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David M. Hart, *Tracts on Liberty by the Levellers and their Critics Vol. 3 (1646)*. [2014]

Edition used:

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).

<http://oll.libertyfund.org/titles/2596>

About this Title:

A collection of 22 pamphlets from 1646 including works by John Lilburne, Richard Overton, William Walwyn, William Larnier, and S. Shephard.

Note from the Editors

Every effort has been made to transcribe these 17th century political tracts as accurately as possible. They have been checked against facsimile copies of the originals which in many cases were of very poor quality. Some of the problems the editors encountered were the vagaries of 17th century spelling, the faint print of the text in marginal notes and in long quotes in Latin, and the sometimes casual approach to the typesetting of the text. We have marked illegible words or characters in the text with the statement [Editor: illegible word]. Sometimes, when it has been impossible to decipher the text (especially in marginalia) we have indicated this with the following statement: "The following marginalia text is unreadable and Liberty Fund has made no effort to partially transcribe it."

We have made no attempt to modernize the spelling but we have corrected obvious errors such as transposed or missing characters. In many cases the front page of the texts had elaborate even exotic layout of the text which we have attempted to reproduce electronically. In some of the texts, if there was any space remaining at the end, the author or the printer would insert additional material such as Parliamentary or legal announcements or rebuttals of their opponents' latest tract, thus making the pamphlet a kind of anthology or even a newspaper. We can't help but note the similar frustrations of one of the printers who inserted a disclaimer in one of Lilburne's pamphlets which we quote here:

The Printer to the Reader.

Reader, the shortnesse of time, the absence of the Authour, and the difficulty of the Language in the Charter, not being ordinary Latin, but such as Lawyers use, which is so far above my capacity, that caused me to erre when I used the best skill I could in my Art. Pardon me therefore (I pray thee) and with thy wisdome, learning, and good disposition, help me in this case. And for the faults in the English, the meanest capacity may bee helped thus ...

In John Lilburne, *The Charters of London: or, The second Part of Londons Liberty in Chaines discovered* (18 December 1646), *Tracts on Liberty*, vol. 3.

It is also hard to attribute the authorship to some of the pamphlets because they had multiple authors or the author published it anonymously in order to escape the wrath of the censors. Some of the pamphlets were even written while the author was in prison for previous infractions of the law. To indicate that a pamphlet is attributed to a person without conclusive proof of authorship we place his name in [brackets].

For more information about the titles and authors in this collection, see

- [Introductory Note](#)
- the [Combined Table of Contents](#) for the seven volumes and
- [A List of the Leveller Tracts arranged by Author](#).
- [Bibliography and Other Resources on the Levellers](#)
- Information about the School of Thought: [The Levellers](#)
- [Selected Readings on the English Revolution](#)

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- [\[Richard Overton\], An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation \(1 August 1646\).](#)
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- [John Lilburne, Vox Plebis, or The Peoples Out-cry Against Oppression, Injustice, and Tyranny \(19 November, 1646\).](#)
- [John Lilburne, The Charters of London: or, The second Part of Londons Liberty in Chaines discovered \(18 December 1646\).](#)

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- TRACTS ON LIBERTY BY THE LEVELLERS AND THEIR CRITICS
- (1638-1659),
- 7 VOLUMES (LIBERTY FUND, 2010).
- VOLUME 3: 1646.



*Gaze not upon this shaddow that is vaine .
But rather raise thy thoughts a higher straine ,
To GOD (I meane) who set this young-man free .
And in like straits can eke deliuer thee .
Yea though the lords haue him in bonds againe
LORD of lords will his just cause maintaine .*

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- AN
- ARROW
- AGAINST ALL TYRANTS
- AND TYRANNY,
- shot from the Prison of New-gate
- into the Prerogative Bowels of the Arbitrary House
- of Lords, and all other Usurpers and Tyrants
- Whatsoever.

wherein the originall rise, extent, and end of Magisteriall power, the naturall and Nationall rights, freedoms and properties of Mankind are discovered, and undeniably maintained; the late oppressions and encroachments of the Lords over the Commons legally (by the fundamental Laws and Statutes of the Realme, as also by a memorable Extract out of the Records of the Tower of London) condemned; the late Presbyterian Ordinance (invented and contrived by the Diviners, and by the motion of Mr. Bacon and Mr. Taet read in the House of Commons) examined, refuted, and exploded, as most inhumaine, tyranicall and Barbarous.

By RICHARD OVERTON

Prerogative Archer to the Arbitrary House of Lords, Their Prisoner in New-gate, for the just and legal properties rights and freedoms of the Commons of England: Sent by way of a letter from him, to Mr Henry Martin, a Member of the House of Commons.

IMPRIMATUR

Rectat Justitia.

Printed at the backside of the Cyclopien Mountains, by Martin Claw-Clergy, Printer to the Reverend Assembly of Divines, and are to be sould at the signe of the Subjects Liberty, right opposite to persecuting Court. 1646.

[Richard Overton (12 October 1646)].

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- 1. [29 January 1646 - \[William Walwyn\], Tolleration Justified, and Persecution Condemn'd. In an Answer or Examination, of the London-ministers Letter Whereof, Many of them are of the Synod, and yet framed this Letter at Sion-Colledge; to be sent among others, to themselves at the Assembly: in behalf of Reformation and Church-government, 2 Corinth, II. vers. 14. 15. And no marvail, for Sathan himself is transformed into an Angell of Light. Therefore it is no great thing, though his Ministers transform themselves, as though they were Ministers of Righteousnesse; whose end shall be according to their works. London, Printed in the Year, 1646. \[n.p.\].](#)
- 2. [February 1646 - John Lilburne and Richard Overton, The out-cryes of Opressed Commons. Directed to all the rationall and understanding men in the Kingdome of England, and Dominion of Wales, \(that have not resolved with themselves to be Vassells and Slaves, unto the lusts and wills of Tyrants.\) From Lieut. Col. John Liburne, prerogative prisone in the Tower of London, and Richard Overton, prerogative prisoner, in the infamous Gaole of Newgate. Feb. 1646. \[n.p.\].](#)

The Second Edition Corrected.

- 3. 13 March 1646 - William Walwyn, A Whisper in the Eare of Mr. Thomas Edwards Minister. By William Walwyn marchant. Occasioned by his mentioning of him reproachfully, in his late pernicious booke, justly entitled the Gangraea. London, Printed according to Order, by Thomas Paine, for William Ley, at Pauls-Chaine, 1646.
- 4. 19 March 1646 - William Walwyn, A Word More to Mr. Thomas Edwards Minister, by William Walwyn Marchant. Concerning the Nationall Covenant. London, Printed according to order, by Thomas Paine. 1646.
- 5. 18 May 1646 - [William Walwyn], A Word in Season: to all sorts of wel minded people in this miserably distracted and distempered nation. Plainly manifesting, that the safety and wel-being of the Common-wealth under God, dependeth on the fidelity, and stedfast adherence of the people, to those whom they have chosen, and on their ready compliance with them. Also, That the destruction and bondage of the Common-wealth in generall, and of every good minded man in particular cannot be avoided, if the people, through want of consideration, shall give eare to any other counsels or counsellors. Published by authority for the publique good., London, Printed by Thomas Paine, dwelling in Red-Crosse-street, in Goldsmiths-Alley, over against the signe of the Sugar-loafe, 1646.
- 6. 10 June 1646 - William Walwyn, An Antidote against Master Edwards his old and new Poyson: intended to preserve this long distempered Nation from a most dangerous Relaps. Which his former, his later, and next Gangrenous Book is likely to occasion, if not timely prevented. By William Walwin. London, Printed by Thomas Paine, dwelling in Red-Crosse-street, in Goldsmiths-Alley, over-against the signe of the Sugar-loafe. 1646.
- 7. 16 June 1646 - John Lilburne, The Free-mans Freedom Vindicated. Or A true Relation of the cause and manner of Lievt. Col. Iohn Lilburns present imprisonment in Newgate, being thereunto arbitrarily and illegally committed, by the House of Peeres, Iune 11. 1646. for his delivering in, at their open Barre, Edition: current; Page: [3-004] under his Hand and Seal, his Protestation, against their incroaching upon the Common Liberties of all the Commons of England, in endeavouring to try him, a Commoner of England, in a criminall cause, contrary to the expresse tenour and forme of the 29. Chap. of the great Charter of England, and for making his legall and iust appeal to his competent, propper and legal Tryers and Judges, the Commons of England, in Parliament assembled. [n.p.]. 1646.
- 8. 29 June 1646 - [William Walwyn], The Just Man in Bonds, or, Lieut. Col. John Lilburne close prisoner in Newgate, by order of the House of Lords. [n.p.].
- 9. 23 June 1646 - [William Walwyn], A Pearle in a Dounghill. Or Lieu. John Lilburne in New-gate: Committed illegally by the House of Lords, first for refusing (according to his Liberty) to answer Interrogatories, but protesting against them as not being competent Judges, and appealing to the House of Commons. Next committed close prisoner for his just refusing to kneel at the House of Lords Barre. [n.p.].
- 10. June 1646 - William Larnier, A Vindication of every Free-mans libertie against all Arbitrary power and Government, Or, A Letter of William Larnier, Prisoner, to Sir Henry Vane junior, a Parliament man: Wherein is set forth his unjust Imprisonment, and cruell hard dealings towards the said William Larnier. [n.p.].
- 11. 17 July 1646 - [Richard Overton], A Remonstrance of Many Thousand Citizens, and other Free-born People of England, To their owne House of Commons. Occasioned through the Illegall and barbarous Imprisonment of that Famous and Worthy Sufferer for his Countries Freedoms, Lieutenant Col. John Lilburne. Wherein their just Demands in behalfe of themselves and the whole Kingdome, concerning their Publick Safety, Peace and Freedome, is Express'd; calling thouse their Commissioners in Parliament to an Account, how they (since the beginning of their Session, to this present) have discharged their Duties to the Universallity of the People,

- their Sovereign Lord, from whom their Power and Strength is derived, and by whom (ad bene placitum) it is continued. Printed in the Year. 1646. [n.p.].
- 12. 1 August 1646 - [Richard Overton], An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation. Manifested by them, in their present Tyrannicall Attempts against that Worthy Commoner, Lieutenant Col. John Lilburne, Defendour of the Faith, And of his Countries Freedoms, both by his Words, Deeds and Sufferings, against all Tyrants in the Kingdome; Whether Black-coats, Papists, Kings, Lords, &c. Printed in the Year. 1646. [n.p.].
 - 13. 4 August 1646 - S. Shepheard, The Famers Fam'd or an Answer, To two Seditious Pamphlets, the one Intituled The Just Man in Bonds, the other A Pearle in a Dunghill, written in behalfe of that notorious Lyar, and Libeller John Lilburne. Also a full reply, with a confutation of a certaine objections devised by the Trayterous Author of a Seditioous and unparraled libel, Intituled A Remonstrance of many Thousand Citizens, and other free borne People of England, to their own House of Commons, etc. Wherein the wickednesse of the Authors, and their Abettors, the destructive course of their Sectaries, and their Adherors is amply discovered. So that all (not wilfully blind) may cleerely see, that they are men stirred up by mass Enemie, the Devill, as to ruine themselves, so this poor Edition: current; Page: [3-005] Nation, that yet lies Bedrid of her wounds lately received. And ought to be avoided as Serpents, to be contemned as Abjects, and to be delivered over to Satan, as Blasphemers and reprobates... Written by S. Shepheard. London, Printed for John Hardesty, at the Signe of the Black-spread Eagle in Ducke-Lane, 1646.
 - 14. 11 August 1646 - William Walwyn, A Prediction of Mr. Edwards. His Conversion, and Recantation. (London. Printed by T.P. for G. Whittington and N. Brookes, at the signe of the Angell in Cornhill, below the Exchange. 1646).
 - 15. 21 August 1646 - [John Lilburne], Liberty Vindicated against Slavery. Shewing, that Imprisonment for Debt, refusing to answer Interrogatories, long imprisonment, though for just causes. Abuse of Prisons, and cruell Extortion of Prison-keepers, are all destructive to the fundamentall Laws and common Freedomes of the people. Published for the use of all the Free-borne of England, whom it equally concernes, by occasion of the House of Lords commitment of Lieut. Col. John Lilburn, close prisoner, first to New-gate, and next to the Tower. By a lover of his Country, and sufferer for the Common Liberty. Printed in the year 1646. [n.p.]
 - 16. 9 September 1646, [Richard Overton], A Defiance against all Arbitrary Usurpations Or Encroachments, either of the House of Lords, or any other, upon the Sovereignty of the Supreme House of Commons, (the High Court of Judicature of the Land) or upon the Rights, Properties and Freedoms of the people in generall. Whereunto is annexed, A Relation of the unjust and barbarous proceedings of the House of Lords, against that worthy Commoner, Mr. Overton, who standeth by them committed to the most contemptuous Goal of Newgate, for refusing to Answer to Interrogatories, and Appealing from that Court to the Honourable House of Commons (as by the great Charter of England he was bound) for the triall of his cause. Howsoever the House of Lords do suggest in their Commitment of him, that it was for his contemptuous words and gesture, refusing to answer unto their Speaker. Which being every mans case, is published by his friends for the publick benefit of all the Free-born people of England, as it was enclosed in a Letter to one of his friends. Printed in the year 1646. [n.p.]
 - 17. 7 October 1646, [William Walwyn], A Demurre to the Bill for Preventing the Growth and Spreading of Heresie. Humbly presented to the Honourable House of Commons. [n.p.].
 - 18. 12 October 1646 - Richard Overton, An Arrow against all Tyrants and Tyranny, shot from the prison of New-gate into the Prerogative bowels of the Arbitrary House of Lords, and all other Usurpers and Tyrants whatsoever. Wherein the originall rise, extent, and end of magisteriall

power, the naturall and nationall rights, freedoms and properties of mankind are discovered, and undeniably maintained; the late oppressions and encroachments of the Lords over the commons legally (by the fundamental laws and statutes of the realm, as also by a memorable extract out of the records of the Tower of London) condemned; the late Presbyterian ordinance (invented and contrived by the diviners, and by the motion of Mr. Bacon and Mr. Tate read in the House of Commons) examined, refuted, and exploded, as most inhumane, tyranicall and barbarous. By Richard Edition: current; Page: [3-006] Overton Prerogative archer to the arbitrary House of Lords, their prisoner in Newgate, for the just and legal properties rights and freedoms of the commons of England. Sent by way of a letter from him, to Mr Henry Martin, a Member of the House of Commons. Imprimatur rectat justitia. London, Printed at the backside of the Cyclopiam Mountains, by Martin Claw-Clergy, printer to the reverend Assembly of Divines, and are to be sould at the signe of the Subjects Liberty, right opposite to persecuting Court. 1646.

- 19. 29 October 1646 - William Walwyn, A Parable, or Consultation of Physitians upon Master Edwards. Doctors: Love. Justice. Patience. Truth. Observers: Conscience. Hope. Piety. Superstition. Policie. London, Printed by Thomas Paine, for Giles Calvert, and are to be sold at his shop at the Black spread Eagle, at the west end of Pauls Church. 1646.
- 20. October 1646 - John Lilburne, London's Liberty in Chains discovered. And, published by Lieutenant Colonell John Lilburn, prisoner in the Tower of London, Octob. 1646. [n.p.]
- 21. 19 November, 1646 - John Lilburne, Vox Plebis, or The Peoples Out-cry Against Oppression, Injustice, and Tyranny. Wherein the Liberty of the Subjects is asserted, Magna Charta briefly but pithily expounded. Lieutenant Colonell Lilburnes Sentenced published and refuted. Committees arraigned, Gaolers condemned, and remedies provided. London printed 1646, in the sitting of Parliament, during which time the presses ought to be free and open, as the Parliament declared to the Bishops at the beginning thereof. [n.p.].
- 22. 18 December 1646 - John Lilburne, The Charters of London: or, The second Part of Londons Liberty in Chaines discovered. In which by the ancient, rationall, and fundamentall Charters of the famous City of London, is proved and declared, that it is the true and undeniable right of all and every the Barons, Burgesses, Free-men, or Commoners of London, to have their free vote in chusing out, annually from amongst themselves, a Lord Major, two Sheriffes, and all their Alder-men; which Aldermen are annually to be removed by the Commons of every Ward; and being removed, may not be chosen again for the ensuinge yeare, but others by common consent are to be put into their places. Also it is declared, to be the right of the said Barons or Commons, to chuse the Bridgemasters, Chamberlain, Common-Clerk, and Common-Sergeant, etc. of the City of london, and to be removed by them when they please. All which privileges, with many others, they are now rob'd of, by their late inroaching, and usurping, illegall Lord Mayors, & Aldermen, etc. Upto which Charters is annexed, a Discourse, to prove, that though Kings and Parliaments may confirme unto the people their rights, freedoms and liberties; yet it lies not in their power to take them from them againe when they please; no, not at all: because all betrusted powers are (as both Kings & Parliaments, & all other Magistrates whatsoever are,) & ought always to be, for the good of the Trusters, and not for their mischief and hurt. In which is also proved, that all Pattenree-Monopolizing-Corporations are against, and destructive to the fundamentall Laws of England; and that it is impossible for justice, peace, or prosperity, to flourish in this kingdom, till they be all abolished. With divers other things worth the knowledg of all the free-men, not only of London, but of all England. For whose good this is published by Lieut. Col: Edition: current; Page: [3-007] John Lilburn, prisoner in the Tower of London, for the common liberties of the kingdome against the usurpations of the House of Lords. Printed at London. Decemb. 18. 1646. [n.p.].

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William Walwyn
Walwyn, William
29 January 1646
1.

[William Walwyn], Tolleration Justified, and Persecution Condemn'd (29 January 1646).

- Tolleration Justified,
- and Persecution Condemn'd.

In an Answer or Examination, of the London-ministers Letter

Whereof, Many of them are of the Synod, and yet framed this Letter at Sion-Colledge; to be sent among others, to themselves at the Assembly: in behalf of Reformation and Church-government,

2 Corinth. II. vers. 14. 15. And no marvail, for Sathan himself is transformed into an Angell of Light. Therefore it is no great thing, though his Ministers transform themselves, as though they were Ministers of Righteousnesse; whose end shall be according to their works.

London, Printed in the Year, 1646.

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THE LETTER OF THE LONDON, MINISTERS TO THE Assembly of DIVINEs af Westminster; against TOLERATION, mildly examined; AND The mistakes thereof friendly discovered; As well for the sakes of the Independent and Separation, as for the good of the COMMON-WEALTH.

When I call to minde the generall oppression (before the Parliament) exercised upon good people, conscientious in the practice of their religion; and that the Presbyters did not onely suffer as much as any therein, but exclaim'd, and labour'd as much as any there-against: It is a wonder to me, that now that yoke is removed, and a blest opportunity offered by Almighty God, to the people and their Parliament, to make every honest heart glad, by allowing a just and contentfull Freedome, to serve God without hypocrisie; and according to the perswasion of conscience: That Edition: current; Page: [3-010] one Sect amongst us, that is the Presbyters, that have been yoke-fellowes with us; should not rest satisfied with being free as their Brethren, but become restlesse in their contrivances and endeavours, till they become Lords over us. The wonder is the same, as it would have been, had the Israelites, after the Egyptian bondage, become Task-masters in the Land of Canaan one to another, but that is more in them who have been instructed by our Saviour in that blessed rule; of doing unto others, what they would have others doe unto themselves.

To discover the severall policies the Presbiters have used to get into the chayre they have justled the Bishops out of, whose example they have followed in many particulars; as especially in the politick and graduall obtaining the Ordinance for Licencing, upon a pretence of stopping the Kings writings, but intentionably obtained, and violently made use of against the Independents, Separation, and Cornmonwealths-men, who either sees more, or something contrary to the designes of the Licencer. To

signifie to the People, how the Presbiters have laboured to twist their interest with the Parliaments, as the Bishops did theirs with the King, how daily and burdensomly importunate they are with the Parliament, to establish their Government, (which they are pleased to call Christs) and back it with authority, and a compulsive power, (which by that very particular appeares not to be his) To lay open their private juncto's and counsels, their framing Petitions for the easie and ignorant people, their urging them upon the Common Councell, and obtruding them upon the chusers of Common Councell men, at the Wardmote Elections, even after the Parliament had signified their dislike thereof; to sum up their bitter invectives in Pulpits, and strange liberty they take as well there, as in their writings, to make the separation and Independents odious by scandals and untrue reports of them, in confidence of having the presse in their own hands, by which meanes, no man without hazard shall answer them, to lay open the manner and depth of these proceedings, is not the intention of this worke; I only thought good to mention these particulars, that the Presbiters may see they walke in a net, no 'tis no cloud that covers them, and that they may fear that in time they may be discern'd as well by the whole People, as they are already by a very great part thereof.

The London Ministers Letter, contriu'd in the conclave of Sion Colledge, is one of the numerous projects of the Clergy: not made for the information of the Sinod, but the misinformation of the Edition: current; Page: [3-011] People, to prevent which is my businesse at this time; I will only take so much of it as is to the point in hand, to wit, Tolleration.

Letter,

It is true, by reason of different lights, and different sights among Brethren, there may be dissenting in opinion, yet why should there be any separating from Church Communion.

Why? because the difference in opinion is in matters that concerne Church Communion: you may as well put the question, why men play not the Hypocrites? as they must needs do if they should communicate in that Church Society, their minde cannot approve of. The question had been well put, if you had said, by reason of different lights, and different sights, there may be dissenting in opinion, yet why should our hearts be divided one from another? why should our love from hence, and our affections grow cold and dead one towards another? why should we not peaceably, beare one with another, till our sights grow better, and our light increase? These would have been questions I thinke, that would have pusled a truly conscientious man to have found an answer for.

That which next followes, to wit, the Churches coat may be of divers colours, yet why should there be any rent in it: is but an old jing of the Bishops, spoken by them formerly in reference to the Presbiters; and now mentioned, to make that which went before, which has no weight in it selfe, to sound the better.

Letter.

Have we not a Touchstone of truth, the good word of God, and when all things are examined by the word, then that which is best may be held fast; but first they must be knowne, and then examined afterward.

I shall easily concur with them thus farr, that the Word of God is the Touchstone, that all opinions are to be examined by that, and that the best is to be held fast. But now who shall be the examiners, must needs be the question; If the Presbiter examine the Independant and separation, they are like to find the same censure the Presbiters have already found, being examined by the Bishops, and the Bishops found from the Pope: Adversaries certainly are not competent Judges; againe, in matters disputable and controverted, every man must examine for himselfe, and so every man does, or else he must be

conscious to himselfe, that he sees with other Edition: current; Page: [3-012] mens eyes, and has taken up an opinion, not because it consents with his understanding, but for that it is the safest and least troublesome as the world goes, or because such a man is of that opinion whom he reverences, and verily believes would not have been so, had it not been truth. I may be helpt in my examination, by other men, but no man or sort of men, are to examine for me, insomuch that before an opinion can properly be said to be mine, it must concord with my understanding. Now here is the fallacy, and you shall find it in all Papists, Bishops, Presbiters, or whatsoever other sort of men, have or would have in their hands the power of persecuting, that they alwayes suppose themselves to be competent examiners and Judges of other men differing in judgement from them, and upon this weake supposition (by no meanes to be allowed) most of the reasons and arguments of the men forementioned, are supported.

They proceed to charge much upon the Independents, for not producing their modell of Church-government; for answer hereunto, I refer the Reader to the Reasons printed by the Independents, and given into the House in their own justification, which the Ministers might have taken notice of.

I proceed to the supposed Reasons urged by the Ministers, against the Tolleration of Independency in the Church.

Letter.

1. Is, because the Desires and endeavours of Independents for a Toleration, are at this time extreemly unseasonable, and preposterous For,

1. The reformation of Religion is not yet perfected and settled amongst us, according to our Covenant. And why may not the Reformation be raised up at last to such purity and perfection, that truly tender consciences may receive abundant satisfaction for ought that yet appears.

I would to God the people, their own friends especially, would but take notice of the fallacy of the Reason: They would have reformation perfected according to the Covenant, before the Independents move to be tollerated: now Reformation is not perfected according to the Covenant, till Schisme and Heresie is extirpated; which in the sequel of this Letter, they judge Independency to be, that their charity thinks it then most seasonable, to move that Independency should be tolerated after it is extirpated: their reason and affection in this, are alike sound Edition: current; Page: [3-013] to the Independants. Their drift in this, indeede is but too evident, they would have the Independents silent, till they get power in their hands, and then let them talke if they dare, certainly, the most seasonable time to move for tolleration is while the Parliament are in debate about Church Government; since if stay bee made till a Church Government bee settled, all motions that may but seeme to derogate from that, how just soever in themselves, how good soever for the Common-wealth, must needs be hardly obtained.

And whereas they say, Why may not Reformation be raised up at last to such purity and perfection, that truly tender consciences may receive abundant satisfaction, for ought that yet appears.

Observe, 1. That these very Ministers, in the sequel of their Letter, impute it as Levity in the Independents, that they are not at a stay, but in expectation of new lights and reserves, as they say, so that a man would think they themselves were at a certainty: But tis no new thing for one sort of men to object that as a crime against others, which they are guilty of themselves: though indeed but that the Presbiters use any weapons against the Independant's, is no crime at all, yea 'tis excellency in any man or woman, not to be pertinacious, or obstinate in any opinion, but to have an open eare for reason and argument, against whatsoever he holds, and to imbrace or reject, whatsoever upon further search he finds to be agreeable to, or dissonant from Gods holy Word. It doth appeare from the practises of the

Presbiters, and from this Letter and other Petitions expressly against Toleration, that unlesse the Independants and separation will submit their Judgements to theirs, they shall never be tollerated, if they can hinder it.

Their 2. Reason is that it is not yet knowne what the Government of the Independent is, neither would they ever let the world know what they hold in that point, though some of their party have bin too forward to challenge the London Petitioners as led with blind obedience, and pinning their soules upon their Preists sleeve, for desiring an establishment of the Government of Christ, before there was any modell of it extant. Their 3d. Reason, is much to the same purpose.

I answer, 1. That the Ministers know that the Independent Government for the Generall is resolved upon by the Independents, though they have not yet modeled every particular, which is a worke of time, as the framing of the Presbyteria Government was. The Independents however have divers reasons for dissenting from the Presbyterian way, which they have given in already. And Edition: current; Page: [3-014] though they have not concluded every particular of their owne, but are still upon the search, and enquiry; yet it is seasonable however to move for toleration, for that the ground of moving is not because they are Independents, but because every man ought to be free in the worship and service of God, compulsion being the way to increase, not the number of Converts, but of hypocrites; whereas it is another case for People to move for establishing of a Government they understand not, having never seene it, as the London Petitioners did, that is most evidently a giving up of the understanding to other men, sure the Presbiters themselves cannot thinke it otherwise, nor yet the People upon the least consideration of it. Besides, the London Petitioners did not only desire, as here the Ministers cunningly say, an establishment of the Government of Christ, but an establishment of the Government of Christ (a modell whereof the reverend Assembly of Divines have fram'd, which they never saw) so that herein, the People were abused by the Divines, by being put upon a Petition, wherein they suppose that Government which they never saw, to be Christs Government. If this be not sufficient to discover to our Presbyterian LayBrethren, the Divines confidence of their ability to worke them by the smoothnesse of phrase and Language to what they please, and of their own easinesse, and flexibility to be so led, I know not what is.

2. The Ministers urge that the desires and endeavours of the Independants for Toleration, are unreasonable, and unequall in divers regards.

1. Partly because no such toleration hath heitherto been establisht (sofar as we know) in any Christian State, by the Civill Magistrate.

But that the Ministers have been used to speake what they please for a Reason in their Pulpits without contradiction, they would never sure have let so slight a one as this have past from them: It seems by this reason, that if in any Christian State a Toleration by the Magistrate had been allowed, it would not have been unreasonable for our State to allow it: The practice of States, being here supposed to be the rule of what's reasonable; whereas I had thought, that the practice of Christian States is to be judg'd by the rule of reason and Gods Word, and not reason by them: That which is just and reasonable, is constant and perpetually so; the practice of States though Christian, is variable we see; different one from another, and changing according to the prevalency of Edition: current; Page: [3-015] particular parties, and therefore a most uncertain rule of what is reasonable.

Besides, the State of Holland doth tollerate; and therefore the Ministers Argument, even in that part where it seems to be most strong for them, makes against them.

Again, if the practice of a Christian state, be a sufficient Argument of the reasonablenesse of a Toleration, our State may justly tollerate because Christian, and because they are free to do what ever

any other State might formerly have done. But I stay too long upon so weak an Argument.

2. Partly, Because some of them have solemnly protest, that they cannot suffer Presbitary, and answerable hereunto is their practice, in those places where Independency prevails.

'Tis unreasonable it seems to tolerate Independents, because Independents would not if they had the power, suffer Presbyters. A very Christianly argument, and taken out of the 5. of Matthew 44. Love your Enemies, blesse them that curse you, do good to them that hate you, and pray for them which hurte you, and persecute you: What, were all our London Ministers forgetfull of their Saviours instructions? Does their fury so farre blinde their understanding, and exceed their piety? Which seems to be but pretended now, since in their practice they would become Jews, and cry out an eye for an eye, and a tooth for a tooth. Whosoever meddles with them it seems, shall have as good as they bring: Was ever so strange a reason urg'd by a Sect of men, that say they are Ministers, Christs Ministers, Reformers too, that would make the world believe they are about to reduce all matters Christian, to the originall and primitive excellency of Christ and the Apostles, and yet to speak and publish to the world a spleenish reason, so expressly contrary to the precepts, to the practice of Christ and his followers. To Christ I say, that bids us love our enemies, that we may be the children of our Father which is in heaven, who makes the Sun to shine on the evill and the good, and sendeth rain on the just and on the unjust. The Ministers should be like the Master, what a disproportion is here? As if the title were taken up for some other end; we know the Apostle speaks of Ministers that could transform themselves as though they were the Ministers of Righteousnesse; I pray God our Ministers do not so, I would willingly suppress those fears and suspitions; which doe what I can arise in me, from their words and practice. Sure they had approved themselves better christians, if upon the discovery of so Edition: current; Page: [3-016] bad a spirit in any of the Independents; as to persecute, had they power (though I beleive, there are not any such) I say, it had been more Christ-like in our Ministers, to have dissuaded them from so unmanly, so much more unchristianly a vice, then to have it made an argument for practice in themselves. They might by the same rule, be Jewes to the Jew, or Turke to the Turke, Oppressours to the Oppressour; or doe any evill to others, that others would doe to them: if other mens doing of it, be an argument of the reasonableness thereof. But I hope, our Ministers will be so ingenious, as when they see their weaknesses forsake them, it will be both more comfortable to all other sorts of men, and in the end more happy for themselves.

2. Again, I suppose your suggestion to be very false; namely, that the Independents if they had power, would persecute the Presbyters: though let me tell you of all sects of men, those deserve least countenance of a State that would be Persecutors, not because of their consciences in the practice and exercise of their Religion, wherein the ground of Freedome consists; but because a persecuting spirit is the greatest enemy to humane society, the dissolver of love and brotherly affection, the cause of envyings, heart-burnings, divisions, yea, and of warres it selfe. Whosoever shall cast an impartiall eye upon times past, and examine the true cause and reason of the subversion, and devastation of States and countries, will I am confident; attribute it to no other, then the Tyranny of Princes, and Persecution of Priests. So that all States, minding their true interests, namely the good and welfare of the people, ought by all meanes to suppress in every sect or degree of men, whether Papists, Episcopalls, Presbyters, Independents, Anabaptists, &c. the spirit of Domination, and Persecution, the disquieter and disturber of mankind, the offspring of Satan. God being all Love, and having so communicated himselfe unto us, and gave us commands to be like him, mercifull, as he our heavenly Father is mercifull; to bear with one anothers infirmities: neither does reason and true wisdom dictate any other to us, then that we should do unto others, as we would be done unto our selves; that spirit therefore which is contrary to God, to reason, to the well-being of States, as the spirit of Persecution evidently is; is most especially to be watcht, and warily to be circumscribed, and tied up by the wisdom of the supream power in Common-wealths. I speak not this to the disgrace of Presbyters, as Presbyters; for

as such, I suppose they are not Persecutors: forasmuch as I know, Edition: current; Page: [3-017] some, and I hope there are many more of them, that are zealous and conscientious for that form of Government, and yet enemies to a compulsive power in matters of Religion. But for this end only, namely to beget a just and Christian dislike in all sorts of men, as well Presbyters, as others; of forcing all to one way of worship, though disagreeable to their minds: which cannot be done, without the assistance of this fury and pestilent enemy to mankind, Persecution. I proceed to the Ministers third Reason.

3. And partly to grant to them, and not to other Sectaries who are free-born as well as they, and have done as good service as they to the publick (as they use to plead) will be counted injustice, and great partiality; but to grant it to all, will scarce be cleared from impiety.

To the former part of this argument I gladly consent, that Sectaries have as good claimes to Freedome, as any sorts of men whatsoever; because free-born, because well-affected, and very assistant to their country in its necessities. The latter part of the argument is only an affirmation, without proof; the Ministers think sure it will be taken for truth because they said it, for such a presumption it seems they are arrived to. In the mean time what must they suppose the people to be, that do imagine their bare affirmations sufficient ground for the peoples belief; I would the people would learn from hence to be their own men, and make use of their own understandings in the search and beleif of things; let their Ministers be never so seemingly learned or judicious, God hath not given them understandings for nothing; the submission of the mind is the most ignoble slavery; which being in our own powers to keep free, the Subjection thereof argues in us the greater basenesse; but to the Assertion, that it will be impiety to grant it to all Sectaries.

I answer, First, that the word Sectary is communicable both to Presbyters and Independents, whether it be taken in the good sense for the followers of Christ; for such, all Presbyters, Independents, Brownists, Anabaptists, and all else, suppose and professe themselves to be: or in the common sense, for followers of some few men more eminent in their parts and abilities then other. And hereof the Independents and Presbyters are as guilty as the Separation, and so are as well Sectaries. Now all Sectaries, whether Presbyters, Independents, Brownists, Antinomians, Anabaptists, &c. have a like title and right to Freedome, or a Toleration; the title thereof being not any particular of the Opinion, Edition: current; Page: [3-018] but the Equity of every mans being Free in the State he lives in, and is obedient to, matters of opinion being not properly to be taken into cognisance any farther, then they break out into some disturbance, or disquiet to the State. But you will say, that by such a toleration, blasphemy will be broached, and such strange and horrid opinions, as would make the eares of every godly and Christian man to tingle; what must this also be tolerated? I answer, it cannot be just, to set bounds or limitations to toleration, any further then the safety of the people requires; the more horrid and blasphemous the opinion is, the easier suppress, by reason and argument; because it must necessarily be, that the weaker the arguments, are on one side, the stronger they are on the other: the grosser the error is, the more advantage hath truth over it; the lesse colour likewise, and pretence there is, for imposing it upon the people. I am confident, that there is much more danger in a small, but speciously formed error, that hath a likeness and similitude to truth, then in a grosse and palpable untruth.

Besides, can it in reason be judged the meetest way to draw a man out of his error, by imprisonment, bonds, or other punishment? You may as well be angry, and molest a man that has an imperfection or dimnesse in his eyes, and thinke by stripes or bonds to recover his sight: how preposterous would this bee? Your proper and meet way sure is, to apply things pertinent to his cure. And so likewise to a man whose understanding is clouded, whose inward sight is dimn and imperfect, whose mind is so far misinformed as to deny a Deity, or the Scriptures (for we'l instance in the worst of errors) can Bedlam

or the Fleet reduce such a one? No certainly, it was ever found by all experience, that such rough courses did confirme the error, not remove it: nothing can doe that but the efficacy and convincing power of sound reason and argument; which, 'tis to be doubted, they are scarce furnisht withall that use other weapons. Hence have I observ'd that the most weak & passionate men, the most unable to defend truth, or their owne opinions, are the most violent for persecution. Whereas those whose minds are establisht, and whose opinions are built upon firm and demonstrable grounds, care not what winds blow, fear not to grapple with any error, because they are confident they can overthrow it.

3. Independency is a Schisme, and therefore not to be tollerated.

The principall argument brought to prove it, is this; Because they depart from the Presbyter Churches, which are true Churches, and so confest to be by the Independents.

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I answer, that this Argument only concerns the Independents, because they only acknowledge them to be true Churches. Whether they are still of that opinion or no I know not, 'tis to be doubted they are not, especially since they have discern'd the spirit of enforcement and compulsion to raign in that Church; the truest mark of a false Church. I believe the Independents have chang'd their minde, especially those of them whose Pastors receive their Office and Ministry from the election of the people or congregation, and are not engag'd to allow so much to the Presbyters, because of their own interest; as deriving their calling from the Bishops and Pope, for the making up a supposed succession from the Apostles, who for their own sakes are enforc'd to acknowledge the Presbyter for a true Church, as the Presbyters are necessitated to allow the Episcopall and Papist Church, true or valid for the substance, as they confesse in the ordinance for Ordination, because they have receiv'd their Ministry therefrom, without which absurdity they cannot maintain their succession from the Apostles. But that the Independents are not a schism, they have and will, I believe, upon all occasions sufficiently justifie: I shall not therefore, since it concerns them in particular, insist thereupon; but proceed to the supposed mischiefs which the Ministers say will inevitably follow upon this tolleration, both to the Church and Commonwealth. First, to the Church.

1. Causelesse and unjust revolts, from our Ministry and Congregations.

To this I say, that it argues an abundance of distrust the Ministers have in their own abilities, and the doctrines they preach, to suppose their auditors will forsake them if other men have liberty to speak. 'Tis authority it seems must fill their Churches, and not the truth and efficacy of their doctrines. I judge it for my part a sufficient ground to suspect that for gold that can't abide a triall. It seems our Ministers doctrines and Religion, are like Dagon of the Philistins, that will fall to pieces at the appearance of the Ark. Truth sure would be more confident, in hope to appear more glorious, being set off by faishood. And therefore I do adjure the Ministers, from that lovelinesse and potency that necessarily must be in Truth and Righteousnesse, if they think they do professe it, that they would procure the opening of every mans mouth, in confidence that truth, in whomsoever she is, will prove victorious; and like the Suns glorious lustre, darken all errors and vain imaginations of mans heart. But I fear the consequence sticks more in Edition: current; Page: [3-020] the stomacks, the emptying of their Churches being the eclipsing of their reputations, and the diminishing of their profits; if it be otherwise, let it appear by an equall allowing of that to others, which they have labour'd so much for to be allowed to themselves.

2. Our peoples minds will be troubled and in danger to be subverted, Acts 15.24.

A. The place of Scripture may concern themselves, and may as well be urg'd upon them by the Separation or Independents, as it is urg'd by them upon the Separation and Independents; namely, that

they trouble the peoples mindes, and lay injunctions upon them, they were never commanded to lay. And 'tis very observable, the most of those Scriptures they urge against the Separation, do most properly belong unto themselves.

3. Bitter heart-burnings among brethren, will be fomented and perpetuated to all posterity.

I answer. Not by, but for want of a Toleration: Because the State is not equall in its protection, but allows one sort of men to trample upon another; from hence must necessarily arise heart-burnings, which as they have ever been, so they will ever be perpetuated to posterity, unlesse the State wisely prevent them, by taking away the distinction that fomentes them; namely, (the particular indulgency of one party, and neglect of the other) by a just and equall toleration. In that family strife and heart-burnings are commonly multiplied, where one son is more cockered and indulg'd then another; the way to foster love and amity, as well in a family, as in a State, being an equall respect from those that are in authority.

4. They say, the Godly, painfull, and orthodox Ministers will bee discouraged and despised.

Answ. Upon how slight foundation is their reputation supported, that fear being despised unlesse Authority forces all to Church to them? Since they have confidence to vouch themselves godly, painfull, and orthodox, me thinks they should not doubt an audience. The Apostles would empty the Churches, and Jewish Synagogues, and by the prevalency of their doctrine convert 3000 at a Sermon; and doe our Ministers feare, that have the opportunity of a Church, and the advantage of speaking an houre together without interruption, that they cannot keep those Auditors they have; but that they shall bee withdrawn from them by men of meaner lights (in their esteeme) by the illiterate and under-valued lay Preachers, that are (as the Ministers suppose) Edition: current; Page: [3-021] under the cloud of error and false doctrine? Surely they suspect their own Tenetss or their abilities to maintain them, that esteem it a discouragement to bee opposed, and feare they shall be despised if disputed withall.

5. They say, The life and power of godlinesse will be eaten out by frivolous disputes and vain janglings.

Answ. Frivolous disputes and vain janglings, are as unjustifiable in the people as in the Ministry, but milde and gentle Reasonings (which authority are onely to countenance) make much to the finding out of truth, which cloth most advance the life and power of godlinesse. Besides, a Toleration being allowed, and every Sect labouring to make it appear that they are in the truth, whereof a good life, or the power of godlinesse being the best badge or symptome; hence will necessarily follow, a noble contestation in all sorts of men to exceed in godlinesse, to the great improvement of vertue and piety amongst us. From whence it will be concluded too, that that Sect will be supposed to have least truth in them, that are least vertuous, and godlike in their lives and conversations.

6. They urge, That the whole course of religion in private families will be interrupted and undermined.

Answ. As if the Independents and Separation were not as religious in their private families, as the Presbyters.

7. Reciprocall duties between persons of nearest and dearest relations, will be extreemly violated.

Answ. A needlesse fear, grounded upon a supposition, that difference in judgement must needs occasion coldnesse of affection, which indeed proceeds from the different countenance and protection, which States have hitherto afforded to men of different judgements. Hence was it, that in the most persecuting times, when it was almost as bad in the vulgar esteem to be an Anabaptist, as a murtherer,

it occasioned dis-inheritings, and many effects of want of affection, in people of nearest relations; but since the common odium and vilification is in great measure taken off, by the wise and just permission of all sects of men by the Parliament, man and wife, father and son, friend and friend, though of different opinions, can agree well together, and love one another; which shews that such difference in affection, is not properly the effect of difference in judgement, but of Persecution, and the distinct respect and different countenance that Authority has formerly shewn towards men not conforming.

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8. They say, That the whole work of Reformation, especially in discipline and Government, will be retarded, disturbed, and in danger of being utterly frustrate and void.

It matters not, since they mean in the Presbyterian discipline and Government, accompanied with Persecution: Nay, it will be abundantly happy for the people, and exceedingly conducing to a lasting Peace (to which Persecution is the greatest enemy) if such a government so qualified be never settled. The Presbyters I hope, will fall short in their aymes. i. 'Tis not certain that the Parliament mean to settle the Presbyterian Government, since they have not declared that Government to be agreeable to Gods Word; although the Presbyters are pleas'd, in their expressions, frequently to call their Government, Christs Government. Howsoever, their determination (which may well be suppos'd to be built upon their interest) is not binding: They are call'd to advise withall, not to controul. 2. In case the Parliament should approve of that Government in the main, yet the Prelaticall and persecuting power of it, we may well presume (since they themselves may smart under it as well as the rest of the people) they will never establish.

9. All other Sects and Heresies in the Kingdome, will be encouraged to endeavour the like tolleration.

Sects and Heresies! We must take leave to tell them, that those are termes impos'd ad placitum, and may be retorted with the like confidence upon themselves. How prove they Separation to be Sects and Heresies; because they differ and separate from them? That's no Argument, unlesse they can first prove themselves to be in the truth? A matter with much presumption suppos'd, but never yet made good, and yet upon this groundlesse presumption, the whole fabrick of their function, their claim to the Churches, their preheminance in determining matters of Religion, their eager persuit after a power to persecute, is mainly supported. If the Separation are Sects and Heresies, because the Presbyters (supposing themselves to have the countenance of Authority, and some esteem with the people) judge them so: The Presbyters by the same rule were so, because the Bishops once in authority, and in greater countenance with the People, did so judge them to be.

And whereas they say, That Sects and Heresies will be encouraged to endeavour the like tolleration with the Independents.

I answer, that 'tis their right, their due as justly as their cloths, or food; and if they indeavour not for their Liberty, they are in a Edition: current; Page: [3-023] measure guilty of their owne bondage. How monstrous a matter the Ministers would make it to be, for men to labour to be free from persecution. They thinke they are in the saddle already, but will never I hope have the reines in their hands.

Their 10th. feare is the same.

2. They say the whole Church of England (they meane their whole Church of England) in short time will be swallowed up with distraction and confusion.

These things are but said, not proved: were it not that the Divines blew the coales of dissention, and

exasperated one mans spirit against another; I am confidently perswaded we might differ in opinion, and yet love one another very well; as for any distraction or confusion that might intrench upon that civill peace, the Laws might provide against it, which is the earnest desires both of the Independents and Seperation.

2. They say, Tolleration will bring divers mischiefes upon the Commonwealth: For,

1. All these mischeifes in the Church will have their proportionable influence upon the Commonwealth.

This is but a slight supposition, and mentions no evill that is like to befall the Common-wealth.

2. They urge that the Kingdome will be woefully weakned by scandalls and Divisions, so that the Enemies both domesticall and forraigne will be encouraged to plot and practise against it.

I answer, that the contrary hereunto is much more likely, for two Reasons.

1. There is like to be a concurrence, and joynt assistance in the protection of the Common-wealth, which affords a joynt protection and encouragement to the People.

2. There can be no greater argument to the People, to venture their estates and lives in defence of their Country and that government, under which they enjoy not only a liberty, of Estate and Person, but a freedome likewise of serving God according to their consciences, whcih Religious men account the greatest blessing upon earth; I might mention notable instances of late actions of service in Independents and Seperatists, which arising but from hopes of such a freedome, can yet scarce be paraleld by any age or story.

3. They say it is much to be doubted, lest the power of the Magistrate should not only be weakned, but even utterly overthrowne; considering the principles and practices of Edition: current; Page: [3-024] Independents, together with their compliance with other Sectaries, sufficiently knowne to be antimagistraticall.

An injurious, but common scandal, this whereof much use has been made to the misleading the People into false apprehensions of their brethren the Seperatists, to the great increase of enmity and disaffection amongst us, whereof the Ministers are most especially guilty: Let any impartial man examine the principles, and search into the practises of the separation, and he must needs conclude that they are not the men that trouble England, but those rather that lay it to their charge: the separation indeede and Independents are enemies to Tyranny, none more, and oppression, from whence I beleeve has arisen the fore-mentioned scandall of them: but to just Government and Magistracy, none are more subject, and obedient: and therefore the Ministers may do well to lay aside such obloquies, which will otherwise by time and other discovery, turne to their own disgrace.

In the last place they say, 'tis opposite to the Covenant, I. Because opposite to the Reformation of Religion, according to the Word of God, and example of the best Reformed Churches.

I answer, 1, That the example of the best reformed Churches is not binding, further then they agree with the Word of God, so that the Word of God indeed is the only rule. Now the word of God is expresse for tolleration, as appeares by the Parable of the Tares growing with the wheate, by those two expresse and positive rules, 1. Every man should be fully perswaded of the truth of that way wherein he serves the Lord, 2. That whatsoever is not of faith is sinne; and 3. by that rule of reason and pure nature, cited by our blessed Saviour: namely, whatsoever ye would that men should do unto you, that

do you unto them.

2. They say it is destructive to the 3. Kingdomes nearest conjunction and uniformity in Religion and Government.

I answer, that the same tolleration may be allowed in the 3. Kingdomes, together with the same Religion and Government; whether it shall be Presbyterian, or Independent, or Anabaptisticall: Besides that I suppose which is principally intended by this part of the Covenant, 'tis the Union of the 3. Kingdomes, and making them each defensive and helpfull to the other, which a tolleration will be a meanes to further, because of the encouragement that every man will have to maintaine his so excellent freedome; which he cannot better do, then by maintaining them all, because of the Independency they will have one upon the other.

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3. 'Tis expresly contrary to the extirpation of Schisme, and whatsoever shall be found contrary to sound doctrine, and the power of Godlinesse.

I answer, That when it is certainly determined by judges that cannot err, who are the Schismatics, there may be some seeming pretence to extirpate them, though then also no power or force is to be used, but lawfull means only, as the wise men have interpreted it; that is, Schisme and Heresie, when they appeare to be such, are to be rooted out by reason and debate, the sword of the Spirit, not of the Flesh; arguments, not blowes: unto which men betake themselves upon distrust of their own foundations, and conscioussesse of their owne inability.

Besides, as the Presbiters judge others to be a Schisme from them, so others judge them to be a Schisme from the Truth, in which sence only the Covenant can be taken.

4. Hereby we shall be involved in the guilt of other mens sinnes, and thereby be endangered to receive of their plagues.

I answer, that compulsion must necessarily occasion both much cruelty and much Hypocrisie: whereof the Divines, labouring so much for the cause, which is persecution, cannot be guiltlesse.

5. It seemes utterly impossible (if such a tolleration should be granted) that the Lord should be one, and his name one, in the 3. Kingdomes.

I suppose they mean by that phrase, it is impossible that our judgements and profession should be one; so I believe it is, whether there be a Tolleration or no. But certainly the likeliest way, if there be any thereunto, is by finding out one truth; which most probably will be by giving liberty to every man to speak his minde, and produce his reasons and arguments; and not by hearing one Sect only: That if it does produce a forc'd unity, it may be more probably in error, then in truth; the Ministers being not so likely to deal clearly in the search thereof, because of their interests, as the Laity, who live not thereupon, but enquire for truth, for truths sake, and the satisfaction of their own mindes.

And thus I have done with the Argumentive part of the Letter. I shall onely desire, that what I have said may be without prejudice considered: And that the People would look upon all sorts of men and writings, as they are in themselves, and not as they are represented by others, or forestall'd by a deceitfull rumour or opinion.

