the consequent resolutions, the House of Commons equally laboured the redress of grievances, and the execution of the design against the Bishops. Thus the affairs of Church and State went hand in hand, so that scarce a day passed, but the Commons gave the King some mortification, one while by passing bills or votes against the King's former proceedings, another while by prosecuting the authors of the grievances or innovations; sometimes by exclaiming against the aforementioned conspiracy, and sometimes by increasing the yoke of the Papists.

All this tended to the end proposed by the opposite party to the King. It was supposed as a thing publicly known, that there had been a settled design to introduce popery, and that some of the bishops were concerned in the plot. Thus, by accusing the papists of having ill designs, and by rigorously prosecuting them, this accusation was made, in some measure, to reflect the bishops and clergy.

It was pretended, that the innovations introduced into the divine service, were a consequence of this design, and for that reason, by condemning them, the clergy, who had countenanced them, were rendered odious to the people.

The accusations against particular persons, who had been most zealous to support these innovations, produced also the same effect. In short, nothing was omitted that could contribute to show the people the necessity of restoring the Government to its natural state, and convince them, that the ecclesiastical hierarchy was more prejudicial than necessary to the church and state. With these two things the Commons were taken up for the space of three months, from the death of the Earl of Strafford, to the King's journey to Scotland.

First, with respect to the State, in this interval it was, that bills were brought in to abolish the Star-Chamber and Court of York, to regulate the council table, to abolish ship-money, and prevent vexatious proceedings concerning Knighthood, against illegal imprisonments, and for ascertaining the bounds and limits of forests. Each judge in particular was accused. The tax

imposed by the King on the Shires, for the wages of the muster master, was declared contrary to Law.

The conspiracy to seduce the army was likewise examined, and Wilmot, Ashburnham, and Pollard, were expelled the House, and committed to prison. All the patents for monopolies, of which most were suppressed, were brought before the House. It was also examined, by what means a certain clause had been inserted in the Petition of Right, concerning tannage and poundage, and care was taken to register a declaration on that head, to hinder posterity from being deceived by that surreptitious clause. I pass over in silence several votes flowing from all these articles, or which concerned particular persons.+

Proceedings of The Commons as to Religion

As to religion, besides what was done with respect to the papists, and of which I have already spoken, the Commons declared illegal the oath by which ministers were bound to maintain the hierarchy in the Church.

A Bill, was brought in against pluralists. The canons made by the late convocation were condemned. A Bill was passed to abolish the High-Commission. The suppression of Deans and Chapters was voted. Matthew Wren Bishop of Ely was impeached. The protestation was ordered to be subscribed by the whole nation. An accusation was brought to the Lords against thirteen bishops, who had assisted at the convocation.

Difference Between The Two Houses About The Protestation

I have but just mentioned these articles, because a particular account of each seemed to me needless. I shall only add, that there was some difference between the two Houses concerning the protestation. The Lords would have left every man at liberty to sign it: but did not think proper to use compulsion. The Commons, on the contrary, looked upon the protestation as a shiboleth, to distinguish the Ephraimites[70], and at last the Lords agreed to what the Commons desired.

The Commons Explain A Clause In The Protestation

One of the articles of the protestation occasioning some disputes, the Commons explained more fully that article, which was thus worded:—

I swear to defend the true reformed Protestant religion, expressed in the doctrine of the Church of England, against all Popery and Popish innovations within this Realm, contrary to the same doctrine.

Some persons insisting upon the first part of this clause, pretended, that there was no other doctrine of the Church of England than what is contained in the thirty nine articles drawn up in the Reign of Elizabeth, of which one is to preserve the Government of the Church by Archbishops, Bishops, Deans, &c. Hence they inferred, that those who should take the protestation were bound to maintain Episcopacy.

But the Commons considering the whole clause as expressed in the protestation, declared, That by these words was, and is meant, only the public doctrine professed in the said Church, so far as it is opposite to Popery and Popish innovations; and that the said words are not to be extended to the maintaining of any form of worship, discipline or government, nor of any rites or ceremonies of the said Church of England. This clearly showed what was their intention with regard to the hierarchy.

Another Difference Concerning The Star Chamber

There was also another dispute between the two Houses, concerning the Star-Chamber. The Lords were willing to agree, it should be reformed, but refused to consent to its abolition. Meanwhile, the Commons vigorously supporting the Bill, they had sent up to the Peers, it passed at last, and the King gave his assent the 5th of July. In this same interval, I mean, from the death of the Earl of Strafford, to the King's journey to Scotland, there were some other transactions which it is necessary to mention.

The Customers Offer £150,000 Which is Accepted

The customers, who had collected the duties imposed on merchandises by the King's sole authority without consent of Parliament, finding they were likely to be attacked, offered of their own accord one hundred and fifty thousand pounds for an act of oblivion, and their offer was accepted[71].

The Lord Digby is Called to The House of Peers

The Lord Digby, son of the Earl of Bristol, and member of the House of Commons, was called by writ to the House of Lords the 10th of June[72]. In the beginning of this Parliament, he had distinguished himself by his zeal for the redress of grievances: but his speech against the bill of attainder of the Earl of Strafford, made him forfeit the good will of the Commons.

Whether he was already gained by the King, or on this occasion first joined his party, his Majesty thought proper to screen him from the resentment of the Commons, by calling him to the House of Peers. He will hereafter appear the King's chief Minister and counsellor, great enemy to the Commons, as they on their part never forgave his defection.

The King has a Mind to Give Spain Part of The Irish Army

The Irish army ought to have been long since disbanded, as there was no occasion to keep it on foot, and the Commons had frequently desired it of the King. Nevertheless, this army subsisted the last, though the Commons had taken care for their payment. When they came to be disbanded, the King acquainted both Houses, that the Spaniard having desired to take this army into his service, and intimated the same by his ambassador, he had promised to send him four thousand men.

The Commons is Against it

The Lords made no scruple to agree to the King's engagement. But the Commons, ever full of fears and suspicions, thought not proper, that the King should keep these troops in the King of Spain's name, who would make them serve in the Low Countries, from whence the King might draw them whenever he pleased. Besides, the French Ambassador had desired the rest of the army for his master, to which the King had also consented.

They thought it was an artifice of the King's, to keep this popish army which was devoted to him, and on which he could much better rely than on that of England. Wherefore they prayed the King to call in his word. They had on this occasion Several conferences with the Lords, where they alleged sundry reasons to support their opinion, without expressing the true one: but it was easily perceived.

The King was much displeas'd with the Commons opposition, whether he thought himself bound in honour to keep his promise, or really intended to preserve this army, by lending it to the Kings

of France and Spain, in order to use it himself in case of necessity. What gives cause to suspect he had formed such a project is, that it does not appear the Kings of France and Spain had then any great occasion for these troops.

The King Will Stand to His Word

Be this as it will, the King, without regarding the Commons opposition, shewed that his intention was to perform his promise, and this affair was not yet ended when the King departed for Scotland. Some time after, he sent a message to the Lords dated from Edinburgh, wherein he appeared resolved to stand to his engagement, let what would be the consequence. But the two Houses found means to render his resolution ineffectual, by publishing an ordinance, declaring, that whoever should assist in transporting these Irish troops into any foreign country, should be deemed an enemy to the State. This ordinance broke all the King's measures, not one owner of ships being willing to hazard inevitable ruin for his sake.

His Reason for so Doing

The King, as I said, expected that the Parliament would grant him an aid capable of enabling him to drive the Scots out of the Kingdom. He quickly found his mistake, and clearly perceived, that the Scots were come into England at the solicitation of the English malcontents, and that these malcontents were the very persons who had most credit and authority in the two Houses.

He judged therefore, that instead of thinking any longer of expelling the Scots by arms, he should rather endeavour to agree with them, in order to disjoin their interest from that of the English and induce them to disband their army, which was always ready to support the Parliament. When therefore the commissioners of the two Kingdoms met at London, to continue the Treaty of Rippon, they found no resistance from the King, who by granting the Scots first demand, plainly shewed he was disposed to refuse them nothing.

This demand was, that the King should cause to be published in his name, the acts of the Parliament of Scotland, as well those which were already passed in the first session, as those which should be passed in the second.

So great a condescension on this point, which had been properly the cause of the second war, convinced the Commons, that the King's aim was speedily to get rid of the Scots army, which to him was an encumbrance, but to them was very necessary for the execution of their projects. And therefore as the Scotch commissioners had a good understanding with the Commons, they so managed, that the negotiation of peace was prolonged till the 7th of August 1641, though the King, by granting whatever was required, removed all difficulties as far as lay in his power.

The King Promises to go into Scotland

At last, the negotiation being about to end, and nothing more wanting to conclude the treaty, but to agree upon some articles of little importance, the King permitted the Parliament of Scotland to meet, and promised to be there in person, to pass such acts as should be judged requisite.

The Commons are Jealous of This Journey

The Commons having knowledge of the King's resolution, entertained some suspicion of this journey, and were apprehensive, that the King's design was to put himself at the head of his army in the north, under colour of going to Scotland. They desired therefore a conference with the Lords, and moved, that the armies might be disbanded before the King's departure, and that both Houses should present a petition to the King, to pray him to defer his journey.

They Move to Have The King Defer His Journey

They supported their motion with several arguments, and amongst others with this, that it was necessary to prevent the suspicions of the people, and the designs some might have, to make use of the army to raise disturbances in the Kingdom. That besides, several bills were sent up to the Lords and not yet passed. That others were now under consideration in the Lower-House, and it was necessary the King should give his assent to them, before his departure[73].

The King Sets Out For Scotland

In short, after divers conferences, it was revolved, with the King's consent, that he should , defer his journey till the 10th of August, and that the two armies should be disbanded by that time[74]. Nevertheless, as the English army could not be entirely disbanded before the King's departure, for want of money, the Commons desired. a farther delay of a fortnight, alleging still the people's jealousies. But the Lords refused to concur with them, and the King departed the 10th of August, as had been agreed[75].

The Parliament Sends A Committee into Scotland to Watch The King

The Commons distrust of the King still subsisting, they desired the concurrence of the Peers, that a Committee of Lords and Commoners might be sent to the Parliament of Scotland to remain there, and inform them from time to time of their proceedings, to which the Lords consented.

The persons named to go commissioners into Scotland, were the Earl of Bedford, the Lord Howard of Escrick, Nathaniel Fiennes, Sir William Armyne, Sir Philip Stapleton, and John Hampden, and a draught of a commission was sent by an express to the King to sign. But the King refused it, because he saw no necessity for such a commission.

He consented however, that the Committee should come and attend him in Scotland, to see the ratification of the treaty. As the Committee were properly designed only for spies upon the King's actions, both Houses thought to send them into Scotland, on some other pretence. But the Earl of Bedford did not go on this service.

Votes Against The Monopoly of Soap

Some days after, the House of Commons came to several resolutions, against the monopoly of soap, which was declared illegal. Moreover they voted, that the sentence in the Star-Chamber against certain soap-boilers of London, should be reversed, and the Judges of that Court, who had given their votes in the sentence, should pay the parties costs and damages. It was ordered also, that inquiry should be made what Members of the Privy-Council had given their consent to the illegal orders made at the council table, about the soap-monopoly.

Votes About The Plantation of Londonderry

As the Commons had undertaken to redress all grievances, that of the city of London, concerning the plantation of Londonderry was likewise considered, whilst the King was in Scotland. **The House passed several votes upon this subject, and declaring illegal all the proceedings of the Star-Chamber, reversed the sentence against the City of London, as unjust and given by incompetent judges. They declared, that when the King should be pleased to repay to the city the money he had received, the patent thereupon granted should be cancelled or surrendered.**

Resolve of Both Houses to Adjourn for Sometime

After that, both Houses resolved to adjourn from the 9th of September, to the 20th of October, that the members might go to their homes, from whence they had been absent ten months. As soon as this resolution was taken, a great number of both Houses retired into the country, to gain a little more time to repose themselves, so that there remained but twenty-two Lords in the Upper, and a hundred and fifteen members in the Lower-House.

Then some one, who was doubtless Presbyterian, willing to improve so favourable an opportunity, moved, that it was necessary to make some alterations in the *Common-Prayer-Book*. This motion occasioned a very warm debate. Mr. Hyde, afterwards Earl of Clarendon, strenuously defended the liturgy, so that, contrary to the expectation of the person who had raised the debate, nothing was resolved.

Votes Against Innovations

But some days after, the affair of innovation in the Church was debated, and the House passed several votes, declaring, that certain innovations ought to be abolished. At the same time, the Lords seeing, that in the Lower-House, the authenticity of the *Common-Prayer-Book* was questioned, voted, that it should be observed as before in all the Churches, without any omission or alteration.

This begot a conference between both Houses, wherein the Commons desired the Lords to consent to the following declaration, and join with them in the publication thereof:—

The Commons Declaration Concerning Innovations

Declaration of September 8, 1641

WHEREAS divers innovations in or about the worship of God, have been lately practised in this Kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his Majesty's subjects. For the suppression of such innovations, and for preservation of the public peace, it is this day ordered by the Commons in Parliament assembled, that the church wardens of every parish church and chapel respectively, do forthwith remove the Communion-table from the east end of the church, chapel, or chancel, into some other convenient place, and that they take away the rails, and level the chancels as heretofore they were before the late innovations.

That all crucifixes, scandalous pictures of any one or more persons of the Trinity, and all images of the Virgin Mary, shall be taken away and abolished; and that all tapers, candlesticks, and basons, be removed from the Communion-table.

That all corporal bowing at the name (Jesus) towards the east-end of the Church, Chapel, or Chancel, or towards the Communion-table, be henceforth forborne.

That the orders aforesaid be observed in all the several Cathedral Churches of this Kingdom, and all the Collegiate Churches or Chapels in the two universities, or any other part of the Kingdom', and in the Temple-Church, and the Chapels of the other Inns of Court, by the Deans of the said Cathedral Churches, by the Vice-Chancellor of the said Universities, and by the heads and governors of the several colleges and halls aforesaid, and by the benchers and readers in the said Inns of Court respectively.

That the Lords-day shall be duly observed and sanctified: All dancing, or other sports, either before or after divine service, be forborne and restrained, and that the preaching of God's word be permitted in the afternoon, in the several Churches and Chapels of this Kingdom, and that Ministers and Preachers be encouraged thereunto.

That in case these orders be not observed, complaints thereof shall be delivered in Parliament before the 30th of October next.

The Lords Renew Their Order of The 16th of January Concerning Divine Service

The Lords regarded not the desire of the Commons. But on the morrow, September the 9th, the day appointed for the adjournment, they communicated to the Commons, in a conference, an order dated January the 16th, 1640-1, enjoining that divine service should be performed without any alteration, as appointed by acts of Parliament, and a confirmation of the same order, pursuant to a resolution taken on the present 9th of September, desiring the Commons to concur with them in the publishing thereof.

The Commons Refuse Concurrence

The Commons absolutely refused to join in the publication of this order, thinking it unreasonable at such a juncture, to press the rigorous observance of the Laws concerning divine service, when a great part of the people called for a reformation. Besides, they knew, this last order, which confirmed that of the 16th of January, was made when there were but twenty Lords in the House, and by a majority of two voices only, eleven against nine.

Declaration of The Commons Without The Lord's Concurrence

Then they drew up a declaration, inserting that of the day before, to which the Lords had returned no answer, with the order of the Peers of the 16th of January, and the confirmation of the same order of the 9th of September, with the refusal of the Commons to concur with them, and ordered, that their declaration should be printed and published.

Remarks on The Difference

I imagine it will not be amiss to remark, concerning this dissension between the two Houses, first, that passion reigned on both sides, since the time of making these two motions was by no means convenient, there not being above the fifth part of the members present in each House.

Secondly, That there was a great difference in the two points in question, with respect to their importance. One concerned the preservation of the public worship, and book of *Common Prayer*, appointed by the laws since the Reformation, but wherein, however, many people ardently wished great alterations might be made; nay, desired they might be entirely suppressed, whilst the rest of the nation believed them absolutely necessary.

This was a thing of such consequence, that, it seems, nothing ought to have been decided for or against it, but upon mature deliberation, and when both Houses had their usual number of members. For this reason, if the motion for making alterations in the liturgy had been approved in the lower-house, doubtless the Lords would have justly opposed it, and refused their concurrence.

But on the other hand, as the Commons had taken no resolution, there does not seem to have been any necessity for the Lords to renew their order of the 16th so January, which remained in force, and wanted not this confirmation:

Nay, it appeared that this order was renewed only out of spleen, because the Commons had made a declaration against innovations. Had the Lords been satisfied with refusing their consent to the Commons declaration of the 8th of September, there would have been nothing to object. But in refusing to return any answer to the Commons, and renewing withal their order of the 16th of January, they discovered that they acted out of spleen and revenge, and it was not doubted, but the Bishops were the chief authors of the renewal of this order.

The second point, which concerned the innovations, was not of the same importance. The question was only to know, whether they were really innovations, and if so, whether illegal or dangerous to religion. But this was a point not to be debated in such a juncture, when both Houses were going to be adjourned, and most of the members already retired into the country.

So the Lords might have refused their consent to the votes of the Commons, though it had been only on pretence of the thinning of both Houses. But in returning no answer to the Commons, they shewed some measure that they they shewed in some measure that they approved of these innovations, which had so long been an occasion of complaints and murmurs, in the Kingdom.

Both Houses Appoint Committees During The Recess

The same day, before the adjournment, the Commons appointed a committee of forty three[76], to take care, during the recess, of the most weighty and urgent affairs. The Lords appointed a Committee also, confuting but of seven Peers, which done, both Houses adjourned to the 20th of October.

Notice of a Conspiracy in Scotland

During the recess, the Committee, which had followed the King into Scotland, sent word to the Committee of the House of Commons, that there was a sort of conspiracy in Scotland, and that the aim of the parties concerned, seemed to be, to interrupt the proceedings of the Parliament of that Kingdom, and to destroy the Marquis of Hamilton, the Earl of Argyle, and the Earl of Lanerick.

As the committee received this notice but two days before the meeting of the Parliament, they only ordered the Lord Mayor of London to place convenient guards in several places of the City, fearing that the conspirators of Scotland might have correspondents in England, to disturb at the same time the peace of the Kingdom.

Report of The Committee

The Parliament being met the 20th of October, Mr. Pym made a report to the House, of what the Committee had done during the recess. Whereupon the Commons desired a conference with the Lords, where they represented to them:--

1. That a letter from the committee in Scotland, gave ground to think, that when there was a design in England, to seduce the King's army, and interrupt the Parliament, that there was the like design at that time in Scotland.
2. That the principal party named in that design in Scotland, the Lord Crawford, is a person suspected to be popishly affected; and therefore may have correspondence with the like party in England.
3. That it has been lately published in England, that some things were to be done in Scotland before it broke out there. Therefore we may suspect some correspondence here.

Upon these grounds the Commons propounded to the Lords, that a strong guard should be kept in the Cities of London and Westminster, and care taken for the defence of the whole Kingdom, and that an express messenger be sent to the committee of both Houses in Scotland, to acquaint them, that the Parliament of England was ready to give the Scots all necessary assistance against those who should disturb the peace.

The Lords approving of these proposals, instructions, were sent to the committee agreeable to the Commons desires.

The Parliament Desires a Guard to Protect The Earl of Essex

The same day, the 20th of October, both Houses desired the Earl of Essex, whom the King had made General on the south of the Trent, to place a guard at Westminster, for the security of the Parliament, which was accordingly done. This Scottish conspiracy made a great noise at that time: but it was not possible to discover it fully. See what Mr. Burnet says of it, in his Memoirs of the Duke of Hamilton.

Account of The Pretended Conspiracy

A GENTLEMAN, not known to the Marquis of Hamilton brought him and the Earl of Argyle, the discovery of a plot, which, he said, was laid for their lives, and the Earl of Lanerick's, which he said he could justify by one witness who was invited to the execution of it.

He told also a long formal story of the persons to be actors, of the time, place, and manner; And said it was to be executed that very night. This the Marquis carried to the King, without naming particulars; which could not be done safely by the law of Scotland, since he had but one witness to prove them by.

The King desired him to examine the thing to the bottom, and bring him what further evidence he could find. In the evening other preemptions were brought to the Marquis, but no clear evidence. However, the matter was got abroad, and in every body's mouth, so that all who depended on these Lords, came about them in great numbers: And those on whom the design was fastened, gave out, it was a forgery to make them odious, and gathered also together.

The Marquis hearing this did not stir out of doors, left some of their too officious followers should raise tumults; and next day in the evening, he, with the Earl of Argyle, and his brother the Earl of Lanerick, and half a dozen servants went out of town to his house of Keneel, twelve miles from Edinburgh, and sent his excuse to his Majesty, with an account of the reasons. Upon this many discourses went about, people of all sides passing construction as they were affected; But the Parliament took the whole matter into consideration.

Those who had given the information, owned what they had said, and those on whom the plot was fixed, did as positively deny all; so that no clear proof being brought, the Parliament could come to no other decision, but that the Lords had good reason to withdraw themselves; and so they were invited to return to their place in Parliament[77].

There is however in the Lord Clarendon's History a particular, which may give some light to this affair. The Earl of Montross told the King, that the Marquis of Hamilton was false to him, and even offered to rid him of this secret enemy; but the King abhorred the expedient. Perhaps the Earl of Montross thought he should do the King a pleasure in having the Marquis assassinated, and mentioning it to some person, the secret was divulged.

However this be, the Commons of England, it seems, were extremely jealous of the King, or at least they did their utmost to inspire the people with distrust. For their fear was grounded but upon very slight preemptions, and a bare possibility, that this pretended plot against three Scotch Lords, could have any influence in England.

Complaint Concerning Non-Observance of Their Declaration

The next day, a complaint was made to the Commons against some persons for not obeying the declaration of the ninth of September, published by order of the House. As this affair was debated with great warmth, Sir Edward Deering made a speech, which I think proper to infer, to shew that it was not without ground that the Commons were accused of exceeding their power, in publishing their declaration, without obtaining the concurrence of the Lords.

Sir Edward Deering's Speech

Mr. Speaker,

IT is very true (as is instanced unto you) that your late order and declaration of the 8th and 9th of September, are much debated and disputed abroad; perhaps it may be a good occasion for us to re-dispute them here. If the intent of your order to me seems doubtful, and therefore I am bold, for my own instruction, to propound two queries.

1. How far an order of this House is binding?
2. Whether this particular order be continuant, or expired?

Your orders (I am out of doubt) are powerful, if they be grounded upon the Laws of the Land: Upon that warrant we may, by an order, enforce any thing that is undoubtedly so grounded, and by the same rule we may abrogate whatsoever is introduced contrary to the undoubted foundation of our laws. But, Sir, this order is of another nature, another temper, especially in one part of it, of which (in particular) at some other time.

Sir, There want not some abroad, men of birth, quality and fortune, such as know the strength of our Votes here as well as some of us, (I speak my own infirmities) men of the best worth, and of good assistance in us, and no way obnoxious to us:

They know they sent us hither as their trustees, to make and unmake Laws; they know they did not send us hither to rule and govern them by arbitrary, revocable, and disputable orders, especially in religion. No time is fit for that, and this time as unfit as any: I desire to be instructed herein.

Mr. Speaker, in the second place there is a question, whether this order (whereupon the present complaint is grounded) be permanent and binding, or else expired, and by our selves deserted? I observe, that the order being made the 8th of September, in hope then of concurrence therein by the Lords; that failing, you did issue forth your last resolution by way of declaration, wherein thus you express yourself;

That it may well be hoped, when both Houses all meet again, that the good propositions and preparations in the House of Commons, for preventing the like grievances, and reforming the disorders and abuses in matters of religion, may be brought to perfection, wherefore you do expect that the Commons of this realm do

in the mean time (what, obey and perform your order made the day before? No such thing, but in the meantime) quietly attend the reformation intended.

These are your words, and this my doubt upon them, whether by these words you have not superseded your own order? Sure I am, the words do bear this sense, and good men may think and hope it was your meaning.

My humble motion therefore is this, I beseech you to declare, that upon this our reconvention, your order of the 8th of September is out of date: and that the Commons of England must (as you say) quietly attend the reformation intended; which certainly is intended to be perfected up into acts of Parliament. And in the meantime, that they must patiently endure the present laws, until you can make new, or amend the old.

The Commons Carry on The Bill Against The Bishops

The 22nd of October, the Bill for disabling persons in Holy Orders to exercise temporal jurisdiction was again debated, and several speeches made pro and con. At last, it was resolved to prosecute the Bishops who had assisted at the late convocation, and to push the Bill for excluding the Bishops from their votes in Parliament.

To that end, the House desired a conference with the Lords, where Mr. Pym and Mr. St. John explained the demands of the Commons, with the reasons to support them. Mr. Pym spoke first in this manner:—

My Lords,

The Parliament, the fountain of justice, ought to be preserved pure from corruption and free from partiality, which will add not an honour, but authority to what is done in Parliament: All men's estates and liberties are preserved under the safe custody of Parliament; this moveth us to be careful of any thing that may prejudice the Parliament in point of freedom and integrity.

Therefore, the Knights, Citizens, and Burgesses of the House of Commons have commanded me, with my colleague, to represent unto your Lordships two propositions, which they hold of very great importance and necessity to be put in execution at this time.

First, that those thirteen Bishops which stand accused before your Lordships, for making the late book of Canons, and putting them in execution, may be excluded from their votes in Parliament.

Secondly, that all the Bishops may be excluded from having any vote in that act, come from the House of Commons to your Lordships, entitled, **An act to take away the Bishops votes in Parliament, &c.**

That which concerneth the thirteen Bishops falleth to my charge to open, as I am commanded to tell your Lordships, that it standeth not with honour and with justice, that these Bishops should have votes, standing thus charged with the breach of trust, and of the highest trust, against the prerogative of the King, against the privilege of the Parliament, against the property of the subject, and against the peace of the Kingdom; these are the jewels that are deposed under the trust and safe-guard of Parliament, and all these have been broken; and this appeareth by the making of the new Canons voted by your Lordships to be against all these truths.

That these persons have been parties to the breach of his trust, that will appear by the journals of the convocation, which are now in the country, and may be sent for; the entry of the book is, that all the thirteen Bishops were parties, and did confirm and subscribe these Canons; therefore it is hoped by these Canons, that those that have assumed to themselves a legislative power whereby they have, as much as in them lies, rooted out the foundation of Parliament, that they should have no interest in the legislative Power at all in Parliament.

Next, that those that have deprived the subjects of those good Laws that are already made for them, that they should have no interest or part of making future laws for the subject; this they conceive standeth with a great deal of equity and justice, which is one reason to desire they should be excluded from their votes in Parliament.

Next is, the heinousness of their offence. It is very fit they should be innocent men, and faithful men, that should have the exercise of so great a thing as it is; much less then should they be delinquents of so high a nature, actors in the subverting of the laws of the realm, that they should continue their votes and places in Parliament:

And that their delinquency may the better appear, you are desired to read the votes passed in the House of Commons, (*Nullo Contradicente*) and with which the Lords have concurred and agreed.

Then the votes concerning the making of the said canons, were read by Mr. Godwin:

And then Mr. Solicitor St. John proceeded to this effect.

That he was in the next place to present some reasons and precedents concerning the Bishops not having their votes touching the Bill, entitled, An act to take away the Bishops votes in Parliament, &c.

1. Because they have no such inherent right and liberty of being there, as the Lords temporal, and Peers of the realm have; for they are not there representative of any body else; No, not of the clergy; for it so, then the Clergy were twice represented by them, viz. in the Lords House, and in the Convocation: For their writ of election is to send two clerks, *Ad Consentendum*, &c. Besides, none are there representative of others, but those that have their suffrages from others; and therefore only the clerks in the Convocation do represent them.

2. They have not the inherent right of peerage as the Lords have, because in some things they cannot do that there, which the Lords may do in case of treason and matter of blood. Upon trial of any Peer they have no liberty of vote, which could not be taken away by any Canon, if their right of voting there were inherent.

3. If they were representative of the clergy, as a third estate and degree, no act of Parliament could be good, if they did wholly dis-assent; and yet they have dis-assented and the Law good and in force, as in the act for establishing the *Book of Common-Prayer* in Queen Elizabeth's time; they did dis-assent from the confirming of that Law, which could not have been good, if they had been a third estate and dis-assented.

4. The King may hold his Parliament without calling the Bishops at all to it, as hath been adjudged by all the Judges of England, 7 Henry VIII, occasioned by the convocation's citing one Dr. Standish, for speaking of words against their power and privilege, as they conceived: In that case all the judges of England, in the

presence of the King, declared, That the King might hold his Parliament without calling them at all.

So 25 Edward I, in respect the prelacy would not agree with the rest of the Kingdom, in granting a reasonable and necessary aid and supply, they were excluded in the Parliament at Carlisle: And before that Parliament, an act passed against several oppressions of the Abbots, Priors, and Bishops, upon the inferior clergy of the Kingdom, by purveyance, and setting of high prices, &c. to be collected; and six or seven acts more, all to this purpose, concerning the carriage of the Prelates to the inferior Clergy; so that when themselves were concerned, they were excluded their votes.

In all these records of the matter concerning the Clergy, the entry is, That the King, *habito traclatu*, with the Earls, the Barons, and others the nobles, &c. hath agreed to this act, or by the assent of the Earls, Barons, and other lay people: which shews, that the Bishops did not consent, for if they had, they should have been first named before the Earls and Barons: For the order of naming the degrees of nobility in all ancient records, is Prelates, Earls, and Barons.

Thus 3 Richard II. there being provision, the Pope should not make presentation, it is said, that the petition of the Commons was assented unto by the King, and the Lords temporal, and was always esteemed a firm act of Parliament, notwithstanding the Bishops opposed the same.

The Bishops' Affair Remains in Suspense

This affair was carried no farther at that time, doubtless, by reason of the obstacles which occurred in the upper-house, where the Bishops gave their voices, to decide whether they were to vote or not. But it was reserved for another time[78].

Designs of The King's Enemies

The grievances being almost redressed, the Parliament seemed to have little more to do. But the distrust with regard to the King being very great, the leaders of the opposite party to the King believed, the redressing of past grievances was not sufficient. They had a mind also to prevent the like for the future, by disabling the King to abuse his power. It can hardly be denied, that this design was founded upon reasons very plausible, and apt to gain the consent of those who had only the welfare of their country in view.

For if the King, whilst he was inverted with all the prerogatives allowed him by the laws, had abused his power to establish an arbitrary Government; if he had pursued the execution of this design fifteen years together; if he had desisted but by a superior force obliging him to call this Parliament, how could it be thought that he would change his principles and maxims, if left in possession of the same power which had served him to execute his project?

Now there were scarce any of the members of both Houses, I say, even of those who were most attached to the King, but who were convinced, that the constitution had been greatly endangered of late years. See what the Lord Clarendon says on this occasion, in his *History of the Civil Wars*:

For the better support of these extraordinary ways and to protect the agents and instruments, who must be employed in them, and to discountenance and suppress all bold enquiries and opposers, the council table and Star Chamber enlarge their jurisdictions to a vast extent.

The council table by proclamations, enjoining to the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the Star-Chamber censuring the breach and disobedience to those proclamations by very great fines and imprisonment; so that any disrespect to any acts of state, or to the persons of statesmen, was in no time more penal; and those foundations of right, by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed.

If the persons most devoted to the King, as was the Earl of Clarendon, had such sentiments, we may easily judge what others thought, and whether they had reason to believe, that the redress of past grievances was a sufficient security for the time to come.

But on the other hand, it cannot be denied, that there were in the Parliament, men, who were brooding secret designs against the government of the Church, and that these men thought, the diminution of the regal power was absolutely necessary to the execution of their designs, knowing the King would ever oppose them, as long as he was cloathed with his usual authority. But it cannot be inferred, from their using the aforementioned reasons, to inflame the Parliament's distrust of the King, for a private end of their own, that therefore these reasons were bad.

On the contrary, we may venture to assert, it was solely by the weight of these reasons, that the Presbyterians, whose number was inconsiderable in the Parliament and Kingdom, prevailed at last to persuade the rest of the Parliament, of the necessity to restrain the King's power. If these reasons had not been capable of convincing the least prejudiced minds, they would never have succeeded in causing the Parliament to take the resolutions that will hereafter appear.

For what interest could the major part of the members of Parliament have, to alter the constitution of Church and State, if the past had not afforded them a just occasion to fear for the future?

Two Opposite Opinions Concerning The Design of The Parliament

From what has been said, there result two opinions, which have divided, and still do divide all England. The first ascribes to the Commons in general, and to several Peers, the private end designed by the Presbyterians.

The followers of this opinion will not allow, that most of the members proposed to themselves a juster end in all their proceeding against the King. Those who embrace the second opinion, refuse also to admit of this distinction of ends and principles. They pretend, that the opposite party to the King always acted upon motives of equity, justice, and love of their country.

For my part, I shall make no scruple to say, that I think both these opinions very groundless. I can never believe, that the greatest part of the members of this Parliament, who, even by the confession of the King's friends, had at first no desire to make any alterations in the constitution of the Church or State, I should suffer themselves to be corrupted by a small number of other members, whose views and designs they were not so ignorant of, as to be wholly guided by their directions.

Neither can I think that they run into the project of subverting Church and State, out of laziness, ignorance, stupidity, or that they fell into all the snares the others were pleased to lay for them, as the Lord Clarendon insinuates.

I rather believe, they weighed the reasons which were to engage them to maintain the civil and ecclesiastical constitution, with the danger of leaving it in its natural state, and that this danger appeared to them so great, that, to prevent it, they resolved to agree to the alterations intended by the Presbyterians.

On the other hand, I can as hardly believe, that they who took so much care to cherish distrust between the King and Parliament, who were always ready to give an ill turn to all the King's words and actions, who instead of healing, inflamed the wound; that these men, I say, should have in view only justice and the good of their country. Especially as they were seen to practise all methods to accomplish their private end, I mean, the change of the government of the Church, in which the rest of the Parliament had no interest.

Nay rather, it would have been their interest to oppose it, had they not dreaded a greater mischief. If therefore a man blindly follows either of these two opinions, without any limitation, he will never be able to give a just notion of this Parliament's conduct. It is as difficult to believe, that a whole Parliament, or at least, if the greatest part of the members, may combine together to subvert the Government of the Church and State, as it is so to conceive, that all these same members may have acted only upon disinterested motives, and with the sole view of procuring the welfare of the State in such a juncture.

This, however, is the error into which almost all the English historians have fallen. They have all embraced one or other of the two opinions, the spirit of party not suffering them fairly to consider the several motives, on which the members of this Parliament proceeded, and this has begot great obscurity in all they have said upon this subject The truest and most probable hypotheses, in my opinion, is briefly this:—

The Author's Hypotheses

The King had given great occasions of complaints to his subject, during the first fifteen years of his reign. It is no wonder, therefore, that he had made himself many enemies, who earnestly wished to have the government restored to its natural state. Among these enemies, the Presbyterians, who, besides the common, had their private, grievances, were the most eager. They desired not only to diminish the King's power, that he might not be able to hurt them, but also to subvert the ecclesiastical hierarchy, and establish the Presbyterian Government in its place, in which they were supported by the Scots.

The King being obliged to call this Parliament against his will, there were few members but what were disposed to redress past grievances, and prevent the like for the future. Even they who were not enemies to the King, were in this disposition, and it may be affirmed, that this was the general sentiment of the members at the beginning of the Parliament. But even, among those who desired the redress of grievances, there were two different sentiments.

Some were for stopping at the redress of grievances, without proceeding any farther, believing, that would be sufficient to hinder the King from attempting a second time so unsuccessful an enterprise. This was the King's sentiment, as well as of many members of both Houses. Others were not only for redressing grievances, But also for taking proper measures to prevent the like mischief for the future.

The Presbyterians were of this number: but they had also more extensive views, and more hidden designs, namely, to introduce the Presbyterian Government into the Church. To accomplish this end, it was necessary to deprive the King of a power, which they foresaw he would not fail to exert, in opposition to their design; and there was no better way, than by cherishing the Parliament's distrust, to which the members, for the most part, were already but too much inclined. They had therefore only to gain a sufficient number of those, who were willing to stop at the redress of grievances, and nothing was more proper to obtain their concurrence than to fill them with fears and suspicions.

This was the reason that such care was taken to aggravate the plot for seducing the army, to dwell continually upon the pretended design of bringing them to London, to spread a report, that a

French army was going to land and seize Portsmouth with the King's consent, and I know not how many other rumours, equally improbable.

This was the cause of so many efforts to exclude the bishops from the Upper House, in order to lessen, as much as possible, the party of those who were for hoping at the redress of grievances. This likewise was the reason, that so many mortifications were given the King, to induce him to take some measures, which should give an advantage against him, and be apt to convince the more moderate, that it was dangerous to leave him in possession of his whole power.

It is not therefore very strange, that many of those who were against carrying things to extremities, should in the end be prevailed on, by the fears and suspicions they were continually inspired with. To confirm themselves in their sentiment, they had no other ground than their confidence in the King's word, against which there were unanswerable objections, as for instance, the violation of the Petition of Right.

By these direct and indirect means, the Presbyterians at length succeeded in gaining a sufficient number of votes to give them the superiority in the House of Commons, at least, as to the design of diminishing the King's power. When this party was grown superior, their opposers endeavoured in vain to curb their fury. On the other hand, the King himself fell into the snares laid for him, and took measures, which, as will hereafter appear, made him lose a great number of those who had hitherto appeared the most moderate. The following passage of the Lord Clarendon's History, will serve to illustrate this matter.

I know not how these men have already answered it to their own confidences, who having assumed their country's trust, and it may be, with great earnestness laboured to procure that trust, by their supine laziness, negligence, and absence, were the first inlets to those inundations and so contributed to those licences which have overwhelmed us.

For by this means a handful of men, much inferior in the beginning, in number and interest, came to give laws to the major part; and to show that three diligent persons are really a greater and more significant number than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions.

It is true, men of activity and faction in any design, have many advantages that a composed and settled Council, though industrious enough, usually have not; and some that gallant men cannot give them selves leave to entertain, even for the prevention of all the mischief the others intend.

The Earl of Clarendon grants, that a handful of men, at first much inferior in number and credit, converted in the end the whole House to their opinions. But as he was a zealous advocate for the King, he took care not to ascribe the success of this handful of men, to the weight of the reasons which they alleged to the others to reduce them to their sentiments. It was requisite however, to give them reason of it, and he found no better, than the laziness, negligence, and unconcernedness of the King's friends, and the vigilance of the others. I do not know whether this reason will be capable to satisfy the impartial.

This, as I verily believe, is the true hypotheses which ought to be established, in order to give a clear idea of the conduct of this Parliament; and I hope this digression will not be unserviceable for the better understanding of the sequel.

The Commons Prepare a Remonstrance on The State of The Kingdom

1641 AD]The Parliament seemed to have nothing more to do, all the grievances being in a manner redressed, and the armies disbanded. But after what has been said, it will not doubtless be thought strange, that the House of Commons should order the Committee, which, at the beginning of the Parliament, was charged with preparing a remonstrance of the state of the Kingdom, to resume and finish that work.

Nothing would have been more needless than such a remonstrance, after the grievances were redressed, if it had not been intended on purpose to quarrel with the King, and afford a pretence to defer to another time the settling his revenues, which was the only thing that remained to be done, and which the King expected.

I have already observed, there was a party in the Parliament, who meant not to stop at the redress of grievances. It was this party that caused the remonstrance to be resumed, in expectation the King would be displeased with it, and take some step that should promote the execution of their project.

But whilst this remonstrance was preparing, an affair of such consequence unexpectedly happened, that the Commons were obliged for a time to lay aside all other business, I mean the Irish rebellion, the news whereof came to London the 1st of November 1641.

The Irish Rebellion

Since the end of Queen Elizabeth's reign, when Tir-Oen's rebellion was happily quelled, the Irish had lived peaceably under the dominion of James I, and Charles I. Not but that the Lords Deputies had always an eye over them, considering them as men, whose fidelity was very suspicious: however, they had at least no occasion to complain, that they were worse ruled than in the former reigns.

As to their religion, it is easy to imagine, they had suffered no new troubles under these two Princes, who thought if nothing less, than of perfecting the Catholics. Nevertheless, in March or April this year 1641, the Irish formed the project of calling off the English yoke, of seizing upon all the fortified places, and of cutting the throats of all the English throughout the whole Kingdom. The day appointed for executing this bloody design, was the 23rd of October, on which day, they were to rise all over the island.

This design was really executed, as projected, and it is said, on that and the following days, above forty thousand English Protestants were massacred by the Irish. But the project of seizing the same day upon the castle of Dublin, where was a great magazine of provisions and stores, was discovered by Owen O'Conally, the night before, and prevented by the diligence of the Lords Justices of Ireland, who governed in the absence of Robert Sidney, Earl of Leicester, who had been appointed Lord-Lieutenant some months before, and was yet in England.

This news being communicated to the Commons by the Lords of the Privy-Council, filled the House with consternation and terror, and at the same time with indignation against the rebels. They immediately turned themselves, into a grand committee, and passed the following resolves:—

That £50,000 shall be forthwith provided for the service of Ireland.

That a conference be had with the Lords to move them, that a select committee of the members of both Houses, may be appointed to go to the **City of London, and propose unto them the loan of that sum.**

That a select committee of both Houses may be named to consider of the affairs of Ireland, and of the sending of men and ammunition from hence into that Kingdom.

That Owen O'Conally, who discovered this great treason in Ireland, shall have £500, presently paid him, and £200 per annum pension, until provision be made for an inheritance of greater value.

That the custody of the Isle of Wight be taken for the present from the Lord Weston, suspected of being a Catholic, and sequestered into another hand.

That the persons of papists of quality in the several counties of this Kingdom, where ever they reside, may be secured.

That the Lords be desired to join concerning the dissolution of the House of Capuchins, and the speedy sending them away, according to the former desires of this House.

That the Ambassadors may be sent to from both Houses to deliver up such priests of the King's subjects as are in their houses.

That a list be brought in of the Queen's priests, and other of her servants.

That a proclamation be issued forth, commanding all strangers that are not of the Protestant religion, to deliver in tickets of their names, and an account of their stay here, within two days after the issuing forth of the said Proclamation, or else to depart the Kingdom forthwith, &c.

The Lords agreed to the proposed loan, and named some of their members to form a committee of both Houses. Whereupon the Commons appointed fifty two to meet the Lords, and to be a standing Committee for the affairs of Ireland.

Two days after the Commons voted again:—

That the House holds fit that £20,000 be forthwith supplied for the present occasions of Ireland.

That a convenient number of ships shall be provided for the guarding of the sea coast of Ireland.

That six thousand foot, and two thousand horse shall be raised with all convenient speed for the present expedition into Ireland. And that the Lord-Lieutenant shall present to both Houses of Parliament, such officers as he shall think fit to send into Ireland, to command any forces to be transported thither.

That the Magazines of victuals shall be forthwith provided at Winchester, to be sent over to Dublin, as the occasions of that Kingdom shall require.

That the magazines of arms, ammunition, powder, now in Carlisle, shall be forthwith sent over to Knockfergus in Ireland.

That it be referred to the King's Council to consider of some fit way, and to present it to the House, for a publication to be made of rewards to be given to such as shall do service in this expedition into Ireland, and for a pardon of such of the rebels as shall come in by a time limited, and of a sum of money to be appointed for a reward of such as shall bring in the heads of such principal rebels as shall be nominated.

That letters shall be forthwith sent to the Justices in Ireland, to acquaint them how sensible this House is of the affairs of Ireland.

That the Committee of Irish affairs shall consider how, and in what manner this Kingdom shall make use of the friendship and assistance of Scotland in the business of Ireland.

That directions shall be given for the drawing of a Bill for the pressing of men, for this particular of Ireland.

Some days after both Houses published a declaration, to acquaint the public that they had resolved to assist the King with all their power to reduce the Irish Rebels.

The King Demands Aid of The Parliament of Scotland

The King, who was still in Scotland, had received intelligence of what had passed in the north of Ireland[79]), but did not know that the Irish had miscarried in their design upon the Castle of Dublin. He immediately communicated his intelligence to the Parliament of Scotland, and demanded their assistance.

Their Answer

The Parliament replied, that Ireland being dependent on the Crown of England, and his Majesty having already writ to the Parliament of England, and sent to Ireland for farther information, no other course could be taken, and the rather as the Parliament of England might conceive jealousies; but that after fuller information, if the English should think the assistance of Scotland necessary, it should be ready, as soon as England.

Ireland Stands in Need of a Powerful Aid

The Rebellion daily increased. The English themselves of the pale joined with the Irish, having pretended for some time to be attached to the interest of England. These English of the pale were dependents of the antient conquerors of Ireland, who settled there in the Reign of Henry II, and who at the time of the Reformation continued, in the Roman Catholic religion.

Weak Supplies are Sent

It was therefore necessary to send a strong force into Ireland to reduce the rebels to obedience. And yet, though the letters from the Lords and Justices for assistance were frequent and pressing, though the rebels continually increased in number and strength though the King most earnestly pressed both Houses to send men, money, and ammunition to Ireland, though the Parliament showed an extreme desire to reduce that Kingdom, it is certain that the succours sent thither, were but small and fitter to continue than end the war.

It would doubtless he thought strange to see so much ardour in words, and so little desire to show it in deeds, if the reason of this conduct was not known. And therefore it will be requisite to explain it.

The disposition of the House of Commons, whilst the King was in Scotland has been before shown. A resolution was taken to divest him of part of his power. The views of some were only to hinder him from abusing it for the future. Others added to this motive, the design of rendering him unable to oppose the change they were meditating, with respect to the Government of the Church.

The order of the House to the Committee to prepare the remonstrance of the state of the Kingdom, was a clear evidence, they had some secret design which would show itself in due time. Whilst measures are taking to execute this design, the Irish rise in rebellion, at a time when they seemed

to have the least reason, since the government had never been more gentle to them than in the present reign.

They massacre in cold blood above forty thousand (English) Protestants[80], and unfortunately for the King, spread a report that they had his authority for what they did. They call themselves the Queen's army, and disperse all over the Kingdom, copies of a supposed Commission under the Great-Seal, which they pretend to have from the King, to authorize them to take arms.

It cannot be denied that all this was capable of making impressions on the minds of those who were already ill-affected to the King, and believed him capable of any thing to avoid the servitude that was preparing for him. Indeed, the sober and most considerate did not think it possible, or even probable, that the King should be willing to have his Protestant subjects of Ireland massacred. But they suspected however that this rebellion, raised at such a juncture, was not wholly owing to the discontent of the Irish, and that very possibly the King had excited it, to find the Parliament employment, and divert them from the project they had formed.

As to the massacre of the Protestants, they did not believe the King had any hand in it, but imagined it very possible, that after raising the rebellion, it was not in his power to restrain the Irish. The King on his part not knowing what was said against him in England, used his utmost endeavours to clear himself from this black imputation, by pressing the Parliament to send a speedy aid into Ireland. But these solicitations had a quite contrary effect, because it was believed that his aim was to leave England unprovided with troops, and to engage the Parliament in an Irish war, which must have been very expensive.

This was the reason that the Commons proceeded with deliberation, and sent but inconsiderable succours into Ireland, being apprehensive, the Irish rebellion was a snare laid for them by the King, to cause them to consume the English troops and money.

Orders From The Heads of The Rebels to Publish The King's Pretended Commission

As several have spoken of this pretended commission from the King to the Papists of Ireland to authorize them to take arms, and as some have represented it as true, others, as doubtful, but most as an evident forgery, I thought it would not be unacceptable to insert it. I shall add a circular letter sent with the copy of the pretended commission from the leaders of the rebels, to those of their party.

From our Camp at the Newry, this 4th of November, 1641

Phelim O Neal, Rory MacGuire, &c[81]

To all Catholics of the Roman party, both English and Irish within the Kingdom of Ireland, we with all happiness, freedom of conscience, and victory over the English heretics, who have for a long time tyrannized over our bodies, and usurped by extortion our estates.

BE it hereby made known unto you all, our friends and countrymen, that the King's most excellent Majesty, for many great and urgent causes thereunto moving, reposing trust and confidence in our fidelity, has signified unto us, by his commission under the Great-Seal of Scotland, bearing date at Edinburgh the first day of this instant October 1641, and also by letters under his sign manual, bearing date with the said commission, of divers great and heinous affronts, that the English Protestants, especially the Parliament there, have published against his royal person and prerogative, and also against our Catholic friends, within the Kingdom of

England, the copy of which commission we have here sent unto you to be published with all speed in all parts of this Kingdom, that you may be assured of our sufficient warrant and authority herein, viz:—

CHARLES by the grace of God King of England, Scotland, France, and Ireland, defender of the Faith, &c. To all Catholic subjects within our Kingdom of Ireland, greeting. Know you that we, for the safeguard and preservation of our person, have been forced to make our abode and residence in our Kingdom of Scotland, for a long season, occasioned by reason of the obstinate and disobedient carriage of our Parliament of England against us, who have not only presumed to take upon them the government, and disposing of those princely rights and prerogatives that have justly descended unto us from our predecessors, both Kings and Queens of the said Kingdom, for many hundred years past, but also have possessed themselves of the whole strength of the said Kingdom, in appointing governors, commanders, officers, in all parts and places therein, at their own will and pleasure without our consent; whereby we are deprived of our Sovereignty, and left naked without defence:

And for as much as we are in ourselves very sensible, that these storms blow aloft, and are very likely to be carried by the vehemency of the Protestant party into our Kingdom of Ireland, and endanger our royal power and authority there also; Know ye therefore, that we, reposing much care and trust in your duty and obedience, which we have for many years past found, do hereby give unto you full power and authority to assemble and meet together, with all the speed and diligence that a business of so great a consequence doth require, and to advise and consult together by a sufficient and discrete number, at all times, days, and places, which you shall in your judgment hold most convenient and material for the ordering, settling, and effecting of this great work, mentioned and directed to you in our letters, and to use all politic ways and means possible to possess yourselves, for our use and safety, of all the forts, castles, and places of strength and defence within the said Kingdom, except the places, persons and estates of our loyal and loving subjects the Scot:

And also to arrest and seize the goods, estates, and persons, of all the English Protestants within the said Kingdom to our use; and in your care and speedy performance of this our will and pleasure, we shall perceive your wonted duty and allegiance unto us, which we shall acknowledge and reward in due time.

**Witness our self at Edinburgh, the 1st day of October, in
the 17th year of our Reign.**

Augments That The King Could Not Have Given This Commission

Though for many reasons it be more than probable that the King never granted a Commission to the Irish to take arms, it is however certain they boasted of having such a thing. But it is no less certain, that it cannot be the same with what has been just read, nor can this be the Commission published by the leaders of the Irish rebels. My reason is, because in this Commission, the King is made to say things which happened not till several months after the day of the date, and which those who are supposed to have published it the 4th of November could not foresee. The King is made to say on the 1st of October 1641, that the Parliament had possessed themselves of his Sovereignty, and appointed governors, commanders and officers, in all places, which certainly was not done before the month of October 1641.

It must be therefore that Rushworth, who has inserted this commission in his *Collections*, had bad memoirs and little judgment, not to see in this pretended commission of the 1st of October 1641, things which happened, not till the next year 1642.

However it is true, the Irish boasted of having the King's Commission. But it is pretended they forged it themselves, and fastened to it an impression of the Great-Seal, taken from some grant or patent[82].

The Effect of This Rumour to The King

Be this as it will, the pretension of the Irish that they had the King's and Queen's authority, was of very ill consequence to the King. There were but too many who had an ill opinion of his zeal for the Protestant religion, and thought him capable of being induced by the Queen's solicitations to restore the Catholic religion in England.

The former Parliaments had discovered their suspicions, and the King instead of undeceiving them, had given them words only, which were followed with no effects. When therefore the news came, that the Irish papists were in arms, and had massacred the Protestants, it was very natural to dread the like plot in England, which could not but be extremely prejudicial to the King; Though the Parliament did not seem to regard much the calumny spread against the King, they were however full of distrust, and this distrust made them think it not proper to leave England without troops, money, and ammunition, in order to assist Ireland, lest England should be unprovided, in the same plot which was contriving there.

Nay, it was the interest of the leading men in the Parliament to feign a greater distrust than they really had, to strengthen the suspicions and fears of such members as were not fully persuaded. This served to convince them how necessary it was to curb the King's power, and render him incapable to execute his designs.

The King's Enemies Obtain Their Ends by Divers Degrees

But though the party of those who were for lessening the regal power was numerous in the Parliament, they were not yet in condition to proceed as they pleased. matters were to be prepared by degrees, one while by cherishing suspicions and fears, another while by engaging the House to take proper steps to lead them to their end, which was not known to all the members.

Instruction to The Committee in Scotland Mortifying to The King

With this view it was, that under colour of thanking the Scots for their promised assistance to suppress the rebellion in Ireland, and of treating with them about it, they engaged the House to send to the Committee in Scotland new instructions very mortifying to the King. The House said, in these instructions:—

That they had just cause to believe, that the conspiracies and commotions in Ireland, were but the effects of the counsels of those who continued in credit, authority and employment about his Majesty therefore they feared that the great aids which should be raised for subduing the rebellion in Ireland, would be applied to the fomenting of it there, and encouraging some such like attempt in England. And therefore the Commons besought his Majesty to change those Councils from which such ill courses had proceeded, and to employ such Ministers as should be approved of by his Parliament, who were his greatest and most faithful Council.

But if his Majesty did not condescend to their supplications, they should be forced to resolve upon some way of defending Ireland from the rebels, and of securing themselves from mischievous counsels and designs; and command those aids and contributions which should be raised for the reducing of Ireland to the custody and disposing of such persons of honour and fidelity, as they had cause to confide in.

These instructions conclude with the following article:—

You shall represent to his most excellent Majesty this our humble and faithful declaration, that we cannot without much grief remember the great miseries, burthens, and distempers, which have for divers years assisted all his Kingdoms and Dominions, and brought them to the last point of ruin and defamation; all which have issued from the cunnings false, and malicious practices of some of those who have been admitted into very near places of counsel and authority about him, who have been favourers of popery, superstition and innovation, subverters of religion, honour, and justice, factors for promoting the designs of foreign Princes and States, to the great apparent danger of his Royal person, crown, and dignity, and of all his people; authors of false scandals and jealousies betwixt his Majesty and his loyal subjects; enemies to the peace, union and confidence betwixt him and his Parliament, which is the surest foundation of prosperity and greatness to his Majesty, of comfort and hope to them: that by their counsels and endeavours, those great sums which have been lately drawn from the people, have been either consumed unprofitably or in the maintenance of such designs as have been mischievous and destructive to the State; and whilst we have been labouring to support his Majesty, to purge out the corruption, and restore the decays both of Church and State, others of their faction and party have been contriving by violence and force to suppress the liberty of Parliament[83], and endanger the safety of those who have opposed such wicked and pernicious courses.

This was properly a preparative to the remonstrance of the state of the Kingdom, which was to be brought into the House the first opportunity, and which was indeed read the 22nd of November. It met with so strong opposition, that the debates lasted from three in the afternoon till three in the morning[84].

Many thought it needless to reproach the King with grievances, to the redress whereof he had without solicitation given a full consent, and that besides the uselessness of the remonstrance, it would serve only to open old wounds, to which a cure had been applied, and infallibly make the breach wider between the King and Parliament. But this very reason was precisely that which excited the others to cause the remonstrance to be approved, because they wanted a dissension between the King and Parliament, in order to obtain the consent of both Houses to the diminution of the Regal Power.

It Passes by Three Voices Only

I do not pretend to determine, whether the design of disabling the King from governing for the future as he had done during fifteen years, was in itself just, or necessary for the welfare of the Kingdom. But it can hardly be denied that the reasons by which it was supported were very plausible. I will not affirm that they who formed it or pressed the execution had only in view their country's good; as on the other hand, I do not see what security they could have, who were for leaving the King in possession of the same power he had before enjoyed.

However this be, the remonstrance was as a sort of criterion which was to show which of the two parties should prevail, and withal to decide in some measure the fate of the King's affairs. In short, after a debate of twelve hours, it was carried by a plurality of nine voices only that the remonstrance should be presented to his Majesty.

The Lord Clarendon says, it was carried by the hour of the night, which drove a way a greater number of old and infirm opposers than would have made those of the negative superior in number. But this reason to me appears weak. For it might be alleged to show the remonstrance would have passed by more than nine voices, if several of those who were for it had not left the

House. For how could infirmity or fatigue produce a greater effect upon one party than upon the other[85]?

This resolution was no sooner taken but Mr. Hampden, who was of the victorious party, moved for the immediate printing of the remonstrance, not thinking it necessary to communicate it to the Lords, since it ran only in the name of the Commons. His design was, that it should be dispersed among the people to excite them against the King, which was also the intention of his whole party.

This motion, which was contrary to custom, since the remonstrance should have been at least presented to the King, before the publication was deliberated, produced a violent debate in the House, every one plainly perceiving the consequence. But at last, the same party that prevailed in the first, prevailed likewise in the second question, and the Remonstrance was ordered to be printed. Some of the opposers offered to enter a protestation against it, but as it was not the custom of the House to admit of protestations, Mr. Palmer, who first cried, I do protest, was sent to the Tower, but was released within a few days, and took his place again in the House.

Three days after, namely, the 25th of November, the King being returned from Scotland[86], passed through the city of London, and dined at Guild Hall. He was received in his capital with the same demonstrations of joy, respect and submission as were given on the like occasions to his most popular predecessors; and had all reason to be pleased with the manner wherein every one strove to do him honour. But the satisfaction he received from these public demonstrations of the affection of the Londoners, lasted not long.

As soon as the King came to Whitehall, the Earl of Essex surrendered his commission of Captain-General of the south part of the Kingdom into his hands; and the next day the King dismissed the guards given by the Earl to both Houses at their request. The Commons appeared displeased at it, and desired the Lords to concur with them in petitioning the King, that the guards might be continued till they had satisfied his Majesty of the reasons, why a guard was necessary.

The Lords consented to it, and the Earl of Warwick, and the Lord Digby, were ordered to move his Majesty accordingly, but they could not prevail. The King answered, he saw no reason to continue the guard; but however, he would command the Earl of Dorset, to appoint some of the trained bands, only for a few days, to wait on both Houses, and if in that time he should be satisfied there was just reason, he would continue them.

He perceived, that the aim of those who desired the continuance of the guards, was only to cherish the fears and suspicions of the people. Upon this answer, the Commons presented a memorial to the King, containing the reasons why they desired a guard, adding, they would not have it under the command of any person not chosen by themselves. But as their reasons were founded upon very improbable suppositions, they were ineffectual.

The Committee to Present The Remonstrance to The King

The Commons insisted no farther on this subject, but within a few days, sent a committee, to present to their King, then at Hampton-Court, the remonstrance, with a petition. this was, as it were, the alarm of the discord between the King and the Parliament, as his enemies had plainly foreseen. I think it necessary to insert here what passed with respect to this remonstrance, which was attended with such consequences, the report of the committee sent to the King, the petition of the House, with the remonstrance itself, on which I shall make some remarks, to enable the reader to judge of what is just and true, and what is disguised or aggravated.

Sir Ralph Hopton's Report to the House of Commons, of what passed at his presenting the petition and remonstrance to the King. Dec. 1. 1641.

HE said, that the last night, in the evening, he, and those that accompanied him, came into Hampton-Court, where meeting with Sir Richard Wynn, he went in to his Majesty, and gave him notice of our being there; and within a quarter of an hour, the King sent a gentleman usher to call us in, with directions for none to come in but ourselves; whereupon I did, according to your order, and the rest with me, upon our knees, present the petition and remonstrance, and begun to read it kneeling, but his Majesty would not permit that, but commanded us all to rise, and so I read it.

The first thing that his Majesty spake at the reading thereof, was to that part of the petition, that charges a malignant party to be about his Majesty, with a design to change religion; to which his Majesty with a hearty fervency said, The Devil take him, whosoever he be, that has a design to change religion.

Then I proceeded to read on; and when I came to that part of the remonstrance, of reserving the lands of the rebels in Ireland toward the suppressing them, his Majesty spake and said, we must not dispose of the bears' skin, till the bear be dead.

After the Petition was read, his Majesty said, he desired to ask us some questions; but I answered, We had no power to speak to any thing, but wherein we had commission; then said his Majesty, Doth the House intend to publish this declaration? We said, we could not answer to it: Well then, said his Majesty, I suppose you do not expect a present answer to so long a petition; but this let me tell you, I have left Scotland well in peace they are well satisfied with me, and I with them; and though I staid longer than I expected, I think if I had not gone, you had not been so soon rid of the army:

I shall give you an answer to this business, with as much speed as the weight thereof will permit. And so was pleased to give us his hand to kiss; and thereupon we took our leave, and afterwards Mr. Comptroller came to us with this message, that the King desired there should be no publishing of this declaration, till we had received his answer:

We were all that night treated by Mr. Comptroller at supper, and entertained with great respect and lodged by the King's harbinger.

The Petition of the House of Commons, which accompanied the Remonstrance of the State of the Kingdom, when it was presented to his Majesty at Hampton Court. Dec. 1-1641.

Most Gracious Sovereign,

OUR Majesty's most humble and faithful subjects, the Commons in this present Parliament assembled, do, with much thankfulness and joy, acknowledge, the great mercy and favour of God, in; giving your Majesty a safe and peaceable return out of Scotland, into your Kingdom of England, where the pressing dangers and distempers of the State, have caused us with much tenderness to desire the comfort of your gracious presence, and likewise the unity and justice of your Royal authority, to give more life and power to the dutiful and loyal counsels and endeavours of your Parliament, for the prevention of that imminent ruin and destruction wherein your

Kingdoms of England and Scotland are threatened. The duty which we owe to your Majesty, and our country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness, and malignity of those evils under which we have now many years suffered, are fomented and cherished by a corrupt and ill affected party, who, amongst other their mischievous devices for the alteration of religion and government, have fought by many false scandals and imputations, cunningly insinuated and dispersed among the people, to blemish and disgrace our proceedings in this parliament, and to get themselves a party and faction amongst your subjects, for the better strengthening themselves in their wicked courses, and hindering those provisions and remedies, which might by the wisdom of your Majesty, and counsel of your Parliament, be opposed against them.

For preventing whereof, and the better information of your Majesty, your Peers, and all other your loyal subjects, we have been necessitated to make a declaration of the state of the Kingdom, both before and since the assembly of this Parliament, unto this time, which we do humbly present to your Majesty, without the least intention to lay any blemish upon your Royal person, but only to represent how your Royal authority and trust have been abused, to the great prejudice and danger of your Majesty, and all your good subjects. (1)

Remark 1. The design of this declaration or Remonstrance was not to inform the King, as the Commons assured him, but solely to make their apology, and exasperate the people against him. First, the Remonstrance is not directed to the King, and he is always mentioned in the third person. Secondly, the Commons voted that the Remonstrance should be printed, before they had received any answer from the King, and published it against his will. So what they say at the close of this article is all a flourish, without one word of truth.

And because we have reason to believe, that those malignant parties, whose proceedings evidently appear to be mainly for the advantage and increase of Popery, are composed, set up and acted by the subtle practice of the Jesuits, and other engineers and factors for Rome and to the great danger of this Kingdom, and most grievous affliction of your loyal subjects, have so far prevailed, as to corrupt divers of your bishops and others in prime places of the Church (2), and also to bring divers of these instruments to be of your Privy-Council (3), and other employments of trust and nearness about your Majesty, the Prince, and the rest of your Royal children.

Remark 2. The Commons pointed at Laud Archbishop of Canterbury, Neil[87] Bishop of Winchester, Wren Bishop of Ely, Cosins Dean of Peterborough.

Remark 3. As Windebank Secretary of State, and some Others.

And by this means have had such an operation in your council, and the most important affairs and proceedings of your Government, that a most dangerous division, and chargeable preparation for war betwixt your Kingdoms of England and Scotland, the increase of jealousies betwixt your Majesty and your most obedient subjects, the violent distraction and interruption of this Parliament, the insurrection of the Papists in your Kingdom of Ireland, and bloody massacre of your people, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final accomplishment whereof, your poor subjects are enforced to engage their persons and estates, to the maintaining of a very expensive and dangerous war, notwithstanding they have already, since the beginning of this Parliament, undergone the charge of £150000. sterling, or thereabouts, for the necessary support and supply of your Majesty in these present and perilous designs.

And because all our most faithful endeavours and engagements will be ineffectual for the peace, safety, and preservation of your Majesty and your people, if some present, real, and effectual course be not taken, for suppressing this wicked and malignant party.

We your Majesty's most humble and obedient subjects, do with all faithfulness and humility beseech your Majesty:—

1, That you would be graciously pleased to concur with the humble desires of your people in a parliamentary way (4), for the preserving the peace and safety of the Kingdom from the malicious designs of the popish party.

Remark 4. That is to say, by consenting to the Bills which should be presented to him.

For depriving the Bishops of their votes in Parliament (5), and abridging their immoderate power usurped over the clergy, and other your good subjects, which they have perniciously abused, to the hazard of religion, and great prejudice and oppression of the Laws of the Kingdom, and just liberty of your People.

Remark 5. The Commons were not satisfied with desiring that the Bishops, whom they supposed guilty of the design to countenance Popery, should be punished, but took occasion from thence to inflict a penalty on the whole Bench, by depriving them of the privilege of sitting in Parliament.

For the taking away such oppressions in religion, Church government and discipline, as have been brought in and fomented by them. For uniting all such your loyal subjects together, as join in the same fundamental truths against the Papists, by removing some oppressions and unnecessary ceremonies, by which divers weak consciences have been scrupled, and seem to be divided from the rest (6), and for the due execution of those good laws, which have been made for securing the liberty of your subjects.

Remark 6. The meaning of which was, in the language of the Commons or of their leaders, that he should abolish the hierarchy and *Book of Common-Prayer*; but they did not yet dare to speak out, and therefore covered their intention under this expression, *by removing unnecessary ceremonies*.

2. That your Majesty will likewise be pleased to remove from your Council, all such as persist to favour and promote any of those pressures and corruptions wherewith your people have been grieved; and that for the future, your Majesty will vouchsafe to employ such persons in your great and public affairs, and to take such to be near you in places of trust, as your Parliament may have cause to confide in; that in your princely goodness to your people, you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever. (7)

Remark 7. Meaning the Queen.

That you will be pleased to forbear to alienate any of the forfeited and escheated lands in Ireland, which shall accrue to your Crown by reason of this rebellion; that out of them the Crown may be the better supported, and some satisfaction made to your subjects of this Kingdom, for the great expenses they are like to undergo in this war.

Which humble desires of ours being graciously fulfilled by your Majesty, we will,

by the blessing and favour of God, most cheerfully undergo the hazard and expenses of this war, and apply ourselves to such other courses and counsels, as may support your royal estate with honour and plenty at home, with power and reputation abroad, and by our loyal affections, obedience and service, lay a sure and lasting foundation of the greatness and prosperity of your Majesty, and your royal posterity in future times.

A Remonstrance of The State of The Kingdom, Presented to The King From the House of Commons, The First of December 1641

THE COMMONS in this present Parliament assembled, having with much earnestness and faithfulness of affection and zeal to the public good of this Kingdom, and his Majesty's honour and service, for the space of twelve months, wrestled with great dangers and fears, the pressing miseries and calamities, the various distempers and disorders which had not only assaulted, but even overwhelmed and extinguished the liberty, peace, and prosperity of this Kingdom, the comfort and hopes of all his Majesty's good subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne.

Do yet find an abounding malignity and opposition in those parties and factions who have been the cause of those evils, and do still labour to cast aspersions upon that which hath been done, and to raise many difficulties for the hindrance of that which yet remains undone, and to foment jealousies betwixt the King and Parliament, that so they may deprive him and his people of the fruit of his own gracious intentions, and their humble desires of procuring the public peace, safety, and happiness of this realm:

For the preventing of those miserable effects, which such malicious endeavors may produce, we have thought good to declare (1):

Remark 1. This was all flourish, and a pretence used by the Commons, to have an occasion to publish this remonstrance, which was resolved upon at the very beginning of the Parliament, before any one thought of blaming their conduct.

The root and growth of these mischievous designs. The maturity and ripeness to which they have attained before the beginning of the Parliament.

The effectual means which have been used for the extirpation of those dangerous evils, and the progress which hath therein been made by his Majesty's goodness, and the wisdom of the Parliament.

The ways of obstruction and opposition, by which that progress hath been interrupted.

The courses to be taken for the removing those obstacles, and for the accomplishing of our most dutiful and faithful intentions and endeavours of restoring and establishing the antient honour, greatness and security of this Crown and Nation.

The root of all this mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of Government, upon which the religion and Justice of this Kingdom are firmly established. The actors and promoters hereof have been:—

- 1.. The Jesuited Papists, who hate the laws, as they are the obstacles of that change and subversion of religion, which they so much long for.

2. The Bishops, and the corrupt part of the Clergy, who cherish formality and superstitions, as the natural effects, and more probable supports of their own ecclesiastical tyranny and usurpation.

3. Such counsellors and courtiers, as, for private ends, have engaged themselves to farther the interests of some foreign Princes, or States, to the prejudice of his Majesty, and the State at home.

The common principles by which they moulded and governed all their particular counsels and actions were these:—

First, to maintain continual differences and discontents betwixt the King and the people, upon questions of prerogative and liberty, that so they might have the advantage of siding with him, and under the notions of men added to his service, gain to themselves and their parties the places of the greatest: trust and power in the Kingdom (2).

Remark. 2. It is certain, this was the way Archbishop Laud, and the Armenian Party grew powerful at Court.

A second, to suppress the purity and power of religion, and such persons as were best affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to introduce.

A third to conjoin those parties of the Kingdom which were most propitious to their own ends, and to divide those who were most opposite, which confided in many particular observations.

To cherish the Armenian party in those points wherein if they agree with the Papists to multiply and enlarge the difference between the common Protestants, and those whom they call Puritans, to introduce and countenance such opinions and ceremonies as are fitted for accommodation with Popery, to increase and maintain ignorance, looseness, and prophanenth in the people. That of those three parties, Papists, Arminians, and libertines, they might compose a body fit to act in such counsels and resolutions, as were most; conducive to their own ends.

A fourth, to disaffect the King to Parliaments by slanders and false imputations, and by putting him upon other ways of supply, which in shew and appearance were fuller of advantage than the ordinary course of subsidies, though in truth they brought more loss than gain, both to the King and people, and have caused the great distractions under which we both suffer.

As in all compounded bodies the operations are qualified according to the predominant element in this mixed party, the Jesuit counsels being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature.

In the beginning of his Majesty's reign, the party begun to revive and flourish again, having been somewhat damped by the breach with Spain, in the last year of King James, and by his Majesty's marriage with France; the interests and counsels of that state being not so contrary to the good of religion, and the prosperity of this Kingdom, as those of Spain; and the Papists of England having been ever more addicted to Spain than France yet they still retained a purpose and resolution to weaken the Protestant

parties in all parts, and even in France, whereby to make way for the change of religion, which they intended at home.

1. The first effect and evidence of their recovery and strength, was the dissolution of the Parliament at Oxford after there had been given two subsidies to his Majesty, and before they received relief in any one grievance, many other more miserable effects followed,

2. The loss of the Rochel fleet, by the help of our shipping, set forth and delivered over to the French, in opposition to the advice of Parliament (3), which left that town without defence by sea, and made way, not only to the loss of that important place, but likewise to the loss of all the strength and security of the Protestant religion in France.

Remark 3. It cannot properly be said that the seven ships lent by Charles I. to the King of France were delivered to the French, in opposition to the advice of Parliament, since the thing was done before the Parliament was acquainted with it. It is likewise a great aggravation to impute the loss of the Rochel fleet, and of Rochel itself, to the aid of the seven English ships, which the mariners of that Nation had deserted.

3. The diverting his Majesty of wars from the West-Indies, which was the most facile and hopeful way for this Kingdom to prevail against the Spaniards, to an expensful and unsuccessful attempt upon Cales, which as so ordered as if it had rather been intended to make make us weary of war, than to prosper it (4)..

Remark 4. This accusation seems a little too far-fetched, since Elizabeth had taken both courses with success.

4. The precipitate breach with France, by taking their ships to a great value, without making recompense to the English, whose goods were thereupon imbarred, and confiscate in that Kingdom.