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In this controversie concerning Tolleration, I make no question but the Parliament will judge justly between the two parties; who have both the greatest opportunity and abilities, to discern between the integrity of the one side, and the interest of the other. That the one party pleads for toleration, for the comfort and tranquility of their lives, and the peaceable serving of God according to their consciences, in which they desire no mans disturbance. That the other that plead against it, may (I would I could say onely probably) be swayed by interest and self-respects, their means and preheminance. I make no question but the Parliament, before they proceed to a determination of matters concerning Religion, will as they have heard one party, the Divines, so likewise reserve one ear for all other sorts of men; knowing that they that give sentence, all partes being not heard, though the sentence be just (which then likely will not be) yet they are unjust. Besides, the Parliament themselves are much concerned in this controversie, since upon their dissolution they must mixe with the people, and then either enjoy the sweets of freedome, or suffer under the most irksome yoke of Priestly bondage: and therefore since they are concern'd in a double respect; first, as chosen by the People to provide for their safety and Freedome, whereof Liberty of conscience is the principall branch, and so engag'd by duty: secondly, as Members of the Common-wealth, and so oblig'd to establish Freedome, out of love to themselves and their posterity.

I shall only add one word more concerning this Letter, which is this; That 'tis worth the observation, that the same men are part of the contrivers of it, and part of those to whom 'twas sent; Mr. Walker being President of Sion Colledge, Mr. Seaman one of the Deans, (observe that word) and Mr. Roborough, one of the Assistants, all three Members of the Synod: who with the rest framing it seasonably, and purposely to meet with the Letter from Scotland, concerning Church Government, may well remove the wonder and admiration that seem'd to possesse one of the Scotch grand Divines in the Synod, at the concurrence of Providence in these two Letters: of the politick and confederated ordering whereof, he could not be ignorant.

FINIS.

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John Lilburne

Lilburne, John

Richard Overton

Overton, Richard

February 1646

2.

John Lilburne and Richard Overton, The out-cryes of Opressed Commons (February 1646).

The out-cryes of Opressed Commons.

Directed to all the rationall and understanding men in the Kingdome of England, and Dominion of Wales, (that have not resolved with themselves to be Vassells and Slaves, unto the lusts and wills of Tyrants.) From Lieut. Col. John Lilburne, prerogative prisone in the Tower of London, and Richard Overton, prerogative prisoner, in the infamous Gaole of Newgate. Feb. 1646.

ler. 7.8, 9.10. Behold, yee trust in lying words, that cannot profit. will yee steale, murther, and commit adultery, and sweare falsly, and burneincense unto Baal, and walk after other Gods, whom yee know not, and come and stand before me in this house, which is called by my name, and say, we are delivered to doe all these abominations.

Verse 16. Therefore pray not for this people, neither lift up cry nor prayer for them, neither make intercession to me, for I will not heare thee.

Mat. 23.14. Woe unter you Scribes and Pharisees, Hypocrites: for yee devoure widowes houses and for a pretence make long prayers, therefore you shall receive the greater damnation.

Hosea 4.2.3. By swearing, and lying, and killing, and stealing, and committing adultery, they breake out, and blood toucheth blood, therefore shall the land mourne.

The Second Edition Corrected.

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GEntle men, Anti-Magistrates we are not, but owne Magistracy as Gods Ordinance appointed for the good and well being of men kind, Rom. 13. 1. 2. 3. 4. 5, 6. Unto whose power and Authority, in all lawfull things, we both have, and are willing to stoop unto, but no further, neither doe we crave or desire, any favour, priviledge or benefit, but what is given unto us by the good, established, and just Lawes of England (which the Parliament solemnly, haveoften sworne to maintain, of which for our particulars, we have for many moneths been robd of, by the tyranny and usurpation of the Lords, (commonly called the House of Peeres) now sitting at Westminster, who have usurpedly, and contrary to the just and knowne Law of the Land, assumed unto themselves, (by the law of their owne wills) a power in criminall causes, to judge and commit us who are Commoners, which by law they have no authority not in the least to doe, as appeares in the 29. Chapter of Magna Charta, which expresly saith. “No freeman shall be taken or imprisoned, or be disseised of his free-hold,” or liberties, or free customes, or be out lawed, or exiled, or any otherwise destroyed “nor we will not passe upon him, nor condemne him, but by lawfull judgement of his Peers, or by the law of the Land. We will sell to no man, we will not deny nor deferre to any man either justice or right. And the 3. E. 1. 6. likewise expresly saith, “and that no City, Borough, nor towne, nor any man be amerced without reasonable cause and according to the quantity of his trespasse, that is to say, every free man saving his free hold. A Merchant saving his Merchandize, a Villain(g. H. 3. 14.) saving his waynage, and that by his or their Peers. Which 29. Chap. of Magna Charta, is expresly by name confirmed in the Petition of Right, made in the third yeare of the present King Charles, which absolutely abolisheth all Lawes Edition: current; Page: [3-029a] made in derogation of the said just Law, which Petition of Right, and every clause there in contained, is expresly confirmed by this present Parliament, as appeares by the statute that abolished the Star Chamber, and the statute, that abolished Ship money. And that learned man of the Law, Sir Edward Cooke, in his exposition of Magna Charta, which booke is published to the publike view of the Kingdome as law, by two speciall orders of the present House of Commons, as in the last pag. thereof you may read, who in his exposition of the 14. chap of Magna Charta, 2. part institutes fol. 28. saith, that by Peers, is meant Equalls, and in fol. 29. he saith, “the generall devision of persons by the law of England is either one that is Noble, and in respect of his Nobility of the Lords House of Parliament, or one of the Commons of the Realm, and in respect thereof, of the House of Commons in Parliament, & as there be divers degrees of Nobility, as Dukes, Marquesses, Earles, Viscounts & Barons and yet all of them are comprehended within this word PARES, so of the Commons of the Realme, there be Knights, Esquires, Gentle-men, Citizens, Yeomen and Burgesses of severall degrees, and yet all of them of the Commons, of the Realme, and as every of the Nobles is one, a PEER to another, though he be of a severall degree, so is it of the Commons, and as it hath been said of men, so doth it hold of noble women, either by birth or by marriage, but see hereof, chap. 29. And in his exposition of chap. 29. pag. Ibem, he saith no man shall be disseised, that is, put out of seison, or dispossessed of his free-hold, (that is) lands or lively hood, or of his liberties, or free customes, that is, of such franchises, and freedomes, and free customes, as belong to him by his free

birth-right, unlesse it be by the lawfull judgement, that is, verdict of his EQVALS, (that is, men of his owne condition) or by the law of the land, (that is to speake once for all) by the due course and processe of Law.

No man shall be in any sort destroyed (to destroy i.e.) what was first built and made, wholly to overthrow and pull downe, unlesse it be by the verdict of his EQVALS, or according to the Law of the land. And so saith he is the sentence, (neither will we passe upon him) to be understood, but by the iudgement of his PEERS, that is EQVALS, or according to the Law of the Land, see him, fol. 48. upon this sentence; pro indicium parium suorum, and pag. 50. hee saith it was inacted, that the Lords and Peers of this Realme, should not give iudgement upon any but their Peers, and cites Rot. Parl. 4. E. 3. Num. 6. But the Roule is 4. E. 3. Num. 2. in the case of Sir Simon de Bereford, in which the Lords doe ingeniously confesse, that it is contrary to Law, for them to passe iudgement upon a Commoner, being they are not their Peers, that is EQVALS, which record at large you may read in The oppressed mans oppressions declared, Edition the second. pag. 18, 19 And also in part; in Vox plebis, pag. 40. 41.

So that by what hath been said, it cleerly, evidently, and undeniably appeares by the Law of the Land, and the Lords owne confession, that they are not the Peers or Iudges of Commoners in any criminall cases what soever. And we offer (at our utmost perrill) before any legall power in England, to maintain it by the knowne and declared Law of the Land, (which the Lords themselves, have solemnly covenanted and sworne to maintaine) that the Lords by the Law of England, “have not in the least any Iurisdiction at all over any of the Commons of England in any criminall cases whatsoever. But if the studious and industrious Reader, please to read that notable and late printed booke, called Regall tyranny discovered, he shall find that the Author of that book in his 43. 44. 45, 46, 47, and 86. page, layes downe many strong and solid arguments, to prove “that the House of Lords, have not lustly, neither judicative, nor legeslative power at all in them; and in his 94, 95, 96, 97, 98. he declares from very sound and good authority, “that before William the Conquerer and invader, subdued the rights and priviledges of Parliaments, that the King and the Edition: current; Page: [3-029b] Commons held and kept Parliaments, without Temporall Lords, Bishops, or Abbots, the two last of which, viz. Bishops and Abbots he proves, had as true and good right to sit in Parliament, as any of the present Lords now sitting at Westminster, either now have, or ever had, yea, and out of the 20, 21, pages of that notable, and very usefull to be knowne booke, called, The manner of holding Parliaments in England; before and since the conquest, &c. declares plainly, that in times by past, “there was neither Bishop, Earle, nor Baron, and yet even then the King of England kept Parliaments with their Commons only, and though since by INNOVATION, Earles and Barons, have been by the Kings prerogative Charters, (which of what legall or binding authority they are, you may fully read in the Lords and Commons Declaration this present Parliament) summoned to sit in Parliament, yet notwithstanding the King may hold a Parliament, with the Commonalty, or Commons of the Kingdome, without Bishops, Earles and Barons, and saith Mr. William Pryn, in the 1. part of his Soveraign power of Parliaments, pag. 43. (which booke is commanded to be printed by speciall authority, of the present House of Commons) out of Mr Iohn Vowels manner of holding Parliaments, which is recorded in Holingh; Cron. of Ireland, fol. 127, 128. that in times by past the King and the Commons did make a full Parliament, which authority (saith hee) was never hitherto abridged. Yea, this present Parliament in their Declaration concerning the Treaty of Peace in Yorkshire 20. Septem. 1641. betwixt the Lord Fairfax, &c. and Mr. Bellasis, &c. booke decl. 1. part pag 628. doe declare, first that none of the parties to that agreement, had any authority by any act of theirs, to bind that countrey, to any such Nutrality, as is mentioned in that agreement, it being a peculiar and proper power and priviledge of Parliament, where the whole body of the Kingdome is represented to bind all or any part. And we say the body of the Kingdome, is represented only in the House of Commons, the Lords not being in the least chosen to represent any body at all, yea, and the House of Commons, calls their single order for the receiving of Pole-money, May 6. 1642. 1. part book decl pag. 178. An Order of the

House of Parliament, yea, and by severall single orders, have acted in the greatest affaires of the Common-wealth, sometimes against the wills and minds of the Lords, 1. part book decl. pag. 13. 121. 122, 305, 522, 526, 537, 546, 557. book decl. 2. part pag 6, 7, 10, 12. 25. 29. 36. 37. 40, 41. 42. 45. 43, &c. see pag. 877, 878. 879.

And yet notwithstanding all this, the Lords like a company of forsworne men, (for they have often solemnly sworne to maintaine the Law) have by force and violence, indeavoured to their power, and contrary to law, to assume to themselves a judicative power over us, (who are Commons of England in criminall cases) and for refusing to stoop thereunto, have barbarously for many moneths tyrannized over us, with imprisonments, &c. And we according to the duty we owe to our native country, and to ourselves and ours, for the preservation of our selves, and the good and just declared lawes and liberties of England, and from keeping our selves and our posterities, from vassalage and bondage, did thereupon according to law and justice, appeale to the honourable House of Commons (as you may truly and largely read in divers and sundry bookes, published by us, and our friends) as the supreme and legall power and judicature in England, whom we did thinke and judge, had been chosen of purpose, by the free men of England to maintaine the fundamentall good lawes and liberties thereof, but to their everlasting shame (and the amazement of all that chose and betruisted them.) We are forced to speake it, we have not found any reall intentions in them, to performe unto us, the trust in that Particular reposed in them by the whole Kingdome, neither, have we any grounded cause to say (in truth) any otherwise of them, but that they are more studious and industrious unjustly in deviding hundred thousands of pounds of the Common wealths money amongst themselves, then in actuall doing to us (in whom all and every the Commons of England Edition: current; Page: [3-030a] are concerned, for what by the wills of the Lords, is done to us to day, may be done to any Commoner of England to morrow) either justice or right, according to their duty, and their often sworne oathes, though we have not ceased continuall to the utmost of our power, legally, and iustly to crave it at their hands, as you may fully read in our forementioned printed bookes. Sure we are; they tell us in their printed Declarations, that they are chosen and betruisted by the people, 1. part bok. decl. pag, 171, 172. 263. 264, 266, 336, 340. 361, 459. 462-508 588, 613, 628. 690, 703, 705, 711 714. 716. 724, 725. 729. And that to provide for their weale, but not for their woe, book decl. 1. part page 150: 81 382. 726. 728.

And they in their notable Declaration of the 2. Novemb. 1642. booke decl. 1 part pag. 700, expresly tell us, that all interests of publike trust is only for the publike good, and not for private advantages, nor to the prejudice of any mans particular interest, much lesse of the publike, and in the same page they further say, that all interests of trust, is limited to such ends or uses, and may not be employed to any other, especially they that have any interests only to the use of others, (as they confesse all Interests of trust are) cannot imploy them to their owne, or any other use, then that for which they are intrusted, yea, and page 266. they tell the King, that the whole Kingdome it selfe is intrusted unto him for the good and safety and best advantage thereof, and as this trust is for the use of the Kingdome, so ought it to be managed by the advice of the Houses of Parliament, whom the Kingdome hath intrusted for that purpose, it being their duty to see it be discharged according to the condition, and true intent thereof, and as much as in them lyes, by all possible meanes to prevent the contrary. And in page 687. being answering a charge that the King laid upon them, which was, as they cite it, that we can doe him no wrong, because he is not capable of receiving any, and that we have taken nothing from him, because he never had any thing of his owne to lose, upon which they demand the question, and say, in what part of that Declaration (meaning theirs of the 26. May, 1642.) is this told the King in plain English, or by any good inference? unlesse it must needs follow, that be "cause the King hath not a right of property in the Townes, Forts, Subjects, publike treasure and offices of the Kingdome, nor in the Kingdome it selfe to dispose of it at his pleasure, and for his owne private advantage, but only a trust for the commnn good of himselfe and his Subjects* (as it is most cleare he hath them no

otherwise) that therefore he cannot have a property in any of the Lands or goods, as Subjects have in theirs, and yet it is a truth that the more publique any person is, the more interest the publique hath even in those things that belong to him as a private man, in which regard the King hath not the like liberty, in disposing of his owne person, or of the persons of his children (in respect of the interest the Kingdome hath in them) as a private man may have.

And therefore negatively in the second place, we are sure, that the House of Commons, by their owne Declarations, were never intentionally chosen and sent to Westminster to devide amongst themselves, the great offices and places of the Kingdome, and under pretence of them to make themselves rich and mighty men, with sucking and deviding among themselves, the vitall and heart blood of the Common wealth, (viz. its treasure) now lying not in a swoond, but even a gasping for life and being, but let us see whether this and other of their late doings, be according to their former protestations, imprecations and just Declarations, which if they be not woe to them, for saith the spirit of God, Eccle. 5. 4. 5. When thou vowest a vow unto God Edition: current; Page: [3-030b] defer not to pay it; for he hath no pleasure in fooles, pay that which thou hast vowed. For better it is that thou shouldest not vow, then that thou shouldest vow and not pay, see Deut. 23. 21. 23. That which is gone out of thy lyps, saith God, thou shalt keep and performe, Num. 30. 2. Psal. 76. 21. Iob 22. 27 Eze. 17. 16, 17, 18, 19, Eze. 5. 4. 5. We find in their Declaration of the 5. May 1642. book de. 1. par p. 172 these words, The Lords and Commons therefore entrusted with the safety of the Kingdome, and peace of the people (which they call God to witnesse is their only aime) finding themselves denied these their so necessary and iust demands (about the Militia) and that they can never be discharged before God or man, if they should suffer the safety of the Kingdome, and peace of the people, to be exposed to the malice of the Malignant party, &c. And in there Remonst. of the 19. of May, 1642. book del. 1 par. p. 195. they say, That the providing for the publique peace, and the prosperity of all his Maiesties Realmes: within the presence of the all seeing diety, we protest to have been, and still to be the only end of all our counsellis and indeavours, wherein we have resolved to continue freed and enlarged from all private aimes, personall respects or passions whatsoever. But we wish withall our soules, they had intended, what they here declared, when they declared it, which is too much evident to every rational mans eyes, that sees and knowes their practises, that they did not, or that if they did, that they have broken and falcified their words and promises, and in the same Remonst. p. 214. speaking of those many difficulties they meet with in the discharge of their places, and duty, they say, “Yet wee doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded, with false and specious shewes, and so drawn to betray us to their owne undoing we have ever been willing to hazzard the undoing of our selves, that they might not be betrayed by our neglect of the trust reposed in us, but if it were possible, they should prevaile herein, yet we would not faile through Gods grace still to persist in our duties, and to looke beyond our owne lives, estates and advantages, as those who thinke nothing worth the enjoying, without the liberty, peace and safety of the Kingdome: nor any thing too good to be hazzarded in discharge of our consciences, for the obtaining of it, and shall alwayes repose our selves upon the protection of almighty God, which we are confident shall never be wanting to us, (while wee seek his glory) as we have found it hitherto, wonderfully going along with us, in all our proceedings. O golden words! unto the makers of which we desire to rehearse the 23. Mat. 27, Woe unto you Scribes, and Pharisees, Hypocrites, for yee are like unto whited Sepulchers, which indeed appeare beautifull outward, but are within full of dead mens bones, and of all uncleannesse. And in their Remon. May. 26. 1642. p. 281. They declare, “that their indeavours for the preservation of the Lawes and liberties of England, have been most hearty and sincere, in which indeavour, say they, by the grace of God we will still persist though we should perish in the worke; which if it should be, it is much to be feared, that Religion, Lawes, liberties and Parliaments, will not be long lived after us: but saith Christ, Mat. 23. 23, 28. Woe unto you Scribes and Pharisees, Hypocrites for yee make cleane the outside of the cup, and of the platter, but within they are full of extortion and excesse. Yee also appeare outwardly righteous unto men, but within yee are full of

hypocrisie and iniquity. And in their Decla. of July, 1642. concerning the distractions of the Kingdome, &c p. 463. 464. speaking of the businesse of Hull, they say, “the war being thus by his Maiesty begun, the Lords and Commons in Parliament, hold themselves bound in conscience to raise forces for the preservation of themselves, the peace of the Kingdome and protection of the Subiects in their persons and estates, according to Law, the defence and securite of Parliament, and of all those who have been imployed by them in any publique service for these ends, and through Gods blessing, to disappoint the designes, and expectations, of those who have drawn his Maiestie to these courses and Counsells, in favour of the Papists at home, the Rebels in Ireland, the forraign enemies, of our Religion and peace.

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“In the opposing of all which, they desire the concurrence of the well disposed Subjects of this Kingdome, and shall manifest by their courses and indeavours, that they are carried by no respects but of the publique good, which they will alwayes prefer before their owne lives and fortunes. O that we might not too justly say! they are already falne from their words.

And in their most notable Declaration of August, 1642. pag. 498. being in great distresse they cry out in these words, “and we doe here require all those that have any sence of piety, honour or compassion, to helpe a distressed state, especially such as have taken the Protestation, and are bound in the same duty with us unto their God, their King and country, to come in to our aid and assistance, this being the true cause, for which we have raised an Army, under the command of the Earle of Essex, with whom in this quarrell wee will live and dye.

And in their answer to his Majesties message of the 12 of No. 1642. p. 750. they have these words, God who sees our innocency, and that we have no aimes, but at his glory and the publique good, &c. O golden language, but without reall performance, are but an execrable abomination in the sight of God, and all rationall men.

But when these Declarations and Promises were solemnly made, the Authors of them tooke it extreame ill at the hands of the King, when he told them they dissembled, and meerly sought themselves, and their owne honour and greatnesse, which he doth to the purpose in severall of his Declarations, but especially in his Declaration of the 12. August, 1642. pag. where speaking of the earnest desire he had to ease and satisfie his Subjects, he saith, that whilst we were busie in providing for the publique, they were contriving particular advantages of offices and places for themselves, and made use underhand of the former grievances of the Subiect, in things concerning Religion and Law, &c. and in the next pag. speaking of their zeale against the Bishops, &c. He declares their designe, was but of their goodly revenue to erect Stipends to their owne Clergy, and to raise estates to repaire their owne broken fortunes.*

And in the Same Remonstrance pag. 539. he declares, that after many feares and iealousies were begun, they would suffer no meanes to compose it, but inflamed the people, because (he saith) they knew they should not only be disappointed of the places, offices, honours, and imployments they had promised themselves, but be exposed to the justice of the law, and the just hatred of all good men.

All which they in their antient and primitive declarations disdaine, as most dishonourable to be fixed upon them, or supposed ever intently to be acted by them, especially so visibly that any should be able to see it, and therefore in their 3. Remonstrance, book decl. 1. part pag. 264. “they labour to perswade the people not to destroy themselves, by taking their lives, liberties, and estates out of their hands, whom they have chosen and betrusted therewith, and resigne them up to some evill Counsellours about his Majestie, who (they say) are the men that would perswade the people, that both

Houses of Parliament containing all the Peers, and representing all the Commons of England, would destroy the Laws of the land, and liberties of the People, wherein besides the trust of the whole, they themselves in their owne particular, have so great an interest of honour and estate, that we hope it will gaine little credit with any, that have the least use of reason, that such as have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time, and run so many hazzards to make themselves slaves, and to destroy the property of their estates. But we say in the bitterness of our soules. O! that their actions Edition: current; Page: [3-031b] and dealings with us, and many other free men of England, had not given too just and grounded cause to judge that the forementioned charge of the King, was righteous, just, and true upon them, and which if their owne consciences were not seared with hot Irons, and so past feeling, would tell them with horror* that he spoake the truth.

And in the forementioned most notable Declaration, pag. 494. one of the principall things they complaine of against the King, and his evill Counsellors is, ‘that they endeavour to possesse the people that the Parliament will take away the law, and introduce an arbitrary Government; a thing (say they) which every honest morall man abhors, much more the wisdom; justice, and piety of the two Houses of Parliament,* and in truth such a charge as no rationall man can beleieve it, it being impossible so many severall persous, as the Houses of Parliament consists of about 600. and in either House of equall power shall all of them, or at least the Major part, agree in acts of will and tyranny, which make up an arbitrary government,* and most improbable, that the nobillity and chiefe gentry of this Kingdome, should conspire to take away the Law, by which they enjoy their estates, are protected from any act of violence, and power; and differenced from the meaner sort of people, with whom otherwise they should be but fellow servants.

And when they come to answer the Kings maine charge, laid to them, in his Declaration, in answer to theirs of the 26. of May, 1642. they say, book decl. pag. 694. “As for that concerning our inclination to be slaves, it is affirmed, that his Majesty said nothing which might imply any such inclination in us, but sure, what ever be our inclination, slavery would be our condition, if we should goe about to overthrow the Lawes of the Land,* and the propriety of every mans estate, and the liberty of his person. For therein we must needs be as much patients as agents, and must every one in his turne suffer our selves, whatsoever we should impose upon others, we have refused to doe or suffer our selves, and that in a high proportion. But there is a strong and vehement presumption, that we affect to be tyrants, and what is that? because we will admit no rule to governe by but our owne wills:.* But we wish the charge might not too truly be laid upon you. For our parts, we aver, wee feele the insupportable weight of it upon both our shoulders.

And therefore to conclude this, we desire to informe you, that in severall of their Declarations, they declare and professe, they “will maintaine what they have sworne in their protestations, the which if you please to read, you shall find there amongst other things, that they have sworne solemnly to maintaine the lawfull rights and liberties of the Subject, and every person whatsoever, that shall lawfully in deavour the preservation thereof and therefore book dec. 2. part pag. 497. they solemnly imprecate the judgements of God to fall upon them, if they performe not their vows,* promises and duties; and say woe to us if we doe it not, at least doe our utmost indeavours in it, for the discharge of our duties, and the saving of our soules, and leave the successe to God Almighty*.

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Now what the liberty of the Subject is, they themselves in their Declarations excellent well discribe and declare; “that it is the liberty of every Subject to enjoy the benefit of the law, and not arbitrarily and illegally to be committed to prison, but only by due course and processe of law, nor to have their

lives, liberties nor estates taken from them, but by due course and processe of Law, according to Magna Charta and the Petition of Right which condemnes as unjust all Interrogatorie proceedings in a mans owne case, nor to be denied Habeas Corpusses, nor baile in all cases whatsoever, that by law are baileable, and to injoy speedy tryalls without having the just course of the law, obstructed against them, 1. part book decl. pag. 6, 72, 38, 77. 201. 277. 278. 458, 459. 660, 845.

Yea, in their great Declaration of the 2. Novemb. 1642. book. decl. 1. part. pag. 720 they declare “it is the liberty and priviledge of the people, to Petition unto them for the ease and redresse of their grievances, and oppressions, and that they are bound in duty to receive their Petitions, their own words are these, “we acknowledge that we have received Petitions, for the removall of things established by law, and we must say, and all that know what belongeth to the course and practice of Parliament, will say that we ought so to doe, and that our predecessors and his Majesties Ancestors have constantly done it there being no other place wherein lawes, that by experience may be found grievous and burthensome can be altered or repealed, and there being no other due and legall way, wherein they which are agrieved by them, can seeke redresse; yea, in other of their Declarations, they declare, that is, the liberty of the people in multitudes to come to the Parliament to deliver their Petitions, and there day by day to waite for answers to them, [Editor: illegible word] part book. decl page 1. 2 3. 201. 202. 209. 548.

And there is not a little harmony betwixt these their Declarations. and the antient and just Law of the Land, as appeares by the future of 36. E. 3. 10. which expresly saith, that “for maintenance of the Law, and the redresse of divers mischiefes and grievances which dayly happen, a Parliament shall be holden every yeare, as another time was ordained by a statute of the 4. E 3. 14 yea saith learned Sir Edward Cocke in the 3. part of his Instit. chap. high Court of Parliament, fo. 11. One of the principall ends of calling of Parliaments, is for the redresse of the mischiefes and grievances that dayly happen, and therefore (saith he) (Ibim) the Parliament ought not to be ended while any Petition dependeth undiscussed, or at least to which a determinate answer is not made, but truly we are afraid that if this last rule should be observed, this present Parliament must sit till the day of judgment, for we for our particulars may truly say it is the furthest thing in their thoughts, duly to redresse the grievances of the people for care they take none for any thing we can see, but how to accomplish their owne pecuniary ends, and to study wayes how to increase mischiefes and grievances, and to involve the generality of the people, in an everlasting caos of confusion, by making their wills and lusts a law, their envy and malice a law, their covetousnesse and ambition a law, for we for our parts are necessitated to declare (with anxiety’ of spirit) that we can obtain no justice nor right at their hands, though we have long since appealed to them for it, yet can we not obtain so much justice from them, as to get our reports made in the House, from their own Committee they themselves appointed to examin our business: neither can we so much as get our businesse publicly debated in the House (because as it seemes they have no time to spare, to spend to redresse the Commons grand grievances, from their weighty employments, in unjustly sharing vast summs of the Common wealths money amongst themselves,) although we have not ceased to use all the legall meanes, that both Edition: current; Page: [3-032b] our owne braines, and all the friends and interests we had about London could furnish us with, and when they failed us, God himselfe raised us up divers friends in the Country of our fellow Commons who made our oppressions their owne, and of their selves, before we knew any thing, were about framing a Petition in our behalfe, which as soone as we knew it, we could not chuse but looke upon it (as to us) in the nature of a resurrection from the dead, who we have too just cause to thinke were buried alive, and swallowed up quick in the Canniball breast and mawes, of the man eating and devouring House of Lords. And therefore as Paul in the like case said in the 2 Tim. 1. 16. 17. 18. The Lord give mercy unto the house of Onesiphorus for he hath oft refreshed me, and was not ashamed of my chain: But when I was at Rome he sought me out very diligently, and found me. The Lord grant unto him, that he may find mercy of the Lord in that day.

Even so say we in the inlargednesse of our soules, the Lord give merey to the honest, manlike, and Saint-like Inhabitants of Buckingham-shire: and Hartford-shire, for they have greatly and extraordinarily refreshed us, and were not ashamed of our chaines and bonds for the libertys of their Country, and when they were in London sought us out very deligently and found us, and not only so, but the greatest part of ten thousand of them, as we understand subscribed a Petition for us, to the House of Commons, to desire them, according to their duty, to deliver us out of the devouring Pawes, of the tyrannicall House of Lords, and to free us from their arbitrary and illegall power, and divers hundreds, of them at their own costs and charges, through much underhand opposition, came to the Cities of London and Westminster, about or upon the 10. Feb. 1646. but not finding speedy and free accesse to the House of Commons with their Petition, according to their just expectation, their owne primitive practice, and publiquely declared duty: in which regard they left behind them 6. of themselves, as Commissioners for all the rest, to improve their utmost interest to get their Petition to be delivered and read in the House, and gave unto them instructions in writing to explaine some things in the Petition, in case they were called into the House, and then to give a perfect account unto them, what was done about their Petition: but their Commissioners waited with all deligence upon the House, till the 17. or 18. of Feb. 1646. and improved (as we credibly understand) all their interest in all or the most of their own Knights and Burgesses, &c. but could not by all the meanes, they could use get their Petition read in the House, the reason of which we are not able to render, unlesse it be that the Peoples chosen trustees of the House of Commons, are resolved to betray their trust, and to sacrifice the lives, liberties, and proprieties, of all the Commons of England, to the mercilesse tyrannie, and barborous crueltie of the House of Lords, Oh COMMONS of England, awake, awake, and looke seriously and carefully about you, before you be made absolute vassells and slaves, unto the lusts and wills of those that you have preserve alive with your blood and treasure from whom yee deserve better then you find, or are likely to injoy.

The Lord grant unto the foresaid men of Buckingham-shire and Hartford-shire, that they may find mercy of the Lord in the day of their account, and the Lord God grant that their spirits may not faint, flag, nor be weary, but that they may renue their strength, and double and trible their Petition, with all importunity, and solícite all their neighbouring, Countyes to joyn with them, and never give over till they have made them and their posteritie free from the bondage of the Lords, and shakt of all arbitrary power what ever. And the Lord God of Heaven raise up heroically the spirit of all their fellow Commons in all the Counties of England to second them and joyne with them, in that legall, just and righteous worke they have begun, and to glue and knit their hearts and soules together, as Jonathan and Davids was, that they may never part nor be devided, till they have accomplished their Edition: current; Page: [3-033a] iust enterprise, and the good Lord; require all their kindnesses and labour of love, manifested unto us poore afflicted and greatly distressed prisoners seven fold, into their owne bosomes, Amen Amen.

But now in regard our friends, nor their Commissioners cannot get their Petition to be delivered, in which regard they have all left the City and Parliament, as disparing in obtaining their just end at the present, and are gone downe into the Countrey, truely to acquaint the rest of their friends, how they have been dealt with, we judge it our duty, and that we are so much bound to our selves, and the whole Kingdome: (though we must truly confesse, that at we have no such Commission from the Petitioners nor their Commissioners) as to publish a true Copy of their Petition and instructions, which thus followeth.

To the right Honourable, the betruſted Knights, Citizens, and Burgesses in the Commons House of Parliament (Englands legall, Sovereign power, Assembled.)

The humble Petition of the Inhabitants of Buckingham shire, and Hartford-shire, &c. whose Names are hereunto subscribed.

HVMBLY SHEWETH.

THat your Petitioners, and the rest of the free-men of England, before the beginning of this Parliament, being almost destroyed of their Lawes, Libertyes, and Freedoms, by the arbitrary machinations, politick designes, and practises of the Pattentee Mopolizers, and of other arbitrary supplanters and Agents, which laboured to subvert the Fundamentall Constitutions of this Realme, and to set up a tyrannicall Government, tending to the utter vassalage and overthrow of all the free people of this Kingdome, together with their Naturall, Nationall, and Legall Rights and Liberties, God putting into our hands, an opportunity to free our selves from those tyrannies and oppressions; We, for our better weal and happinesse, chose and betrustrusted your Honours for the same end and purpose; and to that end we have elected, invested, and betrustrusted you with our indubitable and naturall power and Birth-rights, for the just and legal removall of our Nationall evils; In the expectation whereof, we have waited ever since, your first sitting continually and cheerfully assisting you, with our lives, persons, and estates, being much encouraged thereto by the severall protestations, and Declarations, wherein you have solemnly protested before the great God of Heaven and Earth, and to the whole world declared your upright and well grounded resolutions, to vindicate the just liberties, of every Free-borne Englishman, without exception.

Now therefore, our most humble request unto your honours is, that you would (according to your duties, and the great trust reposed in you) take into your consideration, the slavish condition, that we the free people of England are yet subject unto, by reason of those arbitrary practises that are still continued, acted, and perpetrated upon us by some prerogative men of this Kingdome; whom we humbly conceive, have no power over our bodies or estates they being not Elected thereunto by the free men of England; and therefore may not commit our bodies to prison (contrary to the fundamentall lawes, of this Kingdome) as we suppose hath been done to, some of the free men of this Kingdome without producing any Legall Authoritie, that your Petitioners can here of; for what they did. Wherefore your Petitioners most humble desire is that you would according to the respective Appeals Edition: current; Page: [3-033b] of the said free Subjects unto this supreame House, be pleased to take their cause into the legall Iudgement, and speedie determination of this House, as the whole matter thereof shall be reported unto you, by the honourable Committee, for consideration of the commons Liberties, who have their whole manner of the proceedings against them, together with their respective defences ready to represent unto your honours, and to grant unto them your indubitable justice (according to their late Petitionary, and still constant desires) whereby they may receive the sentence of this House, either for their present justification, or condemnation; that they may not be ruined and undone by an arbitrary and unjustifiable Imprisonment. And if that, through the urgent affaires of the Kingdome, your occasions will not afford you so much time, as to consider and expediate their businesse at present: Our humble request is that you would by an order from this House, forthwith set them free out of prison; they giving legall security for their future forth comming, untill such time as time as your honours shall be pleased to hand out to them full and effectuall justice. And that you would be pleased, in case the principall informers and Actors be found guilty, to grant them full and ample reparations according to the Law of the Land. And further, that you would take care for the time to come, to free us and our children from the feare and prejudice of the like Arbitrary and Prerogative proceedings, according to your late promise in your most just declaration of the 17. of Aprill 1646. And your Petitioners as in duty bound shall ever pray, &c.

Instructions agreed upon as the sence of the Petitioners of

Buckinghamshire and Hartford shire.

First, the persons imprisoned, Lieu, Col. Iohn Lilburne, Mr. Overton, his wife and Brother, Mr. Larners Brother and Maid, &c.

Secondly, by prerogative men, we mean such as sit to try Commoners, and are not elected by the free choice of the People, (viz. the House of Lords.)

Thirdly, By Arbitrary practises, we meane such as are contrary to the Law of the Kingdome.

As first, for any persons to try those that are not their Peers or Equalls: witnesse Magna Charta. C. 29 3. Ed. 1. 6. Sir Edward Cookes exposition of the 14. and 19. C. of Magna Charta, &c. (as the House of Lords have done some, and would have done all the above mentioned.)

Secondly, For any to imprison men for not answering to Interrogatories in Criminall Causes.

Wee must professe to all the world, we are in an amazement, and almost at a stand, when we consider that the House of Commons, who are chosen and betruſted by the people for no other end in the World, but to maintaine, preserve and defend their Lawes and liberties, and to redresse their mischieses and grievances, and to provide for their earthly happinesse and well-being book decl. 1. part. pag. 150. which they have so often sworne, vowed, protested, and declared to doe, that they should be so negligent in performing their trust and duty, and making good their Oathes, and Vowes, in not doing us justice and right, according to the Lawes of the Kingdome, (who have legally and formally, long since appealed to them for that end,) but suffer before their faces, the tyrannicall House of Lords, arbitrarily and illegally to destroy us; and to tread and trample vnder their feet, the lawes and liberties, of all the Commons of England, and so by consequence make us all Vassells and Slaves, to their tyrannicall lusts and wills.

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But confidering that by natures principall, we are bound to the utmost of our power to preserve our selves, and to leave no wayes and meanes unattempted that tends thereunto, we cannot yet sit still, but goe on, and the rather because our Iudges to whom we have appealed to for justice, tell us in their Declaration of the 19. May 1642. 1 part book, decl. pag. 207. That this law is as old as the Kingdome. That the Kingdome must not be without a meanes to preserve it selfe, the ground and reason of which Law, extends to the benefit of every particular individuall man in the Kingdome, whose destruction, contrary to the law of the Land is indeavoured by those that should preserve them, which is our case, as well as it was theirs, (in reference to the King) with whom we have to doe, and therefore we desire for the satisfying of all to whom this is directed, to declare out of their owne Declarations, their arguments against the King, when he ceased (as they say, pag. 580, 636.) to extend his legall protect on and justice to them; but this by the way, we must aver, that we are very confident the King is ten times more fortified, and hedged about with the Law of the Kingdome, then they are. Which we demonstrate thus, they are all as they call themselves, Subjects, and therefore though their priviledges be great, as they are Parliament men, yet they are (or at least ought to be) by their owne confession, subject to the severity of the Law, in cases of treason, felony and breach of the peace, 1 part book decl. pag. 48. 278. which is also averred by that able and learned Lawyer, Sir Edward Cook in his 2. par inst. chap of the high Court of Parliament, fol. 25. which booke is published by their owne speciall Order, but we read not in any of their Declarations, that they themselves aver any such thing of the King.

And therefore if by themselves, their arguments be esteemed just and sound against him for not doing his duty (who is much more fortified by law then themselves) then much more when they cease to doe their duty, and in practise destroy the lawes and liberties of the Kingdome, and subject the free men thereof to an Arbitrary and tyrannicall power, (which we aver they have done us) will their owne arguments serve and be sound and good against themselves.

Therefore we desire to declare unto you, that when they apprehended themselves in danger, they sent unto His Majestie the 31. Decem. 1641. book decl. 1 part pag. 44. and desire him that they may have a guard, in which message they have these words. They have therefore their recourse unto your Maiestie, most humbly beseeching you, that if it may stand with your good liking, if they provide for their owne safety, which the very Law of nature* and reason doth allow unto them, it is their humble desire, that they may have a guard out of the City of London, commanded by the Earle of Essex, Lord Chamberlaine of your Maiesties house-hold, of whose fidelity to your Maiestie and the Commonwealth, they have had large experience.

And in their Petition to his Maiestie about the Militia: 1. March 1641. book decl. 1. part pag. 92, 93, 94. after they have told his Majestie what danger they are in, for want of settling the Militia, they use these very words wherefore they are inforced in all humility to protest, that if your Maiestie shall persist in that denyall, the dangers and distempers of the Kingdome are such, as will indure no longer delay. But unlesse you shall be graciously pleased to assure them by these messengers, that you will speedily apply your royall assent to the satisfaction of their former desires, they shall be inforced, for the safety of your Maiesty and your Kingdomes, to dispose of the Militia, by the authority of both Houses, in such manner as hath been propounded to your Maiestie: and they resolve to doe it accordingly.

And a little below, they beseech his Maiestie to be informed by them, that by the Lawes of the Kingdome, the power of raising, ordering, and disposing of the Militia, within any City, Towne Edition: current; Page: [3-034b] 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 Kingdome which have put themselves into 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 iustifiable by the Lawes of the Kingdome.

And in their Declaration of the 19. May 1642. pag 202 they say, wee must maintain the ground of our feares, to be of that moment, that we cannot discharge the trust and duty which lyes upon us, unlesse we doe apply our selves to the use of those meanes, to which the Law hath inabled us in cases of this nature, (viz. to settle the Militia without, and against his consent) for the necessary defence of the Kingdome, and as his Maiesty doth graciously declare, the Law shall be the measure of his power, so doe we most heartily professe, that we shall alwayes make it the rule of our obedience.

But O say wee! that you had not now forfeited all your credit by notoriously violating your never intended to be kept promises.

And in their Petition to the King about the businesse of Hall, pag 465. 466. they say we shall be ready to settle the Militia, in such way, as shall be honourable and safe for your Maiestie, most agreeable to the duty of Parliament, and effectuell for the good of the Kingdome, that the strength thereof be not employed against it selfe. And we say we wish it may not, to the setting up of a tyranny of another nature, but worse then the former we groaned under. But we go on to their answer of the Kings positions, which answer is annexed to their great Declaration of the 2. Vo. 1642. where in the third answer pag. 726. they say, that we did and doe say, that a Parliament may dispose of any thing,

wherein the King or any Subiect hath a right, in such way as that the Kingdome may not be in danger thereby, and that if the King, being humbly sought unto by his parliament, shall refuse to ioyn with them in such cases, the representative body of the Kingdome is not to sit still, and see the Kingdome perish before their eyes, and of this danger they are Iudges. Here may be an excellent argument drawn from the greater to the lesse, which will undeniably hold good against the Arbitrary and illegall practises of the Parliament, which we in our particulars groane under.

Now all these things considered, we hope it cannot be justly taken ill at our hands by the Parliament, nor by any rationall or understanding man in the Kingdome, though never so much devoted unto implicate, and blind Presbyterian, Synodian obedience, if we for our preservation shall tread in the Parliament steps, by appealing to the People against them, as they did against the King, especially considering they deale worse with us then ever he dealt with them, for he did not actually imprison their bodie, and thereby rob them of their liberties, trades, livelihoods, and subsistence, and allow them nothing to live upon, and expose their whole families, (to the eye of reason to) an unavoydable, famishing and perishing condition; all and every of which, contrary to the law of the Land, justice, reason and conscience) they have actually with a great deale of Barbarous cruelty done to us, and like deafe Adders stop their cares against all our just cries and Petitions, and are worse then the unrighteous judge, whom no importunity will overcome, and will neither by the law of the land try us, nor allow us, as by law they ought, meanes to live upon, but keep us contrary to all law, equitie, justice, reason and conscience, in prison, to murther and destroy us, and wives and young infants. On! thou righteous and just iudge of all the world, arise, arise, and for thy owne glorious name sake, make bare and naked thy owne sovereign and almighty arme of justice, and visibly to the view of men, doe justice betwixt us, and punish in thine indignation, those of them or us, where the true and just cause of offence and guilt Edition: current; Page: [3-035a] lyes in this particular controversie betwixt us; Oh thou that stilest thy selfe to be a God hearing prayer, and that heares the sighs and groanes of thy distressed ones, heare in Heaven and answer this supplication speedily for thy names sake.

But before we doe solemnly, seriously and actually appeale to the people, as of necessity, if by them we cannot injoy justice and right, and the benefit of the known and unrepealed lawes of the land which is all we crave or desire; (we both must and will: cost it hanging or burning or whatever it will) we desire from their owne words to make our way plaine before hand, and the more to leave them without excuse before God, and all our fellow Commons of England, seeing skin for skin, and all that a man hath, will he give for his life, lob 2.

And therefore in the first place, we must professe in their owne words, in their declaration to the States of Holland; pag 6, 7, that we have no other designe in the world, but not to be destroyed, and save our selves, Lawes, Liberties and freedoms, and let them not say, if we should formally appeale to the people, that we maliciously indeavpur to dissolve the whole frame and constitution of the civill policy and government of this Kingdome, into the originall Law of nature, by arrainging and condemning before the people, the High Court of Parliament, from whence legally there can be no appeale, we doe truly confeste (and owne) the Honourable House of Commons, (whose just interest we honour with all our hearts) to be to us the legall supream power in the Kingdome, from whom we conceive in law we have no higher appeale, but if the house of Commons will not doe us iustice and right, and so discharge their trust and duty, but suffer the Lords contrary to the Law of the Land (which they have sworne to maintaine) to murther and destroy us, our wives and children, and by consequence the liberty of all the Commons of England, we cannot nor dare not, for feare of being traitorous and felonious to our selves, sit still and willingly suffer our selves contrary to the good and just Lawes and constitutions of the Kingdome to be destroyed by the Lords; who in Law have no more power to commit our bodies to prison (being Commoners,) then we have to commit theirs.

Therefore, it is not we, but they themselves, that dissolve the legall frame and constitution of the civill policy and government of the Kingdome by suffering will and lust, but not law, to rule and governe us, and so reduce us into the originall Law of nature, for every man to preserve and defend himselfe the best he can, and therefore it must be so (for so it is) we in their owne words pag 690. say in Gods name let the people iudge every man within his owne breast, whether they or we are most guilty of the foresaid charge.

But we come to their owne words in their appealing to the people, and craving their aid and assistance to helpe to preserve them, against those that (they say) contrary to Law would have destroyed them, and we shall begin in the first place with the protestation which they made and tooke the 3. of May 1641 and by an Order of the 5. May 1641. give their approbation to the taking it by any Commoner of England. In the preamble of which, they spend much time to demonstrate, that there have beene and still is a strong indeavour by a Malignant party to subvert the fundameneall Lawes of England, &c. And to introduce the exercise of an arbitrary and tyrannicall government, and therefore they sweare and protest, they will maintaine the lawfull rights and liberties of the Subject, and every person that maketh this protestation, in what soever he shall doe in the lawfull pursuance of the same. And to my power, and as far as lawfully I may, I will oppose and by all good wayes and meanes indeavour to bring to condigne Punishment all such, whether Lords or Members of the House of Commons without exception) as shall, either by force, practice, counsels, plots, conspiracies, do any thing to the contrary, and by their Vote of the 30. of June, 1641. They say, that what person soever Edition: current; Page: [3-035b] that will not take this protestation, is unfit to beare office in the Church or Common Wealth.

Now let us see what use they make of this protestation against the King, and we shall find in the first part book decl. p. 190, 191. The vote of the House of Commons in these words, Resolved upon the Question.

“That this house doth declare, that if any person whatsoever shall arrest, or imprison the persons of the Lords and Gentlemen, or any of them: or any other of the Members of either house of Parliament, that shall be imployed in the service of both houses of Parliament, or shall offer violence to them, or any of them, for doing any thing in pursuance of the commands or instructions of both Houses, shall be held disturbers of the proceedings of Parliament, and publique enemies of the State, And that all persons* are bound by their Protestation to indeavour to bring them to condigne punishment. Another Order of the selfe same effect you may read pag 156. made by them 16 Aprill 1642.

And in their Declaration of 26. May 1642. pag. 278. speaking of the Kings proclaiming Sir Iohn Hotham a Traytor, without due processe of Law, they “declare it not only a breach of the priviledge of Parliament, but a subversion of the Subjects common right, yea, and such a breach of the Priviledge of Parliament, as that the very being thereof depends upon it: and therefore (say they) we no wayes doubt, but every one that hath taken the Protestation, will according to his solemn Vow and Oath defend it with his life and fortunes.

And in their Declaration of the 19 May 1642. pag. 214 speaking of the many difficulties that they are forced to incounter with in the discharg of their duty to the Kingdome, they say, “yet we doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded with false and specious shewes, and so drawne to betray us to their owne undoing, who have ever been willing to hazzard the undoing of ourselves, has they might not be betrayed by our neglect of the trust reposed in us.

And in their small declaration of the beginning of August 1642. pag. 496, replying unto his Maiesties Answers to their propositions, they say, “And having received so sharp a returne such expressions of

bitternesse, a justification and a vowed protection of Delinquents from the hand of Iustice, Demands of so apparent dangers, such manifestations of an intention to destroy us, and with us the whole Kingdome, (and this most clearly evidenced by their subsiquent actions, even since these propositions have been made unto us from his Maiestie, overtunning severall Countries, compelling the Trained Bands by force to come in and joyne with them, or disarming them, and putting their armes into the hands of leud and desparate persons, thereby turning the Armes of the Kingdome against it selfe) it be not fit for us, not only not to yeeld to what is required, but also to make further provison, for the preservation of ourselves, and of those who have sent us hither and intrusted us with all they have, Estates liberty and life, and that which is the life of their lives, their* Religion, and even for the safety of the Kings person now invironed by those who carrie him upon his own ruine, and the destruction of all his people: Atleast to give them warning, that all this, is in danger: That if the King may force this Parliament they may bid farewell to all Parliaments, from ever receiving good by them, and if Parliaments be lost, they are lost; their Lawes are lost, as well as those lately made, as in former times, all which will be cut Edition: current; Page: [3-036a] in sunder, with the same sword now drawne for the distruction of this Parliament, Then if they will not come to helpe the Parliament, and save themselves, though both they and we must perish, yet have we discharged our conscience, and delivered our soules, and will looke for a reward in Heaven, should we be so ill requited upon Earth, by those of whom we have deserved; which we cannot feare, having found upon all occasions, such reall demonstrations, of their love and affection, and of their right understanding and apprehension of our and their common dangers.

And in their large Declaration of the 2. Novemb. 1642. pag. 699 speaking of his Majesties, charge in his Declaration, where he compares them to the Anabaptists mentioned in Mr. Hookers booke, they say, if ever God shall discover the foule Authors of so false a calumny, we doubt not but the Kingdome (that is the universallity of the people) will be very sensible of it, and esteeme that they can never doe themselves right,* but by bringing to condigne punishment, such persons as could find in their hearts to lay so vile an aspersion upon the Parliament, a name that alwayes hath, and we hope alwayes shall be of so great honour and reverence within this Kingdome.

And in the same Declaration, pag. 728. answering his Maiesties charge fixed upon them, of designing the ruine not only of his Maiesties person, but of Monarchy it selfe; And we appeale to all the world, (say they) whither worse words then these can be given us? And whether we may not justly expect the worst actions that the malice and power of the Malignant party about his Majestie can produce? And whether it be not high time for us to stand upon our defence, which nature teacheth* every man to provide for, and this Kingdome unlesse it be very unnaturall, and unmindfull of it selfe, cannot but afford to them whom it hath intrusted and by whom it is represented.

Now from all the forementioned authorities, and arguments of the Parliaments owne Declarations, we draw these conclusions (which naturally flow from them) first that all Majesteriall Power in England whatever, are but Offices of trust, and bound up with this limitation, to be executed for the good of the trusters.

Secondly that it is posible, that all or any, of the severall Majesteriall trustees may forfeit their, or its trust.

Thirdly that in case of Forfiting the Majesterycall trust, the trusters (the people) are disobliged from their obedience and subjection, and may lawfully doe the best they can for their owne preservation; but if what hath beene said, be not fully cleare out of all doubt to prove the foresaid deducions. We wil only ad two more proofs at present of there own Authorityes which will put them all out of dispute the first is out of a late sheet of paper, newly Printed according to Order of Parliaments Intitled King

James his Opinion and Iudgement concerning a Real King and a Tirant, extracted out of his owne speech to the Lords and Commons in Parliament at White-Hall. 1609.