5. The peace with Spain, without consent of Parliament, contrary to the promise of King James to both Houses, whereby the Palatine's cause was deserted and left to a chargeable and hopeless treaties, which, for the most part, were managed by those, who might justly be suspected to be no friends to that cause. (5.)

Remark 5. This Article contains three accusations against the King,

1. of making peace with Spain without consent of Parliament:
2. of neglecting, in this peace, the interest of the Elector Palatine:
3. of treating of that Prince's affairs by suspected persons.

As to the first, it is true, King; James had promised not to make peace with Spain without the Parliament's approbation: But it was at a time when the Parliament began to supply him with money for the war, and engaged to enable him to continue it. But the face of affairs was changed, when Charles I. Made peace. As to the second charge of neglecting the cause of the Elector Palatine, it is properly a cavil, for the King, having no money to continue the war against Spain, was not in condition to support the Elector's cause. All that can be said, is, that he would have had money from the Parliament, had he been willing to redress the grievances. I am ignorant of the foundation of the third accusation.

6. The charging of the Kingdom with billeted soldiers in all parts of it, and that concomitant design of German horse, that the land might either submit with fear, or be enforced with rigour to such arbitrary contributions as should be required of them. (6.)

Remark 6. These two accusations are unanswerable. There was but too much reason to believe, that this was done on purpose to establish an arbitrary Government.

7. The dissolving of the Parliament in the second year of his Majesty's reign, after a declaration of their intent to give five subsidies. (7)

Remark 7. This Parliament was dissolved to save the Duke of Buckingham.

8. The exacting of the like proportion of five subsidies after the Parliament was dissolved, by commission of loan; and divers gentlemen and others imprisoned for not yielding to pay that loan, whereby many of them contracted such fickleness as cost them their lives.

9. Great sums of money required and raised by Privy-Seals. (8)

Remark 8. These articles were notoriously true. There is no justifying them, but by asserting, the King had a right to do whatever he did. But this is a great question.

10. An unjust and pernicious attempt to extort great payments from the subject by way of Excise and a commission issued under the seal for that purpose.

11. The Petition of Right, which was granted in full Parliament, blasted, with an illegal declaration to make it destructive to itself, to the power of Parliament, to the liberty of the subject, and to that purpose printed with it; and the Petition made of no use but to shew the bold and presumptuous injustice of such Ministers as durst break the laws, and suppress the liberties of the Kingdom, after they had been so solemnly and evidently declared.

12. Another Parliament dissolved 4 Char.; the privilege of Parliament broken, by imprisoning divers members of the House, detaining them close prisoners for many months together, without the liberty of using books, pen, ink, or paper, denying them all the comforts of life, all means of preservation of health, not permitting their wives to come to them, even in time of their sickness.

13. And for the completing that cruelty, after many years spent in such miserable durance, depriving them of the necessary means of spiritual consolation; not suffering them to go abroad to enjoy God's ordinances in God's house, or God's Ministers to come to them to minister comfort to them in their private chambers.

14. And to keep them {till in this oppressed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior Courts, sentencing and fining some of them for matters done in Parliament; and extorting the payments of those fines from them, enforcing others to put in security of good behaviour before they could be released.

15. The imprisonment of the rest, which refused to be bound, still continued, which might have been perpetual, if necessity had not the last year brought another Parliament to relieve them, of whom one[88] died, by the cruelty and harshness of his imprisonment, which would admit of no relaxation, notwithstanding the eminent danger of his life did sufficiently appear by the declaration of his physician. And his release, or at least his refreshment, was sought by many humble petitions. And his blood still cries either for vengeance or repentance, of those Ministers of state who have at once obstructed the course both of his Majesty's justice and mercy. (9).

Remark 9. The rigour exercised upon these Members of Parliament is one of the strongest proofs of the design to establish arbitrary power. And therefore the Commons largely insist upon this article.

16. Upon the dissolution of both these Parliaments, untrue and scandalous declarations were published to asperse their proceedings, and some of their Members, unjustly; to make them odious, and colour the violence which was used against them (10). Proclamations set out to the same purpose; and to the great dejecting the hearts of the people, forbidding them even to speak of Parliaments.

Remark 10. If by these declarations are meant, those published to signify the causes of the dissolution of these Parliaments, it may be said, that the Commons swerved from the respect due to the King, by terming them untrue and scandalous, since they were published in his name.

17. After the broach of the Parliament in the fourth of his Majesty, injustices, oppression and violence, broke in upon us, without any restraint or moderation, and yet the first project was the great sums exacted through the whole Kingdom, for default of Knighthood, which seemed to have some colour and shadow of a law, yet if it be rightly examined by that obsolete Law which was pretended for it, it will be found to be against all the rules of justice, both in respect of the persons charged; the proportion of the fines demanded, and the absurd and unreasonable manner of their proceedings.

18. Tunnage and Poundage hath been received without colour or pretence of law: many other heavy impositions continued against law; and some so unreasonable, that the sum of the charge exceeds the value of the goods.

19. The book of rates lately enhanced to a high portion; and such merchants that would not submit to their illegal and unreasonable payments, were vexed and oppressed above measure; and the ordinary course of justice, the common birth-right of the subjects of England wholly obstructed and taken from them.

20. And although this was taken on pretence of guarding the seas, yet a new and unheard of tax of ship-money was devised, and upon the same pretence. By both which there was charged upon the subject near £700,000 some years; and yet the merchants have been left so naked to the violence of the Turkish pirates, that many great ships of value, and thousands of his Majesty's subjects, have been taken by them, and do still remain in miserable slavery.

21. The enlargement of forests, contrary to *Charta de Foresta*, and the composition thereupon

22. The exactions of Coat and Conduct money, and divers other military charges. (11).

Remark 11. The King being engaged in a war against Scotland, ordered that every county should find a certain number of soldiers, and clothe and pay them, till they came to the place of the general rendezvous, on condition of being repaid another time. On this pretence it was agreed with the counties, that they should supply the King with a certain sum proportional to the number of soldiers each county was to clothe and pay, for which the King took the whole charge upon himself. This was called coat and conduct-money, that is to say, money for clothing and conducting the troops. But this money was never restored.

23. The taking away the arms of the rained bands of divers counties (12).

Remark 12. The King intending to make a magazine of arms in the Castle of Edinburgh, found no speedier way than to take, in some counties, the arms of the Militia, and send them to Scotland. But it was pretended that at the same time, his design was to disarm, under that pretence, such persons as were not well-affected to him. Accordingly, this is insinuated by the remonstrance, in the following article concerning powder.

24. The desperate deigns of engrossing all the gunpowder into one hand, keeping it in the Tower of London, and setting so high a rate upon it, that the poorer sort were not able to buy it; nor could any have it without licence; thereby to leave the several parts of the Kingdom destitute of their necessary defence; and by selling so dear that which was sold, to make an unlawful advantage of it, to the great charge and detriment of the subject.

25. The general destruction of the King's timber, especially that in the Forest of Dean, sold to Papists, which was the best store-house of this Kingdom for the maintenance of our shipping (13).

Remark (13). These points are perhaps a little aggravated, at least in respect to the motives and confluences.

26. The taking away of men's right under colour of the King's title to land, between high and low water marks.

27. The monopolies of soap, salt, wine, leather, sea-coal, and in a manner, of all things of most common and necessary use.

28. The restraint of the liberties of the subjects in their habitation, trades, and other interests.

29. Their vexation and oppression by purveyors, clerks of the market, and salt-petre men.

30. The sale of pretended nuisances, buildings in and about London.

31. Conversion of arable into pasture, continuance of pasture, under the name of depopulation, have driven many millions out of the subjects purses, without any considerable profit to his Majesty (14).

Remark 14. The woollen trade being the great source of the riches of England, the subjects were enjoined by several statutes, not to change pasture into arable land, for fear of lessening the flocks, and consequently the wool. In King Charles's reign, the offenders against three statutes were strictly inquired after, not with a view to hinder the abuses, but to authorize them by a composition with the King.

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32. Large quantities of common and several grounds hath been taken from the subject, by colour of the statute of improvement, and by abuse of the Commission of Sewers, without their consent, and against it.

Remark 15. Commissioners of Sewers are such as by authority under the Great Seal, see drains and ditches well kept and maintained in marsh and fen counties, for the better conveyance of the water into the sea, and preserving grass upon the land for the feeding of flocks and herds. The Commons complain that this Commission was abused.

33. And not only private interest, but also public faith hath been broken, in seizing of the money and bullion in the mint, and the whole Kingdom likely to be robbed at once, in that abominable project of brass money. (16).

Remark 16. The King took but forty thousand pounds out of the mint, which sum was afterwards repaid to the Proprietors.

34. Great numbers of his Majesty's subjects, for refusing those unlawful charges, have been vexed with long and expensive suits; some fined and censured, others committed to long and hard imprisonments and confinements, to the loss of health in many, of life in some; and others have had their houses broken up, their goods seized; some have been retrained from their lawful callings.

35. Ships have been interrupted in their voyages, surprised at sea in hostile manner by projectors, as by a ' common enemy.

36. Merchants prohibited to unlade their goods in such ports as were for their own advantage, and forced to bring them to those places which were much for the advantage of the monopolizers and projectors.

37. The Court of Star-Chamber hath abounded in extravagant censures, not only for the maintenance and improvement of monopolies, and other unlawful taxes, but for divers other causes, where there hath been no offence, or very small; whereby his Majesty's subjects have been appareled by grievous fines, imprisonments, stigmatizing, mutilations, whippings, pillories, gags, confinements, banishments; after so rigid a manner, as hath not only deprived men of the society of their friends, exercise of their professions, comfort of books, use of paper and ink, but even violated that near union which God hath established betwixt men and their wives, by forced and constrained separation, whereby they have been bereaved of the comfort and conversation one of another for many years together, without hope of relief, if God had not, by his over ruling providence, given some interruption to the prevailing power and counsel of those, who were the authors and promoters of such peremptory and heady courses. (17).

Remark 17. This whole article relates to the rigorous treatment of Prym, Baslwick, and Burton, by the Star-Chamber.

38. Judges have been put out of their places for refusing to do against their oaths and consciences: others have been so awed that they durst not do their duties, and the better to hold a rod over them, the clause, *Quant diu sc bene gesserit*, was left out of their patents, and a new Claus, *Durante bene placito, inferted*.

39. Lawyers have been checked for being faithful to their clients, solicitors and attorneys have been threatened, and some punished for following lawful suits. And by this means all the approaches to justice were interrupted and fore cluded.

40. New oaths have been forced upon the subject against law.

41. New judicatories created without law. The council-tables have by their orders offered to bind the subjects in their freeholds, estates, suits and actions.

42. The pretended court of the Earl Marital was arbitrary and illegal in its being and proceedings.

43. The Chancery, Exchequer-Chamber, Court of Wards, and other English Courts, have been grievous in exceeding their jurisdiction.

44. The estate of many families weakened, and some ruined by excessive fines, exacted from them for compositions of Wardships.

45. All leases of above one hundred years made to draw on Wardship contrary to law.

46. Undue proceedings used in the finding of offices, to make the Jury find for the King.

47. The Common-Law Courts, seeing all men more inclined to seek justice there, where it may be fitted to their own desires, are known frequently to forsake the rules of the Common-Law, and straying beyond their bounds, under pretence of equity, to do injustice. (18).

Remark 18. The Laws of England are divided into Common-Law, and Statute-Law; the first is founded on ancient custom, and the other on Acts of Parliament: From these Laws the judges are not allowed to swerve either to the right or left[89]. The Court of Chancery only may in some cases judge according to equity. Now the King's Courts in taking upon them to judge according to equity, and not according to strict Law, had exceeded their jurisdiction, in order to favour the Court.

48. Titles of honour, judicial places, Sergeantships at law, and other offices have been sold for great sums of money; whereby the common justice of the Kingdom hath been much endangered, not only by opening a way of employment, in places of great trust and advantage to men of weak parts, but also by giving occasion to bribery, extortion, partiality; it seldom happening that places ill-gotten are well used. (19).

Remark 19. A Sergeant at Law [or of the Court,] *Servient ad legem*, is the highest degree taken in that profession, as that of Doctor is in the Civil Law. One Court is peculiar to them, namely, the Court of Common-Pleas, though they are not restrained from pleading in any other Court. Out of these are chosen one or more King's Sergeants, to plead for him in all causes, especially

in those of treason[90].

49. Commissions have been granted for examining the excess of fees: And when great exactions have been discovered, compositions have been made with delinquents, not only for the time past, but likewise for immunity, and security in offending for the time to come, which under colour of remedy, hath but confirmed and increased the grievance to the subject.

50. The usual course of picking sheriffs, not observed, but many times sheriffs made in an extraordinary way, sometimes as a punishment and charge unto 44 them (20.), sometimes such were picked out as would be instruments to execute whatsoever they would have to be done.

Remark 20. To hinder them from being chosen to serve in Parliament, as Sir Edward Coke, [Sir Robert Philips, and Sir Thomas Wentworth.]

51. The Bishops and the rest of the clergy, did triumph in the suspensions, excommunications, deprivations, and degradations of divers painful, learned, and pious Ministers, in the vexation and grievous oppressions of great numbers of his Majesty's good subjects.

52. The High-Commission grew to such excess of sharpness and severity, as was not much less than the Romish inquisition, and yet in many cases, by the Archbishop's power, was made much more heavy, being assisted and strengthened by authority of the Council table.

53. The Bishops and their courts were as eager in the country; although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous in respect of the generality and multiplicity of vexations, which lighting upon the meaner sort of tradesmen and artificers, did impoverish many thousands.

54. And so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the Kingdom; some into New-England and other parts of America, others into Holland.

55. Where they have transported their manufactures of cloth; which is not only a loss by diminishing the present stock of the Kingdom, but a great mischief by impairing and endangering the loss of that peculiar trade of clothing, which hath been a plentiful fountain of wealth and honour to this nation.

56. Those were fittest for Ecclesiastical preferments, and soonest obtained it, who were most officious in promoting superstition, most virulent in railing against: godliness and honesty. (21).

Remark 21. By these are to be understood such as were most incensed against Presbyterianism.

57. The most public and solemn sermons before his Majesty, were, either to advance prerogative above Law, and decry the property of the subject, or full of such kind of invectives;

58. Whereby they might make those odious who fought to maintain the religion, laws, and liberties of the Kingdom; and such men were fine to

be weeded out of the Commission of the Peace, and out of all other employments of power in the government of the country.

59. Many noble persons were counselors in name, but the power and authority remained in a few of such as were most addicted to this party: whose resolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation; and no man could offer to oppose them without disgrace and hazard to himself.

60. Nay, all those that did not wholly concur, and actively contribute to the furtherance of their designs, though, otherwise, persons of never so great honour and abilities, were so far from being employed in any place of trust and power, that they were neglected, discountenanced, and upon all occasions injured and oppressed.

61. This faction was grown to that height and entireness of power, that now they began to think of finishing of their work, which consisted of these three parts.

62. I. The Government must be set free from all restraint of Laws concerning our persons and estates.

63. II. There must be a conjunction betwixt Papists and Protestants in doctrine, discipline, and ceremonies, only it must not yet be called Popery.

64. III. The Puritans, under which name they include all those that desire to preserve the Laws and liberties of the Kingdom, and to maintain religion in the power of it, must be either rooted out of the Kingdom with force, or driven out with fear.

65. For the effecting of this, it was thought necessary to reduce Scotland to such Popish superstitions and innovations, as might make them apt to join with England in that great change which was intended.

66. Whereupon new Canons and a new Liturgy were pressed upon them; and when they refused to admit of them, an army was raised to force them to it, towards which the clergy and the Papists were very forward in their contribution.

67. The Scots likewise raised an army for their defence.

68. And when both armies were come together, and ready for a bloody encounter, his Majesty's own gracious disposition, and the counsel of the English Nobility, and dutiful submission of the Scots, did so far prevail against the evil counsel of others, that a pacification was made and his Majesty returned with peace and much honour to London.

69. The unexpected reconciliation was most acceptable to all the Kingdom except to the malignant party; whereof the Archbishop and the Earl of Strafford being heads, they and their faction began to inveigh against the peace, and to aggravate the proceedings of the States, which so incensed his Majesty, that he forthwith prepared again for war.

70. And such was their confidence, that having corrupted and distem-

pered the whole frame and government of the Kingdom, they did now hope to corrupt that which was the only means to restore all to a right frame and temper again.

71. To which end they persuaded his Majesty to call a Parliament, not to seek counsel and advice of them, but to draw countenance and supply from them, and to engage the whole Kingdom in their quarrel.

72. And in the meantime, continued all their unjust levies of money, resolving either to make the Parliament pliant to their will, and to establish mischief by a law, or else to break it, and with more colour to go on by violence, to take what they could not obtain by consent. The ground alleged for the justification of this war was this:

73. That the undutiful demands of the Parliaments in Scotland was a sufficient reason for his Majesty to take arms against them, without hearing the reason of those demands, and thereupon a new army was prepared against them; their ships were seized in all ports both of England and Ireland, and at sea; their petitions rejected, their commissioners refused audience.

74. This whole Kingdom most miserably distempered with levies of men and money; and imprisonments of those who denied to submit to those levies.

75. The Earl of Strafford passed into Ireland, caused the Parliament there to declare against the Scots, to give four subsidies towards that war; and to engage themselves, their lives and fortunes for the prosecution of it; and gave directions for an army of eight thousand foot, and one thousand horse, to be levied there, which were for the most part Papists.

76. The Parliament met upon the 13th of April 1640. The Earl of Strafford, and Archbishop of Canterbury, with their party, prevailed with his Majesty, that the House of Commons was pressed to yield a supply for maintenance of the war with Scotland, before they had provided any relief for the great and pressing grievances of the people; which being against the fundamental privilege and proceeding of Parliament, was yet in humble respect to his Majesty so far admitted, as that they agreed to take the matter of supply into consideration, and for several days it was debated.

77. Twelve subsidies were demanded for the release of ship-money alone: A third day was appointed for conclusion, when the heads of that party began to fear, the People might close with the King, in satisfying his desires of money: But that withal, they were like to blast their malicious designs against Scotland, finding them very much indisposed to give any countenance to that war.

78. Thereupon they wickedly advised the King to break off the Parliament, and to return to the ways of conclusion, in which their own evil intentions were most likely to prosper and succeed. (22).

Remark 22. The Lord Clarendon, then a member of the House of Commons, affirms, that the House was very well inclined to satisfy the King, if he would have had a little patience, and that

he repented afterwards his precipitation. This confirms what is said here, that the Parliament was dissolved, for some private ends of those who most influenced the King's Council.

79. After the Parliament ended, the 5th of May, 1640, this party grew so bold, as to counsel the King to supply himself out of his subjects estates, by his own power, at his own will, without their consent.

80. The very next day, some Members of both Houses had their studies and cabinets, yea their pockets searched: Another of them not long after was committed close prisoner, for not delivering some petitions which he received by authority of that House.

81. And if harsher courses were intended (as was reported) it is very probable, that the sickness of the Earl of Strafford, and the tumultuous rising in Southwark and about Lambeth, were the causes that such violent intentions were not brought to execution.

82. A false and scandalous declaration against the House of Commons was published in his Majesty's name, which yet wrought little effect with the people, but only to manifest the impudence of those who were authors of it.

83. A forced loan of money was attempted in the city of London.

84. The Lord-mayor and Aldermen in their several wards, enjoined to bring in a list of the names of such persons as they judged fit to lend, and of the sum they should lend, and such Aldermen as refused so to do were committed to prison.

85. The Archbishop, and the other Bishops and Clergy continued the convocation, and by a new commission turned it into a provincial synod, in which, by an unheard of presumption, they made canons that contain in them many matters, contrary to the King's prerogative; to the fundamental Laws and Statutes of the realm; to the right of Parliaments; to the property and liberty of the subject; and matters tending to sedition, and of dangerous consequences; thereby establishing their own usurpations, justifying their altar worship and those other superstitions innovations, which they formerly introduced without warrant of Law.

86. They imposed a new oath upon divers of his Majesty's subjects both Ecclesiastical and Lay, for maintenance of their own tyranny, and laid a great tax upon the Clergy for supply of his Majesty, and generally they shewed themselves very affectionate to the war with Scotland, which was by some of them styled *Bellum Episcopale*, and a prayer composed, and enjoined to be read in Churches, calling the Scots rebels, to put the two nations in blood, and make them irreconcilable.

87. All those pretended Canons and Constitutions were aimed with the several censures of suspension, excommunication, deprivation, by which they would have thrust out all the good Ministers, and most of the well affected people of the Kingdom, and left an easy passage to their own design of reconciliation with Rome. (23).

Remark 23. The Commons go doubtless too far, when they impute to the whole Convocation of 1640, the design of restoring Popery. This is not at all likely, supposing it were true, that some

of the Bishops had formed such a project, which was never well proved[91].

88. The Popish party enjoyed such exemptions from Penal Laws, as amounted to a toleration, besides many other encouragements and court-favours.

89. They had a Secretary of State, Sir Francis Windebank, a powerful agent for speeding all their desires.

90. A Pope's Nuncio residing here, to act and govern them according to such influences as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign Princes of that religion.

91. By his authority the Papists of all sorts, nobility, gentry, and clergy were, convocated after the manner of a Parliament.

92. New jurisdictions were erected of Romish Archbishops, taxes levied, another state moulded within this state independent in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were found in this posture, waiting for an opportunity by force to destroy those whom they could not hope to induce.

93. For the effecting whereof, they were strengthened with arms and munitions, encouraged by superstitious prayers, enjoined by the nuncio, to be weekly made for the prosperity of some great design.

94. And such power had they at Court, that secretly a court commission was issued out, or intended to be issued; to some great man of that profession, for the levying; of soldiers, and to command and employ them according to private instructions, which we doubt were framed for the advantage of those who were the contrivers of them.

95. His Majesty's treasure was consumed, his revenue anticipated.

96. His servants and officers compelled to lend great sums of money.

97. Multitudes were called to the Council table, who were tired with long attendances there for refusing illegal payments.

98. The prisons were filled with their commitments: many of the Sheriffs summoned into the Star-Chamber and some imprisoned for not being quick enough in levying the Ship-money; the people languished under grief and fear; no visible hope being left but in desperation.

99. The Nobility began to be weary of their silence and patience, and sensible of the duty and trust which belongs to them; and thereupon some of the most ancient of them did petition his Majesty at such a time, when evil councilors were so strong, that they had occasion to expect more hazard to themselves, than redress of those public evils for which they interceded.

100. Whilst the Kingdom was in this agitation and distemper, the Scots

restrained in their trades, impoverished by the loss of many of their ships, bereaved of all possibility of satisfying his Majesty by any naked supplications, entered with a powerful army into the Kingdom, and without any hostile act or spoil in the country they passed, more than forcing a passage over the Tyne at Newburne near Newcastle; possessed themselves of Newcastle; and had a fair opportunity to press on farther upon the King's army.

101. But duty and reverence to his Majesty, and brotherly love to the English» nation, made them stay there, whereby the King had leisure to entertain better counsels.

102. Wherein God so blessed and directed him, that he summoned the Great Council of Peers to meet at York upon the 24th of September, and there declared a Parliament, to begin the third of November then following.

103. The Scots, the first day of the great Council, presented an humble petition to his Majesty, whereupon the treaty was appointed at Rippon.

104. A present cessation of arms agreed upon, and the full conclusion of all differences referred to the wisdom and care of the Parliament. (24)

Remark 24. The Commons suppose, that as the Scots had petitioned the King to redress their grievances with the advice of the Parliament of England; and as on that occasion the King had called a Parliament, this was a tacit consent of both parties to leave things to the Parliament of England. But this is only a suppositions; for there was no agreement to refer matters to the Parliament.

105. At our first meeting, all opposition seemed to vanish, the mischiefs were so evident, which those evil counselors produced, that no man durst stand up to defend them, yet the work itself afforded difficulty enough.

106. The multiplied evils and corruptions of sixteen years, strengthened by custom and authority, and the concurrent interest of many powerful delinquents, were now to be brought to judgment and reformation.

107. The King's household was to be provided for; they had brought him to that want, that he could not provide for his ordinary and necessary expenses without the assistance of his people.

108. Two armies were to be paid, which amounted very near to eighty thousand pounds a month.

109. The People were to be tenderly charged, having been formerly exhausted with many burdensome projects.

110. The difficulties seemed to be insuperable, which by the divine Providence we have overcome. The contrarieties incompatible, which yet in a great measure we have reconciled.

111. Six subsidies have been granted, and a Bill of Poll-money[92], which if it be duly levied, may equal six subsidies more, in all six

hundred thousand pounds.

112. Besides, we have contracted a debt to the Scots of two hundred and twenty thousand pounds; yet God hath so blessed the endeavours of this Parliament, that the Kingdom is a great gainer by all these charges.

113. The Ship money is abolished, which cost the Kingdom above two hundred thousand pounds a year.

114. The coat and conduct-money, and other military charges are taken away, which in many counties amounted to little less than the ship-money.

115. The Monopolies are all suppressed, whereof some few did prejudice the subject above a million yearly.

116. The soap, an hundred thousands pounds.

117. The wine, three hundred thousand pounds.

118. The Leather must needs exceed both, and salt could be no less than that.

119. Besides the inferior monopolies, which if they could be exactly computed, would make up a great sum.

120. That which is more beneficial than all this, is, that the root of these evils is taken away, which was the arbitrary power pretended to be in his Majesty, of taxing the subject, or charging their estates without consent in Parliament, which is now declared to be against Law, by the judgment of both houses, and likewise by an act of Parliament.

121. Another step of great advantage is this, the living grievances, the evil counselors and actors of these mischiefs have been so quelled.

122. By the justice done upon the Earl of Strafford, the flight of the Lord Finch, and Secretary Windebank.

123. The accusation and imprisonment of the Archbishop of Canterbury, of Judge Berkley; And,

124. The impeachment of divers other Bishops and Judges, that it is like not only to be an ease to the present times, but a preservation to the future.

125. The discontinuance of Parliaments is prevented by the bill for a Triennial Parliament, and the abrupt dissolution of this Parliament by another bill, by which it is provided, it shall not be dissolved or adjourned without the consent of both Houses.

126. Which two Laws well considered, may be thought more advantageous than all the former, because they secure a full operation of the present remedy, and afford a perpetual spring of remedies for the future.

127. The Star-Chamber.

128. The High-Commission;

129. The Courts of the President and Council in the north, were so many forges of misery, and oppression, and violence, and are all taken away, whereby men are more secured in their persons, liberties, and estates, than they could by any law or example, for the regulation of those Courts of terror of the Judges.

130. The immoderate power of the Council-table, and the excessive abuse of that power is so ordered and restrained, that we may well hope, that no such things as were frequently done by them, to the prejudice of the public liberty, will appear in future times but only in stories, to give us and our posterity more occasion to praise God for his Majesty's goodness, and the faithful endeavours of this Parliament.

131. The canons and power of canon-making are blasted by the votes of both Houses.

132. The exorbitant power of Bishops and their courts are much abated, by some provisions in the bill against the High-Commission Courts, the authors of the many innovations in doctrine and ceremonies.

133. The Ministers that have been scandalous in their lives, have been so terrified by just complaints and accusations, that we may well hope they will be more modest for the time to come; either inwardly convicted by the plight of their own folly, or outwardly restrained by the fear of punishment.

134. The Forests are by a good Law reduced to their right bounds.

135. The encroachments and oppressions of the Stannery Courts[93], the extortions of the clerk of the market.

136. And the compulsion of the subject, to receive the order of Knight-hood against his will, paying of fines for not receiving it; and the vexatious proceedings thereupon for levying of those fines, are by other beneficial laws reformed and prevented.

137. Many excellent laws and provisions are in preparation for removing the inordinate power, vexation and usurpations of Bishops; for reforming the pride and idleness of many of the clergy; for easing the people of unnecessary ceremonies in religion; for censuring and removing unworthy and unprofitable Ministers, and for maintaining godly and diligent preachers through the Kingdom.

138. Other things of main importance for the good of this Kingdom are in proposition, though little could hitherto be done in regard of the many other more pressing businesses, which yet before the end of this session we hope may receive some progress and perfection.

139. The establishing and ordering the King's revenue, that so the abuse of officers, and superfluity of expenses may be cut off, and the necessary disbursements for his Majesty's honour, the defence and

government of the Kingdom, may more certainly be provided for.

140. The regulating of Courts of Justice, and abridging both the delays and charges of Lawsuits.

141. The settling of some good courses for preventing the exportation of gold and silver, and the inequality of exchanges betwixt us and other nations, for the advancing of native commodities, increase of our manufactures, and well balancing of trade, whereby the stock of the Kingdom may be increased, or at least kept from impairing, as through neglect hereof it hath done for many years last past:

142. Improving the herring-fishing upon our own coasts, which will be of mighty use in the employment of the poor, and a plentiful nursery of mariners, for enabling the Kingdom in any great action.

143. The oppositions, obstructions, and other difficulties wherewith we have been encountered, and which still lie in our way with some strength, and much obstinacy, are these; the malignant party, whom we have formerly described to be the actors and promoters of all our misery, that have taken heart again:

144. They have been able to prefer some of their own factors and agents to degrees of honour, to places of trust and employment, even during the Parliament:

145. They have endeavored to work in his Majesty ill impressions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the crown, both in respect of prerogative and profit.

146. To wipe out this slander, we think good only to say thus much; that all that we have done is for his Majesty, his greatness, honour, and support, when we yield to give twenty five thousand pounds a month for the relief of the northern counties; this was given to the King, for he was bound to protect his subjects.

147. They were his Majesty's evil counselors, and their ill instruments, that were actors in those grievances which brought in the Scots.

148. And if his Majesty please to force those who were the authors of this war, to make satisfaction, as he might justly and easily do, it seems very reasonable, that the people might well be excused from taking upon them this burden, being altogether innocent, and free from being any cause of it.

149. When we undertook the charge of the army, which cost above £50,000 a month, was not this given to the King? Was it not his Majesty's army? Were not all the commanders under contract with his Majesty at higher rates, and greater wages than ordinary:

150. And have not we taken upon us to discharge all the brotherly assistance of three hundred thousand pounds, which we gave the Scots? Was it not toward repair of those damages and losses which they received from the King's Ships, and from his Ministers?

151. These three particulars amount to above eleven hundred thousand pounds.

152. Besides his Majesty hath received, by impositions upon merchandise, at least four hundred thousand pounds.

153. So that his Majesty hath had out of the subjects purse, since the Parliament began, one million and a half; and yet there men can be so impudent, as to tell his Majesty, that we have done nothing for him.

154. As to the second branch of this slander, we acknowledge with much thankfulness, that his Majesty hath passed more good Bills to the advantage of the subjects, than have been in many ages.

155. But withal, we cannot forget that those venomous counsels did manifest themselves in same endeavours to hinder these good acts.

156. And for both Houses of Parliament we may with truth and modesty say thus much: That we have ever been careful not to desire any thing that should weaken the Crown, either in just profit or useful power.

157. The triennial Parliament for the matter of it, doth not extend to so much, as by Law we ought to have required, there being two statutes still in force for a Parliament to be once a year (25.), and for the manner of it, it is in the King's power, that it shall never take effect, if he, by a timely summons, shall prevent any other way of assembling. (26).

Remark 25. But these statutes, by disuse, were grown obsolete, like that of Edward II, on which the King proceeded to compel people to receive the order of knighthood.

Remark 26. The Commons might have said, that he was himself the cause of this act, for not calling a Parliament in twelve years.

158. In the Bill for continuance of this present Parliament, there seems to be some restraint of the royal power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for this time and occasion only; which was so necessary for the King's own security, and the public peace, that without it we could not have undertaken any of these great charges, but must have left both the armies to disorder, and confusion, and the whole Kingdom to blood and rapine. (27).

Remark 27. The Commons understand here more than they express. Their aim is to shew, that without this act, the King would not have failed to dissolve the Parliament; consequently the peace with Scotland would not have been concluded, and the two armies would have ravaged the Kingdom.

159. The Star-Chamber was much more fruitful in oppression than in profit, the great fines being for the most part given away, and the rest stalled at long times.

160. The fines of the High-Commission were in themselves unjust, and seldom or never came into the King's purse. These four Bills are particularly and more specially instanced.

161. In the rest there will not be found so much as a shadow of prejudice to the Crown.

162. They have sought to diminish our reputation with the people, and to bring them out of love with Parliaments.

163. The aspersions which they have attempted this way have been such as these;

164. That we have spent much time and done little, especially in those grievances which concern religion.

165. That the Parliament is a burthen to the Kingdom, by the abundance of protections which hinder justice and trade (28.), and by many subsidies granted, much more heavy than any formerly endured.

Remark 28. Every member of Parliament had a right to grant protections to his servants and dependents, so that they cannot be prosecuted in any courts. It is certain, this right was abused by many members, in granting protections to persons without any lawful foundation, nay, some even sold them.

166. To which there is a ready answer, if the time spent in this Parliament, be considered in relation backward to the long growth and deep root of those grievances which we have removed, to the powerful supports of those delinquents which we have pursued, to the great necessities and other charges of the Commonwealth, for which we have provided;

167. Or if it be considered in relation forward to many advantages, which not only the present, but future ages are like to reap by the good Laws, and other proceedings in this Parliament; we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed, than in a far greater proportion of time in many former Parliaments put together, and the charges which have been laid upon the subjects, and the other inconveniences which they have borne, will seem very light in respect of the benefit they have and may receive.

168. And for the matter of protection, the Parliament is so sensible of it, that therein they intended to give them whatsoever ease may stand with honour and justice, and are in a way of passing a bill to give them satisfaction.

169. They have fought by many subtle practices to cause jealousies and divisions betwixt us and our brethren of Scotland, by slandering their proceedings and intentions toward us, and by secret endeavours to instigate and incense them and us one against another.

170. They have had such a party of Bishops and Popish Lords in the House of Peers, as hath caused much opposition and delay in the prosecution of delinquents, hindered the proceedings of divers good Bills passed in the Commons House, concerning the reformation of sundry great abuses and corruptions both in Church and State.

171. They have laboured to seduce and corrupt some of the Commons House, to draw them into conspiracies and combinations against the

liberty of the Parliament.

172. And by their instruments and agents, they have attempt to disaffect and discontent his Majesty's army; and to engage it for the maintenance of their wicked and treacherous designs; the keeping up of Bishops in votes and functions, and by force to compel the Parliament to order, limit and dispose their proceedings, in such manner, as might best concur with the intentions of this dangerous and potent faction.

173. And when one mischievous design and attempt of theirs, to bring on the army against the Parliament, and the City of London, hath been dissevered and prevented;

174. They presently undertook another of the same damnable nature, with this addition cost, to endeavor to make the Scottish army neutral, whilst the English army, which they had laboured to corrupt and in venom against us, by their false and slanderous suggestions, should execute their malice, to the subversion of our religion and the dissolution of our Government.

175. Thus they have been continually practicing to disturb the peace, and plotting the destruction even of all the King's dominions; and have employed their emissaries, and agents in them, all for the promoting their devilish designs, which the vigilance of those who were well affected, hath still discovered and defeated, before they were ripe for execution in England and Scotland.

176. Only in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had possessed themselves of that whole Kingdom, totally subverted the government of it, rooted out religion, and destroyed all the Protestants, whom the conscience of their duty to God, their King and Country, would not have permitted to join with them, if by God's wonderful providence, their main enterprise upon the City and Castle of Dublin had not been detected and prevented upon the very eve before it should have been executed.

177. Notwithstanding, they have, in other parts of that Kingdom, broken out into open rebellion, surprising towns and castles, committed murders, and rapes, and other villainies, and shaken off all bounds of obedience to his Majesty and the Laws of the realm. (29).

Remark 29. The Commons, in these two last articles, consider the malignant party of England as the principal authors of the Irish rebellion, and artfully confound whatever had been done in England for fifteen years, and the massacre of Ireland in 1641, under the same idea, as proceeding from the same source, which was never well proved.

178. And in general have kindled such a fire, as nothing but God's infinite blessing upon the wisdom and endeavours of this State will be able to quench.

179. And certainly had not God, in his great mercy unto this Land, discovered and confounded their former designs, we had been the prologue to this tragedy in Ireland, and had by this been made the lamentable spectacle of misery and confusion.

180. And now what hope have we but in God, when, as the only means of our subsistence and power of reformation is under him in the Parliament?

181. But what can we the Commons, without the conjunction of the House of Lords; and what conjunction can we expect there, when the Bishops and recusant Lords are so numerous, and prevalent, that they are able to cross, and interrupt our best endeavours for reformation, and by that means give advantage to this malignant party, to traduce our proceedings?

182. They infuse into the people, that we mean to abolish all Church-government, and leave every man to his own fancy, for the service and worship of God, absolving him of that obedience which he owes under God unto his Majesty; whom we know to be entrusted with the Ecclesiastical Law, as well as with the temporal, to regulate all the members of the Church of England, by such rule of order and discipline, as are established by Parliament; which is his great Council, in all affairs both in Church and State. (30)

Remark 30. It is true, the Commons declare here, that their intention is not to set up an independency in matter of religion. But as to what concerns the government of the Church they speak obscurely, because it was not yet time to declare themselves more openly. They are contented with asserting, that the King ought to take the Parliament's advice in the affairs of the Church, a maxim they intended to make great use of.

183. We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power, which the prelates have assumed unto themselves, so contrary both to the word of God, and to the Laws of the land; to which end we passed the Bill for the removing them from their temporal power and employments; that so the better they might with meekness apply themselves to the discharge of their functions, which Bill themselves oppose, and were the principal instruments of crossing it.

184. And we do here declare, that it is far from our purpose or desire, to let loose the golden reins of discipline and government in the Church, to leave private persons, or particular congregations, to take up what form of divine service they please; for we hold it requisite, that there should be throughout the whole realm a conformity to that order which the Laws enjoin according to the word of God. (31) And we desire to unburthen the consciences of men of needless and superstitious ceremonies, suppress innovations, and take away the monuments of idolatry.

Remark 31. Great use was afterwards made of this restriction, according to the word of God, to introduce greater alterations than those mentioned in this article.

185. And the better to effect the intended reformation, we desire there may be a general Synod of the most grave, pious, learned, and judicious Divines of this island; assisted with some from foreign parts, professing the same religion with us; who may consider of all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the Parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the Kingdom. (32)

Remark 32. The Commons discover here more clearly their intentions, in that,

1. It does not appear that they would admit Bishops into this Synod.
2. In that they would have it to consist of Divines of the Island, and consequently of Scots, who were all Presbyterians, and of some foreign Ministers who were so too.

186. They have maliciously charged us, that we intend to destroy and discourage learning; whereas it is our chiefest care and desire to advance it; and to provide a competent maintenance for conscionable and preaching Ministers throughout the Kingdom, which will be a great encouragement to scholars, and a certain means, whereby the want, meanness, and ignorance, to which a great part of the clergy is now subject, will be prevented.

187. And we intended likewise to reform and purge the fountains of learning, the two Universities, that the streams flowing from thence may be clear and pure, and ban honour and comfort to the whole land.
(33)

Remark 33. It is certain, at the time this remonstrance was published, the resolution of abolishing the Ecclesiastical hierarchy was already taken, though it was not yet openly declared. Accordingly, the design to purge the two universities was executed, by turning out the Heads and Professors of the Church of England, and putting in Presbyterians.

188. They have strained to blast our proceedings in Parliament, by wresting the interpretations of our orders from their genuine intention.

189. They tell the people, that our meddling with the power of Episcopacy, hath caused secretaries and conventicles, when idolatry and popish ceremonies introduced into the Church by the command of the Bishops, have not only debarred the people from thence, but expelled them from the Kingdom.

190. Thus with Eliab, we are called by this malignant party the troublers of the State, and still while we endeavour to reform their abuses, they make us the authors of those mischiefs we study to prevent.

191. For the perfecting of the work begun, and removing all future impediments, we conceive these courses will be very effectual, seeing the religion of the Papists hath such principles as do certainly tend to the destruction and extirpation of all Protestants, when they shall have opportunity to effect it.

192. It is necessary in the first place to keep them in such condition, as that they may not be able to do us any hurt, and for avoiding of such connivance and favour as hath heretofore been shewed unto them.

193. That his Majesty be pleased to grant a standing commission to some choice men named in Parliament, who may take notice of their increase, their counsels and proceedings, and use all due means by execution of the Laws, to prevent all mischievous designs against the peace and safety of this Kingdom.

194. That some good course be taken to discover the counterfeit and

false conformity of Papists to the Church, by colour whereof, persons very much disaffected to the true religion, have been admitted into places of greatest trust and authority in the Kingdom.

195. For the better preservation of the Laws and liberties of the Kingdom, that all the illegal grievances and exactions be presented and punished at the sessions and Assizes.

196. And that Judges and Justices be very careful to give this in charge to the Grand Juries, and both the Sheriff and Justices to be sworn to the due execution of the Petition of Right, and other Laws.

197. That his Majesty be humbly petitioned by both Houses, to employ such counsellors, ambassadors, and other Ministers in managing his business at home and abroad, as the Parliament may have cause to confide in, without which we cannot give his Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.

198. It may often fall out, that the Commons may have just cause to take exceptions at some men for being counselors, and yet not charge those men with crimes, for there be grounds of diffidence which lie not in proof.

199. There are others, which though they may be proved, yet are not legally criminal.

200. To be a known favourer of Papists, or to have been very forward in defending or countenancing some great offenders questioned in Parliament; or to speak contemptuously of either Houses of Parliament, or parliamentary proceedings: (34)

Remark 34. It is not unlikely the Commons meant here the Lord Digby, son to the Earl of Bristol

201. Or such as are factors or agents for any foreign Prince of another religion, such as are justly suspected to get Counselors' places, or any other of trust, concerning public employment for money; for all these and divers others, we may have great reason to be earnest with his Majesty not to put his great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment.

202. That all counsellors of State may be sworn to observe those laws which concern the subject in his liberty, that they may likewise take an oath not to receive or give reward or pension from any foreign Prince, but such as they shall within some reasonable time discover to the Lords of his Majesty's Council.

203. And although they should wickedly forswear themselves, yet it may herein do good to make them known to be false and perjured to those who employed them, and thereby bring them into as little credit with them as with us.

204. That his Majesty may have cause to be in love with good counsel and good men, by shewing him, in an humble and dutiful manner, how

full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour; to see his people united in ways of duty to him, and endeavours of the public good, to see happiness, wealth, peace and safety derived to his own Kingdom, and procured to his allies by the influence of his own power and Government.

It is easy to perceive, after reading this remonstrance or declaration, that it was a real manifesto against the King, under the name of the Counselors, Ministers, and Malignants. And therefore, before we proceed, it is reasonable to show the reader the King's answer to the petition, which accompanied the remonstrance, and then to the remonstrance itself.

His Majesty's Answer to the Petition, which Accompanied the Declaration Presented to Him at Hampton Court, December I, 1641

WE having received from you, soon after our return out of Scotland, a long petition, consisting of many desires of great moment, together with a declaration of a very unusual nature annexed thereunto, we had taken some time to consider of it, as befitted us in a matter of that consequence, being confident that your own reason and regard to us, as well as our express intimation, by our controller, to that purpose, would have restrained you from the publishing of it, till such time as you should have received our answer to it; but much against our expectation, finding the contrary, that the said declaration is already abroad in print, by directions from your House, as appears by the printed copy, we must let you know, that we are very sensible of the disrespect.

Notwithstanding it is our intention, that no failing on your part shall make us fail in ours, of giving all due satisfaction to the desires of our people in a parliamentary way; and therefore we send you this answer to your petition, reserving our self in point of the declaration, which we think un-parliamentary, and shall take a course to do that which we shall think fit in prudence and honour.

To the petition we say, that although there are divers things in the preamble of it, which we are so far from admitting, that we profess we cannot at all understand them, as of a wicked and malignant party prevalent in the Government; of some of that party admitted to our Privy-Council, and to other employments of trust, and nearness to us and our children; of endeavours to sow among the people false scandals and imputations, to blemish and disgrace the proceedings of the Parliament:

All, or any of which, did we know of, we should be as ready to remedy and punish, as you to complain of; so that the prayers of your petition are grounded upon such premises, as we must in no wise admit; yet notwithstanding, we are pleased to give this answer to you (1).

Remark 1. This so general answer of the King was not capable of combating the particular facts, whereby the Commons pretended to prove, in the remonstrance, that for several years past, the Court or malignant party had endeavoured to establish an arbitrary Government.

To the first, concerning religion, consisting of several branches, we say, that for preserving the peace and safety of this Kingdom from the designs of the Popish party, we have, and will still concur with all the just desires of our people in a parliamentary way: (2)

That for the depriving of the Bishops of their votes in Parliament, we would have you consider, that their right is grounded upon the fundamental law of the Kingdom, and constitution of Parliament: This we would have you consider; but since you desire our concurrence herein in a Parliamentary way, we will give no further answer at this time.

Remark 2. It is true, the King had never rejected the petitions presented to him on this occasion by the Parliament, but had always granted whatever was desired. But then it is no less true, that his promises in this respect had never been executed. Wherefore the Parliament did not complain of want of concurrence, but of want of performance. So the King's answer as to his concurrence was not properly to the purpose.

As for the abridging of the inordinate power of the Clergy, we conceive that the taking away of the High Commission Court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have, nor will, protest them(3).

Remark 3. It would have been very difficult to agree with the King upon what should be considered as usurpations or excesses in the jurisdiction of the Clergy. So the King properly bound himself to nothing by this general promise.

Unto that clause which concerneth corruptions (as you stile them) in religion, in Church-Government, and in discipline, and the removing of such necessary ceremonies as weak consciences might check; that for any illegal innovations which may have crept in, we shall willingly concur in the removal of them:

That if our Parliament shall advise us to call a National Synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take into confederation, and apply our self to give due satisfaction therein; (4) but we are very sorry to hear in such general terms, Corruption in religion objected, since we are persuaded in our conscience, that no church can be found upon the Earth that professeth the true religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautiful, and free from superstition, than as they are here established by law; which by the grace of God we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of Popery, but also from the irreverence of those many schismatics and separatists, wherewith of late this Kingdom and this City abounds, to the great dishonour and hazard both of Church and State, for the suppression of whom we require your timely aid and active assistance.

Remark 4. Another general answer which signifies nothing.

To the second prayer of the Petition, concerning the removal and choice of counselors, we know not any of our Council to whom the character set forth in the petition can belong:

That by those whom we had exposed to trial, we have already given you sufficient testimony, that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge, and sufficient proofs against him; and of this we do again assure you, but in the mean time we wish you to forbear such general aspersions, as may reflect upon all our council, since you name none in particular.

That for the choice of our Counselors and Ministers of State, it were to debar us that natural liberty all Freemen have; and as it is the undoubted right of the Crown of

England, to call such persons to our secret councils, to public employment, and our particular service, as we shall think fit; so we are, and ever shall be very careful, to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence; and to choices of this nature, we assure you that the mediation of the nearest unto us hath always concurred (5).

Remark 5. He means the Queen.

To the third prayer of your petition concerning Ireland, we understand your desire of not alienating the forfeited lands thereof, to proceed from much care and love, and likewise that it may be a resolution very fit for us to take; but whether it be seasonable to declare resolutions of that nature, before the events of a war be seen, that we much doubt of.

Howsoever we cannot but thank you for this care, and your cheerful engagement for the suppression of that rebellion; upon the speedy effecting whereof, the glory of God in the Protestant profession, the safety of the British there, our honour, and that of the nation so much depends; all the interests of this Kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels to give such expedition to the work, as the nature thereof, and the pressures in point of time require; and whereof you are put in mind by the daily insolence and increase of those rebels.

For conclusion your promise to apply yourselves to such courses as may support our Royal estate with honour and plenty at borne, and with power and reputation abroad, is that which we have ever promised our self; both from your loyalties and affections, and also for what we have already done, and shall daily go adding unto, for the comfort and happiness of our people.

The answer to the remonstrance did not appear till some time after; for as far as I can conjecture, it was not sent to the Commons before January 1641-2. I shall however insert it in this place, as well not to divide this matter, as that the answer may be read before the remonstrance is forgot.

The King's Declaration in Answer to The Remonstrances of the State of the Kingdom

ALTHOUGH we do not believe that our House of Commons intended, by their Remonstrance of the State of the Kingdom, to put us to any apology, either for our part or prevent actions: notwithstanding since they have thought it so very necessarily (upon their observation of the present distempers) to publish the same, for the satisfaction of all our loving subjects, we have thought it very suitable to the duty of our place (with which God hath trusted us) to do our part to so good a work, in which we shall not think it below our kingly dignity to descend to any particular, which may compute and settle the affections of our meanest subjects, since we are so conscious to our self of such upright intentions and endeavours, and only of such (for which we give God thanks) for the peace and happiness of our Kingdom, in which the prosperity of our subjects which must be included, that we wish from our heart, that even our most secret thoughts were published to their view and examination:

Though we must confess, we cannot but be very sorry in this conjuncture of time, (when the unhappiness of this Kingdom is so generally understood abroad) there should be such a necessity of publishing so many particulars, from which we pray, no inconveniencies may ensue, that were not intended.

We shall in few words pass over that part of the narrative, wherein the misfortunes of this Kingdom, from our full entering to the Crown to the beginning of this Parliament, are remembered in so sensible expressions, (1.) And that other which acknowledgeth the many good Laws passed by our grace and favour this Parliament, for the security of our people; of which we shall only say thus much, that as we have not refused to pass any bill presented to us by our Parliament, for redress of those grievances mentioned in the remonstrance; so we have not had a greater motive for the passing those Laws than our own resolution (grounded upon our observation, and understanding the state of our Kingdom) to have freed our subjects, for the future, from those pressures which were grievous to them if those Laws had not been propounded, (2) which therefore we shall as inviolably maintain, as we look to have our own rights preserved, not doubting but that all our loving subjects will look on those remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone, by the accidents and necessities of those times, will not be unpleasant to them:

And possibly in a pious sense of God's blessing upon this nation (how little share soever we shall have of the acknowledgment) they will confess they have enjoyed a great measure of happiness (even these last sixteen years) both in peace and plenty, not only comparatively in respect of their neighbours, but even of those times which were justly accounted fortunate.

The fears and jealousies which may make some impression in the minds of our people, we will suppose may be of two sorts; either for religion, or liberty and their civil into rest. The fears for religion may haply be, not only as ours here established may be invaded by the Romish party, but as it is accompanied with some ceremonies, at which some tender consciences really are, or pretend to be scandalized; for of any other which have been used, without any legal warrant or injunction, and already are, or speedily may be, abolished, we shall not speak.

Remark 1. The King could not more ingenuously own what is paid in the remonstrance, concerning the first fifteen years of his reign, than by entirely passing it over without answer.

Remark 2. This is also a confession that grievances were justly complained of. The King says, his resolution was to redress them, and it was not possible to convict him of the contrary. But after all, he was believed but by few persons.

Concerning religion, as there may be any suspicion of favour or inclination to the Papists, we are willing to declare to all the world, that as we have been from our childhood brought up in, and practiced the religion now established in this Kingdom, so it is well known, we have (not contented simply with the principles of our education) given a good proportion of our time and pains to the examination of the grounds of this religion, as it is different from that of Rome, and are from our soul so fully satisfied and assured that it is the more pure and agreeable to the sacred word of God, of any religion now practiced in the Christian world: that as we believe we can maintain the same by unanswerable reasons, so we hope we should readily seal to it by the effusion of our mood, if it pleased God to call us to that sacrifice.

And therefore nothing can be so acceptable unto us, as any proposition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a blessing from God upon ourselves and this nation. And we have been extremely unfortunate, if this profession of ours be wanting to our people: our constant practice in our own person, having always been (without ostentation) as much to the evidence of our care and duty herein, as we could

possibly tell how to express. (3).

Remark 3. The remonstrance did not accuse the King of being a Papist in his heart, but of having countenanced the Catholics, by not executing the Laws against them. He clears himself here from being inclined to the Romish religion, and leaves the consequence to be drawn, that since he is persuaded of the truth of the Protestant religion, it is not possible he should encourage the Roman. But his conduct had shown that this consequence did not necessarily follow, since it was notorious, he had countenanced the Papists, from the beginning of his reign, whether out of complaisance to the Queen, or from some political views.

For differences among ourselves, for matters indifferent in their own nature concerning religion, we shall, in tenderness to any number of our loving subject, very willingly comply with the advice of our Parliament that some Law may be made for the exemption of tender consciences from punishment, or prosecution to such ceremonies, and in such cases, which by the judgment of most men, are held to be matters indifferent, and of some to be absolutely unlawful. Provided that this case be attempted and pursued with that modesty, temper and submission, that in the mean time the peace and quiet of the Kingdom be not disturbed, the decency and comeliness of God's service discountenanced, nor the pious, sober, and devout actions of those reverend persons who were the first labourers in the blessed reformation, or of that time, be scandaled and defamed, (4). for we cannot, without grief of heart, and without some tax upon our self, and our ministers, for the none execution of our Laws, look upon the bold licence of some men, in printing of pamphlets, in preaching and printing of sermons, so full of bitterness and malice against the present Government, against the Laws established, so full of sedition against our self, and the peace of the Kingdom, that we are many times amazed to consider by what eyes these things are seen, and by what ears they are heard.

And therefore we have good cause to command, as we have done, and hereby do, all our Judges and Ministers of Justice, our Attorney and Solicitor General, and the rest of our learned Council, to proceed with all speed against such, and their abettors who either by writing or words, have so boldly and maliciously violated the Laws, disturbed the peace of the Commonwealth, and as much as in them lies, shaken the very foundation upon which that peace and happiness is founded and constituted.

And we doubt not but all our loving subjects will be very sensible, that this virulent demeanor, is a fit prologue to nothing but confusion; and if not very seasonably punished and prevented, will not only be a blemish to that wholesome accommodation we intend, but an unspeakable scandal and imputation, even upon the profession and religion of this our Kingdom of England.

Remark 4. The King was not in the wrong to support the established worship, and to regard as an indulgence whatever should be granted to tender consciences. But after all, this indulgence was reduced to a very small matter, if we consider all the limitations contained in this article.

Concerning the civil liberties and interests of our subjects, we shall need to say the less, having erected so many standing monuments of our princely and fatherly care of our people, in those many excellent Laws, passed by us this Parliament, which in truth (with very much content to our self), we conceive to be so large and ample, that very many sober men have very little left to wish for.

We understood well the right, and pretences of right, we departed from, in the consenting to the Bills of the Triennial Parliament, for the continuance of this present Parliament, and in the preamble to the Bill of tannage and poundage. The matter of which having begot so many disturbances in late Parliaments, we were

willing to remove, that no interest of ours might hereafter break that correspondence, abundantly contenting our self, with an assurance (which we still have) that we should be repaired and supplied by a just proportion of confidence, bounty and obedience of our People.

In the Bills for the taking away the High-Commission and Star-Chamber Courts, we believe we had given that real satisfaction, that all jealousies and apprehensions of arbitrary pressures under the civil or ecclesiastical State, would easily have been abandoned, especially when they saw all possible doubts secured by the visitation of a Triennial Parliament.

These and others of no mean consideration, we had rather it should be valued in the hearts and attentions of our people, than in any mention of our own; not doubting, but as we have taken all these occasions to render their condition mod comfortable and happy, so they will always, in a grateful and dutiful relation, be ready with equal tenderness and alacrity to advance our rights, and preserve our honour, upon which their own security and substance so much depends. And we will be so careful, that no particular shall be presented unto us, for the completing and establishing that security, to which we will not with the same readiness contribute our best assistance.

If these resolutions be the effects of our present counsels (and we take God to witness, that they are such, and that all our loving subjects may confidently expect the benefit of them from us), certainly no ill design upon the public can accompany such resolution, neither will there be greater cause of suspicion of any persons preferred by us to degrees of honour, and places of trust and employment since this Parliament.

And we must confess, that amongst our misfortunes, we reckon it not the least, that having not retained in our service, nor protected any one person, against whom our Parliament hath excepted during the whole sitting of it, and having in all that time scarce vouchsafed to any man an instance of our grace and favour, but to such who were under some eminent character of estimation among our people, there should so soon be any misunderstanding or jealousy of their fidelity and uprightness, especially in a time when we take all occasions to declare, that we conceive our self only capable of being served by honest men, and in honest ways.

However, if in truth we have been mistaken in such our election, the particular shall be no sooner discovered to us, either by our own observation, or other certain information, than we will leave them to public justice, under the marks of our displeasure.

If notwithstanding this, any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambitions, under what pretence of religion and conference soever; if they shall endeavour to lessen our reputation and interest, and to weaken our lawful power and authority with our good subjects, if they shall go about by discountenancing the present Laws to loosen the bands of Government, that all disorder and confusion may break in upon us, we doubt not, but God in his good time will discover them unto us; and the wisdom and courage of our High Court of Parliament, join with us in their suppression and punishment.

Having now said all that we can to express the clearness and uprightness of our intentions to our people, and done all we can to manifest those intentions, we cannot but confidently believe, all our good subjects will acknowledge our part to be fully

performed, both in deeds past, and present resolutions, to do whatsoever with justice may be required of us, and that their quiet and prosperity depends now wholly upon themselves, and is in their own power, by yielding all obedience and due reverence to the Law, which is the inheritance of every subject, and the only security he can have for his life, liberty, or estate, and the which being neglected or disesteemed (under what specious shews soever) a very great measure of infelicity, if not an irreparable confusion, must without doubt fall upon them.

And we doubt not, it will be the most acceptable declaration a King can make to his subject, that for our part, we are resolved not only duly to observe the Laws our self, but to maintain them against what opposition soever, though with the hazard of our being. (5)

Remark 5. Unhappily for the King, these general promises, to which he could give what sense he thought proper, produced not the effect upon the Commons he expected, or rather they produced the quite contrary, and increased their distrust. This the reader will be convinced of, when he comes to see what had passed, probably, before this declaration was published.

And our hope is, that not only the loyalty and good affections of all our loving subjects, will concur with us in the constant preserving a good understanding between us and our people, but at this time, their own and our interest, and companion of the lamentable condition of our poor Protestant subjects in Ireland, will invite them to a fair intelligence and unity amongst themselves, that so we may with one heart, intend the relieving and recovering that unhappy Kingdom, where those barbarous rebels practice such inhuman and unheard of outrages upon our miserable people, that no Christian ear can hear without horror, nor story parallel.

And as we look upon this as the greatest affliction it hath pleased God to lay upon us, so our unhappiness is increased, in that, by the distempers at home, so early remedies have not been applied to those growing evils, as the expectation and necessity there requires, though for our part, as we did upon the first notice acquaint our Parliament of Scotland, (where we then were) with that rebellion, requiring their aid and assistance, and gave like speedy intimation and recommendation to our Parliament here; so since our return hither, we have been forward to all things which have been proposed to us towards that work, and have lately our self offered (by a message to our House of Peers, and communicated to our House of Commons) to take upon us the care to raise speedily ten thousand English) volunteers for that service, if the House of Commons shall declare, that they will pay them (6); which particulars we are (in a manner) necessitated to publish, since we are informed, that the malice of some persons have whispered it abroad, that no speedier advancing of the business, hath proceeded from some want of alacrity in us to this great work, whereas we acknowledge it a high crime against Almighty God, and inexcusable to our good subjects of our three Kingdoms, if we did not to the utmost employ all our powers and faculties to the speediest and most effectual assistance and protection of that distressed people.

Remark 6. It appears by this passage, that this answer was not published till after the King's offer of levying ten thousand men for Ireland, that is to say, in January 1641-2.

And we shall now conjure all our good subjects (of what degree soever) by all the bonds of love, duty, or obedience, that are precious to good men, to join with us for the recovery of the peace of that Kingdom, and the preservation of the peace of this, to remove all their doubts and fears, which may interrupt their affection to us, and all their jealousies and apprehensions, which may lessen their charity to each other,

and then (if the sins of this nation have not prepared an inevitable judgment for us all) God will yet make us a great and glorious King, over a free and happy people.

The bare reading of this declaration sufficiently shows, the King had no intention to give a particular answer to the Remonstrance of the State of the Kingdom, which contained so many different articles, untouched by the King's declaration. And perhaps, he would never have given any answer, if his enemies had not triumphed on his silence.

He thought proper therefore to publish this declaration, that he might say he had answered the remonstrance, and not with design to answer it indeed; and besides, he published it not till long after the remonstrance was received. Meanwhile, the Commons publishing this paper against his will, made a deep impression on his mind, and convinced him, they had some grand design, since they had so little regard for him.

It was not very strange, that the King should be highly displeas'd with such a remonstrance, which was properly but a series of reproaches for his past conduct, and against his Government; with a remonstrance, not directed to himself, but to the public, the authors whereof only meant to incense the people against him, and which was made at a time, when it seem'd to be most unnecessary. Accordingly, the beginning of the breach between the King and the Parliament, is properly to be dated from this time, though, on both sides, some measures were yet kept.

Next day, the second of December, the King coming to the Parliament, the Speaker presented to him the Bill for tonnage and poundage for some months only, wherein the King expressly own'd, he had till then levied these duties without a legal power. He made, on this occasion, a fine speech, full of his Majesty's praises for his goodness and affection to his people. After which, the King spake in the following manner to both Houses.

The King's Speech to Both Houses of Parliament December 2, 1641

My Lords and Gentlemen,

I THINK it fit, after so long absence, at this first occasion to speak a few words unto you: But it is in no ways in answer to Mr. Speaker's learned speech.

Albeit I have staid longer than I expected to have done when I went away, yet in this I have kept my promise with you, that I have made all the haste back again, that the settling of my Scotch affairs could any ways permit. In which I have had so good success, that I will confidently affirm to you, that I have left that nation a most peaceable and contented people; so that although I have a little misreckoned in time, yet I was not deceived in my end.

But if I have deceived your expectations a little in the time of my return, I am assured, that my expectation is as much and more deceived, in the condition wherein I hop'd to have found some businesses at my return. For that since before my going I settled the liberties of my subjects, and gave the Laws a free and orderly course, I expected to have found my people reaping the fruits of these benefits, by living in quietness and satisfaction of mind:

But instead of this, I find them disturbed with jealousies, frights, and alarms of dangerous designs and plots; in consequence of which, guards have been set to defend both Houses. I say not this as in doubt, that my subjects affections are any way lessened unto me in this time of my absence, for I cannot but remember, to my

great comfort, the joyful reception I had now at my entry into London; but rather, as I hope, that my presence will easily disperse these fears:

For I bring as perfect and true affections to my people, as ever Prince did, or as good subjects can possibly desire. And I am so far from repenting me of any act I have done in this session for the good of my people, that I protest, if it were to do again, I would do it; and will yet grant what else can be justly desired, for satisfaction in point of liberties, or in maintenance of the true religion that is here established.

Now I have but one particular to recommend unto you at this time, it is Ireland; for which, though I doubt not your care, yet methinks the preparations for it go but slowly on. The occasion is the fitter for me now to mention, because of the arrival of two Lords from Scotland, who come instructed from my Council there (who now by Act of Parliament have full power for that purpose) to answer that demand, which it pleased both Houses to make me by way of Petition, that met me at Berwick; and which the Duke of Richmond sent back by my command, to my Scottish Council. Therefore my desire is, that both Houses would appoint a select Committee to end this business with these noblemen.

I must conclude in telling you, that I seek my people's happiness: For their flourishing is my greatest glory, and their affections my greatest strength.

It was not without great reason that the King resolved to testify an extreme zeal for the public good, since the remonstrance of the Commons plainly taught him, that endeavours were using to make him forfeit the love of the people. It was therefore necessary to countermine the designs of his enemies, by repeated assurances of a great affection for his people, and by intimating, he had entirely changed his principles and maxims. But herein he had one great disadvantage, in that, for his future behaviour, he could give no other security than his word, which, his enemies pretended to demonstrate, was not to be relied on.

They chiefly urged, that though the King had solemnly given his assent to the **Petition of Right**, he had never executed what he promised. The consequence they drew from this non-performance was so much the stronger, as the King had nothing to oppose to it but bare promises, which were of no more force than those he had made with regard to that petition.

A Committee to Treat About The Scotch Succession

As the King had earnestly recommended to the Parliament, the considerations of the affairs of Ireland, both Houses immediately appointed a Committee to treat with the Scots about succors.[94]

The Commons in particular passionately desired to negotiate with Scotland. In their present belief, that the King was willing to engage them to send an army into Ireland, in order to be more at ease in England, they could not find a more effectual way to break his measures, than to employ Scottish troops in the relief of that Kingdom. As they had already taken the resolution, though secretly, of divesting the King of a great part of his power, they easily foresaw, that a breach would infallibly follow, and then they should want the troops, the King had a mind to engage them to send into Ireland.

After the Remonstrance, every thing manifestly tended to a rupture between the King and the Parliament, and the Commons lost no opportunity to infuse suspicions into the people against the King. To this end, Daniel O'Neal, who was concerned in the plot to seduce the army, was voted guilty of a second attempt, in June, or July last, to persuade the chief officers of the army to declare for the King, against the Parliament. This tended to show, that the King had not relinquished his project, to make use of force to awe the Parliament.

The Irish Demand Tolerance

On the other hand, the rebels of Ireland having, by the Lord Costelough, presented to the Lords Justices of that Kingdom, a Letter in the nature of a remonstrance, wherein they demanded the free exercise of their religion, and a repeal of all Laws to the contrary, the Commons made a great noise about it. They knew the Lord Costelough, with the Lord Taaff, were on their way to England, with propositions to be offered to the King concerning means for procuring the peace of Ireland.

So, fearing, or pretending to fear, the King would grant liberty of conscience to the Irish Papists, they desired a conference, with the Lords. After which, it was solemnly declared by both Houses, That they would never consent to any toleration of the Popish religion in Ireland, or any other his Majesty's dominions. It is easy to see how much this tended to breed suspicions of the King.

Motives of The Commons Proceedings

If 'tis supposed, as I have insinuated, that the aim of the Commons, or at least of the greatest part of the House, was to put it out of the King's power to govern for the future, as he had governed before this Parliament, and that, to prepare the people for this change, it was necessary to fill them with fears and suspicions, the motives of all their proceedings, and the King's sad situation, will be perfectly understood.

His subjects were prejudiced against him, and he had given but too much occasion. Every step taken by the Commons tended to increase this prejudice, and the King, to remove it, could acknowledge only the sincerity of his intentions, of which many people were not convinced. This gave his enemies an advantage, which they did not fail on all occasions to improve. Nay, they, descended even to the meanest trifles, to cherish the people's fears. For upon information, that amongst some barrels of soap, sent by a merchant of London to Dorchester, there was found a barrel of Gun-powder, the House appointed a Committee[95] to make a strict inquisition, as into a thing of the greatest consequence.

A Message From The King About Seven Condemned Priests

About the same time, another affair happened, which gave some advantage against the King. The 8th of December, he sent to acquaint both Houses, that seven priests[96] having been condemned that week, the French Ambassador had desired him to change the sentence of death, into that of banishment, upon which he desired to have their advice. Some days after, the Commons voted, that the seven priests should be executed, and the Lords concurring with this vote, both Houses petitioned the King to order the execution.

The King replied, he would banish the seven priests, if both Houses would give their consent. As they did not think proper to answer, the King took occasion from their silence, to suspend the execution. Two months after, the King communicated a letter to them, which Secretary Nicholas had received from Venice, wherein he was told, that the Pope threatened to send an army into Ireland, if the priests were executed. Upon this menace, both Houses prayed the King once more to execute the seven priests. But he thought not proper to grant their desire. His reason was, the fear of reprisals, and that this rigour might be extremely prejudicial to the English Protestants in Ireland, who should fall into the hands of the rebels.

This reason was so much the weaker, as it served not only for the present case, but also for all that should offer hereafter, and tended to render the Laws of no effect. Besides, the Irish having already massacred above forty thousand English Protestants without any cause, the fear of reprisals from them seems to have been a weak motive for pardoning these priests.

Accordingly, it was generally thought to be owing to the solicitations of the Queen. Be this as it will, the priests were not executed, for though, afterwards, the King left it to both Houses to save or put them to death, they did not think fit either to pardon or execute. All this was extremely prejudicial to the King, since, at the very time that he solemnly protested, he was resolved to execute the Laws, he granted his protection to these seven priests, legally convicted, and had no regard to the instances of both Houses.

At this time, I mean in December 1641, two affairs successively employed the House of Commons, namely, the succors for Ireland, and the accusation presented to the Lords against the Bishops. I shall only speak of the first at present.

Causes of The Backwardness to Assist Ireland

The King and Parliament equally granted the necessity of relieving Ireland, and all the advices from thence were a demonstration of it. The Irish army was at the gates of Dublin, and had cut in pieces a body of troops sent to Drogheda. So, in all likelihood, the Lords-Justices, with their few troops, could not long resist the rebels. The Scotch Commissioners that were come to London to treat with the Parliament, had offered an aid of five, thousand men, who could easily be sent from Scotland into the North of Ireland, to make a diversion, and the Commons had prevailed with them to treat for ten thousand.

The design of the Commons was to employ only Scotch troops in the reduction of Ireland, that England might not be unprovided. The King did not refuse the assistance of Scotland, but would have England send into Ireland the like number of English forces, on pretence, that there was danger of the Scots seizing upon Ireland when the Irish should be subdued. He had found means to gain the Peers, so that when the motion was made to the Lords, for sending ten thousand Scots into Ireland, they consented to it, provided the same number of English were also sent thither.

The Scotch Commissioners complaining by a memorial, that in a fortnight they had no positive answer to their offers, the Commons pressed the Lords to dispatch the affair, declaring, if they neglected it, the whole blame would fall upon them. They farther declared, that unless the Bill for pressing of soldiers passed, it was impossible for, England to raise troops for this service. Whereupon the Lords debated the three following questions, which were all resolved in the negative.

Votes of The Peers Concerning Ireland

- 1. Whether this House** shall consent to send ten thousand Scots into Ireland, before it can be ascertained that ten thousand English will be sent thither also?
- 2. Whether this House** shall consent to send ten thousand Scots before the Bill for pressing be palled?
- 3. Whether this House** shall join with the Commons, in sending now ten thousand Scots into Ireland?

Sharp Answer of The Commons

The Commons replied to these votes in a conference, that for the certainty their Lordships desire of sending ten thousand English into Ireland, the Commons were not used to be capitulated with:

That their actions are free, as well without conditions as capitulations, and desire it may be so no more: That they had already given sufficient certainty by a vote communicated to their Lordships, and see no necessity of voting it again: That they desire their Lordships would vote

the sending ten thousand Scots, without any relation to the ten thousand English, and that speedily, the preservation of Ireland depending upon it: That they have the more reason to desire this, as the English troops cannot go, unless the Bill for pressing passes. But this was not capable of making the Lords depart from their former resolutions.

The Commons Imprison The Two Lords Sent From Ireland

Meantime, the Commons, who had already committed to prison the Lords Costelough and Taaff, (sent to the King with propositions about procuring the peace of Ireland, caused all their papers to be examined, in their distrust of the King, and no doubt, in expectation of finding some thing which might do him a prejudice[97].

At the same time, the King acquainted the Lords, that he would engage to raise ten thousand men for Ireland, if the Commons would promise to pay them[98]. But they were far from accepting this proposition, knowing the King meant to grant the commissions, and would give them to such officers only as should be at his devotion.

So the Commons chose rather to hazard the entire loss of Ireland, than send thither ten thousand English in such a juncture; and the Lords chose rather to run the risk of seeing all the English driven out of that Kingdom, than of seeing the Scots in condition to seize it. The King perfectly knew the motive of the Commons proceedings, whilst they were not ignorant, that the Lords acted wholly by the King's direction.

A Committee Appointed to Examine The Cause of Delay of The Aid

Meantime, the assistance for Ireland being still retarded by these quarrels, the Commons appointed a Committee to examine, from whence came the obstacles that occurred in this affair. It was really difficult for those who were not acquainted with the secret motives of the King and Commons, to know where the blame lay, that Ireland was not relieved, since they seemed equally desirous that a speedy aid should be sent thither.

The King's friends said, his Majesty's offer to raise ten thousand men, provided the Commons would engage to pay them, was a clear evidence, that the obstructions did not proceed from him. His enemies, on the contrary, affirmed, that the refusal of the Lords, or rather of the King who directed them, to accept of the aid of ten thousand Scots, on a frivolous pretence, plainly shewed, that the difficulties did not come from the House of Commons, since they were very ready to promise to pay these auxiliaries.

For my part, I am of opinion, that both King and Commons thought less seriously of aiding Ireland, than of drawing, from the rebellion private advantages, with regard to their differences. The King wished the Parliament would send a strong army into Ireland, that they might find it more difficult to raise forces in case of a breach with him, of which there was but too much appearance.

The Commons, on their part, had prevailed with the Scots to offer ten thousand men, in the belief, that if they were accepted, they should be freed from the trouble and danger of sending an English army into Ireland, and if they were refused, the delay of relief would be imputed to the King.

However this be, the House, upon the report of the Committee, found that one great obstruction of relief to Ireland, was, that the Irish had not been declared rebels by Proclamation. Wherefore, on the 1st of "January 1641-2, the King published a Proclamation, wherein the Irish were: expressly called traitors and rebels. But there were only forty copies printed, which were all sent to Secretary Nicholas, according to an order received by the printer, to this effect:—

Order to The Printer

It is his Majesty's pleasure, That you forthwith print on very good paper, and send unto me, for his Majesty's service; forty copies of the proclamation enclosed, leaving convenient space for his Majesty to sign above, and to affix the Privy Signet underneath. And his Majesty's express command is, That you print not above the said number of forty copies, and forbear to make any further publication of them till his pleasure be further signified.

**For his Majesty's Printer[99],
Ed. Nicholas.**

It will hereafter be seen, what use the Commons made of this order, the original whereof they had in their hands, and the King's answer.

I have already observed, that since the King's return from Scotland, there were between him and the Commons seeds of division, which threatened an approaching rupture, This appeared on all occasions, and the mutual distrust continually increased; but with this difference, that the Commons did not take the least step, but what tended to their end of filling the people with fears and jealousies; whereas the King having yet formed no project, managed according to the present emergencies, without proposing to himself a fixed and certain end, which was a great disadvantage to him.

The King Sets A Guard in Parliament

Shortly after his return from Scotland, upon notice : that there was to be a tumultuous concourse of people at Westminster, he sent a writ to the Sheriff to set a guard near the Parliament. The Commons took offence at it, and after some inquiry to shew it was done by the King's order, dismissed the guard.

The Commons Dismiss Them

Two days after, the King published a Proclamation; strictly commanding, that divine service should be performed in all the Churches of England and Wales, according to the Law and Statutes of the realm. This Proclamation, which indeed contained nothing contrary to Law, was however unseasonable, when the Commons publicly shewed, that in the Laws concerning divine service, there were things offensive to the consciences of many people. But the King had the misfortune to forget sometimes the situation of his affairs, and remember only his former state, when his Proclamations met with a ready compliance.

He could easily see, that this would be at least of no use, and consequently he should not have published it at such a juncture. But he gave his enemies a much greater advantage against him, in another affair, which created him no small mortification.

Bill For Pressing Soldiers

The Commons had voted, as I said, that a body of troops should be sent into Ireland. But as they were extremely jealous of the King, they fought an expedient to hinder him from being concerned in the raising of these forces. They were apprehensive, if these levies were made in the usual manner, that is, by listing volunteers, these troops would be too much at the King's devotion. This expedient was to levy soldiers by way of compulsion, called in England, pressing, and to pass an act for that purpose. A Bill was accordingly brought in, and sent up to the Lords. Very likely, there was some clause in this Bill contrary to the Prerogative Royal, to hinder the King

from being concerned in levying these troops. The King having notice of it, came to the Parliament, and made the following Speech to both Houses.

The King's Speech to Parliament December 4, 1641-2

My Lords and Gentlemen,

THE last time I was in this place, and the last thing that I recommended unto you, was the business of Ireland; whereby I was in good hope, that I should not have needed again to have put you in mind of that business. But still seeing the slow proceedings therein, and the daily dispatches that I have out of Ireland, of the lamentable estate of my Protestant subjects there, I cannot but again earnestly recommend the dispatch of that expedition unto you; for it is the chief business that at this time I take to heart, and there cannot almost be any business that I can have more care of.

I might now take up some of your time in expressing my detestation of rebellions in general, and of this in particular; but knowing that deeds and not declarations must suppress this great insolency, I do here in a word offer you whatsoever my power, pains, or industry can contribute to this good and necessary work, of reducing the this nation to their true and wonted obedience.

And that nothing may be omitted on my part, I must here take notice of the Bill for pressing of soldiers, now depending among you, my Lords; concerning which, I here declare, that in case it come so to me, as it may not infringe or diminish my Prerogative, I will pass it. And farther, seeing there is a dispute raised, (I being little beholding to him whosoever at this time began it) concerning the bounds of this antient and undoubted Prerogative; to avoid farther debate at this time, I offer that the Bill may pass with a *Salvo Jure* both for King and people, leaving such debates to a time that may better hear them. If this he not accepted, the fault is not mine that this Bill pass not, but theirs that refuse so fair an offer.

To conclude, I conjure you by all that is or can be dear to you or me, that laying aside all disputes, you go on cheerfully and speedily for the reducing of Ireland.

Though it clearly appeared, that in this speech the King had no intention to violate the privilege of Parliament, but only to remove the obstacles which occurred on account of this Bill, both Houses were equally offended. They appointed a joint Committee to examine the King's Speech, and upon their report, the House of Lords unanimously voted:—

Votes of The Lords

- 1. That** the privileges of Parliament were broken by his Majesty's taking notice of the Bill for pressing of soldiers, being in agitation in both Houses, and not agreed on.
- 2. That** his Majesty in propounding a limitation and provisional clause to be added to the Bill, before it was presented unto him by the consent of both Houses, was a breach of the privilege of Parliament.
- 3. That** his Majesty expressing his displeasure against some persons, for matters moved in the Parliament, during the debate and preparation of that Bill, was a breach of the privilege of Parliament.

Declaration of Both Houses

These votes were also readily passed in the House of Commons, after which, both Houses united in a solemn Declaration, imputing:—

That the King ought not to take notice of any matter in agitation or debate in either House of Parliament, but by their information and agreement: And that his Majesty ought not to propound any condition, provision, or limitation to any Bill or Act in debate, or preparation in either Houses of Parliament; or to manifest or declare his consent or dissent, approbation or dislike of the same, before it be presented to his Majesty in due course of Parliament; and that every particular member of either House hath free liberty of speech to propound or debate any matter according to the order and course of Parliament:

And that his Majesty ought not to conceive displeasure against any man for such opinions and propositions as shall be delivered in such debate, it belonging to the several Houses of Parliament respectively to judge and determine such errors and offences in words or actions, as shall be committed by any of their members, in the handling or debating any matters depending: And that his Majesty will be pleased to declare the authors of this misinformation and evil counsel.

Pursuant to this Declaration, both Houses preferred to the King a more extensive petition, which the King within a few days answered in writing. The strength of his answer consisted in, that he had no intention to infringe the privilege of Parliament, and meant only to hasten the relief of Ireland. Both Houses were satisfied with this explication, and the affair was carried no farther. But there still remained upon the King, a blemish for violating the privilege of Parliament, which was then of great consequence.

This shews, the King had not then about him any very able counselors. For if they had perceived the Commons, intention, since the re-assembling of the Parliament, they would have been careful not to advise the King to take so many not only unnecessary steps, but such as gave his enemies great advantages. Of this nature was the Proclamation concerning divine service.

In the same rank I place also the great zeal he expressed for the Church of England, which served only to alienate still farther from him all the adherents of the Commons, and to shew them what they were to expect, if he should be restored to his former state. In a word, nothing could be more unseasonable than this last speech to both Houses, as if the bare threat of not passing the Bill was sufficient to awe them, whereas, at least in regard to the Commons, it was a very strong argument to cause them to insist upon their demand. Besides, the breach of privilege must have been evident, since there was not a single member in both Houses, but what thought the King had violated it by his proposition.

The King Removes Balfour Lieutenant of The Tower

Six or seven days after, the King gave fresh occasion of complaint by removing Sir William Balfour Lieutenant of the Tower from his place, with whom he had no reason to be pleased, on account of his evidence concerning the design of promoting the Earl of Strafford's escape.

Every one saw, this was the sole cause of Balfour's disgrace. But perhaps his removal would not have been of so ill consequence to the King, had he not trusted that important place to Colonel Lunsford, known to be a man of profligate manners, and fit for any purpose. This change made the Commons believe, the King designed to secure the Tower, in order to awe the City and Parliament.

The Petition of Several Citizens of London

As their jealousy of him was very great, and as, besides, it is certain, they sought occasions to persuade the people, the King had ill designs, they failed not to improve the present. The same day that Lunsford was put in possession of the Tower, a great number of Londoners, some of whom were Common Council men, presented a petition to the Lower-House, representing:—

THAT THE WHOLE STATE is deeply interested in the safe custody of the Tower, but more especially the City of London: That Colonel Lunsford is a man out-lawed, and most notorious for outrages, and therefore fit for any dangerous attempt. For which reason the petitioners, and many more who have intelligence of his having the office of Lieutenant bestowed on him, are put into such a height of fear and jealousy, as makes them restless till they have represented the same to the House of Commons, humbly desiring them to take this affair into such consideration, as may secure both the City and Kingdom.

It cannot be denied, that the King made a very ill choice in bestowing this post on Lunsford, and thereby gave occasion for disadvantageous suspicions. Besides, it seems to be almost inexcusable, to give the command of the Tower to a person of so ill a character, at a time when his enemies lost no opportunity to inspire the people with jealousies. The most favourable thing that can be said for the King is, that there being but few persons who would be at his devotion, for fear of the indignation of the Commons, he thought himself obliged to choose for Lieutenant of the Tower, one less scrupulous, and of a desperate fortune, who would depend on him, and it was not easy to find many such.

The Commons Desire The Lords Concurrence For The Removal of Lunsford

The Commons having taken into consideration the petition presented to them, desired a conference with the Lords, where they represented, That Colonel Lunsford is an unfit person for so great a trust, as the Lieutenancy of the Tower. But if his Majesty think cause that there should be a Lieutenant of the Tower, the same being already under the command of the Earl of Newport, who is constable thereof by his Majesty's appointment, then that Sir John Conyers may be recommended to his Majesty for that place.

The Lords answered, they could not concur with the Commons in an address to the King to remove Colonel Lunsford, because they conceived the same would be an entrenchment upon his Majesty's Prerogative.

The Lords Refuse it

The Commons, vexed at the refusal of the Lords, unanimously voted:—

That Colonel Lunsford was unfit to be Lieutenant of the Tower, as being a person the Commons could not confide in.

At the same time they made a declaration, showing their reasons of fear and distrust, as the conspiracy to seduce the army, a former plot of possessing the Tower, the Irish rebellion, and the continual delays and interruptions they received in the House of Peers, by reason of the great number of Bishops and Popish Lords; and therefore they held themselves bound in conscience to protest, that they were innocent of the blood which was like to be spilt, and the confusions which might overwhelm the State, if Lunsford were continued in his charge.

Moreover, they hoped, that such of the Lords as had the same apprehensions, would likewise take some course to make the same known to his Majesty. This declaration being communicated

to the Lords, it was resolved by the majority of votes, that the debate thereof should be adjourned till next Monday. But two and twenty Lords entered their protest against that vote.

The Earl of Newport Desired to Reside in the Tower

The same day the Commons sent and desired the Earl of Newport, to reside within the Tower as Constable, and to take the custody of that place.

Besides the inhabitants of London, whose petition had occasioned the Commons declaration, the apprentices had flocked together in great numbers, and presented a petition to the King, praying him to concur with the Commons in rooting out Papists, Innovators, Bishops, as having all combined to subvert the Government, and introduce Popery.

The Lord Mayor Informs The King of The Disposition of The People

On the morrow, the 26th of December, being Sunday, the Lord-Mayor, Sir Richard Gurney, seeing the apprentices begin to re-assemble, and knowing they intended to go the next day to Whitehall, for an answer to their Petition, waited upon the King to inform him of it. He represented withal, that great mischief might ensue if Lunsford was not removed, adding, the people of London were resolved to attempt the Tower, to put him out. Whereupon the King that same evening took the keys from Lunsford, but at the same time discharged the Earl of Newport of the Constabship of the Tower.

The reason, or perhaps the pretence of that Earl's disgrace was, that the King had been told, that at a meeting at Kensington, whilst he was in Scotland, the Earl of Newport, upon discourse of some plots in that Kingdom, should say, if there be such a plot, yet there are his wife and children. But the Earl hearing such a rumour had reached the Queen, waited upon her Majesty, and with many protestations assured her, that never any such words were spoken, not the least thought conceived of any such thing, with which the Queen seemed to rest satisfied. Nevertheless, several months after, and the same day Sir William Balfour was removed from the Lieutenancy of the Tower, the King asked him, whether he had heard any debate at Kensington, about seizing upon the Queen and her Children?

The Earl strongly denied it; to which the King replied, that he was sorry for his Lordship's memory. This is what the Earl of Newport positively affirmed himself in the House of Peers.

The Lords being convinced, that the King, upon a false rumour, had entertained suspicions of the Earl of Newport[103] espoused his cause, and presented a petition to the King, praying him to declare the reporter of those words, the Earl of Bath, the 30th of December, reported his Majesty's answer as follows:—

The King's Answer

It is true, that I have heard rumours of some proposition that should have been made at Kensington, for the seizing of the persons of my wife and children; and in things of so high a nature, it may be fit for any Prince to enquire, even where he hath no belief nor persuasion of the thing; so I have asked Newport some questions concerning that business, but far from that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm; which I could easily make appear, but that I think it beneath me, to contest with any particular person. But let this suffice, that I assure you, I neither did nor do give credit to any such rumour. As for telling the name of him who informed me, I do stick to the answer which I gave to your last Petition upon the like particular.

What colour soever the King put upon his behaviour to the Earl of Newport, it plainly appeared, that he had quarreled with that Lord, on purpose to remove him from the constabship of the Tower, at the very time he was desired by the Commons to reside there. This did not help to cure the Commons suspicions.

I have already mentioned the project formed by the leaders and managers of the House of Commons against the King, namely, the divesting him of great part of his power. To compute this end, it was necessary to remove the obstacles which incessantly occurred in the House of Peers, where the Bishops and Popish Lords were always able, by the number of their voices, to oppose the execution of this design.

Hitherto the Commons had endeavoured in vain to exclude the Bishops from the Upper-House, and there was no likelihood that their solicitations would produce any greater effect for the future. They were therefore, either to relinquish their project, or take more effectual methods to obtain by force what would never have been obtained by fair means, I am very sensible, some will take it ill that I positively affirm, the tumults I am going to speak of, were the effect of the intrigues of the contrary party to the King, and that several pretend it was all owing to accident, and the discontents of the people.

The reader will be able to judge, when he has seen what passed in the latter end of December.

On Monday the 27th of this month, there was a great concourse of people at Westminster, where they who had presented the petition of the Londoners, the apprentices, and an infinite number of others, flocked, on pretence of waiting for the King's and the Parliament's answer.

Among these multitudes, many were heard to cry aloud, No Bishops! No Bishops! This corresponded with the petition of the apprentices. The Bishop of Lincoln, Dr. Williams, lately nominated to the See of York[104], coming with the Earl of Dover to the House of Peers, and observing a youth to cry out louder than the rest against Bishops, stepped to him and seized him, in order to have him committed to prison. But the people rescued the youth, and gathering about the Bishop, hemmed him in, that he could not stir, so that he was like to be pressed to death. But at last, they let him go, still crying out as loud as they could, No Bishops!

At the same time, three or four officers, who had served in the late army against the Scots, walking near Westminster-Hall, one of them, Captain David Hide, drew his sword, saying, he would cut the throats of those Round headed cropped-eared dogs that bawled against the Bishops. But the other officers refusing to second him, he was apprehended by the citizens, and brought before the House of Commons and sent to prison. There is no other known origin of the name of Roundheads, which from that time was given to the Parliamentarians[105].

Lunsford and Others Wound The Citizens

The same day Colonel Lunsford, with thirty or forty officers coming through Westminster-Hall, and meeting the multitudes, drew their swords and wounded some twenty apprentices and citizens.

The News being carried into the City, great numbers of apprentices and others, ran to Westminster with swords and staves, which caused a dreadful uproar both in London and Westminster. The Lord Mayor, to prevent any farther disorders, commanded the City gates to be shut, and put the trained-bands in arms, whilst on the other hand, the King ordered some of the militia of Middlesex and Westminster to come by turns and guard his person.

The Lords in Vain Try to Appease The Tumults

The Lords seeing so great a tumult, ordered the Gentleman Usher of the Black Rod, to command the people to depart to their homes. But the people answered they could not, because Lunsford, with other swordsmen, lay in wait for them in Westminster-Hall, and had already wounded several. Whereupon the Lords appointed a Committee to examine, what warrant Lunsford and the other officers had to come to Westminster, and likewise what notice had been given to any others to come in multitudes about the Parliament-House.

They tried once more to send away the people, but not succeeding, defied the Commons to join with them in publishing a declaration against tumults, and in petitioning the King for a guard. The Commons answered, it was now so late, that they had not time to take this request into consideration.

The Commons Acts Coldly

Meanwhile, upon information that some of the people were sent to prison, they appointed a Committee to examine, by whose authority they were imprisoned, with power to release them, if it was thought proper. A clear evidence that this tumult was not disagreeable to the Commons [106].

The Tumults Continue

On the morrow, the 28th the tumult continued in the same manner as the day beforehand the Commons made no more haste to appease it. On the contrary, they adjourned the debate of the Lords request till next day.

At last, on the 29th the populace being again assembled, they acquaint the Lords, that they were ready to join in all lawful ways and means to appease the tumults, but for printing a declaration, it was a matter that would require some farther deliberation[107].

Remark on The Proceedings of The Commons

It is very evident, the Commons did not desire these tumults should be so soon ended, especially if what is said of Mr. Pym? One of the leading members, be true. For it is affirmed, he answered to one that persuaded him to endeavour to prevent these tumultuous assemblies, God forbid, the people should be hindered from obtaining their just desires. Indeed the House in general cannot be accused of taking any resolution to encourage these tumults. However it is but too probable, not to say certain, that they were caused by the intrigues and direction of some of the leaders of the opposite party to the King.

To be satisfied of this truth, a man need only consider, what was the situation of affairs at the end of December 1641. The redress of grievances was no longer the point; that was now completed without any opposition from the King. He could therefore affirm, that his consent to the acts passed in this Parliament, was the effect of his love for his people, with as much reason as his enemies could say, it was only by compulsion and dissimulation.

It is certain, that after the King's return from Scotland, there were in the Parliament many members who wished the reform might be carried no farther, persuaded as they were, that what was already done sufficed for the safety of the Kingdom, and prevention of an arbitrary government for the future. This was the prevailing opinion in the House of Peers, chiefly because of the Bishops and Popish Lords, who always made the balance incline to the King's side, when this capital point was directly or indirectly in question.

It was otherwise in the House of Commons. Most of the members, not contenting themselves with having arrested the grievances, were also for lessening the royal authority, and putting it

out of the King's power to govern for the future, as he had done before this Parliament. Some acted out of pure distrust of the King's sincerity: Others out of fear of being exposed to his resentment, if he should ever be in a condition to make them feel the effects of it. Besides these two motives, the Presbyterians, had a third, namely, to alter the Government of the Church, which they plainly saw could never be effected, but by disabling the King to oppose it.

All these members were united in the project of depriving the King of good part of his power. But there was a great difference between them with respect to the animosity against the King, and the zeal wherewith they pursued the execution of their design. The Presbyterians were the most passionate; whilst others, who added only from motives of distrust and jealousy, behaved with less warmth.

They could not, without a sort of remorse, contribute to the throwing of the whole Kingdom into confusion, upon the foundation of a bare distrust, or of a fear, to which it was impossible to apply any remedy. This had caused great debates in the House about the remonstrance of the State of the Kingdom. Many considered it as unnecessary, and others supported it, because they saw no surer means to beget a rupture between the King and Parliament; without which rupture they looked upon themselves as undone, for without it, they could not hope to execute their projects, **Oliver Cromwell** who as yet made no figure in the House, told the Lord Falkland:

“That if the Remonstrance had been rejected, he would have sold all he had the next morning and never seen England more.”

After this Remonstrance was presented to the King, his enemies lost no opportunity to cherish the fears and jealousy of the people, in which they had a double view.

First they prepared them for the change they were meditating by intimating, the absolute necessity of diminishing the King's power.

Secondly, by provoking the King, they hoped to engage him in some violent measures, proper to confirm the suspicions they were striving to infuse into the people, in which they succeeded but too well, the King being so unfortunate, as not to have any able Council about him, who might warn him of the snares that were laid for him. However, they were still very far from their end by reason of the obstacles they met with in the House of Peers, where the Bishops and popish Lords broke all their measures.

Probably, this sort of contest between the two Houses would have lasted much longer, if the tumultuous concourse of the Londoners about Westminster, had not come very seasonably to frighten the Bishops and popish Lords, as will be seen presently. When therefore such multitudes were seen; shocking to Westminster, exclaiming against the Bishops and Catholic Lords, insulting the Peers of the King's party, in a word, acting so agreeably to the desires and intentions of the Commons, one can hardly help thinking, they were countenanced and encouraged by some of the Members of that House; and, the rather, as there can be no other probable reason assigned of so sudden a commotion.

As to the justice of the project, formed by the Commons, to disable the King from doing for the future, what he had done for fifteen years, it is a question not easily to be decided. The point is to know, whether, at the time I am speaking of, in restoring the King to all his rights, there was just ground to confide in him, without any fear of his abusing his power for the future.

But there is so much to be said, on both sides of the question, that the impartial must be at a loss, and the more, as the thing is to know perfectly what the King's intention was, which no man can discover. It is therefore upon bare conjectures that some decide, that, after the King's conjectures in this Parliament, in favour of his subjects, it was reasonable to rely on his word; and that

others affirm, it was imprudent to consider the King's assent to the Acts, as a proof of his intention to govern according to Law, since this assent was not altogether voluntary.

On this question run all the Papers which were afterwards published, either by the King or the Parliament.

The tumults still continuing about the Parliament-house, and the Commons not appearing very urgent to appease them, twelve Bishops met at the Archbishop of York's, to consult first together upon what was to be done. Here, by the advice of the Archbishop, they resolved to go no more to the House of Peers, but present to the King and the Lords the following Protestation[108].

Protestation to The King

To the King's most excellent Majesty, and the Lords and Peers, now assembled in Parliament; The humble Petition and Protestation of all the Bishops and Prelates now called by his Majesty's Writs to attend the Parliament, and present about London and Westminster for that Service.

THAT whereas the Petitioners are called up by several and respective writs, and under great penalties, to attend in Parliament, and have a clear and indubitate right to vote in Bills, and other matters whatsoever, debatable in Parliament, by the antient customs, laws and statutes of this realm, and ought to be protected by your Majesty, quietly to attend and prosecute that great service.

They humbly remonstrate and protest before God, your Majesty, and the noble Lords and Peers, now assembled in Parliament, that as they have an indubitate right to sit and vote in the House of the Lords, so are they (if they may be protected from force and violence) most ready and willing to perform their duties accordingly. And that they do abominate all actions and opinions tending to Popery, and the maintenance thereof; as also all propension and inclination to any malignant party, or any other side or party whatsoever, to the which their own reason and consciences shall not move them to adhere.

But whereas they have been at several times violently menaced, affronted, and assaulted by multitudes of people, in their coming to perform their services in that honorable House; and lately chased away, and put in danger of their lives, and can find no redress or protection, upon sundry complaints made to both Houses in these particulars.

They likewise humbly protect before your Majesty, and the noble House of Peers, That saving unto themselves all their rights and interest of sitting and voting in the House at other times, they dare not sit or vote in the House of Peers, until your Majesty shall farther secure them from all affronts, indignities, and dangers in the premises.

Lastly, whereas their fears are not built upon fantasies and conceits, but upon such grounds and objects, as may well terrify men of good resolutions, and much constancy, they do in all duty and humility, protest before your Majesty, and the Peers of that most honorable House of Parliament, against all laws, orders, votes, resolutions, and determinations, as in themselves null, and of none effect; which in their absence, since the 27th of this instant month of December 1641, have already

passed; as likewise, against all such as shall herein after pass in that most honorable House, during the time of this their forced and violent absence from the said most honourable House; not denying, but if their absenting themselves were wilful and voluntary, that most honourable House might proceed in all these premises, their absence, or this their protestation notwithstanding.

And humbly beseeching your most excellent Majesty to command the Clerk of that House of Peers, to enter this their petition and protestation amongst his records.

They will ever pray to God to bless and preserve, &c.

**Job. Eborac: Tho. Duresme: Rob. Co. &c Lieh: Jos. Norwich: Jo. Asaphen:
Guil. Ba. & Wells: Geo. Hereford: Rob. Oxon: Mat. Ely: Godfr. Glocest: Jo.
Peterburg: Morg. Landaff.**

It must be observed, that among these twelve Bishops, there were nine of the thirteen accused by the Commons, on account of the Canons of the late Convocation.

It is manifest, this protestation tended to dissolve the Parliament, without the King interposing. For if, according to the Protestation, the House of Peers could do nothing but what in its self was null, without the concurrence of the Bishops, it was no less certain, that the House of Commons could do nothing valid without the concurrence of the Peers; whence it followed, that the Parliament was become useless, or suspended, in the intention of the Bishops by this Protestation.

It appears also, that the King had the same thought, by his haste to communicate the Protestation to the Lords, probably, before his Council had examined it. Very likely, he imagined, the Lords would espouse the cause of the Bishops, as making, according to his notion, a third estate of Parliament, and that this affair might occasion the dissolution of the Parliament. But he found that this House of Peers, hitherto so favourable to him, was no longer in the same dispositions, since the Bishops and popish Lords were frightened away by the tumults. The majority of voices not being now for the King, the House looked upon this Protestation with a very different eye from what the King expected. They desired a conference with the Commons, where the Lord-Keeper told them in the name of all the Peers,

“That this protestation containing matters of dangerous consequence, extending to the deep entrenching upon the fundamental privileges and being of Parliaments, the Lords had thought fit to communicate it to the Commons, as a thing of great and general concernment.”

The Commons had no sooner received the report of this conference, but they immediately resolved to accuse the twelve Bishops of High-Treason, for endeavouring to subvert the fundamental laws and the very being of Parliaments.

The Commons Accuse The Bishops of High Treason

This resolution ought not to seem strange, after having seen how the Commons stood affected to the bishops. They took care not to lose so fair an opportunity, of freeing themselves from the obstacles they continually met with from the bishops in the Upper-house, and besides, the Lords seemed disposed to come into their measures. So, that very moment, Mr. Glyn was sent to the House of Peers, to accuse in form the twelve Bishops of High-Treason, and to desire they might be put into safe custody[109].

Whereupon, the Lords ordered the Black-Rod to bring the twelve Bishops to the Bar of their House, which was done by eight a-clock at night, and ten of them were committed to the Tower, Moreton Bishop of Durham, and Wright Bishop of Coventry and Lichfield, in regard of their

age, remaining with the Black-Rod.

On the morrow, the 31st of December, the Commons sent and desired the Lords to take into consideration the Bill sent up some months since for taking away the Bishops votes, to which the Lords answered, They would take the same into consideration in convenient time[110].

The same day the Commons sent a committee to the King, to represent to him:—

That the House was under great apprehensions, by reason of a malignant party, who were continually forming pernicious designs: Nay, that some of them had imbrued their hands in the blood of his subjects, at the gates of his Palace, and in the face, and at the doors of the Parliament. That therefore they humbly besought his Majesty, that they might have a guard, out of the City, commanded by the Earl of Essex, of whose fidelity there could be no suspicion.

The Cause Arms to be Brought into Their Houses

As the populace of London were dispersed, and the officers still kept about Westminster, the House was under some apprehension of insults from these reformadoes, and particularly Lunsford, who was a desperate man. So, the King desiring to have this message in writing, which had been delivered by word of mouth only, and not returning an answer the same day, the Commons ordered, that thirty or forty Halberts should be brought into the House, for their better security.

Their fear was farther increased, upon notice, that the young gentlemen of the Inns of Court were assembled, and gone to Whitehall, to offer their service to the King, who had received them very graciously, and ordered them to be handsomely entertained at tables provided for them.

The King, on his part, was not without uneasiness. He was afraid, the tumultuous concourse of the people would be renewed on New Year's day; and therefore sent orders to the Common Council of London, to take good measures for prevention of the like disorders, as had happened on the foregoing days, in which he was punctually obeyed.

The Inns of Court Gentlemen Offer to Guard The King

The Parliament having adjourned from Friday till Monday, because the morrow was New Year's day[111], and the next day, Sunday, it was the 3rd of January before the King returned an answer to the Commons message concerning a guard, which was to this effect:—

The King's Answer Concerning The Guard

That it was with great grief of heart, that he found the Commons, instead of reaping the fruits of his grace and affection to his people, should suffer jealousies, distrusts and fears, to be so prevalent among them, as to induce them to declare them unto him in so high a measure as they had done:

That he was wholly ignorant of the grounds of their apprehensions; but if he had any knowledge or belief of the least design in any, of violence against them, he would pursue them with the same severity and detestation, as he would do the greatest attempt upon his Crown. And he engaged solemnly, on the word of a King, that the security of all and every of them, from violence, was, and should ever be, as much his care, as the preservation of himself and his children. And if this general assurance should not suffice to remove their apprehensions, he would command such a guard

to wait upon them, as he would be responsible for to him, who had charged him with the safety and protection of his subjects.

Before we proceed, it will be necessary to show exactly the situation of the King's affairs, in the beginning of the year 1641-2. There was in the House of Commons a strong party, who were labouring to deprive the King of a good part of his prerogatives, some through fear or distrust, others for more hidden designs. But these last took care not to discover their intentions. They pretended to act only upon the same motives of distrust, which influenced the first, in expectation of engaging them by degrees to second them in their projects.

For this reason, they lost no opportunity to inflame this distrust of the King, by aggravating whatever could be blamed in his Government, during the first fifteen years of his reign, and by referring all his actions, since the beginning of this Parliament, to the same principles by which he had governed before. In a word, their aim was to show, that the King was still the same, and had not altered his maxims:—

That his condescension for the Parliament had been forced, and full of dissimulation:

That he only waited for a proper season to return to his old courses, and when once he was restored to his authority, he would use it, to be revenged of those by whom he thought himself injured, and to take juster measures to, establish an arbitrary Government.

Indeed, as all these things depended upon the King's secret intention, they could not be evidently proved; but however, such indications were given, as served to make impression on many people. It was observed, that the King always talked of his assent to the acts of this Parliament, as being of pure grace and not of justice; from whence it was easy to infer, that he reserved to himself the power of revoking them when he should find occasion:—

That there was but too much reason to suspect he was concerned in the Irish rebellion, considering in what juncture of time it broke out, and the rebels declaration, that they had the King's and Queen's authority for what they did:

That it was very probable, he showed a regard to the Papists, to make use of them on occasion:

That he could not resolve to execute the seven Priests legally condemned, though he had been earnestly desired by both Houses of Parliament:

That notwithstanding his constant promises to put the laws in execution against recusants, it had never been performed; but, on the contrary, he trusted recusants with the most important posts:

That the conspiracy to seduce the army, plainly discovered his designs:

That very lately he had violated the privileges of Parliament in so evident a manner, that there was not a single member in both Houses, but what was persuaded of the reality of this violation:

That nevertheless, instead of satisfaction, he had answered:—

That he himself did not believe he had violated the privileges of Parliament, nor ever intended it:

That therefore it was absolutely necessary to limit his power, and disable him to govern for the future according to his pleasure, as he had done for fifteen years.

These reasons produced various effects in the minds of people, according to the temper, understanding, and principles of those to whom they were addressed.

To some they appeared too uncertain to ground thereon the project of diminishing the regal power, and consequently of altering the constitution of the Government. Others thought them unanswerable. But there were many Members who wavered between their distrust of the King, and their fear of involving the Kingdom in troubles, on a doubtful foundation.

These however were easily persuaded to join in proceedings, which were represented to them as necessary precautions, without being told their real design; as for instance, to consent to the Bill for excluding the Bishops. If the leaders of the Presbyterian party had discovered to them, that it was their intention to diminish the royal power, in order more easily to establish Presbytery upon the ruins of Episcopacy, they would never have succeeded. Nay, they would have grown so suspected, that their credit would have been entirely forfeited.

For it must be observed, that the heads of the opposite party to the King, though mostly Presbyterians, had not yet acted as such, but only as zealous assertors of the people's rights, and as enemies to tyranny, in which the whole party were perfectly united. When therefore they moved any thing against the Bishops, they intimated, that it was not in hatred of Episcopacy, but to lessen the credit of the Bishops, which they had abused, in supporting arbitrary power, and to hinder them from doing so any more.

Unfortunately, there were Bishops who had given too much cause of complaint, and by their conduct, engaged many Church of England. men themselves to concur with the others, in the design of limiting the authority of the whole body.

Before the Bishops and Popish Lords had absented themselves from the, House of Peers, the party I have just mentioned, met with insuperable obstacles in that House. Nay, even after that, those that remained were not equally engaged in this party. There were still many Lords, who, though opposite to the King, and extremely jealous of him, could not however resolve to do anything that struck at the government of the Church and State, or at least that tended to alter the constitution.

So, ever since the re-assembling of the Parliament, the Presbyterians had yet been only struggling, as I may say, with the rest of the opposite party to the King, to induce them by degrees to concur in humbling the Regal Power. They had caused to be passed the Remonstrance of the State of the Kingdom, spread suspicions of the King concerning the rebellion of Ireland, and hindered the sending of an English army thither. Their intrigues had bred great distrust, concerning the Popish party countenanced and protected by the King, and produced mortifying addresses to the King upon the breach of the privileges of Parliament, and the Lieutenancy of the Tower; tumultuous assemblies of the people at Westminster; the petition for a guard, as if the House of Commons was in great danger from the King's party.

In a word, the Bishops, their principal enemies, were in the Tower.' In all this Presbyterianism hardly appeared, and if some suspected it to be the chief cause of the troubles, at least, it was not easy to prove it.

Notwithstanding all these advantages, the Presbyterians still saw themselves very far from their end. They had sufficient credit to cause to pass in the House of Commons votes agreeable to the general design of the whole party: but were themselves very sensible, they durst not yet venture openly to discover their particular end, I mean the destruction of the Church of England, and the establishment of Presbyterianism.

It was necessary before all things to disable the King to oppose it. For that purpose, the members of both Houses were to be gained, who still wavered between their distrust of the King, and the fear of involving the Kingdom in great troubles, if the constitution should be attacked.

These members were numerous enough to raise invincible obstacles to this project, by joining with the King's party. For it must not be imagined, that all who opposed the King were of the same character, and acted upon the same principles and motives. They were only united in this single point, namely, that tyranny being equally odious to them, they wished with the same ardor to be entirely freed from it.

The King Orders A Peer and Five Commoners to be Accused of High Treason

Things being in this situation, the King, by the Lord Digby's advice, who was then his chief Counselor, took a step the most imprudent and most fatal to his affairs, that he could possibly take in such a juncture[112]. The 3rd of January 1641-2, Sir Edward Herbert Attorney-general coming to the House of Peers, acquainted them that the King had commanded him to accuse of High Treason the Lord Kimbolton[113], and five Commoners, namely, Denzil Hollis, Sir Arthur Hasserig, John Pym; John Hampden, and William Stroud. At the same time he delivered the general articles of impeachment, given him by the King with his own hand, viz.

- 1. That** they had traitorously endeavoured to subvert the fundamental Laws and Government of the Kingdom of England, to deprive the King of his Royal power, and to place on subjects an arbitrary and tyrannical power over the lives, liberties, and estates of his Majesty's liege people.
- 2. That** they had traitorously endeavoured, by many foul aspersions upon his Majesty and his Government, to alienate the affections of his people, and to make his Majesty odious unto them.
- 3. That** they had endeavoured to draw his Majesty's late army to disobedience to his Majesty's command, and to side with them in their traitorous designs.
- 4. That** they had traitorously invited and encouraged a foreign Power to invade his Majesty's Kingdom of England.
- 5. That** they had traitorously endeavoured to subvert the rights, and the very being of Parliaments.
- 6. That** for the completing of their traitorous designs, they had endeavoured so far as in them lay, by force and terror, to compel the Parliament to join with them in their traitorous designs; and to that end had actually raised and countenanced tumults against the King and Parliament.
- 7. That** they had traitorously conspired to levy, and actually had levied, war against the King.

Considerations on This Step of The King

Then Mr. Attorney said, that he was further charged to desire on his Majesty's behalf:—

- 1. That** a select committee, under a command of secrecy, may be appointed to take the examination of such witnesses as the King will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this House.

2. Liberty to add and alter, if there should be cause.

3. That their Lordships would take care for the securing of the persons as in justice there should be cause.

It is very hard to conceive what the King's aim could be in this extraordinary accusation, and what he could expect from it, considering the numberless difficulties which presented themselves, and which it was hardly possible not to foresee.

In the first place, the King demanded justice of the Lords against five members of the House of Commons, the Parliament sitting, which was a very manifest irregularity, since the Peers were not the proper Judges of the members of the Lower-House, whilst the parliament was assembled without the consent of that House, which the King could not be ignorant of. Consequently they had no power to commit the five members. Why then was it desired?

Secondly, In this accusation the King attacked five members of the Commons, who were the leading men in that House. How therefore could he expect, in such junctures, that the Commons would deliver up their leaders, on pretense of a general accusation which descended not to any particulars?

Thirdly, The King, in accusing these five members, properly accused the whole House of Treason, as it was easy to perceive by the bare reading of the articles.

Lastly, How could he expect, that the Parliament who had presented the Scots with three hundred thousand pounds, as a reward for their brotherly assistance, would consider as High-Treason, the inviting them into the Kingdom, supposing he had been able to prove his assertion?

The Peers Examine The Regularity of The King's Proceedings

All this shows, the King had been very ill advised when he undertook this affair at such a juncture. Accordingly there is not a single historian, even among those that are most devoted to him, but what owns at least, it was a most imprudent and unseasonable step.

After the reading of the articles of accusation, the Lord Kimbolton stood up and prayed, that as he had a public charge, he might have a public clearing. But the Peers proceeded not so hastily as the King expected. The first thing they did, was to appoint a committee to examine the regularity of this accusation, and to search the records, whether there ever had been any such proceeding before, and whether an accusation against a Peer might be brought into their House by the Attorney-general. As to the accusation against the five Commoners, they did not so much as take it into confederation, whether they should receive it, but contented, themselves with acquainting that House, that some of their members were accused of High-Treason by the Attorney-general.

The Papers &c. of The Parties Accused Are Sealed up By The King - The Common Take off The Seals

At the same time the Commons were informed, that several persons^[114] were at Mr. Hollis's and Mr. Pym's, sealing up their trunks, doors, and papers. The same thing was done in the Houses of the three other parties accused. Whereupon the Commons ordered their Sergeant to break open the seals, and apprehend those that put them on.

Conference Between The Two Houses

Moreover they passed an order, that if any persons whatever should come to the lodgings of any member of the House, and there offer to seal the doors, trunks, or papers, that then such member should require the assistance of the constable to keep such persons in safe custody, till the House should. give further order:—

That if any person should offer to arrest or detain any member, without first acquainting the House therewith, it was lawful for such member to stand upon his guard of defence, and for any person to assist him, according to the protestation taken to defend the Privileges of Parliament.

Presently after, the Commons represented to the Lords in a conference, that the King had ordered the trunks, chambers, and studies of several of their members to be sealed up, and had set a guard in a warlike manner at Whitehall. And therefore they desired, that such a guard might be placed about the Parliament also as should be approved by both Houses, or else to join with them to adjourn to a place of safety.

The King Sends and Demands Five Members

During this conference, a Sergeant at Arms came to the, House of Commons from the King, and required the five Members, accused by his Majesty. The Sergeant being ordered to withdraw, the Commons appointed some of their members[115] to wait upon the King, and acquaint him:—

That his Message was a matter of great consequence, that it concerns the privilege of Parliament, and of all the Commons of England:

That they will take it into consideration, and attend his Majesty with an answer, with as much speed as the greatness of the business will permit:

And in the mean time the five Members shall be ready to answer any legal charge made against them.

Then they dismissed the Sergeant who had brought the message. At the same time they enjoined the five members to give a their, daily attendance on the House.

The Parties Accused Are Ordered To Attend The House Daily

Meanwhile, the Peers had made an order to open the doors and trunks of the Members of both Houses which were sealed, and resolved to join with the Commons in a petition to the King, for such a guard as both Houses should approve of. They had ordered moreover that two of their body, with some Members of the Commons, should go and represent to the King, that the privileges of Parliament had been violated.

Report of The King's Answer

The next morning; January the 4th, the Lord Falkland reported the King's answer to the message of the Commons concerning the breach of privilege. He said the King asked him, whether the House did expect an answer and before the Lord Falkland replied, told him, he would send an answer tomorrow as soon as the House was set. In the mean time he bid him acquaint the House, that the Sergeant had done nothing but what he had directions from himself to do.

The Gentlemen of The Inns of Court Examined

Presently after this report, the Commons sent and desired a conference with the Lords, to acquaint them, that there was a scandalous paper published, containing articles of High-Treason

again the Lord Kimbolton, and to desire that they would concur in punishing the authors and publishers thereof.

Then the Gentlemen of the Inns of Court, who offered themselves to be a guard to his Majesty, were sent to and examined, upon a rumour that they were bid to be ready the 4th of January. Those of Lincoln's Inn answered:—

That last week they went to Whitehall to offer their services to the King, upon hearing that his person was in danger.

That yester-night, they had received a message from his Majesty by Sir William Killigrew and Sir William Flemming, that they should keep within tomorrow, and be ready at an hour's warning if the King should have occasion to use them.

That they brought to them likewise a paper of articles of accusation against the Lord Kimbolton and five members of the House of Commons.

That they had only an intent to defend the King's person, and would do their utmost also to defend the Parliament; being not able to make any distinction between the King and his Parliament.

The Gentlemen of the other Inns answered to the same effect[116].

The King Himself Goes to The House of Commons

In the afternoon the five accused members came into the House according as they were enjoined. They were; no sooner in their places, but one Captain Langrish informed the House, that the King was coming with a guard of military men, commanders and soldiers[117]. As there was room to believe, the King intended to seize the five members, they were immediately ordered to depart the House.

They were hardly gone out when the King appeared, and going up to the chair he said, by your leave, Mr. Speaker, I must borrow your chair a little. When he was in the chair he looked round to see if he could discern any of the five members, and then made the following speech to the House, his guard waiting at the door.

The King's Speech to The House of Commons

Gentlemen,

I AM sorry for this occasion of coming unto you Yesterday, I sent a Sergeant at Arms upon a very important occasion, to apprehend some that by my command were accused of High-Treason; whereunto I did expect obedience, and not a message. And I must declare unto you here, that albeit no King that ever was in England, shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be; yet you must know, that in cases of treason, no person hath a privilege. And therefore I am come to know if any of these persons that were accused are here:

For I must tell you, Gentlemen, that so long as these persons that have accused (for no slight crime, but for Treason) are here, I cannot expect that this House to be in the right way that I do heartily wish it:

Therefore I am come to tell you, that I must have them where soever I find them. Well since I see all the birds are flown, I do expect from you, that you shall send

them unto me, as soon as they return hither. But if assure you, on the word of a King, I never did intend any force, but I shall proceed against them in a legal and fair way for I never meant any other.

And now since I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly that whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it.

I will trouble you no more, but tell you I do expect as soon as they come to the House, you will send them to me, otherwise I must take my own course to find them.

The House Adjourns

The King was no sooner gone, but many members cried out aloud, so as he might hear them, Privilege! Privilege! and forthwith the House adjourned till the next day at one o'clock.

The Commons assembling on the morrow, the 5th of January, at the appointed hour, immediately voted, that the King had violated the privileges of the House, and that they could not sit any longer there, without a full vindication of so high a breach, and a guard for the safety of their persons.

The Commons Appoint a Committee to Sit at Guildhall

Then it was resolved to adjourn till the 11th of the same month, and a Committee of twenty four was appointed, during the adjournment to sit at Guild-Hall, and to consider .of all things concerning the good and safety of the City and Kingdom, and particularly how their privileges might be vindicated, and their persons secured[118].

The Committee for the Irish affairs was ordered likewise to sit at the same place during the adjournment. That done, a message was sent to the Lords, to acquaint them with what had passed the day before, with their adjournment and Committee appointed to sit at Guild-Hall.

The same day the King, having ordered the Lord-Mayor to assemble the Common-Council, came to Guildhall. As he passed along the fleets, he had the mortification to hear people cry, Privileges of Parliament! Privileges of Parliament! Nay, one, Henry Walker, an Ironmonger and pamphleteer, was so insolent as to throw into his coach a paper, wherein was written, To your Tents, O Israel. His Majesty being come to Guild-Hall, made the following speech to the Common-Council:—

Gentlemen,

I Am come to demand such persons as I have already accused of High-Treason, and do believe are shrowded in the City. I hope no good man will keep them from me; their offences are Treason, and misdemeanors of an high nature. I desire your loving assistance herein, that they may be brought to a legal trial.

And whereas there are diverse suspicions raised, that I am a favourer, of the Popish religion; I do profess, in the name of a King, that I did and ever will, and that to the utmost of my power, be a prosecutor of all such as shall any ways oppose the Laws and Statutes of this Kingdom, either Papists or separatists; and not only so, but I will maintain and defend that true Protestant religion which my father did profess, and I will continue in it during my life.

The King seems to have forgot the situation of his affairs, and to imagine he was still in the same

state as before the war with Scotland. Certainly he could not be ignorant that the City of London was not very well affected to him, nor had reason to be so. He believed however they would espouse his cause against the Parliament, and deliver up the five members, of which there was not the least probability.

On the other hand, he could be still less ignorant, that it was chiefly in London that the Presbyterians were numerous and powerful, and yet he affected to say, he would maintain and defend the Protestant religion which the King his father had professed, and prosecute to the utmost of his power as well separates as Papists. I own I cannot see the necessity or use of such a declaration, before the Common-Council of a City much more inclined to Presbyterianism than to the Church of England, as it manifestly appeared shortly after.

The Commons is Very Busy

Meanwhile, the Committee which sat at Guild-Hall, were diligently taking informations of what passed the 4th of January, and preparing matters for their report to the House against their meeting. The Committee was informed, that Sir John Byron, who was made Lieutenant of the Tower, in the room of Lunsford, had sent to Whitehall one hundred arms, and two barrels of powder. Rushworth, who relates this particular, affirms, that the matter being farther inquired into, was found to be true. But I cannot tell whether we may give entire credit to his testimony, though what he says is not improbable.

Petition of The City of London

On the 7th, the City of London presented a petition to the King, which plainly showed they were more inclined to the Parliament than to him. They represented their great fears and dissatisfaction, by reason of the progress of the rebels in Ireland, fomented by the Papists in England, and their adherents:—

The want of aid to suppress them, and the intimations received from abroad and at home, of a design to extirpate the Protestants:

The putting out persons of honour and trust from being Constable and Lieutenant of the Tower:

The preparations there lately made:

The fortifying of Whitehall in an unusual manner:

The endeavours used to the Inns of Court:

The calling divers Cannoneers into the Tower:

The discovery of divers fireworks in the hands of a Papist;

The misunderstanding betwixt his Majesty and Parliament, by reason of misinformation:

His Majesty's late going to the House of Commons, attended with a great multitude of armed men, besides his ordinary guard, for the apprehending of divers members, contrary to the privileges of Parliament.

The King's Answer

This petition was very capable to show the King, how much he was mistaken in his opinion that the City of London was well disposed in his favour. He returned however a very mild answer to each of the articles, to this effect.

That as for the business of Ireland, there was nothing on his part un-offered or undone; and he hoped, by the speedy advice and assistance of his Parliament, that great and necessary work would be put in a sure forwardness, to which he would contribute all his power.

For the Tower; he wondered, that having removed a servant of good trust and reputation from that charge, only to satisfy the fears of the City, and put in another of unquestionable reputation and known ability, the petitioners should still entertain those fears: And whatever preparations were there made, it was with as great an eye of safety and advantage to the City as to his own person.

For the fortifying of Whitehall with men and munitions; he doubted not, but the petitioners had observed the strange provocation he had received to entertain that guard, and if any citizens were-wounded or ill treated, he was confidently assured, that it happened by their own .evil and corrupt demeanors.

That he knew no other endeavours to the Inns of Court than a gracious intention; that he received the tender of their loyal and dutiful affections, with very good approbation and acceptance, and an encouragement given them to continue the same, upon all occasions. For his going to the House of Commons; he was verily persuaded, that if the petitioners knew the clear grounds upon which those persons stood accused of High-Treason, they would believe his going thither was an act of grace and favour to that House, and the most peaceable way of having that necessary service, for the apprehension of those persons, performed; especially, if such orders had been made, which he was not willing to believe, for the resistance of all lawful authority as were discoursed of. And for the proceedings against those persons, he ever intended the same should be with all justice and favour, according to the Laws of the realm.

He concluded with these words,

And this extraordinary way of satisfying a petition of so unusual a nature, his Majesty is confidently persuaded, will be thought the greatest instance can be given of his Majesty's clear intentions to his subjects, and of the angular estimation he hath of the good affections of this City, which he believes in gratitude will never be wanting to his just commands and service.

On the morrow, the 8th of January, the King published a Proclamation, commanding all Magistrates and officers of justice, to apprehend the accused members, and carry them to the Tower.

Whilst the Committee was assembled at Guildhall, they took the information of two witnesses, who deposed, That they heard Captain Hide say things, which showed, he had some ill design against the House of Commons.

Then it was resolved, that the Sheriffs of London and Middlesex should raise the Posse Comitatus. for their safe coming to Westminster, the day the Parliament should meet.; Whereupon the Watermen[119] came and tendered their service, to guard the Committee by water to the Parliament house, which was accepted of. But the offer of the apprentices to accompany them by land was refused.

Resolutions of The Committee

Meanwhile, the Committee of twenty four having appointed a sub-committee to examine the affairs in question, they made their report, January the 10th of what resolutions had been taken namely:—

That the publishing several articles of High-Treason against the Lord Kimbolton, and the five Members of the House of Commons, was a high breach of the privileges of Parliament, a seditious act, tending to the subversion of the peace of the Kingdom.

That the privileges of Parliament, so violated and broken, could not be fully and efficiently vindicated, unless his Majesty would be pleased to discover the names of those persons who advised him to seal the chambers and studies of the accused members; to send a serjeant at arms to the House of Commons to demand them; to issue warrants under his own hand to apprehend them to come in person to the House, to publish the articles of accusation in the form of a Proclamation, to the end such pernicious counselors might receive condign punishment.

The King Returns From London

The Committee of twenty four resolving to return on the morrow to the Parliament with a numerous guard, the King thought not proper to be exposed to the danger of receiving some affront from the populace; and therefore, chose to withdraw to Hampton-Court, and two days after to Windsor.

The Committee Return to The House

January the 11th the Commons being assembled at Westminster, the Committee of twenty four came thither by water, conducted by great numbers of seamen and others, whilst the trained bands of London marched through the City in arms, to guard them also by land.

The King Repents of His Proceedings

Then it was that the King found he had taken wrong measures, and that his imprudent proceedings could not but grieve him, and ruin his affairs. He repented of what he had done, and wished he could appease the disorder raised by himself. To this end, the next day, January the 12th he sent the following message to both Houses:—

The King's Message

His Majesty taking notice, that some conceive it disputable, whether his proceedings against the Lord Kimbolton, Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hampden, Mr. Strode, be legal and agreeable to the privileges of Parliament; and being very desirous to give satisfaction to all men, in all matters that may seem to have relation to privilege, is pleased to wave his former proceedings, and all doubts by this means being settled, when the minds of men are composed, his Majesty will proceed thereupon in an unquestionable way, and assures his Parliament, that upon all occasions he will be as careful of their privileges, as of his life or his Crown.

Considerations on The Impudent Accusations of The Five Members in Respect to The Time

Had there not been a settled design against the King, this message would have been capable to pacify all, since he plainly shewed, he repented of what he had done, and in some measure confessed his fault. But he had given his enemies too great an advantage, for them to neglect to improve it.

I have observed, there were many members in both Houses, not yet determined to join with those who fought only to throw all into disorder and confusion. Some began to discover the designs of the Presbyterians. Others had scruples, which they could not overcome, when they considered, that the destruction of the Kingdom would be endangered, by a bare distrust which could not be well grounded. But their doubts were changed into certainty, after what the King had lately done.

Before the accusations of the six Members, it was doubtful, whether the King thought of being revenged of those who had offended him: but this accusation rendered this intention very probable. It was doubtful whether his condescension for the Parliament was constrained: but this accusation discovered, that he believed himself deprived of part of his lawful authority, and considered what the Parliament had done with respect to himself, as High-Treason. For if the depriving him of part of his authority was treason, those who had voted for triennial Parliaments, and the continuance of this, could not be innocent. If the endeavouring to render the King odious to his people was treason, certainly the six members were not alone guilty.

If the inviting the Scotch army into England was treason, how could the House of Commons clear themselves after having rewarded the Scots for their invasion, with a present of three hundred thousand pounds? If it was treason to endeavour to subvert the rights, and the very being of Parliaments, both Houses were guilty of this crime, when they affirmed by an act, the power of not being dissolved or prorogued without their own consent, since this was altering the nature of Parliaments.

If raising tumults was treason, the countenancing and encouraging these same tumults was no less so, and of this the whole House of Commons was guilty. In short, the charge against these particular Members for conspiring to levy, and for actually levying, war against the King, necessarily aimed at the whole House, who had countenanced the tumultuous assemblies, set themselves a guard, and provided themselves with arms.

These things put those upon considering, who till then had preserved some good-will for the King, and entertained equitable thoughts of him. They plainly saw what judgment the King made of the Parliament's actions, though he attacked but six Members. The shallow artifice of throwing upon a few the fault of the whole House, had been proper with regard to former Parliaments, whilst the King was master. But it was ineffectual with the present Parliament, and at such a juncture.

After the redress of past grievances, the point was to know, whether the King's word was to be relied on, and he restored to his natural state. Many were of this sentiment, as they could not imagine, that after what had passed in this Parliament, the King would endeavour to govern for the future as he had done before. They could not resolve, from a bare motive of fear and distrust, to alter the constitution of the Government, by abridging the King's power. Others maintained, that the King's condescension was all dissimulation, and his word not to be relied on.

These men, to bring the rest to their opinion, were forced to use various artifices, to aggravate and misinterpret the King's actions, and nevertheless, were not yet able to compass their ends. But by the accusation of the six members, the King himself supplied them with arguments, which were not easy to answer. They had no more occasion to use signs and conjectures to prove what they advanced, since the King gave them himself such evident proofs.

So it may be said, the King never followed more pernicious advice, than that lately given him.

If the Lord Digby, as it is said, was his Counselor. it may be affirmed, that he threw him into a precipice, from whence it was not possible ever to extricate himself.

From that time, the question was not to know, whether it was necessary to limit the regal power, but to know within what bounds it should be confined; they who had hitherto been most moderate, having entirely lost their doubts concerning the King's sincerity. So the party which was most opposite to him, being grown very superior in both Houses, and meeting with little opposition, they who wished to do the King service, thought it safest, either to absent themselves from the Parliament, or to keep silence in the expectation of an opportunity to serve him effectually, if affairs should take a new turn, and thereby the opposite party became still more powerful.

It is therefore evident, that in the present disposition of the Parliament, the King's last message was not a sufficient means to oblige his enemies to alter their measures. Especially, as by this message he did not desist from the accusation, but only from the manner of proceeding, though it was easy to perceive, he took this method only to come off with the less dishonour.

Accordingly, the Commons did not much regard it. The 17th of January, they came to the like resolutions with those taken by the Committee in London, and digested them into a declaration. They only added, the depositions of some witnesses concerning the number of armed men, who attended the King when he came to the House, and who, according to three depositions, were about five hundred; concerning the insolent behaviour of some of the officers who accompanied his Majesty; and the words they used at the door of the House, which seemed to denote, that they waited only for a signal to fall upon the Members.

There is no question, all these things were highly aggravated: but these aggravations were subservient to the end proposed by the Commons. They declared, however:—

That they meant not to screen their members, when accused of treason or misdemeanor, and prosecuted according to law and the privileges of Parliament:

On the contrary, they should be always ready to bring them to a speedy and due trial; being sensible, that it equally imported them, as well to see justice done against criminals, as to defend the just rights and liberties of the subjects and Parliament of England.

Before this declaration was published, the King had sent the following message to both Houses, which shewed how desirous he was of giving them content, and ending this unfortunate affair:

The King's Second Message to Parliament

His Majesty being no less tender of the privileges of Parliament, and thinking himself no less concerned that they be not broken, and that they be affected and vindicated when soever they are so, than the Parliament itself hath thought fit to add to his last message this profession;

That in all his proceedings against the Lord Kimbolton, and the rest of the accused members, he had never the least intention of violating the least privilege of Parliament:

And in case any doubt of breach of privilege remains, will be willing to clear that, and assert those by any reasonable way that his Parliament shall advise him to; upon confidence of which, he no way doubts. his Parliament will forthwith lay by all jealousies, and apply themselves to the public and pressing affairs, and especially to those of Ireland, wherein the good of this Kingdom and the true religion (which shall

ever be his Majesty's first care) are so highly and so nearly concerned. And his Majesty assures himself that his care of the privileges will increase their tenderness of his lawful prerogative, which are so necessary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his Majesty and Parliament, and of the happiness and prosperity of his people.

The Commons Impeach The Attorney General

This message (for the reason before given) was not capable of satisfying the Commons. On the contrary, the next day they caused Sir Edward Herbert the Attorney-General to be examined at the Bar of the House of Lords. His answers being sent to the Commons, they ordered him to be accused of several high crimes and misdemeanors, that is to say, of having violated the privileges of Parliament, in exhibiting to the House of Lords the articles he received from the King's own hand, with an express command to exhibit them.

Two days after, both Houses petitioned his Majesty, that they might be informed what proof there was against the six Members, to the end they might speedily be proceeded against, in a parliamentary way.

The King answered,

He thought it unusual or unfit to discover what proof was against them, before he was certain of the way he was to proceed, lest a new mistake should: breed more delays.

That it should therefore be resolved, whether his Majesty was bound in respect of privilege, to proceed against them by impeachment in Parliament; or whether he was at liberty to prefer an impeachment at common law, in the usual way, or have his choice of either.

The Parliament Insist on Their Demand

This answer could not but embarrass the two Houses since the King was willing to follow their directions in the prosecution of the six members. Accordingly, they thought not proper to resolve upon either of the ways proposed by the King. They contented themselves with replying in a second petition:—

That finding there was still no legal and parliamentary proceedings against the accused members, they thought it their duty, once more to beseech his Majesty, to inform the Parliament what proof there was against them, that they might be called to a legal trial, it being the undoubted right and privilege of Parliament, that no Member can be proceeded against without the consent of Parliament.

The King plainly perceiving, there would be no end, and that new difficulties would be perpetually started, endeavoured to terminate the affair at once by the following answer:—

The King's Third Message

That as he once conceived that he had ground enough to accuse them, so now his Majesty finds as good cause wholly, to desert any prosecution of them. And for a farther testimony of his Majesty's real intention towards all his loving subjects, (some of whom haply may be involved in some unknowing and unwilling errors) for the better composing and settling of all fears and jealousies of what kind soever,

his Majesty is ready to grant as free and general a pardon for the full contentment of all his loving subjects, as fall by the approbation of both Houses of Parliament be thought convenient for that purpose.

Parliament Requires The Persons Who Advised The King

It was not difficult to perceive, the King offered this general pardon only to have it said, that the six members, were exempted from the rigour of the law by virtue of the pardon. But the Parliament not being satisfied with the King's offer, addressed a third petition to him, desiring,

That, according to two acts of the 37th and 38th years of the reign of Edward III[120], his Majesty would be pleased to send the persons, that had made suggestion or information to him of the crimes of the Six Members to the Parliament, that so the rights and privileges of Parliament might be vindicated, which of justice ought not to be denied.

Sentence Upon The Attorney Generally

The King returning no answer to this petition, the affair rested here, except that in April following, the House of Peers gave sentence against the Attorney-General, declaring him incapable of all offices, but that of Attorney-General, and committing him to the prison of the Fleet during the pleasure of the House.

Though this affair seemed to be ended, the King was upbraided with it afterwards a thousand times. But before I finish it entirely, I believe it will not be amiss to make some remarks on this subject, that I may not be obliged to resume it hereafter.

Remarks on The Conduct of The Commons

Though the Commons made a great noise about the breach of their privileges, that was not the thing which most incensed them. Their great grievance was, that the King had chosen, to accuse of High Treason, five Members of the House, who were, the chief leaders and directors. So, to accuse these five Members was, as I observed, to accuse the whole House.

Now if the King did believe the House guilty of treason, for having done what he accused but five Members of, what assurance could there be, that he would religiously observe his promises, which, in his opinion, were extorted from him by traitors? There was reason therefore to suspect, that the King had some grand design, and before the execution, was willing to secure those who were most capable to obstruct it, as well by their abilities as by their great credit in the Parliament and with the people.

This is the impression made by this unseasonable accusation on the members of the Parliament. And to this contributed also the King's zeal to seize the five members, even to his coming in person to the House of Commons to apprehend them, which no King of England had ever done before him. Nay, very likely, had they been in the House, and made any resistance, he would have employed armed men, who attended him to the number of about five hundred, to carry them away.

This was sufficient to incense against him those who had hitherto considered as a doubtful point, whether his promises were to be relied on. It could not be conceived, that at a time when the moderate members began to unite in his favour, to establish a solid peace, he should be induced to an action so odious, and so destructive of it, had he not intended to subdue the Parliament by force.

Thus the complaints of both Houses about the breach of their privileges, was properly only a

pretence to cover the true reason of their fears. As this reason was not of sufficient evidence to convince the people, who could regard it but as a bare suspicion, they insisted only upon their privileges, till they should engage the King to declare himself more openly.

Their real aim was therefore to oblige the King' to take some new step, that might shew the people, it was not without cause that the King was accused of having ill designs. This certainly was the motive of the Parliament's petition, to be informed of the proofs before the way of proceeding should be resolved. This was a snare laid for the King, to engage him to produce proofs of a crime, whereof the whole Parliament was no less guilty than the members accused, and thereby the people would have been convinced, that he aimed at the Parliament itself. But the King avoided the snare, by dropping the prosecution rather than be obliged to produce proofs, which must have been prejudicial to him, after missing his aim.

It was not the breach of privilege, but the King's secret intention, that was chiefly in question. By his late proceedings he had given occasion to think, that a rupture between him and the Parliament was not very remote, since he had destroyed the confidence, on which alone peace and a good understanding could be founded.

In this light must the accusation of the six members be viewed, and not as a separate fact relating only to the privileges of Parliament.

It is therefore very needless, in my opinion, that some have undertaken to discuss exactly this question, whether the two Houses could lawfully refuse sending to prison their members accused of High-Treason? However, I shall briefly speak to this point for the reader's information.

It is certain, the privileges of Parliament do not extend to crimes of High-Treason, and in such cases the Commons have no more right than the Peers. But it is also an undoubted maxim, that no member can be proceeded against without the consent of his House. When a Peer is accused, it belongs to the House of Lords to examine, whether the prosecution ought to be consented to, and in case of consent, whether the party accused is to be confined or left free to answer the accusation.

The Lords are. determined to one or other, by the nature or circumstances of the crime. It is the same with respect to the members of the Lower-House. In the present case, the Commons thought there was no reason to send the members accused to prison, because the accusation was too general.

The King pretended, on the contrary, that upon a bare accusation, under colour that it was for High-Treason, he had power to apprehend the accused, without the consent of their House, and to commit them to the Tower. It is easy to perceive, the King carried this principle a little too far, that the privileges of Parliament take not place in cases of High-Treason, since he extended it to a bare accusation of Treason.

But a bare accusation cannot deprive the Houses of Parliament, of the right to examine, if there be reason to consent to the prosecution, whether by direct proof, probable signs, or public evidence. Otherwise, the King might have pitched upon, not only five, but a hundred Members of the Lower-House, and sent them to prison, upon the bare accusation of Treason, which would render the privileges of Parliament entirely useless.

Nevertheless the King acted as if his right had been undeniable, though that was, at least, the point in question. I shall not undertake to illustrate this point any farther, which has difficulties, the solution whereof depends on the knowledge of the laws and customs of England. I shall only add, that the King did himself a very great injury by this unreasonable step, and that his enemies received by its advantages, which in the end occasioned his ruin.

The Commons Very Much Distrusts The King's Sincerity

Whilst the affair of the accused members was in hand, the Commons continued to express an extreme distrust of the King. This distrust daily increased, till at last it produced an entire rupture.

Byron Refuses to be Examined by The Commons

January the 12th the Commons sent an order to Sir John Byron, Lieutenant of the Tower, to come and answer to such questions as should be put to him, concerning the arms and ammunition sent to Whitehall, the day the King came to the House of Commons. But he excused himself, for that he had the King's express warrant not to go out of the Tower.

Commons Appoint Themselves a Guard

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The King had answered the petition of both Houses concerning a guard, that he would appoint one or two hundred men out of the trained-bands of the City (such as the Lord-Mayor should be answerable for to him) under the command of (Robert Bertie) Earl of Lindsey. But the Commons refused this offer, and ordered, that two companies of the trained-bands should every day attend upon the House as a guard, under the command of Sergeant Major Skippon.

The Parliament's distrust of the King was daily inflamed by successive accidents, which the King's enemies knew how to improve. Whilst things were in this state, the Parliament received information, that the Lord Digby, Colonel Lunsford, and other disbanded officers were at Kingston upon Thames, with about two hundred horse.

Assembly of Officers at Kingston

Whereupon it was ordered by both Houses, that the Sheriffs, calling to their assistance the trained-bands of the several counties of England and Wales, should suppress all unlawful assemblies gathered together to the disturbance of the peace of the Kingdom. They were afraid, the King intended to secure Portsmouth, and perhaps, their fears were not groundless. However that be, they sent an order to Colonel Goring, Governor of Portsmouth, requiring him not to deliver up the town, nor receive any forces into it, but by his Majesty's authority signified by both Houses of Parliament. At the same time the Lords sent an express order to the Lord Digby, to give his attendance in the House. But he thought fit to withdraw out of the Kingdom[121].

There had now been information, that he was the person who advised the King to accuse the six members of Parliament. Besides, the Commons were exasperated against him, on account of his Speech against the Bill of Attainder of the Earl of Strafford, whilst he was member of that House, so that the least pretence was sufficient to draw their resentment upon him.

The Commons made great noise about the Kingston affair, to persuade the people his Majesty intended to secure Portsmouth. Nay, they caused several witnesses to be examined, but this affair was carried no farther. They were contented with sending for Admiral Pennington, who reported that the Lord Digby had shown him a warrant under the King's own hand, to convey him safely into France or Holland, and that he durst not disobey the order.

The Commons Send Hotham to Secure Hull

The Parliament's fears about Portsmouth made them think of Hull, a very important place in the County of York. The Commons instead of concealing, attested rather to discover, their fears. Wherefore they sent a message to the Lords, that there was at Hull a magazine of arms for

sixteen thousand men, and ammunition proportionable.

That the town being weakly garrisoned [and the adjacent country full of Papists and disaffected persons, they declined their concurrence in an order, that some of the trained-bands of Yorkshire should be put into Hull, under the command of Sir John Hotham, member of the House of Commons, with orders not to deliver up the place, or magazine, without the King's authority signified by both Houses. To this the Lords readily consenting, young Hotham, son to Sir John was sent immediately to Hull to execute this order, till his father should be ready to take the government of that place.

Nothing shows more clearly the Parliament's distrust, than this order about Hull, since it could not be but upon the supposition of an urgent necessity, that they could pretend to place Governors in the towns, and it was also this necessity that they desired to insinuate to the people. However, the sequel shewed, the Parliament had reason to take this precaution[122].

Bill for The Parliament's Adjournment to Any Other Place

Since the accusation of the six members, scarce a day had passed but the Parliament expressed their suspicions of the King, so that everything manifestly tended to a rupture. The better to persuade the people that both Houses were apprehensive of some violence from the King, and not safe at Westminster, a bill was passed to enable them to adjourn to any place they pleased.

They ordered likewise the Earl of Newport, master of the ordnance, and the Lieutenant of the Tower, not to suffer any cannon or ammunition to be carried from thence.

And for the better safe-guard of the Tower, the Sheriffs of London and Middlesex were ordered to set a sufficient guard both by land and water about it. The same day the Commons caused some great saddles to be seized, that were to be sent to Kingston.

False Information Given to The House

Moreover, Mr. Bagshaw of Windsor, member of the House of Commons, informed them, that last night as he was going to Windsor (where the King then was) he saw divers troops of horse, and that there came thither a wagon loaded with ammunition, and another wagon loaded with the same, was sent from thence to Portsmouth. Adding, there were at Windsor four hundred horse, with about forty officers. Whereupon Skippon was ordered to detach some horsemen towards Windsor for intelligence. But in all appearance there was no great discovery made, since nothing more was said of it.

The Lords Decline Petitioning Against Byron

After that, the Commons desired the Lords to join with them in a petition to the King, for the removal of Sir John Byron from the Lieutenancy of the Tower, and offered their reasons. But the Lords thought fit to decline it.

The Peers Forbid Essex and Holland to go to The King

Meanwhile, the Lords being informed by the Earl of Essex, that the King had laid his commands upon him and the Earl of Holland, to attend his Majesty at Hampton Court as Lord-Chamberlain, and Groom of the Stole, they would not dispense with their absence, alleging that their attendance in Parliament about the high affairs of the realm, was truer service to his Majesty, than any they could do him at Court. The King soon after removed both these Lords from their places[123].

Differences Between The Two Houses about The Scotch Succors

During these differences between the King and the Parliament, Ireland remained unassisted. The Commons would not pay ten thousand men, who should be levied by the King's commissions. They pretended, these troops should be raised by way of pressing, in order to chuse such for soldiers as should be least attached to the King, and that the King should not be concerned in the levies. The Bill for pressing had been sent up to the Lords, who had not yet passed it, of which the Commons very much complained.

The Scotch Commissioners Offer Their Mediation

At last, the Scotch Commissioners seeing, that the differences between the King and the Parliament retarded the conclusion of the treaty for which they were sent, bethought themselves of offering their mediation to the King and both Houses, to procure an agreement. But the King was offended at their offer, because they had not first communicated their intentions to him in private. The two Houses on the contrary, thanked them for this mark of their affection.

The Parliament Accepts It

Meanwhile, the Committee for the Irish affairs ending, that Kingdom wanted a speedy assistance, and that the treaty for the ten thousand Scots was not likely to be concluded soon enough, made a proposal to the Scotch Commissioners, that the Scots should send into Ireland two thousands five hundred men, who were ready, till the treaty for the ten thousand should be ended; to which the Commissioners of Scotland agreed.

To that purpose, they propounded certain conditions, which were approved by both Houses, But the King objected to one of the conditions, which was, that Garrick Fergus a seaport in the north of Ireland, should be delivered to the Scots. He said, it was too great a trust for auxiliary forces. Nevertheless, seeing the Parliament willing to confide in the Scots, he thought he should not refuse his confidence to his native subjects.

It must be observed, that the King and Commons expressed an equal desire to assist Ireland, but each would have it in their own way. The King wished to have an English army sent thither, and blamed the Commons for not hastening the levies. The Commons, on their side, suspected, that the King's aim was to leave England unprovided of men, arms and ammunition, and therefore insisted upon the Treaty of Scotland for ten thousand men; and charged the King with being the sole cause of the obstacles to the conclusion of the treaty.

Nay, they plainly intimated, that though the King seemed to press the relief of Ireland, he had no real intention that Kingdom should be .relieved. Necessity however obliged the King and both Houses to accept at length of the two thousand five hundred Scots, who were sent into the north of Ireland, where they did good service.