A King (saith King James) in a settled Kingdome, binds himselfe to a double oath, to the observation of the fundamentall Lawes of his Kingdome, tacitly, as by being a King, and so bound to perfect, as well the People, as the Law of his Kingdome, and expresly by his oath at his Coronation. So as every just King in a settled Kingdom is bound to observe that Paction (or Covenant) made to his people by his lawes, inframing his government agreeable thereunto, according to Edition: current; Page: [3-036b] that paction made with Noah, after the deluge (Gen. 9. 11.) therefore a King governing in a settled Kingdome, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves of to rule according to his lawes; therefore all Kings that are not Tyrants or perjured will be glad to bound themselves within the Limits of their Laws, and they that perswade them the contrary, are Vipers & Pests, both against them & the Commonwealth, thus for King James out of which the Author of that sheet drawes nine inferences or conclusions, the oft of which is in these words. That a King governing in a settled Kingdome as the Kingdome of England is, leaves to be a King, so soone as he leaves of and failes to rule according to his Lawes. And so leaving of to be a King, the government on his part is infringed, so as the people are no longer his subiects to obey him in his lawlesse government then he is, their King governing them according to his Laws, to the same effect is his fixt conclusion, and in the last end of the seventh, he hath these words. That if Kings cease to be Kings, setting up an absolute tyranny over the People, to govern them no longer by the Lawes as free borne liege People, but lawlessly as vassells and slaves, then on the other side the people leaving to be subjects, doe owe them no more obedience, as being none of their Kings, but as usurping tyrants. For as a King turning Tyrant, practising tyranny under the name of prerogative, hath broken the bonds of the Kingdome: so the subjects owe him no more duty of liege people, except they will avow themselves his Slaves, and so betrayers of their own and the publique liberties, which ought to be more precious unto them then their lives and lands. Agam. 8 a King so degenerating into a Tyrant, is by the verdict of K. James departed a perjured man &c. & perjured men as they are odious to God, so they bring an execration upon a land, Za. 5. 3. 4. and if so then say we, wo, woe, woe, unto poore England, by reason of the perjuries or forswearing of the dissembling Lords and Commons at Westminster, that have laid aside the Law, and troden under their feet, the liberties of England. And the unreverend Dissembly of Divines, that rob Iesus Christ of his honour and glory, by justing him out of his regallity and Kingship given unto him by his Father, and yet take oathes themselves, and force other men to doe so too, to maintaine the Lawe, and liberties of the Kingdome, and to set up an Ecclesiasticall Church government according to the word of God, and yet set up nothing but a spirituall and temporall tyranny, and with a high hand indeavour the destruction of every man, that indeavours to keep them close to their violated oaths and Covenants, therefore whatsoever the author of the forementioned discourse avers of a King, when he seekes to governe according to his lawes, the same doe we aver of a Parliament, and Parliament-men, that when they cease to execute the end of their trust, which is as themselves say, to provide for the peoples weales, but not for their woes, and doe meerly indeavour to make themselves tyrants over the people, to governe them not by the established lawes, but by their lusts and wills they doe thereby make the people their vassells, and slaves, (as much as in them lyes) and thereby disobleidge the people to obey, stoop or submit, to any of their commands, but in the eye of God and all rationall men, may as justly resist and withstand them, and by force of Armes defend themselves against them, (as a company of forsworne men that have forfeited their Majesterial trusts, and are degenerated into the habits of tyrants) as they withstood, and by force of armes defended themselves against the King, for the further prooffe of which in the second place, read their owne words l. par.b. dec. pag. 156. which thus followes.

“For it cannot be supposed that the Parliament would ever by Law intrust the King, with the Militia, against themselves, or the Common wealth, that in trusts them to provide for their weale, nor for their

woe. So that when there is certain appearance or grounded suspicion, that the letter of the law shall be improved, against the equity of it (that is, the publique good, whether of the body reall or representative) then the commander going against Edition: current; Page: [3-037a] its equity, gives liberty to the commanded to refuse obedience to the letter, for the Law taken [Editor: illegible word] from its originall reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soule. It is the execution of Lawes, according to their equity and reason, which (as I may say) is the spirit that gives life to authority, the letter kills. Nor need this equity be expressed in the law, being so naturally implied and supposed in all Lawes that are not meerly imperiall, from that Analogue which all bodies politick hold with the naturall, whence all government and governours borrow a proportionable respect; and therefore when the Militia of an Army is committed to the Generall, it is not with an expresse condition, that he shall not turne the mouthes of his Cannons against his own Soldiers, for that is so naturally and necessarily implied, that it is needlesse to be expressed, in so much as if he did attempt, or command such a thing against the nature of his trust and place it did ipso facto [Editor: illegible word] the Army in a right of disobedience, except we thinke that obedience binds men to cut their owne throat, or at least their companions.

We shall at present leave the application to them whom it most concernes, and wait as patiently as we can to see the operation of it, which if it be not according to our expectation, we shall be necessitated to put some stronger pills into the next, and so at present conclude and rest.

From our Prerogative Captivity (for the Lawes and the publique liberties of all the Commons of England, against the tyranny and usurpation of the House of Peers) in the prisons of the Tower of London, and Newgate this last of Februa. 1646.

Your faithfull and true Countrymen, though commonly (by the Scribes and Pharisees, Hypocrites of our present age) called Heretiques and Schismatiques, and Movers of sedition.

John Lilburn. Richard Overton.

The publisher to the Reader.

Courteous Reader having here some spare roome, I iudge it convenient to fill it up with a notable petition delivered to the House of Commons, the 1. of March 1646. by young men, whose zeale and forwardnesse for their Countrys good, may be a shame to all the old men in the City, the Petition it selfe thus followeth.

To the High and Honourable the Knights, Citizens; and Burgesses, in the supream Court of Parliament assembled, The Petition of divers Young men and Apprentices of the City of London, humbly

Sheweth,

THat out of the grounded confidence we have of the readinesse of this Honourable House, to heare and repaire the grievances of all those for whose well-fare you were chosen and betru sted to take care and provide; and being encouraged unto the same, by severall good*. Ordinances and Declarations, of your owne to that purpose.

Wee whose names are hereunto annexed, although the meanest members of this great Common Wealth; yet having by birth a right of subsistence, here conceive ourselves, (in our proportion) to have

as reall an Interest in the Kingdomes enjoyments, as those who in respect of place or other accidents are above us: As also many of us, having under the direction of your Honourable grave Counsell and Guidance, freely adventured our lives, for the Preservation of our Native Rights, and the just Priviledges of our deare Country against the publique violaters of Edition: current; Page: [3-037b] the same: upon these and other serious grounds, we are bold at this time to make our humble addresses to this Honourable and supream Court of Iudicature, (the only refuge under God we have to fly to) And in the first place we cannot but with all the thankfulness take notice of the unwearied paines, together with many great and almost intolerable difficulties by you undergone, in the faithfull discharge of your trust, in bringing about the establishment of a well grounded peace. The perfection of which (in relation to the common enemie) seemes now by the blessing of God to be brought neare to a wished period: yet the consumation of this worke being (as it were) the Crown of all our labours; we humbly conceive it may deservedly challenge from you a more then ordinary respect, which we doubt not but that your grave wisdomes are very sencible of: yet (noble Senators) let it seeme no presumption, if wee your poore Petitioners in all humility make knowne the grounds of some feares and iealousies to us apparent in this particular And those are (amongst other great grievances) chiefly derived from the present sence we have of the too much prevalency of that party who have dealt in the late wars, declared themselves disaffected to the peace & welfare of the Kingdome; who now seeme to be in hopes of obtaining that by policy, which they have not been able to doe by force. Cunningly contriving to aggravate and increase differences between the well affected party, and striving to bring an Odium upon all good men, under the distinction of severall tearmes of obloquie and disgrace by such subtle endeavours, labouring to avert the edge of justice from themselves, (who come deservedly under the stroke of it, and to turne it upon those who are most innocent. Strongly indeavouring (and have already affected it in part, to iustle all honest, faithfull, well affected men out of places of trust, office and authority, and to put in Newters, Ambodexters, or persons apparently disaffected: By all these meanes, together with the advantage of the Kingdomes present unsettledness) they seeme to be in a more then probable expectation of getting the reines once more in their owne hands, to the evident indangering, of the Common-wealths speedy ruine, and to the great grieve of your poore Petitioners, and all others who cordially desire the peace and safety of this distracted Kingdome. And further we are bold to make knowne (as more particularly relating to the condition of your Petitioners) That wheras, we [Editor: illegible word] being made free of the City, are enjoyn'd by oath to maintaine the Liberties and Priviledges, of the same City; which notwithstanding we are in a great measure disabled to doe, by the intrusion of divers illegall and undue Customes and* Monopolies, (partly about the election and removall of our Magistrates) crept into the dimunition of the antient Liberties of this famous City, whose just immunities we are confident your honours have been and are very tender of.

Wherefore your Petitioners humbly pray, that this Honourable house taking into consideration the Premises, would be pleased by your mature Prudence and Care, to indeavour (as much as possibly you can) to take away all occasions of breaches between the well affected party. And that such as have in these late times of trouble, (by adventuring their lives or otherwise) approved themselves faithfull to their Countrys common good, may without respect to differences, no way prejudiciall to the Commonwealth, impartially enjoy their Birth right, Priviledges, and be equally capable with others of the freedom to officiate in places of trust, which they are or shall be chosen unto. And on the contrary, that all these who have disfranchised themselves by Trayterously adhering to the enemy, may be disabled from bearing office, or voting in the Election of officers in the Common wealth, And we further crave, with submission to your Honours grave Approvements, that in regard of the Kingdomes present unsettlednesse, it may not be left destitute of a trusty and sufficient guard Edition: current; Page: [3-038a] to secure it from intestine Broyles, and forraign Invasion. And as for your Petitioners more particular grievances, as they are members of this City; we humbly pray that you would be pleased by your Authority so to provide, that we, as we are or shall be capable of it, may be inabled to enjoy the benefit of all ancient Charters and Grants, made and confirmed by severall Acts of

Parliament, Especially the 4. Chart. of King Iohn. the Charter of Edw. 2. confirmed by Ed. 3. and his Counsell in Parliament. for the enlargement of our freedoms and Priviledges,, and that whatsoever hath been illegally intruded, may be taken away and made void. And lastly, as some have already desired, we likewise pray, that, if so small a thing may be worthy the intention of this grave and Honourable Assembly, you would be pleased to appoint sometimes of lawfull Recreations for servants, as your wisdomes shall thinke fit.

And your Petitioners, as they have many of them already, according to their duty, freely adventured their lives, and whatsoever was deare to them for the common safety of their Country so they still professe their readinesse, to give their best assistance to the suppressing all arbitrary and tyrannicall power: and to the upholding the fundamentall Rights and Liberties of the free-borne Englishmen, and the just Priviledges of this Honourable House against all that shall set themselves, in opposition of the same.

And be ever bound to pray, &c.

Whatsoever is contained in the Petition, the Subscribers will be ready to make good by particular instances, when they shall be lawfully called to the same.

Courteous Reader, whereas the former Impression was done in hast, there was 2. or 3. words misprinted, which are here mended, you are desired by these to correct those that come to your hand.

Die Lunæ 1 March. 1646.

A petition being stiled the humble petition of Divers Young men and Apprentices of the City of London was this day read, and it is ordered that Alderman Atkin, Col. Venn, and Mr. Vassell, doe from this House give the Petitioners thanks for the expression of their good affections, that they will take thier Petition into consideration in convenient time, and as for that businesse concerning dayes of relaxation is already under consideration and Committee.

Hen. Elsmge Cler. Par. Dom. Com.

And to fill up the sheet I shall desire the judicious Reader seriously to peruse that excellent petition of Ms. Lilburnes, delivered to the House of Commons, the 23. Sept. 1646. and then judge both in point of law; and matter of fact, betwixt the Lords and her husband, the petition thus followeth.

To the Chosen and betruſted Knights, Citizens, and Burgesses, assembled in the High and Supream Court of Parliament.

The humble Petition of Elizabeth Lilburne, Wife to Lievt. Col Iohn Lilburne, who hath been for aboue eleven weekes by past, most unjustly divorced from him, by the House of Lords, and their tyrannicall Officers, against the Law of God, and (as shee conceives) the Law of the Land

Sheweth. That you only and alone, are chosen by the Commons of England to maintaine their Lawes and Liberties, and to doe them Iustice and Right^a which you have often before God and the World sworne to doe^b yea, and in divers of your Declarations declared, it is your duty (in regard of Edition: current; Page: [3-038b] the trust reposed in you so to doe^c without any private aimes, personall respect or passions whatsoever^d and that you thinke nothing too good to be hazzarded in the discharge of your consciences for the obtaining of these end^e. And that you will give up your selves to the uttermost of your power and judgement to maintaine truth, and conforme your selves to the will of God^f which is

to doe Iustice and g right, and secure the persons, estates, and Liberties of all that joyned with you, h imprecating the Iudgements of Heaven to fill upon you, when you decline from these ends, you judging it the greatest scandall that can be laid upon you, that you either doe or intend to subvert the Lawes, Liberties, and Freedomes of the People, i which freedoms, &c. you your selves call, the COMMON BIRTH. RIGHT OF ENGLISH-MEN, k who are borne equally tree, and to whom the Law of the Land is an equall inheritance) and therefore you confesse in your Declaration of 23. October 1642 l It is your duty to use your best indeavours, that the meanest of the Commonalty, may enjoy their owne birth-right, freedome and liberty of the Lawes of the Land, being equally (as you say) intituled thereunto with the greatest subiect. The knowledge of which as comming from your owne mouthes and pen, imboldneth your Petitioner (with confidence) to make her humble addresses to you, and to put you in mind that her husband above two monethes agoe made his formall and legall Appeal to you against the injustice, and usurpation of the Lords acted upon him, which you received, read, committed, and promised him justice in, But as yet no report is made of his businesse, nor any reliefe or actuall Justice holden out unto him, although you have since found time to passe the Compositions and pardons, for the infranchising many of those that your selves have declared Traytors, and Enemies to the Kingdome, which is no small cause of sorrow to your Petitioner, and many others, that her Husband who hath ventured his life, and all that he had in the World, in your lowest condition for you, should be so slighted and disregarded by you, as though you had forgot the duty you owe to the Kingdome, and your many oathes, vowes, and Declarations, which neglect hath hastned the almost utter ruine of your Petitioner her husband and small children: For the Lords in a most Tyrannicall and Barbarous manner, (being encouraged by your neglect) have since committed her husband, for about three weekes close Prisoner to New-gate, locked him up in a little Roome, without the use of Pen, inke or paper for no other cause but for refusing to kneel at the Bar, of those, that by Law are none of his Iudges) m the cruell Iaylors all that time refusing, to let your Petitioner, or any of his friends, to set their feet over the threshold of his Chamber dore, or to come into the prison yard to speake with him, or to deliver unto his hands, either meat, drink, money, or any other necessities, A most barbarous and illegall crueltie so much complained of by your selves in your Petition and Remonstrance to the King, 1. December 1641. n and detested and abhorred there, by you, as actions and cruelties being more the proper issues of Turkes, Pagans, Tyrants, and men without any knowledge of God, then of those that have the least sparke of christianity, honour or Iustice in their breasts, And then while they thus tyrannized over your Petitioners Husband, they command (as your Petitioner is informed) Mr. Seargeant Finch, Mr. Herne, Mr. Haile, Mr. Glover, to draw up a charge against your Petitioners Husband, without giving him the least notice in the world of Edition: current; Page: [3-039a] it, to fit himselfe against the day of his Tryall but contrary to all law, justice and conscience, dealt worse with him then ever the Star Chamber did, not only in keeping his Lawyer from him, but even all manner of Counsellors and Friends, whatsoever, even at that time when they were about to try him, and then of a sudden sent a warrant for him to come to their Bar, (who had no legall authority over him) to heare his Charge read, where he found the Earle of Manchester his professed Enemy, and the only party (of a Lord) concerned in the businesse, to be his chiefe Iudge, contrary to that just Maxime of Law, that no man ought to be both party and Iudge, A practice which the unjust Star Chamber it selfe, in the dayes of its tyranny, did blush at, and refuse to practise, as was often seen in the Lord Coventries case &c.) And without any regard to the Earle of Manchesters impeachment (in your House) of Treachery to his Country, by Lieut Gen. Cromwell, which is commonly reported to be punctually and fully proved, and a Charge of a higher nature then the Earle of Straffords for which be lost his head. And which also renders him (so long as he stand, so impreached) incapable, in any sence, of being a iudge. And a great wrong and injustice it is unto the Kingdome to permit him, and to himselfe, if innocent not to have had a legall tryall ere this, to his justification, or condemnation. And besides all this, because your Petitioners husband stood to his appeale, to your honours and would not betray Englands Liberties, which you have all of you sworne to preserve, maintaine and defend, they most arbitrarily,

illegally and tyrannically sentenced your Petitioners said Husband to pay 4000 l. to the King (not to the State) for ever to be incapable to beare any office in Church or common wealth, either Marshall or civil, and to lye seven yeares a prisoner in the extraordinary chargeable prison of the Tower, where he is in many particulars, as illegally dealt with all, as he was when he was in Newgate.

Now forasmuch as the Lords as they claime themselves to be a House of Peers, have no legall judgement about Commoners, that your Petitioner can heare of, but what is expressed in the Statute of the 14 Ed. 2. 5, which are, delays of iustice, or error in judgement in inferior Courts only, and that with such limitations, and qualifications, as are there expressed, which are, that there shall be one Bishop at least, in the judgement, and an expresse Commission from the King for their meddling with it. All which was wanting in the case of your Petitioners Husband, being begun and ended by themselves alone, and also seeing that by the 29. chap. of Magna Charta your Petitioners Husband, or any other commoner what soever, in criminal cases are not to be tryed otherwise then by their Peers, which Sir Edward Cooks, in his Exposition of Magna Charta, which book is printed by your owne speciall authority, saith, is meant Equals, folio 28 In which, saith he, fol. 29 are comprised Knights, Esquires, Gentlemen, Citizens, Yeomen, and Burgesses of severall degrees, but not Lords. And in pag 46. he saith No man shall be disseised, that is, put out of seison or dispossessed of his freehold, that is, such he, Lands or lively hoods, or of his liberties or free customes, that is, of such franchises, and freedoms, and free customes, as belong to him, by his free birth-right, unlesse it be by the lawfull judgement, that is verdict of his Equalls, that is, saith hee, of men of his owne condition: Or by the Law of the land, that, is to speake once for all, by the due course and processe of Law. And saith hee, No man shall be in any sort destroyed, unlesse it be by the verdict and judgement of his Peers, that is Equalls, or by the law of the land. And the Lords themselves in old time, did truly confesse: that for them to give judgement of a Commoner in a criminall case, is contrary to Law, as it cleere by the Parliaments Record in the case of Sir Simon de Hereford 4. Ed. 3. Rot. 2, the Copie of which is now in the hands of Mr. Henry Martin, and they there record it, that his case who was condemned by them for murthering King Edward 2. shall not be drawne in future time into president because it was contrary to Law, they being not his Peers, that is his Equalls. And forasmuch as the manner of their proceedings was contrary to all the formall wayes of the Law publiquely established by Parliaments in Edition: current; Page: [3-039b] this Kingdome, as appeares by severall Statuteso which expressly say, that none shall be imprisoned nor put out of his freehold, not of his franchises nor free customes, unlesse it be by the Law of the land, and thus none shall he taken by Petition or Suggestion made to the King, or to his Counsell, unlesse it be by indictment or presentment of good and lawfull people of the same neighbourhood where such deeds be done, in due manner, or by processe made, by wait originall at the common law, Which Statutes are Nominally and express confirmed by the Petition of Right, by the act made this present Parliament for the abolishing the Star-chamber, and thereby all acts repeated that formerly were made in derogation of them. But contrary hereunto the lords (like those wicked Iustices spoken of by St. Edward Cooke, in stead of trying her Husband by the law of the Land, proceed against him by a partiall tryall, flowing from their Arbitrary will, pleasure, and different For though they summoned him up to their Bar. Jun. 10. 1646. to answer a charge, yet they refused to shew it him, or give him a Copy of it, but committed him to New-gate Iune 11. 1646. (although he behaved him selfe then, with respect towards them, both in word and gesture, meerly for refusing to answer to their Spanish Inquisition-like. Interogations, and for delivering his legall Protestition. Their [Editor: illegible word] being is illegall as their summoning of him and their other proceedings with him. Their Commitment [Editor: illegible word] To be kept there not till he be delivered by due course of Law, but During their pleasure, which Sir Edward Cooke such is illegall, and then locked up close, that so he might be in [Editor: illegible word] impossibility to understand how they intended to proceed against himpq.

*wWherefore your Petitioner humbly prayeth to grant unto her husband the benefit of the Law, and to

admit him to your Bar himself, to plead his owne cause, if you be not satisfied in the manner of his proceedings, or else according to law, justice, and that duty and obligation that lieth upon you, forthwith to release him from his unjust imprisonment, and to restrain and prohibit the illegall and arbitrary proceedings of the lords, according to that sufficient power instated upon you, for the inabling you faithfully to discharge the trust reposed in you, and to vacuate this his illegall sentence and fine, and to give him just and honourable reparations from the Lords and all those that have unjustly executed their unjust command; it being a rule in Law and a maxime made use of by your selves in your declaration [Editor: illegible word] 1642.r that the Kings illegall commands, though accompanied with his presence doe not exeuse those that obey them, much lesse the Lords, with which the Law accordeth: and so was resolved by the Iudges, 16. Hon. 6.s And that you will legally and iudicially, examine the crimes of the Earle of Manchester, and Col. King, which your petitioners husband and others have so often complained to you off, and doe exemplary iustice upon them, according to their deserts, or else according to law and iustice punish those (if any) that have falslyt complained of them. And that you would without further delay give us reliefe by doing us iustice.u All which she the rather defileth because his imprisonment in the Tower is extraordinary chargeable and insupportable, Although by right, and the custome of that place, his fees, chamber, & diet ought to be allowed him & paid out of the treasure of the Crown, having Edition: current; Page: [3-040a] wasted and spent himselfe with almost six yeares attendance, and expectation upon your honours for justice and reparations against his barbarous sentence, &c. of the Star-Chamber, to his extraordinary charge and dammage, and yet never received a penny, and also lost divers hundreds of pounds, the yeare he was a prisoner in Oxford Castle for you, neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earle of Manchester although he spent with him, much of his owne money, And the last yeare, by the unadvised meanes of some Members of this honourable House was committed prisoner for above 3 moneths, to his extraordinary charges and expences; and yet in conclusion, he was releast, and to this day knoweth not wherefore he was imprisoned, for which according to law and justice he ought to receive reparations, but he never yet had a penny, all which particulars being considered, doe render the condition of your petitioner, her husband and children to be very nigh ruine and destruction, unlesse your speedy and long expected justice prevent the same, which your Petitioner doth earnestly intreat at your hands as her wright, and that which in equity honour and conscience cannot be denied her.

and as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled timely and faithfully to discharge the duty you owe to to the Kingdome according to the great trust reposed in you, and so free your selves from giving cause to be iudged men that sicke your selves more then the publique good. Elizabeth Lilburn.

And to close up all, I shall desire the Reader to take a view of the particular ordinary fees that every compounder payes for the suing out his pardon. First, the ordinance is to be presented by the Chair-man of Goldsmiths hall committee of the House of Commons and there to be read, for passing of which these exorbitant fees are to be paid. To the Speaker of the House of Com. 5. l. to Mr. Hen Elsing Clerk of the House of Com. 2. l. to the Sergeant at Armes, of the House of Com. 1, l. 10. s. to the inferior Clerks of Mr. Elsings office 10. s. to the Sergeants Clerke 5, s. and to other officers there 5, s. To the Clerk of the Lords House, and Gentleman Vsher of the black Rod, &c. 12. l. To Mr. Soliciter, St. Iohn of the Commissioners of the Great Seale 14. l. the total of which is 35 l. 10. s. and it hath been credibly reported that above a yeare agoe there was above threescore 1000. Delinquents had entered their names for composition at Goldsmiths hall, of whom if there be twenty thousand that hath actually compounded, or intends to doe it, the very fees of them comes to above 700000 l, which goes into the forementioned officers pockets, the Speakers share at 5. l. a man, is 100000. l. 'and Mr. Solicitors, St. Iohns at five l. a man as much, surely if such large fleece of Money can be put into particular pockets. England shall not be free of Delinquents enough, principally so made, to make particular men rich.

But besides all this, the Speakers place as Speaker, and Mr. of the Rowles, and halfe Keeper of the Great Seale, it not easily to be computed, of whom, &c. it may truly be said they have not lesse then the annuall revenue of petty princes, and therefore it becomes them to keep the people in bondage, least they should overthrow their unfadomable, unjust gettings

FINIS.

Edition: current; Page: [3-040b] Edition: current; Page: [3-041]

William Walwyn

Walwyn, William

13 March 1646

3.

William Walwyn, A Whisper in the Eare of Mr. Thomas Edwards Minister (13 March 1646).

- A Whisper in the Eare
- of Mr. Thomas Edwards Minister.
- By William Walwyn Marchant.

Occasioned by his mentioning of him reproachfully, in his late pernicious booke, justly entitled the Gangraea.

Micah. 7.2. The good man is perished out of the earth, and there is none righteous among men: they all lie in wait for blood: every man hunteth his brother with a net.

London, Printed according to Order, by Thomas Paine, for William Ley, at Pauls-Chaine, 1646.

Edition: current; Page: [3-042]

SIR, Your extream fury in driving on a work wherein no charitable well minded Christian takes any comfort, but rather an abundance of griefe, hath made me to conclude, that you are quite deaf on the right Christian care; deaf to all that is good: a man (I fear) altogether without Conscience, or sence of goodnesse: and that you have the use of hearing only on the left side of Machiavilian policy: just as Demetrius the silversmith, that opposed not the doctrine of Christ out of zeale to the Goddess Diana as he pretended: nor out of any hatred to that doctrine, but as it tended to the losse of his craft and gain: even so you, (as I verily fear) do not indeavour to make odious the severall doctrines and practices of conscienscious people, out of true zeal to any thing you apprehend as truth; or out of hatred to any thing you apprehend as error: but because the doctrines and practices of those you term independents, Brownists, Anabaptists, Antinomians, and Seekers: do all tend to the losse of your craft and gain: in that they all disallow of tythes, as ceremonious and popish, and all contracted for, or enforced maintenance for ministers under the Gospel, as disagreeing to the rule thereof: nay you have further cause against them, for they spoile you not onely of your gaine, but of your glory and domination, things dearer to you then your life: of your glory, in denying your ministry to be successive from the Apostles: of your domination, by denying unto you any more authority to judge of doctrines or Edition: current; Page: [3-043] discipline, then any other sort of Christian men: and to speak truly, these are sore temptations to such worldly minds as yours, who in your hopes had made your selves sure of the greatest part of all that was taken from the Prelats, and thereby of a foundation of advancing the honour, and splendour, and profit of the Clergy once more in this Nation: It is confest that such provocations as these have not onely produced such reviling accusations, as you bring against conscientious well minded people, but a subversion of the calumniators: as it befell the late

Prelats, whose railing, reviling, and molesting of the harmelesse faithfull puritan, under pretence of herisie, schisme, faction, sedition, and the like, being all contrary to every mans knowledge and experience of them: the issue was, the utter extirpation of their calumniators: and that so lately, as might be a warning to you, and such politique worldly men as you are; but that it is (through the wisdom and justice of God) the fate of policy and politique men not to be warned by other mens judgements, but to trust so much to the strength of their braines, that they fear not to trace those very steps that gradatim brought the last Arch bishop to the block, making no conscience of vexing, disgracing, and undoing of any man, nay thousands of men and families, standing twixt them and their unjust ends: and this too so madly and rashly, as to make themselves adversaries of such, as really aimed at their good, and to preserve them from those precipitations their folly and malice labours to hasten. And this is your case with me, for I am confident and well assured, that amongst all those whom in this your frantick booke you have named, there is not one that opposed your waies more out of love, and seriously for your good, then I have done: for what ever you through want of an experimentall knowledge of me, or upon misreport may judge of me, I am one that do truly and heartily love all mankind, it being the unfeigned desire of my soul, that all men might be saved, and come to the knowledge of the truth, it is my extream grief that any man is afflicted, molested, or punished, and cannot but most earnestly wish, that all occasion were taken away: there is no man weake, but I would strengthen: nor ignorant, but I would informe: nor erroneous, but I would rectifie, nor vidous, but I would reclaim, nor cruel, but I would moderate and reduce to clemency: I am as much grieved that any man should be so unhappy as to be cruel or unjust, as that any man should suffer by cruelty or injustice: and if I could I would Edition: current; Page: [3-044] preserve from both; and however I am mistaken, it is from this disposition in me, that I have engaged my self in any publick affairs, and from no other, which my manner of proceeding in every particular busines wherein I have in any measure appeared, will sufficiently evince, to all that have without partiallity observed me: I never proposed any man for my enemy, but injustice, oppression, innovation, arbitrary power, and cruelty, where ever I found them I ever opposed my self against them; but so, as to destroy the evil, but to preserve the person: and therefore all the war I have made (other then what my voluntary and necessary contribution hath maintained, which I wish ten thousand times more then my ability, so really am I affected with the Parliaments just cause for the common freedom of this Nation) I say all the war I have made, hath been to get victory on the understandings of men: accompting it a more worthy and profitable labour to beget friends to the cause I loved, rather then to molest mens persons, or confiscate estates: and how many true and thorow converts have been made through my endeavours: you tempt me to boast, were I addicted to such a vanity, or were I not better pleased with the conscience of so doing. Before this Parliament I was of full years to be sensible of the oppression of the times, being now forty five years of age, having accustomed my self to all kinds of good reading, and to the consideration of all things; but so, as for a long time I took not boldnesse to judge, but upon the approbation of some authors and teachers that had captivated my understanding both in things morall, politique, and religious: in the last of which, being very serious and sincere in my application of things to my own conscience, my grounds being bad, though much applauded, I found much disconsolation therein, great uncertainty, and at last extream affliction of mind, the law and Gospel fighting for victory in me, in which conflict, the Scriptures were taken in more singly, and void of glosse, to my assistance, by the cleare light whereof, I saw the enemies I feared vanquished, which wrought a real thankfulnes in me towards Christ, which increased with the increasings of faith: insomuch as I set my self daily more and more to do his will: and that in a more publick way then formerly: Whereupon an occasion being offered by this honourable Parliament, our minister and parish (James Garlick-hill London) being quite out of order: I, with others, moved for reformation, in doing whereof, how I laboured to have preserved Edition: current; Page: [3-045] the continuance and well being of our minister: himself, and the ancient that opposed our endeavours, I presume will testifie, but if they should not, there is enow that will, but he was a man that trusted to policy, which in

the end failed him: our next indeavours were for the whole ward, wherein after much labour, we so prevailed, that the well affected carried the choice of Alderman and common councill men, and all other officers in the Ward: my next publike businesse was with many others, in a remonstrance to the Common Councill, to move the Parliament to confirm certain infallible maximes of free Government: wherein the power of Parliament was plainly distinguished from the Kings Office, so plainly, that had it taken effect: few men after due consideration thereof, would through error of judgement have taken part against the Parliament, or have befriended arbitrary power, as too too many did for want of light, but it was stifled in the birth. I was also interested in all the proceedings of Salters hall, whence much good issued to the whole City and Kingdom; where I beleve it will be testified by all, I was never heard or observed to propose or second a bad motion, nor far short of any in prosecution of any thing that was good: and when the common enemy was at the highest, and the Parliaments forces at the lowest, I with many others petitioned the Parliament for the generall raising and arming of all the well affected in the Kingdom, and though that also took not its proper effect, and came not to perfection: yet it mated the common enemy, and set all wheels at work at home, was the spring of more powerfull motions and good successes: God so ordering things that no man moves for good, but good in one kind or other comes thereof: and in all that I have at any time done, I ever associated my self with persons of known good affections to Parliament and Common-wealth: that it is my extream wonder that any well-affected person should affirm me to be a man dangerous: I have never shunned the light, all that I have had a hand in hath come to the publick view and touch, and truly there hath not been a just thing promoted or endeavoured to be promoted, that ever I was absent from, if I had a call thereunto: and whereas I have addicted my selfe to know and understand all the severall doctrines and waies of worship that are extant, and for that end have taken liberty to hear and to observe all: it is that I might be able to judge rightly of their differences, to vindicate them when they are wronged: and to advise them for their good: in doing whereof, I have gained much good, Edition: current; Page: [3-046] there being not any (how light esteeme soever you make of them) but have something worthy the observation: and this I must testify for all sorts of them, they are a people the most ready to render love for love, that ever I met withall: and not apt to render evil for evil: they are all universally faithfull to the Parliament, friends to all just government, and enemies to all unjust: but yet there is not any thing I have observed that hath prevailed with me to disclaim the publike ministry, or the parochial congregations & I have yet some hopes to see them reduced into such a condition, as that all things thereunto belonging, may without difficulty be justified: but though I am not in fellowship with those good people you call sectaries, yet I joyn heart and hand with them in any thing that I judge to be right: and tending to the publike good: and love them as heartily as those that are one with me in judgement: sometimes I contest with them somewhat vehemently in arguing, but it is as I conceive for truth, and for their good: and they take it so, and bear with me as I with them: and we meet and part in love, as becometh Christians, nor doth this hinder, but that when any difference befalleth betweene them and the publick ministers, but that I judge as clearly in such cases, as if I had no difference with them, for I esteem it a high part of true religion to promote common justice: and not to be a respecter of persons in judgement, wherein the Scripture is my rule: and that being on their side, I should take part with them therein against my father, minister, or the dearest friend I have in the world: and from hence it is, that when the question is about liberty of Conscience, the Scripture tells me, every one ought to be fully perswaded in his own mind, and that whatsoever is not of faith, is sin: it tells me I must doe as I would be done unto: I would not be enforced to the Parish Congregations, then I must not force them to them, or from their owne: God onely perswades the heart: compulsion and enforcement may make a confused masse of dissembling hypocrites, not a Congregation of beleivers, that seeing our Saviour reproached not those that denyed the resurrection, angels and spirits, nay Joh. 12: 47, 48. &c. he saith plainly (and that by authority from heaven, v 49), He that refuseth me, and receiveth not my words, hath one that judgeth him: the word that I have spoken, it shall judge him in the last day. Also in Luke the 9: 54, 55, 56. Insomuch as I see no more warrant now to reproach or

punish any man for Religion, but rather that we are all bound in peace and love to reclaim our brother from what we judge an Edition: current; Page: [3-047] error in his way: wherein the best and most knowing amongst men in our daies, may be mistaken; being all liable to take truth for error, and error for truth, and therefore there is no cause of strife or compulsion, except for mastery: then which (as I conceive) nothing is more unchristian, neverthelesse I may see a necessary use of a publick ministry, and parish Congregations, and it is my work to perswade others therein, and not to speak reproachfully thereof, as they would not have their way reproached: but then when the question is concerning a maintenance for these publick ministers: and that any shall insist for tythes, or an enforced maintenance, truly in this case the Scripture manifesting to my understanding, tythes to be ceremoniall and Jewish, and sa to cease at the coming of Christ: and that to enforce or enjoyn a maintenance though under any other notion, is as I apprehend contrary to the rule and practice of the Apostles, how is it possible but I must adhere to them therein: but then that our publick ministers should have no maintenance, therein I wholly dissent, and as it hath been my endeavour to assist the one party to avoid the molestation of their consciences in tythes, & all enforced contributions so have I often proposed a way for the maintenance of the publick ministers, more certain, more quiet for themselves, and lesse irksome to the people, lesse disturbant to the Common-wealth: and thus you may see how through misinformation: you have taken me for an enemy, that have alwaies approved my self your reall friend in all things I apprehended just: and thus you may see how dangerous a man I have been that in all these publick differences have done no man hurt by word or deed: nay at all the meetings I have frequented, whether at Salters hall, the wind mill, or else where, I never heard any man named reproachfully, but I openly shewed the unfitness thereof: alwaies advising that if any man had ought against any particular person, that he should make it known to those that by law had a right to take notice thereof, and that we should be very cautious in thinking evil of any man upon report and hearsay, especially of any in authority: The truth is, I have been and am of opinion, that it is not good for the Common-wealth, that the ministers should have any power or jurisdiction put into their hands, or that it were good for the ministers themselves, the same having so often proved their ruine, and the disturbance of the people, but do conceive it more safe for them, and more for the quiet of the people, that they be freed from all other employments, except preaching and administring Edition: current; Page: [3-048] the publick worship of God, according as the Parliament shall ordain, for I look upon you as ministers ordained by the State, and so are to do as they conceive is most agreeable to the word of God, and most beneficiall to the generallity of the people: in settling whereof, you may advise, but are not to urge or be importunate for more power then they see good, and it lesse beseems you to grow passionate, and to move others to be importunate, and by preaching and printing to labour to make their faithfull friends odious unto them, and to magnifie your desires, above their own intentions, and so to beget emulations and parties, threaten judgements and desertions, and turning the scriptures against them and all others that oppose or fulfill not your will, as if they were opposers of the will of God, which you take upon you to know, with the same confidence as the bishops and prelates did, and in the very same manner, and application of Scripture. No interpretation was good but theirs, no ministers the ministers of Christ, but whom they ordeyned by imposition of hands, no government, discipline, or worship, agreeable to the Scriptures, but theirs, no opinion found, but what they allowed, all were sectaries and hereticks, whom they pleased so to denominate: those that opposed them were seditious: disturbers of the peace, a viperous brood, enemies to the state, and subverters of all order and government, and by all means to be extirpated: if any pleaded conscience, they conclude them obstinate, and thus it is with you expresly, so as Mr. Edwards his Gangraena, is indeed but a new edition of Prelaticall doctrine, with some additions appliable to the present times, and his Clergies immediate interest: but trust me, this is extreemly prejudicall to your party, for there is no moderate Presbyterian that can excuse this, and hath beene a hindrance to me in arguing for a publick ministry, besides you soar so high in daring expressions, as if you presumed upon some other way of obtaining your desires, then by allowance of Parliament, which may loose you many friends there, and occasion

them to think they have through a mistaken compassion, fostered a frozen snake in their bosomes, that no sooner finds heat and strength, but falls into his serpentine hissing, and stinging his preserver, you have also lost many of your friends abroad, by this unchristian nominating men and women in your Gangraena, and many more you will loose, when they shall consider that you have not taken the known Gospel way of first admonishing of them, but upon bare report, as it were to post them reproachfully to the view of the world, they cannot deem Edition: current; Page: [3-049] this as the proceeding of a minister of Christ, but rather as a violent hast to do your owne work: trust me, I cannot but impute the great abatement of your sect, the falling from you of so many judicious persons, and the daily great increase of other sects, to no one thing more, then to your inconsiderate rashnes, violent railing, and adventuring on unheard of waies to compasse your ends, for when I have prevailed with some (through debate and argument) to come to our publike Churches, and to hear your sermons, they have found there such abundance of passion, sweat, and labour, not to beget children unto Christ, by preaching the sincere Gospel of Christ, but to revile and reproach, and make odious conscientious well affected people, because of difference in judgement, whereby they have been much discouraged from frequenting those places, affirming that all the accusations you bring against others, are expresly and visibly due to your selves if but indifferently weighed: as where you charge others with pride, ambition, covetuousnes, effeminacy, obstinacy, cruelty, delicacy of pallate, and the like; they have demanded of me with a positive vehemency, whether these were not to be found in you, rather then in those you have condemned for those vices, blaming me very much for going about to excuse the same, insomuch as I verily beleeve, you have no enemy like your self, and am perswaded if you would forsake all corrupt interests, and would conscienciously set your selfe to do the worke of Christ, to labour in his word and Gospel, out of a pure mind, and not for filthy lucre, if you would make it evident by your actions, that you seek not ours, but to win us to God, that you would thereby prevaile more in one halfe year towards your owne comfortable establishment, then you shall in an age by all your by-waies and policies, therefore leave them, and betake your self to the work of Christ, whilst it is called to day: the night of ignorance I presume is past with you: O that truth and this my plain dealing might beget or awaken Conscience in you, and provoke you to cast of the works of darknes, and to put on the armour of light, and henceforth to walk honestly, and not in strife and envying, but to walk in love as Christ hath loved nor is it meet you should esteeme your self a Christian, untill you find your soul possessed with the spirit of true Christian love, which doth no evil to his neighbour, and therefore is the fulfilling of the Law. What though you could prevail (as you endeavour) to work the ruine of all that oppose your judgement or ends? Would it be peace in the latter end? no, assure your self it would be a sulphurous bitterness Edition: current; Page: [3-050] and horror of conscience, and therefore sit downe and seriously consider what you are resolved to do, weigh your intentions in the even scales of love, touch and prove them with the touch-stone of love, if you would be esteemed a disciple of Christ, it must bee knowne by love: now love suffereth long, and is kind; boasteth not it self, is not puffed up, doth not behave it seife unseemly, seeketh not her owne, is not provoked to anger, it thinketh not evil, it rejoyceth not in iniquity, but rejoyceth in the truth: beareth all things, beleeveth all things, hopeth all things, endureth all things, this is that I would ever whisper in your ear, this being a balsame that often, and well rub'd in, may Cure your Gangraen, and though at first your distemper may cause you to loath it, yet take a little and a little of it, use inwardly and outwardly, constantly, and you will find your disposition to alter and change from one degree unto another, until you come to be a strong and healthfull Christian: of Saul a persecutor, you will become Paul a preacher of peace and reconciliation by Jesus Christ, and bee able to lay down your life for those Brethren you have so much dispised: then will you do as you would be done unto, and in all things disputable allow every one to be fully perswaded in their own minds, and then you will bee sencible, that whatsoever is not of faith is sinne: you will acknowledge it is God only that can perswade the heart, and (doing your duty) patiently waite his leisure for the conversion of your Brethren: the same mind and meeknes will bee in you, as was in Christ Jesus, and you will be mercifull as our heavenly

Father is mercifull: you will not break the bruised reed, nor quench the smoaking flax; then you will see what pure religion and undefiled before God, even the Father, is: you will feed the hungry, cloath the naked, visit the sick, relieve the prisoner, deliver the captive, and set the oppressed free, especially the oppressed for Conscience sake: you will then see error in judgement or misapprehension in worship, to bee but a mote in your brothers eye, compared to a persecuting or molesting, or the reproaching beame in your owne: in a word, would you seriously set your selfe to the studdy and practice of love, you would againe fill your Churches, and without the help of Jewish Tythes, or any unchristian or forced maintenance, preaching the Gospel, would live comfortably of the Gospel and draw all men after you.

As for those blemishes you labour by your Gangreen to stick upon mee, I beleeeve your labour will be lost, except in the opinion of such as know me not: but to acquit my selfe farther, and to free Edition: current; Page: [3-051] them from prejudice, to what I have said I add thus much more.

In your 96. page, you have me in these uncharitable expressions, one Mr. Walwyn a seeker, and a dangerous man, a strong head: truely in the mind you were in, when you wrote this Gangreen, I am heartily glad I appeared not worthy of your Commendations, certainly you have been extreemly covetous of informations, you seeme to have suckt them in with greedinesse, and swallowed them without chewing; tis pittie an evil intent should be better served; your informations to my knowledge of many particulars as that of Mr. Lilburnes and others, and my self, have been such to you, as if they had been made of purpose to shame you to all the world, I a seeker, good now; whose your author? Am I one because I know many, and have been amongst them often, that I might know them fully; so have I been with all other judgements, but I carry with mee in all places a Touch-stone that tryeth all things, and labours to hold nothing but what upon plain grounds appeareth good and usefull: I abandon all nicities and uselesse things: my manner is in all disputes reasonings and discourses, to enquire what is the use: and if I find it not very materiall, I abandon it, there are plain usefull doctrines sufficient to give peace to my mind: direction and comfort to my life: and to draw all men to a consideration of things evidently usefull, hath been a speciall cause that I have applyed my selfe in a friendly manner unto all: but hence it is that some have said I am a great Anabaptist, others (upon as good ground) a great Antinomian: and you a seeker: mistake me not, I do not esteeme these as names of reproach, no more then to be called Presbyterian or Independent; nor doe I take upon me peremptorily to determine what is truth, and what is error, amongst any of them: all have a possibility of error: I judge all Consciencious, and to hold their severall judgements upon grounds of scripture: to them appearing, and so long cannot but hold them: and why any should controule another, I cannot disceme: had I all the power or strength in the World at my disposing, in cases of religion I conceive I should sinne, if I should do more then in a loving way offer my argument, and gently perswade to what I conceive is both evidently true, and really usefull: and thus have I done amongst those my loving friends, whom you judge seekers: for though I do fully assent with them that now in these times there is no such ministry as the Apostles were, endowed with immediate power from on high, by imposition of whose hands, Edition: current; Page: [3-052] the Holy Ghost was conferred, enabling to speak with tongues, and do miracles, in a most wonderfull manner, and to speake to all men, the infallible word of God: and that convincingly to the Consciences of gain-sayers: yet am I not thereby of opinion that we may not make use of those things they have left unto us in the scriptures of the mind and will of God; or that it is not profitable to follow their examples so far as we are able in all things, for what though the effects are now weake, in comparison of theirs, yet are they such as bring great satisfaction with them: I have often perswaded with them that they should not reject what they may with much comfort make use of, because they cannot find what they seek, & for ought I know are not like to find in this world: see now what a seeker you have found of me: I once heard you at Christ-Church, which few seekers will do, but never but once, for I was not so blind a seeker, as to seek for Grapes of thornes, or Figgs of thistles: and why I pray you a dangerous man? indeed, by some reall

dangerous men, I have been accounted so some whereof are false into the snare they laid for all the well affected in this City; but that ever I was accounted so by any that conversed with me, that was a knowing well-affected man, I do not believe, and I believe I could produce thousands of knowing well-affected persons, that if they hear I am engaged, and do appear in any publick business, though they know no title thereof, will adventure odds; it is both just and necessary, and therefore you incline me to believe that you labour for belief only amongst the weak, ignorant, rash, or ill affected people, with whom Credit and repute is not worth the having: well, your last appellation you bestow upon me is a strong head, and what would you have understood by this? Would you have your disciples stand aloof and not dare to hold discourse with me, lest I should open your designs, and make it appear how much it concerns your corrupt interest to keep their heads in ignorance and a superstitious weakness: is it because I know whose maxim, this is Rustica gens, optima Flens, pessima ridens: Is it because my hearing is so good as not to be perverted by Closing doctrines, or because my smelling serves my turn to smell a Fox, or Wolfe, though in Sheeps clothing, or is my seeing so strong that it dispels the magick mists of sophisticated art: or is it because my taste discerneth the brackishness of flattery, from the pure sweetness of plain dealing: or do you mean head strong, because I am not likely nor could ever be drawn to dance after your Pipe.

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Doubtless these are the causes that any strong head troubles you: nevertheless, as strong as it is, you see a small knock from your hard hand hath so opened it, that I can hardly shut it again, but lie shut it presently, only thus much, I cannot see how authority can pass over this unparalleled use of the presse which you have taken, to name in publick so many of their faithful adherents in so reproachfull a manner, to tax their proceedings in the proceedings of their Committees, to affirm and declare to all the world, that the victorious successes of the Parliaments forces, is but the increase of errors and heresies, that sectaries of all sorts get places of profit and power, and be the men all in request for offices and employments: in the which, you make your self the judge of what is error and heresie, and who is a sectary: in all which you are as likely to be mistaken as any man: for none are such in your calender, but such (as at first I told you) who stand twixt you and your profit, glory and domination: so as a man may be a real good Christian, and a most cordial friend to the Parliament, and nevertheless be exploded by you for a sectary, or an heretick: one thing more, you, and such as you are (if you be not changed since you wrote your Gangraena, as I heartily wish you were) do extremely abuse this Nation, in laying the main weight of the reformation (intended) upon the reducing of mens judgements and practice in Religion to union and uniformity, whereas the main weight of all resteth, in extirpating the popish prelatie spirit of persecution and molestation for conscience: as the main thing that oppressed all sorts of conscientious people before the Parliament, and since; and that which cannot fail to disturbe and vex any nation where it remaineth, but the truth is, without it you cannot keep your self aloft: without it you cannot compell a maintenance: distinguish a Clergy, nor have power over mens persons by their consciences, but grant you the power you desire, and you are master of all, and then see who dares open his mouth, or move his pen in this argument: your present confidence proceeds from the mist you have raised, but it is not yet thick enough, nor will our english braynes prove so muddy as to afford matter for thickning, I believe and hope it is now at thickest, and when your hopes are greatest, you will find your self in a fogge: to hold men in ignorance or bondage is not a work either for honest men or good Christians, but abhorred by both, and believe it, truth is become too strong to admit of either in this age: and we trust the Edition: current; Page: [3-054] honourable Parliament that are chosen to preserve us from both, will not fail to preserve us, though you should do the worst you can, and whereas you commend them to the love of God and his truth, and the hating of all sects and schismes, I in all humility and true love to all that honour God, and desire the welfare of England, do most heartily pray, that they may hate all persecuting sects with a perfect hatred: all enforcing and compulsive schismatics, as the only cause of all trouble and

distraction.

To conclude, If you be so ill as your word, and bring forth such evill fruit once every month, and that we whose names you have blasted, can find a licencer, (as we hope we shall) that will do but so much for Christ, as yours hath done for B. We shall I doubt not, find a new way of innoculation, and produce grapes out of your thorns, and figges out of your thistles, and fetch abundance of good out of your evil: but more happy will it be for you if you repent, (once a month shall I say) once every houre, and in token thereof, use your uttermost indeavour to promote this or the like petition to the honourable Parliament, whereby you will make some amends for the evill you have done by this your book.

William Walwyn
Walwyn, William
Humbly sheweth,

That as with all thankfulness we acknowledge your unwearied labours to remove the grievances and dangers of the Common wealth, so are we exceedingly grieved to observe the manifold unexpected difficulties which at severall times have obstructed your proceedings, amongst which we conceive the differences in Religion to be the greatest, and of most importance.

In your considerations whereof, being an affair of so tender a nature, so apt to be mis-understood, and such as hath miscarried in all former Parliaments, to the great disturbance of this Nation, and to the great affliction of conscientious people, we humbly conceive you have not in any thing shewed greater regard to the glory of God or greater care of the welfare of the people, then in proceeding therein with so cautious and advised a deliberation: giving time and opportunity to your wisdoms, rightly to understand the word of God in that point which most concerneth tender consciences, to hear, try and examine all that can or may be said or writ thereof, and we trust you will in the end produce that which shall be agreeable to the will and mind of God, and to the quiet of all wel-affected people.

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And although your progresse therein hath not been with so much speed, or such severity towards tender Consciences, as some importunely have desired, yet have we good cause to beleieve that you have been guided therein by the good hand of God, who in due time will (we doubt not) bring you to such an issue, as neither your selves, nor any others (well minded) shall have cause to repent, or ever to alter.

And therefore we most earnestly intreat that you will not through any importunity be induced to hasten your proceedings in this weighty cause (wherein least error may prove very prejudiciall) beyond what upon your mature deliberation shall appeare to be just and necessary: there being as we humbly conceive, no greater breach of the priviledge or abatement of the power of Parliament, then for any to do more then humbly to informe or advise you in this, or any other negotiation.

Blessed be God though the differences are many in point of judgement throughout your quarters, as they have been alwaies throughout the world, and will be so long as knowledge is imperfect: yet being amongst consdonable, quiet, well-affected people, they are not properly to be called divisions,

And though we cannot but fear there are some wicked Polititians that endeavour by all means to make them such, and thereby to distemper and distract all your undertakings, and to make the same advantageous to their unjust ends, yet are we confident (through Gods protection) their endeavours shall be fruitlesse (except to draw confusion on themselves) God having blessed the people in generall

with a cooler spirit, and greater wisdom, then by dividing among themselves, or not adhering unto you, to become a prey to any enemy; and hath produced universally in them, as in us your humble Petitioners, a resolution to defend the just power and priviledge of this honourable House, against all delusion or opposition whatsoever, to the last penny of our estates, or last drop of our bloods, beseeching you to go on with the same caution and godly resolution, to perfect those just works you have undertaken, according as God shall direct you, both for the manner and the season: for his way is best, and his time most seasonable.

And as in duty bound, we shall ever pray, &c.

To conclude, if you shall do this conscionably and effectually, I am confident henceforward you will not be able to do any thing against the truth, but for the truth which is the unfeigned desire Edition: current; Page: [3-056] of him who cannot but earnestly desire your reformation, and eternall happinesse:

William Walwyn
FINIS

LONDON, Printed according to Order, by Thomas Paine, for William Ley, at Paules-Chaine, 1646

Edition: current; Page: [3-057]

William Walwyn
Walwyn, William
19 March 1646
4.

William Walwyn, A Word More to Mr. Thomas Edwards Minister (19 March 1646).

- A Word More to
- Mr. Thomas Edwards Minister,
- by William Walwyn Marchant,
- Concerning the Nationall Covenant.

Judge not according to appearance, but judge righteous judgement.

London, Printed according to order, by Thomas Paine. 1646.

Edition: current; Page: [3-058]

William Walwyn
Walwyn, William
Sir,

Untill I perceive the contrary, I cannot but hope that I have prevailed something with you towards a change of your mind, and that you have begun to repent you of the evill you have done by publishing your book entituled the Gangreen: and doe wish my whisper had come so timely to your eare, as to have prevented the second edition, but repentance is never too late, and I earnestly desire it may be hearty in you, for furtherance whereof, having in my last forgotten to declare my judgement concerning the Nationall Covenant, wherein either you are entangled, or whereby you entangle others, forcing such an interpretation thereupon, as to bind all that have taken the same, to endeavour the

establishment of a compulsive Presbyterian Government: directly contrary to the whole scope of the new Testament.

To remove this error, if you be consciencious there in: or to prevent the evil intended, and to undeceive those that misunderstand the Covenant, I shall at this time manifest unto you in what sence I tooke the same: conceiving my self obliged so to do, chiefly in duty to the publick, but withall, in due respect to my own good name, having been questioned by some, how it could stand with my Covenant, that I should be opposite in my judgement and endeavours to the government you intended, or be so serious an Advocate for liberty of Conscience? and I discerned a necessity of doing hereof at this instant of time, by occasion of a sermon I lately heard at Pauls: wherein all were supposed to be breakers of the Covenant, that did not insist and Edition: current; Page: [3-059] be importunate for such a government, & so much power as the assembly of divines should think fit, or to that effect; urging with such vehemency of expression, the pursuance of the Covenant in that sence, with such threats of judgements, and strong provocations, that I was amazed thereat, and had more feared the issue, but that I knew those honourable persons to whom he spake, were endued with wisdom to discerne whose worke he did: though I confesse it was done so artificially, as to have deceived the very choicest of men.

The two first articles of the Covenant, are only materiall to the point in question: and therefore I shall declare in what sence I took them, not medling with any other part thereof.

The first Article is thus. That we shall sincerely, really, and constantly through the grace of God, endeavour in our severall places and callings, the preservation of the reformed Religion in the Church of Scotland, in doctrine, worship, discipline, and government, against our common enemies: by this I did binde my self to indeavour in my place and calling, the preservation of the Reformed Religion in the Church of Scotland, in doctrine, worship, discipline, and government, against our common enemies, that is, that our common enemies shall not in any sort disturbe our brethren the Covenanters of Scotland, in the enjoyment of their Religion, and that form of Church Government which they conceived most agreeable to the Word of God: my bond being of force onely against our common enemies, and in no measure as justifying or judging of the form of government, be it Presbyterian, or any other. And I verily beleeve, thousands that chearfully took the Covenant in reference to mutuall aid and assistance of them against our common enemies, did not know or understand what their Government was, and should they alter their government to some other forme, I hold my self bound in duty to defend them therein against our common enemy, and do judg the honourable Parliament of Scotland as free to alter, as for ours to establish what God shall direct them, and the people there as free to move for the removall of any thing they find prejudiciall in their goverment, as we are here.

By the next words in the Covenant, I binde my selfe (in like manner) to indeavour the reformation of Religion in the Kingdoms of England and Ireland, in doctrine, worship, discipline and Government, according to the word of God, and the example of Edition: current; Page: [3-060] the best reformed Churches: here the Word [3] of God is my particular and expresse rule, for the best Reformed Churches may need reformation, and can at best only minister an occasion of consideration of what is good in them, and agreeable to that word, but that word is still my unerring rule, and not reformed Churches. Withall, so farre as reformed Churches are in use in this case, I could not but esteem that Church the best reformed, where no coercive power is admitted, where there is no compulsion or molestation for Conscience sake, or matters of Religion, the word of God being clear and evident in that point. And truly so far as matters of Conscience and Religion can be intrusted (for I conceive no truly consciencious person in the world can absolutely intrust the regulation of his Conscience in the worship of God to any authority) but so far as it can, in this Nation of ours, I am certain it belongeth onely to the Parliament to judge what is agreeable to the word of God and not unto the Assembly, who

were conveyed by the Parliament to hear their advice, but reserving all power of determination to themselves, as no wise delegable to any others, and God hath blessed all their undertakings in a wonderfull manner, by the hands of Consciencious people, because of their just and tender regard unto their freedom in Religion, notwithstanding all importunity to the contrary.

And where in the next place I bound my self to endeavour to bring the Churches of God in the three Kingdoms to the nearest conjunction and uniformity in Religion, confession of Faith, forme of Church government, Directory for Worship and Catechisme, I conceive my bond is of force onely as I understand these or any of these to be agreeable to the word of God (which I must understand with my own understanding, and not by any others) and then also my endeavour for conformity, must be only by lawfull and just means, not by compulsion or enforcement, but by love, light, and argument: which was the way of our blessed Saviour and his Apostles, and in so doing, wee and our posterity after us may live in faith and love, & the Lord may delight to dwell in the midst of us: for God is love, and he that dwelleth in love, dwelleth in God, and God in him: Nor do I conceive the Conscience of the Parliament to be any otherwise obliged, then a particular mans Conscience, their votes and results being issues of particulars, and as they only are intrusted, so I trust and am confident they will understand with Edition: current; Page: [3-061] their owne understandings, and preserve us in our liberties, not only as we are men, but (Christians namely, in a liberty to be fully perswaded in our own minds, in all things appertaining to Gods worship,) and protect us in the peaceable practice of our consciences, against all kinds of molestation.

And how strange soever this may seem to you, unto me it seemeth most equal: because otherwise, a consciencious man (that of all men is the most precious in the sight of God, and should be so in the judgement of law and authority) of all men would be the least free, and most liable to disturbance, for allow unto such a one all the comforts that this world can afford, and but abridge him of his liberty of worshipping God according to his Conscience, his life in an instant becomes burthensome to him, his other contentments are of no esteeme, and you bring his gray hairs with extreame sorrow to the grave: for of all liberty liberty of Conscience is the greatest: and where that is not: a true Christian findeth none.

In the second Article I bound my selfe to endeavour the extirpation of heresie, schisme and whatsoever shal be found contrary to sound doctrine &c. Whereby it is supposed and urged that I am expressly bound against liberty of Conscience; but as I said before: judge not according to appearance, but judge righteous judgement: by heresie you understand all doctrines that are not agreeable unto yours: though you are not infallible: by schisme you understand the declining or forsaking the Presbyterian Government or congregations: in which sence you were a schisme from the Prelaticall Church: (but I entreat you speedily to explain by grounds of scripture what heresie is, and what schisme is: to which you will stand.) Most commonly by heresi in the covenant, you understand heretick, and by schisme schismatick, and where in the covenant the word extirpation is applied to heresie and schism, you apply it to the rooting up of hereticks: and schismaticks: but in all this I conceive you are extreemly mistaken.

However, when I tooke the Covenant I considered what heresie was, and I found that heresie is not: but where a man forsakes an infallible and knowne truth, and professeth the contrarie, for vile and worldly respects, as may appear by the words of the Apostle, to Titus, Chap. 3. v. 10. 11. A man that is an heretick, after the first or second admonition reject: knowing that he that is such, is subverted, and sinneth, being condemned of himselfe, Edition: current; Page: [3-062] so as if I should know that you in the Bishops time did understand and beleve upon sure grounds of scripture, that libertie of Conscience was due to every Christian, and in respect unto the truth thereof did plead and suffer for the same: and yet after that by the justice of this Parliament, you were delivered from that oppression

and molestation for conscience sake: and stated in freedom: if after this, to gain honour profit or preferment, you shall be so subverted, as to practice the same oppression towards others, (that differ with you in judgement or way of worship) as was injuriously inflicted upon you: and strongly and clamourously, importune for power to suppress conscientious people, this scripture as I conceive, judges you an heretick: one that sinneth, and is subverted and condemned of himselfe: if your conscience condemne you, God you know is greater then your Conscience, and will not acquit you. I dare not peremptorily take upon me to judge you in this sad condition, but that error in judgement, or blindnes in understanding, though very erroneous and grosse, is heresie, I do not beleieve, but do rather conceive it an invention of some corrupt Clergy-men (to cause hatred among the people about opinions, thereby to divide them in affection, it being their maxim, (as well as other polititians) divide and master them,) and to have some colour of enforcing their interpretation of scripture as a rule upon all men, and to punish all opposers. And truly you shal do a good office if you shall open the eies of your friends in this particular, and not suffer them any longer to judge according to the rule of corrupt prelates and persecuting bishops, nor continue so violent against such as differ from them in judgment, but to judge others to bee conscientious as well as themselves, and beare with others, as they would be born withall themselves: being ever mindfull that none are now infallible.

And as concerning schism, I judge it not to be, but where an unpeaceable, and violent perversnesse appeareth, a disposition impossible to hold fellowship withall, and hee onely a schismatick that is such, and not an honest quiet spirited person, that out of conscience and difference in judgement, cannot walk in Church fellowship with me, this being also another invention, (as I beleieve) of corrupt prelates and persecuting bishops, to find occasion against Conscientious people, and by vexing them, to make them draw in their yoak, wherein also you shall doe well to open the eies of your friends, and help them to distinguish Edition: current; Page: [3-063] rightly of heresie and schisme, that so they may know what they have covenanted to extirpate, and what not.

And though I should find such heresies and schismes, and am bound by my Covenant to extirpate them; I must doe it in a way that is justifiable, I must not (as you seem to judge) endeavour to root out the hereticks and schismaticks, by banishment imprisonment or death, but by gentle and Christian means: that is, by perswasion, admonition, and information endeavour to reclaime them, and when that availeth not, I am only to reject them: or to hold no familiar society with them; According to this sence I took these two articles of our Nationall Covenant, and so did divers others that I know, nor do I discern that I strained the naturall or genuine sence thereof in a tittle. If I am mistaken, I shall thank you or any other by grounds of scripture to shew me my error, but if this sence be good, you had need to warne your friends to take heed what they heare, for strange inferences are made from those two articles in the covenant: but I hope what I have said will satisfie all considerate consciences, and suffice to acquit me from breach of covenant, though I earnestly endeavour for liberty of conscience, wherein I am fully perswaded, the glory and truth of God, and good of all mankind is really involved; otherwise I would never have moved my tongue or pen in this argument.

And if I shall be so happy by what I have done, as to bee an instrument to reduce you into a charitable demeanor towards tender Consciences, I shall rejoyce more then to see a miracle: for I still remaine most earnestly desirous of your reformation, and eternall happinesse.

William Walwyn

FINIS

Edition: current; Page: [3-064]

William Walwyn

Walwyn, William

18 May 1646

5.

[William Walwyn], A Word in Season: to all sorts of wel minded people in this miserably distracted and distempered nation (18 May 1646).

- A Word in Season: to all sorts of
- wel minded people

A Word in Season: to all sorts of wel minded people in this miserably distracted and distempered nation.

Plainly manifesting, that the safety and wel-being of the Common-wealth under God, dependeth on the fidelity, and stedfast adherence of the people, to those whom they have chosen, and on their ready compliance with them.

Also, That the destruction and bondage of the Common-wealth in generall, and of every good minded man in particular cannot be avoided, if the people, through want of consideration, shall give eare to any other counsels or counsellors.

Proverb. 2.11,12. Discretion shall preserve thee, understanding shall keep thee, to deliver thee from the way of the evill man, from the man that speaketh froward things.

Published by authority for the publique good., London, Printed by Thomas Paine, dwelling in Red-Crosse-street, in Goldsmiths-Alley, over against the signe of the Sugar-loafe, 1646.

Edition: current; Page: [3-065]

SINCE, (as the Scripture speaketh) no man hateth his own flesh, but loveth and cherisheth it; and that naturally, every man seeketh his owne good: it is very strange, (seeing we have the helpe of reason, of experience, of the Word of God) that the right way, which leadeth to that end, should be so hard, and difficult to be found, certainly, it cannot be so in it self; God hath been more good to man, then to make things necessary hard to come by.

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The difficulty will rather be found to arise by our own default, from our want of a patient, settled, serious, and religious consideration of things, wherby we are continually liable upon all occasions to be misled, either by our owne evill and eager desires, or by the evill examples of others, or by evill (though long settled) customes; or by the perswasions of politique deceivers, into such wayes, which though they seeme to be strewed with Roses and perfumes, yet are the wayes of death, and when we least suspect, bring us to destruction.

Our blessed Saviour therefore bids us to be wise as Serpents, because whilst we live in this world we have to do with Serpents, and to beware to wolves that come to us in sheepes clothing; To be innocent as doves, is a most blessed temper of spirit, but very unsafe and liable to every ginne, and bird of prey, if the wisdom of the Serpent be not joyned therewith: Now all the helps of reason, of experience or the word of God, produce not this wisdom without consideration; advised, deliberate consideration, (such as few in this Nation are accustomed unto) without which that which is called knowledg or understanding, is not true knowledge nor understanding, serving to no publique use at all, except to

distract and distemper, and vex and destroy a Nation. It is the voyce of God himselfe: my People will not consider, they will not understand, without consideration it is impossible to understand anything as we ought, & without understanding (true considerate understanding) man is like unto the beasts that perish: nor had this Nation ever been thus miserable as it hath bin, is, and is like to be, but for want of this kind of consideration, in the People; so that it may be as truly said of this, as of the pervers, rash, inconsiderat Nation of the Jewes; thy distruction is of thy self O England. And if ever there were a cause to study & put in practice the wisdom of the Serpent: to beware of foxes that come to us in sheeps clothing: if ever there were a time requiring the uttermost of wisdom and consideration in all sorts of people, rich and poore, high and low, one with another; now there is a cause, now is the time.

For never to this day, were those who are trusted with the care of the Common wealth, so beset and surrounded with difficulties; with unexpected appearances of strange thinges, such as no age can parralell, of so high and great concernment, as the least miscarriage therein, may in a moment of time make void all their long, their faithfull and painefull endeavours, and involve us Edition: current; Page: [3-067] all into the most misserable bondage, that ever over-whelmed any People.

And therefore (however any sort of man may delude themselves) if we doe not all joyntly and unanimously (laying aside all disaffection for differences in Judgment in Religion) patiently, settledly and seriously, deliberate and consider what every one of us ought to doe, in reference to their preservation; abandoning all passion, and willfull prosecution of perverse and prepostrous things; all jarring and repining at their proceedings; this Nation cannot be safe or happy, nay cannot but be miserable and wretched.

For the greatest and most superlative freedome, of this Nation (and wherein the safty and well-being thereof doth reside) consisteth in this; That Lawes cannot bee made. Government (Ecclesiasticall or Civill) cannot be established or Altered: Warre cannot bee levied, nor Peace concluded, nor Monyes raised, nor any thing done, but by the Authority of those whom the people themselves doe chuse for Parliament: and entrust as their Commissioners, with full and compleat power for Their good. Had it not been by this just Authority, We had never been Freed, from the Tyranies, oppressions and cruelties of the High Commission, Star-Chamber, and Councel-board: from the burthenous Execution of the Forrest-law, Court of Honor, Commissions of Waste: from the Extortions, and Exorbitances, in the Courts of justice, Chancery, Requests: from Ship-money (for remission wherof, no lesse than Twelve Subsidies were required) and from all those other innumerable Patents, Projects, Illegall warrants, and Imprisonments: Things which the whole Land long groned under; though (now removed) the benefit be unworthily forgotten, or misattributed to an Act of grace. Had it not been for this Authority; the Court of Wards had never been abolished, and that for many Ages hath oppressed the Land.

Had not this Authority, opposed; the King had been furnished with monyes to have Warred upon our Brethern of Scotland, in his first attempt upon that Nation. This Authority, in the worst of all former Times, when the strongest Force and Power was upon them, ever stuck closest to the interest of the People, nor did the People, in the worst of Times, ever forsake them, but maintained Their power, and Priveledges, their Essence and authority, whensoever they called upon them for helpe and assistance, nor hath this just and powerfull Authority been more true Edition: current; Page: [3-068] to the Commons that chose them, then to those worthy Lords and Patriots, that at any time have assisted them for the common good of the Nation, preserving their Honours with as true affection as the liberties of the People; no man can name the time that (intentionally) this Authority ever did injury to any just intrest either at home or abroad, but have borne and suffered much, from those that have made an ill use of their lenity and credulity.

All which is necessary to be remembred, and seriously considered in this instant of time, because if

these things be seriously laid to heart, it may happily expel those poysonous vapors, with which our ayre begins to be infected, we have a generation of forgetfull, ingratefull people, who because the Parliament cannot yeild unto all they desire, (without extreame thralldom to the people, in things Ecclesiasticall and Civill) are degenerate into a malevolent disposition, murmuring and repining at all their proceedings, and making hard constructions of their Just endeavours; and by politique and subtill meanes, labour to alienate the hearts of their friends from them, and to incline them to give eare to other Connsels, laying open their infirmities (which they should rather goe backward to cover) and would (if they could) possesse the world that there is a sort of men that would settle Religion more purely, performe and interpret the Covenant more exactly, and doe justice more speedily, and more sincearely then this just Authority, whom the people themselves have chosen; nay, there are fames abroad, that there are catalogues taken of any thing that may possibly beare a bad or sinister construction, to be shewed to the people, in the day of their extremity, if such a day can be procured.

And for what end all this? Why, you shall not faile to be told it is for the glory of God, the setting up of the Kingdome of Jesus Christ, and the everlasting Good of the soules of the people, and the like: but take yee heed how yee heare or give credit to these Syren songs; these charmes of Dalilah, are but to deprive Sampson of his strength, to rob the people of their Power: It is a sad proverb, but Court Logick hath proved it so frequently true, that it may be related without suspicion of blasphemy. In nomine Domini incipit omne malum; When the Devill transformes himselfe into an Angell of light, to make his delusion currant, he is necessitated to use such language: For which cause our blessed Saviour advised us to be Wise as Serpents, lest wee bee beguiled by their subtill glosing dissimulations.

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But as the Apostle saith in another case, If an Angell from heaven preach any other doctrine, let him be accursed. So in this case, if any, though in the shape of an Angell of light, of strength, of powers, or dominations, shall endeavour, by any meanes whatsoever, to divide you from those you have chosen, either in affection, or assistance, you are to hold them for the most accursed Traitors that ever trode upon English ground, and to use all lawfull meanes to bring them to condigne punishment; being well assured, that whatsoever is pretended; the intent can be no other then to extirpate for ever the foundation of the freedom and safety of the People: which once done, a ready way is made for any thing that can make a people wretched and miserable, without hope of remedy.

And therefore be advised in time, before you are engaged too farre, and be confident, those inconveniences you have fancied to your selves (and wherein you are like enough to be mistaken) if they should indeed prove reall ones, yet were you better to have patience, and by loving discourses and prudent meanes endeavour to worke a better information, (which time may produce, as by experience in your selves you cannot but know) rather then through impatience and violent importunity, to cast your selves upon a remedy that must necessarily be destructive to the whole people of the Land: For once suppose or admit that any (pretending whatsoever, piety or authority) may more properly judge of law (or religion so far as concerns the publick) or give interpretation of oaths or covenants, or treaties, or transactions, or any thing which is of public concernment, then those whom the people have chosen: and farewell common freedom for ever, who ever those are you would so prefer, as far as in you is, in so admitting or supposing, you betray the great freedom of the Nation, and set Masters over the Parliament, then which there can be no greater Treason.

Be not flattered and deluded out of your birthright: Consider, whatever you are, you are but a part of the whole people, it is impossible that you can give the sense and mind of all the Commons of England: Nay, if you could, it is not lawfull for you to doe it, otherwise then by a becomming information, and to rest satisfied when you have so done: You are not entrusted by the People, you are

not Chosen to that end: But this just Authoritie is a power chosen, and entrusted; and you are to know, that they are absolutely Free to follow the dictate of their own Edition: current; Page: [3-070] Understandings and Consciences, informed by the Word of God, by principles of right reason, and all other good meanes, as is most probable to conduce to the safetie and weale of the people; which they lately and worthily have declared to be the end of the Primitive Institution of all Government.

Whosoever shall tell you, that either themselves or any others will ever doe you more good then those you have chosen; make no scruple to owne them for deceivers, that Absolon-like, kisse and wooe you, of purpose, to enslave you.

What though some things may not be done so perfectly, or so inexcusably as you could wish: Consider, they are but men, subject to the same passions and infirmities as your selves; they are not like some ancient Fradulent great Councells, that have maintained the Canons and Decrees thereof to be infallible: Nay, they are so farre from such delusion, that they have many times altered their owne Orders, Ordinances, and Acts, upon further or better information, and doe not refuse, nor reject Petitions and Informations duely offered by any peaceable persons, few, or many, and as readily follow the advices of others (which they approve) as their owne immediate apprehensions and Councells.

And, as a sure testimony of their faithfulness and sinceritie; doe but seriously consider, how exceedingly God hath blessed them, viz. with the affections of the people, with power and strength in the field, with deliverance from many most desperate Plots, and out of many sore and difficult exigents, that their enemies have bin as Chaffe before their Armies: What force hath beene too mightie, or place too strong for their Achievement? And now, that they have all, as it were, in their owne command (by the same good providence of God) would you now, because they cannot please you in every particular, except they shall goe against their owne Consciences, gladly see them trodden upon and brought under: Surely, if you would but open your eyes, you could not but see, that the hand of God is still with them, and will not be shortned: He hath already brought low the mightie, and reprov'd, vanquished even Kings for their sakes, and for theirs whom they represent: And doe you now thinke, that any shall be able to lay their honour in the dust? You cannot certainly be many, that have beene thus blinded, or deluded: Nor can you possibly long continue in so bad a mind. A little consideration must necessarily change your minds, and God I trust, will prevent you with his converting grace, and will not suffer you to be Edition: current; Page: [3-071] tempted above your power. However, this is most visible to all considerate men, that there are multitudes of honest Religious people that remain immaculate in their affections to this Honourable Parliament, & are truly thankful for their unwearied labors, in recovery of the long lost Liberties of this great Nation, & stand firmly resolved to maintaine and defend with their lives and estates, their just power and priviledges, against all opposition, circumvention, or delusion whatsoever; And those who shall cease to doe this, through any conceived cause or provocation, they shall esteeme them the most treacherous upon earth, and not worthy the name of true Englishmen or Christians.

This, by generall discourse & observation, is found to be a knowne truth; and therefore, it is earnestly hoped, the Honourable Parliament will no whit abate of their resolutions, to make this Nation absolutely free and happie; notwithstanding the manifold new Discoveries of strange Apparitions, if they but please to consider seriously the true Englishmans temper, they will find, they have multitudes more with them then against them; and that in times to come this shall be an English Proverb, As certaine to perish, as those that openly oppose, or would secretly undermine a Parliament.

FINIS

Edition: current; Page: [3-072]

William Walwyn
Walwyn, William
10 June 1646
6.

William Walwyn, An Antidote against Master Edwards his old and new Poyson (10 June 1646).

- AN ANTIDOTE AGAINST MASTER EDWARDS
- HIS OLD AND NEW POYSON:

Intended TO PRESERVE THIS long distempered Nation from a most dangerous Relaps.

WHICH HIS FORMER, HIS later, and next Gangrenous Book is likely to occasion, if not timely prevented. By WILLIAM WALWIN.

Deut. 22.33. Their Wine is the poyson of Dragons, and the cruell venime of Aspes.

Rom. 3.13. Their throat is an open sepulcher, with their tongues they have used deceit, the poyson of Aspes is under their lips.

Proverbs 22.10. Cast out the scorner, and contention shall go out: yea, strife and reproach shall cease.

London, Printed by Thomas Paine, dwelling in Red-Crosse-street, in Goldsmiths-Alley, over-against the signe of the Sugar-loafe. 1646.

Edition: current; Page: [3-073]

Though God hath given unto Mr. Edwards, parts and abilities, wherewithal to acquire a comfortable life, in a just and good way, and wherein hee might bee helpfull unto many, and hurtfull unto none; neverthelesse hee seemeth unhappily to have placed his contentment in being a Master and Comptrouler of other mens judgements and practises in the worship of God, (wherein the Word of God and a mans owne conscience is only to governe): and thereupon (necessarily) finding opposition from al consciensious people, hee growes most passionately impatient, and even violently madd against all such as either plead their cause, or take their part; plainly manifesting, throughout the whole course of his preaching and writing, that he would esteem it his greatest felicity, if he could prevaile with authority, or provoke any others Edition: current; Page: [3-074] to the perpetuall molestation and destruction, of all that will not (though against their consciences) submit to those rules which he approveth.

Now the piety and justice of this Honourable Parliament, having so lately freed this long oppressed Nation, from this very kind of Tyranny, in the Bishops and Prelaticall Clergy, and very many judicious, and considerate persons (through a blessed opportunity, freedeme of discourse, and cleerer search of Scripture then heretofore) being fully satisfied in their understandings, that to compell or restraine, any peaceable person in matters of faith, and the worship of God, is as reall a sinne, and as odious in the sight of God as murther, theft or adultery, and thereupon engaging themselves in the just defence of liberty of conscience, Master Edwards his worke (of bowing all to his rule) falls out to be very difficult, and impossible (by any arguments drawn from the word of God) to be effected, or proved just.

And this also, instead of qualifying his spirit, or stopping him in his race, hath set him all on fire, that he rageth like an Irish, ravenous and hungry wolfe, deprived of his prey by generous and true English Mastives, that watch both night and day to save the harmlesse and benefitall sheep (the Independants and Separatists) who from the begining of these our troubles, to this very day, have continually without repining contributed their fleece for clothing, and their limbes and lives for nourishment, and strength, to preserve not only their owne liberties, but the just liberties of this Nation; Yet nothing abateth the madnesse of this prophet; but even (as is to be feared) against his owne conscience, and as if hired thereunto by some politique Balacks, hee flieth from one hill to another, from authority to authority, hath his parables and his offerings, and Satan like, would tempt the Lord himselfe to fall downe and worship him, to go against his owne declared will, and to stir up a persecuting spirit in the Magistrate, against this his beloved Israel, to compell them to worship him (as doe the Hipocrites) against their minds and consciences, then which nothing could be more abominable in his sight.

And though he cannot but see the hand of God against him, and that notwithstanding all his opposition, or any others, the numbers of them are daily increased, and that their faithfulnessse to the Parliament & common-wealth, hath caused them to grow in favor with al the People; though (if he would speak his heart) he must as Baalam, perforce acknowledge there is no Edition: current; Page: [3-075] enchantment against Jacob, nor any divination against Israel; no prevailing for a coersive power, against this good people, in a time of refreshment from any just Authority: Yet persists he in his ungodly resolution, and seeing and knowing that God will by no meanes answer his eager desire, of cursing this part of his people; he seemeth to grow desperate, and like as Saul when God had cast him off, and refused to answer him, either by Urim or Vision, betooke himselfe to the witch of Endor, even so this most unhappy man, betaketh himselfe to Machivillian policy, for execution of his cruel purposes against them: and finding no just or judicious party that will afford him any countenance, or assistance, he applyeth himselfe to any that hate them, though enemies to the common-wealth, hazarding the doing of their work, so that with them, and by them, he may but doe his owne, whereunto the weaknesses of many wel minded people ministreth to great an advantage, their rashnesse and to easie credulity, being all the foundation which he hath now left, to build his hopes upon, for if these would but a while suspend their belief, and patiently consider the things he hath spoken or is about to publish, and would thereupon with-draw themselves from his wicked and delusive counsels, and instead thereof would fall to councelling of him to forsake his violent Rayling, and reviling, of a people they know to be faithfull, it were then impossible for him to effect his unjust designes, wch also (if effected) must necessarily be the bondage or ruin of all sorts of wel minded people, as wel Presbiterians as others (however his charmings may for the present flatter them) that must and will be the conclusion, if they continue to take in his poysonous counsells, how pleasing soever they seem to a pallat corrupted by long custome; they are poysonous, and will in time both swell and destroy them.

And therefore unto this sort of people, doe I at this time principally addresse this discourse by way of Antidote, to prevent the working of his banefull Counsels, and to frustrate his accursed ends.

This unjust man, knoweth all just and judicious men, cannot but oppose his unjust designes, and therefore it is, he hath denounced so many of them by name in his books, as his enemies, his ablest enemies they are, and the more powerfull, because they are all knowne to be really faithfull to the Parliament: In this case saith Machivel there is but one help, that is, they must be brought into disgrace, and disrepute, with the people, for if these Edition: current; Page: [3-076] remain in credit, the people will give eare unto them, be rightly informed by them & be in no capacity to be deceived: well saies Mr. Edwards, how shall they be sufficiently reproached: Why saies Machivel, seek out unto your ayd honest zealous persons of godly life, and good repute in the world, such as you know are fiery hot against errors and heresies so called, and unto them sadly complaine of the dayly infinite

increase thereof, & intreat their assistance in the extirpation of them, & for that end desire them to collect their memories, what they have heard in any discourse, what they have any waies observed or knowne, to proceed from such and such men, naming divers, that are taken and reputed to be either grand Hereticks, and Schismatiques themselves, or the defenders and maintainers of them, by word or writing, tell them you have heard that such and such, hold such and such blasphemous opinions, at such and such a time uttered, such & such horrible speeches, pray them to consider how exceeding necessary it is such things were knowne, and made publique to all the world, lest through ignorance such blasphemous and hereticall persons in time get into offices of Magistracy, if not into the Parliament it seife; lay before them the danger if it should be so, and intreat them (for prevention) that they will thrust themselves into all meetings, companies, and societies, to provoke discourses, and to take notice of what they observe, or can any waies learne of any of them or any others, and it shall be your care to divulge them to the world, in the strongest colours your Art can give them: And (saith Machivel) as they through eagernes, will over-heare and make things worse then they were either spoken or intended, so it must be your care to make them rather wors then better, then their relations, you must be sure to cast durt enough upon them, some will stick, and a little (amongst those you would pervert) will suffice to blemish the clearest and most able amongst them, and to deprive them of all credit and repute for ever.

If you observe any man to be of a publique and active spirit, (though he be no Independent or Separatist) he can never be friend to you in your work, and therefore you are to give him out, to be strongly suspected of whoredom, or drunkenness, and prophaness, an irreligious person, or an Atheist, and that by godly and religious persons, he was seen and heard blaspheming the holy Scriptures, and making a mock of the Ordinances of Christ, or say he is suspected to hold intelligence with Oxford, or Edition: current; Page: [3-077] any thing no matter what, somewhat will be beleaved, you cannot be ignorant how much this hath prevailed against divers able persons.

If you see any such man but once talking with a Papist, or (though not) you may give out that very honest men suspect him to be a Jesuit: If any one but demand of you or any others, how you know the Scriptures to be the word of God, give it out for certain he denieth them, or if any put questions concerning God or Christ, or the Trinity, you have more then enough to lay accusations upon them, that shall stick by them as long as they live, if you will follow this my counsell thoroughly saith Machivel (as in part you have done) you cannot faile of your end, you can never want matter, you shall (amongst those you deceive) be taken for a most zealous, holy, and religious man, you may write book upon book, great and large ones, and make good profit (or great renowne) by them, and in after ages, be recorded as a famous Author.

Moreover if you prosecute this course, you may haply hereby not only hold your friends firme unto you, ready upon all occasions to petition what you would have them, or to doe any thing you shall require them, but you shall be sure to hold them for ever devided from your adversaries, in all things, they shall not regard any thing, though never so just or good, if they see they have but a finger therein, nay if you work wisely, you need not dispaire of dividing your most powerfull adversaries amongst themselves, doubts & jelousies being of great force:

And you know it is an undoubted truth, a house divided within it selfe cannot stand.

This is Machivels way; and this hath been Mr. Edwards his way; and in this way hee goeth on, but the way of God have they not knowne, or rather have they not despised the way of the Lord.

This is the Poyson by which he hath envenomed the hearts and understandings of thousands (in themselves) honest, religious people, too too easily misse-led, for want of knowledge or consideration

of these Machivelian courses; men that being sinceare in their owne intentions, are easily deluded by the least pretence of zeal and godlinesse.

And however his heart may be hardned that he will not regard any thing, that hath been written unto him; you that have been deceived by him, are not so farre gone but you may yet recover, Edition: current; Page: [3-078] & become untainted, with the least savour of his spirit, and in time abominate his waies:

But surely then you must consider things more seriously then hitherto you have done, you must suspect your owne waies, and compare them once more with the waies of God, commended to you in his holy Word; That is the only Antidote that is able to expell the Poyson you have taken, or shall be offered in his next book; you know the word of God is mighty to the casting down of strong holds, & to bring into subjection all Machivelian Imaginations.

I shall therefore pray you in reading his next book which (it is to be feared) is reserved for an accursed purpose, and to second some worke of Darknesse; that you will with open eyes see how farre, and how plausible Machivel may go with colours of religion transforming himselfe into an Angell of light.

Also that you will not hastily give credit to any thing spoken by him a professed adversary, lest in so doing, you become guilty of bearing false witnesse against your neighbour.

That you will consider and marke those that cause divisions and offences, contrary to the doctrine which ye have learned, and avoid them: Rom. 16.17.

That you will mind a speciall part of that doctrine to be expressed in the fourteenth Chapter thorow-out, and the beginning of the fifteenth, which I entreat you to reade without prejudice or preoccupation of judgment; and then I cannot doubt, but liberty of conscience will appeare more just in your eyes, then it hath done, and confesse that your selves cannot live without it.

That you will lay to heart how dangerous it may prove to the Common wealth, and to the cause you have hitherto joyntly maintained, (God prospering you in so doing) if by any policies you should stand divided from those your brethren of other judgments; beleieve it, the hand of Joab is in all your divisions, what-ever you see or judge, your common enemy, is the fomenter of them; and under what notion or colours soever they appeare, they are a common enemy to you both, that labour to divide you, and in the end, you will find it to be so to your cost, if not to your ruine.

An ancient Philosopher (somewhat to this purpose) hath a fable, That the Wolves being at long and deadly war with the sheep, and not prevailing by force; but contrary to their expectation Edition: current; Page: [3-079] almost vanquished: Resolved to try what they could doe by policie, and thereupon desired a treaty, which the sheep simply and easily granted: The principall thing in the treaty, which the Wolves insisted on, was, that the sheepe would but discharge & send away their dogs, and then there would be no cause of warre at all, but they should live quietly one by another, urging withall, that the dogs were of a quarrelsome disposition, had been the beginners and continuers of the war, that they were of a different nature & temper from the sheep, maintain'd the war only for their own ends, and in probability were like enough to make a prey of the sheep themselves, and the like; if they would discharge them, they would give them what security themselves would desire, for assurance of their peaceable neighbourhood. The poor sheep soon weary of the charge and trouble of war, yeelded thereunto, and discharged their dogges, their strongest help, (whereby they had not only preserved themselves, but by many battels and maine force had even quite vanquished the Wolves) wch was no sooner done, but the Wolves in short time muster up their force, (the dogs being out of call) and when the sheep least suspected, fell upon them and destroyed them utterly.

I conceive this could never have been effected, but that the Wolves had conveyed some of themselves into sheepes cloathing, who by flattering and dissembling cariage, got themselves into credit with the sheepe, and so perswaded to this goodly treaty, and wrought them to those destructive conditions.

And (if well considered) this fable (though dogs and Christians hold no fit comparison) may demonstrate, that whosoever doth, or shall endeavour to perswade the godly and honest Presbyters to abandon, discourage or molest their faithfull, helpfull, valiant and assured friends of other judgements (whom Mr. Edwards would have to be used worse then dogs) they are at best, but Wolves, or Wolves friends, and seek the destruction of all honest people, of what judgement soever.

And whether Master Edwards do expresly ayme at so horrid an issue, or not; for certaine, his workes and endeavours do mainly tend thereunto, and will help on the wicked purposes of any that intend the destruction of the sheepe.

But, blessed be God, we are not as sheepe without a shepherd, wee have had, and still have faithfull & resolved shepherds set over us by providence, in a most just and orderly way, a Parliament (the terror of the wicked, and comfort of the just) that Edition: current; Page: [3-080] for these 5 years and upwards, have been a strong Tower of defence to the sheep of the Lords Pasture, to all the godly party in the Land: and though many of our froward and weak sheepe have many times been tampring & harkening after offers and conditions as dangerous to the whole flocke, as the discharging of that strength, the Wolves most feared; yet hath the wisdom of those our faithfull Shepherds hitherto prevented the same; and according to the true rules of wisdom have made most use of those whom the Wolves most feared.

And we trust the same God that endowed them with such a new modelising wisdom, as hath been succesfull to the astonishment both of their friends and enemies, will still guide and direct them, when the policies of the enemies, are most busie and strongly working; and when the weaknesse and frowardnesse of their friends are most troublesome & importunate for destructive things, yea though some should be wrought upon so farre, as to shew a wearisomnesse of these their Shepherds; the same God will then we doubt not, shew his mighty power and wisdom in them, and thereby preserve this whole Nation, from a most dangerous Relaps, which otherwise were to be feared:

The whole flock is their charge, God hath made them Overseers of the whole, and to our joy and comfort they have hitherto shewed, a greater care to preserve the whole People, then to please any part of them; in unreasonable things: and in so doing they have been (and cannot but be) blessed and prosperous:

And notwithstanding Mr. Edwards his venomous poyson, blowne abroad by his unhappy quill, to blast and destroy the repute of honest, religious, and faithfull men, yet (the tree being knowne by his fruite) the Parliaments wisdom expelleth his poyson and sheweth no disrespect to any honest religious person, and every juditious man followeth their worthy example therein: and when you that are weak and have been misled, and tainted with his poyson, shall consider it, your judgments I trust will be rectified, and strengthened so sufficiently, that you will no longer judge of men according to his malicious accusations, but according to their workes and what you see them doe:

Which if you doe, wee shall have done with his poysonous, and scandalous bookes, which serve for nothing but to deceive and destroy the people; great quietnesse will follow thereupon, and you will soone finde a nearer way to a finall end of your troubles, then the wrangling way he hath proposed, for if once you were Edition: current; Page: [3-081] united you would have no enemies; your warre would be at an end; your peace would be sure, and all the people safe and happy;

Which is my only ayme in this work and my most earnest desire:

WILLIAM WALWIN

A GRAINE MORE, And no more.

Observing by some passages and occurrences of late, that all the labour bestowed towards the conversion and reducing of Master Edwards into a truly, charitable, and Christian disposition, hath proved no other, then as the washing of a Blackamoore; and thereupon, daily expecting a poysonous issue from his infectious braine. To prevent the mischief that might ensue: I prepared this little Antidote, intending to have had it in such a readinesse, as that it should have met his poyson in the instant he first spread it, wherein I did my part, but the Printers mistake hindred it.

Those therefore that have read his new Gangrenous and scandalous book, and doe find themselves any whit tainted with the poyson thereof, and have slept upon it: My friendly advise is, that they take double the quantity of this Antidote: that they reade this little Treatise twice over, and consider every part of it seriously and deliberately, and if they are any thing farre gone, and in danger: then it will be necessary they adde thereunto a good quantity more of true Christian love, it will be somewhat hard to find, there being abundance every where of that which is counterfeit, the best of which will do more hurt then good; and therefore it will be needfull you get the help of some that by experience can distinguish the true from the false, and such a one I can assure you is also very hard to find: but without it there is no hope, and with it there is infallible certainty of recovery.

If there were not much false and counterfeit love abroad, this wretched man with all his cursed diligence could never have been furnished with matter to have sweld his poysonous bulck to so vast a greatnesse.

And truly had those whoever they are that gave those malicious informations concerning me, as he reciteth them if they had had, but one scruple of true Christian love in them they never had administered to his (so unmanly) occasion.

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I blesse God, I have through diligent seeking found this pretious liquor, and have enough to spare upon those his unadvised intelligencers, and through the power thereof can freely forgive their evill intentions, which my conscience assures me, I never deserved from any, I ever conversed withall, or that ever knew me.

As for himselfe, if passion and fore-judging did not blind mens understandings, and that most men are transported with flashy fancies, and are unapt to consider things judiciously, it would evidently appeare, that he hath not in any measure answered, either my Whisper or the Word more, both which wil live in despite of his utmost venome, and wil conceme him, and all such deceivers as he is, being there set forth in their truest colours, nor is his neglect of them, any other but a device to keep mens eyes off from reading or regarding them, wherein he hath indeed dealt very pollitiquely, and like one fully possest with a true Machivillian spirit, which more evidently appeareth in laying his charge upon me in such subjects, as wherein he knoweth the presses in these times are not admitted the lest measure of freedome, & if I should insist upon the mistakes, & nullities in the charge, I should be inforc'd to use the names of some persons, I much esteeme for that publique affection I have seen in them, and for the un-interrupted friendship I have had with them, which is no waies sutable to my spirit: insomuch as I am yet unresolved what course to take, besides, since it concernes only my

particular, and that of necessity it will occasion a bulk in print beyond my temper, the world being also opprest with books of particular contest, I beleeeve I shall incline to forbear, though I am not certaine.

As for those who know me, or throughly know him, with al those I shal remain unprejudiced in my repute, though he should have spet al his venome at once, and as for those that neither know him nor me, I shal (and I think may) safely trust my credit to the operation of my Antidote, & to the most powerful addition of true Christian love, wch (were there need in this cause) would cover abundance of evill: love is the balsome which in my Whisper I really commended to his use, but either he will not use it, or takes not that paynes to rub it in which I advised, but though I have cast my pearle amisse, and have sped accordingly; that shall not hinder or abate my esteem of so pretious a Jewell, it is the delight of life, and the joy of Heaven, and whilst I live I trust I shall live in love, and when I dye, that I shall dye in this Edition: current; Page: [3-083] love, and Rise and remain Eternally in love, that is in God (for God is love) in whose presence there is fulnesse of joy; at whose wright hand there are pleasures for evermore; and full amends for all reproches.

WILLIAM WALWIN

FINIS

Imprimatur, John Bachiler.

May 26. 1646

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Edition: current; Page: [3-084]

John Lilburne

Lilburne, John

16 June 1646

7.

John Lilburne, The Free-mans Freedom Vindicated (16 June 1646).

- THE
- FREE-MANS
- FREEDOM VINDICATED.
- OR

A true Relation of the cause and manner of Lievt. Col. Iohn Lilburns present imprisonment in Newgate, being thereunto arbitrarily and Illegally committed, by the House of Peeres, June 11. 1646. for his delivering in, at their open Barre, under his Hand and Seal, his PROTESTATION, against their incroaching upon the Common Liberties of all the Commons of England, in endeavouring to try him, a Commoner of England, in a criminall cause, contrary to the expresse tenour and forme of the 29. Chap. of the great Charter of England, and for making his legall and iust appeal to his competent, propper and legal Tryers and Judges, the Commons of England, in PARLIAMENT assembled.

Edition: current; Page: [3-085]

TRue bred Englishmen, that have a life to lay down, for the defence of your just Liberties and Freedomes, (for to such alone I direct my speech) against all incroachers, destroyers, and usurpers thereof, (be they what they will be) I desire to let you understand, that I your Countryman amongst many others, have imbarqued all that I have in this world, in this one vessell, cal'd the good Ship of good Hope, sayling in the troublesome Seas of England, bound for the long desired Port, called the safe injoyment of Englands liberties and freedomes, the direct roade tending thereunto, is the path of

Iustice, without the sayling in which roade, it is forever impossible to arive there; And therefore fearing my Venture should lately miscarry, I tooke upon me the bouldnesse to write an Epistle to Judge Reeve, one of Englands Pilots, which hath occasioned a desperate Storm to arise against me in particular, though there be nothing but wholsome and sound advice therein contained.

And perceiving by my late being with the Judge, that it was not well taken, nor likely to provide for my safety, against Col. Edward King, one of Englands rotten members, and branches, fit for nothing but to be cut off, out of Englands pleasant and fruitfull Vineyard I thereupon writ further instructions to my Attorney, to draw up my Plea, which thus followeth.

To his faithfull and much respected friend and Attorney, Mr. Goorge Ingram, at his Chamber in Cliffords Inne, these.

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John Lilbvrne
Lilbvrne, John
Sir,

IN the cause wherein Colonell Edward King is plantive against me, in an action for pretended words spoken by me again(st) him: I entertained you to be my Attorney, whereupon you appeared for me, and received Kings declaration the last Tearme to which I am now to plead, I desire you therefore to plead to the same, that the said Edward King long before the pretended words alleadged by the declaration, to be spoken viz. in August 1644. was by Master Muffenden and Master Wolley and divers others of the Committee of Lincolne, accused and charged before the Honourable House of Commons of high Treason, for his betraying the towne of Crowland unto the Enemy, as by the fourth Article of the said charge (whereunto reference being had) will appeare. And by the twelf Article of the said charge, the said Edward King is accused for the negligent losse and delivery up of Grantham to the Enemy, which is adjudged to be high Treason, Rot. Parl. 7. Richard 2. Num. 38. 39. 40.

And for further plea, that the said charge was before this action brought, and yet is still depending, and only examinable and triable in Parliament, neither is the said Colonell King yet acquitted or tried for the same, besides plead also that I am a witsesse so the prooffe of the said Charge, and so not compellable to make further answer, or other plea then this, untill the said King have had his triall upon the said Charge of high Treason in a Parliamentary way. This I hope the Court will accept and approve of, for a satisfactory and plenary answer and plea to his declaration, which you may draw up in forme as you shall find cause, whereunto I doe Authorize you, and for this pleading, this shall be your warrant and discharge, this I thought good to doe for the preventing of any colourable advantage, Colonell King might seeme to have, or any waies take through my neglect, or for want of a warrant to you to plead to his declaration, a judgment should passe for him against me by default.

I have written to Master Justice Reeve, setting forth the true state of the cause, a printed coppy I left at his house for him, which I perceive he hath perused, another I send you here inclosed, whereby you may be the better informed, and inabled to draw up my plea, and what you shall doe herein according to this warrant, I shall allow, in testimony whereof to this my warrant I have subscribed my hand, and set to my seale this ninth day of June 1646. and rest,

Your affectionate and faithfull friend
JOHN LILBVRNE.

Sir, if you think fit to shew this to Judge Reeve or any other I shall approve of it.

Being moved out of mature consideration, to give him these instructions, because, (as I told him) if I should plead in a formall way to the Plea, guilty, or not guilty, I should thereby be the beginner of a dangerous president of destructive consequence to the wholl Kingdome, because that if a man intrusted, did turn traytor, and a company of honest men did endeavour, according to their duty, and to avoid the grievous sinne of perjury, did endeavour to bring him to condigne punishment for his treason, & for that end, referred Artickles of high treason in Parliament against him, with their names to them, and they, by reason of many publicke businesses, by reason of the warres in, & distractions of the Kingdome, cannot conveniently, for halfe a yeare, a yeare or more, try and adjudge the busines, the traytor or accused person, being a crafty fellow, full of Edition: current; Page: [3-086b] ill gotten money, and corrupt Alies, and because that his tryall is delayed, he picks quarrels against his just prosecuters, and arests them in actions of 2. or 3000l. at the Common Law, for calling him (as really he is) traytor, and tosseth and tumbleth them, yea and it may be, by an unjust Puntillo in Law, brings them unto unavoidable ruine, by Common Law, which principally is inherent in the oracles of erring Iudges breasts, who it may be, two houres before he passeth sentence, is not resolved what to decree for Law, and so by this meanes every honest man that complaines of a knave or traytor in the Parliament, or is a party interested, in making good the charge against him, may by such wayes and meanes (by reason of delay in iudgement, which is not his fault) be brought by his cunning adversary into the Common Law Bryers, as I am by King, who ought by Law to be in Prison fast by the heeles) and so all honest men forever discouraged in such a cause, to complain of such transgressours, let them act treason against the State universall and representative, and do what they will; and this is just my case with Col. Ed. King, as by my printed letter to Iudge Reeve, I have truly & clearly declared.