Remarks on The Common's Distrust

The Commons ceased not to shew openly their distrust of the King. This was absolutely necessary to the execution of the designs of those who had then the chief management of the affairs of the House. But it does not follow, because it was necessary to make known this distrust, that therefore it was not real.

The leading men of this party did not believe indeed they had reason to trust the King, and withal, it was their interest to shew the public the grounds of their distrust. This they did in a solemn manner by means of a speech spoken by Mr. Pym at a conference with the Lords. This speech deserves to be inserted at length, because it shews by what steps the Commons endeav-

oured to compass their ends.

Mr. Pym's Speech to The Lords

My Lords,

I AM commanded by the Knights, Citizens, and Burgesses, assembled for the Commons in Parliament, to present to your Lordships divers Petitions, which they have received from several parts concerning the fate of the Kingdom:

Whereunto they are chiefly moved by that constant affection which they have always expressed, of maintaining a firm union and good correspondence with your Lordships; wherein they have ever found much advantage, and contentment; but never held it more important and necessary, than at this time, wherein the wisdom and resolution of Parliament have as many great dangers and difficulties to pass through, as ever heretofore.

We are united in the public trust, which is derived from the Commonwealth, in the common duty and obligation whereby God doth bind us to the discharge of that trust; and the Commons desire to impart to your Lordships, whatsoever information or intelligence, whatsoever encouragement or affiance they have received from those several counties which they represent, that so likewise we may be united in the same intentions and endeavours of improving all to the service of his Majesty, and the common good of the Kingdom.

The petitions which I am directed to communicate to your Lordships, are four; from London, Middlesex, Essex, and Hertfordshire. We have received many more, but it would take up too much time, and be too great a trouble to peruse all: And in these four, you may perceive the effect and sense of all:

First, I am to desire your Lordships to hear them read, and then I shall pursue my instructions in propounding some observations out of them.

The Petition of the Lord-Mayor and Aldermen of London, sheweth:

THAT the Committee of this honourable House, upon Saturday the 22nd of this instant January, sent a message to the petitioners, for the loan of one hundred thousand pounds, or of so much thereof as could conveniently be forthwith raised, for levying of forces to suppress the rebels in Ireland: To which message something was then answered, and a further answer in writing promised.

In performance whereof, they humbly present the answer following, together with the reason thereof, desiring that the same (being the best that for the present they are able to give) may favourably be accepted.

As this answer is very long, and contains several particulars not absolutely necessary, I shall content myself with inferring here what is most material.

That how sensible soever they were of the great miseries of their brethren in Ireland, and of the imminent danger, not only of the total loss of that Kingdom, but of the ruin of this also, if that of Ireland should be lost; yet they are compelled to declare, That they have no power to raise any sums by way of tax for any foreign use; and that they have no means to do it, otherwise than by the immediate personal consent

of every particular lender, which they cannot hope to obtain, in regard of these obstructions following:—

1. That immediately before the Parliament, and since, divers great sums for the service of the King and Kingdom, have been already lent by the Citizens of London, besides £50,000. for the supply of Ireland in particular, a great part whereof some of the lenders were compelled to borrow, and cannot to this day repay.

2. That such part of those moneys as should have been repaid out of the poll money and subsidies, is not yet done.

3. That the said sum of fifty thousand pounds, lent for Ireland, was hastened and speedily paid, upon account of the urgent necessities of that Kingdom; and yet no considerable forces are sent thither to this day.

4. The general withholding of very great sums of money from the petitioners, and many others, doth render divers persons of good estate and credit, hardly able to go on with trade, or to pay their debts, and maintain their charge.

5. The refusing to accept the offers of Scotland, to send ten thousand men into Ireland, discourageth most men from lending any money, were they never so able.

6. The not passing the Bill for pressing of soldiers puts many men into fears, that there may be some design there to lose Ireland, and to consume this Kingdom in the losing of Ireland, than to preserve either the one or the other; for that it cannot be conceived, that the rebels (being grown so powerful) will be suppressed by volunteers.

7. The slow issuing of Commissions to those, who being in Ireland, or going thither, are willing to enter the field against the rebels, disables them from doing any effectual execution upon the enemy, unless in their own defence; and so all the monies that have been, or may be sent thither, are exhausted to maintain our forces, to do little or nothing worthy of them, rather than employed to chastise the rebels: By means whereof, those rebels are so much emboldened, that they boast they will extirpate the British nation there, and then make England the seat of war.

8. The not disarming of Papists here in England, after many discoveries of their treacheries and bloody designs; the great decays of fortifications, block-houses, and other sea forts; then not managing of them, nor furnishing them with ordnance and ammunition; then not placing all of them in such hands, in whom the Parliament may confide; and the not settling this Kingdom in a posture of defence, in times of so many fears and jealousies of foreign invasions, and intestine conspiracies; then not removing the present Lieutenant of the Tower, and putting such a person into that place, as may be well approved of by the Parliament, notwithstanding the earnest petitions exhibited to the House of Commons for that purpose, which hath produced a forbearance to bring bullion into the Tower, in this time of scarcity of monies; all which cannot but overthrow trading more and more, and make monies yet more scarce in the City and Kingdom.

9. The King's ships are not fitted and employed, as the present condition of this Kingdom and Ireland requires, but some of them for conveying away of delinquents(2).

10. The not questioning those many thousands of unknown persons, who are sheltered in Covent Garden, and thereabouts, which do not employ themselves in any lawful calling, and it is very probable, lie in a readiness to adventure upon some desperate attempt.

11. The misunderstanding between the King and the Parliament; the not vindicating the privileges of Parliament; the not suppressing of protections; the not punishing of delinquents; and the not executing of all Priests and Jesuits legally condemned, while others, contrary to privilege of Parliament, have been charged with treason.

12. By means of the premises, there is such decay of trading, and such scarcity of money, as it is likely, in a very short time, to cast innumerable multitudes of poor artificers into such a depth of poverty and extremity, as may enforce them upon some dangerous and desperate attempts.

These are the evils under which the petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the employing of ill affected persons in places of trust and honour in the State, and near to the sacred person of his Majesty; and that these evils are still continued by means of the votes of Bishops and popish Lords in the House of Peers.

The petitioners of the County of Essex thanked the Commons for their extraordinary care, representing to them withal, that they were still apprehensive of a great stop of reformation in matters of religion, and of the whole Kingdom's being in great danger from the Papists: nor could they expect any redress, unless the Bishops and popish Lords were removed out of the House of Peers.

The Petitioners of the County of Hertford prayed, that the Papists might be fully disarmed; the Kingdom put into a posture of defence; the forts and strong places committed to such hands, as the Parliament might confide in; the privileges of Parliament repaired; endeavours used to take away the votes of popish Lords and Bishops; Ireland speedily relieved; delinquents brought to further punishment; pressures and grievances in Church and State removed; and whatever shall be amiss reformed.

These petitions being read, Mr. Pym continued his speech in this manner:

My Lords,

IN these four Petitions you may hear the voice, or rather the cry of all England, and you cannot wonder if the urgency, the extremity, of the condition wherein we are, do produce some earnestness and vehemency of expression more than ordinary; the agony, terror, and perplexity in which the Kingdom labours is universal, all parts are affected with it; and therefore in these, you may observe the groans and miserable complaints of all. Divers reasons may be given, why those diseases which are epidemical, are more dangerous than others:—

1. The cause of such diseases is universal and supernatural, nor from an evil constitution, or evil diet, or any other accident; and such causes work with more vigour and efficacy, than those which are particular and inferior.

2. In such diseases there is a communicative quality, whereby the malignity of them is multiplied and enforced.
3. They have a converting, transforming power, that turns other diseases and evil affections of men's bodies into their own nature.

The common and epidemical disease wherein this Commonwealth lies now gasping:

1. Hath a superior and universal cause from the evil counsels and designs of those, who under his Majesty bear the greatest sway in Government.
2. It hath a contagious and infectious quality, whereby it is diffused and dispersed through all parts of the Kingdom.
3. It is apt to take in the discontents, evil affections and designs of particular persons, to increase and fortify itself.

I shall take occasion, from several branches of those Petitions which your Lordships have heard, to observe:

1. The variety of dangers to which this Kingdom is a now subject.
2. The manifold distempers which are the cause of those dangers.
3. The multiplicity of those evil influences, which are the causes of those distempers.

The first danger is from enemies abroad. This may seem a causeless and impertinent observation at this time, seeing we are at peace with all nations about us: But (my Lords) you may be pleased to consider, that the safety of the Kingdom ought not to depend upon the will and disposition of our neighbours, but upon our own strength and provision:

Betwixt States there are often sudden changes from peace to war, according to occasion and advantage: All the States of Christendom are now armed, and we have no reason to believe, but that those of greatest power have an evil eye upon us in respect of our religion:

And if their private differences should be composed, how dangerously, how speedily might those great armies, and other preparations now ready, be applied to some enterprise and attempt against us? And if there were no other cause, this were sufficient to make us stand upon our guard; but there are divers more especial symptoms of dangers of this kind.

We may perceive, by several advertisements from abroad, that they did foresee our dangers many months before they broke out; they could foretell the time and manner of them, which is a clear evidence, they held intelligence with those which were the contrivers and workers of the present troubles.

We have many dangerous traitors and fugitives now in other parts, who can discover the weakness and distemper of the Kingdom; who hold intelligence with the ill affected party here, and by all cunning and subtle practises, endeavour to incite and provoke other Princes against us. Some of the Ministers of our neighbour Princes may be justly suspected to have had a more immediate hand and operation

in the insurrection and rebellion of Ireland; many of the Commanders, and most of the soldiers levied for the service of Spain, are now joined with the rebels there; and those Irish Friars which were employed by the Spanish Ambassador, for the making of those levies, are known to have been the chief incendiaries of this rebellion, and are still very active in the prosecution and encouragement of it.

The rebels have a ready and speedy supply from some of our neighbours. Two convoys of munitions and arms we are certainly informed of; one from Dunkirk, the other from Nantes in Brittany and certainly those that are so forward to enable others to hurt us, will not forbear to hurt us themselves, as soon as they shall have means and opportunity to do it.

Another danger is from the Papists and ill affected party at home. The Papists here are acted by the same principles with those in Ireland, many of the most active of them have lately been there; which argues an intercourse and communication of Council.

They have still stores of arms and munitions at their disposing, notwithstanding all our endeavours to disarm them; they have a free resort to the City and to the Court; they want no opportunity to consult together; they have the same greater encouragement from above, and from about [126], than ever, in respect of the example and success of the rebels in Ireland, and the great confusions and divisions which by their cunning and subtle practices are raised and fomented among ourselves at home.

A third danger is of tumults and insurrections of the meaner sort of people, by reason of their ill vent of cloth and other manufactures, whereby great multitudes are set on work, who live for the most part by their daily gettings, and will, in a very short time, be brought to great extremity, if not employed: Nothing is more sharp and pressing than necessity and want; what they cannot buy they will take, and from them the like necessity will quickly be derived to the farmers and husbandmen; and so grow higher, and involve all in an equality of misery distress, if it be not prevented.

And at this time such tumults will be dangerous, because the Kingdom is full of disbanded soldiers and officers, which will be ready to head and to animate the multitude to commit violence with more strength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order, again, because necessity and want, which are the cause of this disturbance, will still increase as the effects do increase.

A fourth danger is from the rebels in Ireland, not only in the respect of that Kingdom, but in respect of this. They have seized upon the body of that Kingdom already: they abound in men of very able bodies; they increase in arms and munitions; they have great hopes of supplies from abroad, of encouragement here, and are sure of good entertainment from the popish party, so that they begin to speak already there of transporting themselves hither, and making this Kingdom the seat of the war. The distemper which hath produced these dangers is various and exceeding violent. When soever nature is hindered in her operations and faculties, distempers will necessarily follow.

The obstructions which have brought us into this distemper, are very many, so that we cannot wonder at the strength and malignity of it. Some of the chiefest of these obstructions I shall endeavour to remember.

1. The obstruction of reformation in matters of religion: No grievances are sharper than those that press upon the tender consciences of

men; and there was never Church or State afflicted with more grievances of this kind than we have been. And though they are by the wisdom of this Parliament, partly eased and diminished, yet many still remain; and as long as the Bishops and the corrupt part of the clergy continue in their power, there will be little hopes of freedom, either from the sense of those which continue, or the fear of these which are removed. And of this obstruction, (my Lords,) I must clear the Commons, we are in no part guilty of it; some good Bills have palled us, and others are in preparation, which might have been passed before this, if we had not found such ill success in the other. Whatsoever mischief this obstruction shall produce, we are free from it; we may have our part in the misery, we can have no part in the guilt or dishonour.

2. An obstruction in trade: It is the trade that brings food and nourishment to the Kingdom: It is that which preserves and increases the stock of the whole, and distributes a convenient portion of maintenance to every part of it; therefore such an obstruction as this must needs be dangerous; the freedom of trade being so necessary, the benefit so important, as that it gives life, strength, and beauty to the whole body of the Commonwealth; but I must protest, the House of Commons have given no cause to this obstruction; we have eased trade of many burthens and heavy taxes, which are taken off; we have freed it from many hard restraints by patents and monopolies; we have been willing to part with our own privileges to give encouragement; we have sought to put the merchants into security and confidence in respect to the Tower of London, that so they might be invited to bring in their bullion to the mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and public dangers which make men withdraw their stocks, and keep their money by them, to be ready for such sudden exigencies, as in these great distractions we have too much cause to expect.

3. The obstructions in the relief of Ireland, It must needs be accounted a great shame and dishonour to this Kingdom, that our neighbours have shewed themselves more forward to supply the rebels, than we have been to relieve our distressed brethren and fellow subjects. But I must declare, that we are altogether innocent of any neglect herein. As soon as the first news of the rebellion came over, we undertook the war, not by way of supply and aid, as in former rebellions the subjects have used to do, but we undertook the whole charge of it, and we suffered not twenty four hours to pass, before we agreed to a great levy of money and men, to be employed against the rebels, even in a larger proportion than the Lords Justices and Counsel there did desire and from time to time we have done all for the furtherance thereof, though in the midst of many distractions and diversions; but the want of commission for levying of men, for issuing arms, and divers other impediments, have been the causes of that obstruction; and I wish we had not only found impediments to ourselves, but also encouragements to them. many of the chief commanders, now in the head of the rebels, after we had, with your Lordships concurrence, stopped the ports against the Irish Papists, have been suffered to pass by his Majesty's immediate warrant, much to the discouragement of the Lords Justices and the Council there, and this procured, as we believe, by some evil instrument too near his regal person, without his Majesty's knowledge and intentions.

4. The obstruction in prosecution of delinquents; Many we have already brought unto your Lordships; divers others we have been discouraged to transmit, such difficult proceedings have we met withal; such terrors and discountenance have been cast upon ourselves and our witnesses, and those who have shewed themselves their friends and patrons, have found it the most ready way to preferment[127]; yea his Majesty's own hand hath been obtained, his Majesty's ships been employed for the transporting of divers of those who have fled from the justice of the Parliament[128].

5. A general obstruction and interruption of the proceedings of Parliament, by throe manifold designs of violence (which through God's mercy we have escaped) by the great and frequent breaches of privilege, by the subtle endeavours to raise parties in our House, and jealousies betwixt the two Houses.

6. The obstruction in providing for the defence of the Kingdom, that we might be enabled to resist a foreign enemy, to suppress all civil insurrections; and what a pressing necessity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the Kingdom, and means of furnishing them with munitions, are sufficient evidences, known to none better than to your Lordships; and what endeavour we have used to remove them (but hitherto without the success and concurrence which we expect and where the stop hath been, and upon what good grounds, we may claim our own innocence and faithfulness in this; we desire no other witnesses but yourselves.

Lastly, I come to the evil influences which have caused this distemper, and I shall content my self to mention some few of those which are most apparent and important.

1. In the first place, I shall remember the evil counsels about the King, whereof we have often complained. Diseases of the brain are most dangerous; because from thence sense and motion are derived to the whole body.

The malignity of evil counsels will quickly be infused into all parts of the State. None can doubt but we have exceedingly laboured under most dangerous and mischievous counsels. This evil influence hath been the cause of the preparation of war with Scotland, of the procuring a rebellion in Ireland, of corrupting religion, suppressing the liberty of this Kingdom, and of many fearful and horrid attempts, to the subverting the very being of Parliaments, which was the only hopeful means of opposing and preventing all the rest:

And this doth appear to be a most predominant evil of the time; whereat we need not wonder when we consider how counselors have been preferred and prepared. And I appeal to your Lordships own consciences, whether the giving, and the countenancing of evil counsels, hath not been almost the only way to farther advancement.

2. The discouragement of good counsels. Divers honest and approved counselors have been put from their places; others so discountenanced, as that the way of favour hath been shut against them, and that of danger and destruction only open to, them.

3. The great power that an interested and factious party hath in the Parliament, by the continuance of the votes of the Bishops and Popish Lords in your Lordships House; and the taking in of others both out of the House of Commons, and otherwise, to increase their strength.

4. The fomenting and cherishing of a malignant party throughout the whole Kingdom.

5. The manifold Jealousies betwixt the King, his Parliament, and good Subjects, whereby his protection and favour hath in a great measure been withheld from them; their inclinations and resolution to serve and assist him, hath been very much hindered and interrupted: we have often suffered under the misinterpretation of good actions, and false imputation of evil, which we never intended. So that we may justly purge ourselves from all guilt of being authors of this jealousy and misunderstanding:

We have been and are still ready to serve his Majesty with our lives and fortunes, with as much cheerfulness and earnestness of affection, as ever any subjects were, and we doubt not but our proceedings will so manifest this, that we shall be as clear in the apprehension of the world, as we are in the testimony of our own consciences.

I am now come to a conclusion, and I have nothing to propound to your Lordships by way of request or desire from the House of Commons. I doubt not but your judgments will tell you what is to be done; your consciences, your honours, your interest will call upon you for the doing of it; the Commons will be glad to have your help and concurrence in saving of the Kingdom; but if they should fail of it, it should not discourage them in doing their duty.

And whether the Kingdom be lost or saved (as through God's blessing) I hope it will be) they shall be sorry that the story of this present Parliament, should tell posterity, that in so great a danger and extremity, the House of Commons should a be enforced to save the Kingdom alone, and that the the House of Peers should have no part in the honour of the preservation of it, you having so great an interest in the good success of those endeavours, in respect of your great estates, and high degrees of Nobility.

My Lords, consider what the present necessities and dangers of the Commonwealth require, what the Commons have reason to expect, to what endeavours and counsels the concurrent desires of all the people do invite you: So that applying yourselves to the preservation of the King and Kingdom, I maybe bold to assure you, in the name of all the Commons of England, that you shall be bravely seconded.

Remarks on This Speech

I thought proper to insert this whole speech, because the resolution taken by the Commons to divest the King of great part of his prerogatives, which they termed saving the Kingdom, manifestly appears in it. In the next place, is seen here the plan they were forming, under colour of applying a cure to the epidemical disease, whose dangers, causes and evil influences were methodically described by Mr. Pym. Though he did not explain the manner of curing it, it was easy to infer from his speech, that it was necessary to prevent the dangers, remove the causes, and apply strong antidotes against the evil influences which inflamed the disease.

The first remark I shall make on this speech, is, that it was a preparative to dispose the people

to see, without surprise, the violent remedies which were intended to be used to remove a disease that was industriously represented as almost incurable. It would be easy to show that all the subsequent proceedings of the Commons were intimated in this long speech, if I was not apprehensive it would lead me too far.

I shall add another remark, no less important and requisite; and that is, if the projects of the Commons had been founded only upon idle notions and chimeras, they would never have met with so many adherents ready and eager to accomplish them. Had the people of England been never oppressed, vain would have been the endeavours to persuade them to think so.

Had not the King attempted to establish an arbitrary power, had not his Ministers, his Counsellors, all persons in public offices, helped to execute this design, how would it have been possible to convince the people of its reality? If the Bishops and Irish Commission had not abused their power, if in order to be farther removed from the Presbyterians, they had not introduced ceremonies and innovations, wherein there was but too much affectation of imitating the Romish religion, never could the people have been persuaded that there was a design to introduce Popery.

Had the King always strictly kept his word, how would it have been practicable to inspire the people with so great a distrust of him? By what band would the Members of Parliament have been united together in the design of lessening the King's power? How should such a thought have come into their minds? It may therefore be affirmed, that three projects were founded on very real and true facts, but which the Presbyterians artfully improved, to the accomplishment of their private ends. Nevertheless, it must be owned, that most of these facts were aggravated, misinterpreted, and even inflamed with groundless insinuations.

I shall farther observe, that they who say, these petitions, presented to the House of Commons, were all begged, seem to say it very justly, or at least, with great probability. It is difficult to believe, that the people to whom these petitions were ascribed, could have used a language so agreeable to the aim and intentions of the Commons, if they had not been drawn up by persons fully informed of their designs.

Indeed, in answer to this objection, it is alleged, that three petitions were not formed upon the views of the Commons, but that the House framed their resolutions upon these petitions, which informed them of the Nation's desires. But we do not find, they ever framed their resolutions upon other petitions directly contrary to these, which were also presented to them from time to time, and which, agreed not with their principles. On the contrary, we see that for the most part these last were rejected or not regarded by the House.

The Commons Thanks Mr. Pym For His Speech

The Commons were so pleased with Mr. Pym's speech, that Mr. Speaker was ordered to give him thanks for it, and desire him to print it, that it might be dispersed among the people. But the King took great offence at it, particularly, at what Mr. Pym said concerning passes granted for Ireland:—

The King Objects to Some Words in it

That since the stop upon the ports against all Irish Papists, by both Houses, many in the chief Commanders, now in the head of the rebels, have been suffered to pass by his Majesty's immediate warrant. The King said, it was a black calumny, and demanded by a message, that the House should make him a solemn reparation, and disavow what Pym had aliened; but the Commons, who were not then disposed to oblige the King, answered, that what Mr. Pym had said was agreeable to the sense of the House.

That it was true, since the stop upon the ports by both Houses, several persons who were now commanders among the rebels, had passed into Ireland with his Majesty's immediate warrant, some of whom they named.

The King replied, that these passes were obtained whilst he was in Scotland, and before he knew of the order of Parliament, and instilled upon the vindication he had already required. The Commons answered by a declaration, maintaining what they had advanced, and adding, that his Majesty's passes were not only for those they had before named, but also for such a one[129] and his company, [130] and four other persons.

The King replied, these were only inferences drawn from the passports, which could not serve for foundation to Pym's assertion in his speech. He insisted again upon reparation: But the Commons thought not proper to return any answer.

Difference Between The King and Parliament About The Militia

But this dispute between the King and the Parliament was of little importance, in comparison of another at the same time, concerning the militia and command of the forts. But for the better understanding this affair, which is one of the principal of the present reign, it is absolutely necessary to know what had already passed about it.

After the King's return from Scotland, it was easy for him to perceive, that the Commons intended to deprive him of great part of his authority. The remonstrance of the state of the Kingdom presented to him at a time, when, without such a design, it seemed very needless, was as the signal of the war preparing against him. Whatever had been since done, tended to the same end, that is, to discredit the King's Government, and to impute to him sundry designs, under the name of his Counselors, of the Papists, and of an ill affected party.

It is not very strange, that finding himself in this ill situation, he thought betimes of providing against the attacks to which he was likely to be soon exposed. But who can affirm, that if he had succeeded in putting himself in a condition to resist, he would have remained upon the defensive? However this be, the precautions he would have taken against his enemies, served but to render their accusations more plausible.

In January 1641-2, when the affair of the members accused and the breach of privileges was warmly debating, the King, not knowing how it might end, formed the design of securing Hull. This place was very considerable, as well by its situation, as a large magazine of arms and ammunition[131], which could procure a great advantage to him, that should have it in his power, in case of a rupture.

To this end, William Cavendish Earl of Newcastle, by the King's order, came, to Hull under a counterfeit name[132], to consult with some of the King's friends, and amongst others with Captain Legg, how to oblige the Mayor to deliver to him the Town and Magazine, or to obtain it by force, if the Mayor would not give his consent.

The secret being discovered, the Peers ordered the Earl of Newcastle to attend the service of the House, which he did, after receiving the King's pleasure, without being asked at his return, where he had been. But some days after, the Commons, as I have said, moved that Sir John Hotham might be sent to Hull, to which the Lords agreed the more readily, as they were not ignorant upon what design .the Earl of Newcastle had been dispatched thither. The order was therefore given to Hotham by both Houses, to command in Hull without the King being acquainted with it.

Shortly after, the affair of the Militia being now commenced, the King formed once more the design of securing Hull and Portsmouth. To that purpose, Colonel Goring, Governor of Ports-

mouth, whom the King had secretly gained, was to receive the Queen into Portsmouth, after which, he had orders to go and take the command of Hull. Probably, there was some course taken for the surrender of that place to him. This design was discovered, though it was communicated but to three persons, and the King thought not proper to pursue it, for fear of a disappointment.

If to this be added the suspicions entertained by the Parliament, that the late assembly at Kingston was in order to surprise Portsmouth, and the Queen's intended journey thither had the same motive: that the Lieutenancy of the Tower given to Lunsford might be in pursuance of the King's design to secure at once the three strongest places in the Kingdom, it will not be surprising hereafter, to see the Parliament full of fears and jealousies.

For though the Commons had given the King but too much reason to take precautions for his defence, these very precautions, had they succeeded, would have been no less prejudicial to the public, than if they had been without a plausible foundation. So, as the King had reason to fear that the Parliament intended to deprive him of his authority, the Parliament had no less cause to suspect that the King was privately labouring to subdue them.

In this disposition, neither the one nor the other took any step which was not suspected to cover some ill design. Consequently everything tended to a rupture. The sole concern of both parties was to gain the people to their interest. The Parliament strenuously endeavoured it by rendering the King odious, and cherishing the fears and suspicions already infused into the people.

Their aim was to convince the nation of the necessity of extraordinary proceedings, in a case so uncommon. The King, on his part, carefully represented, that the Parliament did nothing but violate the Laws, and subvert the constitution of the Government, under colour of maintaining them. Thus much it was necessary to premise, before I entered upon the affair of the militia, that the reader may understand the motives of the King's and the Parliament's proceedings.

Eight days after young Hotham's departure for Hull where his father Sir John came within a few weeks, the King sent a message to both Houses, with the following proposal:—

That they will with all speed fall into a serious consideration of all those particulars, which they should hold necessary, as well for the upholding and maintaining of his Majesty's just and regal authority, and for the settling of his revenue, as for the present and future establishment of their privileges; the free and quiet enjoying of their estates and fortunes; the liberties of their persons; the security of the true religion now professed in the Church of England, and the settling of ceremonies in such a manner, as may take away all just offence; which, when they shall have digested and composed one entire body, that so his Majesty and themselves may be able to make the more clear judgment of them, it shall then appear by what his Majesty shall do, how far he hath been from intending, or designing any of those things, which the too great fears and jealousies of some persons seem to apprehend, and how ready he will be to exceed the greatest examples of the most indulgent Princes in their acts of grace and favour to their people.

The King's Views in This Message

It is evident the King had three views in making this proposition. The first, to find the Houses employment, and procure himself time to prepare. The second was, to know at once how far the designs of his enemies reached, which could not but be advantageous to him and injurious to them, with regard to the people.

His third view was, to show his subjects how willing he was to consent to whatever should be capable of procuring a perfect reconciliation between him and his Parliament. As to his saying,

How ready he should be, &c. it was only a general promise, liable to numberless restrictions and explications, and which properly bound him to nothing.

The Answer of The House Commons

The Commons fully perceived the snare laid for them by the King; but they perplexed him no less by their answer to his proposition. They told him in a petition, That they returned to his Majesty their most humble thanks, resolving to take this message into speedy and serious consideration; and to enable them with security to discharge their duties therein, they desired the Peers to join with them, in humbly beseeching his sacred Majesty, to raise up unto them a foreground of safety and confidence, by putting the Tower and other principal forts of the Kingdom, and the whole militia thereof, into the hands of such persons as the Parliament might confide in, and as should be recommended unto his Majesty by both Houses of Parliament[133].

The Commons Views

By this answer, the Commons made a preliminary of the most important point, to be settled between the King and the Parliament, and which being granted, would have put it in the Parliament's power to do whatever they pleased. In the second place, they insinuated to the people, that the Parliament's mistrust of the King, must have been grounded upon strong presumptions, since there was no way to labour a reconciliation, and settle the rights of the nation, so long as the King should be master of the forts and militia.

The King's Answer

The King answered, concerning the Tower of London:—

That having preferred a person of a known fortune, and unquestionable reputation to that trust, he did not expect he should be pressed to remove him, without any particular charge against him:

That notwithstanding, if upon due examination any particular should be presented to his Majesty, whereby it might appear, that he was mistaken in his opinion of Byron, and that he was unfit for the trust committed to him, he would make no scruple of discharging him. But otherwise, he was obliged in justice to himself, to preserve his own work, lest his favour and good opinion might prove a disadvantage and misfortune to his servants, without any other accusation.

For the Forts and castles of the Kingdom; he was resolved they should always be in such hands, (and only such) as the Parliament might safely confide in: but the nomination of any persons to those places (being so principal and inseparable a flower of his Crown, vested in him, and derived unto him from his ancestors, by the fundamental laws of the Kingdom) he would reserve to himself: and in bestowing of them, he should not be induced to express that favour so soon to any person, as to those whose good demeanor should be eminent in, or to his Parliament; and if he should at any time confer such a trust upon an undeserving person, he would always be ready to leave him to the wisdom and justice of his Parliament.

As for the Militia of the Kingdom, which by the Law was subject to no command, but of his Majesty, and of authority lawfully derived from him, when any particular course for the ordering the same should be considered and digested by his Parliament, and proposed to him, he would return such an answer, as should be agreeable to his honour, and the safety of his people, being resolved only to deny those things, the granting whereof would alter the fundamental Laws.

Remark on The King's Answer

So general an answer was not capable of satisfying the Commons. Nay, it seemed to intimate very clearly, that the King would not grant what was intended to be asked; and yet he removed Sir John Byron from the Lieutenancy of the Tower, and gave it to Sir John Conyers, recommended to him by the Commons. But this was a favour he readily granted, as it did not prejudice his rights. Nevertheless, a few days after the following Petition was presented to him by both Houses.

Petition of Both Houses to Parliament

To the King's most excellent Majesty, The humble Petition of the Lords and Commons assembled in Parliament

Most Gracious Sovereign,

THE present evils and calamities wherewith your Kingdoms are most miserably entangled, the imminent dangers which threaten your royal person, and all your people, have caused us, your most faithful and obedient subjects, the Lords and Commons in this present Parliament, with thankfulness to entertain, and with all earnestness of affection and endeavours to pursue the gracious proposition and direction, which not long since we have received from your Majesty. And we have thereupon taken into our most serious consideration the ways and means of securing the safety of your royal person, preserving the honour and authority of your Crown, removing all jealousies betwixt your Majesty and your people, suppressing the rebellion in Ireland, preventing the fears and dangers of this Kingdom, and the mischievousness of those who are enemies to the peace of it.

And that we may with more comfort and security accomplish our duties herein, we most humbly beseech your Majesty, That you will be pleased forthwith to put the Tower of London, and all other forts, and the whole militia of the Kingdom, into the hands of such persons as shall be recommended to your Majesty by both Houses of Parliament[134]. Which they assure themselves, will be a hopeful entrance into those courses, which (through God's blessing) shall be effectual for the removing of all diffidence and misapprehension betwixt your Majesty and your people, and for establishing and enlarging the honour, greatness and power of your Majesty and royal posterity, and for the restoring and confirming the peace and happiness of your loyal subjects in all your dominions.

And to this our most necessary petition, we in all humility expect your Majesty's speedy and gracious answer, the great distractions and distempers of the Kingdom not admitting any delay.

The Parliament always supposed the Kingdom to be in extreme danger, and the Papists and disaffected party, or rather the King himself, to have ill designs; though, after all, their supposition was founded only upon conjectures, of which the King had given some occasion, by endeavouring to secure Hull, as the House had been well informed. The King's answer to this Petition was as follows:-

The King's Answer

His Majesty having well considered of this Petition, and being desirous to express how willing he is to apply a remedy, not only to your dangers, but even to your doubts, and fears, he therefore returns this answer:-

That when he shall know the extent of power, which is intended to be established in those persons whom you desire to be commanders of the militia in the several counties, and likewise to what time it shall be limited that no power shall be executed by his Majesty alone, without the advice of Parliament, then he will declare,

That (for the securing you from all dangers or jealousies if any) his Majesty will be content to put in all the places, both of forts and militia in the several counties, such persons as both the Houses of Parliament shall either approve or recommend unto him, so that you declare before unto his Majesty the names of the persons whom you approve or recommend, unless such persons shall be named, against whom he shall have just and unquestionable exception.

Observations on This Answer

The King seemed, by this answer, to grant entirely the desire of both Houses, and yet the sequel shewed it was neither his intention nor thought. For the better understanding this answer, it will be necessary to know how the King then stood disposed. His design was to withdraw to York and levy troops in those parts, in order to seize Hull, with the magazine there. So that, very likely, from that time he thought of war, whether defensive or offensive. And therefore he had determined to send the Queen into Holland, under colour of conducting thither the Princess Mary her daughter, who had espoused the Prince of Orange, and of going to the spa. But withal, he had put into her hands the crown-jewels, which were afterwards used in buying arms and ammunition[135].

When the Parliament presented this Petition to him, he was upon the point of sending away the Queen, after which he intended to retire to York. It was not therefore his interest absolutely to reject the Parliament's request in such a juncture, for fear of raising a storm too soon, which might have obstructed the execution of his two designs, and especially that relating to Hull.

For this reason, he returned the Parliament seemingly so satisfactory an answer, but which however was not an absolute consent, because of some additional restrictions, from whence he meant to draw afterwards a pretence to render his engagement ineffectual. Nevertheless, the terms of this engagement were so well chosen, that though, of themselves, they signified not that the King referred to himself a power to recede from his word, such a sense however might by inference be fixed upon them. So in the King's intention, this answer was solely designed to gain time. A few days after, he gave the Lieutenancy of the Tower to Sir John Conyers[136], the better to persuade both Houses, he intended to satisfy them.

The Parliament did not doubt, the King was resolved to put the Militia into the hands of such as should be recommended to him. And therefore they ordered their draught of an ordinance for regulating the militia, to be prepared, with the names of the commanders in each county, on a separate paper, and presented it to his Majesty, with a petition to desire his consent.

The King answered, the Queen and Princess being upon their departure for Holland, he had not time to consider of so important an affair, but would send an answer at his return. He was then upon the road, accompanying the Queen to Dover.

Mean while, the Parliament believing to have reason to suspect, the King only sought to amuse them, and fearing he had formed some private design which he intended to execute before the regulation of the militia, presented this other petition to him:-

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY, your humble and loyal subjects, the Lords and Commons, have with a great deal of grief received your Majesty's answer to their just and necessary petition, concerning the Militia of this Kingdom; which your Majesty by a gracious message formerly sent unto them, was pleased to promise should be put into such hands as your Parliament should approve of, or recommend unto you: the extent of their power, and the time of their continuance being likewise declared.

That being done, and the persons by both Houses nominated, your Majesty, nevertheless, refers your resolution herein to a longer and a very uncertain time, which (the present dangers and distractions so great and pressing) is as unsatisfactory and destructive as an absolute denial.

Therefore we once again beseech your Majesty, to take our desire into your royal thoughts, and to give us such an answer, as may raise in us a confidence that we shall not be exposed to the practices of those, who thirst after the ruin of this Kingdom, and the kindling of that combustion in England, which they have in so great a measure effected in Ireland; from whence (as we are daily informed), they intend and endeavour to invade us, with the assistance of the Papists here amongst us.

Nothing can prevent these evils, nor enable us to suppress the rebellion in Ireland, and secure ourselves, but the instant granting of that humble petition, which we hope your Majesty will not deny to those, who must in the discharge of their duties both to your Majesty and the Commonwealth, represent unto your Majesty what they find so absolutely necessary for the preservation of both, which the Laws both of God and Man enjoin them to see put in execution, as several counties by their daily petitions have desired of us, and in some places begun already to do it of themselves.

Remarks

The Parliament wished to have the King's consent to this regulation of the Militia. This would have been advantages to them upon all accounts. But however, in the case they supposed the Kingdom to be, they did not mean, that the King's consent was so absolutely necessary that this regulation could not be done and executed, without his approbation. And therefore to show the King, it would be in vain to oppose it, they had so ordered it, that in some places the people had, of their own accord, divided themselves into companies, chosen officers; in a word, had began to regulate the Militia, without staying for the King's orders. It is not likely, the People would have ventured upon such an undertaking, had they not been sure of the Parliament's approbation. The King seeing himself thus pressed, sought other evasions to amuse the Parliament, without openly declaring however that his intention was to deny the desire of both Houses. His answer to the last petition was as follows[137]:-

The King's Answer

His Majesty having, with his best care and understanding, perused and considered, that which was sent him from both Houses, for the ordering of the militia, presented unto him to be made an ordinance of Parliament, by the giving of his Royal ascent; as he can by no means do it for the reasons hereafter mentioned, so he doth not conceive himself obliged, by any promise made in his answer of the second of this month to the petition of both Houses, to yield the same.

His Majesty finds great cause to except against the preface or introduction to that order, which confesseth a most dangerous and desperate design upon the House of Commons, of late supposed to be an effect of the bloody counsels of Papists and other ill-affected persons, by which many may understand (looking upon other

printed papers to that purpose), his coming in person to the House of Commons on the 4th of January, which begat so unhappy a misunderstanding between him and his People;

And for that, though he believes it upon the information since given, to be an apparent breach of their privilege, and hath offered to repair the same for the future, by any act that shall be desired of his Majesty, yet he must declare, and require to be believed, that he had no other design upon that House, or any member of it, than to require (as he did) the persons of those five Gentlemen his Majesty had the day before accused of High-Treason, and to declare, that he meant to proceed against them legally and speedily, upon which he believes that House would have delivered them up;

And his Majesty calls the Almighty God to witness, that he was so far from any intention or thought of force or violence; although that House had not delivered them according to his demand, or in any case whatsoever, that he gave those his Servants, and others, that waited on his Majesty, express charge and command, that they should give no offence to any man; nay, if they received any provocation or injury, that they should bear it without return; and his Majesty neither saw or knew, that any person of his train had any other weapons, but his pensioners and guards those with which they usually attend his Majesty, and the other Gentlemen's swords. And therefore his Majesty doubts not, but his Parliament will be regardful of his honour herein.

That he shall not undergo any imputation, by the rash or indiscreet expressions of any young men then in his train, or by any desperate words uttered by others, who might mingle with them without his consent or approbation.

For the persons nominated to be Lieutenants of the several counties of England and Wales, his Majesty is contented to allow that recommendation; only concerning the City of London, and such corporations, as by antient charters have granted unto them the power of the militia, his Majesty doth not conceive, that it can stand with justice or polity to alter their Government in that particular.

And his Majesty is willing forthwith to grant every of them, (that of London, and those other corporations excepted,) such commissions, as he hath done during this Parliament, to some Lord-Lieutenants by your advice but if that power be not thought enough, but that more shall be thought fit to be granted to those persons named, than by the law is in the Crown it self;

His Majesty holds it reasonable, that the same by law first vested in him, with power to transfer it to those persons, which he will willingly do; and whatever that power shall be, to avoid all future doubts and questions, his Majesty desires, it may be digested into an act of Parliament rather than an ordinance; so that all his loving subjects may thereby particularly know, both what they are to suffer, and what they are not to suffer, for their neglect, that there be not the least latitude for his good subjects to suffer under any arbitrary power whatever.

As to the time desired for the continuance of the powers to be granted, his Majesty giveth this answer, that he cannot consent to divest himself of the just power, which God and the Laws of this Kingdom have placed in him for the defence of his People, and to put it into the hands of any other for any indefinite time.

And since the ground of this request from his Parliament, was to secure their present fears and jealousies, that they might with safety apply themselves to the

matter of his message of the 20th of January:

His Majesty hopeth, that his grace to them, since that time, in yielding to so many of their desires, and in agreeing to the persons now recommended to him by his Parliament, and the power before expressed to be placed in them, will wholly dispel those fears and jealousies; and assureth them, that as his Majesty hath now applied this unusual remedy to their doubts, so (if there shall be cause) he will continue the same, to such time as shall be agreeable to the same care he now expreseth toward them.

And in this answer, his Majesty is so far from receding from any thing he promised, or intended to grant in his answer to the former petition; that his Majesty hath hereby consented to all was then asked of them by that petition concerning the militia of the Kingdom, (except that of London, and those other corporations) which was to put the same into the hands of such persons as should be recommended unto him by both Houses of Parliament:

And his Majesty doubts not, but the Parliament upon well weighing the particulars of this his answer, will find the same more satisfactory to their ends, and the peace and welfare of all his good subjects, than the way proposed by this intended ordinance, to which, for these reasons his Majesty cannot consent.

And whereas his Majesty observes by the petition of both Houses, presented to him by the Earl of Portland, Sir Thomas Heal, and Sir William Savile, that in some places some persons begin already to intermeddle of themselves with the militia, his Majesty expecteth that his Parliament should examine the particulars thereof, it being a matter of high concernment and very great consequence:

And his Majesty requireth, that if it shall appear to his Parliament, that any persons whatsoever have presumed to command the militia without lawful authority, they may be proceeded against according to law.

There were in this answer, several things which could not but displease the Parliament:—

1. The exception of London and such other corporations, as by Charters had the power of the militia, which was taking away with one hand, what he seemed to give with the other, since there were very few towns of any note, but what had the like Charters. Besides, it did not appear that either London or any other corporation desired to be maintained in this privilege. The King supposed it without consulting them.
- 2.. The King, in complaining there was no fixed time for the continuance of the powers of the Lieutenants, offered none himself. So it was a point to be debated which might long amuse.
3. As to his promising to prolong the time, if there should be cause, it was properly nothing, since it is certain his general promises were not relied on, especially when attended with such restitutions.
4. The King did not mention the Government of the forts, which was however a point of great moment.
5. He absolutely rejected the ordinance, and in persuading the Parliament to change it into an act, he would have indirectly obliged them to own, they had no power to make it, which was entirely contrary to the pretensions of both Houses.

6. In suppressing the ordinance and turning it into an act, the Bill must have been drawn his own way, otherwise, he tacitly reserved to himself the power of rejecting it, a power that hitherto had been indisputable. It was therefore very easy to perceive, that by all these restrictions the King sought only to gain time, and put off the Parliament with bare words. Accordingly both Houses having taken his answer into consideration, voted that it was not satisfactory, and presented a third petition to him at Theobalds, where he then was.

Petition of Both Houses to The King

Most Gracious Sovereign,

YOUR Majesty's most loyal and obedient subjects, the Lords and Commons in parliament, do find their just apprehensions of sorrow and fear, in respect of the public dangers and miseries like to fall upon your Majesty and the Kingdom, to be much increased, upon the receipt of your unexpected denial of their most humble and necessary petition, concerning the militia of the Kingdom, especially grieving, that wicked and mischievous counselors should still have that power with your Majesty, as in this time of imminent and approaching ruin, rather to incline your resolutions to that which is apt to further the accomplishment of the desires of the most malignant enemies of God's true religion, and the peace and safety of yourself and your Kingdom, than to tie dutiful and faithful counsel of your Parliament:

Wherefore they are enforced in all humility to protest, that if your Majesty shall persist in that denial, the dangers and distempers of the Kingdom are such as will endure no longer delay: But unless you shall be graciously pleased to assure them by these messengers, that you will speedily apply your royal ascent to the satisfaction of their former desires, they shall be enforced, for the safety of your Majesty and your Kingdom, to dispose of the Militia by the authority of both Houses, in such manner as hath been propounded to your Majesty, and they resolve to do it accordingly.

They likewise most humbly beseech your Majesty to believe, that the dangerous and desperate design upon the House of Commons, mentioned in their preamble, was not inserted with any intention to cast the least aspersion upon your Majesty, but herein they reflected upon that malignant party, of whose bloody and malicious practices they have had so often experience, and from which they can never be secure, unless your Majesty will be pleased to put from you those wicked and unfaithful counselors, who interpose their own corrupt and malicious designs betwixt your Majesty's goodness and wisdom, and the prosperity and contentment of yourself, and of your people:

And that for the dispatch of the great affairs of the Kingdom, the safety of your person, the protection and comfort of your subjects, you will be pleased to continue your abode near to London, and the Parliament, and not to withdraw yourself to any the remoter parts, which if your Majesty should do, must needs be a cause of great danger and distraction[138].

That your Majesty will likewise be graciously pleased to continue the Prince his Highness in there parts at St. James's, or any other of your Houses near London [139], whereby the designs which the enemies of the religion and peace of this Kingdom may have upon his person, and the jealousies and fears of your people, may be prevented. And they beseech your Majesty to be informed by them, that by the Laws of the Kingdom, the power of raising, ordering, and disposing of the militia, within any City, Town, or other place, cannot be granted to any Corporation

by Charter, or otherwise, without the authority and consent of Parliament; and that those parts of the Kingdom which have put themselves in a posture of defence against the common danger, have therein done nothing but according to the Declaration and direction of both Houses, and what is justifiable by the Laws of the Kingdom.

All which, their most humble Counsel and desires, they pray your Majesty to accept, as the effect of that duty and allegiance which they owe unto you, and which will not suffer them to admit of any thoughts, intentions, endeavours, but such as are necessary and advantageous for your Majesty's greatness and honour, and the safety and prosperity of the Kingdom, according to that trust and power which the Laws have reposed in them.

Before I relate the King's answer, it will not be improper to make some remarks on this petition. My design being in this second part of the Reign of Charles I, to give the readers a true idea of the differences between the King and the Parliament, that they may the better perceive the real grounds of the ensuing Civil Wars, I hope it will not be taken amiss, that by remarks on the papers of both sides, I point out some things which perhaps would not be generally observed.

Remarks on This Petition

In the first place, the imminent danger, the approaching ruin so much talked of by the Parliament, was not so evident as they pretended. But they always supposed, there was a Popish and malignant party, who had formed a design to ruin the Kingdom and the Protestant religion, and that the King's evil counselors advised him to whatever could be advantageous to that party.

I do not say this supposition was entirely false: But it may be said at least to be grounded upon bare conjectures. Besides, these were only Generals, under which the Parliament concealed the true cause of their fears. They were apprehensive, that the King by secret practices, would secure the forts and magazines, as it was well known he intended it, and raise an army. Nay, it could not be doubted, that considering his present state, he would have done it, had it been in his power.

It will be seen hereafter that he had thought of it, before the time I am speaking of. But when this Petition was presented to him, he was only suspected to have some great design in hand. He was therefore to be prevented by disposing of the militia, by the authority of both Houses, in order to be ready to oppress such as should declare for him, or to hinder them from declaring. But all this was coloured with the pretence of putting the Kingdom in a posture of defence against the plots of the malignants.

For this reason, the pretended design of this malignant party was always expressed in general terms, without mention of any particulars, and great care was taken to refer to it all the King's actions, and all the events which could have any relation thereto. But it must be remembered, as I have often said, that the Parliament's intention was to divest the King of the greatest part of his authority, and that the King's design was to screen himself from the impending misfortunes, and in so doing, he would have put himself also in a state of attacking, had he been suffered to do it. This is properly the key to the papers which were published on both sides, concerning the militia, though the King and Parliament endeavoured to varnish their respective proceedings with pretences capable of dazzling the people.

I shall remark in the second place, that the Parliament in this Petition, took no notice of the reasons alleged by the King in his former answer. They were contented with always supposing the design of subverting religion and the Laws, and with referring to that design the removal of the Prince of Wales, and the absence of the King from his Parliament, to insinuate, that the King's restrictions to his promise, were intended only to gain time, in order to favour the

malignants.

Thirdly, the Parliament's fears, that the King's absence concealed some hidden design, were not groundless, as I said, and as will appear hereafter.

All this shows, that the King and the Parliament had but too much cause to mistrust one another. If the Parliament, under colour of imminent danger to the Kingdom, thought it incumbent on them to require, that the militia should be put into such hands as they could confide in, the King had no less reason to endeavour to hinder both Houses from usurping a power, which was to serve to oppress him.

The King's Answer

The King returned the following answers to the Parliament's last Petition:—

I AM so much amazed at this message, that I know not what to answer: You speak of jealousies and fears: Lay your hands to your hearts, and ask your selves, whether I may not likewise be disturbed with fears and jealousies

And if so, I assure you this message hath nothing lessened them. For the militia, I thought so much of it before I sent that answer, and am so much assured, that the answer is agreeable to what in justice or reason you can ask, or I in honour grant, that I shall not alter it in any point.

For my residence near you, I wish it might be so safe and honourable, that I had no cause to absent myself from Whitehall; ask yourselves whether I have not.

For my son, I shall take that care of him, which shall justify me to God as a father, and to my Dominions as a King.

To conclude, I assure you upon my honour, that I had no thought but of peace and justice to my people, which I shall by all fair means seek to preserve and maintain, relying upon the goodness and providence of God, for the preservation of my self and rights.

Remarks on This Answer

1. It must be observed upon this answer, that the reason alleged by the King to justify his absence from Whitehall, namely, the riotous assemblies of the people of London, was plausible. But it was extremely weak, to prove the necessity of his residing at York. However, he artfully confounded, under one and the same reason, his removal to York, and his absence from London. We shall see presently the true reason of his retiring to York.

2. It is very likely, the King wished for peace, provided his Prerogatives were untouched. But the Parliament thought, in order to a lasting peace, the King's power was to be curbed.

Upon this answer, it was resolved by the House of Commons:

1. **That** this answer of his Majesty is a denial to the desires of both Houses of Parliament concerning the Militia.

2. **That** those that advised his Majesty to give this answer, are enemies to the State, and mischievous projectors against the defence of the Kingdom.

3. That this denial is of that dangerous consequence, that if his Majesty shall persist in it, it will hazard the peace and safety of all his Kingdoms, unless some speedy remedy be applied by the wisdom and authority of both Houses of Parliament.

4. That such parts of this Kingdom as have put themselves into a posture of defence against: the common danger, have done nothing but what is justifiable, and is approved by the House.

5. That if his Majesty shall remove into any remote parts from his Parliament, it will be a great hazard to the Kingdom, and a great prejudice to the proceedings of the Parliament.

6. That this House holds it necessary, that his Majesty may be desired, that the Prince may come unto St. James's, or to some other convenient place near or about London, and there to continue.

7. That the Lords be desired to join with this House in an humble request unto his Majesty, that he will be pleased to reside near his Parliament, that both Houses may have a convenience of access unto him upon all occasions.

8. That the Lords be moved to join with this House in some fit course of examination, to find who were the persons that gave his Majesty this advice, that they may be removed from his Majesty, and brought to condign punishment.

9. That no Charter can be granted by the King, to create a power in any Corporation over the Militia of that place, without consent of Parliament.

10. That the Lords shall be moved to join with this House in these votes.

11. That the Lords shall be desired to appoint a select Committee, that may join with a Committee of a proportionable number of this House, to consider and prepare what is fit to be done upon these votes, or upon any thing else that may arise upon this answer of his Majesty concerning the militia, and concerning the Prince.

The same day it was resolved in the House of Commons, that the Kingdom be forthwith put into a posture of defence, by authority of both Houses, in such a way as is already agreed upon by both Houses of Parliament.

The Parliament's Ordinance For The Militia

In pursuance of this resolution, both Houses published the following Ordinance for settling the militia:

Whereas there hath been of late a most dangerous and desperate design upon the House of Commons, which we have just cause to believe to be an effect of the bloody counsels of Papists, and other ill-affected persons, who have already raised a rebellion in the Kingdom of Ireland, and by reason of many discoveries, we cannot but fear they will proceed not only to stir up the like rebellion and insurrections in this Kingdom of England. but also to back them with forces from abroad.

For the safety therefore of his Majesty's person, the Parliament and Kingdom, in this time of imminent danger; It is ordained by the Lords and Commons now in Parliament assembled,

That Henry Earl of Holland shall be Lieutenant of the County of Berks,

Oliver Earl of Bullingbrooke shall be Lieutenant of the County of Bedford, &c. and the said Lord Lieutenants shall severally and respectively have power to assemble and call together all and singular his Majesty's subjects, within the said several and respective counties and places, as well within liberties as without, that are meet and fit for the wars, and then to train and exercise, and put in readiness, and then, after their abilities and faculties, well and diffidently from time to time, to cause to be arrayed and weaponed, and to take the muster of them in places fit for that purpose.

And that they shall severally and respectively have power, within the several and respective counties and places aforesaid, to nominate and appoint such persons of quality, as to them, shall seem meet, to be their Deputy-Lieutenants, to be approved of by both Houses of Parliament.

And be it further ordained, That Sir John Gayre, Sir Jacob Garret, Knights, &c. shall have such power and authority within the City of London, as any of the Lieutenants before named, are authorized to have by this ordinance, within the said several and respective counties, (the nomination and appointment of Deputy-Lieutenants only excepted).

And it is further ordained, That such persons as shall not obey in any of the premises, shall answer their neglect and contempt to the Lords and Commons in a parliamentary way, and not otherwise, nor elsewhere; and that every of the powers granted as aforesaid, shall continue, until it be otherwise ordered or declared by both Houses of Parliament, and no longer.

These forces from abroad, mentioned in the ordinance, were a chimera, framed to amuse the people, and make them believe, the King would cause the Kingdom to be invaded by foreigners. For though, very probably, the Pope and Cardinal Richelieu countenanced the Irish rebellion, it could not however be affirmed, they had formed a design to invade England in favour of the King.

March the 9th, the King being at Newmarket, both Houses presented the following Declaration to him, which served for reply to his answer.

Declaration of Both Houses Presented to the King at Newmarket, March 9, 1641-2.

May it please your Majesty,

ALTHOUGH the expressions in your Majesty's message, of the 2nd of this instant March do give just cause of sorrow to us, your faithful subjects, the Lords and Commons in Parliament, yet it is not without some mixture of confidence and hope, considering they proceeded from the misapprehension of our actions and intentions, which having no ground of truth or reality, may, by your Majesty's justice and wisdom, be removed, when your Majesty shall be fully informed, that those fears and jealousies of ours, which your Majesty thinks to be causeless, and without any just ground, do necessarily and clearly arise from those dangers and distempers, into which the mischievous and evil councils about you have brought this Kingdom; and that those other fears and jealousies, by which your favour, your royal presence and confidence have been withdrawn from your Parliament, have no foundation or subsistence in any action, intention, or miscarriage of

ours, but are merely grounded upon the falsehood and malice of those, who, for the supporting and fomenting their own wicked designs against the religion and peace of the Kingdom, do seek to deprive your Majesty of the strength and affection of your people, them of your grace and protection, and thereby to subject both your royal person and the whole Kingdom to ruin and destruction.

To satisfy your Majesty's judgment and confidence in both these points, we desire to make a clear and free declaration of the causes of our fears and jealousies, which we offer to your Majesty in these particulars:—

1. That the design of altering religion in this, and in your other Kingdoms, hath been potently carried on by those in greatest authority about you, for divers years together: the Queen's agent at Rome, and the Pope's agent or nuncio here, are not only evidences of this design, but have been great actors in it.

2. That the war with Scotland was procured to make way for this intent, and chiefly invited and fomented by the Papists, and others popishly affected, whereof we have many evidences, especially their free and general contribution to it.

3. That the rebellion in Ireland was framed and contrived here in England, and that the English Papists should have risen about the same time; we have several testimonies and advertisements from Ireland and that it is a common speech amongst the rebels, wherewith concur other evidences and observations of the suspicious meetings and confutations, the tumultuary and seditious carriage of those of that religion, in divers parts of this Kingdom, about the time of the breaking out of the Irish rebellion; the deposition of O'Conelly, the information of Mr. Cole, Minister; the letter of Tristram, Whitecombe, the deposition of Thomas Grant, and many others, which we may produce, do all agree in this:

The public declarations of the Lords, Gentlemen, and others others of the Pale, that they would join with the rebels, whom they call the Irish army, or any other, to recover unto his Majesty his royal prerogative, wrested from him by the Puritan faction in the Houses of Parliament in England, and to maintain the same against all others, as also to maintain Episcopal Jurisdiction, and the lawfulness thereof: These two being quarrels, upon which his Majesty being incensed again us.

The great cause we have to doubt, that that late design, stilled the Queen's pious intention, was for the alteration of religion in this Kingdom; for success whereof, the Pope's Nuncio, the Count Rosetii, enjoined fasting and praying to be observed every week by the English Papists, which appeared to us, by one of the original letters, directed by him to a Priest in Lancashire.

The boldness of the Irish rebels in affirming they do nothing but by authority from the King; that they call themselves the Queen's army; that the prey or booty which they take from the English they mark with the Queen's mark; that their purpose was to come to England after they had done in Ireland, and sundry other things of this kind, proved by O'Conelly, and divers others, especially in the aforementioned letters from Tristram, Whitecombe, the Mayor of Kingsale to his brother Benjamin Whitecomb, wherein there is this passage, that many other strange speeches they utter about religion and our Court of England, which he dares not commit to paper.

The manifold attempts to provoke your Majesty's late army, and the army of the

Scots, and to raise a faction in the city of London, and other parts of the Kingdom; that those who have been actors in those businesses, have had their dependence, their countenance and encouragement from the Court; witness the treason whereof Mr. Jermin and others stand accused, who was transported beyond sea, by warrant under your Majesty's hand, after your Majesty had given assurance to your Parliament, that your Majesty had laid a strict command upon all your servants, that none of them should depart from Court; and that dangerous petition delivered to Captain Legg by your Majesty's own hand, accompanied with a direction signed with C. R.

The false and scandalous accusation against the Lord Kimbolton, and the five Members of the House of Commons, tendered to the Parliament by your Majesty's own command, endeavoured to be justified in the city by your own presence and persuasion, and to be put in execution upon their persons by your Majesty's demand of them in the House of Commons, in so terrible and violent a manner, as far exceeded all former breaches of privileges of Parliament acted by your Majesty or any of your predecessors; and whatsoever your intentions were, divers bloody and desperate persons which attended your Majesty, discovered their affections and resolutions to have massacred and destroyed the Members of that House.

If the absence of those persons accused, had not, by God's providence, stopped the giving of that word which they expected, for the setting them upon that barbarous and bloody act; the lifting of so many officers and soldiers, and others, putting them into pay, and under command of Colonels; feasting and caressing them in an unusual manner at Whitehall, thereby maintaining them in the violent assaults and other injuries which they offered to divers of your subjects, coming that way in a lawful and peaceable manner; the carrying them out of town, after which they were told by the Lord Digby, that the King removed on purpose that they might not be trampled in the dirt; and keeping them so long in pay, endeavouring to engage the Gentlemen of the Inns of Court in the same course; the plotting and designing of a perpetual guard about your Majesty; the labouring to infuse into your Majesty's subjects an evil opinion of the Parliament through the whole Kingdom, and other symptoms of a disposition of raising arms, and dividing your people by a civil war; in which combustion Ireland mull needs he lost, and this Kingdom miserably wasted and consumed, if not wholly ruined and destroyed.

That after a vote had passed in the Houses of Commons, declaring, that the Lord Digby had appeared in a warlike manner at Kingston upon Thames, to the terror and fright of your Majesty's good subjects, and disturbance of the public peace of the Kingdom; and that therefore the Lords should be moved to require his attendance, he should nevertheless be of that credit with your Majesty, as to be sent away by your own warrant to Sir John Pennington, to land him beyond the sea, from whence he vented his own traitorous conceptions, that your Majesty should declare your self, and retire to a place of strength in this Kingdom, as if your Majesty could not be safe among your people;

And withal it took that transcendent boldness to write to the Queen, offering to entertain correspondence with her Majesty by ciphers, intimating some service which he might do in those parts, for which he desired your Majesty's instructions, whereby in probability he intended the procuring of some foreign force to strengthen your Majesty in that condition, into which he would have brought you; which false and malicious counsel and advice, we have great cause to doubt, made too deep an impression in your Majesty, considering the course you are pleased to take of absenting yourself from your Parliament, and carrying the Prince with you, which seems to express a purpose in your Majesty, to keep yourself in a readiness for the acting of it.

The manifold advertisements which we have had from Rome, Venice, Paris, and other parts, that they still expect, that your Majesty has some great design in hand, for the altering of religion, the breaking the neck of your Parliament, that you will yet find means to compass that design; that the Pope's Nuncio hath solicited the Kings of France, and Spain, to lend your Majesty four thousand men a-piece, to help to maintain your Royalty against the Parliament:

And this foreign force, as it is the most pernicious and malignant design of all the rest, so we hope it is, and shall always be farthest from your Majesty's thoughts, because no man can believe, you will give up your people and Kingdom, to be spoiled by strangers, if you did not likewise intend to change both your own profession in religion, and the public profession of the Kingdom, that so you might still be more assured of those foreign States of the popish religion, for your future support and defence.

These are some of the grounds of our fears and jealousies, which make us so earnestly to implore your Royal authority and protection for our defence and security, in all the ways of humility and submission, which being denied by your Majesty, seduced by evil counsel, we do with sorrow, for the great and unavoidable misery and danger, which thereby is like to fall upon your own person, and your Kingdoms, apply ourselves to the use of that power, for the security and defence of both, which by the fundamental laws and constitutions of this Kingdom resides in us;

Yet still resolving to keep ourselves within the bounds of faithfulness and allegiance to your sacred person, and your Crown; so as to the second sort of jealousies and fears of us expressed by your Majesty, we shall give a shorter, but as true and as faithful an answer.

Whereas your Majesty is pleased to say, that for your residence near the Parliament, you with it may be so safe and honourable, that you had no cause to absent yourself from Whitehall; this we take as the greatest breach of privilege of Parliament that can be offered, as the heaviest misery to yourself, and imputation upon us, that can be imagined, and the most mischievous effects of evil counsels:

It roots up the strongest foundation of the safety and honour which your Crown affords; it seems as much as may be to cast upon the Parliament such a charge, as is inconsistent with the nature of that great Council, being the body, whereof your Majesty is the head; it strikes at the very being both of King and Parliament, depriving your Majesty, in your own apprehensions, of their fidelity, and them of your protection, which are the mutual bands and supports of Government and subjection.

We have, according to your Majesty's desire, laid our hands upon our hearts; we have asked ourselves in the strictest examination of our consciences; we have searched our affections, our thoughts considered our actions, and we find none that can give your Majesty any just occasion to absent yourself from Whitehall, and the Parliament; but that you may with more honour and safety, continue there than in any other place.

Your Majesty lays a general tax upon us; if you will be graciously pleased to let us know the particulars, we shall give a clear and satisfactory answer; but what hope can we have of ever giving your Majesty satisfaction, when those particulars which you have been made to believe were true, yet being produced, and made known to us, appeared to be false, and your Majesty notwithstanding, will neither punish, nor

produce the authors, but go on to contract new jealousies and fears upon general and uncertain grounds, affording us no means or possibility of a particular answer, to the clearing of ourselves? For proof whereof, we beseech your Majesty to consider these instances:

The speeches alleged to be spoken in a meeting of divers Members of both Houses at Kensington, concerning a purpose of restraining the Queen and Prince, which after it was denied and disavowed, yet your Majesty refused to name the authors, though humbly desired by both Houses.

The report of articles framed against the Queen's Majesty, given out by some of near relation to the Court; but when it was publicly and constantly disclaimed, the credit seemed to be withdrawn from it; but the authors being kept safe, will always be ready for exploits of the same kind, wherewith your Majesty and the Queen will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious slanders.

The heavy charge and accusation of the Lord Kimbolton, and the five members of the House of Commons, who refused no trial or examination which might stand with the privilege of Parliament; yet no authors, no witnesses produced, against whom they may have reparation, for the great injury and infamy cast upon them; notwithstanding three several petitions of both Houses, and the authority of two acts of Parliament, vouched in the last of those Petitions.

We beseech your Majesty to consider in what State you are, how easy and fair a way you have to happiness, honour, greatness, plenty, and security; if you will join with the Parliament, and your faithful subjects, in defence of the religion and public good of the Kingdom: This is all we expect from you, and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your Majesty, your just sovereignty and power over us; but it is not words than can secure us in these our humble desires:

We cannot but too well, and sorrowfully, remember, what gracious messages we had from you this summer, when with your privity, the bringing up the army was in agitation; we cannot but with the like affections recall to your minds, how, not two days before you gave directions for the above mentioned accusation, and your own coming to the Commons House; that House received from your Majesty a gracious message, that you would always have a care of their privileges, as of your own prerogative, of the safety of their persons, as of your own children.

That which we expect, which will give us assurance that you have no thought but of peace and justice to your people, must be some real effect of your goodness to them, in granting those things, which the present necessity of the Kingdom doth enforce us to desire:

And in the first place, .u that your Majesty will be graciously pleased to put from you those wicked and mischievous counselors, which have caused all these dangers and distractions, and to continue your own residence, and the Prince's, near London, and the Parliament, which we hope will be a happy beginning of contentment and confidence betwixt your Majesty and your People, and be followed with many succeeding blessings of honour and greatness to your Majesty, and of security and prosperity to them.

The Lords and Commons have commanded us to present unto your Majesty this farther addition, to their former declaration.

That your Majesty's return and continuance near the Parliament, is a matter in their apprehension of so great necessity and importance, toward the preservation of your royal person and your Kingdoms, that they cannot think they have discharged their duties, in the single expression of their desire, unless they add some farther reasons to back it with.

Your Majesty's absence will cause men to believe, that it is out of design to discordance the undertakers, and hinder the other provisions for raising money for defence of Ireland. It will very much hearten the rebels there, and disaffected persons in this Kingdom, as being an evidence and effect of the jealousies and divisions betwixt your Majesty and your people.

That it will much weaken and withdraw the affection of the subjects from your Majesty, without which a Prince is deprived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries, that can be imagined.

That it will invite and encourage the enemies of our religion, and the States in foreign parts, to the attempting and acting their evil designs and intentions towards us.

That it causeth a great interruption in the proceedings of Parliament.

These considerations threaten so great dangers to your Majesty's person, and to all your dominions, that, as your Majesty's great Council, they hold it necessary to represent to you this their faithful advice, that so whatsoever followeth, they may be excused before God and man.

It is needless to make any particular remarks on this declaration. The following answers and replies, will best explain the nature of the quarrel between the King and the Parliament, and the arguments of both.

It must only be observed in general, that, according to the custom of contending parties, each insisted largely upon the points that were favourable, and lightly touched upon such as were disadvantageous, or even passed them over entirely in their answers and replies.

Thus much is certain, that in the present situation of affairs, the King and the Parliament had but too much cause to mistrust one another, and that each laboured to procure such advantages, as might enable them to attack or defend. As for the declarations, messages, answers, replies, these were only for the people, it being the interest of each to gain and amuse them. But herein the Parliament had a great advantage, by reason of the people's prejudice against the King, to which he opposed only general promises, whereof he could give no assurance.

This was very advantageous to the Parliament, who pretended, that in order to trust in such promises, it was necessary the King should begin with divesting himself of what enabled him to break them. Hence may be seen, how perplexed this affair was.

The King's Answer Given Extempore

When the Committees of both Houses presented to the King the foregoing declaration, and after it was read in his presence, he returned this extempore general answer.

I AM confident that you expect not I should give you a speedy answer to this strange and unexpected declaration; and I am sorry (in the distraction of this Kingdom) you should think this way of address to be more convenient, than that proposed by my message of the 20th of January last, to both Houses.

As concerning the grounds of your fears and jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world. God in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons; and then I shall stand right in the eyes of my people; in the meantime I must tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's speech; than that any more general rumours and discourses should get credit with you.

For my fears and doubts, I did not think they should have been thought so groundless or trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remembered, unpunished, un-enquired into:

I still confess my fears, and call God to witness, that they are greater for the true Protestant profession [140], my people, and laws, than for my own rights or safety; though I must tell you, I conceive that none of these are free from danger.

What would you have? Have I violated your Laws? Have I denied to pass any Bill for the ease and security of my subjects? I do not ask you what you have done for me. Have any of my people been transported with fears and apprehensions? I have offered as free and general pardon, as yourselves can devise.

All this considered, there is a judgment from Heaven upon this nation, if these distractions continue.

God so deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true Protestant profession, and for the observation and preservation of the Laws of this land; and I hope God will bless and assist those Laws for my preservation.

As for the additional Declaration, you are to expect an answer to it, when you shall receive the answer to the declaration itself.

On the morrow, the King gave the general answer to the Committee in writing, which he had delivered by word of mouth the day before.

The King Gives a Written Answer to The Committee

After that, the Earl of Pembroke, one of the Committee, asking him, whether he would grant the militia, as was desired by the Parliament, for a time? No, answered the King, by God, not for an hour[141].

This answer did him great injury. His principal concern was to satisfy the people, that his word might be relied upon, and yet he shewed, he had no intention to keep his promise to the Parliament, to grant the militia, when he should know for how long a term, since he refused to grant it even for an hour.

If the Parliament had hitherto placed but little confidence in the King's promises, this did not help to increase it. On the other hand, the harsh and disrespectful treatment of the King, by both Houses, in their declaration, very much incensed him, and rendered a rupture unavoidable.

For my part, I verily believe, that the hard things said by the Parliament to the King in the Declaration, were inserted by the direction of some of the leaders of the party, on purpose to widen the breach, and make a reconciliation impracticable. For, it is to be presumed, if the King had then granted the militia for two or three months, both Houses would have scarce known what use to have made of it.

They would have had no pretence to employ it against him, since he would have clearly shewed, it was not his fault that their fears were not removed. But it is certain, he had to deal with abler heads than himself, and his Council. Besides, he was then full of his design to seize Hull, which hindered him, doubtless, from seriously attending to what was most for his advantage.

The King Informs The House of His Design to Reside at York

March the 15th, the King being at Huntington, sent a message to both Houses, to inform them, that he intended to reside at York for some time. He recommended to them withal the affairs of Ireland. As to the militia, he told them:-

That as he had always been so tender of the privileges of Parliament, that he had been ready and forward to retract any act of his own, which he had been informed had trod upon their privileges; so he expected an equal tenderness in them, of his known and unquestionable privileges, amongst which, he was assured it is a fundamental one, that his subjects cannot be obliged to obey any act, order, or injunction, to which his Majesty hath not given his consent:

That therefore, he expected and required obedience from all his subjects, to the Laws established, being resolved to keep the Laws himself, and to require obedience to them from all his subjects.

Votes of The House of Commons

Next day, the Commons passed the following votes, which were approved by the Lords:-

That the House should insist upon their former votes concerning the militia.

That the King's absence, so far remote from his Parliament, was not only an obstruction, but might be a destruction to the affairs of Ireland.

That when the Parliament[142], which is the supreme Court of judicature in the Kingdom, shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted; and a command that it should not be obeyed, is a high breach of the privilege of Parliament(1),

Remark 1. The Commons use here the equivocal word [Parliament] in an improper sense. It is true, the Parliament, which consists of the King and the two Houses, has a right to declare what is Law; to make new and repeal old Laws, because the authority of both Houses, with the royal assent, is deemed the authority of the whole Kingdom. But before now, the two Houses alone had never enjoyed this right. Nay, in strictness, the two Houses cannot be called the Parliament, because the Parliament is a body composed of three Members, and not two only, namely, King, Lords, and Commons.

That a committee shall be appointed by the House to join with a committee of Lords to enquire where this message was framed.

That those persons that did advise his Majesty to absent himself from the Parliament are enemies to the peace of this Kingdom, and justly suspected to be favourers of the rebellion in Ireland, as are also those that advised his Majesty to this message.

Votes of The House of Lords

It was at the same time unanimously resolved upon the question by the Lords in Parliament:

That the ordinance of the Lords and Commons in Parliament for the safety and defence of the Kingdom on, of England and Dominions of Wales, is not any way against the oath of allegiance.

That the several commissions granted under the Great Seal to the Lieutenants of the several counties, are illegal and void.

That whosoever shall execute any power over the militia of this Kingdom and Dominion of Wales, by colour of any commission of Lieutenancy, without consent of both Houses of Parliament, shall be accounted a disturber of the peace of this Kingdom.

Moreover, both Houses voted with one common consent, That the Kingdom hath been of late, and still is in so evident and imminent danger, both from enemies abroad, and a Popish party at home, that there is an urgent and inevitable necessity of putting his Majesty's subjects into a posture of defence, for the safeguard both of his Majesty and his people.