But by my foresaid instructions sent to my attorney, I gave him authority (if he pleased) to shew them to the iudge, which for ought I know to the contrary he did, which it may be may occasion a complaint from him, or some others against me to the Lords, for immediately upon it, I am summoned before them, their warrant thus followeth.

Die Mercurij 10. June, 1646.

IT is this day ordered by the Lords in Parliament assembled, that Liev. Col. Lilburn, shall forthwith upon sight hereof, appeare before the Lords in Parliament, to answer such things as he stands charged with before their Lordships, concerning a Pamphlet, intituled, the Just mans justification, or a Letter by way of Plea in Barr. And hereof he shall not faile, as he will answer the contrary at his perill.

Ioh. Brown. Cler. Parl.

To the gentleman Usher attending this House, or his Deputy.

The Officer comming Iune 11th. last past to my House, about 6. of the Clock in the morning, cal'd me out of my Bed, and after I had read his warrant, I told him that if there were not a tye of respect laid upon me to the Lords, for their faire and courteous dealing with me about my busines, that was lately depending before them, I would not in the present case, obey their warrant, nor twenty more of the like nature, but would defend my selfe in my own house (which is my Castle) against all that in such cases they should send unto me, to the death, because they have by the Law, no authority at all to mak me dance attendance upon them, in the present case, or to try me a Commoner, in any Criminall cause whatsoever, either for Life, Limb, liberty or estate, which I told him was the case now in and, for his own warrants did sumon me to appeare to answer a charge then before their Lordships, and this I wished him to tell them must be my plea at their Barre at which, having promised him to appeare, he departed, so sitting my selfe in the best manner the present In-comes of God inabled me for the brunt.

I tooke my Journey towards Westminster, and in the streets meditating, desired God according to his

wonted manner to direct me, I presently had contrived in my own brain, without any humane help in the world, a Protestation and appeal, my heart Edition: current; Page: [3-087a] being set up so high to go on with it, although it should be present death unto me, so I took sanctuary at a friends lodging to compile it in a method, which being done I transcribed it faire with my owne hand, and then set my hand and seale unto it, and being loth to run so high a contest with the House of Peers if by any meanes possible I could avoid it.

I repaired to a Lord a member of that House, and told him my whole heart in my intentions, shewed him my paper, and read part of it to him, and desired him to fill some more of the Lords of it, if he judged it convenient, that so they might a little better consider of it before they brought me to their Barre, and forced me to doe that that would tend to their extaordinary dishonour, or my ruine and distruction, and doe it I both must and would by Gods assistance (I told him) if they called me to their Barre, telling him I judged it as base an action in me (both in the sight of God and man) to betray my knowne and fundamentall liberties, as with my owne hands to cut my owne throat, protesting unto him, that if he and the rest of the Lords indevoured to destroy Magna Charta and to tread, it under their feet, as they would doe if they medled with me in this case, I would draw my sword against them every man as freely as I would doe against the King, and the desperate Cavalier with him, with much more that then I told him he departed to the House, and I imediatly by water followed him, and what he did in it I doe not fully know, but I was not called in till about one a clock:

And being commanded to their Barr, the Earle of Manchester (their Speaker) commanded Master Smith to show me my printed Epistle to Iudge Reeves, and asked me (to this effect) if I know that booke, and whether I did not leave (or cause to be left) one of them at Iudge Reeves house for the Iudge himselfe.

Unto which I replied, my Lord, if it may stand with the pleasure of this House, I desire to know whether or no you have any formall or legall charge against me in writing, if they had I desired to see it? that so I might read it, and then I would give them an answer to their question

Whereupon after a little pawze and looking one upon another, the Earle of Stamford stept up and with much zeale pressed his Lordship to hould me to the question, (so saith the Earle of Manchester) answer to the question.

My Lord (said I) under favour, I conceive the thing I desire of your Lordship, is very just and rationall (& so it is if you consider their owne summons which expresly commands me to appeare before them to answeere a charge) but if nothing will serve your turne but a possitive answeere to the question, then my Lord there is an answeere in writing under my hand and seale, which I will justifie and maintaine to the death, I beseech you it may be read;

And with this I gave my paper to Master Smith their Cleark then at their Barre: Whereupon the Earle of Lincolne stept up and said to the Speaker, my Lord what have wee to doe with his paper? command him to answer to the question.

Lieutenant Colonell Lilburne (saith the Earle of Manchester) the Lords command you to answer positively to the question, unto which I replied my Lord, in that paper in Master Smiths hand is my answer to the question, and to all others whatsoever that you shall ask me, and no other answer I have to give you, neither shall I, and if that will satisfy you well and good, if not, seeke it where you can have it, for I for my part shall give you no other, where upon I was commanded to withdraw.

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And one of the Lords commanded the Cleark to give me my paper, (for saith be, what shall wee doe

with it) but I refused to take it, and tould them, I would not medle nor make with it, there it was, and it was enough to me, that I had delivered it at their open Barre, do what you will with it, for my Lords, I am as carelesse as you are, whether you will read it or no, so the Cleark threw it after me, but I would not medle with it, but withdrew, the words of which thus followeth.

The Protestation, Plea, and Defence of Lievtenant Colonell IOHN LILBVRNE.

Given to the Lords at their Barre, thursday Iune 11th. 1646. with his Appeall to his competent, proper, and legall tryers and Judges, the Commons of ENGLAND, assembled in PARLIAMENT.

John Lilbvrne
Lilbvrne, John
My Lords,

THis morning I received a summons under your Clearks hand, to appeare upon sight thereof before your Lordships in Parliament, to answer such things as I am charged with before your Lordships, touching a Booke called by your Warrant, a Pamphlet intituled, the Iust mans Iustification, or a Letter by way of Plea in Barre. My Lords I tould your Messenger, Mr. Bakers sonne, that your Lorships had dealt friendly, honourably, and fairely with me in my apprehension, in my late businesse, being in a legall and Parliamentary way, transacted, first by the House of Commons, and so brought before your Lordships, which did lye as a tye upon my spirit, by way of Obligation, and now I would repay it, in laying aside (so far at present my priviledge, as I am a Commoner of England) as in obedience to your summons (salvo jure) to appeare at your Barre, although (as I told him) your Lordships, by Magna Charta and the Law of this Kingdome have nothing to doe with me, being a Commoner in any judiciall way, to try me in a criminall cause either for life, limb, liberties or estate, which is now the present case betwixt your Lordships and me, as appears by your own summons, and this I desired your messenger to tell your honours must of necessity be my plea at your Barr.

But that it may appeare that I do nothing headily or rashly either in contempt of your just rights and powers, which I desire you may long enioy, alwaies provided, you endeavour not my ruin and destruction with them, neither out of any desire in the least to contest with you, which in me to doe, (I acknowledge) would argue abundance of ingratitude, it being my principle to do to others as I would be done to myself; and as much as in me lyes, to endeavour to live in peace with all men.

But to be robbed of my life, or give way to be made a slave to any whomsoever, either by a voluntary giving up, or in silent suffering to be taken from me, my native, naturall, just legall and hereditary freedoms and liberties, I am resolved rather to undergo all extremities hazards, miseries, and deaths, which possibly the wit of man can devise, or his power and tirany inflict.

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And therefore my Lords, you being Peeres as you are called, merely made by prerogative, and never intrusted or impowred by the Commons of England, the originall and fountaine of Power, Magna Charta the English mans legall birth right and inheritance, so often bought and redemed with such great seas of blood, and milions of money, hath justly, rationally, and well provided that your Lordships shall not sit in judgment, or passe sentence in Criminall causes, upon any Commoner of England either for life, limbe, liberty or estate, but that all Commoners in such cases shall be tried only by their Peeres and equalls, that is to say their fellow Commoners, as is amply and effectually declared in the 29. ch. of that great Charter, which previledge & immunity cannot justly be taken away

from the free Commoners of England by any power whatsoever on Earth, without a better and larger given in the roome of it, for all betrusted powers must and ought to be for the good of the trusters, Book decl. Pag. 150.

And this Charter in al ages hath in an especiall manner been maintained, preserved and defended by our Progenitors, and in a speciall manner confirmed by 5. of Edward 3. ch. 9 the words be these, that no man from henceforth shall be attached by any accusation, nor fore-judged of life nor limb, nor his land Tenements goods or chattles, seised upon otherwise then by the forme of the great Charter, which is further confirmed by the said King, in the 25. of his Raigne, ch. 4. and by the petition of Right-made in the third yeare of this present King; and the Act made for the abolishing the Star-chamber &c. made this present Parliament, therefore my Lords as a free Commoner of England, I doe here at your open Barre protest against all your present proceedings against me in this pretended Criminall cause, as unjust and against the tenor and forme of the great Charter (which all of you have sworn unviolably to observe and caused the Commons of England to doe the same. And therefore my Lords I doe hereby declare and am resolved as in duty bound to God, my selfe, Country, and posterity, to maintaine my legall liberties, to the last drop of my blood, against all opposers whatsoever, having so often in the field &c. adventured my life therefore, and doe therfore from you and your Barre (as incrochers and usurping Judges) appeale to the Barre and tribunall of my competent, proper and legall triers and Judges, the Commons of England assembled in Parliament: in testimony whereof, to these presents I have set my hand and seal, this present eleventh day of June, 1646.

JOHN LILBVRNE.

And being not long without, the Gentleman vsher came civelly to me, and told me I must put off my sword and give it to some of my friends, for I must go a prisoner to Newgate, so desiring to see my Commitment, and to have a copy of it before I stird to go, I had it accordingly, which thus followeth.

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Die Iovis 11 Iune 1646.

IT is this day Ordered by the Lords in Parliament assembled, that Lievtenant Colonell Iohn Lilburne shall stand committed to the Prison of Newgate, for exhibiting to this house a scandalous and contemptuous Paper, it being delivered by himselfe at the Barre this day, & that the Keeper of the said Prison shall keepe him in safely, untill the pleasure of this House be further signified, and this to be a sufficient Warrant in that behalfe.

Ioh. Brown Cler. Parl.

John Lilbvrne
Lilbvrne, John
June 11. 1646
London

To the Gentleman Vsher of this House, or his Deputy, to be delivered to the Keeper of Newgate.

My usage to me semes very strange, that for doing my duty, in a just way to bring Col. King to condigne punishment, I should be so tost and tumbled as I am, by his meanes, (that per Iure, ought to dye for his offence or at least by Law should be in durance, till he receive his just doom) clapt formerly by the heeles, (as in my epistle to Iudge Reeve is justly declared) and lately at Kings suite arrested upon an action of two thousand pounds, and brought into Court, that have nothing to doe with the businesse, it being dependant in Parliament, and there tyed up to such rules, formallities, and

Puntillo's, as all the reason I have, cannot understand, and then for writing my Plea, threatned, and told by the Judge himselfe I had forever undone my selfe, by endeavouring to root up by the roots, the fundamentall law of England, by which I enjoy my life, and all that I can call mine, though as I told his Lordship, although he were a Judge, yet under his Lordships favour I conceived he was in an error, I having not in the least, medled with any fundamentall, known or visible Law of England.

For the Law that I medled withall, was meerly, and onely an invisible, uncertain, and unknown Law, that resided in the Oracle of his Lordships breast, and his fellow Iudges, which (as I told him) I thought no man in England knew besides themselves, no nor I thought they themselves neither, no not two houres before they decreed, and adjudged it for Law.

And yet for all this I must be forced to dance attendance (contrary to Law) to answer a charge without forme or fashion in Law, at the Barre of the House of Peeres, who knew very well, or at least wise might know, that I knew as well as themselves Edition: current; Page: [3-089a] their power, jurisdiction, and the Prerogative Fountain, from whence they sprung, as well as any of themselves, having sometimes discoursed of that subject freely with some of them.

And having lately (though unwillingly) contested with those, to whome by nature and interest, I am a thousand times more related unto then to them, meerely out of this principle, that I will not be a slave unto, nor part with my just liberty to any.

But I clearly perceive the hand of Joab to be in this, namely, my old back friend the Earle of Manchester the fountaine (as I conceive) of all my present troubles, who would have hanged mee for taking a Castle from the Cavaliers in York shire; but is so closely glu'd in intrest to that party, that he protected from justice Colonell King, one of his own Officers, for his good service in treacherously delivering or betraying Crowland to the Cavaliers, and never called, nor that I could heare, desired to call to account his Officer, or Officers, that basely, cowardly, and treacherously, betrayed and delivered Lincoln last up to the enemy, without striking one stroke, or staying till so much as a Troope of Horse, or a Trumpeter came to demand it, his Lordships Head hath stood it seemes too long upon his shoulders, that makes him he cannot be quiet, till Lievt. Gen. Crumwels Charge against him, fully proved in the House of Commons, be revived, which is of as high a nature I believe, as ever any charge given in there, the epittomy of which I have by me, & his Lordship may live shortly to see it in print by my meanes, and for my Lord of Stamford, at present I desire him to remember but one Article, made at the de-livery of Exeter, which it may be, may in time coole his furious endeavour to enslave the free People of England, the earthly Lord and Creator of his Creator, who I am confident do, and will scorn to be made slaves & vasssals, by the meer Creatures of their Creature the King. So being straightened in time at present, I bid you farewell, and rest.

Your faithfull Countryman, and a free Commoner of England.

JOHN LILBVRNE.

From my Cock-loft in the Presse Yard of Newgate,

London

June 11. 1646

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**To the right Honourable the chosen and Representative body of
England Assembled in Parliament.**

John Lilbvrne

Lilburne, John
June 16. 1646

The humble Petition of L. C. Iohn Lilburne A Free man of England.

Sheweth,

THat your petitioner hath and doth look upon this Honourable House, as the chosen and betruſted Commissioners of all the Commons of England, in whom alone (by right) resides the formall and legall ſupreame power of England, and unto whom all the Commons of England have given ſo much of their Power, as to inable you alone, to doe all things whatſoever for their weale, ſafety peace and proſperity, the end of all Government, as is moſt excellently, by your Honourable declaration of the 17. of April laſt declared.

The knowledge and understanding of which, hath made your petitioner as a Commoner (in his Countries ſtraits and neceſſities) to take up armes as his duty, to fight againſt the King (the ſervant of the Common wealth) and all the forces raiſed by his Authority (who ſought to deſtroy the end of Government, the ſafety and weale of the people) and to be faithfull in your ſaid ſervice, in the miſt of many deaths; contemning and ſlighting, the large proffers of the Kings Honours and preferments, ſent unto him by foure Lords, when he was a priſoner for you at Oxford, for which he was imediately laid in Irons night and day, lockt up cloſe in a room, a Centinell ſet at his dore, that ſo he might not ſpeak with any whoſoever, forced to lye on the floore, kept without one farthing of allowance although he carried not one penny with him to the priſon.

And within a few daies after was (for his continued reſolution) arraigned (in Irons) as a Traitor for his life before Judge Heath, before whom he pleaded to his indictment, profeſſing unto him at the open barre (when he preſſed your petitioner to ſave himſelfe) that he your ſupplyant was not ſeduced by any to take up armes, but did it out of a principle of duty to himſelfe, his country and the Paliament, and that he was reſolved to ſpend his blood in the defence of his owne and his Countries liberties; alſo your petitioner upon the ſame grounds, hath often been in the field ſince, and done good ſervices, and hath continued faithfull in all his ingagements, and is reſolved (by the ſtrength of God) ſo to doe to the death.

Now for as much as the liberties and freedoms contained in the 28. & 29. chap. of the great Charter of England, are the beſt legall inheritance that your petitioner hath, and for the preſervation of which, yee have ſo often ſworne to ſpend your lives and fortunes, and enjoined the people that truſted you to doe the ſame, and for the maintaining of which, your petitioner hath run the hazard of ſo many deaths and miſeries as he hath done, amongſt which liberties and priviledges this is not one of Edition: current; Page: [3-090a] the leaſt (as your petitioner humbly conceives) that all Commoners whatſoever in criminall cauſes ſhall be tried by their equals or fellow Commoners; nevertheles the Houſe of Lords (commonly ſo called) ſummoned your petitioner to their Barre to answer a criminall charge there, contrary to the tenour of the great Charter ſo often confirmed, and although your petitioner told their Meſſenger, and afterwards ſome of themſelves, that by Magna Charta they had nothing to doe with your petitioner in ſuch a caſe, and that if he were called, he muſt and would plead this at their Barre, coſt it him what it would, and alſo intreated one of themſelves, to acquaint the reſt of his fellow Lords, that he muſt and would proteſt againſt them, and appeale to his competent proper and legall tryers and judges your Honours.

Yet notwithstanding they forced your Petitioner to their Bar, and would have compel'd him, contrary

to Law, reason, and Conscience, and to the fundamentall liberty of all the free People of England, (so adjudged in his own case of the Star-chamber &c, by your honours and themselves) to answer to Interrogatories concerning himselfe, without shewing him any formall and legall charge in writing, although he earnestly desired to see it, if they had any, which was refused, and your Petitioner pressed again and again with much vehemency, by their Speaker, to answer verball questions, which forced your Petitioner to deliver at their open Bar his Protestation, in writing under his hand and seale, as also his appeal to your Honours, his competent, proper and legall Tryers and Iudges; a true Coppy of which is hereunto annexed, for which alone, they committed your Petitioner to Newgate prison, (as appears by the Coppy of their commitment hereunto annexed) all which your Petitioner humbly conceives, tends to the disfranchizing him of his just liberties and freedoms, (and so to the making him a slave) and to the violation of their own Oathes and Covenants, and to the utter subversion, and alteration of the fundamentall Lawes and government of this Kingdome, for the preservation of which, so much blood and treasure hath already been spent.

Your Petitioner therefore, as a free-man of England, (who to his knowledge never did any act that deserveth the forfeiting of his birth-right) humbly appealleth to your honourable Bar and Justice, as his proper, competent, legall tryers and Iudges, and humbly prayeth.

For as much as he is a free Commoner of England, and ought not to be proceeded against, nor his liberties and freedoms to be taken from him, in any arbitrary or extrajudiciall way. And for that their Lordships have no power, nor jurisdiction, according to the Law and constitutions of this Kingdome, to try and adjudge any free Commoner thereof, for any criminall causes whatsoever, concerning life, limb, liberty, or estate; And for that your Petitioner is imprisoned, contrary to the form and tenour of the great Charter of England, and therefore altogether illegall, and meerly arbitrary; That your Honours will be pleased, according to your unparaleld Declaration of the 17th of April last, whereby is set forth, that you will not exercise, nor suffer to be exercised by any other, any arbitrary power, but that you will provide for the safety and weal of the People, (the primitive end of all government) according to the great trust reposed in you, and committed to you, by your Impowrers, the Commons of England, you will take your Petitioner into your protection, and not suffer him any longer to be kept in prison, and spoyled of his Franchizes and liberties. But Edition: current; Page: [3-090b] according to the said Charter of liberties, your Protestations, Oaths and Declarations, the lawes and Statutes of this Kingdome, he may freely be enlarged out of prison, and restored to his just libertie, with iust reparations for his damages, for the great wrongs done unto him, by his reproachfull imprisonment in the infamous prison of Newgate, and the vindication and freeing of the whole Kingdome (according to their long and iust expectation) from the like usurpation, and encroachment of their iust rights and priviledges, and your Petitioner shall ever be ready to spend his life for you, and his Countries iust liberties, and in obedience to all iust authority, to answer any Charge, when the same shall be in a legall way brought against him.

And your Petitioner (as in duty bound) shall ever pray to God, to enable you to go on, to finish, and perfect the great things expected from you, according to the trust reposed in you.

Newgate,

Iune 16. 1646

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JOHN LILBVRNE.

A Postscript, containing a generall Proposition.

GOD, the absolute Sovereign Lord and King, of all things in heaven and earth, the originall fountain, and cause of all causes, who is circumscribed, governed, and limited by no rules, but doth all things

meerly and onely by his sovereign will, and unlimited good pleasure, who made the world, and all things therein, for his own glory, and who by his own will and pleasure, gave man (his meer creature) the sovereignty (under himselfe) over all the rest of his Creatures, Gen. 1. 26. 28. 29. and indued him with a rationall soule, or understanding, and thereby created him after his own image, Gen. 1. 26. 27. and 9. 6. the first of which was Adam, a male, or man, made out of the dust or clay, out of whose side was taken a Rib, which by the sovereign and absolute mighty creating power of God, was made a female, or Woman cal'd Eve which two are the earthly, original fountain, as begetters and bringers forth of all and every particular and individuall man and woman, that ever breathed in the world since, who are, and were by nature all equall and alike in power, dignity, authority, and majesty, none of them having (by nature) any authority dominion or majesteriall power, one over or above another, neither have they, or can they exercise any, but meerely by institution, or donation, that is to say, by mutuall agreement or consent, given, derived, or assumed, by mutuall consent and agreement, for the good benefit and comfort each of other, and not for the mischief, hurt, or damage of any, it being unnaturall, irrationall, sinfull, wicked and unjust, for any man, or men whatsoever, to part with so much of their power, as shall enable any of their Parliament men, Commissioners, Trustees, deputies, Viceroyes, Ministers, Officers or servants, to destroy and undoe them therewith: And unnaturall, irrationall, sinfull, wicked, unjust, divelish, and tyranicall it is, for any man whatsoever, spirituall or temporall, Cleargy-man or Lay-man, to appropriate and assume unto himselfe, a power, authority and jurisdiction, to rule, govern, or raige over any sort of men in the Edition: current; Page: [3-091] world, without their free consent, and whosoever doth it, whether Cleargy-man, or any other whatsoever, doe thereby as much as in them lyes, endeavour to appropriate & assume unto themselves the Office and sovereignty of God, (who alone doth, and is to rule by his will and pleasure) and to be like their Creator, which was the sinne of the Devils, who not being content with their first station, but would be like God, for which sin they were thrown down into hell, reserved in everlasting chaines, under darknes, unto the judgement of the great day. Iude ver. 6. And Adams sin it was, which brought the curse upon him and all his posterity, that he was not content with the station and condition that God created him in, but did aspire unto a better, and more excellent, (namely to be like his Creator) which proved his ruin, yea, and indeed had been the everlasting ruin and destruction of him and all his, had not God been the more mercifull unto him in the promised Messiah. Gen. Chap. 3.

From my cock-loft in the Presse yard Newgate.

Iune 19. 1646.

per me Iohn Lilburne.

Curteous Countrymen to fill up this vacant place I shall desire thee to reade the words of the Declaration of the House of Commons, published 27. Ianu. 1641. which you shall find in the 41. pag. of the booke of Declarations thus.

And this House doth further declare, That all such persons as have given any Councell, or endeavoured to set or maintain division or dislike, between the King and Parliament, or have listed their names, or otherwise entred into any combination or agreement, to be ayding, or assisting, to any such counsell or endeavour or have perswaded any other so to doe, or that shall do any the things above mentioned; And shall not forthwith discover the same to either House of Parliament: or the Speaker of either of the said Houses respectively, and desclaime it, are declared Publique Enemies of the State and Peace of this Kingdome, and shall be inquired of, and proceeded against accordingly.

Secondly the three Votes of both Houses May 20. 1642. which you shall find in the book of Declarations pa. 259.

Resolved upon the Question

1. That it appeares, That the King (seduced by wicked Counsell) Intends to make warre against the Parliament, who (in all their consultations and actions) have proposed no other end unto themselves, but the care of His Kingdoms, and the performance of all duty and loyalty to His Person.

Resolved upon the Question.

2. That whensoever the King makes Warre upon the Parliament, it is a breach of the trust reposed in Him by His people, contrary to His Oath, and tending to the dissolution of this Government.

Resolved upon the Question

3. That whosoever shall serve, or assist Him in such warres, are Traitors, by the Fundamentall Lawes of this Kingdome, and have been so adjudged by two Acts of Parliament, and ought to suffer as Traitors. 11. Rich. 2. 1. Hen. 4.

Joh Browne Cler. Parliament.

3. The Declaration of both Houses in pa. 576. in these words, Whereas the King &c.

4. The words in their Declaration for the vindication of Ferdinando Lord Fairfax. as you shall find pa. 914. in these words, The said Lords &c.

FINIS.

Edition: current; Page: [3-092]

William Walwyn

Walwyn, William

29 June 1646

8.

[William Walwyn], The Just Man in Bonds (29 June 1646).

• THE JUST MAN IN BONDS.

Or, Lieut. Col. John Lilburne close prisoner in Newgate, by order of the HOUSE of LORDS.

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Since this worthy gentle mans case is mine, and every mans, who though we be at liberty to day, may be in Newgate to morrow, if the House of Lords so please, doth it not equally and alike concerne all the people of England to lay it to heart, and either fit both our minds and necks to undergoe this slavery, or otherwise thinke of some speedy and effectuall meanes to free our selves and our posterity there from.

This noble and resolute Gentleman Mr. Lilburne, then whom his countrey has not a truer and more faithfull servant, hath broke the Ice for us all, who being sensible that the people are in reall bondage to the Lords (and that the Lawes and Statutes providing to the contrary, serving them in no stead) hath singly adventured himselfe a Champion for his abused country men, nothing doubting but that he shall thereby open the eyes, and awake the drowsie spirits of his fellow Commoners, or rather Slaves (as the case now stands) with them; and likewise animate the representative body of the people, to make use

of that power wherewith they are trusted to free us, themselves, their and our posterities, from the House of Lords imperious and ambitious usurpation.

Object. Some through ignorance, or poverty of spirit, may (peradventure) judge Mr. Lilburne a rash young man for his opposing himselfe against so mighty a streame or torrent of worldly power, which the Lords now possesses. To such I answer, 1. That the power of the House of Lords, is like a shallow, un-even water, more in noise then substance; If we could distinguish between what is theirs of right, and what by encroachment, we should soone find that they have deckt themselves with the Commoners brave feathers, which being reassumed, they would appeare no better arrayed then other men, even equall by Law, inferior in uprightness, and honesty of conversation: We should then find that they are but painted properties, Dagon, that our Edition: current; Page: [3-094] superstition and ignorance, their owne craft and impudence have erected, no naturall issues of lawes, but the extuberances and mushroomes of Prerogative, the Wens of just government, putting the body of the People to paine, as well as occasioning deformity, Sons of conquest they are and usurpation, not of choice and election, intruded upon us by power, not constituted by consent, not made by the people, from whom all power, place and office that is just in this kingdome ought only to arise.

2. Mr. Lilburnes opposing himselfe against this exorbitant and extra-judiciall power of the Lords, ought rather to be admired by us a pitch of valour we are not yet arrived too, through the faintnesse of our spirits, and dotage upon our trades, ease, riches, and pleasures, then censured by us as rash or furious. He that dares scale the walls of an enemy, or venture himselfe upon the utmost of danger in the field, is not judged rash but a valiant man, unlesse by those low spirits that dares not doe as he hath done. Let us therefore rather blame our selves for want of fortitude, then accuse him, as having too much.

Consider I pray the great danger we are in, if the Lords thus presume to clap a Commoner of England in close prison, even now when the Commons of England are sitting in Parliament, who are put in trust, and enabled with power to protect the people from such bondage (yea and so suddainly after they have in effect declared, that they will doe it, in their Declaration of the 17. of April last) what injuries will not these Lords doe to us, when the Parliament is ended, and the people have none of their owne Commons nor Trustees to protect them, heare their cryes, nor redresse their grievances; What prison or dungeon will then be base enough, what punishment or torture great enough for them, that are not cowardish enough so to be slaves and bond-men? And so is not the last error, like to be worse then the first?

Death it selfe is more tollerable to a generous spirit, then close imprisonment, besides the continuall feares that such an inhumane practice brings with it, of private murder or poisoning, as there are manifold examples of such cruelties, of which Overberies was not one of the least who was poisoned in the Tower, and to salve or colour that wickednesse, it was strongly given out and avouched that he murdered himselfe, though afterwards divers were hang'd for it, and the Earle of Somerset and his Countesse hardly escaped. Sir Richard Wiseman was moped and stupified with his close imprisonment, and what mischiefs (of divers sorts) may be done Edition: current; Page: [3-095] to honest and faithfull Mr. Lilburne upon this renewed opportunitie by the Lords (as he had too much formerly by the Bishops, though contrary to all equitie and justice, yea and even to the Lords owne reparations which lately they voted and allotted to him) whiles he is now close prisoner in their owne hands, who know him to be their chiefest opposite in all their usurpations and encroachments upon the Commoners freedoms? doth it not concerne all the Commons of England to consider and prevent the same, especially their great and generall Counsell in Parliament assembled.

Lay to heart I beseech you O YEE HOUSE of COMMONS, that neither your selves nor your children

can plead any immunitie or security from this cruelty and bondage of the House of Lords, if now yee be slack or negligent, but yee may justly expect and feele the smart thereof upon you and your posterity, as well as we upon us and ours, at least after you are dissolved, and dismissed from your Authorities. And is not this one of the maine points for which yee have put your selves, us, and so many of this Nation as stand in your defence, to the effusion and expence of so much blood and multitudes of estates?

If yee did intend to expose this Kingdome to the miseries of warre for no other ends but that one kind of Arbitrary government, Starchamber, or High Commission Power, might be abollihed, and others of these kinds established over us, why would yee not tell us in due time, that wee might have both spared our lives and estates, and not made so many souldiers, Widowes and fatherlesse to mourne at the Parliaments gates, for the manyfold wants occasioned by your service, and made us sooner like humble vassals, to present our selves like slaves upon our knees at the House of Lords Barre, and suffer our eares to be bored through with an aule, in testimony that wee are their bond-men for ever.

But if yee would either free your selves of this suspition, or us of those just feares, then shew your selves to be such worthies as doe truly deserve that title, by using this happy oppertunity which God hath put into your hands, and making us free-men; it being the maine cause for which wee used and intrusted you; and as a present signe of your fidelity and magnanimitie, let your reall intentions in the generall appeare by the exactnesse and speedinesse of your delivering of this your owne, and his Countries faithfull servant Mr. Lilburn from prison with all due reparations.

Banish all base fears, for there be more with you then against you, and the justnesse of your cause will daylie increase both your Edition: current; Page: [3-096] number and power, for God is alwaies present where Justice is extant, and yee cannot but observe by manifold experiences that he not only loves and protects just men, but by his Almighty power so abaseth all their Enemies, that they shall flee before him and his, like the dust before the wind: If yee will but take example by the courage and justice of your owne Armies, and doe as they doe, doubtlesse the same God who hath prospered them will also prosper you, yea and be with you, in all your proceedings whilst yee are with him, but if yee forsake him, (by denying, selling, or delaying justice, contrary to your duties, Oaths, Covenants, Protestations, and declarations) he will also forsake you, as he hath in all ages (even his owne People for their injustice, sins, and abominations) and stirred up both forraigne and intestine enemies to revenge his just quarrell and true cause against them.

For more particular information, these ensuing lines will be a speciall meanes.

Upon the 22. of June 1646. the House of Lords sent an Order to the Keeper of Newgate, to bring Mr. Lilburn before them upon the 23. thereof at ten a clock, wherof he having notice that morning, wrot a letter to the said Keeper, declaring his just liberties and the House of Lords usurpation thereof, contrary to Magna Charta and other fundamentall Lawes of this Kingdome and that he would not go to them willingly, but had appealed and petitioned to the House of Commons, and therefore he desired the Keeper to take heed what he did, lest he could not recall any violent action, not grounded upon Law:

And after Mr. Lilburn had sent the said letter by his wife, together with the printed copy of his protestation against the House of Lords illegal proceedings against him as a Commoner, & his appeale & Petition to the House of Commons, as his competent Judges, but shee not finding the Keeper at Newgate prison, nor at his owne house, & the hour of his appearance before the House of Lords near aproching, shee delivered the same to the Sheriffs of London, being then in Guild-hall at the Court of Aldermen, where doubtles both the said letter and book were read, and as Sheriffe Foote informed her,

that they sent a messenger to Newgate with their answer, what it was, is not yet knowne.

But if it came at all, it was not in due time, for after the deputy Keeper and his assistants had attended halfe an hour for Mr. Lilburns comming from his chamber to go with them before the House of Lords at the time appointed, and upon his constant Edition: current; Page: [3-097] refusing to go willingly with them (or so much as to open his Chamber doore, but shut it in token of his constant opposing so unjust a power over him a free borne English man) and before the messenger whom he sent to Guild-hall with their consent, had returned with an answer (and whose returning they promised to attend) [they brake open his doore, tooke him away to Westminster] and no messenger was sent (who yet wee have heard of from the Court of Aldermen.

When they had brought him to the painted chamber next the House of Lords doore, where he attended with his Keepers almost two houres before he was called in, (as it seemeth) the House of Lords servants and attendants, taking notice of the intercourse of Parliament men and others speaking to him told their masters thereof, and lest their usurpation of the Commons liberties, and his just cause should be manifested as well by word, as by writing, the Lords did call his Keepers and commanded them that they should speedily charge him to hold his peace, and speake with none at all; but to be altogether silent untill he was called in before them to answer their interrogatories.

Unto whom he returned this answer, and had them tell the same to the House of Lords who sent them, that he would not hold his peace, but speak with any man who in the way of love spake to him, so long as he had his tongue, except the Lords should put a gag into his mouth as their Fellow Lords the Bishops did to him 8 yeares agoe, on the Pillory at Westminster, after they had caused him to be whipt from the Fleet prison thither, and after he had told them their spirituall usurpations, as it doth these Lords their temporall encroachments on free mens liberties.

Then he being called into the House of Lords, was commanded by their Keeper of the Black-Rod to kneele before them, which he absolutely refused to doe, and after their still urging, and his constant refusing, they asked him the reason, he answered that he had learned both better Religion and manners then to kneele to any humane or mortall power how great so ever, whom he never offended, and far lesse to them whom he had defended with the adventure both of his life and estate, yea and withall the friends he could make: whereupon they not only returned him to Newgate prison, but commanded him to be kept close-Prisoner, as appeareth by these ensuing orders.

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Die Lunae 22. Junij 1646.

Ordered by the Lords in Parliament assembled, that Lieu. Col. John Liburne now a prisoner in Newgate, shall be brought before their Lordships in the [High Court Of PARLIAMENT] to morrow morning by ten of the clock: And this to be a sufficient warrant in that behalfe.

To the Gent. Usher of this House, or his Deputy, to be delivered to the Keeper of Newgate or his Deputy.

Joh. Brown Cler. Parliamentorum.

Die Martis 23. Junij. 1646.

Ordered by the LORDS in PARLIAMENT assembled, that John Lilburn shall stand committed close prisoner in the Prison of Newgate; and that he be not permitted to have pen, inke, or paper; and none

shall have accesse unto him in any kind, but only his Keeper, until this Court doth take further order.

To the Keeper of Newgate his deputy or deputies.

Joh. Brown Cleric. Parliamentorum.

Exam. per. Rec. Bristoe Cleric. de Newgate.

FINIS

Edition: current; Page: [3-099]

William Walwyn

Walwyn, William

23 June 1646

9.

[William Walwyn], A Pearle in a Dounghill (23 June 1646).

- A PEARLE IN A DOUNGHILL.
- OR
- Lieu. JOHN LILBURNE in New-gate:

Committed illegally by the House of Lords, first for refusing (according to his Liberty) to answer Interrogatories, but protesting against them as not being competent Judges, and appealing to the House of Commons. Next committed close prisoner for his just refusing to kneel at the House of Lords Barre.

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ALTHOUGH most of States and States men be of late turned upside down like a wheele, yet this worthy valiant and publique spirited Gentleman (unto whom his Nation is as much bound to, at least as to any one, all things considered) is the very same man (both in principles and practise) whom the Bishops so long imprisoned in the Fleet by a most cruell and barbarous sentence, which they procured in the Star-chamber against him, and so was whipt, gag'd and pilloried, yea and in his close imprisonment almost famished and murthered.

And all because he would not submit to be examined against himselfe, betray his friends, accuse his brethren, nor sell the lawfull rights and just liberties of England, for a messe or morsell of base preferment, whose fidelity, constancy and integrity the Parliament justified, and condemned that sentence as illegall, bloody, and tyranicall, delivered him out of prison, adjudged him worthy of reparation, abolished Episcopacy, the Starchamber, High Commission, Councell-table and many such arbitrary proceedings.

All which being duely and seriously considered, may it not seeme very strange, that this so famous a man still holding forth the same tenets and practise now in time of Parliament and Reformation, should be now againe in Newgate as he was once before, by an Order from the House of Commons, both in lesse then a twelve moneth? Is it not because there is a Popish and Edition: current; Page: [3-101] Episcopall party under other pretences as busie working in the Kingdome now as ever? And as he was a speciall instrument of the Bishops overthrow, so those their agents are the prime causers and workers both of his ruine, and all that will take his part, if posibly they could once get that Decree scaled and un-altered, so that their should not be Separate or Sectary any more mentioned.

And though his malicious adversaries will not be warned of their Downfall, and are as mad against

him, because he will not bow before them, as ever Hamon was against Mordecai; yea and more shamelesse and bloody, then ever his former adversaries in sending him to Newgate, the basest of prisons, and shewing plainly they thirst much more after his pretious life, then ever Kain did after Abels, his apparently proceeding of a present discontent, and theirs of a long forged malicious intent and therefore if God permit these wicked men thus to prevaile over the Godly, it is to crowne the sufferings of the one with glory, and to reward the persecutions of the other with misery.

But to take a view of his actions, wee find by such credible prooffe, that his very adversaries shall not be able to contradict (yea and themselves did never the like) passing by both what he did, and suffered under the Episcopall tyranny, because large volumnes thereof are extant, and beginning, since his deliverance out of the Fleet prison at the beginning of the Parliament:

In the first place, hath he been ingratefull to his Deliverers, or perfidious to his Country? No his engagements was with the first in this present warre; to defend his Country, and forseeking a comfortable and profitable way of living; his actions at Westminster-hall, Keintonfield, and Brainford, his carriage at Oxford in Iron Chaines, against strong temptations, and upon tryall for his life their will witness: his fidelity, magnanimity, and undaunted resolution to the Parliament and Commonwealth, and that in such measure that not many, if any of this age can shew the like testimony.

And for such as would recapitulate his actions and sufferings since, let them trace him in his service to the State, under the Earle of Manchester, and defending the publique freedoms since, and they will find that with the losse both of his blood, estate and many hazards of his life, he hath performed Noble services, as the taking of Tickle castle. Sir John Wortleys house and the like, in all which, malice it selfe cannot accuse him, either of Cowardice or Covetousnesse.

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No nor yet of carelesnesse, not deeming it sufficient to be faithfull himselfe, but alwaies held a watchfull eye over the actions of others, and as bold in discovery of the Fraud, Treachery, Cowardice, Cruelties, plundering and Covetousnesse, of false hearted friends, as valiant in fight against the enemies:

And now if you will begin to think why a man so faithfull in all his waies should be so lyable to trouble as he hath been (for he hath been divers times in Pursevants hands and so committed by Committees) if you shall consider how this Pearle comes to be cast upon this Dounghill, you will find, the faithfullnesse of his heart towards God and all good People, and the freenesse of his tongue against all kinde of injustice or unworthinesse in whomsoever, is the only cause and no other.

And if you seriously weigh things, you will confesse it would grieve any good mans heart, that Treachery, Cowardice, Cruelty, plundering and Covetousnesse have bin too too slenderly punished, and faithfullnesse so many waies discouraged, and that it is a very sad thing in a time so zealously pretending to reformation:- That any quiet people should be punished and reproached, for worshiping and serving of God according 'to their conscience, and (that trouble house) Conformity as much Cried up as in the Bishops times.

That the Presse should be stopt in time of Parliament, as barring all free informations, and admitting only what appointed Lycencers shall allow; doth it not even breake the hearts of all knowing good People, to see the doors kept shut in Committees, and men examined against themselves, and for refusing to accuse themselves, sent to Prison; and that free Commoners, who by the Lawes of the Land, are not to be adjudged of life, limb, liberty or estate, but by Commoners: should at the pleasure of the Lords, be lyable to their summons, and attachment by Pursevants, to their Oath ex officio, to

their examination in criminall causes, to selfe-accuseing, and to imprisonment during their pleasures, the chosen Commons of England, the SUPREAME POWER, standing by like a cypher, as unconcerned, meer lookers on; this is that which puts wise men past all patience, asking, for what it is that this Nation hath ingaged in such, in so deadly a war? For what it is so much precious blood hath been spilt, so many Families wasted, so much treasure consumed, so many Widowes and fatherlesse children made miserable? Is all this to take down the High Commission, Star-chamber, and Councell-Board: and to Edition: current; Page: [3-103] set up the Lords with the like power, to oppresse the Commons? It had been well say they, this had been declared, when our Money, Plate, Horse, and voluntary Contributions, were first desired. But then other things were mentioned, though now neglected.

We had (say they) as many Lords before the Parliament as since, and it was often boasted they should remove our grievances, as well as a Parliament, but it was done by addition, and increase of more, not by Substraction; God forbid a Parliament should doe so. But why then (say they) are we now subjected to the Lords? Is it not sufficient that they are Lords over their Tennants, but they must be Lords over the People; that every one must be at their summons, at their command, at their imprisonment, yea to Newgate; why not whipping, gagging, hanging? Oh, they are but green in their power, and do not know what the People will beare, nor what the Peoples friend (that should be) the HOUSE OF COMMONS will suffer; hereafter may be time enough, they are yet the Peoples most gracious Lords, intending to the most knowing, faithfull and religious, no worse then Newgate for the present.

And why presume ye thus Oh ye Lords? Set forth your merit before the People, and say, for this good it is, that we will raign over yee. Remember your selves, or shall wee remember yee? Which of ye before this Parliament, minded anything so much as your pleasures? Playes, Masques, Feastings, Huntings, Gainings, Dauncings, with the appurtenances. If you owed any man money, or abused any man, what law was to be had against you? What Patients and Projects did you suppress, or so much as move against; (nay had not a hand in?) What fearfull enemies you were to Shipmoney, and to the proceedings of the High Commission, Star-chamber, and Councell board, indeed your goodnes was inexpressible, and undiscernable, before this Parliament.

But though you cannot excuse all, you will say, you that are the good Lords were then over topt with the evill, will you then be tryed by what good you have done since this Parliament, and since the expulsion of the Popish Lords and Bishops, where will you begin? What thinke you of the stay at Worcester, till the Enemy was provided at Shrewsbury, a shrewd beginning for poor England? Or what thinke you of the Earle of Bedfords busines at Sherburn Castle, or of the enemies escape at Brainford, or at Edition: current; Page: [3-104] Oxford or at Dennington, and to close all with that memorable but shamefull defeat in the West; It must needs be remembred how the warre thrived, whil'st any Lord was employed: and how powerfull the enemy is grown, since the New Modell, wherein there is not one Lord.

It was wont to be said when a thing was spoil'd, that the Bishops Foot had been in it, and if the LORDS MEND NOT, it will be said so of them, and justly too.

For what other have they been, but a meer Clog to the HOUSE OF COMMONS in all their proceedings? How many necessary things have they obstructed? How many evill things promoted? What devices have they had of prudentials and expedients, to delay and pervert what is good: and subtill policies to introduce things evill.

It is easie to discerne who are their Creatures in the House of Commons, and how they were made

theirs, constantly manifesting themselves, by their evill and pernicious partakings against the Freedome of the People, by whose united endeavours, Monopolies in Trades of Merchandize, Oppressions in Committees, Corruptions in Courts of Justice, grosse abuses in our Lawes and Lawyers are maintained, and the Reformation intended in all things, performed by halves, nay, quite perverted, and a meer shadow given for a substance, to the astonishment of all knowing free born Englishmen, and to their perpetuall vexation and danger; Because to know, or find fault, or discover these things, to preserve just freedome, and to withstand their Exorbitances: is the most hatefull thing to these Lords, of any thing in the world, Newgate (in their esteem) is too good for all such.

And this is the only crime for which this worthy man is made the subject of their malice, a man that hath discovered more of the liberties of England, then any one man alive; a man that hath resisted all kinds of Oppressions, with the perpetuall hazard of his life, liberty and estate.

And must no place but Newgate be his habitation? Is this the reparation for his damages, and recompence for his faithfull service? Must he be here reserved a sacrifice to appease the displeasure of the late reconciled enemies of the Common-wealth.

Thou do'st well O England, to give up this thy firstborn LILBURNE, the SON of thy STRENGTH, and high RESOLUTION, for FREEDOME; If thou intendest to become a Edition: current; Page: [3-105] Bond slave again, to either King, Lords, or any others: for he will never submit either body of mind to any kind of slavery.

But certainly those Worthyes in the House of Commons, that consider what the People have done and suffered for their libertyes will never suffer so foule a deed, it cannot be but they intend the uttermost of just freedome to the People, and love those best, that most know and affect true liberty, and are greatest opposers of exorbitant power in whomsoever; and consequently cannot but instantly deliver this just man, and in him all Englishmen, from the like oppression: and henceforth reduce the Lords to a condition suteable to the freedome of the People, and consistent with the freedome of Parliaments.

The People are become a Knowing and Judicious People, Affliction hath made them wise, now Oppression maketh wise men mad, ther's no deluding wise men, it is all one to them, who oppresseth them, oppression they cannot but hate, and if Parliaments do in deed and in truth really deliver them, they will love Parliaments, as performing the trust reposed in them, and the end for which Parliaments were ordained, otherwise they will abominate them, because, for a people to be made slaves, by, or in time of Parliament, is like as for a man to be betrayed or murdered by his own father; which God of his mercy preserve both People and Parliaments from, and that for ever.

London
June, 1646

.
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William Larner
Larner, William
June 1646
10.

William Larner, A Vindication of every Free-mans libertie against all Arbitrary power and Government (June 1646).

• A

- Vindication of every Free-mans libertie
- against all Arbitrary power and
- Government,
- OR,
- A Letter of William Larnar, Prisoner, to Sir Henry
- Vane junior, a Parliament man: Wherein is set forth his
- unjust Imprisonment, and cruell hard dealings towards
- the said William Larnar.

Edition: current; Page: [3-107a] Edition: current; Page: [3-107b]

William Larnar

Larnar, William

3. of June, 1646

Honoured Sir,

IT is not unknown unto you, my suffering condition, being in some measure set forth unto you, in my Letter of the 3d. of April last past, which I sent you then: I expected according to your undertaking and promise, you would have done somewhat whereby I might either have been freed from these my bands, or otherwise brought to triall, according to Law, and not thus to have suffered me to languish in prison, as many more do. The House of Commons have declared, that they will not exercise any Arbitrary power, or suffer it to be done by any other, but according to the fundamentall Lawes of this Kingdome, Justice and right to be done to every man without respect of persons: Besides, you have bound your selves by Oath unto, and by a Law confirmed the Great Charter of Liberties, for the preservation whereof we have adventured all, in assisting you against the oppugners thereof.

But now contrary to your Oathes, Protestations, Lawes and Statutes of this Kingdome, am I still detained in prison, to the ruining and utter undoing of my wife and family, all means of subsistence and livelihood being taken from us, yet you seem regardlesse of it, as if it were a matter that concerned you nothing. Sir, I pray you to consider, that if the oppressions and severall grievances of men in particular be not redressed, what avails your generall Laws? If you that are Members of the House, refuse to present our grievance and just complaints, to Edition: current; Page: [3-108a] the House, what hopes can we have to receive any comfort of relief there, whatsoever good that Honourable House intends us? So as indeed you that neglect or refuse to open your mouths (being bound by Oath and the duty of your place thereunto for us) in presenting our Petitions, conditons and sufferings, to that Honourable House, may you not be truly said to be such as are the betrayers of our Liberties, covertly doing more disservice to the Parliament and State, then the Enemy that openly fighteth against them: The Enemy discovers themselves (by oppugning the Laws and our liberties) what they be; but you whilst you retard the delivering up of our complaints, thinking the fault to be in the House, causes us to conceive hard thoughts against them, brings us into a dislike of their government, and thus you do the work of the Enemy; and by thus neglecting us, do the Parliament more harm, and in time (if not provided for) will prove more dangerous then all the machinations and attempts of the adversary: For, the people begin already to look upon you, as men carrying on your own designes and peculiar and private interests, under the Veil of publike pretences, and that your care is how to get great Offices and places for your selves and your friends, and while you suffer us the Commons to be spoiled of all, to lie in Prisons, and undergo all miseries, wants and extremities, you be nothing troubled thereat, so long as your selves fare well; this is utterly a fault in many of you, of no little blemish and shame for you, and cannot be imputed to be little lesse then meer madnesse, in thus exasperating our spirits, and alienating our affections from you, and yet to stand upon so high tearms with the contrary party.

Till you by actions manifest, as by your words you have declared to the world, to be the men you professe and would seem to be, I and others shall doubt that you intend nothing lesse then our good, or peace. For hitherto you have sworn and protested, but all as yet in vain: For these our Bonds and Imprisonments shew them to be (hitherto) emptinesse and Winde; and if this be continued, these courses will make the people hate you, and as you have been regardlesse of their burthens and complaints, so (I fear) when you shall expect and most need their help, they will dissert you.

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Sir, are we a free-born people, or are we born slaves? What I pray you, makes you to differ? who brought you into that House? whether your own greatnesse and power, or the peoples love and Election? If by the people, how comes it then to passe, that their grievances and complaints be so little minded, and themselves so contemptible in your eyes? (as if meer slaves:) Beware, lest losing and neglecting them, you lose not your selves: Excuse my plainnesse and freedome; for if I hold my peace, I see destruction; by putting my self forth this way, I may happily save you and my self, in awaking you out of this drowsinesse, carelesnesse (of our common liberty) with which you are so deeply overtaken.

You see in what condition you have brought us, even into a condition worse then slavery, yea, worse then death; for in death sorrow is not remembered; bread is provided for the slave, but we your prisoners (loaden with sorrow, broken with affliction) mewed up in your prison houses, oftentimes wish for death and cannot finde it, nor any bread you provide for us, hunger-starved men, and we pine in prisons, not pitied, not lamented.