That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have in several Petitions addressed themselves to his Majesty for the ordering and disposing of the militia of the Kingdom, in such a way, as was agreed upon by the wisdom of both Houses to be most effectual and proper for the present exigency of the Kingdom; yet could not obtain it, but his Majesty did several times refuse to give his royal assent thereunto.

That in this case of extreme danger, and of his Majesty's refusal, the ordinance agreed on by both Houses for the Militia, doth oblige the people, and ought to be obeyed by the fundamental Laws of this Kingdom.

That such persons as shall be nominated Deputy-Lieutenants, and approved of by both Houses, shall receive the commands of both Houses to take upon them to execute their offices[143].

These resolutions were taken with great precipitation, for the two Houses had not yet received the King's answer to their Declaration of the 9th of March. But as by his last message the King had sufficiently shewn, he intended not to depart from his right concerning the Militia, they thought it needless to wait for a more particular notification. Some time after, the King sent them this answer in form of Declaration.

The King's Declaration to both Houses of Parliament, in Answer to That Presented to Him at Newmarket, March 9. 1641-2.[144]

THOUGH the Declaration lately presented to us at Newmarket from both our Houses of Parliament, be of so strange a nature, in respect of what we expected, (after so many acts of grace and favour to our people) and some expressions in it so different from the usual language to Princes, that we might well take a very long time to consider it:

Yet the clearness and uprightness of our conference to God, and love to our subjects, hath supplied us with a speedy answer, and our unalterable affection to our people, prevailed with us to suppress that passion, which might well enough become us upon such an invitation.

We have considered our answer of the first of this month at Theobalds, which is urged to have given just cause of sorrow to our subjects. Whosoever looks over that message, (which was in effect to tell us, that if we would not join with them in an act we conceived prejudicial and dangerous to us and the whole Kingdom, they would make a law without us, and impose it upon our people) will not think that sudden answer can be excepted to.

We have little encouragement to replies of this nature, when we are told of how little value our words are like to be with you; though they come accompanied with all the actions of love and justice, (where there is room for actions to accompany them) yet we cannot but disavow the having any such evil Council and Counselors to our knowledge, as are mentioned; and if any such be discovered, we will leave them to the censure and judgment of our Parliament:

In the meantime we could wish, that our own immediate actions which we avow, and our honour might not be so roughly censured and wounded, under that common stile of evil Counselors. For our faithful and with zealous affection for the true Protestant profession, and our resolution to concur with our Parliament in any possible course for the propagation of it, and the suppression of Popery, we can say no more than we have already expressed in our Declaration to all our loving subjects, published in Ireland by the advice of our Privy-Council, in which we endeavoured to make as lively a confession of our self in this point, as we were able, being most assured, that the constant practice of our life hath been answerable thereunto; and therefore we did rather expect a testimony and acknowledgment of such our zeal and piety, than those expressions we met with in this declaration of any design of altering religion in this Kingdom; and we do (out of the innocence of our soul) wish, that the judgments of Heaven may be manifested upon those who have, or had any such design. (1)

Remark 1. This Article of the King's answer seems very weak. For the Parliament having set forth, in their declaration, the reasons why they believed there was a settled design to alter religion in England, and that the King encouraged the authors, his Majesty only answers in generals.

As for the Scotch troubles, we had well thought, that those unhappy differences had been wrapped up in perpetual silence by the act of oblivion, which being solemnly passed in the Parliaments of both Kingdoms, stops our mouth from any other reply, than to shew our great dislike for reviving the memory thereof. (2).

Remark 2. It is very visible, the King avoids entering into particulars upon this head, though being attacked by the Parliament, he might have vindicated himself without infringing the peace between the two Kingdoms, or the Act of oblivion.

If the Rebellion in Ireland, (so odious to all Christians) seems to have been framed and maintained in England, or to have any countenance from hence, we conjure both our Houses of Parliament, and all our loving subjects whatsoever, to use all possible means to discover and find such out, that we may join in the most exemplary vengeance upon them that can be imagined; but we must think ourselves highly and causelessly injured in our reputation, if any Declaration, action or expression of the Irish rebels, any letters from Count Rosetti to the Papists for fasting and praying, or from Tristram Whitecombe, of strange speeches uttered in Ireland, shall beget any jealousy or misapprehension in our subjects, of our justice, piety and affection, it being evident to all understandings, that those mischievous and wicked rebels are not so capable of great advantage, as by having their false discourses so far believed, as to raise fears and jealousies to the distraction of this Kingdom, the only way to their

security: And we cannot express a deeper sense of the suffering of our poor Protestant subjects in that Kingdom, than we have done in our often messages to both Houses, by which we have offered, and are still ready to venture our royal person for their redemption, well knowing, that as we are (in our own interest) more concerned in them, so we are to make a drift account to Almighty God, for any neglect of our duty, of their preservation. (3)

Remark 3. The King continues here to clear himself from the suspicions conceived of him with regard to Ireland, by generals and his own testimony. But these proofs taken from his word, and his other outward demonstrations, were not sufficient to satisfy every one. The Parliament did not accuse him of being wanting in expressions of zeal for the reducing of Ireland, but of really neglecting it.

For the manifold attempts to provoke our late army, and the army of the Scots, and to raise the faction in the City of London, and other parts of the Kingdom; if it be said, is relating to us, we cannot without great indignation suffer ourselves to be reproached, to have intended the least force or threatening to our Parliament, as the being privy to the bringing up of the army would imply; whereas we call God to witness, we never had any such thought, or knew of any such resolution concerning our late army. (4)

Remark 4. We have seen in the account of that conspiracy, what were the several projects of the conspirators, and that indeed they came to no resolution, particularly as to the bringing up the army to London. The King certainly knew all the circumstances of the plot, but as there was nothing resolved, he artfully confines himself here to the denying that he was privy to any resolution, which is very true, for there was no resolution taken. But however, he knew of the design in general to gain the army, of which he says not a word.

For the petition shewed to us by Captain Legg, we well remember the same, and the occasion of that conference: Captain Legg being lately come out of the North, and repairing to use Whitehall; we asked him of the date of our army, (and after some relation made of it) he told us, that the commanders and officers of the army had a mind to petition the Parliament, as others of our people had done, and shewed us the copy of a petition, which we read, and finding it to be very humble, desiring the Parliament might receive no interruption in the reformation of the Church and State, the model of Queen Elizabeth's days; we told him, we saw no harm in it; whereupon he replied, that he believed all the officers in the army would like it, only he thought Sir Jacob Ashly would be unwilling to sign it, out of fear that it might displease us. We then read the petition over again, and then observing that neither in matter or form, we conceived it could possibly give just cause of offence, we delivered it to him again, bidding him give it to Sir Jacob Ashby, for whose satisfaction we had written C. R. upon it, to testify our approbation:

And we wish that the petition might be seen and published, and then we believe it will appear no dangerous one, nor a just ground for the least jealousies or misapprehension. (5)

Remark 5. If we compare what the King says here of the contents of this Petition, with that inserted by the Lord Clarendon in his History, we shall find the Lord Clarendon's Petition cannot be the same as that signed by the King with C. R. The King's word must be taken, to believe that this Petition had nothing in it prejudicial to the Parliament. For hitherto it has never appeared.

For Mr. Jermin, it is well known that he was gone from Whitehall, before we received the desires of both Houses for the restraint of our servants, neither returned

he thither, or passed over by any warrant granted by us after that time. (6).

Remark 6. It is certain, Jermin went beyond sea by the King's warrant. It may be, the King had granted the warrant before he received the Parliament's petition: but the Parliament pretended the warrant was antedated.

For the breach of privilege in the accusation of the Lord Kimbolton, and the five members of the House of Commons, we thought we had given so ample satisfaction in our several messages to that purpose, that it should be no more pressed against us; being confident, if the breach of privilege had been greater than ever before offered, our acknowledgment and retraction hath been greater than ever King hath given; besides the not examining how many of our privileges have been invaded in defence and vindication of the other; and therefore we hoped our true and earnest protestation in our answer to your order concerning the militia, would so far have satisfied you of our intentions and, that you would no more have entertained any imagination of any other design than we there expressed. (7).

Remark 7. The King was much mistaken in imagining that bare protestations were capable of satisfying the Parliament of the sincerity of his intentions. Nay, the very Declaration he was answering, might have convinced him of the contrary, since it was there said in plain terms his word was not to be relied upon.

But why the lifting of so many officers, and entertaining them at Whitehall, should be misconstrued, we much marvel, when it is notoriously known, the tumults at Westminster were so great, and their demeanors so scandalous and seditious, that we had good cause to suppose our own person, and those of our wife and children to be in apparent danger, and therefore we had great reason to appoint a guard about us, and to accept the dutiful tender of the services of any of our loving subjects, which was all we did to the Gentlemen of the Inns of Court.

For the Lord Digby, we assure you in the word of a King, that he had not our warrant to pass the seas, and had left our Court before we ever heard of the vote of the House of Commons, or had any cause to imagine, that his absence would have been excepted against.

What your advertisements are from Rome, Venice, Paris and other parts, or what the Pope's Nuncio solicits the Kings of France or Spain to do, or from what persons such informations come to you, or how the credit and reputation of such persons have been listed and examined, we know not; but are confident no sober, honest man in our Kingdoms can believe, that we are so desperate, or so senseless to entertain such designs, as would not only bury this our Kingdom in sudden distraction and ruin, but our own name and posterity in perpetual scorn and infamy; and therefore we could have wished, that in matters of so high and tender a nature (wherewith the minds of our good subjects must needs be startled) all the expressions were so plain and easy, that nothing might stick with them with reflection upon us, since you thought fit to publish it all.

And having now dealt thus plainly and freely with you by way of answer to the particular grounds of your fears; we hope (upon a due consideration, and weighing both together) you will find not the grounds to be of that moment to beget, or longer to continue a misunderstanding betwixt us, or force you to apply yourselves to the use of any other power than what the Law hath given you, the which we always intend shall be the measure of our own power, and expect it shall be the rule of our subjects obedience.

Concerning our fears and jealousies; as we had no intention of accusing you, so are we sure no words spoken by us (on the sudden) at Theobalds, will bear that interpretation. We said, for our residence near you:

We wish it might be so safe and honourable, that we: had no cause to absent yourself from Whitehall; and how this can be a breach of Privilege of Parliament we cannot understand. We explained our meaning in our; answer at Newmarket, at the presentation of this Declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at Westminster; and we must appeal to you and all the world, whether we might not justly suppose our self in danger either.

And if we were now at Whitehall, what security have we that the like shall not be again, especially if any delinquents of that nature have been apprehended by the ministers of justice, and been rescued by the people, and so as yet escape unpunished? If you have not been informed of the the seditious words used in, and the circumstances of those tumults, and will appoint some way for the examination of them, we will require some of our learned Council to attend with such evidence as may satisfy you, and till that be done, or some other course be taken for our security, you cannot (with reason) wonder that we intend not to be, where we most desire to be.

And can there yet want evidence of our hearty and importunate desire to join with our Parliament and all our faithful subjects, in defence of the religion and public good of the Kingdom? Have we given you no other earned: but words, to secure you of these desires?

The very remonstrance of the House of Commons (published in November last) of the State of the Kingdom, allows us a more real testimony of our good affections, than words: That remonstrance valued our acts of grace and justice(8) at so high a rate, that it declared the Kingdom to be then a gainer, though it charged itself by Bills of subsidies, and poll money, with the levy of six hundred thousand pounds, besides the contracting of a debt to our Scotch subjects of two hundred and twenty thousand pounds. (9).

Remark 8. Hitherto the King had spoken of his ascent to the acts of this Parliament, but as acts of Grace. He began in this Paper to add, of Justice.

Remark 9. It is true the nation had been great gainers by these acts of grace and justice. But the King could not represent as a convincing proof of his love for his people, his consent that the illegal taxes of his own imposing should be abolished, and the monopolies authorized by himself, suppressed. Especially as it was not entirely in his power to refuse his ascent.

Are the Bills for the Triennial Parliament, relinquishing our title of imposing upon Merchandize, and power of pressing soldiers, for the taking away the Star Chamber, and High Commission Courts, for the regulating of the Council-table, but words? Are the Bills for the forests, the Stannery Courts, the Clerk of the Market, and the taking away the votes of the Bishops out of the Lords House, but words? Lastly, what greater earnest of our trust and reliance on our Parliament, could or can we give, than the passing of a Bill for the continuance of this present Parliament? The length of which we hope will never alter the nature of Parliaments, and the constitution of this Kingdom, or invite our subjects so much to abuse our confidence, as to esteem any thing fit for this Parliament to do, which were not, if it were in our power to dissolve it tomorrow. And after all these, and many other acts of grace on our part (that we might be sure of a perfect reconciliation betwixt us and all our subjects) we have offered, and are still ready to grant a free and general

pardon, as ample as yourselves shall think fit. Now if these be not real expressions of the affection of our soul, for the public good of our Kingdom we must confess, that we want skill to manifest them. (10)

Remark 10. A sort of sophistry runs quite through this article, confiding in the supposition that the King had conferred to all these acts, out of love and affection for his people, which few persons believed. Besides, all these acts having been made only to suppress the abuses introduced by the King himself, there was no occasion, it seems, to talk so much of them.

To conclude, (although we think our answer already full to that point) concerning our return to London; we are willing to declare, that we look upon it as a matter of so great weight, as with reference to the affairs of this Kingdom, and our own inclinations and desires, that if all we can say or do, can raise a mutual confidence (the only way with God's blessing to make us all happy) and by your encouragement the laws of the Land, and the government of the City of London, may recover some life for our security, we will overtake your desires, and be as soon with you as you can wish; and in the meantime we will be sure that neither the business of Ireland, or any other advantage for this Kingdom shall suffer through our default, or by our absence; we being so far from repenting the acts of our justice and grace, which we have already performed to our people, that we shall with the same alacrity be still ready to add such new ones, as may best advance the peace, honour, and prosperity of this nation.

Before the Parliament received this answer, they sent another petition to the King in reply to his sudden answer to the declaration delivered at New-Market. These answers and replies be long and full of repetitions yet I think it necessary to insert them at large, that the reader may be able to pass an impartial judgment upon this quarrel.

For in affairs of this nature, and especially in this which has given birth to two parties still subsisting in England there is great danger of being misled if the honesty and prejudices of the historians, who are all of one or other party, be relied on. It will be better therefore to leave the reader at liberty to judge upon the parties own papers. Here follows the Parliament's petition.

The Reply of Both Houses to The King's Answer to Their Declaration of March 26 1642

May it please your Majesty,

YOUR Majesty's loyal Subjects, the Lords and Commons in Parliament, cannot conceive, that the Declaration, which your Majesty received from us at New-Market, was such as did deserve that censure, your Majesty was pleased to lay upon us in that speech, which your Majesty made to our Committees there, and sent in writing to both Houses; our address therein being accompanied with plainness, humility, and faithfulness, we thought more proper for the removing the distraction of the Kingdom, than if we had then proceeded according to your Majesty's message of the 20th of January, by which your Majesty was pleased to desire, that we would declare, what we intended to do for your Majesty, and what we expected to be done for ourselves; in both which we have been very much hindered by your Majesty's denial to secure us, and the whole Kingdom, by dispersing the militia, as we had divers times most humbly petitioned; and yet we have not been altogether negligent of either, having lately made good proceedings, in preparing a book of rates, to be passed in a bill of Tunnage and Poundage; and likewise the

most material heads of those humble desires, which we intended to make to your Majesty, for the good and contentment of your Majesty, and your people; but none of these could be perfected before the Kingdom be put into safety, by settling the militia: And until your Majesty shall be pleased to concur with your Parliament in these necessary things, we hold it impossible for you to give the world, or your people, such satisfaction concerning the fears and jealousies which we have expressed, as we hope your Majesty hath already received, touching that exception, which you were pleased to make to Mr. Pym's speech.

As for your Majesty's fears and doubts, the ground whereof is from seditious pamphlets and sermons, we shall be as careful to endeavour the removal, as soon as we shall understand what pamphlets and sermons are by your Majesty intended, as we have been to prevent all dangerous tumults. And if any extraordinary concourse of people out of the City of Westminster had the face and shew of tumult and danger, in your Majesty's apprehension, it will appear to be caused by your Majesty's denial of such a guard to your Parliament, as they might have cause to confide in; and by taking into Whitehall such a guard for yourself, as gave just cause of jealousy to the Parliament, and of terror and offence to your people; we seek nothing but your Majesty's honour, and the peace and prosperity of your Kingdoms; and we are heartily sorry we have such plentiful matter of an answer to that question, Whether you had violated our Laws?

We beseech your Majesty to remember, that the government of this Kingdom, as it was in a great part managed by your Ministers, before the beginning of this Parliament, consisted of many continued and multiplied acts of violation of the Laws; the wounds: whereof were scarcely healed, when the extremity of all those violations was far exceeded, by the late strange and unheard of breach of our Laws, in the accusation of the Lord Kimbolton, and five members of the Commons House, and in the proceedings thereupon, for which we have received no full satisfaction.

To your Majesty's next question, whether you had denied any bill, for the ease and security of your subjects, we wish we could stop in the midst of our answer; that with much thankfulness we acknowledge, that your Majesty hath passed many good Bills, full of contentment and advantage to your people; but truth and necessity inforceth us to add this, that even in or about the time passing those Bills, some design or other hath been on foot; which if it had taken effect, would not only have deprived us of the fruit of those Bills, but have reduced us to a worse condition of confusion, than that wherein the Parliament found us.

And if your Majesty had asked us the third question, intimated in that speech, what we had done for yourself? Our answer would have been much more easy. That we had paid two armies, wherewith the Kingdom was burthened last year; and have undergone the charge of the war in Ireland, at this time, when through many other excessive charges and pressures, your subjects have been exhausted, and the stock of the Kingdom very much diminished; which great mischiefs, and the charges thereupon ensuing, have been occasioned by the evil counsels so powerful with your Majesty, which have and will, cost this Kingdom more than two millions, all which, in justice, ought to have been borne by your Majesty.

As for that free and general pardon your Majesty has been pleased to offer, it can be no security to our fears and jealousies, for which your Majesty seems to propound it, because they arise not from any guilt of our own actions, but from the evil designs and attempts of others.

To this our humble answer to that speech, we desire to add an information, which

we lately received from the Deputy-Governor of the Merchant-Adventurers at Rotterdam in Holland, that an unknown person, appertaining to the Lord Digby, did lately solicit one James Henely, a mariner, to go to Elesnore, and to take charge of a ship in the fleet of the King of Denmark, there prepared, which he should conduct to Hull; in which fleet likewise, he said, a great army was to be transported:

And although we are not apt to give credit to information of this nature; yet we cannot altogether think it fit to be neglected, but that it may justly add somewhat to the weight of our fears and jealousies, considering with what circumstances it is accompanied, with the Lord Digby's preceding expressions in his letter to her Majesty and Sir Lewis Dives, and your Majesty's succeeding course of withdrawing yourself northwards from your Parliament, in a manner very suitable and correspondent to that evil council, which we doubt will make much deeper imprecision in the generality of your people; and therefore, we most humbly advise and beseech your Majesty, for the procuring and settling the confidence of your Parliament, and all your subjects, and for the other important reasons concerning the recovery of Ireland, and securing this Kingdom, which have been formerly presented to your Majesty; you will be graciously pleased (with all convenient speed) to return to these parts, and to close with the counsel and desire of your Parliament, where you shall find their dutiful affections and endeavours ready to attend your Majesty with such entertainment, as shall not only give your Majesty just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance your Majesty's service, honour, and contentment, and to establish it upon the sure foundation of the peace and prosperity of all your Kingdoms.

This Petition was presented to the King at York, the 26th of March. He had now sent his answer to the Declaration of both Houses, and therefore mentions it in his answer to this last Petition.

The King's Answer [145].

IF you would have had the patience to have expected our answer to your last Declaration, (which considering the nature of it, hath not been long in coming) we believe you would have saved yourselves the labour of saying much of this message; and we could wish, that our privileges in all parts were so stated, that this way of correspondence might be preserved with that freedom which hath been used of old; for we must tell you, that if you may ask any thing of us by message or petition, and in what language (how unusual soever) you think fit, and we must neither deny the thing you ask, nor give a reason why we cannot grant it, without being taxed with breaking your privileges, or being counseled by those who are enemies of the peace of the Kingdom, and favourers of the Irish rebellion (for we have seen your printed votes, upon our message from Huntington) you will reduce all our answers hereafter into a very little room: In plain English, it is to take away the freedom of our vote, which were we but a subject were high injustice; but being your King, we leave all the world to judge what it is (1).

Remark 1. The Parliament supposed an imminent danger, which obliged them to act in an unusual manner, and the King supposed the Government to be in its usual and natural state. This misunderstanding continually returns in the papers of both sides.

Is this the way to compose all misunderstandings? We thought we shewed you one by your message of the 20th of January; if you have a better, or a readier, we shall willingly hearken to it, for hitherto you have shewed us none: But why the refusal to consent to your order, (which you call a denial of the militia) should be any interruption to it, we cannot understand; for the militia, (which we always thought necessary to be settled) we never denied the thing, (as we told you in our answer of

the 28th of January, to the petition of the House of Commons) for we accepted the persons, (except for Corporations) we only denied the way you ask it by way of ordinance, and with such a preface, as we can neither with justice to oui honour innocence consent to:

You exclude us from any power in the disposition, or execution of it, together with you, and for a time utterly unlimited. We tell you, we would have the thing done; allow the persons (with that exception) desire a Bill, the only good old way of imposing on our subjects) we are extremely unsatisfied what an ordinance is; but well satisfied, that without our consent it is nothing, not binding; and it is evident, by the long time spent in this argument, the necessity and danger was not so imminent, but a Bill might have well been prepared; which, if it shall yet be done with that due regard to us, and care of our people, in the limitation of the power, and other circumstances, we shall recede from nothing we formerly expressed in that answer to your order; otherwise, we must declare to all the world, that we are not satisfied with, or shall ever allow our subjects, to be bound by your printed votes of the fifteenth or sixteenth of this month, or that under pretence of declaring what the law of the land is, you shall without us make a new law, which is plainly the case of the militia; and what is this, but to introduce an arbitrary way of Government?
(2)

Remark 2. It is no wonder the King and the Parliament could not agree upon any one thing, since they reasoned upon different principles. The King supposed, that the ordering of the Militia, desired by both Houses, ought to be done after the usual manner; whereas the Parliament pretended, that the danger the Kingdom was in, and of which the King was the cause, gave them a right to demand an extraordinary regulation, wherein the King should not be concerned.

On the other hand, it is manifest, the restrictions proposed by the King in this article, left him at liberty to dispute eternally, and to refuse the Bill which should be presented to him, unless it was wholly ineffectual for the designs of the Parliament.

Concerning Pym's speech, you will have found, by what the Lord Compton, and Mr. Bainton brought from us, in answer to that message they brought to us, that as yet we rest with nothing satisfied in that particular.

As for the seditious pamphlets and sermons, we are both sorry and ashamed in so great variety, and in which our rights, honour, and authority, are so insolently slighted and vilified, and in which the dignity and freedom of Parliament is so much invaded and violated, it should be asked of us to name any; the mentioning of the protestation protested, the Apprentices Protestation.

To your tents O Israel! or any other, would be too great an excuse for the rest: If you think them not worth your inquiry, we have done: But we think it most strange to be told, that our denial of a guard, (which we yet never denied, but granted in another manner, and under a command at that time most accustomed in the Kingdom) or the denial of any thing else, (which is in our) power legally to deny) which in our understanding (of which God hath surely given us some use) is not fit to be granted, should be any excuse for so dangerous a concourse of people; which, not only in our apprehension, but (we believe) in the interpretation of the Law itself, hath been always held most tumultuous and seditious. And we most wonder what, and from whence come the instructions and informations that those people have, who can so easily think themselves obliged by the Protestation, to assemble in such a manner, for the defence of privileges, which cannot be so clearly known to any of them, and so negligently pass over the consideration, and defence of our rights, so beneficial and necessary for themselves, and scarce unknown to any of them, which by their

oaths of allegiance and supremacy, (and even by the same Protestation) they are at least equally obliged to defend. And what interruptions such kind of assemblies may be to the freedom of future Parliaments, (if not seasonably discountenanced and suppressed) we must advise you to consider, as likewise whether both our powers may not by such means be usurped, by hands not trusted by the constitution of this Kingdom. For our guard, we refer you to our answer to that declaration.

By that question of violating your Laws; by which we endeavoured to express our care and resolution to observe them; we did not expect you would have been invited to have looked back so many years, for which, you have had so ample reparation: Neither looked we; to be reproached with the actions of our Ministers (then against the Laws) whilst we express so great a zeal for the present defence of them, it being our resolution, upon observation of the mischief which then grew by arbitrary power, (though made plausible to us by the suggestions of necessity and imminent danger; and take you heed you fall not into the same error upon the same suggestions) hereafter to keep the rule our self, and to our power require the same from all others (3):

But above all, we must be most sensible of what you call upon us, for requital of those good Bills you cannot deny. We have denied any such design, and as God Almighty must judge in that point between us, who knows our upright intentions at the passing those Laws:

So, in the meantime, we defy the devil to prove, that there was any design (with our knowledge or privity) in or about the time of passing those Bills, that had it taken effect, could have deprived our subjects of the fruit of them:

And therefore we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving subjects, from so notorious and false an imputation as this is.

Remark 3 Those that undertake to vindicate King Charles's Government, during the first fifteen years of his reign, do more than ever he pretended to do himself, as appears by this clause of his answer.

We are far from denying what you have done; for we acknowledge the charge our people have sustained in keeping the two armies, and in relieving Ireland, of the which we are so sensible, that in regard of those great burthens our people have undergone, we have, and do patiently suffer those extreme personal wants, as our predecessors have been seldom put to, rather than we would press upon them; which we hope (in time) will be considered on your parts. (4.)

Remark 4. The King gloried in having suffered patiently, since this Parliament, personal wants, which it had not been in his power to help.

In our offer of a general pardon, our intent was to compose and secure the general condition of our subjects, conceiving, that in these times of great diffractions, the good Laws of the Land have not been enough observed:

But it is a strange world, when Princes proffered favours are accounted reproaches: Yet if you like not this our offer, we have done. Concerning any discourses of foreign forces, though we have given you a full answer in ours to your last Declaration, yet we must tell you, we have neither so ill an opinion of our own merit, or the affections of our good subjects, as to think our self in need of any foreign force to preserve us from oppression, (and we shall not need for any other

purpose) but are confident (through God's providence) not to want the good wishes and assistance of the whole Kingdom, being resolved to build upon that sure foundation, the law of the land.

We take it very ill, that any general discourses between an unknown person and a mariner, or inferences upon letters, should be able to prevail in matters so improbable in themselves, and scandalous to us; for which we cannot but likewise ask reparation, not only for the vindicating of our own honour, but also thereby to settle the minds of our subjects, whose fears and jealousies would soon vanish, were they not fed and maintained by such false and malicious rumours as these.

For our return to our Parliament, we have given you a full answer in ours to your Declaration, and you ought to look on us as not gone, but driven (we say not by you, yet) from you. And if it be not so easy for you to make our residence in London so safe as we could desire, we are, and will be contented, that our Parliament be adjourned to such a place, where we may be fitly and safely with you.

For although we are not pleased to be at this distance, yet ye are not to expect our presence, until ye shall both secure us, concerning our just apprehensions of tumultuary insolvencies; and likewise give us satisfaction for those insupportable and insolent scandals that are raised upon us. (5)

Remark 5. The King took care not to return to London, at a time when he was going to try to secure Hull. The terms he required for his return were so undeterminate, that they would have afforded room for a long dispute.

To conclude, as we have, or shall not refuse any way agreeable to justice or honour, which shall be offered to us for the begetting a right understanding, between us; so we are resolved, that no straits or necessities (to which we may be driven) shall ever compel us to do that, which the reason and understanding that God hath given us, and our honour and interest, with which God hath trusted us for the good of our posterity and Kingdom, shall render unpleasant and grievous unto us.

And we assure you that how meanly soever you are pleased to value the discharge of our public duty) we are so conscious to our self of having done our part since this Parliament, that in whatsoever condition we now stand, we are confident of the continued protection of Almighty God, and the consistent gratitude, obedience and affection of our people, and we shall trust God with all.

Both Houses Name The Earl of Warwick to Command The Fleet

All these papers were not capable of obliging the King or the Parliament to alter their measures. The Parliament was resolved to divest the King of the command of the Militia, and the King was as fully determined not to give up that point.

After this answer, both Houses sent a message to the King, directing the Lord-Keeper to enclose it in a letter to the Secretary attending his Majesty at York, to inform; him that the Lord Admiral's indisposition disabling him for commanding the fleet in his own person, they had recommended to his Lordship the Earl of Warwick to supply his place. But understanding since that his Majesty had appointed for that employment Sir John Pennington, they besought him not to prefer this last to the Earl of Warwick.

The King was very angry at this message, which was not by way of petition or declaration, and from the Lord-Keeper word, that his resolution was not to alter the person whom he had appointed. But he was not master for, by the connivance of, Algernoon Percy, Earl of Northumberland, who was Lord-Admiral, Robert Rich, Earl of Warwick was acknowledged commander of the fleet, against the King's will.

Paper Published Touching on The Militia

About the same time a paper was dispersed, wherein the author examined, How Laws are to be understood, and obedience yielded? A question necessary for the present state of things touching the Militia. His Majesty; (says he) is instructed by Law with the militia; but it is for the good and preservation of the people, and not against them. So that when there is a well-grounded suspicion that the King intends to employ the militia against the people, he is not to be obeyed, for it is not likely that the intent of the Law is to invest the King with a power to be used against his subjects.

This is the sum of the author's reasoning, which was properly that of both Houses. The King having perused this paper, sent a message to the Lords to require them to find out the author of so pernicious a doctrine, and punish him according to his deserts. But he objected nothing in particular against the author's principles and arguments.

Whilst the affair of the militia was in agitation, the King came to the gates of Hull with some troops: but Sir John Hotham denied him admittance, as will be seen presently. It is easy to judge, this proceeding of the King served not to remove the Parliament's fears and suspicions, and the rather as having passed a Bill for settling the militia, as the King desired, this Bill had been rejected.

The affair of Hull happening shortly after, the Parliament thought there was no more ceremony to be used, imagining the King sought only to amuse them, and make them lose time. Mean while the King five or six days after his disappointment at Hull, sent a message to the Parliament, dated April the 28th, containing his reasons for not consenting to the Militia-Bill, which had been presented to him. The message was expressed in the following manner:—

The Rejects The Militia Bill

WE have with great deliberation and patience weighed and considered (it concerning us much to weigh the consequences of every Law before we pass it) your Bill lately sent to us, for the settling of the militia; and though it hath not been usual to give any reasons for our refusal to pass any Bill (it being absolutely in our power to pass or not pass, any act sent unto us by you, if we conceive it prejudicial to our self, or inconvenient for our subjects, for whom we are trusted, and must one day give an account); yet in this business of the militia, which being misunderstood amongst our good subjects, hath been used as an argument, as if we were not vigilant enough for the public safety:

And least we should be thought less constant in our resolutions, and this Bill to be the same we sent unto you; we have thought fit to give you and all the world particular satisfaction, why we must not, ought not, cannot pass this Bill, being the first public Bill, to our remembrance, we have refused this Parliament; and therefore we must complain, that having expressed our self so clearly and particularly to you in this point, you should press any thing upon us, which you could not but foresee that we must refuse, except we departed from those resolutions, grounded upon so much reason, which we had so earnestly before acquainted you with, and against which you have not given one argument to satisfy our judgment.

We are pleased that you have declined the unwarrantable course of your ordinance, (to the which we are confident our good subjects would never have yielded consent) and whom this only right way of imposing on our people, which we would have allowed, but for the reasons hereafter mentioned.

We refused to consent to your ordinance, as for other things, so, for that the power was put into the persons nominated therein by direction of both Houses of Parliament, excluding us from any power in the disposition or execution of it together with you.

We then advised you for many reasons, that a Bill should be prepared, and after, in our answer of the 26th of March last to the petition of both Houses, we told you, if such a Bill should be prepared with that due regard to us, and care of our people in the limitation of the power, and other circumstances, we should recede from nothing we formerly expressed. (1)

Remark 1. Whether the King was in the right or in the wrong concerning the affair of the militia, it is certain his design at first was only to amuse the Parliament, and this is what he strives to conceal in this article.

What passed (enough to have discouraged us from being farther solicitous in that argument) after our full and gracious answers, we are content to forget. When we resolved of our journey into Ireland, (so that by reason of our absence there might be no want of settling that power) besides complying with your fears, we sent, together with a message of that our purpose, a Bill for the settling that power for a year, hoping in that time to return to you; and being sure that in much less time you might do the business for which you seemed at first to desire this, which was, that you might securely consider our message of the 20th of January last.

By that Bill we consented to those names which were proposed in your ordinance, and in the limitation of the power, provided that our self should not be able to execute any thing but by your advice; and when we should be out of the Kingdom, the sole execution to be in you; with many other things of so arbitrary and un-circumscribed a power, that we should not have consented to, but with reference to the absence of our own person out of the Kingdom, and thought it the more sufferable, in respect the time was but for a year. Whether this be the Bill you have now sent to us to pass, let all the world judge. (2)

Remark 2. The Lord Clarendon freely owns, that the King's offer to go into Ireland was all a stratagem. Since therefore the King had no design to go thither, it follows, that the Bill he had sent to both Houses, and which he pretended he should not have consented to, but with reference to his absence, was no more than an amusement.

We see here, that the general limitations he had annexed to his first engagement, were not without design. He knew how to particularize them in the Bill, he sent to the Parliament, and was very sensible it would not be received with all their restrictions. Thus his aim in this clause was only to colour the pretence he had used in his first promise concerning the militia.

You have by this bill now tendered to us, (without taking notice of us) put the power of the whole Kingdom, the life and liberties of the subjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will trust such an absolute power in the hands of particular persons, which we refused to commit to both Houses of Parliament? Nay, is not the power itself too absolute, too unlimited to be committed to any private hands? Hath not Sir John Hotham's high insolence shewed us, what we may expect from an exorbitant legal power,

when he by a power not warranted by law, dares venture upon a treasonable disobedience (3)?

But we would willingly know, (and indeed such an account in ordinary civility we might have expected) why we are by this act absolutely excluded from any power or authority in the execution of this militia. Sure your fears and jealousies are not of such a nature, as are capable of no other remedy, than by leaving us no power in a point of the greatest importance, in which God and the Law hath trusted us solely, and which we are contented to share with you by our bill, by putting it, and a greater, into the hands of particular subjects?

What would all Christian Princes think of us, after we had passed such a bill? How would they value our Sovereignty? And yet assure our reputation with foreign Princes, is some ground of your security: nay, we are confident, by that time you have thoroughly considered the possible consequence of the bill upon yourselves, and the rest of our good subjects, you and they will give us thanks for not consenting to it, finding their condition (had it passed) not to have been so pleasing unto them. We hope this animadversion will be no breach of your privileges in this throng of business, and distemper of affections; it is possible that second thoughts may present something to your considerations, which escaped you before.

Remark 3. It was but five or six days since Sir John Hotham denied him entrance into Hull[146].

We passed this Parliament, at your entreaty, a bill concerning the Captives of Algiers, and waved many objections of our own to the contrary, upon information, that the business had been many months considered by you. Whether it prove suitable to your intentions, or whether you have not by some private order suspended that act of Parliament, upon view of the mistakings, you best know; as likewise, what other great alterations you have made in other Bills passed this session.

We cannot pass over the putting their names out of this Bill, whom before you recommended to us in your ordinance, it seems, not thinking fit to trust those who would obey no guide but the Law of the Land, (we imagine you would not wish we would in our estimation of others follow that your rule) and the leaving out by special provision the present Lord-Mayor of London, as a person in your disfavour; whereas we must tell you, his demeanor hath been such, that the city and the whole Kingdom is beholding to him for his example. (4)

Remark 4. It was Sir Richard Gurney that was then Lord-Mayor of London, and entirely devoted to the King.

To conclude, we do not find our self possessed with such an excess of power, that it is fit to transfer, or consent it should be in other persons, (as is directed by the bill); and therefore we shall rely upon that Royal right and jurisdiction which God and the Law hath given us, for the suppressing of rebellion, and resisting foreign invasion, which hath preserved this Kingdom in the time of all our ancestors, and which, we doubt not, but we shall be able to execute; and, not more for our own honour and right, than for the liberty and safety of our people, we cannot consent to pass this bill.

The Declaration of The Lords and Commons Concerning His Majesty's Last Message About The Militia

THE Lords and Commons holding it necessary for the peace and safety of this Kingdom, to settle the militia thereof, did, for that purpose, prepare an ordinance of Parliament, and with all humility did present the same to his Majesty for his Royal ascent; who, notwithstanding the faithful advice of his Parliament, and the several reasons offered by them of the necessity thereof, for the securing of his Majesty's person, and the peace and safety of his people, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them, as the representative body of the Kingdom, to make an ordinance by authority of both Houses, to settle the militia warranted thereunto by the fundamental Laws of the Land: (1)

Remark 1. This fundamental Law was no other than the Law of nature, which allows every man to provide for his own defence when he sees himself exposed to danger, and such was the case the Parliament supposed themselves in. For otherwise there was no positive Law which gave this power to the two Houses of Parliament.

His Majesty taking notice thereof, did by several messages invite them to settle the same by act of Parliament; affirming, in his Majesty's message sent in answer to the petition of both Houses presented to his Majesty at York, March 26, that he always thought it, necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to, and that himself was excluded in the execution, and for a time unlimited: Whereupon the Lords and Commons, being desirous to give his Majesty all satisfaction that might be, even to the least tittle of form and circumstance; and when his Majesty was pleased to offer them a Bill ready drawn, did, for no other cause, than to manifest their hearty affection to comply with his Majesty's desires, and obtain his consent, entertain the same; in the meantime no way declining their ordinance, and to express their earned zeal to correspond with his Majesty's desire, (in all things that might consist with the peace and safety of the Kingdom, and the trust reposed in them) did pass that Bill, and therein omitted the preamble inserted before the ordinance, limited the time to less than two years, and confined the authority of the Lieutenants to these three particulars, namely, rebellion, insurrection and foreign invasion, and returned the same to his Majesty for his royal assent:

But all these expressions of affection and loyalty, all those desires and earned endeavours to comply with his Majesty, hath (to their great grief and sorrow) produced no better affect than an absolute denial, even of that which his Majesty by his former messages, as we conceive, had promised; the advice of evil and wicked councils receiving still more credit with him than that of his great Council of Parliament, in a matter of so high importance, that the safety of his Kingdom, and the peace of his People depends upon it. (2)

Remark 2. If the King on his part supposed the Government to be in its natural state, and that consequently he ought to enjoy all his Prerogatives, the Parliament made here a supposition which was not liable to fewer objections. That is, in the present juncture, the King ought to consider them as his great Council and be guided by their directions.

But now what must be the exceptions to this Bill? Not any, sure, that were to the ordinance; for a care was taken to give satisfaction in all these particulars. Then the exception was, because that the disposing and execution thereof was referred to both Houses of Parliament, and his Majesty excluded, and now that by the Bill the power and execution is ascertained, and reduced to particulars, and the Law of the realm made the rule thereof, his Majesty will not trust the persons. The power is too great, too unlimited to trust them with. (3)

Remark 3. The Parliament pretends to show here that they had regarded the King's complaints, and yet the King had refused to pass the Bill. They own that one of his Majesty's complaints against the ordinance was his being wholly excluded from having any thing to do in settling the Militia.

To show therefore that the King had reason to be satisfied with the Bill, it should have been said, And now that by the Bill he is joined in the execution with the two Houses. But instead of this, they say, And now that the execution is ascertained, and the Law of the Realm made the rule. It is easy to see that this is not the direct contrary to the King's complaint.

But what is that power? Is it any other, but in express terms to suppress rebellion, insurrection, and foreign invasion? And who are those persons? Are they not such as were nominated by the great Council of the Kingdom, and assented to by his Majesty?

And is it too great a power to trust those persons with the suppression of rebellion, insurrection, and foreign invasion? Surely the most wicked of them that advised his Majesty to this answer, cannot suggest, but that it is necessary for the safety of his Majesty's Royal person, and the peace of the Kingdom, such a power should be put in some hands, and there is no pretence of exception to the persons: His Majesty, for the space of above fifteen years together, though not a power far exceeding this to be too great to entrust particular persons with, to whose will the lives and liberties of his people by martial Laws were made subjects; for such was the power given to Lord-Lieutenants and Deputy-Lieutenants in every county of this Kingdom, and that without the consent of his people, or authority of Law: but now in case of extreme necessity, upon advice of both Houses of Parliament, for no longer a space than two years, a lesser power, and that for the safety of the King and people, is thought too great to trust particular persons with, though named by both Houses of Parliament, and approved of by his Majesty himself.

And surely, if there be a necessity to settle the militia (which his Majesty was pleased to confess) the persons cannot be trusted with less power than this, to have it at all effectual:

And the precedents of former ages, when there happened a necessity to raise such a power, never straitned that power to a narrow compass; witness the commissions of array in several Kings reigns, and often issued out by the consent and authority of Parliament. The Lords and Commons therefore, entrusted with the safety of the Kingdom, and peace of the people (which they call God to witness is their only aim) finding themselves denied these their so necessary and just demands, and that they can never be discharged before God and man, if they should suffer the safety of the Kingdom, and peace of the people, to be exposed to the malice of the malignant party at home, or the fury of enemies from abroad; and knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, do resolve to put their said ordinance in present execution, and do require all persons in authority, by virtue of the said ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental Laws of the Kingdom in such cases, as they tender the upholding of the true Protestant religion, the safety of his Majesty's person, and his royal posterity, the peace of the Kingdom, and the being of this Commonwealth.

His Majesty's Answer to The Parliament's Declaration [147].

WE very well understand how much it is below the high and royal dignity, (wherein God hath placed us) to take notice, much more to trouble our self with answering those many scandalous, seditious, pamphlets, and printed papers, which are scattered with such great licence throughout the Kingdom, (notwithstanding our earnest desire, so often in vain pressed for a reformation though we find it evident, that the minds of many of our weak subjects have been, and still are, poisoned by those means, and that so general a terror hath possessed the minds and hearts of all men, that while the presses swarm, (and every day produceth new tracts against the established Government of the Church and State) most men want the courage, or the conscience, to write, or the opportunity and encouragement to publish, such composed, sober animadversions, as might either preserve the minds of our good subjects from such infection, or restore and recover them when they are so infected; but we are contented to let our self fall to any office, that may undeceive our people, and to take more pains this way by our own pen, than ever King hath done, when we find anything that seems to carry the authority or reputation of either, or both Houses of Parliament, and will not have the same refuted, or disputed, by common and vulgar pens, till we are thoroughly informed, whether those acts have in truth, that countenance and warrant they pretend; which regard of ours, we doubt not but in time, will recover that due reverence, (the absence whereof we have too much reason to complain of) to our person, and our messages, which in all ages hath been paid, (and no doubt is due) to the Crown of England.

We have therefore taken notice of a printed paper, entitled, *A Declaration of both Houses of Parliament* in answer to our last message concerning the Militia, published by command; the which we are unwilling to believe, (both for the matter of it, the expressions in it, and the manner of publishing it), can result from the consent of both Houses; neither do we know, by what lawful command such uncomely, irreverent mention of us, can be published to the world. And though Declarations of this kind have of late, (with too much boldness) broken in upon us, and the whole Kingdom, when one, or both Houses, have thought fit to communicate their counsels and resolutions to the people; yet we are unwilling to believe, that such a Declaration as this, should be published in answer to our message, without vouchsafing at least to send it to us as their answer. Their business, for which they are met by our writ and authority, being to counsel us, for the good of our people, not to write against us to our people, and no consent of ours for their long continuing together, enabling them to do any thing, but what they were first summoned by our writ to do: At least we will believe, though misunderstanding and jealousies, (the justice of God will overtake the fomenters of that jealousy, and the promoters and contrivers of that misunderstanding) might produce, (to say no worse) those very untoward expressions, that if those Houses had contrived that Declaration, as an answer to our message, they would have vouchsafed some answer to the question proposed in ours; which we professed did, and must evidently, prevail over our understanding; and in their: wisdom and gravity, they would have been, sure to have; stated the matters of fact, as (at least to ordinary understandings) might be unquestionable; neither of which is done by that Declaration.

We desire to know, why we were by that act absolutely excluded from any power or authority in the execution of the militia; and we must: appeal to all the world, whether such an attempt be not a greater and juster ground for fear and jealousy in us, than any one that is avowed for those destructive fears and jealousies, which are so publicly owned, almost to the ruin of the Kingdom. But we have been told, That we must not be jealous of our great Council of both Houses of Parliament, we are not, no more than they are of us, their King; and as hitherto they have not avowed any jealousy of, or dissatisfaction to, our person; imputed all to our evil Counselors,

to a malignant party, that are not of their minds; so we do (and we do it from our soul) profess no jealousy of our Parliament, but some turbulent, seditious, and ambitious natures, which (being not so clearly discerned) may have an influence, even upon the actions of both Houses.

And if this Declaration hath passed by such consent (which we are not willing to believe) it is nor impossible, but that the apprehension of such tumults, which have driven us from the City of London, for the safety of our person, may make such an impression in other men, (not able to remove from the danger) to make their consent, or not to own dissent in matters not agreeable to their, confidence or understanding.

We mentioned, in that our answer, our dislike of the putting their names out of the bill, whom before they recommended to us, in their pretended ordinance; and the leaving out, by special provision, the present Lord-Mayor of London, to all which, the Declaration affords no answer to that our message, and therefore we cannot suppose it was intended for an answer to that our message; which, whosoever looks upon, will find to be in no degree answered by that Declaration.

But it informs all our subjects, after the mention with what humility the ordinance was prepared, and presented to us, (a matter very evident in the petitions and messages concerning it) and our refusal to give our consent, notwithstanding the several reasons offered of the necessity thereof, for the securing of our person, and the peace and safety of our people, (whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by us, the world will easily judge) and that they were at last necessitated to make an Ordinance by authority of both Houses to settle the militia, warranted thereunto by the fundamental Laws of the Land:

But if that Declaration had indeed intended to have answered us, it would have told our good Subjects, what those fundamental Laws of the Land are, and where to be found; and would at least have mentioned one ordinance, from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any thing upon the subjects, without the King's consent; for of such, all the inquiry we can make could never produce us one instance. (1)

Remark 1. The King and the Parliament equally abused the Term, fundamental Law. The Parliament gave the name of fundamental Law to the trust placed in them by the people, which obliged the two Houses to take care of the public safety, when the Kingdom was in danger, which was not properly a Law. The King, on his side, would own none for fundamental, but positive, express and particular Laws upon the case in question, and required such to be produced. It is easy for unbiased persons to solve this difficulty. If it is supposed with the Parliament, that the King intended to establish an arbitrary Government, it is certain the Parliament had a right to oppose it, by virtue of the trust put in them by the people, and as the representative body of the nation; and in such case it might be said, they were supported by a fundamental Law, or something equivalent. But if it is supposed with the King, that the Government was in its ordinary and natural state, and there was no reason to suspect him, it is certain, the Parliament had no right to meddle with the militia, without the King's consent. The whole consists therefore in the truth or falsehood of these two suppositions.

And if there be such a secret of the Law, which hath lain hid from the beginning of the world to this time, and now is discovered, to take away the just, legal power of the King, we wish there be not some other secret (to be discovered when they please) for the ruin and destruction of the liberty of the subject:

For, no doubt, if the votes of both Houses have any such authority to make a new Law, it hath the same authority to repeal the old, and then what will become of the long established rights and liberties of the King and subject, and particularly of Magna Charta, will be easily discerned by the most ordinary understanding. (2)

Remark 2. Never were the liberties of the people in more danger of being destroyed than in the reign of Charles I, notwithstanding Magna Charta, and the Laws of the Land. So, whatever the King said against the Parliament, was no less strong against himself. Besides, his reasoning could subsist but in virtue of the supposition mentioned in the foregoing article, which was very far from being proved.

It is true, we did (out of the tenderness of the Constitution of the Kingdom, and care of the Law which we are bound to defend, and being most assured of the unjustifiableness of the pretended ordinance) invite and desire both our Houses of Parliament, to settle whatsoever should be fit of that nature by Act of Parliament; but were we therefore obliged to pass whatsoever should be brought to us of that kind? We did say, in our answer to the petition of both Houses, presented to us at York the 26th of March last, (and we have said the same in other messages before) that we always thought it necessary, the business of the militia should be settled, and that we never denied the thing, only denied the way; and we say the same still, since the many disputes and votes upon Lord-Lieutenants and their commissions (which were begun by us or our father) had so discountenanced that authority, which for many years together was happily looked upon with reverence and obedience by the people.

We did, and do think it very necessary, that some wholesome Law be provided for that business; but we declared, in our answer to the pretended ordinance, we expected that that necessary power should be first invested in us, before we consented to transfer it to other men (3): Neither could it ever be imagined, that we could consent, that a greater power should be in the hands of a subject, than we were thought worthy to be trusted with our self. And if it shall not be thought fit to make a new act or declaration in this point, we doubt not but we shall be able to grant such commissions, which shall very legally enable those we trust, to do all offices for the peace and quiet of the Kingdom, if any disturbance shall happen.

Remark 3. There was no occasion to invest the King with power to suppress rebellions and insurrections, and repel invasions, in order to his transferring that power to others, since he was of course invested with it. But the King endeavours to colour his denial by representing that power as exorbitant.

But that declaration faith, we were pleased to offer them a Bill ready drawn; and that they (to express their earnest zeal to correspond with our desire) did pass that Bill; yet all that expression of affection and loyalty, all that earnest desire of theirs to comply with us, produced no better effect than an absolute denial, even of what by our former messages (as that Declaration conceives) we had promised and so proceeds (under the pretence of mentioning evil and wicked councils) to censure and reproach us, in a dialect, that we are confident our good subjects will read with much indignation on our behalf. But sure, if that Declaration had passed the examination of both Houses of Parliament, they would never have affirmed, that the Bill we refused to pass was the same we sent to them, or have thought that our message, wherein the difference and contrariety between the two Bills is so particularly set down, would be answered with the bare averring them to be one and the same Bill; no more would they have declared (when our exceptions to the ordinance and the Bill are so notoriously known to all our people) that care being taken to give satisfaction in all the particulars we had excepted against in the ordinance we had

found new exceptions to the Bill:

And yet this very Declaration confesses, that our exception to the ordinance was, that in the disporting and execution thereof, we were excluded; and was not this an express reason in our answer for refusal of the Bill, which this Declaration will needs confute? But the power was no other than to suppress rebellion, insurrection, and foreign invasion; and the persons trusted no other than such as were nominated by the great Council of the Kingdom, and assented to by us; and that Declaration asks, if that be too great a power to trust these persons with? Indeed, while so great liberty is used in voting and declaring men to be enemies to the Commonwealth, (an English phrase we scarcely understand) and in censuring men for their service and attendance upon our person, and in our lawful commands, great heed must be taken into what hands we commit such a power to suppress insurrection and rebellion; and if insurrection and rebellion have found other definitions, than what the Law hath given them, we must be sure that no lawful power shall justify those definitions; and if there be learning found out to make Sir John Hotham's taking arms against us, and keeping our town and fort from us, no treason and rebellion, we know not whether a new discovery may not find it rebellion in us to defend our selves from such arms, and so endeavour to recover what is so taken from us (4); and therefore it concerns us, (till the known Law of the Land be allowed to be judge between us) to take heed into what hands we commit such power.

Remark 4. The King always reasoned upon the supposition, that the Government was in its natural state, and that there was no cause to suspect him, a supposition which was not granted.

Besides, can it bethought, that because we are willing to trust certain persons, that we are obliged to trust them in whatsoever they are willing to be trusted? We say no private hands are fit for such a trust; neither have we departed from any thing (in the least degree) we offered, or promised before; though we might with as much reason have withdrawn our trust from some persons we before had excepted, as they did from others whom they recommended. For the power which we are charged to have committed to particular persons, for the space of fifteen years, by our commissions of Lieutenancy, it is notoriously known, that it was not a power created by us, but continued very many years, and in the most happy times this Kingdom hath enjoyed; even those of our renowned predecessors Queen Elizabeth, and our father of happy memory (5), and whatever authority was granted by those Commissions, which were kept in the old forms, the same was determined at our pleasure, and we know not, that they produced any of those calamities, which might give our good subjects cause to be so weary of them, as to run the hazard of so much mischief, as that Bill we refused might possibly have produced.

Remark 5. The example of King James I. is no good evidence. I very much question that in times of Peace, Queen Elizabeth ever made her subjects liable to be tried by martial Law.

For the precedents of former ages in the commissions of array, we doubt not, but when any such are issued out, that the King's consent was always obtained, and the commissions determinable at his pleasure, and then what the extent of power was, will be nothing applicable to this case of the ordinance.

But whether that Declaration hath refuted our reasons for our refusal to pass the Bill, or no, it hath resolved and required all persons in authority, thereby to put the Ordinance in present execution, and all others to obey it according to the fundamental Laws of the Land. But we, whom God hath trusted to maintain and defend those fundamental Laws (which, we hope, he will bless to secure us) do declare, that there is no legal power in either, or both Houses, upon any pretence whatsoever, without

our consent, to command any part of the militia of this Kingdom; nor hath the like ever so been commanded by either or both Houses, since the first foundation of the Law's of the Land; and that the execution of, or the obedience to, that pretended ordinance, is against the fundamental Laws of the Land, against the liberty of the subject, and the right of Parliaments, and a high crime in any that shall henceforth execute the same.

And we do therefore charge and command all our loving subjects, of what degree or quality soever, upon their allegiance, and as they tender the peace of this Kingdom, from henceforth, not to muster, levy, array, summon, or warn any of our trained bands to rife, muster, or march, by virtue, or under colour of that pretended ordinance.

And to this Declaration and command of ours, we expect and require full submission and obedience from all our loving subjects, upon their allegiance, as they will answer the contrary at their perils; and as they tender the upholding of the true Protestant religion, the safety of our person, and our Royal posterity, the peace and being of this Kingdom.

Having given most of the papers, published on both sides, concerning the Militia, I shall endeavour, for the reader's better information, to illustrate a little more fully, the ground of the quarrel between the King and the Parliament, which could be done but very briefly, in my short remarks on several passages of these papers.

The State of The Question Between The King and Parliament

The Parliament did not deny, that in the ordinary course of the Government, the right of settling the militia, and appointing those who were to command it under him, was solely in the King[148]. But they affirmed, that in the present extraordinary case, it was incumbent on them to take care the Kingdom perished not by the King's fault.

The case they supposed was this, the King, for the space of fifteen years, had endeavoured to establish an absolute government, and had actually established it on divers occasions: He had pretended, that he might govern without Parliaments, and accordingly, had called none for twelve years together; during which interval, he had violated sundry Laws, and ruled after an arbitrary manner.

Being forced by the necessity of his affairs to call this present Parliament, he had seemed to acknowledge the injustice of his former conduct, by giving his consent to the good acts made for the redress of past, and the prevention of future, grievances. But at the very time that he expressed so great condescension for his subjects, and an outward repentance for his faults, he ceased not to devise means to become absolute as before.

The Parliament inferred from this his conduct, that the King's condescension was only apparent; that at the first opportunity, he would revoke the acts he had consented to, and which he affected to term always acts of grace, though they were really acts of justice. Consequently, it was necessary to put it out of his power to recede from what he had done, if he should desire it. The only way to hinder such a design, was to put the militia of the Kingdom into safe hands, who should not depend upon the King, and prevent him from having any power over the Militia, for fear this power, either in him alone, or jointly with the two Houses, might enable him to break all the measures which should betaken, to hinder the execution of his designs.

It is manifest, the Parliament was in the right or the wrong, according as their supposition was true or false. Let it be granted for a moment, that their supposition was well-grounded, and that the King had really a design to render himself absolute; ought the Parliament, out of pure respect

to the antient Laws, leave the King a power which enabled him to alter the constitution of the Government, and subvert once more these very Laws, wherein the safety of the people entirely consisted?

Is it not evident, that in such a case, it was necessary to violate these Laws, in order to establish them more firmly? When therefore the King objected to the Parliament, the Laws which gave the Kings of England certain Prerogatives, he manifestly supposed the Government to be in its natural state; but the Parliament supposed the contrary. Consequently, the King's arguments could not make any impression, because they were not applicable to the case supposed by the Parliament.

Unfortunately, the King was forced to use against the Parliament, the very reasons alleged formerly by the Parliament and people against him, when he usurped an absolute power. He complained, that the Parliament founded their right upon a pretended necessity which was never proved, and himself had formerly made use of a necessity still more imaginary, to impose arbitrary taxes without the consent of Parliament, contrary to the laws of the land.

But if, on the other hand, we suppose the Parliament's suspicions to be chimerical, and that the King never gave any room for them, at least, since the beginning of this Parliament, and that his intention to govern according to law, was sincere, it is certain, his arguments from the laws, customs, royal prerogatives, were invincible, because in that case, there would not have been any the least just pretence to divest him of his rights.

The whole question therefore was reduced to this single point, Whether the King was sincere, and his word to be relied on? But unhappily for him, a fifteen years experience had convinced most of his subjects, that he would have established an arbitrary Government; the motives of his condescension in the acts passed this Parliament, were dubious, and his protestations with regard to the future, uncertain. Thus the Parliament had a great advantage over him, because they had for warrant of their suspicions, the past, which was but too certain, whereas the King could only offer the future, which had not the same certainty.

It was time for the declarations, answers, and replies concerning the militia, to end, since there was nothing new to be said on that subject. besides, the Parliament's ordinance was now executing in all places, where the people were willing to obey it. At last, May the 27th, the King published a Proclamation, forbidding to execute the ordinance of the Parliament, on pain to offenders, of being declared disturbers of the public peace[149].

Declaration of Both Houses Against it

The Parliament, on their part, published a declaration, forbidding all persons to obey the King's proclamation, as being contrary to the laws. As this might appear very strange, both Houses grounded their prohibition upon reasons, of which I shall only relate the substance, because, flowing from the principles above mentioned, it is easy to conceive them. They said therefore:—

That the question is not, whether it belong to the King or no, to restrain the levying of the militia; but if the King shall refuse to discharge that duty and trust, whether there be not a power in the two Houses to provide for the safety of the Parliament, and peace of the Kingdom? That though the law affirms that power to be in the King, it docs not exclude those whom the law hath placed a power for that purpose, as in the Courts of Justice, yet can it not be restrained by his Majesty's command, by his Great Seal, or otherwise; much less can the power of Parliament be concluded by his Majesty's command.

That though the King is the fountain of justice and protection, yet the acts of justice and protection are not exercised in his own person, but by his courts and his

ministers; who must do their duty therein, though the King, in his own person, should forbid them; and therefore, if judgment should be given by them against the King's will, and personal command, yet are they the King's judgments.

Thus also, the High-Court of Parliament declares the King's pleasure in those things that are requisite thereunto, and what they do herein hath the stamp of royal authority, although his Majesty do in his own person oppose or interrupt the same: For the King's supreme and royal pleasure, is exercised and declared in this High-Court of Law and Council, after a more eminent and obligatory manner, than it can be by any personal act or resolution of his own.

That by the constitution and policy of this Kingdom, the King by his proclamation cannot declare the Law, contrary to the judgment and resolution of any of the inferior Courts of Justice, much less against the High-Court of Parliament; for if it were admitted, that the King by his Proclamation may declare a law, thereby his proclamations will in effect become Laws, which would turn to the subverting of the law of the land, and the rights and liberties of the subjects.

Defect in The Reasoning of The Two Houses

These are the principal arguments alleged by the Parliament, to shew, that the King's proclamation was contrary to the laws. But there was a very manifest defect in this reasoning. They represented the two Houses as alone composing the Parliament, whereas it is certain, the Parliament is composed of the King and both Houses, joined together and making but one body.

What the Parliament said is therefore strictly true, if the word Parliament be understood in the sense I have mentioned, as a body consisting of the King and the two Houses. For, the King cannot, by his sole will, subvert what has been ordained by the Parliament, because himself making a part, and the noblest part of the Parliament, he would contradict himself, in forbidding a thing he had already ordained. But if by the Parliament he meant the two Houses alone, without the King, it cannot be said that their declarations are the King's, or that they are more solemn and obligatory than the King's private will. For if they were, the constitution of the Government would be entirely overthrown. This is so true, that by retorting the argument alleged by both Houses against the King, it might be demonstrated by the same reason, that they have power to make Laws without the concurrence of the King, which would be full as true, as their saying, that the King's proclamations would be so many laws.

It is therefore certain, that by the arguments they alleged against the King's proclamation, they furnished invincible reasons against their own ordinance. Nevertheless, upon this sophistry it was that they grounded all the authority they assumed to themselves afterwards. They did themselves therefore great injury, by relying on such weak arguments.

Their right solely consisted in the supposition, that the King would have altered the constitution of the Government, which they had a lawful power to oppose by extraordinary methods, since the laws of the land, instead of affording them effectual remedies, countenanced rather the King's designs. The King, on his part, founded his right upon the contrary supposition, namely, that there was no danger from him; but that the Parliament had undertaken to subvert the constitution of Church and State. Such was then the melancholy situation of England.

I have related without interruption the affair of the militia, which lasted however several months, that I might not be obliged to break the thread of the narration; this affair being of the utmost importance, since it was the most immediate cause of the civil wars which quickly ensued; but it was not the only affair during that time. Wherefore, it will be necessary to go back to the time when I began to speak of the militia, to see other affairs, no less material, and whereof some contributed no less to the rupture.

The Bill For Excluding Bishops and Pressing of Soldiers Passed

The King having passed in February the two acts, so earnestly desired by the Commons, namely, for the exclusion of the Bishops[150], and for pressing of soldiers, sent the following message to both Houses:

That his having passed these two Bills, being of so great importance, and so earnestly desired by both Houses, will serve to assure his Parliament, that he desires nothing more than the satisfaction of his Kingdom; yet, that he may farther manifest to both Houses how impatient he is, till he find out a full remedy to compose the present distempers, he is pleased to signify:

That he will by Proclamation require, that all statutes made concerning recusants, be with all care, diligence, and severity, put in execution.

That his Majesty is resolved, that the seven condemned priests shall be immediately banished, if his Parliament shall consent thereunto: And he will give present order, that a Proclamation issue to require all Romish priests within twenty days to depart the Kingdom; and if any shall be apprehended after that time, his Majesty assures both Houses, on the word of a King, that he will grant no pardon to any such, without consent of his Parliament.

And because great and different troubles are observed to arise, concerning the Government and liturgy of the Church, his Majesty declares, That he will refer that whole consideration to his Parliament: But desires not to be pressed to any single act on his part, till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away,

For Ireland, he will not refuse to venture his own person in that war, if his Parliament shall think it convenient, for the reduction of that Kingdom.

That he will most readily concur in any resolution their wisdom shall find out, which may conduce to promote the trade of the Kingdom.

1643 AD] The two Houses contented themselves with thanking his Majesty for passing the two Bills, without returning any answer upon the other points.

The Parliament Clear themselves from a Design to Accuse The Queen

The Queen being misinformed that there was a design to accuse her of High Treason, the Parliament had notice of it, and sent (the Earl of Newport and the Lord Seymour) to vindicate themselves from this aspersion. The Queen answered, it was true, there was such a report, but that she gave little credit to it.

Letters From The Lord Digby Intercepted

Some letters of the Lord Digby, directed to the Queen, to Sir Lewis Dives his Brother-in-law, and to Secretary, Nicholas[151] being intercepted, the Parliament caused them to be opened. It was found, that the Lord Digby who was then at Middleburgh in Zealand, advised the King to betake himself to a safe place, and desired the Queen to send him a cipher, that he might hold a correspondence, with her.

He is Accused of High Treason

There were also in the letters some sharp expressions against the Parliament. The two Houses sent copies of these letters to their Majesties, assuring them, that they were far from receding any thing upon the Queen, only they besought her not to correspond with the Lord Digby. Some days after, it was resolved by the Commons, that the Lord Digby should be accused of High-Treason.

Message to The King Concerning The Prince

February the 24th, a message was sent from both Houses to his Majesty, to acquaint him with the reasons why, they desired, that the Prince of Wales should reside at Hampton Court. The chief was, that the Prince's removal might be a cause to promote jealousies and fears in the minds of his subjects. For the Parliament lost no opportunity to let the people see, there was occasion to be alarmed. The King intimated to them by his answer, that he did not think himself accountable for his conduct, with regard to the Prince his son; and concluded with saying:-

The King's Answer

He could not imagine from what grounds these fears and jealousies proceeded; but if any information had been given to that purpose, he desired the same might be examined to the bottom; and then hoped their fears would be hereafter continued only with reference to his rights and honour.

About the same time, proposals were made to the Parliament, for the speedy raising of money for the reduction of Ireland. These proposals were, that to such persons as should be willing to advance money for that service, should be allotted, according to a certain proportion, the rebels' lands that should be confiscated, which was approved of by both Houses, and an act passed accordingly, to which the King gave the royal assent[152].

The Queen Departed for Holland About The End of February

March the 16th, the King being at Stanford in his way to York, issued a proclamation, for strictly executing the Laws against Papists. This Proclamation was very needless, and served only to shew, that hitherto these Laws had been ill-executed. But the King had a mind thereby to repel the imputation of his protecting and countenancing the Catholics, so much insisted upon by his enemies among the people, as if this protection was a proof of his design design to introduce Popery[153].

The King, as I said, intended to secure Hull with the magazine there; but his intention was yet a secret, and means were devising to put it in practice To this end, very probably, he sent a message to the Parliament, to acquaint them, that he had firmly resolved to go into Ireland, and head the English troops.

That therefore he intended to raise by his Commissions, in the counties near West-Chester, a guard for his own person (when he should come into Ireland) consisting of two thousand foot, and two hundred horse, (to be armed from his Magazine of Hull) the charge of paying whereof he desired them to take upon them.

It was easy to foresee, that this proposition would not be accepted, in the present juncture; for it was at the very time that the affair of the militia was most warmly debating. But the King hoped to reap some advantage, either from the approbation, or the denial. If the Parliament consented to it, the King found he should be able to employ this pretended guard of two thousand two hundred men, to render himself master of Hull.

At least, one can hardly help thinking he had such an intention, considering what passed very shortly after. If his proposition was rejected, he flattered himself, at least, that he should thereby convince the people of his sincere desire to reduce Ireland, and dispel the rumours that were spread on that head, which would afford him opportunity to throw all the blame on the Parliament.

Accordingly this was the only use he afterwards made of this offer, which was but a stratagem, as the Earl of Clarendon owns in his History. But whether both Houses considered this proposition of the King, as a snare, or as a real and sincere offer, they thought not fit to consent to it. Indeed, as things then stood, it was by no means proper to set the King at the head of an army in Ireland, and still less, that he should raise in England, a guard of two thousand two hundred men, when they were labouring with all their power to take from him the command of the Militia, upon the foundation of the jealousies conceived of him.

For though hitherto they had been contented to accuse only his counselors, and a malignant party, of contriving plots against the State, it was however but an artifice to accuse him himself. So, as they neither could nor would approve of the King's proposition, they presented a petition to him, setting forth:—

The Two Houses Petition The King

That having duly considered his Majesty's message concerning his purpose of going into Ireland to prosecute the war, which he was pleased to propound to them, not as a matter wherein he desired the advice of the Parliament, but as already firmly resolved on, and forthwith to be put in execution, by granting out commissions for the levying of two thousand foot and two hundred horse, for a guard for his person; they could not but wonder, that a business of so great importance, and wherein they had a special interest, by those great sums which they had disbursed, and for which they stood engaged, should be concluded and undertaken without their advice. And therefore they held it their duty to declare,

That his going into Ireland would very much endanger the safety of his royal person and Kingdoms, for the following reasons.

- 1) Because his royal person would be subject not only to the casualty of war, but to the secret practices and conspiracies of the Papists.
- 2) It would exceedingly encourage the rebels, who if did generally profess and declare, That his Majesty countenanced their proceedings, and that this insurrection; was undertaken by the warrant of his commission.
- 3) It would much increase the charge of the war, and hinder the advance of money for supporting it; many of the adventurers, who had already subscribed, upon hearing his Majesty's intention, declaring their resolution not to pay in their money; and others who were willing to have subscribed, now professing the contrary.
- 4) His absence would very much interrupt the good proceedings of Parliament.
- 5) It would exceedingly increase, and render more probable, the jealousies and fears of his people, of some force intended by evil counsels near his Majesty, in opposition to the Parliament.

6) It would bereave the Parliament of that advantage, whereby they were induced to undertake that war, upon his Majesty's promise, that it should be managed by their advice; which could not be done, if his Majesty, contrary to their counsels, should undertake to order and govern it in his own person.

Upon which reasons both Houses declared, That they could not consent to any levies of soldiers to be made by his Majesty for his intended expedition into Ireland, or to the payment of any army or soldiers there, but such as should be employed and governed according to their advice and direction:

That if any such levies should be made by any commission of his Majesty, (not agreed to by both Houses of Parliament) they should be forced to interpret the same to be raised to the terror of the people, and disturbance of the public peace, and hold themselves bound by the laws of the Kingdom, to apply the authority of Parliament to suppress the same.

And they farther declared,

That if his Majesty should by ill counsel be persuaded to go contrary to this advice of his Parliament, they should not in that case hold themselves bound to submit to any Commissioners which his Majesty should chose; but did resolve to preserve and govern the Kingdom by the counsel and advice of Parliament, for his Majesty and his posterity, according to their allegiance and the laws of the land[154].

The King returned a long answer to this petition, and confuted all the Parliament's reasons, which indeed, considered in themselves; were very weak. But if it is observed that it was but six days since the King had resolved to secure Hull, when the Parliament presented their Petition to him, it will not be thought strange that they rejected the King's offer.

Wherefore they lost no time in replying to the King, and the affair rested there, without any farther mention of his Majesty's pretended expedition into Ireland. Only he made this advantage of it, that he could say he had offered to go in person and endeavour the reduction of Ireland, but that his offer was rejected.

Extreme Distrust Betwixt The King and Parliament

Hitherto we have seen how the breach between the King and the Parliament daily grew wider. The distrust was so great on both sides, that it was hardly possible they should come to an agreement. The King could not doubt, there was a design to deprive him of great part of his authority; and the Parliament, perceiving, the King was not ignorant of this design, could scarce question, he would privately take all possible measures to prevent the execution thereof. But this was not all.

The Parliament had also reason to fear, the King would not confine himself to the defensive, but under colour of standing upon his guard, would put himself in a condition to attack. Before the accusation of the Members of Parliament, whilst the resolution of depriving the King of his power was not absolutely taken, and many members were yet wavering, it would not perhaps have been impossible to find expedients for a peace.

But by this fatal accusation, and his coming to the House of Commons, the King gave such an advantage to his enemies, who knew but too well how to improve it, that it was no longer practicable for him to recover the confidence of those who till then had preserved some good will towards him. Before this, the design of divesting the King of his authority was a secret among some of the leaders of the party, who were labouring to accomplish it by degrees, without

daring to be too open, so that it was not easy to know perfectly, they had really such a design. But it was not so easy to deceive the King, who was chiefly concerned.

He saw, that his authority was gradually undermining, and readily perceived, where this mine would end at last, if suffered to continue. In this perplexity, he found it incumbent upon him to take precautions, in order to oppose his enemies: But on the other hand, he was sensible he should make his cause bad, if he fell upon the Parliament itself, which was seduced by these able leaders, and thereby set the whole Nation against him.

This consideration, very likely, induced him to attack in particular the Lord Kimbolton, with five of the most powerful Commoners, imagining they would be sent to the Tower upon his accusation, and then the Parliament, as being no longer directed by these men, would be better inclined in his favour.

He was not only deceived in his conjecture, but did himself also an irretrievable injury, in that the precaution he would have taken to secure himself from the secret practices of some private persons, passed for a settled design upon the whole Parliament. He thereby confirmed the suspicions which were infusing into the people, that he was seeking to render himself absolute, as he had formerly been; and from thence it naturally followed, that therefore it was necessary to put it out of his power to execute this design.

Then it was that this resolution, taken first by some few, was approved by the majority, and endeavoured to be effectually executed, by beginning with the important affair of the militia. For, depriving the King of the power to command the militia, and lodging this power in the hands of persons devoted to the Parliament, was properly disarming him entirely. The King's condition growing much worse, he easily perceived, that, as his enemies managed, there was no medium for him, between being a slave, or rendering himself master.

He was unwilling to be a slave, and it was difficult to become master, in his circumstances, and especially, having to deal with very able and watchful enemies. Very probably, in the belief of the impossibility to free himself from his present danger, but by a war, he resolved to send the Queen into Holland to buy arms and ammunition, to retire to York himself, and to try to secure Hull, though he coloured his designs with other pretences. He saw that the Parliament reckoned among the pretended malignants, not only such as openly appeared for the King, but also those who were for preserving any moderation, and that many suffered themselves to be drawn into the same plot, out of fear, and because they could not be secure of protection, in case they declared against the two Houses.

He thought therefore, he should chiefly endeavour to render himself able to protect those who dared to espouse his cause openly. But moreover, as the Parliament never ceased to infuse suspicions into the people, it was absolutely necessary for the King to try to efface these impressions, so prejudicial to him. Hence flowed, in all the papers published by him concerning the militia, those so frequent expressions of his affection for his people, and his attachment to the Laws.

His aim was to show the Nation, that the Parliament acted directly contrary to law, in usurping an authority which belonged not to them. As it was by the very same thing that the King had given occasion to the people to be prejudiced against him, he hoped, the usurpations of the Parliament would produce the same effect. But herein he was much mistaken.

The people were persuaded, that the King, without any provocation, had invaded the privileges of the subject, during the first fifteen years of his reign, whereas it was the Parliament had in any thing encroached upon the rights of the King, it was in maintenance of the Nation's liberties, and for the revival of the laws.

Though it was hard to prove by unquestionable evidence, that the King had formed the project of seizing, at once, the Tower of London, Portsmouth, and Hull, there were, however, so great signs of it, that it would have been very imprudent in the Parliament, not to think of securing those places in the present situation of affairs. Sir John Byron Lieutenant of the Tower, was a man devoted to the King. The Earl of Newcastle had been sent to Hull, under a borrowed name, and information was given, that he would have persuaded the Mayor, to deliver that place to him.

As for Portsmouth, the journey the Queen was to take thither on some pretence, and the meeting of the officers at Kingston, were more than sufficient to breed strong suspicions on that account. In short, the Lord Clarendon freely owns the King's designs upon Portsmouth and Hull, though he mentions not the Tower. Had these designs succeeded, the King would have been master of the three principal forts of the Kingdom, with the magazines of the Tower and Hull, and thereby enabled to subdue the Parliament.

These projects failing, as I have said, the King endeavoured, as well as he could, to trifle them, and make them pass for imaginary. But the two Houses judged otherwise of them. Accordingly, the Commons never rested till the Lieutenantcy of the Tower was given to one they could confide in, and Hotham sent to Hull. As for Portsmouth, the Parliament not mistrusting Goring the Governor, because he was the person that discovered the plot to seduce the army, were contented with sending him sufficient orders, as they thought, for the preservation of the place.

From that time, there was no more mention of Portsmouth, for the King found means to gain Colonel Goring, who promised to declare for him at a proper time, as he did accordingly.

Notwithstanding the King's ill success in his secret undertaking, he persisted in his design to free himself, by force, from the slavery to which it was intended to reduce him, perceiving, it would be impossible for him to succeed any other way. To this end, doubtless, he sent the Queen to Holland, and having but little money to give her, put into her hands the Crown-Jewels, which were used in buying arms and ammunition. If the Queen's voyage had been only to conduct the Princess Mary to the Prince her spouse, and to drink the waters of the Spa, there would have been no occasion to give her wherewithal to buy arms and ammunition.

Very probably, therefore, the King from this time thought of war, whether it were offensive or defensive only. But his attempt upon Hull, where was a magazine of arms for sixteen thousand men, is a still clearer evidence. The King himself had caused these arms to be brought to Hull, when he had resolved to make war upon Scotland.

The King's Design Upon Hull

When the Parliament sent Sir John Hotham down to Hull, the King complained not of it, whether he was apprehensive of being reproached with attempting to secure that place, or to amuse the Parliament, and hinder them from taking greater precautions. Meanwhile, both Houses finding the King at a distance from London, and fearing for Hull, on account of the magazine there, petitioned him, to order the magazine to be removed to the Tower of London.

The King answered:—

He rather expected, that both Houses would have given him an account, why a governor and garrison had been placed in Hull without his knowledge, than to be moved to consent for the removal to the Tower of a magazine (which were his own proper goods) upon such general reasons, as gave no satisfaction to his judgment:

That in short, he would not agree to the removal of these arms, till he knew for what service they were intended:

And if any attempt should be made in this matter without his approbation, he should esteem it as the greatest violation of his right.

A little after, some Gentlemen of the county of York, petitioned the King, that the magazine might not be removed, by reason they conceived the Kingdom, and particularly the North, to be in danger. This petition was probably begged, since affairs were not yet in such a situation, that private persons should dare to present an address to the King, directly contrary to that of the Parliament, had they not been encouraged thereto.

It is certain, the King intended to seize Hull, with the magazine. He was desirous to have a place, which would enable him to protect his adherents, and depended upon this magazine, to arm them in due time. This was to be cause of his refusing to remove the arms to the Tower, though he alleged other reasons. The Parliament also, on their part, urged for the removal, reasons that were not the true ones.

At last, finding the King would not consent to it, they ordered most of the magazine to be brought to the Tower, without asking his approbation any more. The King and the Parliament used all possible endeavours to make the people believe, that in all their proceedings, they had no other motive than their good, and the Kingdom's advantage.

From these protestations it is, that the historians take their strongest arguments to demonstrate the innocence and sincerity of the party, whose cause they undertake to support. But the impartial reader must peruse the manifestoes, and all the papers of that kind, with great caution, for fear of being drawn into error.

It is certain, the King intended to become master of Hull, that he might not be at the Parliament's mercy. But it is not so certain, that herein his view was only to maintain the constitution of the Government, that the laws might be punctually executed. On the other hand, the Parliament had sent Hotham to Hull, to hinder the King from seizing the town. But who can affirm, that their real aim was to prevent the malignant party from making use of it, to establish an arbitrary power, and enslave the Kingdom?

The King's design broke out the 23rd of April, when the affair of the militia was agitated with great heat on both sides. The day before, he had sent to Hull the Duke of York, his second son, with the young Elector Palatine his nephew, under colour of seeing the place, and very likely these two Princes had a pretty numerous retinue. Hotham and the Mayor received them with all the respect due to their rank.

The Princes were entertained the first day by the Mayor, and invited to dine with the Governor on the morrow, being St. George's Day. But the entertainment was disturbed by an officer, Sir Lewis Dives, who came a little before dinner, and told the Governor, that his Majesty intended to dine with him being then within four miles of the town, with a train of above three hundred Horse[155].

Hotham, surprised at this message, consulted with some of his friends[156], and it was resolved among them, that a messenger should be dispatched to the King, humbly to beseech him to forbear to come, for as much as he could not, without betraying the trust committed to him, set open the gates to so great a guard as he came attended withal. The messenger returning with a doubtful answer, and certifying of the King's advance to the town, Hotham drew up the bridge, shut the gates, and commanded the soldiers to hand their arms round the walls.

The King being come to Beverley-gate, called for the Governor, who appearing on the walls, he commanded him to open the gate. The Governor answered, He was instructed by the Parliament for the securing of the town, for his Majesty's honour, and the Kingdom's use, which he intended by God's help to do, preferring, however, that if his Majesty would be pleased to come

in with twelve more, he should be welcome, otherwise he could not, without betraying his trust to the State, admit entrance to so great a guard[157].

But the King refusing to enter on these terms, repeated several times his command to open the gate, and still received the same answer. Presently after, the Duke of York, and the Prince Elector went out of the town[158], and came to the King, who was pleased to give the Governor one hour more to consider what he did. But Hotham persisting in his resolution, the King offered at last to enter with thirty horse only[159], which was refused.

In short, about five in the evening, the King returning to the gate, commanded Hotham once more to open it, and upon his refusal, caused him to be proclaimed traitor by two Heralds he had brought with him. This done, he retired to Beverly where he passed the night. The next morning, he sent a Herald to Hotham to summon him once more to open the gates of Hull, with promise of pardon for what was past, but could not prevail so that he was forced to return to York.

Reflection on This Event

When it is considered, the King had formed a design to secure Hull, from the time he resolved to retire to York, as the Lord Clarendon expressly owns, one would imagine, that at least he had contrived proper means to accomplish this undertaking, the success whereof was so very important. But one knows not what to think, when this attempt is seen to be so ill-managed, that it was neither plausible nor likely.

The King was not ignorant, that Hotham was member of the House of Commons, that this House had chosen him for the Government of Hull, as a man they could confide in: that Hotham knew, he was to keep the place against the King, however his commission might be worded. And yet, he imagines, that this man will be awed by his presence alone, and not dare to deny him entrance with three hundred horse, besides the train of the two Princes already admitted.

That he will suffer himself to be deprived of his Government, upon the bare scruple of disobeying the King, he who probably was chosen by the Commons as one of the least scrupulous. I own, I cannot conceive how the King could be advised to declare himself so openly, in attempting to seize Hull, and indeed, from this time, all confidence entirely vanished. It signified nothing to colour this proceeding, and to say, he had no other design than to visit the place, and examine the magazine, to know what might be taken for the service of Ireland, and for arming the Scots, who were to serve in that country.

This was not capable of deceiving the Parliament, who saw but too plainly what was the King's design, and of what consequence the execution would have been. There were no fewer papers, messages, answers, replies, about this affair, than about the Militia.

The King Demands Justice Upon Hotham

The King was extremely troubled at this disappointment, and seeing no other way to palliate his proceedings, he resolved expressly to deny, he had ever intended to become master of Hull. By this supposition, he meant to represent Sir John Hotham action as a manifest treason, and accordingly demanded an authentic reparation of the Parliament.

He cited the laws and statutes which placed in the King the care of defending the realm, and the command of the forts and magazines. But he constantly supposed the Kingdom to be in a state of tranquillity, as it was when these Laws were made, which was by no means the present case. He pretended, the forts and magazines were his own proper goods; and particularly that of Hull, being purchased with his own money, could not be withheld from him, without rendering his condition worse than that of his meanest subject.

But the Parliament did not grant these suppositions. They pretended, that the forts and magazines were committed to the King, as a trust to be employed for the preservation, and not for the destruction of the people, and that the King's claim to the property of the forts and magazines was groundless. It is no wonder, that upon such different principles, the Papers should abound on both sides, without producing any great effects.

The King however had this advantage, that the Parliament could not evidently prove their assertions against him, and that the authority assumed by both Houses, was founded only on bare suspicions of the King's ill-designs, which would have rendered it plausible, had they been averred. But they did not think proper to wait for demonstrations, to be assured of the King's secret intentions. It was enough to have reason to suspect him, which to them appeared sufficiently strong, to oblige them to take precautions, which might come too late, in case more convincing proofs were expected.

This is the substance of all the papers published on both sides, concerning Hull. As I have already inserted a great many about the militia, I think it convenient to save the reader the pains of perusing those which were published on the present affair, and which run upon the same principles and suppositions so often mentioned.

The Parliament openly supported Sir John Hotham that after many messages, declarations, answers and replies, the King had no way left to become master of Hull, but by surprise or force. The last of these ways was not very practicable, because he could depend but on a very small number of troops, and had no artillery, arms or ammunition.

It is true, he expected some from Holland, but the time was very uncertain. And therefore he attempted to take Hull by correspondence. In the execution of this design, he made use of Mr. Beckwith a Gentleman of Beverley, who had a son-in-law, officer in Hull. But this officer discovered the plot to the Governor, who was so civil as to send the King word, he might save himself the trouble of carrying on the contrivance, and at the same time sent an express to the Parliament. Beckwith retiring to the King at York, the Parliament dispatched a messenger to seize and bring him to London: But the messenger was not permitted to execute his orders.

The King and Parliament Prepare for War and Strive to Gain The People

From that time, the King and the Parliament prepared for war, it being very easy to foresee, they should at last be forced to it. But as each stood in need of the people to so bear the expense, so each used all possible endeavours to gain them, by demonstrating the injustice of the contrary party, and by striving to convince them, that their good was only intended.

The Parliament pretended, that the malignants, by whom the King suffered himself to be guided, had formed a design to have in the nation, wherein they could not succeed, but by inflaming the misunderstanding between the King and the Parliament, in order to engage them in a Civil War, which they hoped would prove successful to the King. This was the Parliament's supposition, from whence they inferred, that therefore it was necessary to prevent by good measures the execution of this design, and to put themselves in a posture of defence, in case the King continued to be directed by these malignants.

The King, on his side, pretended, that the Parliament, in feigning to have only in view the good of the Kingdom, really meant to alter the constitution of Church and State: That they designed to abolish the Regal Power, or render the King but a shadow, whilst both Houses should be possessed of the Government. He inferred from this supposition, that he ought to expose himself to the greatest hazards, rather than receive Law from his subjects; his conscience and the care of the realm, which God had entrusted him with, not permitting him to suffer the alterations

designed to be made in Church and State.

Whatever secret motives both might have, the reasons they alleged were very plausible, and those who fought only justice, were not a little embarrassed which side to espouse. But the Parliament seemed to have a great advantage upon the King, in that their party was much more numerous, and the forts and militia in their possession, with plenty of arms and ammunition, whilst the King was wholly unprovided.

Nevertheless, the King was not without hopes. He had, as I have said, privately gained Colonel Goring Governor of Portsmouth. The Queen was now busy in Holland in procuring artillery, arms, ammunition, and several officers of the English troops in the Dutch service. Most of the Yorkshire Gentlemen, the largest county in England, were for him, and he did not question, but by their means he should engage the whole county to declare in his favour.

With this assistance, he hoped to prevent the Parliament, and raise a sufficient number of forces to take Hull, before the Parliament should be able to oppose it. He expected also, that when he was master of Hull and Portsmouth, and had received arms from Holland, many, who were still restrained by the fear of wanting protection, would openly take his part. Moreover, he gave private notice to all his friends, that it was time to repair to York, and ordered letters to be sent in his name to such members as adhered to him, to absent themselves from the Parliament, and retire to York, or to other places where they could be serviceable to him.

All these measures could not be taken so privately but the Parliament had some information, and therefore the King endeavoured to give them some colour, to hinder his designs from being discovered. After his disappointment at Hull, he summoned all the Yorkshire tenants in Chief, to appear at York the 12th of May.

A Committee is Sent to York and Stay There in Spite of The King

Shortly after, both Houses sent a Committee to York[160]: under pretence of bringing the King a message about Hull and the militia, but, in reality, to be spies upon his actions. This message was the more disagreeable to him, as after having returned an answer, and dismissed the Committee, they told him, they had orders to stay at York. Though it was easy for him to see with what view the Parliament had sent this Committee, he thought not proper, to use any violence to drive them from the City.

The King's Proposal to The Gentry of Yorkshire

The 12th of May, the Gentry of the County being come to York, his Majesty made a speech to them, wherein he protested;—

That the enjoying of quiet was the chief cause of his coming among them in the North and not to make that part of the Kingdom a seat of war, as malice would make them believe. He added, that both Houses of Parliament did, by their messengers, gave him even in York; and that, as his magazine of Hull was going, directly against his will, to be taken from him, and the Militia to be put in execution against law and his consent; and lastly, as Sir John Hotham's treason was countenanced, none could blame him for apprehending danger. Therefore he was resolved to have a guard, in which he desired their concurrence and assistance.

He Receives Four Different Answers

The Yorkshire Gentry being variously disposed, it was not possible for the hearers of the King's speech to agree, in the same answer. Nay, it is said, some violence was used by the Court, to

exclude from the debate such as were known to be opposite to the King, and that these were forced to assemble elsewhere.

For this reason the King received four different answers to his proposition, two whereof were favourable, and the other two besought him to hearken to the advice of his Parliament. The guard however was raised, and the command thereof given to the Prince of Wales (1).

The Parliament Hinders the King from Removing The Courts of Justice to York

The King would have also removed the Courts of Justice from Westminster to York, and even sent a proclamation to the Lord-Keeper Littleton for that purpose, with orders to publish it. But the Parliament having notice of it, forbid him to execute the orders.

He Sends for Skippon and The Parliament Will Not Let Him Go

Sergeant Major-General Skippon being an excellent officer, and the King knowing the Parliament designed to employ him, sent for him to attend him at York. But the Parliament gave him orders to the contrary, which Skippon obeyed. This doubtless was foreseen by the King, but he was very glad to shew that the Parliament desired a war, since they so haughtily contradicted his orders.

As matters stood between the King and the Parliament, a war seemed unavoidable, and probably it was determined on both sides. The sole concern was to amuse the public with good or bad reasons, and try to call the blame on the opposite party.

Meanwhile the King's two answers of March the 9th, and the 20th, not being replied to, the Parliament was apprehensive, their silence would produce an ill effect in the minds of the people. Wherefore they took occasion, in answering these two messages, to publish a manifesto, under the name of Remonstrance or Declaration, the 19th of May. As this Manifesto, and the King's answer, are very proper to inform the reader of the reasons of both parties, or at least of those they alleged to support their cause, and vindicate their conduct, I think it necessary to insert these two papers, for fear the abridging them may be an injury to either.

The Declaration or Remonstrance of The Lords and Commons in Parliament Assembled May 19, 1642.

THE infinite mercy and providence of the Almighty God hath been abundantly manifested since the beginning of this Parliament, in great variety of protestations and blessings, whereby he hath not only delivered us from many wicked plots and designs, which, if they had taken effect, would have brought ruin and destruction upon this Kingdom; but out of those attempts hath produced divers evidence and remarkable advantages to the furtherance of those services, which we have been desirous to perform to our sovereign Lord the King, and to this Church and State, in providing for the public peace and prosperity of his Majesty, and all his Realms, which in the presence of the same all-seeing Deity, we protest to have been, and still to be, the only end of all our counsels and endeavours, wherein we have resolved to continue freed and enlarged from all private aims, personal respects or passions whatsoever. (1)

Remark 1. It maybe presumed, there were in both Houses, many Members who acted with sincerity, and believed, they really served the public in whatever they did against the King. But it is hard to conceive, how both Houses, consisting of so many members, who were ignorant of

one another's inward sentiments, could call God to witness, that they acted only by just motives, free from passion and private views.

In which resolution we are nothing discouraged, although the heads of the malignant party, disappointed of that pray, the Religion and Liberty of this Kingdom, which they were ready to seize upon and devour before the beginning of this Parliament, have still persisted, by new practices, both of force and subtlety, to recover the same again; for which purpose they have made several attempts for the bringing up of the army; they afterwards projected the false accusation of the Lord Kimbolton and the five members of the House of Commons, which being in itself of an odious nature, they yet so far prevailed with his Majesty, as to procure him to take it upon himself; but when the unchangeable duty and faithfulness of the Parliament could not be wrought upon by such a fact as that, to withdraw any part of their reverence and obedience from his Majesty, they have, with much art and industry, advised his Majesty, to suffer divers unjust scandals and imputations upon the Parliament, to be published in his name, whereby they might make it odious to the people, and by their help to destroy that which hath hitherto been the only means of their own preservation.

For this purpose, they have drawn his Majesty into the northern parts, far from the Parliament, that so false rumours might have time to get credit, and the just defences of the Parliament find a more tedious, difficult, and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his Majesty, and his subjects; which the more speedily to effect, they have caused a press to be transported to York from whence several papers and writings of that kind are conveyed to all parts of the Kingdom, without the authority of the Great-Seal, in an unusual and illegal manner, and without the advice of his Majesty's Privy-Council; from the greater and better part whereof having withdrawn himself, as well as from his great Council of Parliament, he is thereby exposed to the wicked and unfaithful counsels of such as have made the wisdom and justice of the Parliament dangerous to themselves; and this danger they labour to prevent, by hiding their own guilt under the name and shadow of the King, infusing into him their own fears, and as much as in them lies, aspersing his Royal person and honour with their own infamy, from both which it hath always been as much the care, as it is the duty of the Parliament, to preserve his Majesty, and fix the guilt of all evil actions and counsels, upon those who have been the authors of them.

Amongst divers writings of this kind, we the Lords and Commons in Parliament, have taken into our consideration two printed papers; the first containing a declaration, which they received from his Majesty, in answer of that which was presented to his Majesty from both Houses of Parliament at Newmarket, the 9th of March 1641.

The other, his Majesty's answer to the petition of both Houses, presented to his Majesty at York, the 26th of March 1642, both which are filled with harsh censures, and causeless charges upon the Parliament; concerning which, we hold it necessary to give satisfaction to the Kingdom, seeing we find it very difficult to satisfy his Majesty, whom, to our great grief, we have found to be so engaged to, and possessed by those misapprehensions, which evil counsellors have wrought in him, that our most humble and faithful Remonstrances have rather irritated and embittered, than any thing allayed or mitigated the sharp expressions, which his Majesty hath been pleased to make in answer to them; for the manifestation whereof, and of our own innocency, we desire that all his Majesty's loving subjects may take notice of these particulars.

We know no occasion given by us, which might move his Majesty to tell us, That in our declaration presented at Newmarket, there were some expressions different from the usual language to Princes.

Neither did we tell his Majesty, either in words or in effect, That if he did not join with us in an act, which his Majesty conceived might prove prejudicial and dangerous to himself and the whole Kingdom, we would make a law without him, and impose it upon the people.

That which we desired was,

That in regard of the imminent danger of the Kingdom, the militia, for the security of his Majesty and his people, might be put under the command of such noble and faithful persons, as they had all cause to confide in; And such was the necessity of this preservation, that we declare,

That if his Majesty should refuse to join with us therein, the two Houses of Parliament, being the supreme Court, and highest Council of the Kingdom, were enabled, by their own authority, to provide for the resulting of such imminent and evident danger, not by any new law of their own making, as hath been untruly suggested to his Majesty, but by the most antient law of this Kingdom, even that which is fundamental and essential to the constitution and subsistence of it.

Although we never desired to encourage his Majesty to such replies, as might produce any contestation betwixt him and his Parliament, of which we never found better effect than loss of time, and hindrance of the public affairs; yet we have been far from telling him, of how little value his words would be with us, much less when they are accompanied with actions of love and justice. His Majesty hath more reason to find fault with those wicked counsellors, who have so often bereaved him of the honour, and his people of the fruit, of many gracious speeches which he made to them, such as those in the end of the last Parliament;

That in the word of a King, and as he was a Gentleman, he would redress the grievances of his people, as well out of Parliament as in it.

Were the searching the studies and chambers, yea, the pockets of some, both of the Nobility and Commons, the very next day; the commitment of Mr. Bellasis, Sir John Hotham, and Mr. Crew; the continued oppressions by ship-money, coat and conduct money; with the manifold imprisonments, and other vexations thereupon, and other ensuing violations of the laws and liberties of the Kingdom, (all which were the effects of evil counsel, and abundantly declared in our general Remonstrance of the state of the Kingdom) actions of love and justice, suitable to such words as those?

As gracious was his Majesty's speech in the beginning of this Parliament;

That he was resolved to put himself freely and clearly upon the love and affection of his English subjects. Whether his causeless complaints and jealousy, the un just imputations so often cast upon his Parliament, his denial of their necessary defence by the ordinance of the militia, his dangerous absenting himself from his great Council, like to produce such a mischievous division in the Kingdom, have not been more suitable to other men's evil counsels, than to his own words, will easily

appear to any indifferent judgment.

Neither have his latter speeches been better used and preferred by these evil and wicked counsellors. Could any words lie fuller of love and justice, than those in his answer to the message sent the House of Commons, the 31st of December 1641? We do engage unto you solemnly, on the word of a King, that the security of all, and every one of you from violence, is, and ever shall be as much our care, as the preservation of us and our children.

And could any actions be fuller of injustice and violence than that of the Attorney-General, in falsely accusing the six Members of Parliament, and the other proceedings thereupon, within three or four days after that message? For the full view whereof let the declaration made of those proceedings be perused; and by those instances (we could add many more) let all the world judge, who deserves to be taxed with devaluing his Majesty's words, they, who have as much as in them lies stained and sullied them with such foul counsels; or the Parliament, who have ever manifested, with joy and delight, their humble thankfulness for those gracious words and actions of love and justice which have been conformable thereunto.

The King is pleased to disavow the having any such evil council or counsellors, as are mentioned in our declaration, to his knowledge; and we hold it our duty, humbly to avow there are such, or else we must say, that all the ill things done of late in his Majesty's name, have been done by himself, wherein we should neither follow the direction of the law, nor the affection of our own hearts, which is, as much as may be, to clear his Majesty from all imputation of misgovernment, and to lay the fault upon his Ministers; the false accusing of six members of Parliament; the justifying of master Attorney in that false accusation; the violent coming to the House of Commons; the denial of the militia; the sharp messages to both Houses, contrary to the customs of former Kings; the long and remote absence of his Majesty from Parliament; the heavy and wrongful taxes upon both Houses; the cherishing and countenancing a discontented party in the Kingdom against them:

These certainly are the fruits of very ill counsel, apt to put the Kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the rebels there, and the authors of those evil counsels, we conceive, must needs be known to his Majesty.

And we hope our labouring with his Majesty to have these discovered and brought to a just censure, will not so much wound his honour, in the opinion of his good subjects, as his labouring, to preserve and conceal them.

And whereas his Majesty's faith, He could wish that his own immediate actions, which he avows on his own honour, might not be so roughly censured under that common stile of evil counsellors:

We could also heartily wish, That We had not cause to make that stile so common. But how often and undutiful so ever these wicked counsellors fix their dishonour upon the King, by making his Majesty the author of those evil actions, which are the effects of their own evil counsels, we his Majesty's loyal and dutiful subjects can use no other stile, according to that maxim in the law, The King can do no wrong but if any ill be committed in matter of State, the Council; if in matter of Justice, the Judges must answer for it.

We lay no charge upon his Majesty, which should put him upon that apology, concerning his faithful and zealous affection of the Protestant profession: Neither

doth his Majesty endeavour to clear those in greatest authority about him, by whom (we say) that design hath been potently carried on for divers years; and we rather with, that the mercies of heaven, than the judgments, may be manifested upon them; but that there hath been such, there are so plentiful and frequent evidences, that we believe there is none, either Protestant or Papist, who hath had any reasonable view of the passages of latter times, but either in fear or hope, did expect a sudden. issue of this design.

We have no way transgressed against the act of oblivion, by remembering the intended war against Scotland, as a branch of that design to alter religion, by those wicked counsels, from which God did then deliver us, which we ought never to forget.

That the rebellion in Ireland was framed and cherished by the popish and malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: The same rebellious principles of pretended religion, the same political ends, are apparent in both, and their malicious designs and practices are masked and disguised with the same false colour, of their earnest zeal to vindicate his Majesty's prerogative from the supposed oppression of the Parliament. How much these treacherous pretences have been countenanced by some evil counsel about his Majesty, may appear in this,

That the Proclamation whereby they were declared traitors, was so long withheld as to the act of January, though the rebellion broke forth in October before, and then no more but forty copies appointed to be printed, with a special command from his Majesty not to exceed that number; and that none of them should be published, till his Majesty's pleasure were further signified, as by the warrant appears, a true copy whereof is hereunto added, so that a few only could take notice of it; which was made more observable, by the late contrary proceedings against the Scots, who were in a very quick and sharp manner proclaimed; and those Proclamations forthwith dispersed, with as much diligence as might be, through all the Kingdom, and ordered to be read in all Churches, accompanied with public prayers and execrations.

Another evidence of favour and countenance to the rebels, in some of power about his Majesty, is this,

That they have put forth in his name a causeless complaint against the Parliament, which speaketh the same language of the Parliament which the rebels do, whereby to raise a belief in men's minds, that his Majesty's affections are alienated, as well as his person is removed from that great Council; all which doth exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels, than any jealousy or misapprehension, begotten in his subjects, by the declaration of the rebels injunctions of Rosetti, or information of Tristram Whitecomb; so that, considering the present state and temper of both Kingdoms, his royal presence is far more necessary here than it can be in Ireland, for redemption or protection of his subjects there.

And whether there be any cause of his Majesty's great indignation, for being reproached to have intended force or threatening to the Parliament, we desire them to consider, who shall read our declaration, in which there is no word tending to any such reproach; and certainly we have been more tender of his Majesty's honour in this point, than he, whosoever he was, that did write this declaration, where, in his Majesty's name, he doth call God to witness, he never had any such thought, or knew of any such resolution of bringing up the army; which truly will seem strange

to those, who shall read the deposition of Mr. Goring, the information of Mr. Percy, and divers other examinations of Mr. Wilmot, Mr. Pollard, and others; the other examinations of Captain Legg, Sir Jacob Ashley, Sir John Comers; and consider the condition and nature of the Petition which was sent unto Sir Jacob Ashley, under the approbation C. R. which his Majesty doth now acknowledge to be his own hand; and being full of scandal to the Parliament, might have proved dangerous to the whole Kingdom, if the army should have interposed betwixt the King and them, as was desired.

We do not affirm, that his Majesty's warrant was granted for the passage of Mr. Jermin, after the desire of both Houses for restraint of his servants, but only that he did pass over, after that restraint, by virtue of such a warrant. We know the warrant bears date the day before our desire yet it seems strange to those who know how great respect and power Mr. Jermin had in Court, that he should begin his journey in such haste, and in apparel so unfit for travel, as a black satin suit, and white boots, if his going away were designed the day before.

The accusation of the Lord Kimbolton, and the five Members of the House of Commons, is called a breach of privilege; and truly so it was, and a very high one, far above any satisfaction that hath been yet given: How can it be said to be largely satisfied, so long as his Majesty laboured to preserve master Attorney from punishment, who was the visible actor in it; so long as his Majesty hath not only justified him, but by his letters declared, that it was his duty to accuse them, and that he would have punished him, if he had not done it; so long as those members have not the means of clearing their innocency, and the authors of that malicious charge undiscovered, though both Houses of Parliament have several times petitioned his Majesty to discover them, and that not only upon-grounds of common justice, but by act of Parliament, his Majesty is bound to do it; so long as the King refuses to pass a Bill for their discharge, alleging:

That the narrative in that Bill is against his honour, whereby he seems still to avow the matter of that false and scandalous accusation, though he defers the prosecution, offering to pass a Bill for their acquittal; yet with intimation, that they must desert the avowing their own innocency, which would more wound them in honour, than secure them in law.

And in vindication of this great privilege of Parliament, we do not know that we have invaded any privilege belonging to his Majesty, as is alleged in this Declaration. But we look not upon this only in the notion of a breach of privilege, which might be, though the accusation were true or false, but under the notion of a heinous crime in the Attorney, and all other subjects who had a hand in it, a crime against the law of nature, against the rules of justice, that innocent men should be charged with so great an offence as treason, in the face of the highest judicatory of the Kingdom, whereby their lives and estates, their blood and honour, are endangered, without witness, without evidence, without all possibility of reparation in a legal course, yet a crime of such a nature, that his Majesty's command can no more warrant, than it can any other acts of injustice.

It is true, that those things which are evil in their own nature, such as false testimony, or false accusation, cannot be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever; therefore the Attorney in this case was bound to refuse to execute such a command, unless he had some such evidence or testimony, as might have warranted him against the parties, and be liable to make satisfaction if it should prove false; and it is sufficiently known to every man, and adjudged in Parliament, That the King can

be neither the relator, informer, or witness.

If it rest as it is, without further satisfaction, no future Parliament can be safe, but that the Members may be taken and destroyed at pleasure; yea the very principles of government and justice will be in danger to be dissolved.

We do not conceive, that numbers do make an assembly unlawful, but when either the end or manner of their carriage shall be unlawful. Divers just occasions might draw the Citizens to Westminster, where many public and private petitions, and other causes, were depending in Parliament; and why that should be found more faulty in the Citizens, than the resort of great numbers every day in the term to the ordinary Courts of Justice, we know not that those citizens were notoriously provoked and assaulted at Westminster, by Colonel Lunsford, Captain Hide, with divers others, and by some of the servants of the Archbishop of York, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with swords, by the officers and soldiers near Whitehall, many of them being without weapons, and giving no cause of distaste, as is likewise proved by several testimonies; but of any scandalous or seditious misdemeanors of theirs, that might give his Majesty good cause to suppose his own person, or those of his Royal Consort, or children, to be in apparent danger, we have had no proof ever offered to either House and if there had been any complaint of that kind, it is no doubt the Houses would have been as forward to join in an order for the suppressing such tumults, as they were not long before upon another occasion, when they made an order to that purpose.

Whereas those officers and soldiers, which committed that violence upon so many of the Citizens at Whitehall, were cherished and fostered in his Majesty's house: And when, not long after, the Common-Council of London presented a petition to his Majesty, for reparation of those injuries; his Majesty answer was, (without hearing the proof of the complainants) that if any Citizen were wounded or ill-treated, his Majesty was confidently assured, that it happened by their own evil and corrupt demeanors.

We hope it cannot be thought contrary to the duty and wisdom of a Parliament, if many concurring, and frequently reiterated and renewed advertisements from Rome, Venice, Paris, and other parts; if the solicitations of the Pope's Nuncio, and our own discontented fugitives, do make us jealous and watchful for the safety of the State. And we have been very careful to make our expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might justly stick with them, with reflection upon the person of his Majesty. Wherein we appeal to the judgment of any indifferent person, who shall read and peruse our own words.

We must maintain the ground of our fears to be of that moment, that we cannot discharge the trust and duty which lies upon us, unless we do apply ourselves to the use of those means which the law hath enabled us in cases of this nature, for the necessary defence of the Kingdom; and as his Majesty doth graciously declare, the law shall be the measure of his power, so do we most heartily profess, that we shall always make it the rule of our obedience.

Prudent Omissions in The King's Answer

The next point of our Declaration was with much caution artificially passed over by him who drew his Majesty's answer, it being indeed the foundation of all our misery, and his Majesty's trouble, that he is pleased to hear general taxes upon his

Parliament, without any particular charge to which they may give satisfaction, and that he hath often conceived displeasure against particular persons upon misinformation and although those informations have, been clearly proved to be false, yet he would never bring the accusers to question, which layeth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble with untrue and groundless informations three particulars we mentioned in our Declaration, which the penner of that answer had good cause to omit; the words supposed to be spoken at Kensington; the pretended articles against the Queen; and the groundless accusation of the six Members of Parliament, there being nothing to be said in defence or denial of any of them.

Concerning his Majesty's desire to join with his Parliament, and with his faithful subjects, in defence of religion, and public good of the Kingdom, we doubt not but he will do it fully, when evil counsellors shall be removed from about him; and until that he, as we have showed before of words, so must we also say of laws, that they cannot secure us, witness the Petition of Right, which was followed with such an inundation of illegal taxes, that we had just cause to think, that the payment of eight hundred and twenty thousand pounds was an easy burthen to the Commonwealth, in exchange of them; and we cannot but justly think, that if there be a continuance of such ill counsellors, and favour to them, they will by some wicked device or other, make the Bill for the Triennial Parliament, and those other excellent laws mentioned in his Majesty's Declaration, of less value than words.

That excellent Bill for the continuance of this Parliament was so necessary, that without it, we could not have raised so great sums of money for the service of his Majesty and the Commonwealth as we have done, and without which the ruin and destruction of the Kingdom must needs have followed. And we are resolved, the gracious favour of his Majesty expressed in that Bill, and the advantage and security which thereby we have from being dissolved, shall not encourage us to do anything, which otherwise had not been fit to have been done.

And we are ready to make it good before all the world, that although his Majesty hath passed many bills very advantageous for the subject, yet in none of them have we bereaved his Majesty of any just, unnecessary, or profitable prerogative of the Crown.

We so earnestly desire his Majesty's return to London, for that upon it, we conceive, depends the very safety and being of both his Kingdoms: and therefore we must protest, that as for the time past, neither the government of London, nor any Laws of the Land, have lost their life and force for his security, so for the future, we shall be ready to do or say, anything that may stand with the duty or honour of a Parliament, which may raise a mutual confidence betwixt his Majesty and us, as we do wish, and as the affairs of the Kingdom do require.

Thus far the answer to that which is called His Majesty's Declaration, hath led us. Now we come to that which is entitled, His Majesty's answer to the Petition of both Houses, presented to him at York the 26th of March 1642. In the beginning whereof his Majesty wisheth, that Privileges on all parts were so stated, that this way of correspondence, might be preserved, with that freedom which hath been used of old. We know nothing introduced by us that gives any impediment hereunto; neither have we affirmed our Privileges to be broken, when his Majesty denies us any thing, or gives us a reason why he cannot grant it, or that those who advised such denial, were enemies to the peace of the Kingdom, and favourers of the Irish rebellion, in which aspersion, that is turned into a general assertion, which in our votes is applied to a particular case; wherefore we must maintain our votes;

That those who advised his Majesty to contradict that which both Houses, in the question concerning the militia, had declared to be law and command, it should not be obeyed, is a high breach of privilege; and that those who advised his Majesty to absent himself from his Parliament, are enemies to the peace of the Kingdom, and justly to be suspected to be favourers of the rebellion in Ireland. The reasons of both are evident, because in the first there is as great a derogation from the trust and authority of Parliament; and in the second, as much advantage to the proceedings and hopes of the rebels as may be:

And we hold it a very causeless imputation upon the Parliament, that we have herein any way impeached, much less taken away, the freedom of his Majesty's vote, which doth not import a liberty for his Majesty to deny any thing, how necessary so ever, for the preservation of the Kingdom, much less a licence to evil counsellors, to advise anything, though never so destructive to his Majesty and his people. (2)

Remark (2) I do not think, it was ever decided to what acts the King may, or may not, deny his assent. So there arises an inexhaustible fountain of disputes, when the King and Parliament do not agree.

By the message of the 20th of January, his Majesty did propound to both Houses of Parliament, that they would with all speed fall into a serious consideration of all those particulars, which they thought necessary, as well for the upholding and maintaining his Majesty's just and regal authority, and for the settling his revenue, as for the present and future establishing our Privileges, the free and quiet enjoying our estates, the liberties of our persons, the security of the true religion professed in the Church of England, and the settling of ceremonies in such a manner as may take away all just offence, and digest it into one entire body. To that point of upholding and maintaining his Royal authority, we say, nothing hath been done to the prejudice of it, that should require any new provision:

To the other of settling the revenue, the Parliament hath no way abridged or disordered his just revenue; but it is true that much waste and confusion of his Majesty's estate hath been made by those evil and unfaithful Ministers, whom he hath employed in the managing of it, whereby his own ordinary expenses would have been disappointed, and the safety of the Kingdom more endangered, if the Parliament had not in some measure provided for his household, and for some of the forts, more than they were bound to do; and they are still willing to settle such a revenue upon his Majesty, as may make him live royally, plentifully, and safely; but they cannot in wisdom and fidelity to the Commonwealth do this, till he shall choose such counsellors and officers as may order and dispose it to the public good, and not apply it to the ruin and destruction of his people, as heretofore it hath been. But this and the other matters concerning ourselves, being works of great importance, and full of intricacy, will require so long a time of deliberation, that the Kingdom might be ruined before we should effect them.

Wherefore we thought it necessary, first to be suitors to his Majesty, so to order the militia, that the Kingdom being secured, we might with more ease and safety apply ourselves to debate of that message wherein we have been interrupted by his Majesty's denial of the ordinance concerning the same, because it would have been in vain for us to labour in other things, and in the mean time to leave ourselves naked to the malice of so many enemies both at home and abroad; yet we have not been altogether negligent of those things which his Majesty is pleased to propound in that message:

We have agreed upon a book of rates in a larger proportion than hath been granted to any of his Majesty's predecessors, which is a considerable support of his Majesty's public charge; and have likewise prepared divers propositions and Bills for preservation of our religion and liberties, which we intend shortly to present to his Majesty, and to do whatsoever is fit for us to make up this unpleasant breach betwixt his Majesty and his Parliament. Whereas divers exceptions are here taken concerning the militia; first, that his Majesty never denied the thing, but accepted the persons (except for corporations) only that he denied the way.

To which we answer, that that exception takes off London, and all other great towns and cities, which makes a great part of the Kingdom; and for the way of ordinance it is antient, more speedy, more easily alterable, and, in all these and other respects, more proper and more applicable to the present occasion, than a Bill which his Majesty calls the only good old way of imposing upon the subjects. It should seem that neither his Majesty's Royal predecessors, nor our ancestors have heretofore been of that opinion; 37 Ed. 3. find this record:

The Chancellor made declaration of the challenge of the Parliament, the King desires to know the griefs of his subjects, and to redress enormities. The last day of the Parliament, the King demanded of the whole Estates, whether they would have such things as they agreed only by way of ordinance, or statute? Who answer by way of ordinance; for that they might amend the same at their pleasure, and so it was,

But his Majesty objects further, that there is somewhat in the preface, to which he could not consent with justice to his honour and innocence, and that thereby he is excluded from any power in the disposing of it. These objections may seem somewhat, but indeed will appear nothing, when it shall be considered, that nothing in the preamble lays any charge upon his Majesty, or in the body of the ordinance, that excludes his royal authority in the disposing or execution of it: But only it is provided, That it should be signified by both Houses of Parliament, as that channel through which it will be best derived, and most certainly to those ends for which it is intended, and let all the world judge, whether we have not reason to insist upon it, that the strength of the Kingdom should rather be ordered according to the direction or advice of the great Council of the Land, equally entrusted by the King, and by the Kingdom, than that the safety of the King, Parliament, and Kingdom, should be left at the devotion of a few unknown Counselors, many of them not entrusted at all by the King in any public way, not at all confided in by the Kingdom.

We wish the danger were not imminent, or not still continuing, but cannot conceive, that the long time spent in this debate is evidence sufficient that there was no such necessity or danger, but a Bill might easily have been prepared; for when many causes do concur to the danger of a State, the interruption of any one may hinder the execution of the rest, and yet the design be still kept on foot for better opportunities.

Who knows whether the ill success of the rebels in Ireland had not hindered the insurrection of the Papists here? Whether the preservation of the six members of the Parliament falsely accused, hath not prevented that plot of the breaking the neck of the Parliament, of which we were informed from France, not long before they were accused. Yet since his Majesty hath been pleased to express his pleasure rather for a Bill than an ordinance, and that he sent in one for that purpose, we readily entertained it, and with some small and necessary alterations, speedily passed the same:

But, contrary to the custom of Parliament, and our expectations grounded upon his Majesty's own invitation of us to that way, and the other reasons manifested in our Declaration concerning the militia of the 5th of May, instead of his royal assent, we met with an absolute refusal.

If the matter of these our votes of the 15th and 16th of March, be according to law, we hope his Majesty will allow the subjects to be bound by them, because he hath said, he will make the law the rule of his power; and if the question be, Whether that be Law which the Lords and Commons have once declared to us so, who shall be the judge? Not his Majesty;

For the King judgeth not of matters of Law, but by his Courts; and his Courts, though sitting by his authority, we expect not his assent in matters of Law: Nor any other courts, for they cannot judge in that case, because they are inferior; no appeal lying to them from Parliament, the judgment whereof is, in the eye of the Law, the King's judgment in his highest Court; though the King in his person be neither present nor assenting thereunto. (3)

Remark 3. I observed elsewhere, the defect of this reasoning, which is a mere fallacy, grounded upon the equivocal word Parliament. For under colour, that in a certain sense, the two Houses alone are called the Parliament, they assume here to themselves the rights belonging solely to the Parliament composed of King, Lords, and Commons»

The Votes at which his Majesty takes exceptions, are these:

That the King's absence so far remote from the Parliament, is not only an obstruction, but may be a destruction to the affairs of Ireland.

That when the Lords and Commons shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of Parliament. That those persons that advised his Majesty to absent himself from the Parliament, are enemies to the peace of the Kingdom, and justly may be suspected to be favourers of the rebellion in Ireland.

That the Kingdom hath been of late, and still is in so imminent danger, both from enemies abroad, and a Popish and discontented party at home, that there is an urgent and inevitable necessity of putting his Majesty's subjects into a posture of defence, for the safeguard both of his Majesty and his people,

That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have in several Petitions addressed themselves to his Majesty, for the ordering and disposing of the militia of the Kingdom, in such a way as was agreed upon by the wisdom of both Houses, to be most effectual and proper for the present exigents of the Kingdom, yet could not obtain it, but his Majesty did several times refuse to give his royal assent thereunto,

That in this case of extreme danger, and his Majesty's refusal, the ordinance of Parliament agreed upon by both Houses for the militia, doth oblige the people, and ought to be obeyed by the fundamental Laws of this Kingdom.

By all which it doth appear, that there is no colour that by this tax we go about to introduce a new Law, much less to exercise an arbitrary power, but indeed to prevent it; for this Law is as old as the Kingdom, that the Kingdom must not be without a means to preserve itself; which that it may be done without confusion, this Nation hath entrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this Kingdom, is in his Majesty and in his Parliament together:

Yet since the Prince, being but one person, is more subject to accidents of nature and chance, whereby the Commonwealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the Kingdom may not be enforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule, The wisdom of this State hath entrusted the Houses of Parliament with a power to supply what shall be wanting on the part of the Prince; as is evident by the constant custom and practice thereof in cases of nonage, natural disability, and captivity; and the like reason doth and must hold for the exercise of the same power in such cases, where the royal trust cannot be, or is not discharged, and that the Kingdom runs an evident and imminent danger thereby; which danger having been declared by the Lords and Commons in Parliament, there needs not the authority of any person or Court to affirm; nor is it in the power of any person or Court to revoke that judgment. (4)

Remark 4. All these reasonings of both Houses are founded upon the supposition of an imminent danger. When they come to give proofs of the reality of this danger, they allege only suspicions, whereof they explain the causes. After which, they affirm the danger to be real, because they have declared it so, and because there is no superior authority to contradict their judgment. But this Declaration does not make the danger real, if it be not so indeed. It is easy therefore to perceive, by their way of proceeding, that they are embarrassed by this article.

We know the King hath ways enough in his ordinary Courts of Justice to punish such seditious pamphlets and sermons, as are any way prejudicial to his rights, honour, and authority; and if any of them have been so insolently violated and vilified, his Majesty's own Council and officers have been to blame, and not the Parliament. We never did restrain any proceedings of this kind in other Courts, nor refuse any fit complaint to us.

The protestation protested was referred by the Commons House to a Committee, and the author being not produced, the printer was committed to prison, and the book voted by that Committee to be burnt; but Sir Edward Deering, who was to make that report of the votes of that Committee, neglected to make it. The apprentices protestation was never complained of; but the other seditious pamphlet (*To your tents, O Israel*) was once questioned, and the full prosecution of it was not interrupted by any fault of either House, whose forwardness to do his Majesty all right therein, may plainly appear, in that a Committee of Lords and Commons were purposely appointed to take such information as the King's Council should present, concerning seditious words, practices, or tumults. pamphlets or sermons, tending to the derogation of his Majesty's rights or prerogative; and his Council were enjoined by that Committee to enquire and present them; who several times met thereupon, and received this answer and Declaration from the King's Council, that they knew of no such thing as yet.

If his Majesty had used the service of such a one in penning this answer, who understood the laws and government of this Kingdom, he would not have thought it legally in his power to deny his Parliament a guard, when they stood in need of it, since every ordinary Court hath it; neither would his Majesty, if he had been well informed of the Laws, have refused such a guard as they desired, it being in the power of inferior Courts to command their own guard; neither would he have imposed upon them such a guard, under a commander which they could not confide in; which is clearly against the privileges of Parliament, and of which they found very dangerous effects, and therefore desired to have it discharged. But such a guard, and so commanded, as the Houses of Parliament desired, they could never obtain of his Majesty; and the placing of a guard about them, contrary to their desire, was not to grant a guard to them, but in effect, to set one upon them.

All which considered; we believe, in the judgments of any indifferent persons, it will not be thought strange, if there were a more than ordinary resort of people at Westminster, of such as came willingly of their own accord to be witnesses and helpers of the safety of them, whom all his Majesty's good subjects are bound to defend from violence and danger; or that such a concourse as this, they carrying themselves quietly and peaceably (as they did) ought, in his Majesty's apprehension, or can, in the interpretation of the Law, be held tumultuary and seditious.

When his Majesty, in that question of violation of the Laws, had expressed the observation of them indefinitely, without any limitation of time, although we never said or thought any thing that might look like a reproach to his Majesty, yet we had reason to remember that it had been otherwise, lest we should seem to desert our former complaints and proceedings thereupon, as his Majesty doth seem but little to like or approve of them; for although he doth acknowledge here, that great mischief that grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers, or related unto the chief authors and actors of that arbitrary power, and of those false colours, suggestions of imminent danger and necessity, whereby they did make it plausible unto his Majesty.

And on the other side, such as did appear against them, are daily discountenanced and disgraced; which, whilst it shall be so, we have no reason to judge the disease to be yet killed and dead at root, and therefore no reason to bury it in oblivion. And whilst we behold the spawns of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abettors of the former, or at least, concurring with them in their malignancy against the proceedings of this Parliament, we cannot think ourselves secure from the like or a worse danger.

And here the penner of this answer bestows an admonition upon the Parliament, bidding us take heed we fall not upon the same error, upon the same suggestions. But he might have well spared this, till he could have shewed wherein we had exercised any power, otherwise than by the rule of the Law, or could have found a more authentic or higher judge in matters of Law, than the High Court of Parliament.

It is declared in his Majesty's name, That he is resolved to keep the rule himself, and to his power to require the same of all others. We must needs acknowledge, that such a resolution is like to bring much happiness and blessing to his Majesty, and all his Kingdom; yet with humility we must confess, we have not the fruit of it, in that case of my Lord Kimbolton, and the other five Members, accused contrary to Law, both Common Law and the Statute Law, and yet remain unsatisfied; which case was remembered in our declaration, as a strange and unheard of violation of our Laws. But the penner of this answer thought fit to pass it over,

hoping that many would read his Majesty's answer, (which hath been so carefully dispersed) which would not read our declaration.

Whereas, after our ample thanks and acknowledgement of his Majesty's favour in passing many good bills, we said, That truth and necessity enforced us to add this, that in or about the time of passing those Bills, some design or other hath been on foot, which, if it had taken effect, would not only have deprived us of the fruit of those Bills, but would have reduced us to a worse condition of confusion, than that wherein the Parliament found us. It is now told us, That the King must be most sensible of what we cast upon him, for requital of those good Bills; whereas, out of our usual tenderness of his Majesty's honour, we did not mention him at all: But so injurious are those wicked counsellors to the name and honour of their master and Sovereign, that, as much as they can, they lay their own infamy and guilt upon his shoulders.

Here God also is called to witness his Majesty's upright intentions at the passing of those Laws; this we will not question, neither did we give any occasion for such a solemn asseveration as this is. The devil is likewise defied to prove, there was any design with his Majesty's knowledge or privity. This might well have been spared, for we spoke nothing of his Majesty:

But since we are so far taxed, as to have it affirmed, that we laid a notorious and false imputation upon his Majesty, we have thought it necessary, for the just defence of our own innocence, to cause the oaths and examinations which had been taken concerning the design, to be published in a full narration, for satisfaction of all his Majesty's subjects; out of which we shall now offer some few particulars, whereby the world may judge, whether we could have proceeded with more tenderness towards his Majesty than we have done.

Mr. Goring confesseth, that the King first asked him, whether he was engaged in any cabal concerning the army? And commanded him to join with Mr. Percy and Mr. Jermin, and some others, whom they should find within at Mr. Percy's chamber; where they took the oath of secrecy, and then debated of a design propounded by Mr. Jermin, to secure the Tower, and to consider of bringing up the army to London, and Captain Legg confessed, he had received the draught of a Petition in the King's presence; and his Majesty acknowledged it was from his own hand: And whosoever reads the sum of that Petition, as it was proved by the testimony of Sir Jacob Ashly, Sir John Corners, and Captain Legg, will easily perceive some points in it, apt to beget in them some discontent against the Parliament. And can any man believe, there was no design in the accusation of the Lord Kimbolton, and the rest, in which his Majesty doth avow himself to be both a commander and an actor? These things being so, it will easily appear to be as much against the rule of prudence, that the penner of this answer should entangle his Majesty in this unnecessary apology; as it is against the rules of justice, that any reparation from us should be either yielded or demanded.

It is professed in his Majesty's name, That he is truly sensible of the burdens of his people, which makes us hope, that he will take that course which will be most effectual to ease them of these burdens; that is, to join with his Parliament in preferring the peace of the Kingdom; which by his absence from them hath been much endangered, and which, by hindering the voluntary adventures for the recovery of Ireland, and disabling the subjects to discharge the great tax laid upon them, is like to make the war much more heavy to the Kingdom.

And for his Majesty's wants, the Parliament hath been no cause of them; we have

not diminished his just revenue, but have much eased his public charge, and somewhat his private. And we shall be ready, in a parliamentary way, to settle his revenue, in such an honourable proportion, as may be answerable to both, when he shall put himself into such a posture of Government, that his subjects may be secure to enjoy his just protection for their religion, Laws, and Liberties.

We never refused his Majesty's gracious offer of a free and general pardon, only we said it could be no security to our present fears and jealousies: And we gave a reason for it, that those fears did not arise out of any guilt of our own actions, but out of the evil designs and attempts of others and we leave it to the world to judge, whether we herein have deserved so heavy a tax and exclamation, (That it was a strange world, when Princes proffered favours are counted reproaches; such are the words of his Majesty's answer) who do esteem that offer as an act of princely grace and bounty, which, since this Parliament began, we have humbly desired we might obtain, and do still hold it necessary and advantageous for the generality of the subjects, upon whom these taxes and subsidies lie heaviest; but we see, upon every occasion, how unhappy we are in his Majesty's misapprehensions of our words and actions,

We are fully of the King's mind, as it is here declared, That he may rest so secure of the affections of his subjects, that he should not stand in need of foreign force to preserve him from oppression, and are content, that he shall never want an abundant evidence of the good wishes and assistance of his whole Kingdom, especially if he shall be pleased to hold so that gracious resolution, of building upon that sure foundation, the Law of the Land:

But why his Majesty should take it ill, that we having received information so deeply concerning the safety of the Kingdom, should think them fit to be considered of, we cannot conceive for although the name of the person was unknown, yet that which was more substantial to the probability of the report was known (that is) that he was servant to the Lord Digby, who in his presumptuous letter to the Queen's Majesty, and other letters to Sir Lewis Dives, had intimated some wicked proportion, suitable to that information; but that this should require reparation, we hold it as far from justice as it is from truth, that we have mixed any malice with these rumours, thereby to feed the fears and jealousies of the people.

It is affirmed, his Majesty is driven (but not by us yet) from us; perchance hereafter, if there be opportunity of gaining more credit, there will not be wanting who will suggest unto his Majesty, that it is done by us. And if his Majesty were driven from us, we hope it was not by his own fears, but by the fears of the Lord Digby, and his retinue of Cavaliers (5); and that no fears of any tumultuary violence but of their just punishment for their manifold insolence, and intended violence against the Parliament.

Remark 5. By the Lord Digby's Cavaliers were meant the Officers and Gentlemen who assembled at Whitehall to guard the King, in the head of whom was the Lord Digby. I do not believe, that when this declaration was published, the term Cavaliers was commonly used to denote the Royal party. Perhaps this word, used here by the Parliament, was the occasion of calling the King's party Cavalier, as the Parliament's adherents were named Round-heads. These two names were afterwards changed into Tories and Whiggs.

And this is expressed by the Lord Digby himself, when he told those Cavaliers, that the principal cause of his Majesty's going out of town, was to save them from being trampled in the dirt; but of his Majesty's person there was no cause of fear in the greatest heat of his people's indignation, after the accusation, and his Majesty's

violent coming to the House; there was no shew of any evil intention against his regal person, of which there can be no better evidence than this, that he came the next day without a guard into the City, where he heard nothing but prayers and petitions, no threatening nor irreverent speeches, that might give him any just occasion of fear, that we have heard of, or that his Majesty express:

For he stayed near a week after at Whitehall, in a secure and peaceable condition, whereby we are induced to believe, that there is no difficulty or doubt all, but his Majesty's residence near London, may be as safe as in any part of the Kingdom. We are most assured of the faithfulness of the City and suburbs; and for ourselves, we shall quicken the vigour of the Laws, the industry of the Magistrates, the authority of the Parliament, for the suppressing of all tumultuary insolences whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as are mentioned in this answer; and therefore we think it altogether unnecessary, and exceeding inconvenient, to adjourn the Parliament to any other place.

Where the desire of a good understanding betwixt the King and the Parliament, is on both parts so earnest, as is here professed by his Majesty, to be in him, and we have efficiently testified to be in ourselves, it seems strange we should be so long asunder, it can be nothing else but evil and malicious counsel, misrepresenting our carriage to him, and indisposing his favour to us:

And as it shall be far from us, to take any advantage of his Majesty's supposed straits, as to desire, much less to compel, him to that which his honour or interest may render unpleasant and grievous to him; so we hope, that his Majesty will not make his own understanding or reason the rule of his Government, but will suffer himself to be assisted with a wife and prudent council, that may deal faithfully betwixt him and his people; and that he will remember, that his resolutions do concern Kingdoms, and therefore ought not to be moulded by his own, much less by any other private person, which is not alike proportionable to so great a trust.

And therefore we still desire and hope, that his Majesty will not be guided by his own understanding, or think those courses, straits, and necessities, to which he shall be advised by the wisdom of both Houses of Parliament, which are the eyes in this politic body, whereby his Majesty is, by the constitution of this Kingdom, to discern the differences of those things which concern the public peace and safety thereof.

We have given his Majesty no cause to say, that we do meanly value the discharge of his public duty. Whatsoever acts of grace or justice have been done, they proceed from his Majesty by the advice and counsel of his Parliament; yet we have, and shall always answer them with constant gratitude, obedience, and affection:

And although many things have been done since this Parliament, of another nature, yet we shall not cease to desire the continued protection of Almighty God upon his Majesty; and most humbly petition him, to call from him all those evil and contrary counsels, which have, in many particulars formerly mentioned, much detracted from the honour of his Government, the happiness of his own estate, and prosperity of his people.

And having passed so many dangers from abroad, so to many conspiracies at home, and brought on the public work so far, through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of success, that nothing

seems to be left in our way, able to hinder the full accomplishment of our desires and endeavours of the public good; unless God in his justice do send such a grievous curse upon us, as to turn the strength of the Kingdom against itself, and to effect that by their own folly and credulity, which the power and subtlety of their and our enemies could not attain, that is, to divide the people from the Parliament, and to make them serviceable to the ends and aims of those who would destroy them.

Therefore we desire the Kingdom, to take notice of this last and most desperate and mischievous plot of the malignant party, that is acted and prosecuted in many parts of the Kingdom, under plausible notions of fairing them up to a care of preserving the King's prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, and encouraging of learning. And upon these grounds, divers mutinous petitions have been framed in London, Kent, and other counties, and sundry of his Majesty's subjects have been solicited to declare themselves for the King against the Parliament: And many false and foul aspersions have been made upon our proceedings, as if we had been not only negligent, but averse in these points:

Whereas we desire nothing more, than to maintain the purity and power of religion, and to honour the King in all his just Prerogatives; and for encouragement and advancement of piety and learning, we have very earnestly endeavoured, and still do, to the utmost of our power, that all parishes may have learned, pious, and sufficient preachers, and all such preachers competent livings(6).

Remark 6. The King complained, that the Church of England was going to be destroyed to make way for Presbytery. The Parliament dares not say the contrary, for fear of discouraging the Presbyterians, nor own it, because was not yet time to discover themselves so openly. They endeavour therefore to get off, by general terms, which signify nothing, that is, they have resolved to place in every Parish pious minders, and provide for their subsistence.

Many other bills and proportions are in preparation for the King's profit and honour, the people's safety and prosperity: In the proceedings whereof we are much hindered by his Majesty's absence from the Parliament, which is altogether contrary to the use of his predecessors, and the privileges of Parliament, whereby our time is consumed by a multitude of unnecessary messages, and our innocence wounded by causeless and sharp invectives. Yet we doubt not, but we shall overcome all this at last, if the people differ not themselves to be deluded with false and specious shews, and so drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of ourselves, that they might not be betrayed by our neglect of the trust reposed in us:

But if it were possible they should prevail; herein, yet we would not fail, through God's grace, still to persist in our duties, and to look beyond our own lives, estates, and advantages, as those who think nothing worth the enjoying, without the liberty, peace, and safety of the Kingdom; nor any thing too good to be hazarded in discharge of our consciences, for the obtaining of it:

And shall always repose ourselves upon the protection of Almighty God, which we are confident shall never be wanting to us, (while we seek his glory), as we have found it hitherto wonderfully going along with us in all our proceedings.

The King quickly answered this manifesto. He had strong reasons to prevent betimes, the impressions might make upon the minds of the people. As a war was unavoidable, the King and the Parliament were equally concerned to gain the

people, and for this these papers were intended.

We have seen in the Parliament's manifesto, the objections against the King reiterated, and we shall see in the King's, the same answers he had before given to each of the articles. These two Papers therefore may be considered as a recapitulation of whatever had been alleged pro and con, in the dispute between the King and the Parliament. Both flattered themselves, that their reasons were unanswerable, and proposed them with great confidence. Nor was this entirely without foundation, for both sides, reasoning upon different principles, might be in the right, according to their respective suppositions.

His Majesty's Answer to a Book, Entitled, The Declaration or Remonstrance of The Lords and Commons of The 19th of May, 1642.

IF we could be weary of taking any pains for the satisfaction of our people, and to undeceive them of those specious mischievous infusions which are daily instilled into them, to shake and corrupt their loyalty and affection to us and our Government, after so full and ample declaration of our self and intentions, and so fair and satisfactory answers to all such matters as have been objected to us by a major part present of both Houses of Parliament, we might well give over this labour of our pen, and sit still till it shall please God so to enlighten the affections and understandings of our good subjects on our behalf, (which we doubt not but that in his good time he will do) that they may see our sufferings are their sufferings.

But since, instead of applying themselves to the method proposed by us, of making such solid particular propositions as might establish a good understanding between us, or of following the advice of our Council of Scotland (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper; they have chosen to pursue us with new reproaches, or rather to continue and improve the old, by adding and varying little circumstances and language, in matters formerly urged by them, and fully answered by us. We prevailed with our self, upon very mature and particular consideration of it, to answer the late printed Book, entitled, *A Declaration or Remonstrance of the Lords and Commons*, which was ordered the 19th of May last to be printed and published. hoping then, that they would put us to no more of this trouble, but that, that should have been the last of such a nature they would have communicated to our people, and that they would not, as they have done since, thought fit to assault us with a newer Declaration, indeed of a very new nature and learning, which must have another answer (1).

Remark 1. This was another Declaration of the second of June, whence it may be inferred, that this answer of the King to the first was not published till after that time.

And we doubt not, but that our good subjects in short time will be so well instructed in the differences and mistakings between us, that they will plainly discern, without resigning their reason and understanding to our Prerogative, or the infallibility of a now major part of both Houses of Parliament (infected by a few malignant spirits) where the fault is (2).

Remark 2. The King begins in this paper to represent the resolutions of the Parliament, not as being agreeable to the sentiments of the Nation, but as coming only from a disaffected party which prevailed in both Houses.

Though we shall, with humility and alacrity, be always forward to acknowledge

the infinite mercy and providence of Almighty God, vouchsafed so many several ways to our self and this nation, yet since God himself doth not allow that we should fancy and create dangers to our self, that we might manifest and publish his mercy in our deliverance, we must profess we do not know those deliverances mentioned in the beginning of that Declaration, from so many wicked plots and designs since the beginning of this Parliament, which if they had taken effect, would have brought ruin and destruction upon this Kingdom.

We well know, the great labour and skill hath been used to amaze and affright our good subjects with fears and apprehensions of plots and conspiracies, the several pamphlets published, and letters scattered up and down, full of such ridiculous contemptible animadversions to that purpose, as (though they found, for what end God knows, very unusual countenance) no sober man would be moved with them. But we must confess, we have never been able to inform our self of any such pernicious formed design against the peace of this Kingdom, since the beginning of this Parliament, as is mentioned in that Declaration, or might be any warrant to those great fears, both our Houses of Parliament seem to be transported with; but we have great cause to believe, more mischief and danger hath been raised and begotten to the disturbance of this Kingdom, than cured or prevented by those fears and jealousies. And therefore, however the rumour and discourse of plots and conspiracies may have been necessary to the designs of particular men, they shall do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.

For the bringing up of the army to London, as we have heretofore (by no other direction than the testimony of a good conscience) called God to witness, we never had, or knew any such resolution; so upon the view of the depositions now published with that Declaration, it is not evident to us, there was ever such a design, unless very loose discourse or argument be instance enough of a design (3).

Remark 3. The King seems to vindicate himself very weakly upon this article. His whole answer lies in the ambiguity of the word design, which may signify, either a bare project, or a settled and formed design. It is certain, there was a design or project to bring up the army to London, which the King knew of, and was proposed by Jermyn; but no resolution was taken thereon. The King denies, he knew of any such resolution, because indeed there was none. But he dares not deny, he was informed of the design or project to march the army to London. Wherefore, after having spoken of the design in general, he immediately changes the word into that of resolution. Charles I, was very skilful in such sort of ambiguities.

And it is apparent, that what was said of it, was near three months before the discovery to both Houses of Parliament: So that if there were any danger threatened that way, it vanished without any resistance or prevention, by the wisdom, power, or authority of them(4).

Remark 4. The Parliament insisted chiefly upon the King's intention, and endeavoured to prove the fact, in order to shew this intention. So it was not a proof of the King's having no ill intention, that the design of seducing the army, and bringing it up to London was not pursued.

It seems the intention of that Declaration (whatsoever other end it hath) is to answer a Declaration they received from us, in answer to that which was presented to us at New-Market the 9th of March last; and likewise to our answer to the petition of both Houses, presented to us at York, the 26th of March last. But before that Declaration falls upon any particulars of our said Declaration or answer, it complains, that the heads of the malignant party have, with much art and industry, advised us to suffer divers unjust scandals and imputations upon the Parliament, to

be published in our name, whereby they might make it odious to the people, and by their help destroy it: But not instancing in any one scandal or imputation so published by us, we are still to seek for the heads of that malignant party.

But our good subjects will easily understand, that if we were guilty of that aspersion, we must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, we being an essential part of the Parliament (5).

Remark 5. This is only a subtlety grounded upon the ambiguity of the word Parliament, in the Declaration which the King is answering, by the term, Parliament, is meant both Houses, without including the King, and here the King means both Houses and the King together.

And we hope the just defence of our self and our authority, and the necessary vindication of our innocence and justice, from the imputation laid on us by a major part then present, by either or both Houses, shall no more be called a scandal upon the Parliament, than the opinion of such a part be reputed an Act of Parliament.

And we hope our good subjects will not be long missed by that common expression, in all the Declarations, wherein they usurp the word Parliament, and apply it to countenance any resolution or vote some few have a mind to make, by calling it, the resolution of Parliament, which can never be without our consent. neither can the vote of either, or both Houses, make a greater alteration in the Laws of this Kingdom (so solemnly made by the advice of their predecessors, with the concurrence of us and our ancestors) either by commanding or inhibiting anything (besides the known rules of the Law) than our single direction or mandate can do, to which we do not ascribe the authority(6).

Remark 6. This reason is invincible, supposing the Government in its natural state. But it could not make any impression upon those who believed the King intended to establish an arbitrary power.

But that Declaration informs our people, that the malignant party hath drawn us into the northern parts far from our Parliament: It might more truly and properly have said, that it hath driven, than drawn us hither (7).

Remark 7. The Parliament understood by the malignant party the King's party, and here the King gives the same name to that of the Parliament.

For we confess our journey hither (for which we have no other reason to be sorry, than with reference to the cause of it) was only forced upon us by the true malignant party, which contrived and countenanced those barbarous tumults, and other seditious circumstances, of which we have so often complained, and hereafter shall say more, and which indeed threatens so much danger to our person, and laid so much scandal upon the whole privilege and dignity of Parliament, that we wonder it can be mentioned without blushes or indignation; but of that anon. But why the malignant party should be charged with causing a press to be transported to York, we cannot imagine; neither have any papers or writings issued from thence, to our knowledge, but what have been extorted from us by such provocations, as have not been before offered to a King.

And no doubt it will appear a most trivial and fond exception, when all presses are open to vent whatsoever they think fit to say to the people, (a thing unwarranted by former custom) that we should not make use of all lawful means to publish our just and necessary answers thereunto. As for the authority of the Great-Seal, (though we do not know that it hath been necessary to things of this nature) the

same shall be more frequently used hereafter, as occasion shall require (8); to which we make no doubt the greater and better part of our Privy-Council will concur, and whose advice we are resolved to follow, as far as it shall be agreeable to the good and welfare of the Kingdom.

Remark 8. The Parliament's Declaration was published the 19th of May, and three days after the Lord-Keeper Littleton went privately from London with the Great-Seal to the King. So the King had it in his hands when he published his answer. For this reason, he says, the same shall be more frequently used hereafter.

Before that Declaration vouchsafes to insist on any particulars, it is pleased to censure both our Declaration and answer, to be filled with harsh censures, and causeless charges upon the Parliament (still misapplying the word Parliament to the vote of both Houses) concerning which they resolve to give satisfaction to the Kingdom, since they find it very difficult to satisfy us.

If, as in the usage of the word Parliament, they have let us out of their thoughts; so by the word Kingdom, they intend to exclude all our people, who are out of their walls, (for that's grown another phrase of the time, the vote of the major part of both Houses, and sometimes of one, is now called, *The resolution of the whole Kingdom*) we believe it may not be hard to give satisfaction to themselves; otherwise we are confident (and our confidence proceeds from the uprightness of our own conscience) they will never be able so to sever the affections of us and our Kingdom, that what cannot be satisfaction to the one, shall be to the other.

Neither will the stile of Humble and Faithful, and telling us, That they will make us a great and glorious King, in their Petitions and Remonstrances, so deceive our good subjects, that they will pass over the reproaches, threats and menaces they are stuffed with, which sure could not be more gently reprehended by us, than by saying, their expressions were different from the usual language to Princes, which that Declaration tells you we had no occasion to say.

But we believe, whosoever looks over that Declaration presented to us at New-market, to which ours was an answer, will find the language throughout it to be so unusual, that, before this Parliament, it could never be paralleled; whilst under pretence of justifying their fears, they give so much countenance to the discourse of the rebels of Ireland, as if they had a mind our good subjects should give credit to it:

Otherwise, being warranted by the same evidence, which they have since published, they would have as well declared, That those rebels publicly threaten the rooting out the name of the English, and that they will have a King of their own, and no longer be governed by us; as that they say, that they do nothing but by our authority, and that they call themselves the Queens army. And therefore we have great reason to complain of the absence of justice and integrity in that Declaration, besides the unfitness of other expressions.

Neither did we mistake the substance or logic of the message to us at Theobalds, concerning the militia, which was no other, and is dated to be no other (even by that Declaration which reproved us) than a plain threat,

That if we refused to join with them, they would make a law without us.

Nor hath the practice since that time been other, which will never be justified to the most ordinary (if not partial) understandings, by the mere averring it to be

according to the fundamental laws of this Kingdom, without giving any direction, that the most cunning and learned men in the laws may be able to find those foundations (9).

Remark 9. There is here an ambiguity in the term Fundamental Law. The Parliament had clearly expressed what they meant by this fundamental Law, viz if the King failed in the discharge of his duty, the Nation ought not, however, to be without defence, and in that case, it belonged to the Parliament to take care of it. Instead therefore of asking where this Law was, it seems, that the King should have shewn, either that, though he neglected his duty, it belonged not to the Parliament to meddle with the government of the State, or that he never had neglected, nor did still neglect it.