Sir, if I have offended, if I have transgressed any known law, I then crave the benefit of the Law, the liberty of a Free-man; that, either according to the same I may be tried for my justification or condemnation, or otherwise; that I may be holden no longer from my charge and^{*} calling, in this my tormenting Prison.

You have confirmed Magna Charta, and many other good Lawes since made in favour of our Liberties, and yet unrepealed; which if they were duly put in execution, I then should not doubt but to come forth out of prison, to the confusion of the faces of such as prosecutes, and maliciously informs against me: In the beginning of this Parliament you brought us out of Prisons, approved our standings and sufferings against the Exorbitant and Arbitrary power and Government of the Starchamber, Councill Table, and high Commission Court. These your encouragements made us bold, did you finde us ungrateful? We are the same men still, we have the same affections to you, and if by you we may receive one Ordinance, viz. The Ordinance Edition: current; Page: [3-109a] of Justice, then assure your selves, we to our abilities will not be wanting to you, but will be ever ready to spend and be spent for you: Thus hoping you will at length answer the expectation of a Free-man of England wrongfully imprisoned, and no longer adde to the sins of the Prelates, to the increasing of wrath, by imprisoning and unjustly tormenting, just and free persons. In expectation whereof, Sir I am, and will remain

From the Prison in Maiden-lane this
3. of June, 1646

.
Yours in all due respects to his power:
Will: Lerner.

To the Right honourable, the Lords assembled in Parliament.

The humble Petition of Hellen Larner, in the behalf of her husband William Larner, and their two servants, John Larner, and Jane Hale.

William Larner
Larner, William
Sheweth,

THat your Petitioners husband, hath now stood committed more then 8. Weeks, and their servants in the Fleet four Weeks, upon a false suggestion of Hunscoats (the Stationers Beadle) a malicious adversary of your poor petitioners husband.

Your Petitioner most humbly beseecheth your Honours, to commiserate our deplorable condition, whose meanes of livelihood, depends solely upon their calling and liberty, and therefore according to your noble clemencie, to be pleased to assigne unto them, their liberty out of Goal, free of all prison fees:

And your Petitioner as bound, shall pray, &c.

William Larner.

Edition: current; Page: [3-109b] Edition: current; Page: [3-110]

Richard Overton

Overton, Richard

17 July 1646

11.

[Richard Overton], A Remonstrance of Many Thousand Citizens, and other Free-born People of England, To their owne House of Commons (17 July 1646).

- A
- REMONSTRANCE
- OF
- Many Thousand Citizens, and other Free-born
- PEOPLE OF ENGLAND,
- To their owne House of
- COMMONS.

Occasioned through the Illegall and barbarous Imprisonment of that Famous and Worthy Sufferer for his Countries Freedoms, Lieutenant Col.

JOHN LILBURNE.

Wherein their just Demands in behalfe of themselves and the whole Kingdome, concerning their Publick Safety, Peace and Freedome, is Express'd; calling these their Commissioners in Parliament to an Account, how they (since the beginning of their Session, to this present) have discharged their Duties to the Universallity of the People, their Sovereign Lord, from whom their Power and Strength is derived, and by whom (ad bene placitum) it is continued.

Printed in the Yeer. 1646.

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WEE are well assured, yet cannot forget, that the cause of our choosing you to be Parliament-men, was to deliver us from all kind of Bondage, and to preserve the Common-wealth in Peace and Happinesse: For effecting whereof, we possessed you with the same Power that was in our selves, to have done the same; For wee might justly have done it our selves without you, if we had thought it convenient; choosing you [as Persons whom wee thought fitly quallified, and Faithfull, for avoiding some inconveniences.

But ye are to remember, this was only of us but a Power of trust, [which is ever revokable, and cannot be otherwise,] and to be imployed to no other end, then our owne well-being: Nor did wee choose you to continue our Trust's longer, then the knowne established constitution of this Commonly-wealth will justly permit, and that could be but for one yeere at the most: for by our Law, a Parliament is to be called once every yeere, and oftner (if need be,) as ye well know. Wee are your Principalls, and you our Agents; it is a Truth which you cannot but acknowledge: For if you or any other shall assume, or exercise any Power, that is not derived from our Trust and choice thereunto, that Power is no lesse then usurpation and an Oppression, from which wee expect to be freed, in whomsoever we finde it; it being altogether inconsistent with the nature of just Freedome, which yee also very well understand.

The History of our Fore-fathers since they were Conquered by the Normans, doth manifest that this Nation hath been held in bondage all along ever since by the policies and force of the Officers of Trust in the Common-wealth, amongst whom, wee always esteemed Kings the chiefest: and what (in much of the formertime) was done by warre, and by impoverishing of the People, to make them slaves, and to hold them in bondage, our latter Princes have endeavoured to effect, by giving ease and wealth unto the People, but withall, corrupting their understanding, by infusing false Edition: current; Page: [3-112] Principles concerning Kings, and Government, and Parliaments, and Freedoms; and also using all meanes to corrupt and vitiate the manners of the youth, and strongest prop and support of the People, the Gentry.

It is wonderfull, that the failings of former Kings, to bring our Fore-fathers into bondage, together with the trouble and danger that some of them drew upon themselves and their Posterity, by those their unjust endeavours, had not wrought in our latter Kings a resolution to rely on, and trust only to justice and square dealing with the People, especially considering the unaptnesse of the Nation to beare much, especially from those that pretend to love them, and unto whom they expressed so much hearty affection, (as any People in the world ever did,) as in the quiet admission of King James from Scotland, sufficient, (if any Obligation would worke Kings to Reason,) to have endeared both him and his sonne King Charles, to an inviolable love, and hearty affection to the English Nation; but it would not doe.

They choose rather to trust unto their Policies and Court Arts, to King-waste, and delusion, then to justice and plaine dealing; and did effect many things tending to our enslaving (as in your First Remonstrance; you shew skill enough to manifest the same to all the World:) and this Nation having been by their delusive Arts, and a long continued Peace, much softened and debased in judgement and Spirit, did beare far beyond its usuall temper, or any example of our Fore-Fathers, which (to our shame,) wee acknowledge.

But in conclusion, longer they would not beare, and then yee were chosen to worke our deliverance, and to Estate us in naturall and just libertie agreeable to Reason and common equitie; for whatever our Fore-fathers were; or whatever they did or suffered, or were enforced to yeeld unto; we are the men of the present age, and ought to be absolutely free from all kindes of exorbitancies, molestations or Arbitrary Power, and you wee choose to free us from all without exception or limitation, either in respect of Persons, Officers, Degrees, or things; and we were full of confidence, that ye also would

have dealt impartially on our behalf, and made us the most absolute free People in the world.

But how ye have dealt with us; wee shall now let you know, and let the Righteous GOD judge between you and us; the continuall Oppressours of the Nation, have been Kings, which is so evident, that you cannot denie it; and ye yourselves have told the King, Edition: current; Page: [3-113] (whom yet you owne,) That his whole 16. Yeeres reigne was one continued act of the breach of the Law.

You shewed him, That you understood his under-working with Ireland, his endeavour to enforce the Parliament by the Army raised against Scotland, yee were eye-witnesses of his violent attempt about the Five Members; Yee saw evidently his purpose of raising Warre; yee have seen him engaged, and with obstinate violence, persisting in the most bloody Warre that ever this Nation knew, to the wasting and destruction of multitudes of honest and Religious People.

Yee have experience, that none but a King could doe so great intollerable mischiefes, the very name of King, proving a sufficient charme to delude many of our Brethren in Wales, Ireland, England, and Scotland too, so farre, as to fight against their own Liberties, which you know, no man under heaven could ever have done.

And yet, as if you were of Counsell with him, and were resolved to hold up his reputation, thereby to enable him to goe on in mischief, you maintaine, The King can doe no wrong, and apply all his Oppressions to Evill Counsellors, begging and intreating him in such submissive language, to returne to his Kingly Office and Parliament, as if you were resolved to make us beleieve, hee were a God, without whose presence, all must fall to ruine, or as if it were impossible for any Nation to be happy without a King.

You cannot fight for our Liberties, but it must be in the Name of King and Parliament; he that speaks of his cruelties, must be thrust out of your House and society; your Preachers must pray for him, as if he had not deserved to be excommunicated all Christian Society, or as if yee or they thought God were a respecer of the Persons of Kings in judgement.

By this and other your like dealings, your frequent treating, and tampering to maintaine his honour, Wee that have trusted you to deliver us from his Oppressions, and to preserve us from his cruelties, are wasted and consumed (in multitudes) to manifold miseries, whilst you lie ready with open armes to receive him, and to make him a great and glorious King.

Have you shoke this Nation like an Earth-quake, to produce no more than this for us; Is it for this, that ye have made so free use, & been so bold both with our Persons & Estates? And doe you (because of our readings to comply with your desires in all things) conceive us so sottish, as to be contented with such unworthy returnes of our trust and Love? No; it is high time wee be plaine Edition: current; Page: [3-114] with you; WEE are not, nor SHALL not be so contented; Wee doe expect according to reason, that yee should in the first place, declare and set forth King Charles his wickednesse openly before the world, and withall, to shew the intollerable inconveniences of having a Kingly Government, from the constant evill practices of those of this Nation; and so to declare King Charles an enemy, and to publish your resolution, never to have any more, but to acquite us of so great a charge and trouble forever, and to convert the great revenue of the Crowne to the publike treasure, to make good the injuries and injustices done heretofore, and of late by those that have possessed the same; and this we expected long since at your hand, and untill this be done, wee shall not thinke our selves well dealt withall in this originall of all Oppressions, to wit Kings.

Yee must also deal better with us concerning the Lords, then you have done? Yee only are chosen by Us the People; and therefore in you onely is the Power of binding the whole Nation, by making,

altering, or abolishing of Lawes; Yee have therefore prejudiced Us, in acting so, as if ye could not make a Law without both the Royall assent of the King (so ye are pleased to expresse your selves,) and the assent of the Lords; yet when either King or Lords assent not to what you approve, yee have so much sense of your owne Power, as to assent what yee thinke good by an Order of your owne House.

What is this but to blinde our eyes, that Wee should not know where our Power is lodged, nor to whom to aply our selves for the use thereof; but if We want a Law, Wee must awaite till the King and Lords assent; if an Ordinance, then Wee must waite till the Lords assent; yet ye knowing their assent to be meerly formall, (as having no root in the choice of the People, from whom the Power that is just must be derived,) doe frequently importune their assent, which implies a most grosse absurditie.

For where their assent is necessary and essentiall, they must be as Free as you, to assent, or dissent as their understandings and Consciences should guide them: and might as justly importune you, as yee them. Yee ought in Conscience to reduce this case also to a certaintie, and not to waste time, and open your Counsell, and be lyable to so many Obstructions as yee have been.

But to prevaile with them (enjoying their Honours and Possessions,) to be lyable, and stand to be chosen for Knights and Burgesses by the People, as other the Gentry and Free-men of this Nation doe, which will be an Obligation upon them, as having one Edition: current; Page: [3-115] and the same interest: then also they would be distinguished by their vertues, and love to the Common-wealth, whereas now they Act and Vote in our affaires but as intruders, or as thrust upon us by Kings, to make good their Interests, which to this day have been to bring us into a slavish subjection to their wills.

Nor is there any reason, that they should in any measure, be lesse lyable to any Law then the Gentry are; Why should any of them assault, strike, or beate any, and not be lyable to the Law, as other men are? Why should not they be as lyable to their debts as other men? there is no reason: yet have yee stood still, and seen many of us, and some of your selves violently abused without repairation.

Wee desire you to free us from these abuses, and their negative Voices, or else tell us, that it is reasonable wee should be slaves, this being a perpetuall prejudice in our Government, neither consulting with Freedome nor Safety: with Freedome it cannot; for in this way of Voting in all Affaires of the Common-wealth, being not Chosen thereunto by the People, they are therein Masters & Lords of the People, which necessarily implyes the People to be their servants and vassalls, and they have used many of us accordingly, by committing divers to Prison upon their owne Authority, namely William Larnier, Liev. Col. John Lilburne, and other worthy Sufferers, who upon Appeale unto you, have not bene relieved.

Wee must therefore pray you to make a Law against all kinds of Arbitrary Government, as the highest capitall offence against the Common-wealth, and to reduce all conditions of men to a certainty, that none hence-forward may presume or plead any thing in way of excuse, and that ye will leave no favour or scruple of Tyranicall Power over us in any whatsoever.

Time hath revealed hidden things unto us, things covered over thick and threefold with pretences of the true Reformed Religion, when as wee see apparently, that this Nation, and that of Scotland, are joyned together in a most bloody and consuming Warre, by the waste and policie of a sort of Lords in each Nation, that were male-contents, and vexed that the King had advanced others, and not themselves to the manageing of State-affaires.

Which they suffered till the King increasing his Oppressions in both Nations, gave them opportunity to reveale themselves, and then they resolve to bring the King to their bow and regulation, and to exclude all those from managing State-affaires that hee had advanced thereunto, and who were growne

so insolent and presumptuous, as these discontented ones were lyable to continuall Edition: current; Page: [3-116] molestations from them, either by practices at Counsel-table, High-Commission, or Starre-chamber.

So as their work was to subvert the Monarchiall Lords and Clergy, and therewithall, to abate the Power of the King, and to Order him: but this was a mighty worke, and they were nowise able to effect it of themselves: therefore (say they,) the generallity of the People must be engaged; and how must this be done? Why say they, wee must associate with that part of the Clergy that are now made underlings, and others of them that have been oppressed, and with the most zealous religious Non-conformists, and by the helpe of these, wee will lay before the Generalitie of the People, all the Popish Innovations in Religion, all the Oppressions of the Bishops and High-Commission, all the exorbitances of the Counsell-board, and Star-chamber, all the injustice of the Chancery, and Courts of Justice, all the illegall Taxations, as Ship-mony, Pattents, and Projects, whereby we shall be sure to get into our Party, the generalitie of the Citie of London, and all the considerable substantiall People of both Nations.

By whose cry and importunity we shall have a Parliament, which wee shall by our manifold wayes, alliant, dependant, and relations soone worke to our purposes.

But (say some) this will never be effected without a Warre, for the King will have a strong party, and he will never submit to us; 'tis not expected otherwise (say they) and great and vaste sums of money must be raised, and Souldiers and Ammunition must be had, whereof wee shall not need to feare any want: for what will not an opprest, rich, and Religious People doe, to be delivered from all kinds of Oppression, both Spirituall and Temporall, and to be restored to purity and freedome in Religion, and to the just liberty of their Persons and Estates?

All our care must be to hold all at our Command and disposing; for if this People thus stirred up by us, should make an end too soon with the King and his party, it is much to be doubted, they would place the Supreme Power in their House of Commons, unto whom only of right it belongeth, they only being chosen by the People, which is so presently discerned, that as wee have a care the King and his Lords must not prevaile; so more especially, wee must be carefull the Supreme Power fall not into the Peoples hands, or House of Commons.

Therefore wee must so act, as not to make an end with the King and his Party, till by expence of time and treasure, a long, bloody Edition: current; Page: [3-117] and consuming War, decay of trade, and multitudes of the highest Impositions, the People by degrees are tyred and wearied, so as they shall not be able to contest or dispute with us, either about Supream or inferiour Power; but wee will be able, afore they are aware, to give them both Law and Religion.

In Scotland it will be easie to establish the Presbyteriall Government in the Church, and that being once effected, it will not be much difficult in England, upon a pretence of uniformity in both Nations, and the like, unto which there will be found a Clergy as willing as wee, it giving them as absolute a Ministry over the Consciences of the People, over the Persons and Purses, as wee our selves aime at, or desire.

And if any shall presume to oppose either us or them, wee shall be easily able by the helpe of the Clergy, by our Party in the House of Commons, and by their and our influence in all parts of both Nations, easily to crush and suppress them.

Well (saies some) all this may be done, but wee, without abundance of travell to our selves, and wounding our owne Consciences, for wee must grosly dissemble before God, and all the world will

see it in time; for wee can never doe all this that yee aime at, but by the very same oppressions as wee practised by the King, the Bishops, and all those his tyranicall Instruments, both in Religion, and Civill Government.

And it will never last or continue long, the People will see it, and hate you for it, more then ever they hated the former Tyrants and Oppressours: were it not better and safer for us to be just, and really to doe that for the People, which wee pretend, and for which wee shall so freely spend their lives and Estates, and so have their Love, and enjoy the Peace of quiet Consciences?

For (say they) are not Wee a LORD, a Peere of the Kingdom? Have you your Lordship or Peerage, or those Honours and Priviledges that belong thereunto from the love and Election of the People? Your interest is as different from theirs, and as inconsistent with their freedoms, as those Lords and Clergy are, whom wee strive to supplant.

And therefore, rather then satisfie the Peoples expectations in what concerne their Freedoms, it were much better to continue as wee are, and never disturbe the King in his Prerogatives, nor his Lords and Prelates in their Priviledges: and therefore let us be as one, and when wee talke of Conscience, let us make conscience, to make good unto our selves and our Posterities those Dignities, Edition: current; Page: [3-118] Honours and Preheminencies conveyed unto us by our Noble Progenitours, by all the meanes wee can; not making questions for Conscience sake, or any other things; and if wee be united in our endeavours, and worke wisely, observing when to advance, and when to give ground, wee cannot faile of successe, which will be an honour to our Names for ever.

These are the strong delusions that have been amongst us, and the mystery of iniquity hath wrought most vehemently in all our affaires: Hence it was that Strafford was so long in tryall, and that he had no greater heads to beare his company. Hence it was that the King was not called to an account for his oppressive Government, and that the treachery of those that would have enforced you, was not severely punished.

That the King gained time to raise an Army, and the Queene to furnish Ammunition; that our first and second Army was so ill formed, and as ill managed; Sherburn, Brainford, Exeter, the slender use of the Associate Counties, the slight garding of the sea, Oxford, Dermington, the West Defeate, did all proceed from (and upon) the Mystery of Iniquity.

The King and his Party had been nothing in your hands, had not some of you been engaged, and some of you ensnared, and the rest of you over-borne with this Mystery, which you may now easily perceive, if you have a minde thereunto, that yee were put upon the continuation of this Parliament, during the pleasure of both Houses, was from this Mystery, because in time these Politicians had hopes to worke, and pervert you to forsake the common Interest of those that choose and trusted you to promote their unjust Designe to enslave us; wherein they have prevailed too too much.

For Wee must deale plainly with you, yee have long time acted more like the House of Peers then the House of Commons: Wee can scarcely approach your Door with a Request or motion, though by way of Petition, but yee hold long debates, whether Wee break not your Priviledges; the Kings, or the Lords pretended Prerogatives never made a greater noise, nor was made more dreadfull then the Name of Priviledge of the House of Commons.

Your Members in all Impositions must not be taxed in the places where they live, like other men: Your servants have their Priviledges too. To accuse or prosecute any of you, is become dangerous to the Prosecutors. Yee have imprisonments as frequent for either Witnesses or Prosecutors, as ever the Star-chamber had, and yee are furnished with new devised Arguments, to prove, that yee onely

Edition: current; Page: [3-119] may justly doe these grosse injustices, which the Starre-Chamber, High-Commission, and Counsell-board might not doe.

And for doing whereof (whil'st yee were untainted,) yee abolished them, for yee now frequently commit mens Persons to Prison without shewing Cause; Yee examine men upon Interrogatories and Questions against themselves, and Imprison them for refusing to answere: And ye have Officious servile men, that write and publish Sophisticall Arguments to justifie your so doing, for which they are rewarded and countenanced, as the Starre-Chamber and High-Commission-beagles lately were.

Whilst those that ventured their lives for your establishment, are many of them vexed and molested, and impoverished by them; Yee have entertained to be your Committees servants, those very prowling Varlets that were imployed by those unjust Courts, who took pleasure to torment honest conscionable People; yet vex and molest honest men for matters of Religion, and difference with you and your Synod in judgement, and take upon you to determine of Doctrine and Discipline, approving this, and reproaching that, just like unto former ignorant pollitick. and superstitious Parliaments and Convocations: And thereby have divided honest People amongst themselves, by countenancing only those of the Presbitry, and discountenancing all the Separation, Anabaptists and Independents.

And though it resteth in you to acquiet all differences in affection, though not in judgement, by permitting every one to be fully perswaded in their owne mindes, commanding all Reproach to cease; yet as yee also had admitted Machiavells Maxime, Divide & impera, divide and prevaile; yee countenance onely one, open the Printing-presse onely unto one, and that to the Presbytry, and suffer them to raile and abuse, and domineere over all the rest, as if also ye had discovered and digested, That without a powerfull compulsive Presbytry in the Church, a compulsive mastership, or Arristocraticall Government over the People in the State, could never long be maintained.

Whereas truely wee are well assured, neither you, nor none else, can have any into Power at all to conclude the People in matters that concerne the Worship of God, for therein every one of us ought to be fully assured in our owne mindes, and to be sure to Worship him according to our Consciences.

Yee may propose what Forme yee conceive best, and most available for Information and well-being of the Nation, and may Edition: current; Page: [3-120] perswade and invite thereunto, but compell, yee cannot justly; for ye have no Power from Us so to doe, nor could you have; for we could not conferre a Power that was not in our selves, there being none of us, that can without wilfull sinne binde our selves to worship God after any other way, then what (to a tittle,) in our owne particular understandings, wee approve to be just.

And therefore We could not referre our selves to you in things of this Nature; and surely, if We could not conferre this Power upon you, yee cannot have it, and so not exercise it justly; Nay, as we ought not to revile or reproach any man for his differing with us in judgement, more then wee would be reviled or reproached for ours; even so yee ought not to countenance any Reproachers or revilers, or molesters for matters of Conscience.

But to protect and defend all that live peaceably in the Commonwealth, of what judgement or way of Worship whatsoever; and if ye would bend your mindes thereunto, and leave your selves open to give care, and to consider such things as would be presented unto you, a just way would be discovered for the Peace & quiet of the land in generall, and of every well-minded Person in particular.

But if you lock up your selves from hearing all voices; how is it possible you should try all things. It is not for you to assume a Power to controule and force Religion, or a way of Church Government, upon the People, because former Parliaments have so done; yee are first to prove that yee could have such a

Power justly entrusted unto you by the People that trusted you, (which you see you have not,) we may happily be answered, that the Kings Writt that summons a Parliament, and directs the People to choose Knights and Burgesses, implies the Establishment of Religion.

To which wee answer, that if Kings would prove themselves Lawfull Magistrates, they must prove themselves to be so, by a lawfull derivation of their Authority, which must be from the voluntary trust of the People, and then the case is the same with them, as between the People & you, they as you, being possessed of no more Power then what is in the People justly to intrust, and then all implications in the Writts, of the Establishment of Religion, sheweth that in that particular, as many other, we remain under the Norman yoke of an unlawfull Power, from which wee ought to free our selves; and which yee ought not to maintaine upon us, but to abrogate.

But ye have listned to any Counsells, rather then to the voice of us that trusted you: Why is it that you have stopt the Presse; but that Edition: current; Page: [3-121] you would have nothing but pleasing flattering Discourses, and go on to make your selves partakers of the Lordship over us, without hearing any thing to the contrary: yea, your Lords and Clergy long to have us in the same condition with our deluded brethren, the Commons of Scotland, where their understandings are so captivated with a Reverend opinion of their Presbytry, that they really beleieve them to be by Divine Authority, and are as zealous therein, as ever the poore deceived Papists were.

As much they live in feare of their thunder-bolts of Excommunication, and good cause they have, poor soules, for those Excommunications are so followed with the civill Sanction, or secular Power, that they are able to crush any opposer or dissenter to dust, to undoe or ruine any man: so absolute a Power hath their new Clergy already gained over the Poore People there, and earnestly labour to bring us into the same condition, because if wee should live in greater Freedome in this Nation, it would (they know,) in time be observed by their People, whose understandings would be thereby informed, and then they would grow impatient of their thraldome, and shake off their yoake.

They are also in no lesse bondage in things Civill, the Lords and great Men over-rule all, as they please; the People are scarce free in any thing.

Friends, these are known Truths.

And hence it is, that in their Counsells here, they adhere to those that maintaine their owne greatnesse, and usurped rule over us, lest if wee should here possesse greater liberty, then their vassalls the People in Scotland, they might in short time observe the same, and discharge themselves of their Oppressions.

It is from the mystery of iniquity, that yee have never made that use of the People of this Nation, in your warre, as you might have done, but have chosen rather to hazard their coming in, then to Arme your owne native undoubted friends; by which meanes they are possessed of too many considerable strengths of this Nation and speak such language in their late published papers, as if they were not payed for their slow assistance.

Whereas yee might have ended the Warre long ere this, if by Sea or Land you had shewed your selves resolved to make us a Free-People; but it is evident, a change of our bondage is the uttermost is intended us, and that too for a worse, and longer; if wee shall be so contended, but it is strange you should imagine.

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But the truth is, wee finde none are so much hated by you, as those you thinke doe discern those your

purposes, or that apply themselves unto you, with motions tending to divert you from proceeding therein: for some yeers now, no condition of men can prevaile with you, to ammend any thing that is amisse in the Common-wealth.

The exorbitances in the Cities Government, and the strivings about Prerogatives in the Major and Aldermen, against the Freedoms of the Commons, (and to their extreme prejudice,) are returned to the same point they were at in Garrawayes time, which you observe, and move not, nor assist the Commons; Nay, worse then in his time, they are justified by the Major, in a book published, and sent by him to every Common-Counsell-man.

The oppression of the Turkey Company, and the Adventerers Company, and all other infringements of our Native Liberties of the same nature, and which in the beginnings of the Parliament, yee seemed to abhominat, are now by you complied withall, and licensed to goe on in their Oppressions.

Yee know, the Lawes of this Nation are unworthy a Free People, and deserve from first to last, to be considered, and seriously debated, and reduced to an agreement with common equity, and right reason, which ought to be the Forme and Life of every Government. Magna Charta it self being but a beggerly thing, containing many markes of intollerable bondage, & the Lawes that have been made since by Parliaments, have in very many particulars made our Government much more oppressive and intollerable.

The Norman way for ending of Controversies, was much more abusive then the English way, yet the Conquerour, contrary to his Oath introduced the Norman Lawes, and his litigious and vexatious way amongst us; the like he did also for punishment of malefactours, Controversies of all natures, having before a quick and finall dispatch in every hundred.

He erected a trade of judges and Lawyers, to sell justice and injustice at his owne unconscionable rate, and in what time bee pleased; the corruption whereof is yet remaining upon us, to our continuall impoverishing and molestation; from which we thought you should have delivered us.

Yee know also, Imprisonment for Debt, is not from the beginning; Yet ye thinke not of these many Thousand Persons and Families that are destroyed thereby, yee are Rich, and abound in goods, and have Edition: current; Page: [3-123] need of nothing; but the afflictions of the poore; your hunger-starved brethren, ye have no compassion of; Your zeal makes a noise as farre as Argiere, to deliver those captived Christians at the charge of others, but those whom your owne unjust Lawes hold captive in your owne Prisons; these are too neere you to thinke of; Nay, yee suffer poor Christians, for whom Christ died to kneel before you in the streets, aged, sick andcripled, begging your halfe-penny Charities, and yee rustle by them in your Coaches and silkes daily, without regard, or taking any course for their constant reliefe, their sight would melt the heart of any Christian, and yet it moves not you nor your Clergy.

Wee intreat you to consider what difference there is, between binding a man to an Oare, as a Gally-slave in Turkie or Argiere, and Pressing of men to serve in your Warre; to surprize a man on the sudden, force him from his Calling, where he lived comfortably, from a good trade; from his dear Parents, Wife or Children, against inclination, disposition to fight for a Cause hee understands not, and in Company of such, as he hath no comfort to be withall; for Pay, that will scarce give him sustenance; and if he live, to returne to a lost trade, or beggery, or not much better: If any Tyranny or cruelty exceed this; it must be worse then that of a Turkish Gally-slave.

But yee are apt to say, What remedy, men wee must have? To which we answer, in behalfe of ourselves, and our too much injured Brethren, that are Pressed; That the Hollanders our provident

Neighbours have no such cruelties, esteeming nothing more unjust, or unreasonable, yet they want no men; and if ye would take care, that all sorts of men might find comfort and contentment in your Government, yee would not need to enforce men to serve your Warres.

And if yee would in many things follow their good example, and make this Nation a State, free from the Oppression of Kings, and the corruptions of the Court, and shew love to the People in the Constitutions of your Government, the affection of the People, would satisfie all common and publike Occasions: and in many particulars wee can shew you a remedy for this and all other inconveniences, if wee could find you inclinable to heare us.

Yee are extreemely altered in demeanour towards us, in the beginning yee seemed to know what Freedome was; made a distinction of honest men, whether rich or poor, all were welcome to you, and yee would mix your selves with us in a loving familiar way, void of Courtly observance or behaviour.

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Yee kept your Committee doores open, all might heare & judge of your dealings, hardly ye would permit men to stand bareheaded before you, some of you telling them, ye more regarded their health, and that they should not deem of you, as of other domineering Courts, yee and they were one, all Commons of England; and the like ingenious carriage, by which ye wanne our affections to that height, that ye no sooner demanded any thing but it was effected; yee did well then, who did hinder you? the mystery of iniquity, that was it that perverted your course.

What a multitude of precious lives have been lost? What a masse of moneys have been raised? What one way was proposed to advance moneys, that was refused by you, though never so prejudiciall to the People, allowing your Committees to force men to pay or lend, or else to sweare that they were not worth so or so: the most destructive course to tradesmen, that could be devised, fifty intire subsidies, to be lent throughout London, if not procured, yet authorized by you; never the like heard of, and the Excise that being once settled, all other assessments should cease.

Notwithstanding in few moneths comes forth Ordinance upon Ordinance for more moneys, and for the Customes, they were thought an oppression in the beginning, and being (so high,) an hinderance to Trade, and extreemly prejudiciall to the Nation, neverthesse is now confirmed, with many augmentations, in so much as men of inferiour trading finde great trouble to provide moneys for Customes, and have so many Officers to please, that it is a very slavery to have any thing to doe with them, and no remedy; the first Commissioners being more harsh and ingenious, then the late Farmers, and the last worse then the former.

Truly it is a sad thing, but too true, a plaine quiet-minded man in any place in England, is just like a harmelesse sheep in a Thicket, can hardly move or stirre, but hee shall be stretch'd, and loose his wooll: such Committees have ye made in all Cities and Counties, and none are so ill used as honest Godly men.

Ye have now sate full five yeeres, which is foure yeeres longer then wee intended, for wee could choose you but for (at most) one yeere; and now we wish ye would publish to all the world, the good that you have done for us, the liberty ye have brought us unto: if yee could excuse your selves, as ye use to doe; by saying it hath been a time of warre; that will not doe: for when the warre might in the beginning have been prevented, if yee had drawn a little more blood from the right veine, and might often (ere this) have been ended.

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Occasion hath been given away, and Treated away, and now, when through the faithfulness of the New Modell, yee have almost forc'd an end, and have no great part to effect: now againe, at the instigation of those that love their Kings more then all this Nation, and their owne, his Sacred or holy Majestie, must againe be treated with, their Nationall and Solemne League and Covenant with their God, binding them to be respecters of Persons in judgement: and to preserve His Person in the defence of the true Protestant Religion, and Libertie of the People; that hath constantly against all perswasion and Obligation, done what ever he could to subvert both: if this be not the height of the mystery of iniquitie, what is higher.

But let not these be deceived, nor thus under zealous expressions deceive you; wee wish your soules may no further enter into their secret: For God will not be mocked, nor suffer such grosse Hypocrisie to passe without exemplary punishment: And if yee beleieve there is a God; yee must beleieve it; and if yee doe beleieve it, and consider the wayes yee have trod, and truely repent, shew it by walking contrary to what yee have done, or purposed to doe, and let us quickly and speedily partake thereof: For God is a God that taketh vengeance, and will not suffer you to goe on to our ruine.

Wee have some hopes ye will; for amongst you, there have been alwayes faithfull and Worthy men, whose abundant grief it hath been to observe the strange progresse of the Chosen men of the Common-wealth, and have strove exceedingly on all occasions to produce better effects, and some Christians of late produced to their praise.

Others there are, that have been onely misled by the policies, and stratagems of politick men, and these, after this our serious advice, will make you more seriously studdie the common Interrest of this Nation: others there are, and those a great number, that are newly chosen into your house, and wee trust are such as will exceedingly strengthen the good part, that hitherto hath been too weake to steere an even course amidst so many oppositions and crosse waves.

But henceforth joyn'd all in one will be able to doe and carry on whatsoever is just and good for the Common-wealth, the more just and good, the more easily effected, for such things are easily to be made evident to all men, and can never faile of the uttermost assistance of all well-minded People.

And therefore wee would not have you to be discouraged in attempting whatsoever is evidently just, for Wee will therein assist Edition: current; Page: [3-126] you to the last drop of our bloods: Feare neither the Anakims, nor the sonnes of the Gyants, For the LORD our God, hee will stand by you in all things that are just, and will blesse and prosper you therein.

Forsake, and utterly renounce all craftie and subtile intentions; hide not your thoughts from Us, and give us encouragement to be open-breasted unto you: Proclaime afore-hand, what yee determine to doe, in establishing any thing for continuance; and heare all things that can be spoken with or against the same, and to that intent, let the imprisoned Presses at liberty, that all mens understandings may be more conveniently informed, and convinced, as faire as is possible by the equity of your Proceedings.

Wee cannot but expect to be delivered from the Norman bondage, whereof wee now as well as our Predecessours, have felt the smart by these bloody warres; and from all unreasonable lawes made ever since that unhappy conquest; as wee have encouragement, wee shall informe you further, and guide you, as we observe your doings.

The Worke yee must note is ours, and not your owne, though ye are to be partakers with us in the well or ill doing thereof: and therefore ye must expect to heare more frequently from us then yee have done, nor will it be your wisdom to take these Admonitions and Cautions in evill part.

If yee consider well, yee may wonder Wee are no tarter: Ye may perceive, wee have not yet left our true English confidence, but are willing that both you, and all our Neighbour Nations should know, that wee both see and know all stratagems and Policies that are laid in waite to entrap, and so to enslave us, and that wee bid defiance to their worst our enemies can doe; we know wee have stoore of friends in our Neighbour Countries.

Our head is not yet so intoxicated with this New mystery of Iniquity, but that a reasonable Cordiall Administered by your hand, will set us fast in our seat.

Yee are not to reckon that yee have any longer time to effect the Great Worke wee have entrusted unto you: for wee must not loose our free choice of a Parliament once every yeer, fresh and fresh for a continuall Parliament.

For so, if a present Parliament be mistaken in their understandings, and doe things prejudiciall, We may so long remain under these prejudices, that the Common-wealth. may be endangered thereby, nor doe wee value a Trienniall Parliament: before three Edition: current; Page: [3-127] yeeres come to an end, Grievances and Mischiefes may be past remedy.

And therefore our advice is, that yee Order a meeting of the chosen of Parliament-men, to be expresly upon one certaine day in November yeerly throughout the Land in the Places accustomed, and to be by you expressed, there to make choice of whom they think good, according to Law, and all men that have a Right to be there, not to faile upon a great penaltie but no summons to be expected.

And if any Person without exception, shall write Letters, or use any endeavours to incline the choosers to choose any man, or use any meanes to disturbe or pervert them from a free Choice, then that all such sinister dealing be made punishable, or a most haynous crime.

And that a Parliament so chosen in November, succeeding yeere by yeere, may come instead of the preceeding Parliament, and proceed with the Affaires of the Common-Wealth; nor would wee have it in the Power of our Parliament, to receive any Member from his Place or service of the House, without the consent had of those Counties, Cities and Burroughs respectively that choose him; great inconveniences depending thereon, whereof wee have scene and felt too much.

Now, if yee shall conscionably performe your Trust the yeer ensuing, and order the Parliaments to succeed as aforesaid, then Wee shall not doubt to be made absolute Free-men in time, and become a just, plenteous and Powerfull Nation; All that is past will be forgotten, and Wee shall yet have cause to rejoyce in your Wisedome and Fidelity.

POSTSCRIPT.

Moreover, as for me, God forbid that I should sinne against the Lord in ceasing to pray for you: but I will teach you the good and right way. Onely feare the LORD, and serve him in Truth with all your heart: For considder how great things He hath done for you. But if yee still doe wickedly, yee shall be consumed, both yee and your King. 1 Sam. 22, 23, 24, 25.

FINIS.

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Richard Overton

Overton, Richard

1 August 1646

12.

[Richard Overton], An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation (1 August 1646).

- AN ALARUM
- to the House of
- LORDS:
- Against their insolent Usurpation of the
- COMMON LIBERTIES,
- AND
- Rights of this Nation.
- Manifested by them, in their present Tyrannicall Attempts
- against that Worthy COMMONER,
- Lieutenant Col.
- JOHN LILBURNE,
- Defendour of the Faith,
- And of his Countries Freedoms, both by his Words, Deeds and
- Sufferings, against all Tyrants in the Kingdome; Whether
- Black-coats, Papists, Kings, Lords, &c.
- Printed in the Yeer. 1646.

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IN the first place Wee demand a Reason of you, to know; Why you (which are such arrogaters of Titles of Honour, should of all others,) slight Him so farre, as to style him onely John Lilburne, and neither Mr. John Lilburne, though you know him to be a true borne Gentleman, Nor Lieutenant Collonell, though you know him to be a Valiant and Faithfull Souldier for his Countreys Liberties.

Wee cannot suppose you doe it because you know him to be a true and Reall Christian: with whom the vanity of Titles and Honours, are not regarded: No certainly, Wee have no such Pious thoughts of you, Wee suppose you esteeme those markes of the Gentiles too much, to do it out of that true respect; We may be bold to stile them Markes of Gentiles, Wee have our Saviours own Warrant for it, who saith, The Kings of the Gentiles exercise Lordship over them, &c. But it shall not be so among you: Whosoever will be chief among you, (Christians,) let him be your servant: Gracious LORDS, or Favourable LORDS, titles that could not be proper amongst Christians; with whom there was no Ruler, nor Government, but by common Election and consent, agreeable to Our House of Commons; every Ruler had his Rule; Which he was to observe out of duty: and could not be gracious or favourable, which necessarily implyes a Power assumed above the Rule, and denominates those that exercise such a Power, to be Lords in an overruling sense, a thing which stands neither with Justice nor Christianity.

But if Titles were of any value, or Honour of any esteeme, hee deserveth the Title of Lieutenant Collonell, and the honor he hath gotten in the field in defence of his Countreys Liberties, as well as any of you, your Titles or Honours, if not better and more Edition: current; Page: [3-130] Worthily; for by what meanes some of you came by yours, is very uncertaine, but, this is certaine, that most of you gained no part of it your selves: and the common wayes your Auncesters gained it for you, was generally by adhering to Kings, in subduing and oppressing the Commons, or by pleasing their Lusts, Mallice, Revenge, or Covetousnesse; for so Histories manifest, and those that have been made Lords in our times, have been advanced by the same occasions;

As for Example, What was Sir Lionell Cranfield advanced for, but for betraying the secrets of the City, and devising wayes to shackle the People; being now Earle of Middlesex? What was Coventry advanced for, but for his great abillities in deceivings, and various wayes to oppresse the People, heaping Masses of wealth by extremity of Bribery, Extortion, (and Cruelty, which Mr. Norton and Wiseman full dearly felt:) for which Vertues, his sonne, and sonnes sonne forsooth, must be Lords for ever? How came Mountague to be Lord Privie-Seale and Earle of Manchester, but by the most palpable corruption that ever wast and his Sonne must now remaine an Earle, and Speaker in the House of Peeres; Wee need not enlarge; for your selves know very well how, and by what meanes you came to be Lords; and for what ends; and cannot denie, if honour were the Reward of true vertue: but that Lilburne deserveth more, then what you would, or can take from him.

And therefore, in the Charge you bring against him, (if yet you will persist,) afford him his Title, or lay downe your owne Tytles; use him not alltogether like a slave, though you have made Newgate his habitation, and from thence have removed him to the Tower of London; Whether to murder him privately from the Peoples Knowledge, We cannot tell; but We judge little lesse.

Times may alter, and when you have done your uttermost, hee will be proved, both by his Life and Death, an honest and faithfull man to his long enslaved Country; for freeing whereof, hee hath suffered and done more then all your Lordships.

You have but ill Counsell, and abuse your selves grosly, in using him in this Tyrannous manner; What gaine you by sending him from one prison to another, but a worse Name and Repute then the Star-chamber, that sent him but to the Fleet; you plainly shew, you intend to take away his Life, which that Tyrannous Court never pretended; and for his Close Imprisonment, and to keep him from pen Inke and Paper; from the comfort of his Friends; yea from the very sight of him at his Prison-window, or of their administring Edition: current; Page: [3-131] any refreshment of food or the like unto him, though earnestly desired, and endeavoured by divers of his and the Kingdomes friends, even since his comming into the Tower; and now forsooth his friends may speak with him, but it must be in the presence of his Keeper, but not with any sense of his, and our Nationall Rights and Freedoms, but rather at a Gin or a Trap to catch some of his, and the Nations best friends into your Prerogative Clutches; for none must be permitted to see him, but must first give in his Name, and the place of his habitation; a pretty devise, could your Lordships but catch old Birds with chaffe!

But by this We may discerne your most insufferable encroachmente upon our Common Rights, daily increasing upon us; which in time, if not prevented, will wholly enslave and Vassallage us all; for it is come to this already;

That the FREEMEN of ENGLAND cannot goe to see their fellow COMMONER, without hazzard of their Freedoms.

An act so unreasonable, and destructive to us, that Wee cannot but take notice of it; and let you know, That Wee cannot, neither will WEE suffer such intollerable Affronts at your hands.

If timely Cautions will not availe with you, you must expect to be bridled, for Wee are resolv'd upon our Naturall Rights and Freedoms, and to be enslaved to none, how Magnificent soever, with Rotten Titles of Honour. For doe you imagine there is none abroad of his minde, who though hee were dead and destroyed by you, would prosecute those Workes and Discoveries of the Peoples Rights, which he hath begun; Yes, more then you are aware of, that can, nay, & are resolv'd to paint forth your Interest to the Life, if you will not content you selves the sooner with whats your own; and leave the Commonners to the Commons.

But let Us see, what you have against this Worthy Christian.

1. For his high contempt against your House: In Protesting, that (hee being a Commoner,) you had no jurisdiction over him: and this is so evidently just, and agreeable to Magna Charta, (that little Reminder of Light,) that all sorts of judicious men agree with him herein: and the Opinion of all the Judges will be as soone credited for the legality of Ship-money, as for The Lords jurisdiction over the Commons.

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And for refusing to kneel at your Barre, as his Reason would not permit him in so submisse a way to own the Authority he had disclaimed, so his Conference ought to be satisfyed out of Scripture of the Lawfulnesse of such Ceremonies.

2. For two scandalous, seditious, and most dangerous Pamphlets, sending to raise Sedition in the Realme; and to subvert the fundamentall Lawes and Government of this Kingdome.

A most high Charge, and pretended to be proved out of two Pamphlets, one whereof is intituled, The Just mans Justification: and this Treatise affords, (for a great part of it,) onely a Relation of Colonell King abuse of his trait, and that a Charge depended against him for the same, unto which Mr. Lilburne was a materiall Witnesse: by Occasion whereof King Arrests, and sues him upon pretence of being called Traytor by him this first occasions Mr. Lilburne, to looke into the Proceedings of the Law: findes it full of tricks and quillets, snares, formes and puntillians, Irrationall, and tending to his Ruine, and the perpetuall vexation of the People: and for safeguard of himself, Petitions the Honourable House of Commons: that the Charge, and Articles against King, might be tryed by a Counsell of Warre, before King should be permitted to proceed against him, as being confident, King would be proved a Traytor thereby: This Petition hee could never get delivered, or read in the House: then, to save himself, hee writes this discourse to Judge Reeves; and therein laies open the unreasonablenesse of the Lawes, and Proceedings in Law, now in force in this Nation: And in true Love and Zeal to his abused Country; falls afterwards upon the extreame want of publick Justice, complaines of partiallity, and respect of Persons, shewes it to be against the minde and will of God, in whose sight there is no difference at all; but hee that sheddeth, (or causeth to be shed,) mans blood, by man shall his blood be shed, wherein hee useth a comparison, which to squeamish stomacks is somewhat offensive, but true enough; for God judgeth not as man judgeth: the poor Tradesman, and the Rich; the Noble and Ignoble, are all one in his sight: that soule that sinneth, it shall die.

But such Comparrisons (it is to be feared,) are more odious to you, then Injustice, Treachery, Cruelty, or Tyranny: else you would have been as forward to have called Persons of all quallities to justice, (without sparing the highest) as you have been to send him to Newgate: But this your corrupt dealing makes most men beleeve, That your safety and Interest is in preserving the guilty, and in condemning the just and innocent:

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Is it scandalous to set forth the Justice of the Lord of heaven? by making true Comparisons with Lords on earth; certainly, true Christian Doctrine is not for these Lordly times.

Is it seditious, for a Free-man unjustly imprisoned, to publish the same to all the World? It was not so judged in the beginning of this Parliament; but then was the beginning of Freedome, and it seemes, Wee are at the end thereof: and at the beginning of a new bondage: otherwise neither his first, nor his second discourse, entittled, The free-mans freedom Vindicated: could possibly be interpreted either

scandalous, seditious or dangerous.

Indeed all his Writings have been dangerous to all corrupt Interests of the Common-wealth; as First, to all Arbitrary Power, in King, or Lords, or any other:

Secondly, To the Power and delusion of the Clergy; and their oppression of Conscionable Religious People.

Thirdly, to the most prejudiciall wayes of Our Legall Trialls in all Courts, and to the burdensome Society of Lawyers: that live upon the impoverishing of the industrious and laborious People; things which he proveth to have been forced upon this nation by Conquest, and continued against Reason, and the weale of the People.

Fourthly, to all Monopolists, and engrossers of trade: as the Mendiant Adventurers, and the like: all which he hath (as, on theirs,) proved to the Ruine of the People: and because of this his love to Truth, Justice, and his Countrey; and his opening of these things, and his opposition thereof to the uttermost of his Power: all these mighty Parties, put all their pollicy and strength in one, utterly to destroy him.

But he hath got a good Cause; and all good People, (that desire not to live by the Oppression of others,) on his side; and that your Lordships will finde; for all these things will be laid open as the Sunne, and every man will see wherefore it is you call his Bookes scandalous, seditious, dangerous Pamphlets, and why the Clergy, the Judges, Lawyers, and Monopolists, are his deadly adversaries, even because he deales plainly betwixt you all; and the people, whom you labour by all means joyntly to keep in bondage; and Vassallage to your wills.

This is the Reason, why you say his Bookes tend to Rayse sedition in this Realme, this being Coventries and Canterburies old language, to any that discovered their oppressions and corruptions: it tended to meere Anarchy, and (as you now say,) to subvert the fundamentall Lawes of this Kingdome.

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Doth not every one see the unreasonablenesse of our Laws and Government? and doth the Parliament sit for Remedy of the Grievances of the People, and for their safety and weale in all things? and is it now seditious and dangerous for any man to publish his minde concerning the same? rends it to the subverting of the Fundamentall Lawes and Government, for any to appeale to the House of Commons for altering of Lawes or Government evidently appearing prejudiciall to the safety and weale of the People, the end of all Lawes and Government? certainly they sit not to confirm this Kingdomes long contracted bondage; and that wee trust your Lordships and all the rest will finde.

Doth Mr. Lilburne endeavour to bring in any Arbitrary or Tyrannical Power? Doth hee allow, or argue it to be lawfull for men to be put to Oathes Ex Officio, or to be examined upon Interrogatories against themselves or others, against their wills, in Criminall Causes? Doth hee justifie Imprisonment for refusall to Answer? Doth hee acknowledge your Lordships Authority over the Commons? If he doth any of these or the like things, then indeed hee is guilty of the Charge you lay against him: for this were indeed to subvert the very Fundamentall Governments, which is Right Reason; and to destroy the end of Government; the safety and weale of the People; and therefore it will be good for your Lordships in this Charge to reflect upon your selves; the People are now quick-sighted, and not easily deluded: If it were not so, Mr. Lilburne were in a sad Case, for here is no lesse then the whole House of Peers his Accusers, provoked and set against him by all the Judges, Lawyers, Clergy, and great men of the City, and the Case standing thus on his day of Tryall; What hope can hee have when these, besides all those of the Presbyterian judgement are his resolved Adversaries, who in their Common

Discourses openly condemne him, and wish him worse then hanged, and so do all Royalists: and doubtlesse those that shall be trusted with manageing the businesse, and such as know well how to forme a Jury for the purpose: Where then is hope? In God, in the Parliament in the People? God will provide, above hope: out of the thicket shall come a Ransome for this his beloved Isaac: The House of Commons have not their Trust and Power in vaine, but will use it in so urgent a necessity; If they now deferre, their Account with God will be heavy; and deliverance will yet come; for God cannot suffer so abominable wickednesse: He can turne the hearts of a whole Presbyterian Jury, (if it should come to that,) Edition: current; Page: [3-135] in an Instant, and make them to see their owne Liberties burning at the stake in him; That his Sufferings are but a Preface to their Tragedy, when your Lordships please, if they in any thing oppose your Wills: but the House of Commons is wise, and God is just; and wee cannot feare the safety of this our Brother.

You will finde you are not yet LORDS over the Parliament, you have not the least Power to dispose of the Money as of the Common-wealth, much lesse to imprison these Persons at your pleasure, every man sees with what prejudice to the Publike Affaires, the House of Commons have observed you? How often they have been enforced to tell you, That they must defend and preserve the People without your concurrence. every man sees how you daily obstruct and delay Proceedings, and by devises pervert the end of good Motions; how you adhere to any that would hold the People in bondage; How you abhorre all men that Understand their Liberties, and that you hate this good man Mr. Lilburne, for nothing but his great judgement and affection to the Common-Wealth.

Therefore whilst you may possesse your Honours, and great Estates quietly, without placeing your felicity in vexing meaner men, (all covet, all loose,) for the People cannot beare it; and you will doe yourselves and Posterities great injury, if you beleve they will; their divisions, in which you trust, will deceive you; they will unite, though not totally; yet sufficiently for prevention of so eminent bondage; be not transported with seeming affronts; hee truely honoureth you for your faire demeanor towards him in his Reparations; hee intended you no affront at all, you have been mitigated too much by the Judges and Lawyers against him; your Honours nor Greatnesse need not be twisted with thefts; Further you the good and quiet of the People, and abandon but that kinde of Power which hath ruined the Bishops, and as many as ever have used it,) and you will be beleved and honoured of all good men; for it is reall Goodnesse that is the best support of Greatnesse.

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POSTSCRIPT.

IF thou that readest, be impartiall and judicious, that pray safely perceive by the scope of this little Treatise, but more especially by the late great Remonstrance, (not the Citie Remonstrances) be Pearle in a Dunghill; and be Just man in bonds, since Lieutenant Collonell Lilburne was last committed; as well as his Justification and Vindication of Free-mens Liberties, immediately before; or Englands Birth-right; Mulgrave and Larners Bookes, in what a pitifull, lamentable and tortering condition this distressed and perplexed nation is,

And thereby be occasioned to set thy thoughts, meditations and affections at work, chiefly by earnest Prayers to God, that hee would be pleased to open a doore of Mercy unto us, whereby wee may escape these deceivable feares, leading to worse then Egyptian slavery; wherein we, our poore Infants on their Mothers breasts, and others, who know not the right hand from the left; yea, and our whole Posterity, are most pitifully catched and involved, even as Gods owne particular People the Jewes were in the dayes of Haman, except there come such a a hasty and speedy Remedy, as is pleased him in mercy then to send, beyond the expectation of man.

Our present Condition is so much the more lamentable uncomfortable and unsupportable, that Our own voluntary Contributions, both of our Lives and Estates, to free us from cruell Persecutions, Oppressions and Taxations, have made most of us so poore, that wee are not able to helpe or relieve one another; so that Our present misery, and the hardnesse of rich mens hearts for any common good Workes, so long as they themselves are spared, as an Ox, yet ordained for slaughter, are a most speciall meanes to make both them and us capable of slavery.

Which in our [Editor: illegible word], what Wee [Editor: illegible word] to the Queen of Heaven, Wee altogether mocked and scorned you, and still did pass the evill day farre off; but as the wilde Asse, abirst free is light and speedy to run, masketh it all the assaults of the hunters, who pursue for her life, yet when shee is heavy with young, and not so able to flee, shee is easily catched; so is this sinfull and idolatrous Nation, now in the midst of her sinnes and abominations, who because shee would not, nor will not heare the cryes of the Poore, the Widow, the Fatherlesse, the Prisoners, shee shall cry, and not be heard.

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Though formerly, when shee abounded as much in her Idolatrous and illegall feasts, as now shee doth in her hypocrittically and unlawfull Falls, even in her pride, vain-glory, abused Peace, and fulness of bread, shee wan'd so wanton, and grew so secure, and frozen in her dregges of Popery, that shee sate downe to eate and drinke, and rose up to play, even untill the LORD sent his Servant Nebuchadnezar, in her ripenesse, when all her regions were white unto the harvest, and thrust in the sickle of these his fearfull Judgements, to reape her, which yet are but begun, except shee repents Only shee still reserveth a remnant, who mourne in secret, in all his Visitations; whom hee preserveth to serve both in and after his most fearfull judgements, which hee powereth forth upon others. Farewell.

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S. Shepherd
Shepherd,. S
4 August 1646
13.

S. Shepherd, The Famers Fam'd or an Answer, To two Seditious Pamphlets (4 August 1646).

- THE
- FAMERS FAM'D
- OR AN
- ANSWER,
- To two Seditious Pamphlets, the one Intituled
- THE JUST MAN IN BONDS, the other
- A PEARLE IN A DUNGHILL, written in
- behalfe of that notorious Lyar, and Libeller
- JOHN LILBURNE.
- Also a full reply, with a confutation of a certaine objections
- devised by the Trayterous Author of a Seditious and unparraled
- libel, Intituled A REMONSTRANCE of many Thousand
- Citizens, and other free borne People of England, to their own House of
- COMMONS, etc.

- Wherein the wickednesse of the Authors, and their Abettors, the
- destructive course of their Sectaries, and their Adherors
- is amply discovered.
- So that all (not wilfully blind) may cleerely see, that they are men stirred up
- by mass Enemie, the Devill, as to ruine themselves, so this poor Nation,
- that yet lies Bedrid of her wounds lately received.
- And ought to be avoided as Serpents, to be contemned as Abjects, and to be
- delivered over to Satan, as Blasphemers and reprobates.
- Likewise also these filthy Dreamers defile the flesh, despise Dominion and
- speake evill of Dignities, Jude. ver. 8.
- But these speake evill of these things which they know not, but what they
- know naturally, as bruit beasts, in those things they corrupt themselves. ver. 10
- Omnium malorum Stultitia est Mater, Cicero.
- Quid tam impium est quod mortaliunt Vulgus non admittat? Demosthenes.
- Written by S. Shepheard.

London, Printed for John Hardesty, at the Signe of the Black-spread Eagle in Ducke-Lane, 1646.

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TO The Right Honourable the house of Peers, Assembled in PARLIAMENT.

Right Honourable,

YOu whose names are graven so deeply on the Bedpole of Fame, that the rust of all devouring time, shall never be able to eat or diminish a Letter; Adulation, and my nature are ods, and I have the least to answer for that, of all my Crimes; yet it becomes the just to be thankfull, and those that will not honour the Instruments of Gods Glory, detract from their Maker. First, therefore all thanks be rendred to your honours for your constant fidelity to your Countrey, that you would not degenerate, but choose rather to be afflicted with Gods people, then to injoy the pleasures of sinne for a season, that you would be pleased to undergoe Callumnies, and the * Brand of Infamie; the Subjects of this Kingdome cannot chuse but mutually joyne with me, as once the women in the dance, and say, many Peeres have done Edition: current; Page: [3-140] worthy deeds for the good of the people, but ye have exceeded them all, undergoing the frowne of Majestie, which who so lookes on sees a Basilisk, and seldome escapeth Death; venturing your Estates, wherein some men place their Summum Bonum, and many of you your lives to purchase Freedome for a people, altogether ungratefull (I say not so) but some men furnisht with corrupted mindes, whom Satan hath filled with the spirit of Enmitie, and Detraction, to the grieve of my soule, and of all the least vertuous, with their pennes, like so many sharpened pikes, as Saul, once to David his Proserver, they stab at their deliverers: men that are as unconstant as the wind; more foolish then Claudius, more wicked then Stajus, who place their felicity in that to be avoyded City-racer Mutabilltie, some of whose scurrilous Emptie Pamphlets coming into my hands, I conceived I was bound in honour to my Maker, and in thankfulness to your Honours, to Reply to the said Pamphlets; for these ravenous Fowles the People, are naturally inclined, with greedinesse to swallow whole Gobbets of such carion, though they surfet themselves thereby, and are often forced for it, to be let blood. Thus desiring that great God, who hath greatly assisted your Honours hitherto, to keepe you for ever untouched by your Enemies. I [Editor: illegible word], and shall ever remaine,

Your Honours most humble Servant.

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THE FAMERS FAM'D.

IF a Commander doe faithfull service for a space, and afterward revolteth and fighteth against that cause which erst he maintained, must the memory of his former Service hinder the course of Justice? surely no; if Lievtenant Colonell Lilburne, sometime an obscure Apprentice in London, have formerly done Acts for his Countrey, worthy acceptance, though it may be evidently proved, the maine reason why he accepted of the Parliaments Service, was not so much out of an affection he bare to the Parliament and their cause, as to protect himselfe against his creditors Arrests, I say is he therefore to be excused, if he degenerate, and become an open and profest Enemie to that state, whose cause, hee erst seemed so stiffly to maintaine?

Was there ever Papist, Malignant, Royalist, or Cavaleer did demeane himselfe so libellously, slanderously, contemptuously, and ungratefully to the Parliament as this Lilburne hath done? and indeed the man understandeth not what he speaketh, nor whereof he affirmes, he hath erred from the truth, and is now turned unto vaine Ianglings, not knowing the end of the Commandement is love, 1 Tim. Chapter 1. Which commands him not to Raile on Dignities, and speake evill of Governments; this is the man, and that, the first, that findeth fault, and proclaimeth it a breach of Magna Charta, which himself had yet never Law enough to understand, because he was cited to come before Authority, before he was acquainted with his Accuser, or accusation, whereas the meanest capacities know, that there is nothing more usuall then for Judges, Justices, and all superior, or inferior Offices, or Courts of the Realme, upon credible information, not onely to Summon, but to Attach men by Constables, and other Officers, to appeare before them to answer such matters as shall be objected against them; and this none ever deemed (Lilburne excepted) to be illegall, or contrary to Magna Charta, or the Subjects Liberty; and shall not the Parliament, the Supreamest of all Courts, claime and have the same Priviledge, that under and Edition: current; Page: [3-142] inferior Courts enjoy, this superbious, most egregious, malapert, upstart Lilburne, whom Satan so often as he litteth inciteth, and prompteth, to compile seditious Pamphlets, destructive to the Peace of the Kingdome, this man out of his private spleene to Colonell Edward King, a man under whom once he served, wrote a scandalous Pamphlet wherein he taxeth the said King for a betrayer of the trust reposed in him by the Parliament, that through his default, many Townes of worth became a prey to the Enemy, with divers other, which were notoriously knowne to be false and suborned; in the same Pamphlet, he Rayleth against the Lawes, terming them Norman Innovations, with many other strange, and unparreleld speeches, all which he sent to Judge Reeve, who himselfe, or some other for him, made a complaint to the Lords; who Immediately summoned the Libeller before them; their warrant this

Die Mercurii, 10 Iune 16. 1646.

It is this day ordered by the Lords, in Parliament Assembled, that Leivtenant Colonell Lilburne, shall forthwith upon sight hereof, appeare before the Lords in Parliament; to answer such things, as he stands charged with before their Lordships, concerning a Pamphlet, Intituled, The just mans justification, or a Letter by way of Plea in Barre, and hereof he shall not faile, as he will answer the contrary at his peril.

To the Gentleman usher attending the House, or his Deputy.

Iohn Browne Cler. Parl.

Lilburne having received this Warrant by the Officer, raged and after his wonted manner, bewailed the

breach of Magna Charta, and denied to appeare; but on better consideration he resolved to obey, and coming to Westminster, and being brought to the Barre of the Lords House, he carried himselfe before them, in a most contemptuous, and vile manner, and being demanded, by the Earle of Manchester their speaker (who, caused Master Smith to draw forth his Libell, whether or no, he did not leave that Pamphlet at Judge Reeves his House, for the Judge himselfe; he would not deigne to answer to that, but with erected Front, and like a wily Sophister, demanded, if they had any formall, or legall charge against him; if they had, he desired to see it, and then he would answer to their question to whom the Earle of Manchester said, Lievtenant Colonell Lilburne, the Lords Command you to answer positively to the question; to whom Lilburne replied, my Lord, the paper in Master Smiths hand is my answer to the question and Edition: current; Page: [3-143] no other answer will I give you, whereupon he was Commanded to goe forth, upon the perusall of which paper full of reproachfull speeches, and lying vanities before unheard of, he was by the Honourable House of Lords, againe committed to Newgate, by vertue of this Order.

Die Iovis 11. June 1646.

It is this day ordered by the Lords in Parliament assembled, that Lievtenant Colonell Lilburne, shall stand committed, to the Prison of Newgate, for exhibiting to this House a scandalous, and contemptuous Paper it being delivered by himselfe, at the Barre this day; and that the Keeper of the said Prison shall keepe him safely, untill the pleasure of this House be further signified, and this to be a sufficient Warrant, on that behalfe.

To the Gentleman Usher of this House or his Deputy.

Iohn Browne Cler. Parl.

Since those that sit at the sterne of Government, the Right Honourable Lords Assembled in Parliament, cannot keepe themselves from the obloquies, of such as owe their lives unto them, for their care and watchfulnesse for their good, we that are of low degree, ought not to account our condition deplorable, when we are scandalized and contemned, when we see even our Magistrates, and chiefe Rulers of the Kingdom, not only in talke, but even in Printed Pamphlets, traduced by the seditious and vile slanderers, of whom one of our moderne Poets saith truly.

- Where they desire to enter, there's no Fence;
- No Antient Title, no Inheritance
- Can serve for Plea, for these men wrest the Law,
- Keepe Magistrates, and Officers in awe;
- They pluck the Ballance from faire Justice fist,
- And make her Ministers doe what they list.

But to the matter in hand, on the 22. of Iune 1646. the Lords sent an order, to the Keeper of Newgate to bring Lilburne before them, now such was the obstinacy and Rebellion; of this^{} Lilburne, that he not onely Railed afresh against the Lords, but keeping his Chamber locked, utterly refused to obey the Order, whereupon the Officers brake open his doore and tooke the Libeller with them to Westminster, where being arrived hee was called into the House of Lords, and commanded to kneele at their Barre, which he utterly refused to doe; after some urging, and his constant deniall, the Earle of Manchester demanded Edition: current; Page: [3-144] a reason, why he refused to kneele, to which our Simplicius, answered, that he had learned both better Religion and manners then to kneele to any humane, or mortall Power, how great soever, with many other peremptory, and unbeseeming speeches, which none save Lilburne durst have uttered, for which he was againe returned to Newgate by a stricter Order then before.

Die Martis, 23. Iunii 1646.

Ordered by the Lords in Parliament Assembled, that Iohn Lilburne shall stand committed close Prisoner, in the Prison of Newgate, and that he be not permitted, to have Penne, Inke, or Paper; and none shall have accesse to him in any kinde, but his Keeper, untill this Court doe take further order.

Iohn Browne Cler. Parl.

To the Keeper of Newgate, Deputy, or Deputies.

Exam. per me Rec, Briscoe (Gler. de Newgate.)

During the Imprisonment of this transcendent Iyar and Libeller Lilburne, who ought by the Ancient Lawes of this Land to have his tongue cut out, for^{} thus it runnes, that the Author and spreader of False Rumors among the people, had his tongue cut out if he redeemed it not with the price of his head; that at the common^{*} Law before and since Magna Charta, it was High Treason, for any man to assist or give consent to any thing tending to Sedition, in Realme or Army; which what more surely or speedier causeth then Seditious Libells? of which whether Lilburne be guilty or no, I appeale to all that have Read his Answer to Nine Arguments, His Englands Birthright, &c. I say during the Imprisonment of this Lilburne, without License or name, there have come forth two Printed Pamphlets; the Authors taking upon them to vindicate their Brother Iohn Lilburne, throughout almost their whole Pamphlets, vent nothing, but Railing Accusations, against the ever honoured House of Peers, the first whereof I intend first to answer, and after God willing the other; I shall begin within his owne words verbatim, as they were by him published.

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An Answer to a seditious Pamphlet, lately published in Print, intituled the JUST MAN IN BONDS.

Since this worthy Gentlemans case is^{*} mine, and every mans, Lilburn. who though we be at liberty to day, may be in Newgate to morrow, if the house of Lords so please, doth it not equally and alike concerne all the people of England, to lay it to their heart, and either fit both our minds, and necks to Indure Slavery, or otherwise thinke of some speedy and effectuall meanes, to free our selves and our posterity therefrom?

Marked beseech you how, (prophetically) the Pamphleter begins and fortelleth his own dole, that though hee be at liberty to day, he may be in prison to morrow; and good reason Sir; for the doers and assisters are all one, and ought be alike punished; yet though it may be and is your due, yet not every mans; for I hope there will never be a generall declaring; for then we might expect a totall destruction; therefore it is enough and one too many, that your selfe, according as you seeme to feare, commit such vile crimes, whereby you are made capable of imprisonment; and whereas you as it were in scorn say, if the Lords please, know Sir it is the pleasure of God the King of Kings, and Lord of Lords, that such Achans as you and your brother Lilburne should be brought to condigne punishment, and therefore if the Lords should neglect so necessary a duty, as is the punishing of such wretches, they would be guilty of heynous sin before God, and be the occasioners of their own contempt by men; but see he taketh in hand, by way of insimulation to cause the people to thinke themselves vassaliz'd, because Justice is executed, and exhorteth them to resolve to be slaved, or to take some speedy course to free themselves; the malevolent, and wicked spirit of the Author, under pretence of enlightning the eyes of the subject, would put them out clean, for except the Lords stick to the Commons, and the Commons

to the Lords, there wil never be peace or joy in England; but I make no doubt but the subjects of this Kingdome respect more the glory of God and their owne welfare, then to give eare to this wicked incendiary. The Pamphleter proceeds.

The power of the Lords is* like a shallow uneven water more in noise then Edition: current; Page: [3-146] substance; if we could distinguish between what is theirs of right, and what by encroachment, we should finde that they have decked themselves with the Commoners Feathers, which being reassumed, they would appeare no better arrayed then other men, even equall by Law, inferiour in uprightness and honesty of conversation.

See here the ignorance of the Pamphleter; the power of the Lords, saith he, is like a shallow and uneven Water, whereas the power of the Lords may be rather resembled to a deepe Sea whose force, (but that themselves graciously limit it) were able to sinke and overwhelme the libeller Lilburne, and this lying Pamphleter, with their complices, even to Abysses, they being in the nature of a body Aristocraticall, and indeed the strongest prop the people have. But to proceed, if (saith he) one could distinguish; I but it being beyond your reach, you shew great simplicity to meddle with those things you know not, and it appeares you cannot distinguish by the ensuing words, we should finde that they have decked themselves with the Commoners feathers; very pretty, doth the King receive his Honour from the Subject, or the Subject from Him; surely all Honours flow from Him the most Honoured, and He advanceth and setteth up; and as he by God Reignes, so they by Him Rule; therefore you ignorantly erre in saying, That they are decked with borrowed Feathers. Againe, whereas you say, than if every Bird had one feather, they would appeare no better arraid than other men. I answer, that who so goeth about to unplume them, and instead of Reverence doth use Violence, sinneth against his owne soule, by disobeying the Commandement of God by the mouth of Paul who writing to certain overseers of the Church, chargeth them to put the people in mind to OBEY RULERS NOR would they be equall with the Commons, were they stripped of all, for there is an innate heroick nature residing in all descending of Noble blood; so that they affect nothing but that which is Noble and high and for than you basely alledge, They would be inferior in honesty and uprightness of conversation, it is a grosse and manifest lie, the whole Kingdome may judge how faithfully, valiantly and piously they have borne themselves, in going in and out before the people, since this war; and by the past we may judge of the future. But sed more insolencies;

We should finde that they are but Painted properties, Dagens that our superstitioun and ignorance, theowne craft and impudence have erected, no naturall issues of lawes, but Edition: current; Page: [3-147] the extuberances and mushromes of Prerogative, the Wens of just Government, putting the body of the people to paine, as well as occasioning deformity; sonnes of conquest they are and usurpation, not of choice and election, intruded upon us by power, (not constituted by consent) &c.

The power of the Lords, as aforesaid is essentiall, as deriving their power from him who hath it from God, and though it be very true that the Commons have in them Ignorance and Superstition enough, yet their wisdom for true beliefe could never have erected* them, by reason that many headed Beast the Commons, seldome abide constant in one Faith, and retaine for the generall little or no wisdom, save sufficient perhaps to buy and sell and get gaine. The Lords are constituted and ordained by the Lawes of our Land, which hath for ever been guided by King, Lords, and Commons in Parliament assembled. They are so farre from being the wens of just government, or putting the people to paine, that they are the soveraigne Balm, and preserving Antidote thereof example, the Earle of Essex one of those famous Peeres whom you maligne; who first sounded the depth of a dangerous Sea, and gave notice of those whirlpooles which else perhaps might have swallowed his successor, now a triumphant conquerour; they are not occasion of the least deformity, but rather of future and glory to the Commonwealth, appearing like so many Joshuahs with their Swords drawn, ready to lead the people

forth, against Gods enemies, or to govern them at home in peace and happinesse. They are not usurpers, for they claim not in the least respect any of the peoples right, but what they have they enjoy, as being the sonnes of their glorious Fathers, who merited more honour then was heaped on them, it being but a Recompence in some measure for the good that through their means, as Gods instruments, the people enjoyed; nor accepted they their honour at first without consent of the people, for that which is not gain said, is assented to.

Lay to heart I beseech you, O you House of Commons, that neither your selves nor children can plead any immunity or security from this cruelty of the House of Lords, if now you be slack or negligent, but that you may justly expect, and feel the smart thereof upon you and your posterity, as well as we upon us and ours, at least after you are dissolved, and dismissed from your Authorities; is not this one of the main points for which ye have put your selves and us, and so many of this Nation as stand for Edition: current; Page: [3-148] your defence, to the effusion of so much blood, and multitude of estates?

Behold the libellers Master-piece; here he goeth about to raise discord betwixt the Lords and Commons, perswading them because* they have justly punished a seditious and, infamous person, according to their duties, and the Lawes of the Kingdome, that therefore the Lords intrench on the liberties of the Commons, and intend to bring the subjects of this Kingdome into bondage, the SECTARIES and their Abettors are so enraged, that they have not in all things their swinge and sway, that they could wish out of vengeance, the Kingdome were on fire, while they warmed themselves by the light ont: and therefore they leave no projects unattempted, no Falsities unsaid, to raise Discord and Division. And to make his argument invincible, as he supposeth, he insinuateth that maine ground of this more then unnaturall Warre, was to abolish illegall and tyrannicall power, which is most true; but doth it therefore follow, that we having cut the throat of Innovation, should forsake the worship of God? or that 'cause we have crushed to pieces Aristocraticall or Tyrannicall power, we should not now make use either of Law or Justice? GOD FORBID.

If yee did intend to expose this Kingdome to the miseries of war, for no other end, but that one kind of Arbitrary government, Star- Chamber, and High-commission power might be abolished, and others of that kind established over us; why would ye not tell us, that we might have both spared our lives and estates?

Now steeres the Pamphleter another course more irregular then before; now he exclaimeth on the house of Commons, that they did not give advertisements that having puld down one Arbitrary power, they would erect another, the rancorous and evill minde of the Pamphleter, how many waies trieth he to worke contention and confusion, because Lilburne is not countenanced in his pernicious waies, as he hath been formerly too too much? now they are misled to the purpose, and they care not what they affirme; and therefore forsooth the House of Commons, 'cause they not opposed the House of Lords, in their legall tryall and just censure of Lilburne, are taxed that though they have abolished one kind of Arbitrary power, they are the props of another and therefore the trayterous Pamphleter seemeth to lament, that they had not Edition: current; Page: [3-149] more timely notice, thereby to have prevented the great effusion of blood, and losse of their estates. All these questions and affirmations had not been thought on, had John Lilburne been walking abroad.

But if ye would either free your selves from suspition, or us of these just fears, then shew your selves such Worthies as doe truely deserve the title, by using this happy opportunity, which God hath put into your hands, and making us Free men, it being the maine cause for which we used, and intrusted you; and as a present signe of your fidelity and magnanimity, let all your reall intentions in the generall appeare, by the exactnes and speedinesse of your delivery of your own and his Countries faithfull servant John Lilburne, from prison with all due reparations.

I told you before the cause of all this trouble in print was for* Lilburnes imprisonment, which here the Pamphleter plainly confesseth, and saith, that if they will cleare themselves of the feares, the Pamphleter and his complices hath, that then they should set at liberty Lieut. Col. Lilburne, And then all Acts for the good of the Subject are ratified and confirmed, and then they shall truely deserve the title of Worthies, and be Worthies indeed. Into what a further labyrinth of misery were poor England involved, if the Parliament should allow and take the advice of these malevolent Idiots; certainly, although we are greatly impoverished, and brought low, then we should not faile to become the most wretched and abject people in the world; which evill, God divert.

Edition: current; Page: [3-150]

An answer to a seditious Pamphlet lately in print entituled, A PEARL IN A DUNGHILL. Written in Defence of that famous Libellor, Lient. Col. Lilburne.

SUre the Author of that Dunghill* piece before answered, was the Author also of this scurrilous Pamphlet entituled A Pearle in a Dunghill) save that this is a little more finely spun then the other, He begins thus:

Although most States and Statesmen be of late turnd upside downe, like a wheele; yet this worthy,* valiant and publique spirited Gentlemen, unto whom this Nation is as much bound to, at least, as unto any one, all things considered, is the very same man both in principles and practice, whom the Bishops so long imprisoned in the Fleet, by a most cruell and barbarous censure, caused to be weary of his life; which censure they procured in the Star-chamber against him, and so was whipt, gag'd, and pilloried and in his close imprisonment, almost famished, and murthered.

***This, this is the man that thinketh he indeed hath proved, and that with one Argument of Lilburnes quondam sufferings, that he hath been faithfull to God and his Countrey to the death, in times past, and in the same stedfallnesse remaineth to this day; now therefore that his Country may see and know how deeply they stand ingaged to the said Lilburne, let us search diligently, and shew,

First, the eminency of the party, the sufferer.

Secondly, the cause of his so suffering.

Thirdly, the quality of the paine suffered.

The discovery hereof I know he will exclaime against, and say, it is a breach of MAGNA CHARTA, according to his wonted manner.

First then, for the eminency of his person, we must know, that it is even John Lilburne, during his minority an Apprentice of Edition: current; Page: [3-151] London, and being of an insinuating spirit, he endeered himselfe and wan the love of some silly Schismatics, who for his strange yet empty expressions, deemed him one inspired. So that by that time he came out of his time, and had served his apprenticeship, who but Lilburne of note amongst the Sectaries, his approbation desired, and his counsels followed in all things.

Secondly, the cause of his suffering, during the imprisonment of Doctor Bastwicke by the rigorous censure of the Prelates, divers persons affecting the said Doctor, out of their love resorting to him; amongst the rest, one of them tooke John Lilburne with him as his associate: after plenty of cheere Dr

Bastwick to solace his guests, read to them his merry* Lettany, which highly pleased them all. Lilburne also hearing the said Lettany read, and knowing that whatsoever was written in defiance of that power, then generally hated, would be very acceptable, he desired of Dr Bastwick to have a copy of one of them, with which he would travell beyond Sea, and cause it to be printed, not doubting to be enriched by it; the winde of this fancie transported him over Sea, accompanied with a fellow whose fidelity he doubted not; there he printed many Bookes, and by them got much money, selling them even at what rates he pleased; afterwards comming into England, bringing with him many Bookes, hoping to have a new Mart, the fellow that accompanied him was his betrayer, who gave information to the then* Archbishop of Canterbury, both where Lilburne and his Libels were, who immediately dispatched a Pursevant with plenary authority, who attached Lilburne, and seised on his Bookes, which were all consumed with fire. So much for the cause of his suffering.

Thirdly, for the quality of the paine suffered, it was no lesse then pillorying, whipping, gagging, and to say truth most wicked abusing of his person. Here I beseech the Reader to take notice, that not onely this Pamphleter, Lilburnes vindicator, but himselfe also in all his seditious Pamphlets maketh it an argument infallible, because of his cruell handling by the Bishops, to prove his extraordinary zeale to God, and his Countrey, when it was his affection to attaine riches, and the desire of gaine that brought those calamities upon him; for had he sate at home, and not transported himselfe beyond the Seas to have printed that Lettany, or if being Edition: current; Page: [3-152] there he had stayed; or else, if comming over had left behind him those instruments of his destruction, Dr Bastwicks Bookes, he had not now been reputed so famous a sufferer for God, and his Countrey: but had remained, as he still is, in the account of all wise and truely religions men, a* MECHANICK, FACTIOUS, SLANDEROUS, LYING LIBELLER.

His Defender goes on,

And now if you will begin to think how a* man so faithfull in all his waies, should be so liable to trouble, as he hath been, for he hath been divers times in Pursevants hands, and so committed by Committees, if you shall consider how this Pearle comes to be cast upon this Dunghill, you will finde the faithfulness of his heart towards God, and all good people, the freeness of his tongue, against all kind of injustice, or unworthynesse, in whom soever, is the onely cause and no other.

The lying Pamphleter having before told you that the sufferings of Lilburne in the Prelates daies, was onely for God, and his Countrey, which egregious and monstrous lie I have already canvasd; now he proposeth a Riddle, and asketh how it should come to passe, that a man so faithfull in all his waies, &c. I answer, giving my judgement what might be the reason thereof, perhaps one reason might be, for that he the said Lilburne wrote and divulged a scandalous Pamphlet, intituled, An answer to NINE ARGUMENTS, wherein he intolerably railes against our Church, Ministers, Worship, Government, reporting them to be Antichristian and Diabolicall; on perhaps it might be for his seditious and base Libell, intituled, MARTINS ECCHO, or for his malicious and trayterous Libell intituled, ENGLANDS BIRTHRIGHT, with many other seditious and scandalous Libels, for which he ought; though his: punishment were then mitigated, to have suffered condign punishment, and that after a severe manner, by Statutes at Westminster, first made 3 Edward 1. c. 33. 2 R. 2. c. 5. 12, &c. and Eliz. c. 7. it is enacted and streighly defended, upon grievous paine, That from hence forth none shall be so hardy to contrive, speake, or sit forth any false names, lies, or tales, of Prelates, Earles, Dukes, Barons, Nobles, or great men of the Realme, whereby debates, discords, or slanders may arise, between the King and His People, and the Lords, Nobles, and Commons, whereof great perill and mischief might come to all the Realme; and quicke destruction, Edition: current; Page: [3-153] if remedie were not provided: and he that shall offend herein, shall bee kept in prison untill he hath brought him forth in Court, that first speake and report the same, and if he cannot bring him forth, then He shall be

grievously punished according to the nature of the Offence, by the Councell; and all Justices of the Peace, throughout every Shire, City and Towne Corporate, are enabled to beare, examine, and determine the said causes, and enjoyned to put these Lawes in the due execution, that from henceforth condigne punishment be not deferred from such Offenders.

But now the Pamphleter explaineth his Riddle himselfe, and saith, you finde the cause of his trouble, to be (the faithfulnessse of his heart) ô Sir, you injure him greatly to charge him with that whereof he is not the least conscious; but contrary the basenesse and treachery of his heart, against God, and his Rulers, Blaspheming the one, and Calumniating the other, the freenessse of his tongue according to your owne phrase, in reviling his Lord the King, of whom he ought not to thinke an evill thought, is the cause that brought his former, and present calamities upon him, and maketh his name become odible to all vertuous; but let us traverse the Pamphleter.

And if you seriously weigh things, you will confesse, that it would grieve any good mans heart, that Treachery, Cowardise, Cruelty, Plundering, and Covetousnesse have been very slenderly punished, and faithfulnessse so many wayes discouraged, and that it is a very sad thing, in a time so zealously pretending Reformation, that any quiet people should be punished and reproached for worshipping, and serving God* according to their Conscience: and that Trouble-House Conformitie, as much cryed up, as in the Bishops times.

All wise men will seriously weigh and consider things as they are; and as they may be caryed, that men in Authority may rule over the bodies of men, but not over their minds, and therefore not able to prevent Treacherie, Cowardise, or Cruelty, the committers whereof often escape unpunisht contrary to their will, which if so neglected, ought not to be charged on them; & againe that it is not alwayes seasonable to punish crimes, though never so heynous, and that is when the offenders are potent, able to withstand, and perhaps (Their Arme of Flesh considered) over-power their Judges: but it is evident to all the world that since the sitting of this Parliament, they have not been partial Edition: current; Page: [3-154] in the least regard, witnesse the two* hothams, & never was faithfulnessse better rewarded then by them who have on the meanest subject bestowed honours, if found faithful, and have rewarded each Officer fighting for them according to his Degree, and this is no sad thing in a time of Reformation, but a glorious Animation to the Just: nor are the quiet people punished or reproached, for serving God, those Disturbers of Sions Peace, the Sectaries, are only opposed, their errors being opposite to God, & destructive to the Peace of the Kingdome, who if they should be suffered, would be an occasion of the inevitable Ruine and Destruction of this Nation; for as long as there were divers Sects, there would be Division, and a Kingdome divided cannot stand: God himselfe hath pronounced it, and that without which God cannot be zealously served, nor the Common-wealth possibly preserved in peace and tranquillity, which you contemptuously and wickedly call Trouble-House Conformitie is cryed up, for the Reasons aforesaid and no other.

The Imprisonment of Lilburn you must know, is a sore corrasive to the Pamphleter, an erst to his Predecessor, and therefore he also will have a fling at the House of Lords, thus:

And why presume yee, O yee Lords, thus against us, set forth your merit before the people, and say for this good it is, that wee will Reigne over you? Remember your selves; or shall we remember you? which of you before this Parliament, minded any thing so much as your Pleasures, Playes, Masques, Huntings, Feastings, Gamings, with the Appurtenances? If you owed any man money, or abused any man, what Law was to be had against you, what Patents and Projects did you suppress, or so much as move against, nay had not a hand in. What fearfull enemies were you to Ship-money, & to the proceedings of the High Commission, Star Chamber and Councell Board? indeed your goodnesse was unexpressible, and undiscernible, before this Parliament.

The audacious and impudent Pamphleter, not considering the Lords* commadement, chargeth the honourable House of Peeres with an heap of known falsities, he taketh in hand to shew, that before this Parliament began they were no other then persons giving themselves over wholly to pleasure, and that they plaid Rex over the people, doing with them as they listed, that in stead of suppressing, they caused to be extorted those unknowne vast lones of money levied by the terme of Ship-money, that they Edition: current; Page: [3-155] were the upholders of those tyrannizing Courts, the High Commission, the lively Effigies of the Spanish Inquisition, Star-Chamber, and Counsell board, &c. It is knowne to all men, not wilfully blinde; for there is a sort of men that see, and will not; such is this our Pamphleter and his Complices, that the Lords in generall, I meane those now assembled in Parliament, were ere this Parliament was thought on, men renowned through the world, men singularly vertuous, men fearing God and eschewing evill: and what though they beheld Masques, do not all wise men know, that a Morall Masque is profitable to see and though to the unlearned, who may refraine the sight of them, they seem Riddles, and Nulls, yet to the knowing, who are able to explaine the sense and meaning, and to crack the shell, they finde a sweet and pleasant kernell: and whereas you taxe the use of Hawking, Hunting, and such like Princely sports, it were a sin for them to refraine; but to use them, no sin at all, the whole scope of their Intentions, using the said Games, being for the Recreation of their bodies, by which they become lively, and are more apt and able to serve their Maker, and to manage the Publike Affaires to which the Lord hath called them.

And it is also very well known, that the Lords now Assembled in Parliament, were the happy Instruments of procuring a grant for a Parliament; their Inventions in so doing, wholly out of zeale towards God, and love to their Countrey, that the worship of the one, then too much corrupted, might be purified and refined, and the burthens under which the other groaned, to be taken off; and is this their Reward, ô yee unstable, ungratefull, and giddy Sectaries, whose tongues are set on fire of hell, to maligne and vilifie those that are the most upright, and for whom ye ought to blesse the Lord, as being, part of those Instruments to get for you, with the hazzard of their lives and states, the worship of God, according to the purity thereof, that Liberty and Freedome which your Fore-fathers have sighing wished for, but could never attaine, but oh the wickednesse, wilfulness, and pride of heart that is in some, that they rather then lose one jot of their new fancied Liberty, (indeed a slavery, would they duly consider it) chuse to be guilty, both of their owne, and an whole Nations fall; Besides, are there not Thousands, whose* vanquisht Persons live in hope, to see the second part Edition: current; Page: [3-156] of the destruction of Germany acted in England. And that the hatred now betwixt the Independents and Presbyterians, will prove as fatall, as whilome that bloody* Dissention betwixt the Guelfes and Gibellines: the enormities that attend Dissention, the most excellent Poet Virgil admirably describeth, where he maketh Juno seake to Alecto. Æneidos lib. 7. saying,

- Tu potes unanimos armare in proelia fratres,
- Atque odiis versare domos, tu verbera tectis,
- Funereasque inferre faces, tibi nomina mille,
- Mille nocendi artes, fecundum concute pectus,
- Dissice compositam pacem, sere crimina belli,
- Armæ velit poseatque, simul rapiatque iuventus.
- Englished.
- Thou canst beloved Brethren, force to starve
- And overcome whole Families by War,
- And cast from house to house, combustious fire,
- Take thee a thousand shapes, false names acquire,
- And thou a thousand Fallacies canst use,
- Then search thy ful swolne breast, turne to abuse
- Their Peace agreed on sow thou seeds of Ill,

- Their youthes doe long each others bloud to spill, etc.

But we have yet more of the devills language, who no doubt Dictated to the Pamphleter, as hee hath often done to Liulburne, and his complices, and it is worth your observation that Satan by his Delusions maketh them to bee the props, and stayes of his now tottering Kingdome; for he perceiveth and gnasheth his teeth for ire, that the power of those, whose Innovations set up, caused many thousands to Fall, who ere they could recover themselves, were plunged in the depth of Abyesse; and that now the spirit of truth so prevaleth, that Gods true worship is like to be erected, according to the originall purity; He now therefore, the power of Hell assisting him, tryeth all the wayes to hinder and Impede so glorious a worke he therefore hath dispatched his Agents abroad, giving them commission to enter into the hearts of all void of the Spirit of grace, and to cause them both by writing, and speaking to caluminate, and as farre as in them lyeth, make odible the persons of those who are the chiefe Edition: current; Page: [3-157] Instruments of Gods glory; and then without doubt their Persons hated, their Performances will not be acceptable, this will cause contention, and, Divide & Impera, according to Machiavil, Divide, and prevaile. But thou that rulest Behemoth, who laughest at the strength of man, put thy hook in his nostrills, and save thy people by thy strong Arme.

Now the Pamphleter citeth an Adage comparatively.

It was wont to be said, when a thing was spoyl'd, that the Bishops foot had been in it: and if the Lords mend not, it will be said so of them, and justly too.

It was wont to be said (A Fooles Bolt is soone shot.)

And, what other have the Lords ever been, then a Clog to the House of Commons, in all their Proceedings? How many necessary things have they obstructed, how many evill things promoted? what devices have they had of Prudentialls, and expedients, to delay and pervert what is good; and subtle Policies to introduce things evill?

It hath ever been the custome of Libellers, and calumniators, when they groundlessly slander, to cite things by the whole, not bringing proof of any one thing: so here the lying Pamphleter taxeth the Lords, & nameth not when, where, or how they deserved; the reason you may ghesse, (he cannot) & indeed envy it self cannot challenge the honour'd Lords of the least corruption; I meane, in the way of hindring any one Act for the good of the Subject; nay rather have they not, ere since the time of their sitting, and passing through this fiery Furnace, as I may so say, of their opposing the Royall party, been the Agents to procure many Orders for the good of the Subject? can any say that they have held back, or refused to subscribe to any one paper tending to the good of the Subject? and for their introducing of evill, which the Railing Pamphleter taxeth them of, the meanest capacity may perceive; and all Loyall subjects will hisse at so impudent a Lie.

Now you must know the Pamphleter, in his own conceit having sufficiently vindicated Lilburne; he flyeth high, and hyperbolically saith,

Thou dost well, ô England, to give up thy first borne Lilburne, the son of thy strength, and high Resolution for Freedome, if thou intendest to become a Bond-slave to either King, Lords, or any others; for hee will never submit either body or minde to any kinde of slavery.

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Lilburne in prison, hinc Dolor, hinc Lachrymæ; and therefore to incite the Commons, if it might be, to rise against his Judges, he maketh them interested in his cause; Alas Sir this will not do, the dearly

beloved inimitable unparallel'd Libeller, must have the reward of his merits. While England will sit still and see, not the Sonne of her Strength, but the Son of her Shame, and Sorrow, brought to condigne punishment; nor doth she feare that thereby Her bondage will be aggravated, knowing that such are the Bonds that tie her hands & feet, not suffering her to atchieve that which would prove to her everlasting Benefit, and honour: and she knoweth right-well, that he that hath already submitted himselfe, and is become a Bond-slave to the devill, to put in Act what ever hee shall whisper to him, cannot be the Agent to procure her Infranchisement, Liberty, she sits and beholds with joy the unequall'd proceedings of her two Houses of Parllament, and having the spirit of discerning, lamenteth the errors, heresies, blasphemies of the time, taking into consideration those* verses of the Poet, that,

- - Now for truths matters, there is much adoe,
 - Some this, some that, some none of both will have,
 - And yet they all doe restlesse Fortune woe
 - To yeeld to neither, yet doe either creve
 - In worlds behalfe, or Fleshes fixt thereto,
 - They all in shew doe seek the truth to save.
 - And all seem, to sollicite Sions cause,
 - Which they would have confirmed by the Lawes.
- - Some say they lye, that onely truth doe teach.
 - Some envy them that live by teaching so,
 - And at their lives and livings seem to reach,
 - Which they forgive, but will not so forget:
 - "Some tongues defend the Truth which they doe preach,
 - "Whose Actions give her many a bitter blow!
 - "Some live at Dying, while they seek to live,
 - "And some Dye living, yet doe most relieve.
- - Some* Lyers doe call carnall liberty,
 - The glorious liberty of Truths deare Sonnet,
 - And her they urge to prove that verity;
 - But Truth's betray'd by such untrusty ones,
 - That Sacriledge doe guild with sanctity,
 - Yet for that look for high promotions.
 - "O in a world of mischief, when pretence,
 - "Doth shroud a world of Inconvenience!

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But whereas the Pamphleter saith that Lilburn will never submit either body or mind to slavery, he insinuateth that some are slav'd: O the incorrigiblenesse of some, if they may not do what, say what, attempt what they list, they cry out they are vassaliz'd and trod on, Magna Charta is slighted, & the liberty of the Subject infring'd! But sure the time will come, that these men, that doe and say what they list, and should not, shall be forced to undergoe what they ought, and would not: and now the Pamphleter having railed sufficiently on the Lords, whose innocency is above his calumnies, hee insinuateth with the Commons, promising himselfe that, which were a wonder to see.

But certainly those Worthies in the House of Commons, that consider what the people have done, and suffered for their liberties, will never suffer so foule a deed: it cannot be, but they intend the uttermost* of just Freedome to the people, and love those best that most know and affect true Liberty, and are greatest opposers of exorbitant power, in whomsoever, and consequently cannot, but instantly

deliver all just men, and henceforth reduce the Lords Condition, suitable to the Freedome of the People.

To fill up his measure of evill, hee concludeth his Pamphlet with confidence, that the House of Commons will intrench upon the Priviledge of the Lords, and deliver him whom they have caged: but Sir, your hopes deceive you, for the Honourable House of Commons will not but maintaine, as they ought, the Priviledge of the House of Peers, even as they have hitherto, both Houses having mutually and unanimously proceeded without the least perturbation. For should those happy workmen disagree, that glorious and solid Fabrick, which with so much cost and paine hath been erected, would not only be left unfinished, but also would be in danger to be utterly demolished; But the Highest divert so great a mischiefe, and let not ô Lord our many and crying sins pull downe so heavy and fatall a judgment! The Ridiculous Pamphleter proceedeth in his madness, and holdeth it convenient the Lords should be reduced: but his combustible matter I have so moistned, that it shall never be able to take fire. The mouth of the just shall be fruitfull in Wisedome, but the tongue of the froward shall be cut out, Prov. chap. 10.

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An answer to a Libell INTITULED A Remonstrance of many thousand Citizens, and other free-borne people of England, to their own House of Commons.

THis Remonstranoe was not penned by Lilburn, but whoever he be that penned the same,* his spirit was doubled upon him, and it may fitly bee termed the master piece of wickednesse, and the very quintessence of basenesse, the contents whereof is able to infect the unsettled, and to cause the plague of Dissention to reigne, as hot as ever before: but I shall make known a sovereign Antidote, that if any be already infected, they may by reading my lines, God willing, receive present and perfect cure, and it will be a preservative also to prevent the further spreading and encrease thereof.

Heare the Libeller.

We are well assured, and ye cannot forget, that our chusing you to bee Parliament Men, was to deliver us from all kind of bondage, and to preserve the Common-wealth in Peace and Happinesse, for effecting whereof, we possessed you with the same power, that was in our selves, to have done the same, for we might have done it our selves without you, if we had thought so convenient, chusing you as persons whom we thought fitly qualified, and faithfull, for avoiding some inconveniences.

What hath bereft you of your former confidence, the wickednesse of your owne spirits will not suffer you to participate of that good which is providing: the men ye have chosen, have not failed to performe their duty in a Parliamentary way: and God hath so aided them, that they have outdone example: the bondage, were it a bondage, you so sorely exclaim against, is taken off, and the peace and happinesse you seeme to desire, there is Edition: current; Page: [3-161] great hopes to injoy had it not beene for your owne cursed Proceedings, Lyings, and Slandering the Authors of your Good, you might have now beene in better state then you are, and yee have shewed your selves unworthy of that Good, got and gaining for you, by your continuall Debates and Dangerous speeches, and as if you were weary of mercies by threatning, That if you have not all, even to a tittle, that your erring Fancies desire, you will by your owne strength procure it. Now, whereas you Boast, that had you thought it convenient, yee your selves could have accomlisht your wish. Vainemen, though it be possible, you may be of Abilitie sufficient to measure Cloth, and to keepe a Booke, your summes being vast, and

unknowne, yet with Bakers Ayde you can substract and multiply, and give the summa totalis; yet to manage the Affairs of a Kingdome is too high for you, and had not the High-Commission Court beene suppressed till by you, we might still have beene cited before a Judge, bearing both Swords as before: it hath alwayes beene the custom of wicked and ungratefull men, such as your selves, the good once attained, to slight the procurers thereof; did you want that you now have? O how acceptable would the least of those mercies be, of which yee now surfeit! and yee ought to know, that mercies abused are often by the Almightye turn'd into scourges, for the smart of the wicked and ungratefull.

But, how yee have dealt with us, we shall now let you know, and* let the Right Righteous God Judge betwixt you and us the continuall oppressors of this Nation have been Kings, which is so evident, that you cannot deny it.

Did you as you ought, you would let them know, how they had dealt with you, by presenting your selves to them in all Humility, and acknowledge with all Thankfulnesse, that They have under God beene the preservers both of your lives and states; but yee are an unstable wavering minded people never contented in one state; selfe-conceited you are, and leane so much upon that broken staffe of Reed, your wit, that it will be a meanes at length, even to pierce you through; Rash you are, and your Ignorance spurring you on, yee affect Things Inconvenient, and Destructive. To your Selves. And whereas you say, the continuall oppressoers of this Nation have beene Kings, I answer, you commit a grievous sinne, to averre ought contrary to your knowledge: if yee have Read the Chronicles of this Kingdom, you will find that the* Kings of this Isle, and that for the major part, have beene nursing Fathers Edition: current; Page: [3-162] and Mothers, under whose peaceable and happy Government, the people of this Land have sate each man under his figge tree, praying God, and praying for their King: If yee shall Aske what were the names of those Kings, so good and Gracious, I answer, before the Conquest many, as Edmund, Edgar, Athelstane, &c. Since the Conquest, Henry the third Henry the fifth, Henry the seaventh and his Son; Henry the eighth. Edward the fixth, gracious* Queene Elizabeth, King James, with divers others, whom for brevities sake I omit, some of Them having augmented the Bounds of their Kingdome, striving to make Their Nation glorious and great others others have strove to maintaine what your forefathers have got, executing Justice and Judgement and to truth, never no Nation had more cause to boast, of the Valour, Pietie, and good Government of their Kings then the English Nation; nor hath our Dread Sovereign Lord King Charles beene Inferiour to His Pious Predecessours in the least respect, who for the space of 17 yeares, etc seduced by some pernicious and vile* Spencers, Governed his People in Peace, and under Him They Injoyed much Felicitie, and so may againe, this Prodigious and terrible storme o're-blown; but let us returne to the Libeller.

And yet yee cannot fight for our Liberties, but it must be in the name of King and Parliament, and He, that speaker of His cruelties must be thrust out of your House your Preachers must pray for him, as He had not deserved to be Excommunicated all Christian societie, or, as if you, or They, thought that God were a Respector of Persons in Judgement.

The Honourable Houses of Parliament esteeme it not a poynt of Libertie to Fight the Kings Battels, and except His name; the Royall Partie having perswaded the King to Destructive courses, he ruled by them, fought against His Parliament; His Parliament, to maintain the Libertie of the Subject, their own Rights & Priviledges and to Restore His Majestie to that honour and state He was in, are seduced, fight against those their opposers and is to not convenient for Them then, He being the Head, they the Members, to have His name mentioned, for whose honour They fight, as for Their owne Rights?

Kings are but men: and have Their passions and failings as well as others: and moreover, a great and weightie Burthen lyes on Their shoulders, which Subjects doe not conceive; and according to the Poet.

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- Crownes are but hives, where stinging [Editor: illegible word] doe swarme,
- Pompes but the whites, where at fall envy shoots,
- Which are as Trees, whence grow their owners harme,
- Harmes are the fruit; Crownes, Flowers, & Kingdoms Root.
- The Arme of flesh is but a feeble Arme,
- And in such strong extremes it little Boots:
- He knowes not yet the Nature of a Crowne,
- That knowes not Kings may be by strength o' rethrowne.

And forasmuch as we are perswaded, that those evill Counsellours were the onely cause and Fountaine whence our sorrowes have flowed, and that we know, and have cause to believe, considering His Majesties frequent and pithy expressions, His heartie desire of Compliance with His Parliament, & of setling a firme & wel-grounded Peace: Is it fit that any should speak lightly, or Revile our Lord, whose after-Reigne, we hope, will prove more glorious then His former? Why should we Doubt the Evill being taken away, but His Throne shall be established in Peace? Why should not the Ministers of God, Nay, have they not ample Reason therefore, as they prayed once for His Conversion, now to give thanks for His being Converted? And though God, its true, be no Respector of Persons in Judgement, it followeth not that we should imitate our Maker in that, for he commandeth by his Apostle, saying; Feare God, Honour The King.

And have yee shooke this Kingdome like an Earth-quake, to produce no more then this for us? Is it for this that yee have made so free use, and beene bold with our Estates? And doe you, because of our Readinesse to comply with you in All Things, esteeme us so sottish as to be contented with such unworthy Returnes of our trust and love? No it's high time to be plaine with you: We Are not, nor Shall not be so contented: We doe expect in the first place, that you should Declare and set forth King Charles His wickednesse openly before the world, and withall to shew the Intollerable inconvenience of Kingly Government, from the constant evill Practises of those of this Nation, and to Declare King Charles an enemy, and to publish your Resolution never to have any more, but to Acquit us of so great a Charge and trouble for ever, & to convert the great Revenues of the Crown to the publike treasure, to make good the iniuries and injustices done heretofore, and of late by those that have possessed the same; and till this be done, we shall not think our selves well Dealt withall in this originall of all oppressions, to wit Kings.