For, according to the Parliament, though this Law was not expressed in any particular Statute, it naturally flowed from the constitution of the Government. The King seems, by requiring this Law to be produced, to insinuate, that the Parliament, in no case whatever, could intermeddle with the Government of the State, unless authorized by an express law, and yet the Parliament had alleged two cases, namely, the captivity and nonage of a King, wherein they might have the management of the Government, and they reckoned the King's negligence in the same class. To this the King should have returned an answer.

And we must appeal to all the world, whether they might not, with as much justice, and by as much law, have seized upon the estate of every member of both Houses, who dissented from that pretended ordinance, (which much the major part of the House of Peers did two or three several times) as they have invaded that power of ours over the militia, because we (upon reasons they have not so much as pretended to answer) refuse to consent to that proposition(10):

Remark 10. The authority assumed by the Parliament, was not an ordinary authority, nor pretended to be so. It was extraordinary for the present supposed case, that there was great danger from the King. As therefore they had not the same suspicions of those who had at first refused their consent to the ordinance, they could not seize their estates upon the same foundation. Thus the consequence drawn by the King from the Parliament's usurpation, does not seem just.

And if no better effects, than loss of time, and hindrance of the public affairs, have been found by our answers and replies, let all good men judge, by whose default, and whose want of duty such effects have been: For as our end (indeed only end) in those answers and replies, hath been the settlement and composure of public affairs, so we are assured, and most men do believe.

That if that due regard and reverence had been given to our words, and that consent and obedience to our counsels, which we did expect, there had been before this time a cheerful calm upon the face of the whole Kingdom, every man enjoying his own, with all possible peace and security that can be imagined; which surely those men do not desire, who (after all those acts of justice and favour passed by us this Parliament, all those affronts and sufferings endured and undergone by us) think fit still to reproach us with ship-money, coat and conduct money, and other things so abundantly declared (as that Declaration itself confesses) in the general Remonstrance of the State of the Kingdom, published in November last, which we wonder to find now avowed to be the Remonstrance of both Houses, and which we are sure, was presented to us only by the House of Commons; and did never, and we are confident, in that time could never have passed the House of Peers; the concurrence and authority of which was not then thought necessary. Shall we believe those reproaches to be the voice of the Kingdom of England? That all our loving subjects, eased, refreshed, strengthened, and abundantly satisfied with our acts of grace and favour towards them, are willing to be involved in these unthank-

ful expressions?

We must appeal to the thanks and acknowledgments published in the Petitions of most of the Counties of England, to the testimony and thanks we have received from both Houses of Parliament, how seasonable, how agreeable this usage of us is to our merit, or their former expressions.

We have not in the least swerved or departed from our resolution, or words, in the beginning of this Parliament. We said, we were resolved to put our self freely and clearly upon the love and affection of our English subjects; and we say so still, as far as concerns England. And we call Almighty God to witness all our complaints and jealousies, which have never been causeless, not out of our Houses of Parliament, (but of some few schismatical, factious, and ambitious spirits, and upon such grounds, as short time, we fear, will justify to the world) our denial of the militia, our absenting our self from London, have been the effects of an upright and faithful affection to our English subjects, that we may be able (through all the inconveniences we are compelled to wrestle with) at last, to preserve and restore their religion, laws, and liberties unto them.

Since the proceedings against the Lord Kimbolton, and the five members, is still looked upon, and so often pressed as so great an advantage against us, that no retraction made by us, nor no actions since that time committed against us, and the law of the Land, under the pretence of vindication of privilege, can satisfy the contrivers of that Declaration, but that they would have u our good subjects believe, the accusation of those six:

Members must be a plot, for the breaking the neck of the Parliament, (a strange arrogance, if any of those members had the penning of that Declaration) and that it is so often urged against us, as if, by that single casual mistake of ours, (in form only) We had forfeited all duty, credit and allegiance from our people; we must, without endeavouring to excuse that, which in truth was an error, (our going to the House of Commons) give our people a clear and full narration of the matter of first, assuring our self, that our good subjects will not find our carriage in that business such as hath been reported.

When we resolved, upon such grounds, as, when they shall be published, will satisfy the world, that it was fit for our own safety and honour, and the peace of the Kingdom, to proceed against those persons (11);; though we well know there was no degree of privilege in that case, yet (to shew our desire of correspondence with the two Houses of Parliament) we chose, rather than to apprehend their persons by the ordinary ministers of Justice, (which, according to the opinion and practice of former times, we might have done) to command out Attorney-General to acquaint our House of Peers with our intention, and the general matter of our charge (which was yet more particular than a mere accusation and to proceed accordingly; and at the same time sent a sworn servant, a serjeant at arms to our House of Commons, to acquaint them, That we did accuse, and intended to prosecute the five Members of that House for High-Treason, and did require that their persons might be secured in custody.

Remark 11. I have already said, that the Parliament was chiefly offended, that the articles of the accusation exhibited by the Attorney-General, were leveled at the whole House of Commons, and a great number of Lords, as much as at the persons accused. Here, the King maintains the matter of the accusation, since it was for the peace of the Kingdom, and passes over in silence the reasons which he reserved for another time, and thereby his vindication cannot be full and perfect.

This we did, not only to shew that we intended not to violate or invade their privileges, but to use more ceremony towards them, than we then conceived in justice might be required of us; and expected at least such an answer as might inform us, if we were out of the way: But we received none at all; only in the instant, without offering any thing of their privileges to our consideration, an order was made, (and the same night published in print)

That if any person whatsoever should offer to arrest the person of any member of that House, without first acquainting that House therewith, and receiving further orders from that House; that it should be lawful for such members, or any person, to assist them, and to stand upon his, or their guard of defence, and to make resistance according to the protestation taken, to defend the privileges of Parliament.

And this was the first time that we heard the protestation might be wrested to such a sense; or that in any case, (though of the most undoubted and unquestionable privilege) it might be lawful for any person to resist, and use violence against a public Minister of Justice, armed with lawful authority, though we well knew, that even such a Minister might be punished for executing such authority.

Upon viewing this order, we must confess we were somewhat amazed, having never seen or heard of the like, though we had known Members of either House committed, without so much formality as we had used, and upon crimes of a far inferior nature to those we had suggested, and having no course proposed to us for our proceeding, we were upon the matter only told,

That against those persons we were not to proceed at all:

That That they were above our reach, or the reach of the Law. It was not then easy for us to resolve what to do (12).

Remark 12. This is a little disguised. The King was not told, that these Members were above the reach of the Law: but only, that the Parliament sitting, the members could not be imprisoned without the consent of their House, and that it was expected the grounds of the accusation should be made known, in order for this consent.

If we employed our ministers of justice in the usual way for their apprehension, (who, without doubt, would not have refused to execute our lawful commands) we saw what resistance and opposition was like to be made, which very probably might cost some blood. If we sat still, and desisted upon this terror, we should at the best have confessed our own want of power, and the weakness of the Law. In this strait we put on a sudden resolution to try, whether our own presence, and a clear discovery of our intentions (which haply might not have been so well understood) could remove those doubts, and prevent those inconveniences, which seemed to have been threatened; and thereupon we resolved to go in our own person to our House of Commons, which we discovered not till the very minute of our going; when we sent out, That our servants, and such Gentlemen as were then in our Court, should attend us to at Westminster:

But giving them express command (as we have expressed in our answer to the ordinance) that no accidents of provocation should draw them to any such action as might imply a purpose of force in us: and our self (requiring those of our train not to come within the door) went into the House of Commons: The bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the House of Peers, and sent for them to come to

us, which is the usual custom.

We used the best expressions we could, to assure them, how far we were from any intention of violating their privileges; that we intended to proceed legally and speedily against the persons we had accused, and desired therefore, if they were in the House, that they might be delivered to us; or, if absent, that such course might be taken for their forthcoming, as might satisfy our just demands: and so we departed, having no other purpose of force, if they had been in the House, then we have before protested before God, in our answer to the ordinance.

You have an account of our part of this story fully, let our people judge freely of it. What followed on their part, (though this Declaration tells you, it could not withdraw any part of their reverence and obedience from us; it may be any part of theirs it did not) we shall have too much cause hereafter to inform the world.

There will be no end of the discourse, and upbraiding us with evil counsellors, if, upon our constant denial of knowing any, they will not vouchsafe to inform us of them; and after eight months amusing the Kingdom with the expectation of a discovery of a malignant party, and of evil counsellors, they will not at least name any, nor describe them. Let the actions and lives of men be examined, who have contrived, counseled, actually consented to grieve and burden our people:

And if such be about us, or any against whom any notorious malicious crime can be proved; if we shelter and protect any such, let our injustice be published to the world: But till that be done, particularly and manifestly, (for we shall never conclude any man, upon a bare general vote of the major part of either, or both Houses, till it be evident, that major part be without passion or affection) we must look upon the charge this Declaration puts on us, of cherishing and countenancing a discontented party of the Kingdom against them, as a heavier and unjust tax upon our justice and honour, than any we have, or can lay upon the framers of that Declaration(13).

Remark 13. With such restrictions one may eternally dispute: For who should be judge, whether the major part of the House were without passion or prejudice?

And now to countenance those unhandsome expressions, whereby usually they have implied our connivance at, or want of zeal against the rebellion of Ireland. (so odious to all good men) they have found a new way of exprobration;

That the Proclamation against those bloody traitors came not out till the beginning of January, though that rebellion broke out in October; and they, by special command from us, but forty copies were appointed to be printed. It is well known where we were at that time, when that rebellion brake forth, in Scotland.

That we immediately from thence recommended the care of that business to both Houses of Parliament here after we had provided for all fitting supplies from our Kingdom of Scotland:

That after our return hither we observed all those forms for that service, which we were, advised to by our Council of Ireland, or both Houses of Parliament here; and if no Proclamations issued out sooner, (of which for the present we are not certain, but think that others before that time were issued by our direction) it was, because the Lords Justices of the Kingdom desired them no sooner, and when they did, the number they

desired was but twenty, which they advised might be signed by us; which we for expedition of the service, commanded to be printed, (a circumstance not required by them) thereupon we signed more than our Justices desired.

All which was very well known to some members, of one or both Houses of Parliament, who have the more to answer, they forbore to express it at the passing of this Declaration: And if they did express it, we have the grater reason to complain, that so envious an aspersion should be cast on us to our people, when they know well how to answer their own objections.(14).

Remark 14 This answer appears something weak; for supposing forty copies would have been sufficient for Ireland, why was not the Proclamation published in England? The King returns no answer to what the Parliament said of the Proclamation against the Scots.

What that complaint is against the Parliament, put forth in our name, which is such an evidence and countenance to the rebels, and speaks the same language of the Parliament which the rebels do, we cannot understand. All our answers and declarations have been, and are owned by us, and have been attested under our own hand; if any other had been published in our name, and without our authority, it would be easy for both Houses of Parliament to discover and apprehend the authors.

And we wish, that whosoever was trusted with the drawing and penning of that Declaration, had no more authority or cunning to impose upon, or deceive the major part of those votes by which it passed, than any man hath to prevail with us to publish in our own name anything, but the sense and resolution of our own heart: Or, that the contriver of that Declaration could, with as good a confidence, call God to witness, that all his counsels and endeavours have been free from all private aims, personal respects or passions whatsoever, as we have done and do, that we never had or knew of such resolutions of bringing up the army to London:

And since this new device is found out, instead of answering our reasons, or satisfying our just demands, to blast our Declarations and Answers, as if they were not our own (a bold senseless imputation) we are sure, that every answer and declaration published by us, is much more our own, than any one of those bold, threatening, and reproachful Petitions and Remonstrances are the acts of either, or both Houses.

And if the penner of that Declaration had been careful of the trust reposed in him, he would never have denied, (and thereupon found fault with our just indignation) in the text or margin, that we had never been charged with the intention of any force; and that in their whole Declaration, there is no word tending to such a reproach; the contrary whereof is so evident, that we are in express terms charged in that Declaration, that we sent them gracious messages, when, with our privy, bringing up the army was in agitation.

And even in this Declaration they seek to make our people believe, some such thing to be proved in the depositions now published, wherein, we doubt not, they will as much fail, as they do in their censure of that Petition shewed formerly to us by Captain Legg, and subscribed by us with C. R. which, notwithstanding our full and particular narration of the substance of that Petition, the circumstances of our seeing and approving it, this Declaration is pleased to say, was full of scandal to the Parliament, and might have proved dangerous to the whole Kingdom. If they have this dangerous Petition in their hands, we have no reason to believe any tenderness to us-ward hath kept them from communicating it:

If they have it not, we ought to have been believed. But that all good people may compute their other pretended dangers by their dear understanding of this, the noise whereof hath not been inferior to any of the rest, we have recovered a true copy of the very Petition we signed with C. R. which shall in fit time be published; and which we hope will open the eyes of our good people(15). Concerning our warrant for Mr. Jermin's passage, our answer was true and full: But for his black satin suit, and white boots, we can give no account.

Remark 15. This whole article of the answer seems very weak, since the King's defence consists only of his own testimony. There could not be a more proper occasion to publish this Petition, of which he said he had a true copy. But in deferring the publication to a more convenient time, he gave room to suspect, there were some things in the Petition which were not favourable to him.

We complained in our Declaration, and as often as we have occasion to mention our return and residence near London, we shall complain, of the barbarous and seditious tumults at Westminster and Whitehall which indeed were so full of scandal to our Government, and danger to our person, that we shall never think of our return thither, till we have justice for what is past, and security for the time to come.

And if there were so great a necessity, or desire of our return as is pretended, in all this time, upon so often pressing our desires, and upon causes so notorious, we should at least have procured some order for the future. But that declaration tells us, we are upon the matter mistaken; The resort of the Citizens to Westminster was as lawful as the resort of great numbers every day in the term to the ordinary Courts of Justice.

They knew no tumults. Strange! Was the disorderly appearance of so many thousand people with staves and swords, crying through the Streets, Westminster-Hall, the passage between both Houses, (insomuch as the Members could hardly pass to and fro) No Bishops, down with the Bishops; no tumults? What Member is there of either House that saw not those numbers, and heard not those cries? And yet lawful assemblies! Were not several Members of either House assaulted, threatened and ill treated? and yet no tumults! Why made the House of Peers a Declaration, and sent it down to the House of Commons, for the suppressing of tumult? if there were no tumults? And if there were any, why was not much a Declaration consented to and published?

When the attempts were so visible, and the threats so loud to pull down the Abby at Westminster, had we not cause to apprehend that such people would continue their work to Whitehall? Yet no tumults! What a strange time are we in! That a few impudent, malicious (to give them no worse term) men, should call such a strange mist of error before the eyes of both Houses of Parliament, as that they either cannot, or will not see, how manifestly they injure themselves by maintaining these visible untruths? We say no more. By the help of God, and the Law, we will have justice for those tumults(16).

Remark 16. The Parliament's Declaration contained two things upon this article; First, That the concourse of people at Westminster was no tumult. Secondly, That the King's person was in no danger, since on the morrow he went through the City without a guard, and moreover stayed several days at Whitehall in safety. The King answers here to the first of these things, and leaves the other without reply. Only he draws a consequence, that Whitehall was in danger, because the people threatened to pull down Westminster Abbey, a circumstance which nowhere appears in the accounts of their tumults.

From excepting (how weightily let every man judge), to what we have said, that Declaration proceeds to censure us for what we have not said, for the prudent omissions in our answer: We forbore to say any thing of the words spoken at Kensington, or the articles against our dearest consort, and of the accusation of the six members:

Of the last we had spoken often, and we thought enough of the other two; having never accused any (though God knows what truth there might be in either) we had no reason to give any particular answer.

We do not reckon our self bereaved of any part of our prerogative, which we are pleased freely for a time to part with by Bill; yet we must say, we expressed a great trust in our two Houses of Parliament, when we divested our self of the power of dissolving this Parliament, which was a just, necessary, and proper prerogative: But we are glad to hear their resolution, that it shall not encourage them to do any thing, which otherwise had not been fit to have been done; if it do, it will be such a breach of trust, God will require an account for at their hands.

For the militia, we have said so much in it heretofore, and the point is so well understood by all men, that we will waste time no more in that dispute. We never said there was no such thing as an ordinance, (though we know that they have been long disused) but that there was never any ordinance, or can be, without the King's consent; and that is true, and the unnecessary precedent cited in that Declaration doth not offer to prove the contrary. But enough of that, God and the Law must determine that business.

Neither hath this Declaration given us any satisfaction concerning the votes of the 15th and 16th of March last, which we must declare, and appeal to all the World in the point, to be the greatest violation of our privilege, the Law of the Land, the liberty of the subject, and the right of Parliament, that can be imagined. One of their votes is, (and there needs no other to destroy the King and People) That when the Lords and Commons (it is well the Commons are admitted to their part in judicature) both declare what the Law of the Land is, the same must be assented to, and obeyed, that is the sense in few words.

Where is every man's property; every man's liberty? If a major part of both Houses declare that the Law is, that the younger brother shall inherit, what is become of all the families and estates in the Kingdom? If they declare, that by the fundamental Law of the Land, such a rash action, such an unadvised words ought to be punished by perpetual imprisonment, is not the liberty of the subject. *durante bene placito*, remediless? That Declaration confesseth, They pretend not to a power of making new Laws; that without us they cannot do that. They need no such power, if their Declaration can suspend this Statute from being obeyed or executed, and make this order, which is no Statute, to be obeyed and executed.

If they have power to declare the Lord Digby, waiting on us to Hampton Court, and thence visiting some officers at Kingston, with a coach and six horses, to be levying of war and high-treason; and Sir John Hotham's defying us to our face, keeping our town, fort, and goods against us by force of arms, to be an act of affection and loyalty, what needs a power of making new Laws? Or is there such a thing as Law left? We desire our good subjects to mark the reason and consequence of these votes, the progress they have already made, and how infinite that progress may be.

First, they vote the Kingdom is in imminent danger, (it is above three months

since they discerned it) from enemies abroad, and a popish and discontented party at home: This is matter of fact, the Law follows. This vote hath given them authority by Law (the fundamental Laws of the Kingdom) to order and dispose of the militia of the Kingdom, and with this power, and to prevent that danger, to enter into our towns, seize upon our magazine, and by force keep both from us. Is not this our case? First, They vote we have an intention to levy war against our Parliament[162], that is matter of fact: Then they declare, such as shall assist us, to be guilty of high treason; that is the Law, and proved by two Statutes, themselves know to be repealed:

No matter for that, they declare it. Upon this ground they exercise the militia, and so actually do that upon us, which they have voted we intend to do upon them. Who doth not see the confusion that must follow upon such a power of declaring? If they should now vote, that we did not write this Declaration, but that such an one did it, which is still matter of fact and then declare, that for so doing he is an enemy to the Commonwealth; what is become of the Law that man was born to?

And if all their zeal for the defence of the Law, be but to defend that which they declare to be Law, their own votes, it will not be in their power to satisfy any man of their good intentions to the public peace, but such who are willing to relinquish their titles to Magna Charta, and hold their lives and fortunes by a vote of a major part of both Houses. In a word, we deny not, but that they may have power to declare, in a particular doubtful case, regularly brought before them, what Law is; but to make a general declaration, whereby the known rule of the Law may be crossed or altered, they have no power, nor can exercise any, without bringing the life and liberty of the subject, to a lawless and arbitrary subjection(17).

Remark 17. It must have been a great mortification to the King, to be forced to show by such good arguments, the mischiefs that flow from arbitrary power. The same reasons used by the King, to demonstrate that arbitrary power was a natural consequence of the Parliament's maxims, served to prove, that it was equally hazardous to leave, not every King of England, but Charles I. in particular, invested with the authority allowed him by the Laws, considering the use he had already made of that power.

We complained, (and let the world judge of the justice and necessity of that complaint) of the multitude of seditious pamphlets and sermons. And that Declaration tells us, they know we have ways enough in our ordinary Courts of Justice to punish those; so we have to punish tumults and riots, and yet they will not serve our turn to keep our towns, our forests, and parks from violence[163]. And it may be, though those Courts have still the power to punish, they may have lost the skill to define what riots and tumults are otherwise a Jury in Southwark, legally impaneled to examine a riot there, would not have been superseded, and the Sheriff enjoined not to proceed, by virtue of an order of the House of Commons, which it seems at that time had the sole power of declaring. But it is no wonder, that they who could not see the tumults, do not consider the pamphlets and sermons, though the Author of the Protestation protested, be well known to be Burton (that infamous disturber of the peace of this Church and State) and that he preached it at Westminster, in the hearing of divers Members of the House of Commons:

But of such pamphlets, and seditious preachers (divers whereof have been recommended, if not imposed upon several parishes, by some Members of both Houses, by what authority we know not) we shall hereafter take a further account(18).

Remark 18. These sermons contained, for the most part, the maxims which the Parliament would have established, or pretended to be agreeable to the Laws; but which the King looked

upon as seditious, and for that reason affirmed the Parliament ought to punish the authors. This Burton was the same whose ears were cut off by the Star-Chamber, and who was banished to Guernsey, for publishing a treatise against the Church of England. It seems here, that the King was not pleased with the Parliament's reversing his sentence.

We confess we have little skill in the Laws, and those that have had most, we now find are much to seek. Yet we cannot understand or believe, that every ordinary Court, or any Court, hath power to raise what guard they please; and under what command they please; neither can we imagine what dangerous effects they found by the guard we appointed them, or (indeed) any the least occasion why they needed a guard at all.

But of all the imputations so causelessly and unjustly laid upon us by that Declaration, we must wonder at that charge so apparently and evidently untrue, That such are continually preferred and countenanced by us, who are friends or favourers or related unto the chief authors and actors of that arbitrary Power, heretofore practiced or complained of:

And on the other side, that such as did appear against it, are daily discountenanced and disgraced. We would know one person that contributed to the ills of those times, or had dependence upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their hands) as they have been always most eminent assertors of the public liberties; so, if they found us inclined to any thing not agreeable to honour and Justice, they would leave us to morrow:

Whether different persons have not and do not receive or countenance elsewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer those of the most contrary opinion, how little comfort so ever we have had of those preferments; in bestowing of which hereafter we shall be more guided by men's actions than opinions. And therefore we had good cause to bestow that admonition (for we assure you it was an admonition of our own) upon both our Houses of Parliament, to take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an arbitrary power they before complained of, The advice will do no harm, and we shall be glad to see it followed.

And are all the specious promises, and loud professions of making us a great and glorious King, of settling a greater revenue upon us than any of our ancestors have enjoyed; of making us to be honoured at home, and feared abroad; resolved into this, that they will be ready to settle our revenue in an honourable proportion, when we shall put our self in such a posture of government, that our subjects may be secure to enjoy our just protection for their religion, laws, and liberties? What posture of government they intend we know not, nor can we imagine what security our good subjects can desire for their religion, laws, and liberties, which we have not offered, or fully given(19).

Remark 19. Unhappily, since the violation of the Petition of Right, neither the King's word nor promises, nor even acts of Parliament, had been deemed an efficient security. At least, plausible reasons were alleged not to confide in them. Nothing but the militia could satisfy the Parliament, and that was what the King would not willingly grant.

And is it suitable to the duty and dignity of both Houses of Parliament, to answer our particular weighty expressions of the causes of our remove from London (so generally known to the Kingdom) with a scoff, That they hope we were

driven from thence, not by out own fears, but by the fears of the Lord Digby, and his retinue of Cavaliers? Sure the penner of that declaration inferred that ungrave and insolent expression, (as he hath done divers others) without the consent or examination of both Houses, who would not so lightly have departed from their former professions of duty to us.

Whether the way to a good understanding between us and our people hath been as zealously pressed by them, as it hath been professed and desired by us, will be easily discerned by those who observe, that we have left no public act undone on our part, which in the least degree might be necessary to the peace, plenty, and security of our subjects, and that they have not dispatched one act, which hath given the least evidence of their particular affection and kindness to us; but on the contrary, have discountenanced and hindered the testimony other men would give to us of their affections, witness, the stopping and keeping back the bill of subsidies granted by the clergy almost a year since; which, though our personal wants are so notoriously known, they will not to this time pass:

So not only forbearing to supply us themselves, but keeping the love and bounty of other men from us, and afford no other answers to all our desires, all our reasons, (indeed not to be answered) than, That we must not make our understanding or reason, the rule of our Government, but fuller our self to be assisted (which we never denied) by our great Council. We require no other liberty to our will, than the meanest of them do, (we wish they would always use that liberty) not to consent to any thing evidently contrary to our conscience and understanding; and we have and shall always give as much estimation and regard to the advice and counsel of both our Houses of Parliament, as ever Prince hath done; but we shall never (and we hope our people will never) account the contrivance of a few (factious, seditious persons, a malignant party, who would sacrifice the Commonwealth to their own fury and ambition) the wisdom of Parliament:

And that the justifying and defending such persons, (of whom, and of their particular sinister ways to compass their own bad ends, we shall shortly inform the world) is not the way to preserve Parliaments, but is the opposing and preferring the consideration of a few unworthy persons, before their duty to their King, or their care of the Kingdom. They would have us remember, that our resolutions do concern Kingdoms, and therefore are not to be moulded by our own understanding. We well remember it, but we would have them remember, That when their confutations endeavour to lessen the office and dignity of a King, they meddle with that which is not within their determination, and of which we must give an account to God and our other Kingdoms, and must maintain with the sacrifice of our life.

Lastly, That Declaration tells you, of a present desperate and malicious plot, the malignant party is now acting, under the plausible notions of stirring men up to a care of preserving the King's Prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, and encouraging learning, (indeed plausible and honourable notions to act any thing upon) and that upon these grounds divers mutinous petitions have been framed in London, Kent, and other places.

Upon what grounds would these men have petitions framed? Have so many petitions (even against the form and constitution of the Kingdom, and the Laws established) been joyfully received and accepted? And shall petitions framed upon these grounds be called mutinous? Hath a multitude of mean, unknown, inconsiderable, contemptible persons, about the City and suburbs of London, had liberty to petition against the government of the Church, against the *Book of Common*

Prayer, against the freedom and privilege of Parliament, and been thanked for it?

And shall it be called mutiny in the gravest and best Citizens of London, in the gentry and commonalty of Kent, to frame petitions upon these grounds[164], and to desire to be governed by the known Laws of the Land, not by orders or votes of either, or both Houses? Can this be thought the wisdom and justices of both Houses of Parliament? Is it not evidently the work of a faction within or without both Houses, who deceive the trust reproduced in them, and have now told us, what mutiny is? To stir up men to a care of preserving our Prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, encouraging of learning, is mutiny. Let heaven and earth, God and man, judge between us and these men. And however such petitions are there called mutinous, and the petitioners threatened, discountenanced, censured, and imprisoned; if they bring such lawful petitions to us, we will graciously receive them, and defend them and their rights against what power so ever, with the uttermost hazard of our being.

We have been the longer (to our very great pain) in this answer, that we might give the world satisfaction, even in the most trivial particulars which have been objected against us; and that we may not be again reproached with any more prudent omissions. If we have been compelled to sharper language than we effect, let it be considered, how vile, how insufferable, our provocations have been:

And except to repel force, be to assault, and to give punctual and necessary answers to rough and insolent demands, be to make invectives, we are confident the world will accuse us of too much mildness, and all our good subjects will think we are not well dealt with, and will judge of us, and of their own happiness and security in us, by our actions; which we desire may no longer prosper, or have a blessing from God upon them and us, than they shall be directed to the glory of God, in the maintenance of the true Protestant profession, to the preservation of the property, and the liberty of the subject, in the observation of the Laws, and to the maintenance of the rights and freedom of Parliament, in the allowance and protection of all their just privileges.

Explication of The Differences Between The King and Parliament

After all these Papers in this second part of the reign of Charles I. one should, it seems, have a perfect knowledge of the differences between the King and the Parliament, and the subject he exhausted. Nevertheless, if the reader should keep to the papers published on both sides, he would not have a very clear idea of the cause of these differences. To this end, he must understand the motives which they took care not to discover in their manifestos, published only with design to gain the approbation of the people.

The following recital will, in my opinion, serve to give a clear and plain idea of these differences. I shall say nothing but what has been said in several places, and yet, I believe, it will not be superfluous, briefly to recapitulate the whole, which may be of service to show the grounds and causes of the Civil Wars.

It must be laid down as an undeniable fact, after what has been said, that the King had formed a design to establish an arbitrary Government in England, They who deny this, have only to seek in their imagination a more natural cause of the people's discontent against his Government. But it is certain, whatever their system may be, they will never be able, without this, so to reconcile it with the events, as to satisfy the impartial.

The four preceding Parliaments considered all the King's proceedings, from the beginning of

his reign, as tending to establish an absolute power. This was what they called their grievances, the redress whereof they had frequently, though in vain, demanded.

Charles I. inherited the King his father's mortal aversion to the Puritans or Presbyterians. He was, like him, persuaded, that their principles concerning Church government, were directly opposite to Monarchy. They both went still farther. They believed not only, that all the Puritans were anti-monarchical, but also, that all those who were against a despotic power were truly Puritans. This made Charles I. resolve to ruin such as were not submissive enough to his will, by confounding them all under the name of Puritans.

To that purpose he admitted into his Council, and public offices, such only as were of his principles. Hence sprung all the severities exercised by the Council, the Star-Chamber, the High-Commission, the Judges, and all the Magistrates, upon those that, according to the notions of the Court, were infected with Puritanism, though many of these men were sincerely attached to the Church of England.

Herein the King, contrary to his intention, did a very considerable service to the true Presbyterians, since he confounded their interests with those of a great number of people, who, otherwise, would have had no inclination to Presbyterianism. The truth is, they were both threatened with the same destruction. And therefore, in the elections for this last Parliament, many were returned of contrary principles to the King and Court, among these, the Presbyterians were the most ardent, perceiving their ruin was determined, and would soon approach, if the King succeeded in his designs.

Thus, the Presbyterian party, which before made an inconsiderable figure in the Kingdom, grew very powerful, by the junction of the other sort of Puritans, whom the Court was pleased to confound with them.

On the other hand, Archbishop Laud and some of the Court-Bishops, devised a means, which could not fail to afford them occasions to persecute the Puritans. This was to enjoin with great rigour the observance of certain practices, which most people looked upon as indifferent. Nay, they added sundry innovations, which offended not only the Presbyterians, but also many Church of England men. This produced great murmurs. But people were not satisfied with complaining, they openly disobeyed, and their disobedience afforded a pretence to punishment.

Hereby the Bishops, who were the chief authors of these innovations, made themselves so odious, that many believed to have just reason, to suspect a design to restore the Popish religion, since the establishment of these innovations was so ardently pursued, which seemed to tend only to draw the Church of England nearer to that of Rome. If to this discontent be added that, occasioned by the King's Government, with regard to the liberties of the people and the privileges of the Parliament, it will not be difficult to conceive, that the nation in general was extremely dissatisfied,

Though, in this last Parliament there were many Presbyterians for the reason above mentioned, they were not however strong enough to form a Party capable of opposing that of the Church, had they at sort discovered their intentions. So, it may be affirmed, that in general, the design of this Parliament, when they met, was not to overthrow the Church of England, and establish Presbyterianism in its room, though it can scarce be doubted, that this was the private aim of the Presbyterians.

But, as their number was too small to oppose all the rest of the Parliament, they resolved to join with the opposite party to the King, for procuring the redress of grievances. Among these grievances, some concerned religion, as the innovations which offended the Churchmen no less than the Presbyterians themselves. Upon this subject, these last scrupled not to declaim strenuously when occasion offered, and to represent these grievances as being of very dangerous

consequence.

They could do it without discovering themselves too openly, because, as I said, most of the members of Parliament were already prejudiced against the innovations and the conduct of the Bishops. As the King was extremely zealous for the Church of England, and of the number of those who considered the innovations and some other trifles as necessary to the solemnity of the public worship, he opposed their suppression as much as possible, not directly, but by means of the Bishops, Popish Lords, and others of his Party.

Wherefore the Presbyterians endeavoured to convince all the rest of the contrary party, that as long as the Bishops should sit in the House of Lords, it would be almost impossible to attain an entire redress of grievances. The House of Commons persisted therefore in so ordering it, that the Bishops votes should be taken away, wherein they met with great obstacles. But at length, by means of the tumults they frightened them away, and induced them to present the Protestation, which occasioned the sending of twelve of them to the Tower.

By the same means, the Popish Lords were also forced to absent themselves from the Parliament. From that time the King's party became very weak, and the Presbyterians acquired new strength.

Afterwards, the Presbyterian party having gained so much ground, diligently applied themselves to cherish the dissention between the King and the Parliament. It was they that caused the Remonstrance of the State of the Kingdom to be passed, which was presented to the King at his return from Scotland, and was as the signal of the rupture.

Unhappily, there was in the Presbyterian party, another party which concealed themselves, and were afterwards known by the name of Independents. This party, as they could not accomplish their secret designs without disorder and confusion, affected a rigid Presbyterianism, and strove to carry things to extremities, under colour of maintaining Presbyterianism, though in truth their intention was to destroy it as well as the Church of England.

Meanwhile, the King retiring to York, and perceiving a war unavoidable, sent private notice to all whom he thought his friends in both Houses, to leave the Parliament and repair to York or elsewhere. Many obeyed, and by their retreat, the Presbyterian party became superior in the two Houses.

Before that time, when any thing was moved by the Presbyterians, tending to the subversion of the Church of England, those who had any regard for the Church did not fail to oppose it, and of this number were all the King's friends. But as soon as these were retired, the Presbyterian party, by their superiority in both Houses, passed whatever they pleased. This is what the King observed in several passages of his answer.

Thus, the Presbyterian party prevailing in both Houses, and secretly intending to alter the Church Government; but the thing being impracticable, so long as the King should preserve his power, it is evident, that according to this project it was the Parliament's interest, which was directed by the Presbyterians, carefully to avoid whatever tended to an accommodation, which would have broken all their measures. But they took care not to discover entirely their designs. It was not yet time, till they had put it out of the King's power to prevent the execution.

So, though they rendered their fears and jealousies of the King as plausible as possible, and though it should be granted, they had reason to suspect and fear, there is however room to think, that the danger they represented as being so near and imminent, was not so real as they pretended. Their grand aim, was to induce the King to begin the breach, wherein the King seems not to have soon enough perceived the snare that was laid for him.

As for the King, it is almost impossible to know perfectly his secret motives and intentions, because, since the opening of the Parliament, it had never been in his power to show them evidently, by any effects. It is true, he gave his assent to several advantageous Bills to the people, and thereby seemed to express a kind of repentance for his past conduct. But his situation, when he passed these acts, made it something doubtful, whether he sincerely consented to the redress of grievances, or whether it was only to accommodate himself to the times.

He assured, that his intention was to govern for the future according to Law, and called God to witness his sincerity. But they would not rely on his word. Thus much is certain, that whatever he said or did in favour of the Laws, was little agreeable to the principles he had followed for fifteen years. If any were persuaded, that his asseverations and promises were sufficient for the Nation's security, others thought to have just cause to question their sincerity, because they came at a time when he had no other refuge than the Laws to support himself, nor other means than his promise to observe them, to hinder the whole nation from entirely deserting him.

I shall not pretend to decide so difficult a question, which is beyond human reach, there being none but God alone who knows perfectly what passes in the heart. I believe it rash to affirm, that Charles I. was not sincere in his promises. But I believe also, his sincerity may be doubted, since he had never opportunity to demonstrate it by effects.

Whatever was the King's private intention, he fully perceived that of the prevailing party in the Parliament, and saw that force alone could free him from his danger. His proposals for an agreement were rejected, and his promises to keep the Laws for the future, considered as so many snares, and unfortunately for him he had given but too much cause for distrust. He could not disown it with respect to what had passed before this Parliament; and even during this Parliament, he had taken some steps, which his enemies knew how to turn to their advantage.

Such was the plot to seduce the army, in which probably he was concerned, though he could affirm, he knew of no resolution to bring up the army to London. Such was the accusation of the six members of Parliament, which could not but breed a suspicion of some hidden design. The project to secure Hull, his withdrawing to York, the Queen's voyage into Holland, the motive whereof was discovered in time, were things that helped not to cure the people's suspicions.

So both Houses steadily keeping to the occasions of jealousy, fear and distrust, which they had, or pretended to have of the King, made use of them to convince the People, that there was no depending on his promises, unless it was put out of his power to break them. This occasioned the affair of the militia, on account of which the King was drawn into a straight, from whence he could not get clear.

For, by granting the militia, he would himself have been subservient to the execution of the Parliament's designs, and by refusing it, he gave occasion to say, he was willing to agree with both Houses, without giving them other security than his word, which, as they pretended, could not be relied on. It is also true, that the King would not recede from any of his rights, neither would he offer other assurance than his word, to satisfy the Parliament.

After what has been seen, it will not be hard to perceive, the ground of the quarrel, and the difficulties of an accommodation. That concerning the government of the Church, was one of the principal, though it may not be clearly explained in the manifesto's of both parties. If the King's interests had been solely in question, perhaps he would have agreed to some concessions, at least, for a time, But he found, that one chief reason of his enemies desiring a to lessen his authority, was, the more easily to accomplish a change in the ecclesiastical Government, which he thought himself bound in conscience to oppose to the utmost of his power.

He was so strongly, and so sincerely attached to the Church of England, that he looked upon any condescension which might tend to her ruin, as the blackest crime he could be guilty of, and

persisted in this opinion, even when his affairs were grown desperate. All his Counselors were of the same principles. They believed the episcopal Government of the Church so absolutely necessary, that a Church without Bishops was no true Church in their opinion.

On the other hand, the Presbyterians were no less possessed with their notions, and without distinguishing what is essential in religion from what is only external, they considered the usages and practices of the Church of England as a sort of Popery. Besides, they were so convinced of the King's enmity to them, that they could not think themselves safe, so long as it was in his power to oppress them. Matters standing thus, it is evident, that force of arms alone was capable of obliging one or other party to yield.

The Earl of Bristol in Vain Proposes an Accommodation

A war being almost unavoidable, the Earl of Bristol, though, he had no great reason to be pleased with the King, made his last effort to procure an accommodation, by a speech in the House of Peers. He represented, that the thing was not impossible, if it was sincerely endeavoured! After having enumerated all the mischiefs of a civil war, and the calamities it is usually attended with, he moved to appoint a select Committee of both Houses, truly to state all the differences betwixt the King and the Parliament, with the most probable ways of reconciling them; what the King ought to do to satisfy the people, and what security he should give. He added several other things, which plainly showed, he inclined to the King's side, and because, withal, he mentioned religion but very slightly and in general terms, his speech had no great effect.

The Commons Votes

The same, or the next day, the Commons voted:—

1. That it appeared, That the King, seduced by wicked counsels, intended to make war against the Parliament, who, in all their consultations and actions, had proposed no other end unto themselves, but the care of his Kingdoms, and the performance of all duty and loyalty to his person.
2. That when soever the King made war upon the Parliament, it would be a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of the Government.
3. That whosoever should serve or assist him in such wars, would be traitors by the fundamental Laws of the Kingdom; and had been so adjudged by two acts of Parliament, and ought to suffer as traitors, 1 Rich, II., 1 Hen. IV.[165]

The King Gets The Great Seal

May the 22nd, the Lord-Keeper Littleton delivered the Great-Seal to be carried to the King, and followed it himself the next morning, before the Parliament had any knowledge of it.

The Parliament Petitions The King to Disband His Forces

The 23 rd, both Houses sent a petition to the King, to desire him to disband the horse and foot raised under colour of a guard for his person. They told him, if he did not dismiss these forces, they should be obliged to preserve the peace of the Kingdom by the most proper means.

The King Answers

The King returned a very sharp answer to this Petition, reproaching both Houses, that they had raised a guard for themselves, and ordered the Sheriffs to oppose with the power of the Counties, such as should be drawn together by the King's command[166].

A war, as I said, was resolved on both sides; but each still proceeded with some caution, in order to call the blame on the contrary party. For, in a civil war, it is chiefly the people that are wanted, because in them lies the strength of the two parties.

The Earl of Bristol, in his Speech to the Lords, the 20th of May, observed, that it was not impossible to propound and settle the differences betwixt the King and the Parliament; but that the great difficulty consisted in finding much security, as might found with the King's honour, and the people's satisfaction. He chiefly insisted upon this, that the King offering to give reasonable security, they were not to reject the offer, and charge themselves with the events of a war.

As this offer, though made in very general terms, appeared plausible, the Parliament was apprehensive, it would make some impression on the people. And therefore, they judged it necessary, to show that the King, by this general offer, did however offer only his word for security, which could not be a firm foundation of a good agreement. To this end, they sent him, the 2nd of June, nineteen propositions, a which they considered as proper to establish a good peace, and strict union between the King and the Parliament. The Propositions were these:—

Nineteen Propositions Sent to The King

I. That the Lords, and others of your Majesty's Privy-Council, and such great officers and ministers of State, either at home or beyond the seas, may be put from your Privy Council, and from those offices and employments, excepting such as shall be approved of by both Houses of Parliament; and that the persons put into the places and employments of those that are removed, may be approved of by both Houses of Parliament; and that the Privy-Council shall take an oath for the due execution of their places, in such forms as shall be agreed upon by both Houses of Parliament.

2. That the great affairs of this Kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors, but that such matters as concern the public, and are proper for the High-Court of Parliament, which is your Majesty's great and supreme Council, may be debated, resolved, and transacted only in Parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be reserved to the censure and judgment of Parliament:

And such other matters of State, as are proper for your Majesty's Privy-Council, shall be debated and concluded by such of the nobility and others, as shall from time to time be chosen for that place, by approbation of both Houses of Parliament:

And that no public act concerning the affairs of the Kingdom, which are proper for your Privy-Council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of the Council, attested under their hands.

And that your Council may be limited to a certain number, not exceeding five and twenty, nor under fifteen. And if any counselor's place happen to be void in the interval of Parliament, it shall not be

supplied without the assent of the major part of the Council; which choice shall be confirmed, at the next sitting of Parliament, or else to be void.

3. That the Lord High-Steward of England, Lord High-Constable, Lord-Chancellor, or Lord-Keeper of the Great Seal, Lord-Treasurer, Lord Privy-Seal, Earl Marshal, Lord Admiral, Warden of the Cinque Ports, chief Governor of Ireland, Chancellor of the Exchequer, Master of the Wards, Secretaries of State, two Chief Justices and Chief Baron, may always be chosen with the approbation of both Houses of Parliament, and, in the intervals of Parliament, by assent of the major part of the Council, in such manner as is before expressed in the choice of Counsellors,

4. That he or they, unto whom the government and education of the King's children shall be committed, shall be approved of by both Houses of Parliament; and, in the intervals of Parliament, by the assent of the major part of the Council, in such manner as is before expressed in the choice of counsellors; and that all such servants as are now about them, against whom both Houses shall have any just exceptions, shall be removed.

5. That no marriage shall be concluded, or treated for any of the King's children, with any foreign Prince or other person whatsoever, abroad or at home, without the consent of Parliament, under the penalty of a Præmunire, upon such as should conclude, or treat of any marriage as aforesaid; and that the said penalty shall not be pardoned or dispensed with, but by the consent of both Houses of Parliament.

6. That the Laws in force against Jesuits, Priests, and popish recusants, be strictly put in execution, without any toleration or dispensation to the contrary; and that some more effectual course may be enabled by authority of Parliament, to disable them from making any disturbance in the State, or alluding the Law by trusts, or otherwise.

7. That the votes of popish Lords in the House of Peers may be taken away, so long as they continue Papists; and that your Majesty will consent to such a Bill as shall be drawn, for the education of the children of Papists by Protestants, in the Protestant religion.

8. That your Majesty will be pleased to consent, that such a reformation be made of the Church-government, and liturgy, as both Houses of Parliament shall advise; wherein they intend to have confutations with divines, as is expressed in their declaration to that purpose; and that our Majesty will contribute your best assistance to them, for the raising of a sufficient maintenance for Preaching ministers through the Kingdom; and that your Majesty will be pleased to give your consent to Laws, for the taking away of innovations and superstition, and pluralities, and against scandalous Ministers.

9. That your Majesty will be pleased to rest satisfied with that course that the Lords and Commons have appointed for ordering of the militia, until the same shall be farther settled by a Bill, and that your Majesty will recall your Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it.

10. That such members of either House of Parliament, as have, during the present Parliament, been put out of any place or office, may either be restored to that place and office, or otherwise have satisfaction made for the same, upon the petition of that House, whereof he or they are members.

11. That all Privy Counselors and Judges may take an oath, the form whereof to be agreed on, and settled by act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by the Parliament, which shall be mentioned by both Houses of Parliament; and that an enquiry of all the breaches and violations of those Laws may be given in charge, by the justice's of the King's Bench every term, and of the Judges of Assize in their circuits, and Justices of the Peace at the sessions, to be presented and punished according to Law.

12. That all the Judges, and all the officers placed by approbation of both Houses of Parliament, may hold their places, *quamdiu bene fe gesserint*.

13. That the justice of Parliament may pass upon all delinquents, whether they be within the Kingdom, or fled out of it; and that all persons cited by either House of Parliament, may appear and abide the censure of Parliament.

14 That the general pardon offered by your Majesty may be granted, with such exceptions as shall be advised by both Houses of Parliament.

15. That the forts and castles of this Kingdom may be put under the command and custody of such persons as your Majesty shall appoint, with the approbation of your Parliament; and in the intervals of Parliament, with the approbation of the major part of the Council, in such manner as is before expressed in the choice of Counselors.

16. That the extraordinary guards, and military forces now attending your Majesty, may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces, but according to the law, in case of actual rebellion or invasion.

17. That your Majesty will be pleased to enter into a more strict alliance with the States of the United Provinces, and other neighbour Princes and States of the Protestant religion, for the defence and maintenance thereof, against all designs and attempts of the Pope and his adherents to subvert and suppress it, whereby your Majesty will obtain a great access of strength and reputation, and your subjects be much encouraged and enabled in a parliamentary way, for your aid and assistance, in restoring your Royal sister and her princely issue to those dignities and dominions which belong unto them, and relieving the other Protestant Princes who have suffered in the same cause.

18. That your Majesty will be pleased, by Act of Parliament, to clear the Lord Kimbolton, and the five members of the House, of Commons, in such manner, that future Parliaments may be secured from the consequence of that evil precedent.

19. That your Majesty will graciously be pleased to pass a Bill, for restraining Peers made hereafter, from sitting or voting in Parliament, unless they be admitted thereunto with the consent of both Houses of Parliament.

And these our humble desires being granted by your Majesty, we shall forthwith apply ourselves to regulate your present revenue, in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it, as shall be sufficient to support your royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this Kingdom to your Majesty's royal Predecessors.

We shall likewise put the town of Hull into such hands as your Majesty shall

appoint, with the consent and approbation of Parliament, and deliver up a just account of all the magazine; and cheerfully employ the uttermost of our power and endeavours in the real expression and performance of our most dutiful and loyal affections, to the preserving and maintaining the loyal honour, greatness and safety of your Majesty and your posterity.

The King made to these Propositions, a long answer that is to say, with so long periods, and frequent parentheses, that it is no easy task to translate it without losing something of its force.

The King's Answer to the Nineteen Propositions

BEFORE WE shall give you our answer to your Petition and Propositions, we shall tell you, that we are now clearly satisfied, why the method which we traced out to you by our message of the 20th of January, and have since so often pressed upon you, as the proper way to compose the distractions of this Kingdom, and render it truly happy, hath been hitherto declined, and is at length not thought fit to be looked upon.

We now see plainly, (and desire that you and all other our good subjects should do so too) that the cabalists of this business have with great prudence reserved themselves, until due preparations should be made for their design. If they had unseasonably vented such proportions, as the wisdom and modesty of your predecessors never thought fit to offer to any of our progenitors; nor we in honour or regard to our regal authority, (which God hath entrusted us with for the good of our people) could receive without just indignation (and such many of your present propositions are) their hopes would soon have been blasted, and those persons, to whom offices, honours, power and commands were designed, by such ill timing of their business, would have failed of their expedition, not without a brand upon the attempt.

Therefore, before anything of this nature should appear, they have (certainly, with great wisdom in the conduct of it) thought fit to remove a troublesome rub in their way, the Law to this end, (that they might undermine the very foundations of it) a new power hath been assumed to interpret and declare Laws without us by extemporary votes, without any case judicially before either House, (which is in effect the same thing as to make Laws without us) orders and ordinances made only by both Houses, (tending to a pure arbitrary power) were pressed upon the people as laws, and their obedience required to them.

Their next step was, to credit an upstart authority without us (in whom, and only in whom the Laws of this realm have placed that power) to command the militia, (very considerable to this their design). In farther order to it, they have wrested from us our magazine and town of Hull, and abetted Sir John Hotham in his bold faced treason.

They have prepared, and directed to the people, unprecedented invectives against our Government, thereby (as much as lay in their power) to weaken our just authority and due esteem among them; they have, as injuriously, as presumptuously, (though we conceive by this time, impudence itself is ashamed of it) attempted to cast upon us aspersions of an unheard of nature, as if we had favoured a rebellion in our own bowels.

They have likewise broached a new doctrine, that we are obliged to pass all laws that shall be offered to us by both Houses, (howsoever our own judgment and conscience shall be unsatisfied with them) a point of policy as proper for their present business, as destructive to all our rights of Parliament, and so with strange

shamelessness will forget a clause in law still in force, made in the second year of King Henry wherein both Houses of Parliament do acknowledge, that it is of the King's regality to grant or deny such of their petitions as, pleaseth himself.

They have interpreted our necessary guard legally assembled, for the defence of us and our children's persons, against a traitor in open rebellion against us[167], to be with intent to levy war against the Parliament, (the thought whereof our very soul abhorreth) thereby to render us odious to our people. They have so awed our good subjects with our servants, long chargeable attendances, heavy censures, and illegal imprisonments, that few of them durst offer to present their tenderness of our sufferings, their own just grievances, and their sense of those violations of the Law, (the birth-right of every subject in this Kingdom) though in an humble petition directed to both Houses; and if any did, it was stifled in the birth, called sedition, and burnt by the common hangman.

They have restrained the attendance of our ordinary and necessary Household servants [168], and seized upon those small sums of money, which our credit had provided to buy us bread, with injunctions that none should be suffered to be conveyed, or returned to us to York or any of our Peers or servants with us; so that (in effect) they have blocked us up in that county.

They have filled the ears of the people with the noise of fears and jealousies, (though taken up upon trust) tales of skippers, salt-fleets, and such like, by which alarms they might prepare them to receive such impressions as might best advance this design when it should be ripe. And now it seems they think we are sufficiently prepared for these bitter pills. We are in a handsome posture to receive these humble desires (which probably are intended to make way for a superfetation of a (yet) higher nature, if we had not made this discovery to you) for they do not tell us this is all. In them we must observe, that these contrivers (the better to advance their true ends) disguised as much as they could their intents, with a mixture of some things really to be approved by every honest man; others, specious and popular; and some which are already granted by us, all which are cunningly twisted and mixed, with those other things of their main design of ambition and private interest; in hope, that at the first view, every eye may not so clearly discern them in their proper colours. We would not be understood, that we intend to fix this design upon both or either House of Parliament:

We utterly profess against it, being most confident of the loyalty, good affection, and integrity of the intentions of that great body; and knowing well, that very many of both Houses were absent, and many dissented from all those particulars we complain of:

But we do believe, and accordingly profess to all the world, that the malignity of this design (as dangerous to the laws of this Kingdom, the peace of the same, and the liberties of all our good subjects, as to our self and our just Prerogative) hath proceeded from the subtle informations, mischievous practices, and evil counsels of ambitious turbulent spirits, disaffected to God's true religion, and the unity of the professors thereof, our honour and safety, and the public peace and prosperity of our people, not without a strong influence upon the very actions of both Houses. But how faulty so ever others are, we shall (with God's assistance) endeavour to discharge our duty with uprightness of heart; and therefore, hence these propositions come to us in the name of both Houses of Parliament, we shall take a more particular notice of every of them.

If the 1st, 2nd, 3rd, 4th, 5th, 9th, 10th, 15th, 16th, 19th demands, had been writ

and printed in a tongue unknown to us and our people, it might have been possible we and they might have charitably believed the propositions to be such, as might have been in order to the ends pretended in the petition (to wit) the establishing of our honour and safety, the welfare and security of our subjects and Dominions, and the removing those jealousies and differences, which are said to have unhappily fallen betwixt us and our people, and procuring both us and them a constant course of honour, peace, and happiness: But being read and understood by all, we cannot but assure our self, that this profession, joined to these propositions, will rather appear a mockery and a scorn, the demands being such; as though we were unworthy of the trust reposed in us by the Law, and of our descent from so many great and famous ancestors, if we could be brought to abandon that power, which only can enable us to perform what we are sworn to, in protecting our people and the Laws, and so assume others into it, as to divest our self of it, although not only our present condition (which it can hardly be) were more necessitous than it is, and we were both vanquished, and a prisoner, and in a worse condition than ever the most unfortunate of our predecessors have been reduced to, by the most criminal of their Subjects.

And though the bait laid to draw us to it, and to keep our Subjects from indignation at the mention of it, the promises of a plentiful and unparalleled revenue were reduced from generals (which signify nothing,) to clear and certain particulars; since such a bargain would have but too great a resemblance of that of Esau's, if we should part with such flowers of a Crown, as are worth all the rest of the garland, and have been transmitted to us from so many ancestors, and have been found so useful and necessary for the welfare and security of our subjects, for any present necessity, or for any low and sordid considerations of wealth and gain.

And therefore all men knowing that those accommodations are most easily made, and most exactly observed, that are grounded upon seasonable and equal conditions, we have great cause to believe, that the contrivers of these had no intention of settling any firm accommodation, but to increase those jealousies, and widen that division, which (not by our fault) is now unhappily fallen between us and both Houses.

It is asked, that all the Lords and others of our Privy-Council, and such (we know not what you mean by such, but we have cause to think you mean all) great officers and Ministers of State, either at home or beyond the seas, (for care is taken to leave out no person or place, that our dishonour may be sure not to be bounced within this Kingdom, though no subtle insinuations at such a distance can probably be believed to have been the cause of our detractions and danger) should be put from our Privy Council, and from those offices and employments, unless they be approved by both Houses of Parliament, how faithful so ever we have found them to us and the public, and how far so ever they have been from offending against any Law, the only rule they had, or any others ought to have, to walk by. We therefore to this part of this demand return you this answer, that we are willing to grant, that they shall take a larger oath than yourselves desire in your 11th demand, for maintaining not of any part, but of the whole Law (1)

Remark 1. This is said, because in the whole body of the Law were contained those Laws, which ascribed to the King the Prerogatives they had a mind to deprive him of.

And we have and do assure you, that we will be careful to make election of such persons in those places of trust, as shall have given good testimony of their abilities and integrities, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence, that if we have or shall be mistaken in our

election, we have and do assure you, that there is no man so near to us in place or affection, whom we will not leave to the justice of the Law, if you shall bring a particular charge and sufficient proofs against him; and that we have given you (the best pledge of the effects of such a promise on our part, and the best security for the performance of their duty on theirs) a Triennial Parliament, the apprehension of whose justice will, in all probability, make them wary how they provoke it, and us wary how we charge such, as by the discovery of their faults may in any degree seem to discredit our election, but that without any shadow of a fault objected, only perhaps because they follow their consciences, and preserve the established Laws, and agree not in such votes, or assent not unto such bills, as some persons, who have now too great an influence even upon both Houses, judge, or seem to judge to be for the public good, and as are agreeable to that new Utopia of religion and government, into which they endeavour to transform this Kingdom (2).

Remark 2. This alludes to Sir Thomas Moors Utopia.

For we remember what names, and for what reasons, you left out in the Bill offered us concerning the militia, which you had yourselves recommended in the ordinance. We will never consent to the displacing of any, whom, for their former merits from, and affection to us and the public, we have entrusted; since we conceive, that to do so would take away both from the affection of our servants, the care of our service, and the honour of our justice; and we the more wonder it should be asked by you of us, since it appears by the 12th demand, that you yourselves count it reasonable, after the present turn is served, that the Judges and officers who are then placed, may hold their places *quamdiu se bene gesserint*; and we are resolved to be as careful of those we have chosen, as you are of those you would choose, and to remove none till they appear to us to have otherwise behaved themselves, or shall be evicted by legal proceedings to have done so.

But this demand, as unreasonable as it is, is but one link of a great chain, and but the first round of that ladder, by which our just, antient, regal power, is endeavoured to be fetched down to the ground.

For it appears plainly, that it is not with the persons now chosen, but with our choosing, that you are displeased; for you demand, that the persons put into the places and employments of those who shall be removed, may be approved by both Houses; which is so far (as to some at first sight it may appear) from being less than the power of nomination, that of two things (of which we will never grant either) we would sooner be content, that you should nominate, and we approve, than you approve, and we nominate; the mere nomination being so far from being anything, that if we could do no more, we would never take the pains to do that, when we should only hazard those whom we esteemed, to the scorn of a refusal, if they happened not to be agreeable, not only to the judgment, but to the passion, interest, or humor, of the present major part of either House.

Not to speak now of the great factions, animosities, and divisions, which this power would introduce in both Houses, between both Houses, and in the several counties, for the choice of persons to be sent to that place where that power was, and between those persons that were so chosen. Neither is this strange potion prescribed to us only for once, for the cure of a present pressing desperate disease, but for a diet to us and our posterity: It is demanded, that our Counselors, all chief officers, both of Law and State, commanders of forts and castles, and all Peers hereafter made (as to voting, without which, how little is the rest?) be approved of (that is, chosen) by them from time to time; and rather than it should ever be left to the Crown, (to whom it doth and shall belong) if any place fall void in the

intermission of Parliament, the major part of the approved Council is to approve them; neither is it only demanded, that we should quit the power and right our predecessors have had, of appointing persons in these places, but for Counselors we are to be retrained, as well in the number as in the persons, and a power must be annexed to these places, which their predecessors had not; and indeed, if this power was passed to them, it were not fit we should be missed to chose those who were to be trusted as much as we.

It is demanded, that such matters as concern the public, and are proper for the High Court of Parliament, (which is our great and supreme Council) may be debated, resolved, and transacted, only in Parliament, and not elsewhere; and such as presume to do anything to the contrary, shall be reserved to the censure and judgment of the Parliament; and such other matters of State, as are proper for our Privy Council, shall be debated and concluded, by such of our nobility, (though indeed, if being made by us, they may not vote without the consent of both Houses, we are rather to call them your Nobility) and others, as shall be from time to time chosen for that place, by approbation of both Houses of Parliament; and that no public act concerning the affairs of the Kingdom, which are proper for our Privy-Council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of our Council, attested under their hands; which demands were of that nature, that to grant them, were in effect, at once to depose both our self, and our posterity.

These being past, we may be waited on bare-headed, we may have our hand kissed, the stile of Majesty continued to us, and the King's authority declared by both Houses of Parliament, may be still the stile of your commands; we may have swords and maces carried before us, and please our self with the sight of a Crown and Sceptre; (and yet even these twigs would not long flourish, when the stock upon which they grew were dead) but as to true and real power, we should remain but the outside, but the picture, but the sign of a King.

We were ever willing that our Parliament should debate, resolve, and transact, such matters as are proper for them, as far as they are proper for them, and we heartily wish, that they would be as careful not to extend their debates and resolutions, beyond what is proper to them, that multitudes of things punishable, and causes determinable by the ordinary judicatures, may not be entertained in Parliament, and so cause a long, chargeable and fruitless attendance of our people, and (by degrees) draw to you, as well all the causes, as all the faults, of Westminster Hall, and divert your proper business:

That the course of Law be no ways diverted, much less disturbed, as was actually done by the stop of the proceedings against a riot in Southwark, by order of the House of Commons, in a time so riotous and tumultuous, as much increased the danger of popular insolencies, by such a countenance to riots, and discountenance of Law:

That you defend not to the leisure of recommending lecturers to Churches, nor ascend to the legislative power, by commanding (the Law not having yet commanded it) that they whom you recommend be received, although neither the Parson nor Bishop do approve of them; and that the refusers (according to the course so much formerly complained of to have been used at the Council-table) be not sent for to attend to shew cause at least, that you would consider convenience, if not Law, and recommend none but who are well known to you to be orthodox, learned, and moderate, or at least such as have taken orders, and are not notorious depravers of the *Book of Common-Prayer*; a care which appeareth by the discourses, sermons,

and persons of some recommended by you, not to have been hitherto taken; and it highly concerns both you in duty, and the Commonwealth in the consequences, that it should have been taken:

That neither one estate transact what is proper for two, nor two what is proper for three; and consequently, that (contrary to our declared will) our forts may not be seized, our arms may not be removed, our monies may not be stopped, our legal directions may not be countermanded by you, nor we desire to countermand them our self; nor such entrances made upon a real war against us, upon pretence of an imaginary war against you, and a chimera of necessity.

So far do you pass beyond your limits, whilst you seem by your demand, to be strangely straitened within them; at least we could have wished, you would have expressed what matters you meant as fit to be transacted only in Parliament, and what you meant by only in Parliament.

You have of late been persuaded, by the new doctrine of some few, to think that proper for your debates, which hath not used to be at all debated within those walls, but been trusted wholly with our predecessors and us; and to transact those things, which, without the regal authority, since there were Kings of this Kingdom, were never transacted:

It therefore concerns us the more, that you speak out, and that both we and our people may either know the bottom of your demands, or know them to be bottomless. What concerns more the public, and is more (indeed) proper for the High Court of Parliament, than the making of Laws, which not only ought there to be transacted, but can be transacted no where else? But then you must admit us to be a part of the Parliament; you must not (as the sense is of this part of the demand, if it have any) deny the freedom of our answer, when we have as much right to reject what we think unreasonable, as you have to propose what you think convenient or necessary: nor is it possible our answers, either to Bills, or any other propositions, should be wholly free, if we may not use the liberty of every one of you, and of every subject, to receive advice (without their danger who shall give it) from any person, known or unknown, sworn or unsworn, in these matters, in which the manage of our vote is trusted by the Law, to our own judgment and conscience; which how best to inform, is (and ever shall be) left likewise to us:

And most unreasonable it were, that two estates proposing something to the third, that third should be bound to take no advice, whether it were to pass, but from those two that did propose it.

We shall ever in these things, which are. trusted wholly to us by the Law, nor decline to hearken to the advice of our great Council, and shall choose to hear willingly the free debates of our Privy-Council, (when soever we may be suffered to have them for sending for, and they shall not be terrified from that freedom by votes, and brands of malignants and enemies to the State, for advising what no Law forbids to advise) but we will retain our power, of admitting no more to any Council than the nature of the business requires, and of discoursing with whom we please, of what we please, and informing our understanding by debate with any persons, who may be well able to inform and advise us in some particulars, though their qualities, education, or other abilities, may not make them so fit to be of our sworn Council; and not tie our self up not to hear any more than twenty five (and these not chosen absolutely by us) out of a Kingdom so replenished with judicious and experienced persons of several kinds.

And though we shall (with the proportionable consideration due to them) always weigh the advices both of our Great and Privy-Council, yet we shall also look upon their advices as advices, not as commands or impositions; upon them as our counsellors, not as our tutors and guardians; and upon our self as their King, not as their pupil or ward:

For whatsoever of Regality were, by the modesty of interpretation, left us, in the first part of the second demand, as to the Parliament, is taken from us in the second part of the same, and placed in this new-fangled kind of Counsellors, whose power is such, and so expressed by it, that in all public acts concerning the affairs of this Kingdom, which are proper for our Privy-Council, (for whose advice all public acts are sometimes proper, though never necessary) they are desired to be admitted joint Patentees with us in the Regality; and it is not plainly expressed, whether they mean us so much as a single vote in these affairs; but it is plain, they mean us no more at most, than a single vote in them, and no more power than every one of the rest of our Privy-Counsellors only leave to us, out of their respect and duty, (and that only is left of all our antient power) a choice, whether these that are thus to be joined with (or rather set over) us, shall be fifteen or twenty five: And great care is taken, that the oath which these men shall take, shall be such, in the framing the form of which (though sure we are not wholly unconcerned in it) we may be wholly excluded, and that wholly reserved to be agreed upon by both Houses of Parliament.

And to shew that no more care is taken of our safety, than of our power, after so great indignities offered to us, and countenanced by those who were most obliged to resent them: After our town and fort kept from us, (from which, if it were no otherwise ours, than the whole Kingdom is, we can no more legally be kept out, than out of our whole Kingdom, which sure your selves will not deny to be treason) our arms, our goods sent away, and our money stopped from us, our guards (in which we have no other intention, than to hinder the end of these things from being proportionable to their beginnings) are not only desired to be dismissed, before satisfaction for the injury, punishment of the injurers, and care taken for our future security from the like.

But it is likewise desired (and for this, Law is pretended, and might as well have been for the rest, which yet with some ingenuity, are it seems acknowledged to be but desires of grace) that we shall not for the future raise any guards, or extraordinary forces, but in case of actual rebellion or invasion; which if it had been Law, and so observed in the time of our predecessors, few of those victories, which have made these nations famous in other parts, could have been legally achieved:

Nor could our blessed predecessor Queen Elizabeth have so defended herself in eighty eight. And if no forces must be levied till rebellions and invasions (which will not stay for the calling of Parliaments, and their consent for raising of forces) be actual, they must undoubtedly (at least most probably) be effectual and prevalent.

And as neither care is taken for our rights, honour nor safety, as a Prince; so our rights, as a private person, are endeavoured to be had from us; it being asked, that it may be unlawful and punishable, not only to conclude, but even to treat of any marriage with any person for our own children, or to place governors about them, without consent of Parliament; and in the intermission of these, without the consent of our good Lords of the Council; that we may not only be in a more despicable state than any of our predecessors, but in a meaner and viler condition than the lowest of our subjects, who value no liberty they have more, than that of the free education and marriage of their children, from which we are asked to debar our self; and have the more reason to take it ill that we are so, because of our choice of a governor for

our son, and a husband for our daughter, (in which the Protestant religion was our principal consideration) we conceived we had reason to expect your present thanks and the increase of your future trust.

We suppose these demands by this time to appear such, as the demanders cannot be supposed to have any such real fear of us, as hath been long pretended; they are too much in the stile, not only of equals, but of conquerors; and as little to be intended for removing of jealousies, (for which end they are said to be asked; and that is not as merchants ask at first, much more than they will take, but as most necessary to effect it, which (if they be) God help this poor Kingdom, and those who are in the hands of such persons, whose jealousies nothing else will remove) which indeed is such a way, as if there being differences and suits between two persons, whereof one would have from the other several parcels of his antient land, he should propose to him, by way of accommodation, that he would quit to him all those in question, with the rest of his estate, as the most necessary and effectual means to remove all those suits and differences:

But we call God to witness, that as for our subjects' sake these rights are veiled in us, so, for their sakes, as well as for our own, we are resolved not to quit them, nor to subvert (though in a parliamentary way) the antient, equal, happy, well poised, and never enough commended constitution of the government of this Kingdom; nor to make our self of a King of England, a Duke of Venice, and this of a Kingdom, a republic.

There being three kinds of Government among men, absolute Monarchy, Aristocracy, and Democracy; and all these having their particular conveniences and inconveniencies; the experience and wisdom of our ancestors, hath so moulded this out of a mixture of these, as to give to this Kingdom (as far as human prudence can provide) the conveniences of all three, without the inconveniencies of any one, as long as the balance hangs even between the three estates, and they run jointly on in their proper channel, (begetting verdure and fertility in the meadows on both sides) and the overflowing of either on either side, raise no deluge or inundation. The ill of absolute Monarchy, is tyranny; the ill of Aristocracy, is faction and division; the ills of democracy, are tumults, violence, and licentiousness. The good of Monarchy, is the uniting a nation under one head, to resist invasion from abroad, and insurrection at home:

The good of Aristocracy, is the conjunction of Council in the ablest persons of a State for the public benefit: The good of Democracy, is liberty, and the courage and industry which liberty begets.

In this Kingdom, the Laws are jointly made by a King, by a House of Peers, and by a House of Commons, chosen by the people, all having free votes and particular privileges. The Government, according to these Laws, is trusted to the King; power of treaties, of war, and peace, of making Peers, of choosing officers and Counsellors for State, Judges for Law, Commanders for forts and castles; giving Commissions for raising men; to make war abroad, or to prevent or provide against invasions or insurrections at home; benefit of Confiscations, power of pardoning, and some more of the like kind are placed in the King. And this kind of regulated Monarchy, having this power to preserve that authority, without which it would be disabled to preserve the Laws in their force, and the subjects in their liberties and properties, is intended to draw to him such a respect and relation from the great ones, as may hinder the ills of division and faction; and such a fear and reverence from the people, as may hinder tumults, violence, and licentiousness.

Again, That the Prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it; and make use of the name of public necessity, for the gain of his private favourites and followers, to the detriment of his people, the House of Commons, (an excellent conservator of liberty, but never intended for any share in Government, or the choosing of them that should govern) is solely entrusted with the first propositions concerning the levies of monies, (which is the sinews as well of peace as of war) and the impeaching of those, who for their own ends, though countenanced by any surreptitiously gotten command of the King, have violated that Law, which he is bound (when he knows it) to protect; and to the prosecution of which they were bound to advise him, at least not to serve him in the contrary.

And the Lords being trusted with a judicatory power, are an excellent screen and bank between the Prince and people, to assist each against any encroachments of the other; and by just judgments to preserve that Law, which ought to be the rule of every one of the three. For the better enabling them in this, beyond the examples of any of our ancestors, we were willingly contented to oblige our self, both to call a Parliament every three years, and not to dissolve it in fifty days:

And for the present exigent, the better to raise money, and to avoid the pressure, (no less grievous to us than them) our people must have suffered by a longer continuance of so vast a charge as two great armies; and for their greater certainty of having sufficient time to remedy the inconveniences arisen, during so long an absence of Parliaments, and for the punishment of the causers and ministers of them, we yielded up our right of dissolving this Parliament, expecting an extraordinary moderation from it, in gratitude for so unexampled a grace, and little looking that any malignant party should be encouraged, or enabled to have persuaded them, first, to countenance the injustices and indignities we have endured, and then by a new way of satisfaction for what was taken from us, to demand of us at once to confirm what was so taken, and to give up almost all the rest.

Since therefore the power, legally placed in both Houses, is more than sufficient to prevent and restrain the power of tyranny; and without the power, which is now asked from us, we shall not be able to discharge that trust, which is the end of monarchy, since this would be a total subversion of the fundamental laws, and that excellent constitution of this Kingdom, which hath made this nation, so many years, both famous and happy to a great degree of envy; since to the power of punishing, (which is already in your hands according to law) if the power of preferring be added, we shall have nothing left for us but to look on, since the encroaching of one of their estates upon the power of the other, is unhappy in the effects, both to them and all the rest; since this power, of at most a joint Government in us with our counsellors (or rather our guardians) will return us to the worst kind of minority, and make us despicable both at home and abroad, and beget eternal factions and dissensions (as destructive to public happiness as war) both in the chosen, and in the Houses that chose them, and the People who chose the choosers; since so new a power will undoubtedly intoxicate persons who were not born to it, and beget not only divisions among them as equals, but in them contempt of us, as become an equal to them, and insolence and injustice toward our people, and now so much their inferior, which shall be the more grievous unto them, as suffering from those who were so lately of a nearer degree to themselves:

And being to have redress only from those that placed them; and fearing they may be inclined to preserve what they have made, both out of kindness and policy, since all great changes are extremely inconvenient, and almost infallibly beget yet greater changes, which beget yet greater inconveniences. Since as great an one in

the Church, must follow this of the Kingdom; since the second estate would in all probability follow the fate of the first, and by some of the turbulent spirits, jealousies would soon be raised against them, and the like propositions for reconciliation of differences would be then sent to them, as they now have joined to send to us till (all power being vetted in the House of Commons, and their number making them incapable of transacting affairs of state with the necessary service and expedition, those being re-trusted to some close Committee) at last the common people (who in the mean time must be flattered, and to whom license must be given in all their wild humours, how contrary soever to established Law, or their own real good) discover this *Arcanum Imperij*.

That all this was done by them, but not for them; and grow weary of journey-work, and set up for themselves, call parity and independence liberty; devour that estate which had devoured the rest; destroy all rights and properties, all distinctions of families and merit; and by this means this splendid and excellently distinguished form of Government, end in a dark equal chaos of confusion, and the long line of our many noble ancestors in a Jack Cade, or a Wat Tyler.