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That this Nation hath of late beene sorely shaken it is most true; and had not Gods mercy surpassed Englands Deserts, it had beene shaken to pieces: but this ungratefull Libeller Asketh, (And is it for this?) for what your fore-fathers would have sacrificed Their Lives with Joy: Had they but hoped Their Posteritie after Them should have gained those rare Immunities and Freedomes which your selves now doe, and are like to Injoy; the Government by Prelates Abolisht, the High-Commission, Star-Chamber, all Courts grinding the Faces of the poore supprest, the Feares of a Combination with Forraigne States taken away, by the Disposing of the Militia into trustie hands, such as the Commons shall confide in, with many other Remarkable priviledges; and are yee so unthankfull yet to say (Is It For This?) And whereas you menacing Boast, That you Are not, nor Shall not be so contented, your Estate is to be Deplored, that you are so voyd of grace and Reason, that the Sword hath yet a hope to be handled by you: and is it not sufficient for you to Ruine your selves, but you must also seek the Destruction of the whole Nation? For you propose, that King Charles should be Proclaimed an Enemy; could we acquir our selves of our Oaths, and the Fidelitie we owe to our soveraigne, yet policy would perswade us to

work more Discreetly, (and not involve in a new warre; a Nation almost Dispoyled) for wee must know, that the Princes of the Royall blood will not sit still and see Themselves Robbed of their Birth right; neither [Editor: illegible word] I am fate, so vile a thought into the heart of any Member of Parliament, whose frequent expressions have beene, and still are, in all meeknesse and Humilitie, to desire the King, the spirit of Dis-affection abandoned, to Returne to His Charge, and by Their meanes, God assiting, become a greater, a more glorious and Potent Prince then before; all wish, I hope, to see effected, to the rejoycing of all Vertuous, and to the shame and confounding of councenance of all Malevolent wicked Sectaries, that King and Subjects may Rejoyce in each other, the one seeking nothing but the others welfare, and all, that All Feare; and Jealousies layd aside, the Subjects of this Kingdomes, each man following the workes of his calling, submitting themselves, as they are desired by S. Paul, and that for the Lords sake, not denying to yeeld Cesar his lawfull tribute, following the example of their Saviour, knowing, The more he hath, Edition: current; Page: [3-165] the better he shall be enabled to withstand his and their enemies: To this purpose, one of our moderne Poets saith excellently;

- For thine and mine, and mine and thine, are things,
- Not for to be 'twixt Subjects and their Kings;
- Princes, like the Sun, should from the earth exhale
- The wealth they raise therein, and let it fall
- In every place, as they have cause, a share,
- And not consume it like the wanton Heyre;
- Their full Exchequer must like Conduits be.
- Open to all, to rich and poore like free:
- And Subjects should, like Fields be full of Springs,
- And naturally should fall towards their Kings;
- The Common-wealth should alwayes be in motion,
- Seas fall to Brookes, and Brookes should to the Ocean:
- Such Royall, and such Loyall community,
- Keep King and Subjects still in unity.

And whereis you desire the House of Commons to publish their Resolution, never to have Kings more; what spirits of Debate filleth your breasts, and with what furies are you enraged, that you dare be so bold to propose a matter of high concernment, which if but for civill respects as afore said, ought not to be hearkened to? your peremptorinesse ought to be punished severely, that instigated by Satan, goe about to disturbe now our almost settled people, who desire to live in subjection to God and their King, as they are bound by Oath and Covenant; and till your rebellious and destructive desires are accomlisht, you threaten, that you shall not bee contented; why then remaine in your obstinacie; untill the rods that you have gathered, lash you severely, while yee shall be reputed of all wise and loyall men, a sort of Traytors, Blasphemers, and cursed persons.

But yee have listned to any counsels, rather then to the voyce of us that trusted you; why is it that yee have stopt the Presse, but that yee would have nothing but pleasing and flattering Discourses, and goe on to make your selves partakers of the Lordship over us, without hearing any thing to the contrary?

The Pamphlet swelleth more and more with* poyson, and here it bursteth forth, able to infect the ayre have the House of Commons hearkned to any counsels, but what given amongst themselves, the affect and issue of their counsells and consultations wee see and Edition: current; Page: [3-166] ought to rejoyce at; but O, here's the cut that divideth the very hearts of the Sectaries, the Presse is stopt, they cannot print Pamphlets, the contents whereof is more full of lyes then a Dogge of Fleas; they cannot blaspheme God, and revile their Sovereigne in Print, as they would; and because the Commons (in

Parliament) have done this, to wit, Shut Up The Presse: They have not hearkned to their connsels, but go on to make themselves Lords over them; If Satan Cast Out Satan, How Shall His Kingdome Stand; see the simplicity of the Libeller: should the Commons Go About To Abridge The Commons Liberty? should they not thereby limit themselves, and goe about to procure their owne bondage? Reason will perswade all men the contrary; but let us still trace the Libeller, who now is arrived at the height of impudencie.

You have now sate full five yeares, which is foure longer then we intended, for we could chuse you but at most for one year; and now we wish you would publish to the world the good you have done for us, the liberty yee have brought us unto, if you could excuse your selves, as you use to doe (it hath been a time of warre) for when the warre in the beginning might have been prevented, if yee had drawne a little more blood from the right veine and might often ere this have been ended.

Now the House of Commons as the Remonstrators promise in the* title of their Libell are called in an account Course Of Order Is Clean Perverted where The Subject shall Censure The Magistrates yet such is the pride and impudence of some, that they dare doe it, see here the House of Commons are taxed, that they have sat five yeats, just foure more then was intended: why then it should seeme to me, that these men thought at once to throw downe and set up to extirpate and Reforme in one day, or at least in one yeare, as here they seeme to intimate? whereas it is, and will be recorded, a wonder to posteritey, that so glorious a Reformation being so strongly and fervently opposed, should be gained, confirmed, and setting up and in the space of six yeeres. But it is desired, they should publish to the world the good they have done, the Liberty they have gained: Doth not your consciences informe you that they gained it for yee; which some yeares since yee durst not wish to [Editor: illegible word] and whereas you affirme that if a right course at first had been taken the warre had been ended and [Editor: illegible words] and [Editor: illegible word] give your judgement by without [Editor: illegible word] Edition: current; Page: [3-167] it might have been accomplit, viz. if a little blood more had bin drawne from the right veyne. At the beginning of this Warre blood was drawne, and too much if it might have been saved with safety; and though Desperate Wounds aske a Desperate Cure, yet to be too sanguine is not good; and if some were spared that deserved death, Lenity shall be rewarded, if used with a good intent: but I see your choller rageth within you, that one was exempted, of which thing I tremble to thinke.

Forsake and utterly renounce all crafty and subtile intentions, hide not your thoughts from us, and give us encouragement to be open-breasted unto you; Proclaime before-hand what you intend to doe, establishing any thing for the future, and heare all things that can be spoken with or against the same.

Now is held forth in each hand full cups both of sweet water and bitter, first the House of Commons is advised to renounce all crafty and subtle intentions, I told you before, whatsoever they conclude on to the prejudice of the Subject, they surely detract from themselves; and then insinuation is used, and the utter ruine of Parliaments desired, to wit, when they wish the House not to hide their thoughts from them, but to give them encouragement to be open-breasted to them, meaning that they should in all matters use their advice; which thing, if assented to, what prejudice it would be, what inconveniencies would thereby be occasioned, let the Reader judge? And without doubt the penner of this Remonstrance was an Anabaptist, as may appeare by the ensuing words; Proclaime before-hand what yet intend to doe, establishing any thing for the future and heare any thing that can be spoken with or against the same: What hurly-burly would be amongst the multitude of Weavers and Mechanics, sitting in counsell together, about State affaires, while they argue pro and con O madnesse! shall the supream Councell, Decree, Order, and Ratifie, and then come and desire your advice; Doth not your folly shame you, and your ignorance cause you to blush?

Now if you shall conscionably perform your trust, then wee shall not doubt to be made* Free-men, and become a Just, Plenteous, and Powerfull Nation, all that is lost will be forgotten, and wee shall yet have cause to rejoyce, in your Wisdomes and Fidelities.

Ye are a people, that if a Flye fall in your dish, you will unadvisedly cast away the whole messe of meat, though for hunger yee Edition: current; Page: [3-168] afterwards pine: It is apparent to all the world, that the Parliament have conscionably performed their duty; now performe ye yours also, which is, first to give thanks to God for his great mercies, and then to shew your affection and hearty love to the Instruments of his Glory: And whereas you say that if your desires were fulfilled, then being absolute Free-men, you should in time become a Just, Plentious and powerfull Nation: You intimate in saying (wee) the desires of the whole Nation, wherey your unparalel'd presumption is manifest; How dare ye, being but a part of a part, if a part at all, taxe, direct, and advise the High Court of Parliament? and not contented to expresse your ungratefulnesse to your preservers, you would involve the whole Kingdome also in your Labyrinth of errors; and for your owne parts, had ye your wish in all things, it were impossible thereby that yee should become plenteous or potent; for if in a time of trouble and calamity, when yee expected each day to be ruined, yee demeaned your selves wickedly against God and your Magistrates, would yee not be farre worse, having your wish, and living at case? mans nature being more apt to bee* insnared by the fruits of Prosperity and joy, then by the frownes of* sorrow.

The Author of this Libell concludeth like a Saint, having railed before like a Fury, and for their more powerfull efficacie, the useth the words of Samuel.

Proscript.

Moreover, as for me, God forbid that I should sin against the Lord in ceasing to pray for you, but I would teach you the good, and the right way, onely feare the Lord and serve him in truth, with all your heart, consider what great things he hath done for you, but if yee still doe wickedly, yee shall be consumed, both ye and your King.

But know Sir,

That the righteousnesse of the upright shall deliver them, but transgressors shall be taken in their owne share, Prov.

Imprimatur, Joh. Downame.

*
—

And we are sure, no more hath the Parliament, and yet they themselves dispose of the Commonwealths money to themselves, for their own particular advantage, to the great detriment of those that chused and trusted them, for which they may as iustly question them as they have done the King.

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See his notable Declaration, beginning, 2. part book decl. pa. 100. read pag. 447. 445. Ibim.

*
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Numb. 30. 2. Deut. 23. 12. 23. Zach. 5. 4. 5.

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—

If so then as Samuel said to Saul, 2 Sam. 15. 14. What meaneth then this bleating of the sheep in my eares, and the lowing of the Oxen which I heare.

*
—

Out of thy owne mouth will I iudge thee, Luke 19. 22. for if this diffinition of tyranny, be true we are very sure we are under it.

*
—

We say no more but wish you had not.

*
—

No not so, for you have a power to carve for your selves which you doe.

*
—

See I part of b. decl, pag. 696.

*
—

Which undoubtedly will, if the word of God be true Num. 30, 2. Deut. 23. 21. 22. Eccle. 5. 4 5. Zec. [Editor: illegible word] 4 5. [Editor: illegible words]

*
—

Mark it well.

*
—

Observe this well yee free men of England.

*
—

Marke it well yee Commons of England.

*
—

That we absolutely deny, and therefore if the blind lead the blind they must needs fall both into the ditch.

*
—

And if the people should doe themselves right, what should become of the Earle of Manchester old Sir Henry Vaine, Mr. Barwis, &c. for visibly betraying their severall trusts. See Englands Birth-Right, and in Iohn Musgraves bookes, &c.

*
—

Above all here expressed take speciall notice of this undeniable and avowed principall.

*
—

A Declarat. May 19. 1642. Remonst. May 26. 1642.

[*](#)

A clause of 11. of Hen. 6.

[a](#)

Coll. of decl. pag. 264. 336. 382. 508, 613, 705. 711. 716. 721, 724. 725, 726. 729. 730.

[b](#)

coll. dec. pag. 361, 663. protestation and covenant.

[c](#)

coll. decl. pag. 81. 172. 262. 266, 267. 340. 459. 462, 487. 473, 588, 690.

[d](#)

col. dec. p. 464, 490, 750.

[e](#)

col. dec. pag. 214.

[f](#)

col. dec. pag. 666.

[g](#)

Ier. 22-15, 16 17.

[h](#)

col. dec. pag. 666. 673.

[i](#)

col. dec. p. 264. 281. 494. 697. 497. 654, 694, 696.

[k](#)

col. dec. p. 738. 140, 845,

[l](#)

pag. 660. dec. 460, 673.

[m](#)

Magna Charta 29. Sir Ed. Cook 2. part institutes fol. 28. 29. 46. Rot. 2. 14. Ed. 3.

n

col. dec. 6, 7. 8.

o

5. Ed. 3. 9. 25. Ed. 3. 4. 28. Ed. 3. 3. 37. Ed. 3. 8. 38. Ed. 3. 9. 42. Ed. 3. 3. 17. Ri. 2. 6. Rot par 43. Ed. 3. Sir 10. [Editor: illegible word] case, Num. 21, 22, 23, &c. lib. 10. fol. 74. in case [Editor: illegible word] marshal. fea. see Cook, 2. part inst. fol. 46.

p

2. part inst. 4.

q

2 part inst. fol. 53. 56.

*

Rot. Par. 2. 1. H. 4. Mem. 2. Num. 1. 27. 2. part Inst. fol. 51. 4. part. inst. fol. 41. book decl 38. 39. 77. [Editor: illegible word] 277. 278. 458. 459. 660. 845.

w

book dec. 1 part. 127, 174. 244, 253, 282. 284. 285. 312. 313, 321. 322. 467. 490. 514. 516. 520. 521. 532. 533. 534. 535, 537. 539, 541. 543. 555. 560.

r

col. dec. p. 723.

s

See Cook. 2. part. inst fol. 187.

t

3. Ed. 2.. 3. 37. E. 3. 18. 38. Ed. 3. 9. 2. K. 2. 5. 17. R. 5. 6. 2. P. and M. 3. 1. Eliz. 6.

u

9. H. 2. 29. 2. 2. E. 3. 8. 5. E. 3. 9. 14. E. 3. 14, 11. E. 2. 10.

*

For if I provide not for my family, I am worse then an infidell: but wo be to them that are the cause's thereof.

*

Traytors.

*
—

Such a despiser and contemner of authority as himselfe was never knowne.

*
—

Liburne, thou sometime mentionedst Scripture to confirme thee in ill, couldst thou not then have thought of one place of Scripture, where thou art commanded even by Christ himselfe, to give Honour, to whom Honour is due: but thou and thy fellow Sectaries, agree with the Papist in this, in that ye allow of the Scriptures no farther then they by you wrested will maintaine your Schisme and Faction.

*
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The following footnote text is unreadable and Liberty Fund has made no effort to partially transcribe it.

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See the Laws of King Alfrede Chap. 28.

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The following footnote text is unreadable and Liberty Fund has made no effort to partially transcribe it.

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—

Onely your own and your complices.

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—

A profane simile.

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—

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*
—

The Lords.

*
—

Namely of Lilburnes being soundly chastised for his exorbitancy, for his slanders and lies, for stirring up the people both by words and writing, to Rebellion against the PARLIAMENT, under God their preservers.

*
—

A Pearle in a Dunghill.

*
—

The just man in bonds.

*
—

To be valiant in an ill cause is worse then cowardise.

*
—

As Rome was to Cataline.

*
—

A Booke laying open the pride, the leachery, and abominable acts of the Prelats in secret.

*
—

William Law.

*
—

LILBURNS CHARACTER

*
—

Woe unto those, saith the Prophet, that call black white, & white black.

*
—

The cause of Lilburns troubles.

*
—

For so the cure may prove worse then the Disease.

*
—

A Domestick Phrase.

*
—

The Father and the Sonne, who both lost their heads on Tower Hill for betraying the trust was reposed in them.

//
—

The Author of the just man in bonds.

*
—

Thou shalt not speak evill of the Ruler of thy people.

*
—

The Royall party.

*
—

The occasion whereof was two German Brethren, the one whereof maintained the Popes honour to be above the Emperors, the other averred the Emperours dignity exceeded the Popes; whereupon they fought, and the one slew the other. Their quarrell was spread through out all Italy.

*
—

A lively description of these times.

*
—

Independents.

*
—

Just free it so farre as consistent with the fundamentall Lawes of this Kingdom which prohibiteth toleration of crime under pretence of libertie.

*
—

Lilburne.

*
—

Pray not owne [Editor: illegible word].

*
—

And Queens..

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—

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—

Alludoing to the Father the Son: Edward second so [Editor: illegible words].

*
—

Alluding the places where the Prophet David, speaking of the wicked sayings of his enemies, sais The poyson of Aspes is under their lips.

*
—

Thus calling those their Commissioners in parliament to an account, how they since the beginning of their session to the present have discharged their [Editor: illegible word] to the universality of the people.

*
—

You know not wherein freedome consists.

—

Maris coelique temporiem turbines tempestates commendant, habie has vices conditio, mortalium ut adversa secundis, & Aversis secunda nascantur. Ocultat utrorumque semina Deus & plerumque honorum & malorum causæ sub diversa specie latent. Plin. in Paneg, Trajan.

—

Adversity.

—

Which is worth the making.

William Walwyn
Walwyn, William
11 August 1646
14.

William Walwyn, A Prediction of Mr. Edwards. His Conversion, and Recantation (11 August 1646).

- A PREDICTION OF MR. EDWARDS. HIS
- CONVERSION, AND RECONTATION.
- By WILLIAM WALWYN.

LONDON. Printed by T.P. for G. Whittington and N. Brookes, at the signe of the Angell in Cornhill, below the Exchange. 1646.

Edition: current; Page: [3-170]

There hath of late so much labour, and so many good discourses beene bestowed upon Mr. Edwards, and with so pious and good intentions, that it is not to be supposed, so many precious endeavours can be vaine or fruitlesse, in reference to his conversion.

In cases so desperate as his, the worst signes are the best; as wee use to say, when things are at the worst, they are nearest to an amendment.

To an impartiall judgement, that seriously considers the violence of his spirit, manifested against harmelesse, well-meaning people, that differ with him in judgement: He cannot but seeme, at best, in that wretched condition, that Paul was in, when hee breathed out threatnings and slaughter, against the disciples of the Lord; and went unto the High Priest, and desired of him letters to Damascus, to the Synagogues, that if he found any of this way, whether they were men or women, he might bring them bound unto Jerusalem.

For certainly, had not Authority, in these our times, being endowed with much more true Christian wisdom then such teachers, and through the power thereof, had not restrained the bitterness of his (and the like) spirits: we had had (before this time) multitudes of both men and women, brought from all parts of this Nation, bound, unto London, if not burned in Smithfield.

Edition: current; Page: [3-171]

But many there are, that feare, his condition is much more sad, and desperate, then this of Pauls, (which yet the blessed Apostle was much troubled to thinke on, long after his conversion, accompting himselfe as one borne out of due time, and not worthy the name of an Apostle, because he persecuted the Church of God.) It being exceedingly feared that in all his unchristian writings, preachings, and endeavours, to provoke Authority against conscientious people, that therein he goeth against the light of his owne conscience, that he is properly an Heretique, one that is subverted and sinneth, being condemned of himselfe.

And indeed, who ever shall consider, the exceeding Light that hath been darted from so many Seraphick Quills, shining round about him; amidst his persecuting intentions, (all which he hath hitherto resisted) will find and confesse; there is cause to feare: So great a shining and a burning light, that it cannot be doubted, but that hee discerneth, how unreasonable a thing it is, that one erring man should compell or comproule another mans practice, in things supernaturall: or that any lawes should be made for punishing of mis-apprehensions therein, wherein thousands are as liable to be mistaken; as one single person.

He must needs know, that, only things naturall and rationall are properly subject unto government: And that things supernaturall, such as in Religion are distinguished by the title of things divine; such, as the benefit and use thereof, could never have beene perceived by the light of nature and reason: that such things are not liable to any compulsive government, but that therein every one ought to be fully perswaded in their owne minds; because whatsoever is not of faith is sinne.

He cannot be ignorant, how disputable all the parts of Divinity are amongst the most learned, how then can he judge it so horrible a thing as he seems to doe, for men to differ, though upon the highest points: he knowes every one is bound to try all things, the unlearned as well as the learned: now if there be different understandings, some weaker and some stronger, (as there are) how is it possible but there will (upon every tryall) be difference in degrees of apprehensions: and surely he will not say that weaknesse of understanding is sinfull where there is due endeavour after knowledge: and though it should be sinfull in the sight of a pure God, yet will he not say it is punishable, by impure and erronious man: But,

Edition: current; Page: [3-172]

To rayle revile, reproch, backbite, slander, or to despise men and women, for their weaknesses: their meanes of trades and callings, or poverty, is so evidently against the rule of Christ and his Apostles, that he cannot but condemne himselfe herein: his understanding is so great, and he is so well read in Scripture, that he must needs acknowledge, these cannot stand with Love: that knowne and undisputable Rule.

Insomuch, as if bad signes in so desperate a case as his is, are the best, surely he is not farre from his recovery and conversion.

With God there is mercy, his mercyes are above all his workes, his delight is in shewing mercy: and the Apostle tells us where sinne hath abounded grace (or love) hath super-abounded: O that he would stand still a while, and consider the love of Christ, that he would throw by his imbittered pen, lock himselfe close in his study, draw his curteines, and sit downe but two houres, and seriously, sadly, and searchingly lay to heart, the things he hath said and done, against a people whom he knoweth, desire to honour God: and withal to bear in mind the infinite mercy of God, that where sin hath abounded, grace hath over abounded: certainly it could not but work him into the greatest and most burning extremity that ever poor perplexed man was in, such an extremity as generally proves Gods opportunity, to cast his abundant grace so plentifully into the distressed soule, as in an instant burnes and consumes all earthly passions, and corrupt affections, and in stead thereof fills the soule with love, which instantly refineth and changeth the worst of men, into the best of men.

May this be the happy end of his unhappy labours: it is the hearty desire of those whom he hath hitherto hated, and most dispitefully used; (nothing is to hard for God) it will occasion joy in Heaven, and both joy and peace in earth, you shal then see him a man composed of all those opinions he hath so much reviled: an Independent: so far as to allow every man to be fully perswaded in his owne mind, and to molest no man for worshiping God according to his conscience.

A Brownist: so far, as to separate from all those that preach for filthy lucre: An Anabaptist: so far, at least, as to be rebaptised in a flood of his owne true repentant teares: A seeker: in seeking occasion, how to doe good unto all men, without respect of persons or opinions: he will be wholly incorporate into the Family of love, of true Christian love, that covereth a multitude Edition: current; Page: [3-173] of evils: that suffereth long, and is kind, envieth not, vanteth not it selfe, is not puffed up, doth not behave it selfe unseemly, seeketh not her owne, is not easily provoked &c. And then: you may expect him to breake forth and publish to the world, this or the like recantation.

Where have I been! Into what strange and uncouth pathes have I run my self! I have long time walked in the counsell of the ungodly, stood in the way of sinners, and too too long sate in the seat of the scornful!

O vile man, what have I done? Abominable it is!

O wretched man, how have I sinned against God! It shameth me: It repenteth me: My spirit is confounded within me.

I have committed evils, of a new and unparaelled nature, such as the Protestant Religion in all after-ages will be shamed of. For I have published in print to the view of all men the names of divers godly well affected persons, and reproached them as grand Impostors, Blasphemers, Heretiques and Schismatiques, without ever speaking with them my seife.

And though I am conscious to my selfe, of many weaknesses, and much error, and cannot deny, but I may be mistaken in those things, wherein, at present I am very confident, yet have I most presumptuously and arrogantly, assumed to my selfe, a power of judging, and censuring all judgements, opinions, and wayes of worship (except my owne) to bee either damnable, hereticall, schismaticall, or dangerous: And though I have seene and condemned the evill of it in the Bishops and Prelates, yet (as they) have I reviled & reproached them, under the common nicknames of Brownists, Independents, Anabaptists, Antinomians, Seekers, and the like: of purpose to make them odious to Authority, and all sorts of men: whereby I have wrought very much trouble to many of them, in all parts throughout this Nation; and have caused great disaffection in Families, Cities and Counties, for difference in judgement, (which I ought not to have done) Irritating and provoking one against an other, to the dissolving of all civill and naturall relations, and as much as in me lay, inciting and animating to the extirpation and utter ruine one of another, in so much as the whole Land (by my unhappy meanes, more then any others) is become a Nation of quarrels, distractions, and divisions, our Cities, Cities of strife, slander, and backbiting; by occasion whereof, both our counsell and strength faileth, and all the godly party in the Land, are now more liable Edition: current; Page: [3-174] to abuse and danger, whether they are Presbyterians, Independents, or others, then they have been since the beginning of this Parliament; though many of them are so blinded by my writings and discourses, and so perverted in their understandings that they cannot discern it: And wherefore I have done all this, O Lord God thou knowest, and I tremble to remember, for I have done it out of the pride and vanity of my owne mind, out of disdain, that plaine unlearned men should seeke for knowledge any other way then as they are directed by us that are learned: out of base feare, if they should fall to teach one another, that wee should lose our honour, and be no longer esteemed as Gods Clergy, or Ministers Jure divino; or that we should lose our domination in being sole judges of doctrine and discipline, whereby our predecessours have over ruled States and Kingdomes.

O lastly, that we should lose our profits and plentious maintenance by Tithes, offerings, &c. which our predecessours (the Clergie) for many ages have enjoyed as their proper right, and not at the good will of the owners, or the donation of humane authority: All this I saw comming in with that liberty, which plaine men tooke, to try and examine all things; and therefore being overcome with selfe-respect, and not being able to withstand so strong temptations, being also then filled with a kind of knowledge that puffeth up: I betooke my selfe to that unhappy worke, to make all men odious, that, either directly, or by consequence, did any thing towards the subversion of our glory, power, or profit.

In doing whereof: what wayes and means I have taken for intelligence: What treachery, inhumanity, and breach of hospitality, I have countenanced and encouraged; my conscience too sadly tels me, and my unhappy bookes (if duly weighed) will to my shame discover.

The most knowing, judicious, understanding men that opposed me, or my interest, I knew were those, that did and could most prejudice our cause; and therefore I set my selfe against them in a more speciall manner, labouring by any meanes to make them odious to all societies, that so they might not be credited in any thing they spake.

The truth is: In this my perverse and sad condition, whilst I stood for maintenance of my corrupt interest, it was impossible for me, truly to love a judicious or an enquiring man: I loved Edition: current; Page: [3-175] none, but superstitious or ignorant people, for which such I could perswade, and over such I could bear rule: such would pay whatsoever I demanded, and do whatever I required: they spake as I spake, commended what I approved, &c reproached, as I reproached: I could make them run point-blank against Authority, or fly in the face of any man, for these took me really for one of Gods Clergie, admired my parts and learning, as gifts of the Holy Ghost, and beleevd my erring Sermons to be the very word of God; willingly submitted their consciences and religion to my

guidance.

Whilst (as indeed it is) an understanding enquiring man, studious in the Scriptures, instantly discerneth me to be but as other laymen, and findeth our learning to be but like other things that are the effects of study and industry, and that our preachings are like any other mens discourses, liable to errors and mistakings, and are not the very Word of God, but our apprehensions drawne from the Word.

I confesse now most willingly to my owne shame, that there was nothing which I conceived effectually, to work upon the superstitious or ignorant, but I made use thereof as the Prelats had don before me, yea I strictly observed order in such things as few men consider, & yet are very powerful in the minds of many; as the wearing of my Cloak of at least a Clergy-mans length, my Hat of a due breadth and bignesse, both for brim and crown, somewhat different from lay men, my band also of a peculiar straine, and my clothes all black, I would not have worne a coloured sute at any rate, that I thought enough to betray all, nor any trimming on my black, as being unsutable to a Divines habit.

I had a care to be sadder in countenance and more sollernne in discourse because it was the custom of a Clergy man, this I did though I knew very well the Apostles of Christ, used no such vaine distinctions, but being not indeed unlike other men, through any endowments from on high, or power of miracles, and yet resolving to maintayn a distinction, (being unable to do it by any thing substantiall, I concluded it must be done (as it long time had been, both in the Romish and Prelatique Church) even by vain and Fantastick distinctions, such as clothes and other formalities; and though I knew full well, that God was no respecter of persons, and that he made not choise of the great, or learned men of the world, to be his Prophets and publishers of Edition: current; Page: [3-176] the Gospel: but Heard-men, Fisher-men Tentmakers Tollgatherers, &c. and that our Blessed Saviour thought it no disparagement to be reputed the Sonne of a Carpenter: yet have I most unworthily reviled and reproached, divers sorts of honest Tradesmen, and other usefull laborious people, for endeavouring to preach and to instruct those that willingly would be instructed by them, tearming them illiterate Mechanicks, Heriticks, and Scismaticks, meerly because I would not have my superstitious friends, to give any eare or regard unto them.

And for these respects, have I magnified our publique Churches or meeting places, and reproached and cryed out upon all preachings in private houses, calling them conventicles and using all endeavours, to make all such private meetings liable to that Statute that was enacted, and provided to restraine and avoyd all secret plotings against the civill government, when in the meane time I knew the scriptures plainly shewed, both by the precepts and practices of our Saviour and his Apostles, that all places are indifferent, whether in the mountaine or in the fields, on the water, in the ship, or on the shore, in the Synagogues Or, privat houses, in an upper or low-roome; all is one, they went preaching the Gospell from house to house. Not in Jerusalem, nor in this mountaine, but in every place he that lifteth up pure hands is accepted. Wheresoever two or three are gathered together in my name, there (saith our Saviour) I will be in the midst of them, all this I knew: yet, because the superstitious were (through long custom) zealous of the publique places, I applyed my selfe therein, to their humors and my owne ends, and did what I could to make all other places odious and ridiculous: though now I seriously acknowledge, that a plaine discreet man in a privat house, or field, in his ordinary apparell, speaking to plaine people (like himseife) such things as he conceiveth requisit for their knowledge, out of the word of God, doth as much (if not more) resemble the way of Christ and the manner of the Apostles, as a learned man in a carved pulpet, in his neate and black formalities, in a stately, high, and stone-built Church, speaking to an audience, much more glorious and richly clad, then most Christians mentioned in the Scriptures: and may be as acceptable. I have most miserably deluded the world therein, and those most with whom I have beene most familiar, and have thereby drawne off their thoughts from a consideration of such things as tended to love, peace and joy in the Holy Ghost, to such things as

tended Edition: current; Page: [3-177] neither to their owne good nor the good, of others. I have beene wise in my own eyes, and despised others, but I must abandon all, I must become a foole that I may bee wise, hitherto I have promoted a meere Clergy Religion, but true Christian religion; pure religion and undefiled I have utterly neglected: I have wrested the covenant from its naturall and proper meaning, to make use thereof for the establishment of such a Church government, as would maintaine the power of the Clergy distinct from and above the power of Parliaments, and such as would have given full power to suppress and crush all our opposers, but I now blesse God, the wisdom of Parliament discerned and prevented it.

I have been too cruel and hard hearted against men for errors in religion, or knowledge supernaturall, though I my selfe have no infallible spirit to discern between truth and errors, yea though I have seene them so zealous & conscientious in their judgments (as to be ready to give up their lives for the truth thereof) yet have I (as the Bishops were wont) argued them of obstinacy, and in stead of taking a christian-like way to convert them, have without mercy censured, some of them worthy of imprisonments, and some of death, but I would not be so used, nor have I done therein as I would be done unto my selfe.

I have beene a great respecter of persons, for outward respects, the man in Fine rayment, and with the gold ring, I have ever preferred whilst the poore and needy have beene low in my esteeme.

I have too much loved greetings in the market place, and the uppermost places at feasts, and to be called Rabby.

And to fill up the measure of my iniquity: I have had no compassion on tender consciences, but have wrought them all the trouble cruelty and misery I could, and had done much more but that through the goodnesse of God, the present authority was too just and pious to second my unchristian endeavours: My mercifull Saviour would not breake the brused reed, nor quench the smokeing flax, but my hard heart hath done it. O that I had not quenched, that I had not resisted the Spirit, what fruit have I of those things whereof I am now ashamed; O how fowle I am, and filthy, yea how naked and all-uncovered, my hidden sinne lyes open, I see it, and the shame of it, and how fowie it is; and the sight of it grieveth and exceedingly troubleth me. I would faine hide my selfe from mine owne sinne, but cannot; it pursueth me, Edition: current; Page: [3-178] it cleaveth unto me, it stands ever before me and I am made to possesse my sinne, though it be grievous and loathsome and abominable and filthy above all that I can speake, what shall I doe? whither shall I fly? who can deliver me from this body of death? my spirit is so wounded I am not able to beare: Can there be mercy for me? can there be balme for my wounded spirit, that never had compassion on a tender conscience? my case is sad and miserable, but there is balme in Gilead: with God there is mercy: with him is plenteous redemption, I will therefore goe to my Father and say unto him. Father I have sinned against Heaven and against thee, I am not worthy to be called thy child, make me as one of thine hired servants, I will faithfully apply my selfe to thy will, and to the study of thy Commandements, yea I will both study and put in practice thy new commandment, which is love, I will redeem the time I have mispent: love will help me, for God is love, the love of Christ will constrain me, through love I shall be enabled to doe all things, should I not love him that hath loved me, and shewed mercy unto me, for so many thousand sinnes, shall not his kindnesse beget kindnesse in me, yes love hath filled me with love, so let me eate, and so let me drinke, for ever, love is good and seeketh the good of all men, it helpeth and hurteth not, it blesseth, it teacheth, it feedeth, it clotheth, it delivereth the captive, & setteth the oppressed free, it breakes not the brused reed, nor quencheth the smokeing flaxe, farewell for ever all old things, as pride envy coveteousnesse reviling, and the like, and welcome love, that maketh all things new, even so let love possesse me, let love dwell in me, and me in love, and when I have finished my dayes in peace, and my yeares in rest, I shall rest in peace, and I shall dwell with love, that have dwelt in love.

May his meditations hence-forward, and his latter end be like unto this, or more excellent and Heavenly, which is all the harme I wish unto him, as haveing through Gods mercy, in some measure, learned that worthy and Heavenly lesson of my Saviour, But I say unto you, love your enemies etc. and may all that love the Lord Jesus, increase therein.

FINIS

July 22. 1646

. Imprimatur, JOHN BACHILER

John Lilburne

Lilburne, John

21 August 1646

15.

[John Lilburne], Liberty Vindicated against Slavery (21 August 1646).

- LIBERTY
- Vindicated against
- SLAVERY.
- SHEWING,
- THAT IMPRISONMENT
- FOR DEBT, REFUSING TO
- answer Interrogatories, long imprisonment,
- though for just causes.
- ABUSE OF PRISONS, AND
- cruell Extortion of Prison-keepers, are all
- destructive to the fundamentall Laws and
- common Freedomes of the people.
- Published for the use of all the Freeborne
- of England, whom it equally concernes,
- by occasion of the House of Lords
- commitment of Lieut. Col. John Lilburn,
- close prisoner, first to New-gate,
- and next to the Tower.
- By a lover of his Country, and sufferer for
- the Common Liberty.
- Reade Isaiah 58.4.6. and Neb. 9.1.5.8.9.11.12.13.
- Printed in the yeare 1646.

Edition: current; Page: [3-180]

SIR Edward Cook in his Proeme to his second part of Institutes or Exposition upon Magna Charta, sheweth, how it is called Magna Charta, not that it is great in quantity, there being many voluminous Charters commonly passed longer then it is, nor comparatively, in respect it is greater then Charta de Foresta: But in respect of the great importance and weightinesse of the matter it containeth, and for the same cause, Charta de Foresta, is called Magna Charta de Foresta, and both of them are called Magna Charta Libertarum Anglia; The great Charters of the Liberties of England: So as of this great Charter it may be truly said, that it is magnum in parto, much in little, and the Reasons (saith this learned Lawyer) why it is called Libertatum Regni, The Charter of the Liberties of England from the effect,

Quia liberos facit, It makes us Free-men, and for the same cause it is called (comunis libertas, common liberty) and Le charter des franchises, There he sheweth how in the ninth yeare of Hen. the 3. by his Charter bearing date the eleventh of February, and by Parliament, this Magna Charta was established; also, in the 25. Edw 1. where, by Act of Parliament it was ordained, that both the said Charters should be sent, (under the great Seale) as well to the Justices of the Forest, as to others, and to all Sheriffes, and to all other the Kings Officers. To all the Cities thorow the Realme, and that the same Charters should be sent to all the Cathedrall Churches to bee read and published in every Country foure times in the yeare in a full County. The 25. of E.1.chap.3. The 28. of Ed.1.chap.2 and 17.

But that these Liberties and Franchises were not of Grace and donation, but of Right and Inheritance: There this experienced and honest Lawyer tels us, how it was (for the most part) but declaratory of the principall grounds of the fundamentall Lawes of England, and that it was no new Declaration, for King John had granted the like, which was called Magna Charta (as appeareth by Record) before this great Charter made by King Hen.3. Marth. Par. fol. 246. 247. 248. And by the aforesaid Act of the 25. of Edw.1. Edition: current; Page: [3-181] (called Confirmatio Chartarum) it is adjudged in Parliament that this great Charter should be taken as the Common Law. After the making of Magna Charta, diverse learned men in the Lawes, kept Schooles of the Law within the City of London, and taught all such as resorted unto them. The Lawes of this Realme alwayes then taking Magna Charta for their foundation Parl. Rot claus. 19. of Hen.3.

And albeit (as Sir Edward Cooke well observeth) Judgements in the Kings Courts bee of high regard in the Law, and judiciaall Judgements bee accompted Juris dicta (words of the Law) yet it is provided by Act of Parliament, that if any Judgement be given contrary to any of the points of Magna charta by any of the Justices, or by any other of the Kings Ministers, &c. it shall be undone and holden for nought, confirma. charta. 25. Edw.3. chap 1 & 2.

The highest and most binding Laws, are the several Statutes established by Parliament, yet by authority of that highest Court, It is inacted (only to shew their tender care of Magna charta, or rather, The English-mans liberty) that if any Statute be made contrary to the great Charter (that is, against our just liberty) the same shall be holden for null (or nothing) by which words all former Statutes made against the Great charter were Repealed, as appeareth by 42. of Edw.3 chap. 1. And the Nobles and great Officers were to sweare (and did so) to the due observation of Magna charta, Magna suit quondam magna Reverentia charta, In such high and great esteeme was Magna charta, The charter of the Peoples liberty: neither Prerogative not any other Priviledge, was, or could be pleaded or holden out against Magna charta, (nor justly to this day, and at this time, if true Justice could once get its place and right, before Arbitrary Power) according to that ancient maxime of the Common Law. Le comon ley no tielment ad measure les Perogatives le Roy que ils ne tollerent ne prejudicent, la Inheritance de ascun.

The Common Law hath so admeasured the prerogatives of the King, that these should not take away nor prejudice the Inheritance of any, and the best Inheritance that the Subject hath is the law of the Realme: This our Inheritance in Magna charta, as also the Statute of the 42 of Ed.3.c.4. are both confirmed (to us the Commons of England) by the Petition of Right in the third of King Charles, and also by the Statute made this present Parliament for the abolishing of the Court of Star-chamber, in the 17 King Edition: current; Page: [3-182] Charles: This being so perspicuous and cleare, the question now is, Whether we the Free-men of England, may not, or ought not now of right, to expect and claime the benefit of the same (having subdued the common enemies of the Kingdome, and open oppugners and violaters of our Lawes and just Liberties) after so much treasure spent, and so much blood shed for defence and preservation of our Lawes and just liberties, if any doubt, Let the whole world consider, and judge. Notwithstanding all this:

Such are the incroachments, oppressions and great exactions upon our liberties, by some Ministers of State (by reason of frequent commitments and imprisonments, for contempts and other triviall matters, as that they are become insupportable, and justly to be numbred amongst the greatest of grievances in the Kingdome, I will forbear to speake of the indirect practises, dilatory proceedings & the exorbitant Fees of the Courts Judiciall, because the same will require a particular Tractate, I will only here in some measure (as yet) discover but only some of the cruelties, extortions, exactions, depredations and basenesse of Iaylers and keepers of prisons.

In the first place, we are to consider, what Fees the Lawes allow unto Gaolers and Prison keepers, secondly, how prisoners are to be used whilst they are under custody. Thirdly, how long Prisoners are to be detained in prison, and in the last place what fees and rewards are taken and extorted from prisoners, and how prisoners have been and are used (or rather abused) with the sundry evils and cruelties accompanying the same.

Touching fees and rewards by the common Law, we find that no Sheriffe Coroner, Gaoler or other of the Kings Ministers, ought to take any reward for doing of his office, but only of the King, and this appeareth by the ancient bookes of the Law, Magna Charta, Chap.35: Mirro.cap.2. Sect.5. Britton lib.3 6 Flet.sip 1. cap.ca 18 & Fortescue cap.24. saith vicecomes Iurabit super Sancta dei Evangelii inter alios articulos quod non recipiet aliquid colore aut causa officii sui ab aliquo alio quam Rege, that is, The Sheriffe shall sweare (amongst other articles) that he shall not take any thing (under colour or in respect of his office) of any man, but only of the King, and by west the 1. cap.26, a penalty is added, the words of the statute are these, No Sheriffe not other the Kings officer shall take any reward to doe his office, but what they take shall be of the King, and he that doth transgresse, shall yeeld twice so much and shall be punished at the Kings pleasure.3. of Edw.1 cat 26.

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Under these words, Officer of the King (saith Cooke) the Law beginning with Null viscount (no Sherife) are understood Escheaters Coroners, Bayliffes, Gaolers, the Kings Clearke of the Market, Aulnager, and other inferiour minuters and officers of the King, whose offices doe any way concerne the administration or execution of justice, for the common good of the Subjects; or for the Kings service, who shall not take any reward, for any matter touching their offices (but of the King) and some doe hold that the Kings Herraulds are within this Act, for that they are the Kings ministers and were long before this Statute, Cooke Instit. 2.patt.fol.209.

But if any in favour of Gaolers, or other such like officers, (whether the Serjeant at Arms or his Servants (called Messengers) or that great officer of state, the Lieutenant of the Tower, or his substitutes) shall alledge, that what fees or other rewards they take, whether as fees peculiar to their office, chamber-rent or otherwise, the same either by prescription warrantable, or by some order from the Lords of the Councel-table or decree of the Star-chamber, or by some latter Statutes yet unrepealed, all which severall allegations are easily answered, for first of all, no Shrieffe or other officer, can prescribe for any fee or reward, for doing of his office. See the 42 of Ed.3. fol.3. fol.5. And the 21 of Hen.7 fol.17.

For the Councel-table, Star-chamber, and Judges, their incroachments upon the just liberties and rights of the people, their exorbitant and unlimited power by them exercised, and illegality of their proceedings, are not unknowne to all men, and by an Act of this present Parliament (17 Carol.) the Counceltable is limited and restrained, from intermeddling in causes of private interest, touching the free-holds, or the ground, or libertie of any mans person, the Star-chamber utterly abrogated and abolished; and as their proceedings, decrees and commitments, were tyrannous, oppressing and illegall,

to the enslaving of the people (being the cause and ground of their restriction and taking away) Their orders and tables for fees, granted to the Gaolers, be as unjust, illegal and oppressing the people.

So in like manner I doubt not but that these extorting, barbarous and murdering Gaolers, and all other ministers of State, who make their rise and fortunes, by the ruines and spoylings of the people, and as they tread in the steppes of their predecessours (and rather exceed them in iniquity) so shall they run into the same Edition: current; Page: [3-184] destruction, for as the overflowing of water doe at length make the river loose its proper channell, so those that seeke to extend their power be yond their bounds, have ever hitherto lost not only their powers by them usurped, but often even that also which by right belonged unto them.

For the Statutes which seemes to favour such, can no way warrant these their abominable exactions, the fees being very smal and inconsiderable which these latter Statutes give, so the same will rather condemne then justifie them in these their cruell extortions.

Besides it is to be considered, that all Statutes and lawes are Null and void, which are or do any wayes tend to the infringing of the peoples rights and liberties, being repugnant and contrary to Magna charta, so often confirmed, though seldome or never observed or kept, the neglect whereof, and the suffering of the violators thereof to passe unpunished, have been the causes of great troubles to the Kingdome, in these and former times, and without their follow some speedy amendment thereof, and punishment to the breakers and abusers of this great Charter of liberty; nothing can be expected but confusion and unavoidable ruine upon this Kingdome, being by the sword already so much wasted, and by these and the like grievous oppressions, made to be a People in meere Bondage and slavery; most worthy therefore of consideration. Is the observation, which Sir Edward Cooke hath made touching this poynt, how that the alteration of any of those maxims of the common Law is most dangerous, for while (saith he) Sheriffes, Escheaters, coroners & other ministers of the King, whose offices any wayes concerne the administration of execution of justice, or the good of (t)he common-wealth, could take no fee at all for doing their office, but of the King, then had they no colour to exact any thing of the subjects, who knew that they ought to take nothing of them, but when some act changing the rule of the common law, gave to the said Ministers of the King, fees in some particiular cases, to be taken of the Subjects; whereas before, without any fees taken at all their office was done; but now (to our grief be it spoken) their is no office at all done by any without taking, and extorting it is incredible to relate what extortions have thereupon ensued: So dangerous a thing it is for to shake or alter any of the rules, or fundamentall points of the common Law, which in truth are the maine pillars and supports of the fabrick of the Common-wealth: Cook a part Insti. upon Magna Charta c.35. the 1. West c.26.

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How Prisoners are to be treated and used whilst they be continued in prison, and in custody of the Law.

Wee are to consider that the Law of England, is a Law of mercy (as Sir Edward Cooke saith) in his a part of Institute, fol.28. And prisons are ordayned not for destruction, but for securing of mens persons, untill they be brought forth unto due and speedy tryall; and therefore are to be humanely and in all civility ordered and used; otherwise Gaolers are not keepers, but tormentors and executioners of men untried, uncondemned, and this were not (Salvo custodie) to keep men in safety, which the Law implies, but (Discruere) to destroy before the time, which the Law abhorres.

If so then wickednesse should be established by a Law, and our judicatories and proceedings would be worse and more wicked, then the damnable and damned proceedings of the judge of hell, notably

described by the philosophicall Poet.

Gnocius hic Radamanthus habet durissima Regna castigatque auditque dolos Subigstque; faceris,
And in another place, Legis Fixit precio atque refixit.

First he punisheth, then he heareth, and lastly compelleth to confesse, and make and marre Lawes at his pleasure: But good Judges and Justices abhorre such Courts, saith learned Cooke.

Although by Law a man ought not to go out of prison, or abroad though with a keeper, and with leave, for he is to be kept in *Salua et arcla custodia* in safe and restrained custody; but yet imprisonment must be (*custodia non pena*) a keeping only for the bringing unto tryall and judgement, but not a punishment or place or execution; for a prison ought not to be imployed for punishing, but for the safe keeping of men; see Cooke f. part Institutes fol 260.

And that prisoners may be the more honestly and carefully provided for, and the better and more civilly vsed, and to the end that Gaolers and Keepers of Prisons should not have any colour or excuse, for exacting anything from prisoners, who are in custody of the Law; it is provided by the Law, that all Prisons and Gaolers be the Kings for the publique, good to be made, repaired, furnished with all fitting accomodation, as beds, candlesticks, basons and chamber pots with other things needfull, at the Kings and publiques charge, as appeareth by the 11. of E.2.det. 172: the 13 E. 3. Bar. 153: 27 of Assi. 27. the 8. of He. 4. 18. the 20. of Ed. 4. 5. Brit. 72. And therefore are they called the Kings, or the Common prisons. the 5. of E. 4. chap. 10.

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And Sir. Edward Cooke in his second part of Insti. fol. 589. saith thus, Albeit divers Lords of liberties, have custody of some Prisons, and some in fee, yet the Prison it selfe is the Kings, *par bono Publico*, and therefore it is to be repayred at the common charge, for no subject can have the Prison it selfe, but only the King; by all which it appeareth, that whatsoever is taken of any prisoner, under what colour or presence soever, whether the same be called fees, or chamber rent, is most unduely and unjustly extorted.

For which their severall extortions and exactions, these keepers of prisons within this Kingdome, being lawfully convicted thereof, ought not only to forfeit and loose their Gaole offices, but likewise to be most severely punished & made exemplary & a warning to all such as shall succeed in their place, from presuming to wrong the poore prisoners in their persons, or in any thing belonging to them, as some poore prisoners of late have been in the Prisons of Kings Bench, the Fleet and Newgate, wher some have been robbed, beaten, put into Iron boults, dragged out of their beds at unseasonable times of the night, thrust into dungeons, starved, and also murdered, yea some also lamed by Iron Fetters, and some hanged before day, as appeareth by those articles exhibited to the house of Lords in the yeare 1641 and proved by more then thirty witnesses, who signed the said Articles with their severall names, (if produced) besides those lately exhibited to the Committee of Examination, against Sir Iohn Lenthall, Thomas Dutson and others.

But alas how miserable is the present inslaved condition of this Nation, where the gaolers (being thus supported) rore like Lyons, devoure like Tygers, ravine like Wolves, and like Beares crush the Prisoner under their feet; and yet poore men they dare not exhibit theire complaints, if exhibited, yet thou both they and their complaints extreemly slighted, the Gaoler thereby Imboldened to persist in his cruelty, and thus by seeking remedy, their miserable sufferings are augmented, and their wives and children thereby exposed to all the misery that tyranny can invent, we looked for prosperity and justice, but

beould misery and oppression, for liberty, but beould thralldom, vayled by faire promises, although never people have done more for the recovery of their liberties then wee have done, nor never were there any people that have been (by so many Oathes, protestations, covenants, and declarations) fairlyer promised and more assured of the fruition and Injoyment of the benefit of our good Lawes then we have been for almost five yeares past, yea though the Law of England be a Law of mercy, yet Edition: current; Page: [3-187] is it now turned into a shadow, and it may be said of Magna charta, and the Englishmans liberty (for which we have fought so long, and adventured all) as Cicero said of Romes Senate, *