For all these reasons, to all these demands our answer is, *Nolumus Leges Angliæ mutari*: But this we promise, that we will be as careful of preserving the Laws, in what is supposed to concern wholly our subjects, as in what most concerns our self:

For indeed we profess to believe, that the preservation of every Law concerns us, those of obedience being not secure, when those of protection are violated; and we being, most of any, injured in the least violation of that, by which we enjoy the highest rights and greatest benefits, and are therefore obliged to defend no less by our interest, than by our duty, and hope that no jealousies to the contrary shall be any longer nourished in any of our good people, by the subtle insinuations, and secret practices of men, who, for private ends, are disaffected to our honour and safety, and the peace and prosperity of our people.

And to shew you, that no just indignation at so reproachful offers, shall make us refuse to grant what is probable to conduce to the good of our good people, because of the ill company it comes in, we will search carefully in this heap of unreasonable demands, for so much as we may (complying with our conscience, and the duty of our trust) assent unto, and shall accordingly agree to it.

In pursuance of which search in the fourth proposition, under a demand, which would take from us that trust, which God, Nature, and the Laws of the Land have placed in us, and of which none of you could endure to be deprived, we find something to which we give this answer, That we have committed the principal places about our children to persons of quality, integrity and piety, with special regard that their tender years might be so seasoned with the principles of the true Protestant Religion, as (by the blessing of God upon this our care) this whole Kingdom may in due time reap the fruits thereof:

And as we have been likewise, very careful in the choice of servants about them, that none of them may be such, as by ill principles, or by ill examples, to cross our endeavours for their pious and virtuous education; so if there shall be found (for all our care to prevent it) any person about our children, (or about us, which is more than you ask) against whom both Houses shall make appear to us any just exception, we shall not only remove them, but thank you for the information; only we shall expect that you shall be likewise careful, that there be no underhand dealing by any, to seek faults, to make room for others to succeed in their places.

For the fifth demand, as we will not suffer any to share with us in our power of treaties, which are most improper for Parliaments, and least of all in those treaties in which we are nearest concerned, not only as a King, but as a father; yet we do (such is our desire to give all reasonable satisfaction) assure you by the word of a King, that we shall never propose or entertain any treaty whatsoever for the marriage of any of our children, without due regard to the true Protestant profession, the good of our Kingdom, and the honour of our family.

For the sixth demand, concerning the Laws in force against Jesuits, Priests, and Popish Recusants, we have, by many of our messages to you, by our voluntary promises to you so solemnly made, never to pardon any Popish Priest, by our strict Proclamations lately published in this point, and by the public examples which we have made in that case since our residence at York, and before at London, sufficiently expressed our zeal herein. Why do you then ask that in which our own inclination hath prevented you? And if you can yet find any more effectual course to disable them from disturbing the State, or eluding the Law by trust, or otherwise, we shall willingly give our consent to it.

For the seventh demand, concerning the votes of the Popish Lords; we understand, that they in discretion have withdrawn themselves from the service of the House of Peers, (and had done so when use was publicly made of their names to asperse the votes of that House, which was then counted as malignant as those, who are called our unknown and unsworn counsellors, are now); neither do we conceive, that such a positive Law against the votes of any whose blood gives them that right, is so proper in regard of the privilege of Parliament, but are content, that so long as they shall not be conformable to the doctrine and discipline of the Church of England, they shall not be admitted to sit in the House of Peers, but only to give their proxies to such Protestant Lords as they shall choose, who are to dispose of them as they themselves shall think fit, without any reference at all to the giver.

As to the desires for a bill for the education of Papists by Protestants, in the Protestant Profession, many about us can witness with us, that we have often delivered our opinion, that such a course (with God's blessing upon it) would be the most effectual for the rooting Popery out of this Kingdom; we shall therefore thank you for it, and encourage you in it, and when it comes unto us, do our duty:

And we heartily wish for the public good, that the time you have spent in making ordinances without us, had been employed in preparing this and other good Bills for us.

For the eighth, touching the reformation to be made of the Church Government and liturgy, we had hoped, that what we had formerly declared concerning the same, had been so sufficiently understood by you, and all good subjects, that we should not need to have expressed our self further in it.

We told you in our answer to your petition, presented to us at Hampton Court the first of December, that for any illegal innovations which may have crept in, we should willingly concur in the removal of them; and if our Parliament should advise us to call a national Synod, which may duly examine such ceremonies as give just cause of offence to any, we should take it into consideration, and apply our self to give due satisfaction therein; that we were persuaded in our conscience, that no Church could be found upon the earth, that professeth the true religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautified, and free from superstition, than as they are here established by Law.

Which, (by the grace of God) we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of Popery; but also from the irreverence of those many schismatics and separatists, wherewith of late this Kingdom, and our city of London abounds, to the great dishonour and hazard both of Church and State, for the suppression of whom we required your, timely and active assistance.

We told you in our first Declaration, printed by the advice of our Privy-Council, That for differences amongst ourselves for matters indifferent in their own nature concerning religion, we should, in tenderness to any number of our loving subjects, very willingly comply with the advice of our Parliament, that some Law might be made for the exemption of tender consciences from punishment, or prosecution for such ceremonies, and in such cases, which by the judgment of most men are held to be matters indifferent, and of some to be absolutely unlawful; provided that this case should be attempted and pursued with that modesty, temper, and submission, that in the mean time the peace and quiet of the Kingdom be not disturbed, the decency and comeliness of God's service discountenanced, nor the pious, sober, devout actions of those reverend persons who were the first labourers in the blessed Reformation, or of that time, be scandalised and defamed.

And we heartily wish, that others whom it concerned, had been as ready as their duty bound them, though they had not received it from us, to have pursued this caution, as we were, and still are willing and ready to make good every particular of that promise.

Nor did we only appear willing to join in so good a work, when it should be brought us, but pressed and urged you to it by our message of the 14th of February, in these words:

And because his Majesty observes. great and different troubles to arise in the hearts of people, concerning the government and liturgy of the Church, his Majesty is willing to declare, that he will refer the whole consideration to the wisdom of his Parliament, which he desires them to enter into speedily, that the present distractions about the same may be composed; but desires not to be pressed to any single act on his part till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away: Of which we the more hoped of a good success to the general satisfaction of our people, because you seem in this proposition to desire but a Reformation, and not, as is daily preached for as necessary in those many conventicles, which have within these nineteen months begun to swarm, and which, though their leaders differ from you in this opinion yet appear to many as countenanced by you, by not being punished by you (few else, by reason of the order of the House of Commons of the 9th of September, daring to do it) a destruction of the present discipline and liturgy.

And we shall most cheerfully, give our best assistance for raising a sufficient maintenance for preaching Ministers, in such course as shall be most for the encouragement and advancement of piety and learning.

For the Bills you mention, and the confutation you intimate, knowing nothing of the particular matters of the one (though we like the titles well) nor of the manner of the other, but from an informer, (to whom we give little credit, and we wish no man did more) common fame, we can say nothing till we see them.

For the eleventh, we would not have the oath of all Privy-Counsellors and Judges straitned to particular Statutes of one or two particular Parliaments, but extend to all

Statutes of all Parliaments, and the whole Law of the Land; and shall willingly consent, that an enquiry of all the breaches and violations of the Law may be given in charge by the justices of the King's Bench every term, and by the Judges of Assize in their circuits, and Justices of the Peace at the sessions, to be presented and punished according to Law.

For the seventeenth, we shall ever be most ready, (and we are sorry it should be thought needful to move us in it) not only to join with any (particularly with the States of the United Provinces, of which we have given a late proof in the match of our daughter) for the defence and maintenance of the Protestant religion against all designs and attempts of the Pope and his adherents; but singly (if need were) to oppose with our life and fortune all such designs in all other nations, were they joined:

And that for considerations of conscience, far more than any temporal end of obtaining access of strength and reputation, or any natural end of restoring our Royal sister and her Princely issue to their dignities and dominions, though these be likewise much considered by us.

For the eighteenth, it was not our fault that an act was not passed to clear the Lord Kimbolton, and the five members of the House of Commons, but yours, who inserted clauses into both the preamble and act, (perhaps persuaded to it by some who wish not that you should in any thing receive satisfaction from us) as by passing the preamble, we must have wounded our honour against our conscience, and by another clause have admitted a consequence, from which we could never have been secured, by declaring, that no member of either House, upon any accusation of treason, could have his person seized without the consent of that House of which he is a member; though the known Law be, That Privilege of Parliament extends not to Treason and if it did, any member (the House being for a short time adjourned, and of their consent not being so had) how treasonable soever his intentions were, how clearly soever known, and how suddenly soever to be executed, must have fair leave given him to go on and pursue them; no way, how legal soever, after the passing such a clause, being left to prevent it (3).

Remark 3. The King, in shewing the inconveniencies of this clause, lays down a case different from that of the six members accused. For he supposes, to demonstrate these inconveniencies, that the treason is manifest, and just going to be executed. Whereas the difference between the King and the Parliament consisted, in that the Parliament desired to see the proofs, before they consented to the prosecution of their Members.

Besides, this maxim, that the privileges of Parliament extend not to treasonable cases, is very ambiguous. For it may signify, either that in case of real, manifest, or apparent treason, the members of Parliament have no more privilege than the rest of the subjects, or else that by a bare accusation of treason, true or false, a Member may be committed to prison like any other private person. The King took it, and would have it taken, in this last sense, but the Parliament would admit it only in the first. But that the King's sense was wrong, evidently appears, in that when, for instance, a Peer is accused of treason, he is not sent to the Tower, according to the usual course of Justice, as a private person would be, but by order of his House, which thinks proper to consent to his prosecution.

Without this consent, the King cannot send him to the Tower by his own authority, and upon a bare accusation. In short, no less inconveniencies would attend the King's sense, since in that case the King, upon bare accusations, true or false, might imprison all the principal members of both Houses.

To conclude, we conjure you, and all men, to rest satisfied with the truth of our professions, and the reality of our intentions, not to ask such things as deny themselves, that you declare against tumults and punish the authors; that you allow us our propriety in our towns, arms and goods, and our share in the legislative power, which would be counted in us not only breach of privilege, but tyranny and subversion of Parliaments, to deny to you.

And when you shall have given us satisfaction, upon those persons who have taken away the one, and recalled those Declarations (particularly that of the 26th of May) and those in the point of the militia (our just rights, wherein we will no more part with than with our Crown, lest we enable others by them to take that from us) which would take away the other, and declined the beginnings of a war against us, under pretence of our intention of making one against; you, as we have never opposed the first part of the thirteenth demand, so we shall be ready to concur with you in the latter.

And being then confident, that the credit of those men, who desire a general combustion, will be so weakened with you, that they will not be able to do this Kingdom any more harm, we shall be willing to grant our general pardon, with such exceptions as shall bethought fit, and shall receive much more joy in the hope of a full and constant happiness of our people in the true religion, and under the protestation of the Law, by the ablest union between us and our Parliament (so much desired by us) than any such increase of our revenue, (how much soever beyond former grants) as I (when our subjects were wealthiest) our Parliament could have settled upon us.

I shall make but one general remark upon this answer of the King, and which to me seems absolutely necessary; namely, that all the beginning, which includes two thirds, is entirely needless, since the King treats not of the point in dispute between him and the Parliament. The question was not to know, whether the Laws ascribed such and such power to the King, but to know, whether the King having abused this power, his promise, that he would govern according to the Law of the Land, was to be depended upon for the future.

The King throughout the beginning of his answer, supposes an ignorance of what is due to a King of England or a causeless denial of the same. As to the first point, he pretends to acquaint the public with the nature of the English Constitution, which was very needless, since no body disagreed with him. He keeps to the general position acknowledged by all the world, but says not a word to the particular question, which was the sole subject of the dispute.

As to the second point, he does not deny that he had abused his power, but makes no other answer to the consequence drawn by the Parliament from this abuse, than that he promises to behave better for the future.

It is easy to see, that neither the Parliament's propositions, nor the King's answer, were proper to beget an accommodation. Accordingly, it may be affirmed, that neither side thought of any such thing. When the King published his answer, he had received some arms, ammunition, and pieces of Ordnance from Holland and besides that, was preparing to besiege Hull, though great part of the arms were now removed to London, he hoped still to find there sufficient for his most urgent occasions. Moreover, this place, which was one of the strongest in the Kingdom, could be of great service to him, to keep the adjacent Country in his interest.

The Motives of The Presbyterians in The Rupture

On the other hand, the Presbyterian party, who then prevailed in the Parliament, had almost attained their desire, that is, had brought things to a rupture, which gave them room to hope, they

should quickly have opportunity to accomplish the rest of their project.

Indeed, this rupture between the King and the Parliament being supposed, it was manifest, the Kingdom was to be governed by the Parliament and the King, separately, and not jointly, as before, that is, they would each govern those of their party in which case, the Parliament would have no more occasion for the King's consent, who would be looked upon as an enemy, and consequently, they might ordain whatever they pleased, without any opposition.

This was precisely the point to which all the proceedings of the Presbyterian party had tended, without their discovering themselves however, any more than was necessary to support the expectations of their adherents. For till now it highly concerned them to make the public, and the members who were not of their side, believe, that they acted in conjunction with the other members, only with the view of vindicating the common liberty, against the encroachments of the King.

Double Views of The Presbyterians

It is certain, that from the beginning, there was in this Parliament, a Presbyterian party, whose aim was to alter the Church-government. But that this was the sole aim of the Presbyterians, as many assert, is what does not to me appear evident. Why might not these men, in driving to erect their discipline upon the ruins of the Church, have another end, I mean, the prevention of the King's and his party's encroachments upon the public liberty?

There were, certainly, in this very Parliament, members who were very far from being Presbyterians, and yet had the same end: Why might not the Presbyterians have it too, jointly with that which was peculiar to them? Is it so uncommon a thing, to see people propose to themselves two different ends, in one and the same undertaking?

I confess, I do not see the improbability of such a supposition. The Presbyterian party therefore must be considered as acting with those two views, and this is so true, that undeniable proofs of it will appear in the sequel of this reign. But their enemies have been pleased to ascribe to them the first only, in order to charge them with putting the Kingdom in a flame, for the sake of establishing the Presbyterian Government in the Church.

I do not deny, that this motive contributed very much to it. But it does not follow, that the reasons on which the Parliament refused to confide in the King, were frivolous. The contrary may be rather inferred. For if these reasons had not been plausible, the Presbyterians would never have been able to execute their projects, and form so strong a party in a Kingdom, where, at the beginning of this Parliament, they made so inconsiderable a figure. But they politically made use of the general discontent, which actually subsisted, to bring matters to the point they desired. They cannot be said to have caused this universal discontent, though it is certain, they helped to inflame it, because it was necessary to their views.

Order From The House Concerning The Sale of The Crown Jewels

The Parliament having received advice from Holland, or that the Queen had pawned or sold some of the Crown jewels at Amsterdam, published the 2nd of June an order, declaring, that whosoever was concerned in the selling or pawning these Jewels, or in the bringing any money to the King, by way of bill of exchange, or otherwise, should be accounted an enemy to the State.

The King Receives Arms From Holland

But the Queen had already laid out the money in purchasing arms and ammunition, which she had conveyed to the King, in a small ship called the Providence, which, the very day the

Parliament published this order, safely arrived in Burlington Bay, after having been warmly pursued by part of the Parliament's fleet, commanded by the Earl of Warwick[169].

The Orders His Party to Leave The Parliament

Some time before, the King finding a war unavoidable, had ordered his friends in both Houses, to absent themselves from the Parliament. He hoped, by lessening so considerably the number of the members, to lessen the credit of the Parliament. But this policy turned not to his advantage.

Precautions of The Commons

It is true, both Houses were considerably lessened in number. But withal, the King's party there grew so weak that they could no longer oppose the resolutions taken against the King. Though the two Houses were not sorry to be rid of these spies, they believed however, it was necessary to take some measures, either to hinder a greater, desertion, or to convince the people, it was not their fault if the Parliament was not so numerous as hitherto.

The Commons therefore ordered all the Sheriffs of the Kingdom, to give notice to the representatives, to attend the House by the 16th of June, on the forfeiture of one hundred pounds, to be employed in the wars in Ireland, and on pain of undergoing such farther punishment as the House should think fit.

The Severity of The Peers Against Nine Absent Lords

But the Lords went still farther, for they ordered nine of their Members[170], who had repaired to the King at York, to appear at the bar the 8th of June as delinquents. These nine Lords having sent their excuse by a letter, the Commons forthwith prepared an impeachment against them, and sent it up to the Lords. The 27th of the same month[171], the Peers pronounced sentence against the nine Lords, declaring, they should not sit or vote in the House during the present Parliament, and should stand committed to the Tower during the pleasure of the House.

Parliament Takes up Money Upon Loans

These were little preludes to the war which was going to be kindled. But the 10th of June, both Houses gave a more evident proof of their design; for upon receiving advice, that the King was actually giving out Commissions to levy forces, they published proposals for the bringing in of money or plate, at eight per cent, for the defence of the Kingdom[172].

This is what the King's friends will have to be considered as the first declaration of war on the Parliament's side, and pretend thereby to shew, that both Houses were the aggressors. But it is certain, the King, long before, had taken measures to prepare for war, and there is no doubt the Parliament had done the same, though perhaps more secretly than the King. Be this as it will, after having seen what were the true grounds and causes of the war, it seems of little moment to know, which of the two parties first discovered the measures taken, whether to attack or defend. For that at most is the meaning of the question, **Which of the parties began the war?**

The King's Letter to The Lord Mayor of London

The King having notice of what the Parliament had done for the speedy raising of money, writ to the Lord Mayor of London, commanding him to publish his letter wherein he forbid the Citizens to lend any money to both Houses. This letter occasioned their publishing a declaration, the aim whereof was to shew the people, that the Parliament was under an absolute necessity of

preparing for their defence. They said, his Majesty having so often threatened them about Hull and the militia, they could not but consider his preparations as a design to levy war against his Parliament.

The King's Answer

The King made to this declaration a long answer, full of reproaches of the illegal proceedings of both Houses against him. He did not deny, that he intended to have justice in the cases of Hull and the militia, or lose his life in requiring it; and affirmed, that this was no proof of a design to make war against the Parliament, but only of his intention to defend himself against their attacks.

The Parliament said the same thing on their part, and each endeavoured to cast the blame of the war on the opposite party. I did not think it necessary to insert these last papers, there being nothing new in them. They contain the same reproaches, and the same vindications on both sides, as were seen in the former declarations.

I shall only observe, that even when the war was going to commence, and there was no more hopes of an accommodation, the King thought it very strange, that his prerogatives should be violated, and the Parliament raise forces without his approbation. He always used the same stile, even in the is very midst of the war.

The Parliament Forbids Publishing The King's Papers

In short, the Parliament, weary of these paper skirmishes, of which there was no end, and which consumed a great deal of time, prohibited, by a printed order, the publishing any declarations or papers in the King's name, that should be contrary to the ordinances of the Parliament. After that, there was no hope of peace, and accordingly, all thoughts of it were laid aside by both parties.

Project of The King to Become Master of The Fleet

The King, before he came to an open declaration, had mind to execute two designs he had formed. The first was, to become master of the fleet; the second, to besiege Hull. The project of the fleet was solely founded in the expectation, that the captains of the ships would declare for him as soon as commanded. In this belief, he writ to each captain in particular, requiring him, without delay, and without demanding the orders of his superiors, to bring away his ship to Burlington Bay, and yield no farther obedience to the Earl of Warwick. He sent withal a letter to the Earl of Warwick, to discharge him from the command of the fleet.

The letters to the captains were to be delivered, as indeed they were, before that directed to the Earl of Warwick. The King dispatched at the same time a messenger to London, to carry to the Earl of Northumberland a revocation of his commission of Admiral, under the Great Seal. The Earl of Warwick, who was then on shore, having notice of what passed in the fleet, went immediately on board his ship, and summoned all the captains to attend him at a Council of War.

All obeyed, notwithstanding the King's orders, except five, who united together to make their defence, in case they should be attacked. The rest protested to their Admiral, they would obey his commands. As soon as he had secured these last, he caused them to come to an anchor round the five others, to force them to submit. But three of them thought fit to come in upon a summons.

The two that still remained obstinate; suffered themselves to be shamefully taken by unarmed boats, and were sent to London. Thus the King was disappointed of his aim, for which, though of great importance, he had not doubtless taken very proper measures, as appeared by the event[173].

The King Prepares for War

After this fruitless attempt, the King believed it in vain to dissemble any longer, and that he must at last begin the war. To that end, he ordered William Cavendish, Earl of Newcastle to secure the town of Newcastle; which was performed, though with some difficulty, and then he caused also Tinmouth Castle to be seized. At the same time, he sent many Lords and Gentlemen into their respective shires to levy forces, and by a patent under the Great Seal, appointed, William Seymour. Earl of Hertford, his Lieutenant-General of the western counties.

He kept near his person, Robert Bar, Earl of Lindsey, to be, under him, General of his army. Sir Jacob Ashley was General of the foot; and the place of General of the Horse was reserved for Prince Rupert, the King's nephew, and brother to the Elector Palatine, who was daily expected.

The Marches to Besiege Hull

Though the King had pretended to raise only a guard for his person, it was found however, that in the beginning of July, he had about three thousand foot, and seven or eight hundred horse, with which he resolved to march to Hull. He stayed some days at Beverly, and published a proclamation, to signify his intention to besiege Hull, and the reason that induced him thereto. As they have already been mentioned, it is needless to repeat them. Three days after, he sent the Proclamation to the Parliament, with a message, requiring them, that the town of Hull might be forthwith delivered to him.

The Parliament's Petition to Him

Before the Parliament received this message, they had resolved to present a petition to his Majesty, to pray him, in a very humble manner, to forbear all preparations for war; to remove his forces from about Hull; to dismiss his troops; to send away his garrisons from Newcastle, Tinmouth, and other places; for which they promised also, on their part, to discontinue all the preparations they had been forced to make for their defence.

The King's Answer

The King returned a long answer in writing to this petition, wherein he repeated great part of what he had said in his Declarations. He made likewise some proportions to both Houses, allowing them to the 27th of July for a full and positive answer.

He Besieges Hull in Vain

The Parliament having returned an unsatisfactory answer to the propositions, the King resolved to begin the siege of Hull. But this enterprise was so unsuccessful, that after having been some time before the town, without making any progress, he was obliged to raise the siege, or rather blockade, and return to York.

The Earl of Clarendon says, the King undertook the siege of Hull, upon the assurance given him by Sir John Hotham, that he would surrender the town at the first shot, but that it was not possible for Hotham to perform his word[174].

Goring Governor of Portsmouth Declares for The King

The King, as I before said, had, some months since, gained Colonel Goring Governor of Portsmouth, who feigning to keep the place for the Parliament, held it indeed for the King. He received money from both sides, to reinforce the garrison and raise new works, the Parliament,

not mistrusting him, and the King relying on his word.

At last, about the time the King was before Hull, Goring openly declared for him. This happened in the beginning of August, but three weeks after the Parliament had issued orders for levying an army, to be commanded by Robert Devereux, Earl of Essex[175]. This army not being yet ready, both Houses, though astonished at Goring's defection, were not however discouraged. As it was of the utmost importance to recover this place, the strongest in the Kingdom, before the King should be able to relieve it, they hastily dispatched a committee, whom they empowered to assemble the militia of the neighbouring counties, to block up Portsmouth by land, whilst the Earl of, Warwick, by their order, blocked it up by sea.

Goring Capitulates

Happily for the Parliament, Goring, though he had received from them three thousand pounds, and the like sum from the King, had neglected to lay in the necessary provisions for a siege, and particularly corn and salt, so that in the very beginning of the blockade, he perceived, he could not resist long. This made him resolve to capitulate. He surrendered the place to the committee, only for liberty to retire into Holland, and for his officers to repair to the King.

The King's Manifesto

During the blockade of Portsmouth, the King, not doubting, but Goring was in condition to defend that place, published at last a Declaration that had long been prepared, wherein he sums up all the complaints he had already made against both Houses. As the reader is sufficiently informed, there is no occasion to insert here this new declaration. Only it must be remarked, that the King declared both Houses guilty of High-Treason, and forbid all his subjects to obey them: At the same time was also published a Proclamation, requiring all men who could bear arms, to repair to him by the 25th of August at Nottingham, where he intended to set up his royal standard, which all good subjects were obliged to attend.

Proclamation to Attend The Royal Standard

The setting up of the royal standard was the antient manner of making known to the people the King's urgent occasion for their aid, and the place to which they were to repair to assist him. The King could not forbear thinking, he was still to be considered as an ordinary King, and to have the same respect and obedience paid to him, as if he had never given his people any cause of complaint. He imagined, that the acts of grace he had passed in this Parliament, and his promises to behave better for the future, had effaced all the ill impressions made by his past Government upon his subjects, and that, though there was a powerful party against him in the Parliament, it was otherwise among the people. He thought therefore, the setting up of his standard would make a strong impression on the people, and induce them to appear in arms at Nottingham. But the prejudices were too deeply rooted in the minds of most of the subjects, for a bare ceremony to remove them.

The King Gives out New Commissions

Whilst the day appointed for the setting up of the standard was expected, the King endeavoured to augment the number of his forces. He gave out fresh commissions, and sent the Earl of Hertford and some other Lords and Gentlemen, to manage his concerns, and raise troops, in the Western parts.

He Takes Lincoln and Takes Nottingham

For himself, he departed from York, some days before the 25th of August and in his way took

Lincoln, from whence he drew the arms of the trained-bands for his troops, after which he came to Nottingham, and the next day reviewed his horse. The review was no sooner ended, but he was informed that two regiments of foot were marching to Coventry by the Earl of Essex's orders. Whereupon he hasted thither with his cavalry, consisting of seven or eight hundred horse, in hopes of preventing the Parliament's forces, and possessing himself of that city.

Coventry's Gates are Shut Against Him

Accordingly he arrived there the day before the two regiments: but the Mayor of the city, though without a garrison, shut the gates against him, and fired upon his men. He was very sensibly touched with this indignity; but as there was no remedy, he was forced to return to Nottingham, leaving the command of his cavalry to Commissary-General Wilmot.

Wilmot Loses an Opportunity

The next day, his horse being upon a plain of five or six miles extent, where nothing encumbered them, had a clear view of a body of twelve hundred of the enemies foot, guarded only by one troop of horse. Wilmot, it seemed, could not have wished for a fairer opportunity to attack with advantage this body of foot, who had nothing to secure them. But, for what reason it is not known, instead of attacking the enemies, he thought only of avoiding them, and even retreated with some precipitation. This was a bad omen to a war just commenced.

The King Sets up a Standard and it is Blown Down

At last on the 25th of August, the King caused his Standard to be erected on a turret of Nottingham Castle[176], having with him only some unarmed trained-bands. His Proclamation had produced so little effect, that few were come to attend the royal standard. Nay, it happened, the very day the standard was erected, to grow so tempestuous, that it was blown down, and could not be fixed again in a day or two. This was looked upon by many as a fatal presage of the war.

Notes to Chapter 1

1) Dr. Welwood affirms. that no age ever produced greater men than those that sat in this Parliament. Memoirs p. 42.

2) That is, the Scots. Some exception being taken at the King's calling them rebels, he explained and justified that expression in a speech to the Lords, November 5. See Rushworth, Tom. IV. p. 17. Whitelock, p. 38.

3) And yet the Lord Clarendon ascribes the calling the Parliament to the advice of the great Council of Peers at York, Rapin.

4) The Lord Clarendon says, the King designed Sir Thomas Gardiner, Recorder of London, to be Speaker. But he could not get him self elected for London, nor any other Borough. And no wonder, if it be true as Whitelock says, that such a spirit of opposition to the court proceedings, was in the hearts and actions of most of the people, that very few of that party had the favour to be chosen members of this Parliament. Clarendon, Tom. I. p. 135. Whitelock, p. 37.

5) Arthur Capel (afterwards Lord Capel), presented a petition for Hertfordshire, Sir John Packington for Worcestershire, Sir John Culpeper for Kent, Sir Philip Musgrave for Westmoreland, Sir Francis Seymour for Wits, (these turned afterwards for the King) Henry Ballasis and Ferdinando Lord Fairfax for Yorkshire, Sir Edmund Mountford for Norfolk, Sir Thomas Barrington for Essex, William Pierpoint for Shropshire, Sir Guy Palmer for Rutland, &c. Rushworth, Tom. IV. p. 21.

6) Rapin by mistake has inserted in his history Mr Pym's Speech, which he spoke the 17th of April, in the last Parliament, and of which mention is made above, p. 316. Wherefore the translator has inserted here the true speech, as it is found in Rushworth, Tom., IV., P 21.

7) Dr Cornelius Burness and Stephen Marshal, preached on that day before the House of Commons, and preached and prayed at least seven Hours betwixt them. Diurnal Occurrences, p 4.

8) In this speech he mentions among other things, the new Canon Oath, and says, “ My opinion of this Oath is, that it is a covenant against the King and Bishops; as the Scottish covenant is against the King and Bishops, only so much worse than the Scottish, as they admit not of the supremacy in ecclesiastical affairs, and we are sworn to it” Rushworth, Tom. IV. p 52. Whitelock, p 33.

9) Whitelock, says, many members thereupon withdrew themselves and new elections were made in their rooms. p. 38.

10) See an account of the severe punishment of these three persons above, p. 302. Note (2). They were now, by order of Parliament, brought from their several places of confinement to London, Prynne and Burton landing at the same time, viz. November 28, at Southampton, were received with extraordinary demonstrations of esteem, had their charges bore, and liberal presents given them. This method and ceremony kept them company all their journey, and so many people met them upon their approach to London, that they were carried into the City by above ten thousand persons, with boughs and flowers in their hands. Clarendon, Tom. I. P. 160. Nalson, Tom. I. p. 570.

11) Leighton a physician, father of Dr. Leighton, Archbishop of Glasgow, for writing a book called *Sim's Plea Against Prelacy*, (wherein he advised the Parliament to kill all the Bishops, by smiting them under the fifth rib, and railed against the Queen, calling her a Canaanite and Idolatress, was thrown into a noisome prison, fined ten thousand pounds, stood in the pillory twice, having one ear cutoff, one nostril hit, and one cheek fired, with thirty six lashes each time. Whitelock, p. 15. —Alexander Jennings of Buckinghamshire, for refusing to pay ship money, was imprisoned in the fleet, by warrant of the council, without any cause expressed, and the Court of King's Bench had refused to discharge or bail him when brought thither by Habeas Corpus —Peter Smart, Canon of Durham, having in 1628, printed two sermons against innovations in the church of Durham, by Dr. Cosins, was by the High Commission of York deprived of his prebend and living, fined £500 and imprisoned many years. Rushworth,

12) Half on prebends, that the sentence in the Star-Chamber against Bastwick was not only just, but that he deserved even death, if he had not had to do with the most merciful of Kings. Rapin.

13) Mr. Pym, Mr. Strode, Mr. St. John, the Lord Digby, Sir John Clotworthy, Sir Walter Earl, and Mr. Hampden. Rushworth, Tom. IV. p. 43.

14) Whitelock says, it was considered at York, whether the Earl should repair to the House, or continue in the north with the army. The Earl humbly desired his Majesty to excuse his going to the Parliament, alleging, he should not be able to do him any service there, but rather be a means to hinder his affairs, and besides, in case they should fall upon him, he being at a distance, might the better retire from danger, &c. The King, notwithstanding all he could say, insisted upon the Earl's coming to Parliament, and told him, As he was King of England, he was able to secure him from any danger, and the Parliament should not touch one hair of his head. So in obedience to the King's commands, the Earl came to London, but not, as Rapin says, the same day he was impeached, but a few days before, Whitelock, p. 37. The Lord Clarendon says, it was believed

he came to the House that day, to accuse the Lord Say, and some others, of having induced the Scots to invade the Kingdom, Vol. I. p. 139. Heylin's Observer. p. 211.

15) Sir Francis Windebank had been Laud's pupil, and was by his recommendation, made secretary on June 15, 1632. Laud's diary. In his letter to the Earl of Pembroke are these words, What I am guilty of none knows so well as his Majesty, whom I have served faithfully, diligently, painfully, and with as true and loyal a heart, according to my poor abilities, as any other whatsoever. Nalson, Tom. I, p, 632,

16) The words of Mr. Nathaniel Fienes's speech are, whether Bishops be *Jure Divino*, we know is a dispute among the papists, 2nd never did any to Protestant hold it, but of late years. But that Archbishops, Deans, Archdeacons, &c. should be *Jure Divino*, I do not know that ever any Christian held it before, and yet he that takes this oath most swear it." Rushworth, Tom. IV. p. 109. Sir Edward Deering began his speech about the canons, to this effect: "The Pope (say they) has a Triple Crown, answerable thereto he pretends to a threefold law: The first is, *jus divinum*, and this he would have you think to be the coronet next his head, that which secures his power. The second is, *jus bumanum*, Constantine's donation, the gift of indulgent Princes, temporal power; this is his middle crown: Out of these two the Pope frames his third crown himself, and sets it upon the top; that is, *jus canonicum*, the Canon Law, of more use to his Popeship than both the other. Just so our prelates, from the pretended divinity of their Episcopacy, and from the temporal power granted by our Princes, would now obtrude a new Canon Law upon us." He concludes with saying, "No canons can bind the Laity, where we have no voice of our own, nor choice of the clergy persons who do found them, nor assent in the subscription of them after they are to framed; *quod omnes tangit, ab omnibus tractari debet*. Rushworth, Tom IV. p. 104.—Mr. Bagshaw, in his speech, affirmed, that the clergy who had held the late synod, were fallen into a Præmunire upon that account. Diurn. Occurr. p. 3.

17) It was voted likewise, *Nemine Contradrcente*, that the several grants of the benevolence or contribution granted to his most excellent Majesty by the clergy in their late convocation, are contrary to the laws, and ought not to bind the clergy. Rushworth, Tom. IV. p. 112.—Some pretend these votes were very unjust; if so, it is strange no one member should oppose them. The Lord Clarendon freely owns, that the Canons were unwarrantable, even in a more favourable season. Tom. I. p. 162. Rapin,

18) John Bancroft Bishop of Oxford was possessed with such fear of this Parliament, that he died about this time, with little or no sickness. The other Bishops here spoken of, were, John Bridgman of Chester, Matthew Wren of Ely and William Pierce of Bath and Wells.

19) As also against Justice Berkley, Rushworth, Tom., IV. p. 130.

20) At the same time tunnage and poundage, and other sums of money upon merchandize imported and exported, were granted to the King. See Statute Book.

21) There are Lords who are not Peers, as all the sons of a Duke and Marquis, and the eldest son of an Earl, who may be chosen members of Parliament as may also Irish and Scotch Peers. The Viscount Falkland was a Scottish Peer, and Member for Newport in the Isle of Wight. Rapin.

22) This alludes to a fine of £10,000 which Williams Bishop of Lincoln was condemned to pay for tampering with a witness. See above, p. 302. Note 2, Rapin.

23) Cosins was never Dean of Durham, as Rapin by mistake calls him. He was Prebendary of Durham, and Dean of Peterborough.

24) It seems to be plain, that the clergy never thought themselves represented by the bishops, seeing that after the restoration, when the convocation dropped the privilege of taxing themselves,

the inferior clergy had in lieu of that privilege, a right to vote for Members of Parliament, and so have, ever since the year 1665, been represented by the Commons, like the rest of the freeholders. However, Mr. Hyde, (afterwards Lord Clarendon) and others, made use of this argument, of the bishops being the representatives of the clergy, in their speeches against the taking away the bishops voices in the House of Peers; which certainly was no argument at all, the prelates, doubtless, as well as mitred abbots, sitting in Parliament on account of their Baronies, like the rest of the nobility.

25) The Lord Clarendon says, their way was to prepare a petition very modest and dutiful for the form; and for the matter, not very unreasonable; and to communicate it at some public meeting, where care was taken it should be received with approbation: the subscription of very few hands filled the paper itself, where the petition was written, and therefore many more sheets were annexed, for the reception of the number, which gave all the credit, and procured all the countenance to the undertaking. When a multitude of hands was procured, the Petition itself was cut off, and a new one framed suitable to the design in hand, and annexed to the long list of names which were subscribed to the former. Tom I. p. 161.

26) Rapin says, on the day appointed for the fast, but he forgot that the fast was on the Tuesday before, namely, the 17th, as he had noted in the Margin

27) The Deanery of Peterborough, and not Durham. Rushworth, Tom. 4. p. 64.

28) Twenty-thousand, says Lord Clarendon, Tom. I. p. 161

29) How could monopolies be a consequence of Episcopal Government?

30) This refers to an oath appointed by the Bishop of Winchester. Rapin.

31) Those of Berkington, Mells and Homington in Somersetshire. Nation, Tom. I. p. 666.

32) The paper was first delivered to the King, and recommended by him to the consideration and justice of the House of Peers. Nalson, Tom. p. 427.

33) They said likewise, "That the King could not make a perfect Law, for that he was not a perfect man; That they ought not to obey him, but in civil things &c. Rushworth, Tom IV. p. 144.

34) Those that spoke in favour of the Bishops, were, the Lord Digby, Sir Benjamin Rudyard, the Lord Falkland, Mr. Plydell, and Mr, Grimston: and those that spoke against them, were, Mr. Nathaniel Fiennes, Mr, Bagshaw, &c. See Rushworth, Tom, IV, p. 165.

35). The reader may see the draught of the intended fines at large in Rushworth, Tom. IV. p. 235 &c.

36) To these reasons there was soon an answer in print, called, an abstract, (said to be done by the Archbishop or York) and to that presently came forth a reply. To which the curious reader is referred. Rushworth, Tom. I. P. 282.

37) In this long debate, the authority of that very ancient parchment manuscript copy of the Bible in his Majesty's library at St. James s, and sent to King Charles I. by Cyrillus Patriarch of Alexandria, being all written in great capital Greek letters, was vouched and asserted by Sir Simonds d'Ewes (a great antiquary), wherein the postscript to the Epistles to Timothy and Titus are only thus: the first to Timothy, written from Lodicea: the second to Timothy written from Loadecea: To Timothy, written from Nicopolis. Whence he inferred, that the styling of Timothy the first Bishop of Ephesus and Titus the first Bishop of Crete. were the spurious additions of

some eastern Bishop or Monk, at least five hundred years after Christ. Rushworth, Tom IV, p. 184. Divine Occurrences, p. 123.

38) In the report it is added, That very few appeared to be under the King's own hand, and of them not any one but at the request of a sovereign ambassador and the Queen-mother. Rushworth, Tom. IV, p. 68.

39) The Author having made some mistakes in this paragraph, they are corrected from the report at large in Rushworth, Tom. 4. p. 68. The nature of these letters of grace was this, they were directed to Archbishops, Bishops, Judges, and all other the King's officers, to stay all proceedings against the persons therein named. See the Report before mentioned.

40) The General's answer was, that as soon as possible he could, he would return an answer in writing. Rushworth, Tom. 4 p. 73.

41) Particularly that there were fifteen hundred in Lancashire, eight thousand in Ireland, and several thousand in South and North Wales, well furnished with arms, and well paid and provided for. Rushworth, Tom. 4, p. 188.

42) March 16, both Houses agreed to petition the King to remove Papists from Court. Ibid. p. 213.

43) This alludes to the six thousand Scots sent by King Charles to the King of Sweden, under the Command of the Marquis of Hamilton, these troops served in Germany, and never in Sweden. Rapin.

44) This clause was usually inserted in Treaties between England and Scotland, that neither of the two nations should take possession of Berwick or Carlisle. Rapin.

45) May 2 was solemnised at Whitehall the Marriage, between William Prince of Orange and the Lady Mary, King Charles's eldest daughter. Rushworth, Tom. 4, p. 240.

46) Rushworth says, twenty thousand, said to be of good rank and quality, subscribed this petition. Tom. 4. p. 234.

47) A rabble of about six thousand out of the City, with swords, cudgels, and staves, pretending decay of trade, and want of bread. Whitelock, p. 45.

48) Whitelock, says, it was two hundred men; and that Balfour confessed two thousand pounds had been offered him, to consent to the Earl's escape. He adds. That this design was discovered by three women, who harkened at the keyhole of the Earl's door, and heard his discourse with Captain Billingsly, Whitelock, p. 46.

49) The word formerly is very ambiguous, for it may signify either the King's lawful revenues, or those he enjoyed just before this Parliament. Rapin.

50) Upon the reading of this letter Commissary Wilmot was committed to the Tower, Colonel Ashburnham to the King's Bench, and Captain Pollard to the gate-house. Diurn. Occur.

51) Whitelock's account of this matter is thus: The officers put themselves into a Junto of sworn secrecy, drew up some heads by way of petition to the King and Parliament, for money for the army. Not to disband before the Scots. To preserve bishops votes and functions. To settle the King's revenues. The army being tainted from hence, met, and drew up a letter, or petition, which was shewed to the King, and approved and signed by him with C. R. and a direction to Captain Leg, that none should see it but Sir Jacob Ashley, the main drift was, that the army might be

called up so attend the safety of the King's person, and Parliament's security, or that both armies might be disbanded. Memorials, p. 46.

52) The Lord Clarendon says, that Goring, who proposed the marching of the army to London, being disgusted at having that proposal rejected and ridiculed, did, the same, or the next day, whereon he had proposed it, discover all, and more than had passed, to the Earl of Bedford, and the Lords Say and Kimbolton; but as dangerous as the design was afterwards alleged to be, it was not however communicated to the Parliament till about three months alter. Clarendon, Tom. I, p. 195.

53) Mr. Nalson, who took upon him to justify the King against the false accusations of his enemies, as he says himself in his introduction, passes over this article very slightly. See the end of Vol. I. of his *Collections*. Rapin.

54) The Committee appointed to draw the articles of accusation against him, were, Mr. Whitelock the Chairman, the Lord Digby, Sir Walter Earl, Mr. Pym, Mr. Hampden, Hollis, Stroud, Selden, St. John, Maynard, Palmer, Glyn. Whitelock, p. 39.

55) These Articles filled two hundred sheets of paper. As some of the treasons charged upon him were of fourteen years standing, the Earl desired three months time to make his answer, but was allowed only till the 24th of February. Whitelock, p. 41.—The chief manager during the whole trial was Mr. Pym, of whom Dr. Wellwood, tells the following story. When the Earl, then only Sir Thomas Wentworth, was upon making his peace with the Court, he gave Pym some obscure intimation of it. Pym understanding his drift, stopped him short with this expression, “You need not use all this art to tell me, that you have a mind to leave us: But remember what I tell you, you are going to be undone: and remember that though you leave us now, I will never leave you while your head is upon your shoulders. Memoirs, p. 45.

56) They were, George Lord Digby, John Hampton, John Pym, Oliver St. John, Sir Walter Earl, Jeffery Palmer, Toby Maynard, The Lord Howard Earl of Arundel, was Lord High Steward on this occasion. The place of the trial was Westminster Hall, to which a theatre and seats were erected for both houses of Parliament and for the judges. The members of Parliament sat uncovered: And the Lords in their robes. Rushworth Tom. 3 , p. 40, 41. Whitelock, p, 43.

57) Dr. Welwood observes that he expressed in his defence such nervous and moving sights of eloquence as came nothing short of the most celebrated pieces of ubiquity. This was from summing up of his long answer encompassed, with this pathetic conclusion, My Lords I have troubled you longer than I should have done, were it not for the interest of these dear pledges, a Saint in heaven has left me,———At this he stopped, pointing to his children that stood by him, and dropped some tears, then went on—What I forfeit for myself is nothing, but that my indiscretion should extend to my posterity, wounds me to the very soul. You will pardon my infirmity; something I should have added, but am not able, therefore let it pass. And now, my Lords, for myself I have been by the blessing of God taught, that the afflictions of this present life, are not to be compared to that eternal weight of Glory which shall be revealed hereafter. And so, my Lords, even so, with all tranquillity of mind, I freely submit myself to your judgment, and whether that judgment be life or death, *Te Deum Laudamus*. p. 46. Mr. Whitelock observes, That certainly never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace in all his words and gestures, than this great and excellent person did; and he moved the hearts of all his auditors (some few excepted) to remorse and pity. p. 44.

58) The Lord Digby in his speech has these words:—I am still the same in my opinions and affections as to the Earl of Strafford- I confidently believe him to be the most dangerous minister, the most insupportable to free subjects that can be charactered. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured upon, and the malignity of them

hugely aggravated by those rare abilities of his, whereof God has given him the life, but the devil the application. In a word, I believe him still that grand apostate to the Commonwealth, who must not expect to be pardoned in this world, till he be dispatched to the other: And yet, let me tell you, Mr. Speaker, my hand must not be to that dispatch.” Thus far a nobleman, who for his zeal to the Royal cause, became the most obnoxious to the Parliament. Rushworth, Tom. 4. p. 226. The reason, it seems, of his being against the Bill of Attainder, was, because he believed the Earl's advising the King to bring over the army from Ireland to reduce this Kingdom, did ever to the Kingdom of Scotland, and not to England, the thing then under debate, being how to reduce Scotland.

59) At the Trial there was on the stage, a chair and cloth of state for the King, on either side whereof was a close gallery for the King, Queen, and Prince to be private. In this place his Majesty remained all the time of the Trial. Whitelock, p, 41.

60) It is very hard to reconcile this assertion of the King's with his Government the first fifteen years of his Reign. Rapin.

61) When the Earl of Strafford was told with Joy by his Friends, that the King had made a warm speech in his favour to both Houses, he received it as his doom, and told them, the King's kindness had ruined him, and that he had little else to do but to prepare himself for death. Welwood's Mem. p. 46.

62) The Lord Clarendon says, of the forty six, eleven only dissented. Tom. I. p. 201. According to Whitelock, there were but forty-five, of whom twenty-six voted the Earl guilty of High Treason, upon the 15th article, for levying money in Ireland by force, in a warlike manner. And upon the 19th article, for imposing an oath upon the subjects in Ireland. Mem. p. 45.

63) This bill was brought into the House of Commons, the next morning after it was propounded and the same day it was presented and was passed the House. The first motion for this bill was made by a Lancashire Knight, who offered to procure the King £650,000. till the subsidies should be raised, if he would pass such a bill. Whitelock, p. 4.5. The pretended reason for making such a law was, That the great sums of money which the Scots were to have, could not subsequently be raised; and that being to be borrowed for their present riddance, lenders, would hardly be found unless they saw a certain way to secure their money, which the danger of dissolving this Parliament would hazard. **Dugdale's View**, p. 70. Clarendon Tom I, p. 204.

64) Bishop Hacket, gives a different account of this particular. See part 11, p. 162. Williams was not made Archbishop of York till same months after this.

65) To the Earl of Arundel, the Lord Privy Seal, and two other lords. Rushworth, Tom, 4, p 262. Tom. 8. p. 755. Nalson, says, that it was to the Lord Privy Seal, the Lord Chamberlain, the Lord Steward or any two of them. Tom. 2, p. 195.

66) Notwithstanding his letter to the King, when his Majesty sent Secretary Carleton, to the Earl, to acquaint him with what was done and the motives of it. The Earl seriously asked the Secretary, whether his Majesty had passed the bill or not? As not believing without some authentication, that the King would have done it. And again being assured that it was passed, he rose from his chair, lift up his eyes to heaven, laid his hands on his heart, and said, put not your trust in princes, nor in the sons of men, for in them there is no solution. Whitelock, p. 46. The issue, was to bring the King to sign the bill, he was promised that the Earl's life should be spared.

67) From the middle of April to May 3. See Clarendon, Tom., I, 196. Page 410.

68) The Bill was brought in the 11th June, this year. Rushworth, Tom. 4, p. 284.

- 69) The Earl of Essex was to be governor and Mr. Hampton, tutor to the Prince of Wales and Lord Kildare, Privy Seal, Haylin's records p. 266. Clarendon, Tom 1, p. 200.
- 70) They declared. That whosoever should not take the protection, was unfit to bear office in Church or Commonwealth and ordered this vote to be printed, and sent down to every County, City, and Borough. Rushworth, Tom. 4, p. 357.
- 71)) This petition was delivered to the House by the great farmers of tunnage and poundage, namely, Sir Paul Pindar, Sir Abraham Daws, Sir John Worstenholm, and Sir John Jacob. The petty customers had the liberty likewise to come in upon competition, and then have the benefit of the act of oblivion. Nalson, Tom. II., p. 256.
- 72) The King called the Lord Digby to the House of Lords, at the time the Commons expelled him their House. His writ was dated the 9th, and he was voted out of the House the 10th. Upon his coming to the House of Lords, he was added to all the Standing Committees. Nalson, Tom. II. p. 275.
- 73) There were four reasons delivered to Mr. Hollis to move the King to stay his journey into Scotland. The third of which is referred to here, by our Author, namely, The distempers and jealousies of the Kingdom are such, that they cannot be composed by passing some acts, unless his Majesty stay the desired time. Which words do not seem to imply so much as our author express. Rushworth, Tom., IV., P. 361—Besides, the Commons moved, that the King might be desired to appoint a *Custus Regni* because many emergent occasions might happen in Parliament, where use must be made of the King's authority. Ibid, p. 360.
- 74) They were both disbanded together, August, 6. Whitelock, p. 47. The coming of the Scots into England cost the nation £1100,000 besides damages. Rushworth, Tom., IV., P. 360
- 75) And came to Scotland, Aug. 14. Guthry's Mem. p. 84. Before his departure he passed several bills, particularly one for the judges, hedging their places during life, which was before during pleasure. *Divine Occurrences*.
- 76) Rushworth names forty seven. Tom., IV. 386.
- 77) Bishop Guthry says, that this was but a pretended plot and that the design of the Earls of Agyle, Hamilton, and Lanerick, was only to make a public rupture presuming, that, upon their removal, the Parliament should presently have broken which therefore the King took care to prevent it. Memoirs, p. 88.
- 78) July, it was proposed by some of the Commons, That the Bishops Lands might be put into the hands of Feoffees, nine of the laity, and three of the clergy in every diocese; and the rest of the lands belonging to them, to be employed for the advancement of learning, and the bishops to have a liberal allowance during life. Rushworth, Tom. IV. p. 348.
- 79) The Lords Justices sent him an account of it, by Sir Henry Spotiswood, who went by sea directly to Scotland; but, before that, the King received notice of it by a letter from the Lord Chichester, from Belfast, dated October 24. Rushworth, Tom, 4, p. 407.
- 80) Above one hundred and fifty four thousand Protestants, were massacred in that Kingdom, from the 23rd of October 1641, to the 1st of March following, according to the computation of the priests themselves that were present. Rushworth, Tom., 5. p. 355, 734. But, according to Sir J. Temple, there were, since the rebellion first broke out, unto the cessation made September 15, 1643, above three hundred thousand British and Protestants cruelly murdered in cold blood, destroyed some other way, or expelled out of their habitations. Irish Rebel, p. 6. See Cox, p.

73.—It seems Cardinal Richelieu was deeply concerned in this massacre. See R. Coke, Tom. 1. p. 340, and Tom. 2. p. 5.

81) The rest of the confederates were, Turlogh O’Neal, Philip O’Rily, Mulmore O’Rily. Sir Corre MacGennis, Colonel Mac Brae and Mac Nab. Temple, p. 39.

82) It was an impression of the Broad Seal, which hung to a Patent, found by O’Neal, in the Castle of Charlemount, at the taking of it. Nalson, Tom. II. p. 529. To these reasons to prove the forgery of this commission, may be added another, which seems demonstrative The commission is supposed to be under the Great Seal of Scotland, and yet in the enumeration of the King’s titles, England is named before Scotland, which doubtless, never was done in any writings, published by authority in that Kingdom, before the late Union in Queen Ann’s Reign, the King’s constant title in all the Scotch public acts was of Scotland, England, &c., King. This observation was communicated by Mr. Arbuckle of Dublin—Rushworth observes, that the words of the commission are enough to shew the villainous practice of the authors, and its bare recital a sufficient refutation and detection of the unparalleled forgery. Tom. 4, p. 400. See Borlase p. 29.

83) Alluding to the conspiracy to seduce the army. Rapin.

84) The debate, says Whitelock, lasted till ten a clock the next morning. The Lord Clarendon says, from nine in the morning, till after twelve at night. The sitting up all night, caused Sir B. R. to compare it to the verdict a starved jury, Whitelock. p. 51. Oliver Cromwell told the Lord Falkland, “That if the Remonstrance had been rejected, he would have sold all he had the next morning, and never have seen England more.” Clarendon., Tom. I., p. 246, 247.

85) Whitelock says indeed, that sitting up all night caused many through weakness or weariness to leave the House; but does not say they were of this or that party, p. 51.

86) Before his departure from that Kingdom, he conferred the following honours; Archibald Campbell was created Marquis of Argyle; General Lesley, Earl of Levin, Lord Lindsay, Earl of Lindsay; Lord Loudon, Earl of Loudon; Alexander Livingston, Earl of Calendar, the Lairds of Lindo 3rd Arbuthnot, made Viscounts and Andrew Murray, Lord Balvaird. Guthry's Mem., p. 90. Clarendon, Tom. I, p. 244.

87) Neil was translated from Winchester to York in 1631, in which honour he died, three days before the Long-Parliament was opened.

88) Sir John Elliot.

89) The author in this Remark has confounded, in the original, the Common and Statute Law, making them to be the same.

90) The author has committed likewise some mistakes in this remark, which are corrected in the translation.

91) It is observable, that this very convocation censured Goodman, Bishop of Gloucester, for favouring Popery.

92) This tax was raised for paying the Scotch army. And it was according to the following proportion. A Duke paid £100, a Marquis £80, an Earl £60, Viscounts and Barons £40, knights of the Bath £30, Knights Bachelors £20, Esquires £10, every Gentleman that could spend £100 a year £5 and others in proportion, History of Taxes, p. 287.

93) Courts, wherein affairs relating to the tanners, and tin mines, are decided. So called from Latin word *Stannum* - Tin.

94) That is with some Scottish Commissioners, who were come from Scotland to treat with the Parliament, about succours for Ireland. The committee appointed by the Parliament, were, the Earl of Bedford, and Leicester, the Lord Howard of Eseryck, and Nathaniel Fiennes, Sir William Armyne, Sir Philip Stapleion, and John Hampden. Nalson, Tom. II. p. 711, 716.

95) They sent down an order to the Justices of Peace of Dorchester, to make diligent search for a barrel of powder sent thither for a barrel of soap. Nalson,

96) Rapin says six, but Nalson makes them to be eight in one place, and in another seven. See Nalson, Tom. II. p. 719, 740,

97) The Lord Dillon of Costelough was pitched upon by the Irish Lords to carry over their desires to his Majesty concerning the means of quenching the flames of the rebellion. Accordingly he embarked, in company of the Lord Taaff and at Ware their Papers were seized by directions from the Parliament, and their persons committed, but afterwards they found means to escape, and waited upon his Majesty. Rushworth, Tom, IV, p. 413.

98) Nalson says, that this proposal was first made by the Scottish Commissioners. Tom. II. p. 756.

99) Nalson has omitted this order to the printer, though the King denied it not. Rapin.

100) In the Preamble of the Bill it was declared, "That the King had, in no case, but the Invasion from a foreign power, Authority to press the free-born subject, which could not consist with the freedom and liberty of his person." Clarendon, Tom. I. p. 257.

101) The Lord Clarendon says, that when the clause in the Bill for pressing, mentioned in the note above, put a stop to the Bill in the House of Lords, Mr. St. John, the King's solicitor, went privately to his Majesty, and persuaded him to go to the Parliament House, and lay the very words in his speech relating to the *Salvo Jure* as an expedient to remove rubs in the way of the Irish affairs. Upon which both Houses resolving to do nothing till this manifest breach should be repaired by passing the Bill, the King was compelled to pass it as they had prepared it. Tom. I. p. 258.

102) Mountjoy Blount.

103) Upon the Earl of Newport's information, the House of Lords thinking it to be a matter of great consequence, and because some Members of the Commons (as being present at the meeting at Kensington) were concerned, had a conference with them, and desired them to join with them, in searching this business to the bottom. Whereupon they agreed to concur in a petition to the King, &c. Rushworth, Tom. IV., p. 463.

104) He was restored to his place in the House of Lords, at the beginning of this Parliament, November 16, 1640. Nalson, Tom. I. p. 529.

105) The apprentices it seems wore the hair of their head cut round, and the Queen observing out of a window, Samuel Barnardstone, among them, cried out, see what a handsome young Roundhead is there: and the name came from thence, and perhaps was first publicly used by Captain Hide.

106) Cornelius Burgess, a Puritan Minister, used to say of the rabble, these are my band dogs, I can't set them on, and I can fetch them off again.

107) This answer to the Lords was on the 8th. Rushworth, Tom. IV. p. 465.

108) This protection was penned in heat and haste, by Williams Archbishop of York just after the treatment he had met with from the apprentices and others, and, without delay, presented by him to the King, with an humble desire, that his Majesty would send to the House of Peers, since the Bishops could not do it themselves, and that he would command, it should be entered into the Journal of the House. His Majesty just cast his eye upon it, and believing it drawn by mature advice, delivered it to the Keeper, who unfortunately happened to be present, commanding him to deliver it to the House. Clarendon, Tom. I. P. 276, Some say, that the Lord Keeper was ordered not to read it, till the King, at the Bishops instance, came into the House of Peers. But, that to ingratiate himself with the Parliament, to whom he was become obnoxious, he communicated the Petition to some unfriendly members of both Houses. **Collier's Evil History**, Tom. II. p, 813.

109) The Lord Clarendon says, the Bishops friends took to great offence at this indiscreet Protection, that though they desired to preserve their function, they had no compassion or regard of their persons, or what became of them; insomuch as in the whole debate, there was only one gentleman who spoke in their behalf, and said, he did not believe they were guilty of High-Treason; but that they were stark mad, and therefore desired they might be sent to Bedlam, Tom. 1. p. 279.

110) Not long before this, the King had filled in the following manner, some Sees that were vacant. Dr. Prideaux was made Bishop of Worcester, Dr. Winniss of Lincoln, Dr. Brownrigg of Exeter, Dr. Henry King of Chichester, and Dr. Wesfield of Bristol .The Commons were, it seems, thereupon much troubled, that, at a time when they resolved to take away the old, the King should presume to make new, Bishops.About the same time, Lucius Carey, Viscount Falkland was made Secretary of State, in the room of Sir Henry Vane; and Sir John Colepepper, one of the Knights of the Shire for Kent, Chancellor of the Exchequer; they were also sworn of the Privy Council, and Mr. Edward Hyde, afterwards Earl of Clarendon, was now admitted into the King's favour. Clarendon, Tom. 1. p. 239, 269. Warwick, p. 194..

111) In England, where the old style is used, the year begins the 25th of March, This style is made use of in all public acts, deeds, writings, histories and elsewhere. But however, in the dates, the difference of the two styles is set down from the 1st of January, to the 25th of March, in this manner, 1641-2, that is, the year 1641 according to the old, and the year 1642 according to the new style. So the 1st of January is acknowledged for the sixth day of year according to the new style. Rapin.

112) The King, during his last journey into Scotland, had received some information of the Lord Saville's forged letter of invitation to the Scots, in the name of the Lord Kimbolton, &c. (See above, p. 175 Note (1). And that was the reason of his impeaching the gentlemen here mentioned. Franklyn's Annals, p. 906. Besides, he was informed, that they had a private meetings, and a correspondence with the Scott in London, and countenanced the late tumults from the City. Whitelock, p., 52.

113) Son of the Earl of Manchester who was still alive, and this Lord, who had been called to the House of Peers by the title of Lord Kimbolton, was himself afterwards Earl of Manchester, Rapin,

114) Sir William Flemming, Sir William Killigrew, and other gentlemen. Rushworth, Tom. 4. p. 476.

115) The Lord Falkland, Sir John Culpepper, Sir Philip Stapleton, and Sir John Hotham. Rushworth, Tom. 4. 475.

- 116)** Only those of the Middle Temple sent their answer in writing, in which they said, "that their intention to defend the king's person", was no more than they were bound unto the oath of allegiance. Rushworth, Tom. p. 477.
- 117)** A certain member had also Private intimation from the Countess of Carlisle's, relatives of James Hay Earl of Carlisle, and sister to the Earl of Northumberland, that endeavours be used this day to apprehend the five members. Rushworth, Tom. 4. p. 477. Manley, p. 33. The Lord Clarendon says, it was generally believed, that the Kings purpose of going to the House, was communicated to William Murray of the bedchamber, by the Lord Digby; and that it was discovered by the said Murray. Tom. I. p. 282. ___ According to Whitlock, it was supposed, that the papists, by means and influence of the Queen, persuaded they came to this rash action. p. 52.
- 118)** Besides the 24, all that would come were to have voices at this committee. Rushworth, Tom. 4. p. 479.
- 119)** Rushworth says, it was divers mariners and seamen, who brought a petition, signed by a thousand hands, Tom. 4 p. 481.
- 120)** By these acts it was enacted, that, if any person whatsoever make suggestion to the King himself of any crime committed by another, the same person ought to be sent with the suggestion before the Chancellor or Keeper of the Great-Seal, the Treasurer or the Great Council, there to find surety to pursue his suggestions which if he cannot prove, he is to be imprisoned till he hath satisfied the party accused of his damages and slander, and made fine and ransom to the King. Rapin, by abridging, this paragraph too much, had rendered it obscure.
- 121)** And Sir Thomas Lunsford was committed to the Tower, Whitlock-, p. 54.
- 122)** A Committee was also appointed to draw up a letter, or other declaration, to be presented to the Lords, and by both Houses to be published in print, and sent into all parts of the Kingdom, advising them with all expedition to be in a readiness, and good posture of defence, upon all occasions, to defend their several counties from invasion by Papists, or other ill affected persons. Nalson, Tom. II. P. 847, 850, &c.
- 123)** The Lord Clarendon says, that the Earl of Essex resolved to go, and was for that purpose making himself ready, when the Earl of Holland came to him and privately dissuaded him that if they went, they should be both murdered at Hampton Court, Tom. I. p. 217.
- 124)** They would insinuate by this, that an army raised in the usual manner by the King's Commons, would be very unfit to reduce Ireland, because the King did not wish the rebels to be subdued. Rapin.
- 125)** They mean the Lord Digby, Rapin.
- 126)** That is to say, from the King, Queen, and Ministry. Rapin
- 127)** The Lord Digby is chiefly meant. Rapin.
- 128)** Jermyn and Digby. Rapin.
- 129)** Namely, Colonel Butler, whole brother was General of the rebels in Munster. He was Uncle to the Earl of Ormond.
- 130)** Sir Christopher Nugent, Lord Delvin, and four Persons un-named, of whom Plunk a was one. There were also passes granted to a son of a Lord, Netterville, and to Sir George Hamilton. Rushworth, Tom. IV. p. 514.

131) Upon the disbanding the late army in the North, all the artillery, arms, and ammunition, that was provided for that service, had been, by the King's command, sent to Hull, where it still remained; and the King intended it should be kept there for a magazine upon all occasions Clarendon, Tom. I. p. 304.

132) He took the name of Sir John Savage. Rushworth, Tom. IV. 561.

133) The Petition goes on, "Wherein the Peers having refused to join with them, they, notwithstanding, no way discouraged, but confiding in his Majesty's goodness, humbly beseech him, that the Tower of London. See Rushworth, Tom., IV, p. 517. Rapin takes no notice of this dissent of Lords.

134) The Lieutenancy of the Tower was not yet given to Sir John Conyers.

135) She was reduced to so great wants, that she was compelled to coin, or sell her Chamber-plate, for the supply of her most necessary occasions. Clarendon Tom. I. p. 327.

136) February 11th as appears by a short message that day from the King to the House of Peers, Rushworth, Tom., IV. p. 519.

137) This answer the King sent from Greenwich, where he came and resided some time after the Queen's departure. Clarendon, Tom. I, p. 340, 341.

138) Before the King left Tendon, Sir Richard Gurney Lord-Mayor, and some of the principal Citizens, waited upon him, and engaged, if he would stay, to guard him with ten thousand men, if occasion were; and told him, if he went, he would leave the City open for the members to do as they pleased, and that they were sure to be first undone; the King told them, he was resolved. R. Coke, p. 341.

139) The King, upon his coming to Greenwich, had sent to William Seymour, Marques of Hertford (lately made Governor to the Prince, in the room of the Earl of Newcastle,) to bring the Prince to him, at which the Parliament it seems took exception. Clarendon, Tom, I. p. 332, 340,

140) He meant the Church of England, in opposition to Presbyterianism. Rapin.

141) Adding, you have asked that of me in this, was never asked of any King, and with which I will not trust with which my wife or children. Rushworth Tom IV, p 533.

142) In Rushworth the words are, When the Lords and Commons in Parliament. Rushworth. Tom. IV. p. 534.

143) In the votes the Commons received great encouragement and confirmation from the opinions of Mr. Pym, Hampden, Hollis, Stapleton, and of St. John, Corbet, Lisle, &c. and chiefly from the confident opinion of the Lord-Keeper Littleton, concurring with them. Whitlock, p. 57.

144) This declaration is without date, was sent from York a few days after his coming thither. Clarendon, Tom, I. p. 361,

145) Without date. It was sent back by the same hands that brought the petition. Clarendon, Tom. I. p. 369

146) The Lord Clarendon places this Message before the King's going to Hull. See Tom. I. p. 396.

147) Without Date

148) The Commons were divided in their opinions about this point: some affirming, that the power of the militia was solely in the King and ought to be less to him, and that the parliament never did, nor ought, to meddle with the same. And others, that the King had not the power in him, but that it was solely in the parliament, and that if the King refused to order the same according to the advice of the parliament, that then they by the law ought to do it without him. Whitelock, p. 55.

149) The King grounded this proclamation on the statute, made in the seventh of Edward I, whereby it was enacted, that to the King it belongeth by his Royal seniority, straightly to defend wearing of armour, and all of the force against this peace, at all times, when it shall please him, and to punish them which shall do contrary. See Rushworth, Tom. IV, p. 550.

150) These Bills were passed by Commission. The King signed the Commission for passing the first, at Canterbury, as he was on his way to Dover, to where he accompanied the Queen. Manly, p. 35.

151) They were all enclosed in a cover to Secretary Nicholas. Rushworth, Tom. IV, p. 574.

152) It was proposed, that two millions and a half of those Acres might be assigned, and divided amongst after this proportion:—

For each Adventure of (£200) 1000 Acres in Ulster.
For each Adventure of (£300) 1000 Acres in Conaught
For each Adventure of (£450) 1000 Acres in Munster.
For each Adventure of (£600) 1000 Acres in Leinster.

All according to the English measure, consisting of meadow, arable, and pasture, the bogs, woods, and barren mountains being cast in over and above to be holden in free and common soccage of the King, with the constant rent of one penny each acre in Ulster, two pence half-penny in Conaught, two pence and one farthing in Munster, and three pence in Leinster. Rushworth, Tom. IV. p. 556.

153) The King, upon his coming to York, issued out a Proclamation for the payment of Tunnage and Poundage, though the act, whereby they were granted, was expired, Rushworth, Tom, IV. p. 559, 688.

154) Mr. Whitelock observes, that this Petition was looked upon by many as very strange, and high, p. 57.

155) The Lord Clarendon says, That the King came attended with two or three hundred of his servants, and Gentlemen of the Country. T. I, p. 397.

156) Particularly with Mr. Pelham, Member of Parliament, and Alderman of Hull. Rushworth, Tom. IV. p. 567.

157) This is Rushworth's account: See Tom. IV. p. 567, 573. But the Lord Clarendon, and Whitelock say nothing of this offer of Hotham's, but only that he should say, he would not admit him, though with twenty horse only. Indeed it does not seem likely, that the King would have stood upon eight horse, since he offered to come in but with twenty. Clarendon, Tom. I. p. 397. Whitelock, p. 77.

158) But they were not suffered to go out, until after some consultation. Rushworth Tom. IV. p. 568.

159) Twenty, says Clarendon and Whitelock. Ibid.

160) Ferdinando, Lord Fairfax, Sir Hugh Chomley, Sir Philip Stapleton, and Sir Henry Chomley, Rushworth, Tom. IV. p. 615. To whom the Lord Clarendon adds, the Lord Howard of Elsrick, Tom. I. p. 403.

161) This guard consisted of a troop of Horse, and of a regiment of foot of about six hundred men, taken from the militia. Clarendon, Tom. P. 417.

162) These votes passed in the interval between the publication of the Parliament's Declaration, and that of the King's answer. Rapin.

163) This alludes to a disturbance which happened in the park and forest of Windsor. Idem.

164) The Petitions here mentioned, from London and Kent, were about the militia, For the London Petition, George Binion, a rich Citizen, was committed to prison: Where, after he had lain some time, the Lords bailed him, but the Commons committed him again the next day—When the Kentish Petition was brought, which was by some Gentlemen of that County, with a great number of the substantial inhabitants, the City of London was put in arms; strong guards placed at London Bridge, where the petitioners were disarmed, and only some few suffered to pass with their Petition to Westminster. Upon the delivery thereof the House of Commons, the bringing of the Petition were sharply reprehended; two or three of them committed to several prisons. The principal Gentlemen of the County, who had subscribed and desired it, sent for as delinquents; charges and impeachments drawn up against them; and a Declaration published, That whosoever should henceforth advise, or contrive the like Petitions, should be proceeded against as enemies to the Commonwealth. Clarendon, Tom, 1. p, 381, 782.

165) These votes were passed before the King's answer to the Parliament's manifesto, and therefore are mentioned by him in that answer. Rapin.

166) This Order was dated May 17, and was repeated again May 25, together with an order to all High Sheriffs, Justices of Peace, and other officers, within one hundred and fifty miles of York, to stay all arsenals and ammunition going to that City, Rushworth, Tom. 4. p. 721, 722.

167) Sir John Hotham. Rapin

168) The Earls of Essex and Holland, *ibid.*

169) The Providence ran ashore upon Holderness coast in Kemingham Creek. There were on board of her, sixteen pieces of ordnance, and great store of arms and ammunition, Rushworth, Tom. IV. p. 601 Two or three thousand arms, and two hundred barrels of gun-powder, says Lord Clarendon, Tom. I. p. 521.

170) Spencer Compton, Earl of Northampton, William Cavendish, Earl of Devonshire, Robert Cary, Earl of Monmouth, and Henry Cary, Earl of Dover; And Robert Lord Rich, Charles Howard Lord Andover, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel. Rushworth, Tom IV., p. 737.

171) On the 20th of July. Rushworth. Tom., IV., p. 742.

172) They pretended, That their design was only to maintain the Protestant religion, the King's authority and person in his Royal dignity, the free course of Justice, the Laws of the Land, the peace of the Kingdom, and privileges of the Parliament. Rushworth. Tom. IV. p. 747, 747. So ready were the people to comply with the Parliament's proposals, that the sums brought in, including plate, &c.—amounted to above eleven millions. *Dugdale's View*, p. 96.

173) Sir John Pennington, it seems, having refused to undertake the business, each captain, as is said above, had orders to bring away his ship; but Pennington altering his mind, the dispatches were altered too, and the captains were commanded in their letters to follow Pennington's orders, who not coming time enough, the project came to nothing. Had the first letters gone, the five ships abovementioned might have got off. Clarendon, Tom. I. p. 523, 524.

174) The Lord Digby coming privately to the King at York, from beyond sea, and not finding matters as he expected, resolved to go back to the Queen, and hasten the supply of arms, but was taken at sea by the ships that were chasing the Providence, and brought disguised like a Frenchman into Hull, where discovering himself to Sir John Hotham, he prevailed with him, according to the Lord Clarendon, to promise to surrender the Town, if the King would come before it, and make but one shot. And this, he says, induced the King to march to Beverly, in order to besiege Hull, before he had anything in readiness for such an undertaking. Clarendon, Tom. I, p. 546, &c.

175) And Francis Russell Earl of Bedford, was, on July 14, appointed General of the Horse. Rushworth, Tom, IV. p. 736.

176) Rushworth says it was erected on an open field, on the backside of the castle wall. Tom 4, p. 783.

Book XX



**THE NEW CHRISTIAN CRUSADE
CHURCH**

CALLING THE PEOPLE OF BRITAIN

At last the bible makes sense!

At last we know its meaning.

Its the book of the RACE

**"For out of Zion shall go forth the law, and the
Word of the Lord from Jerusalem"
(Isaiah 2:3)."**

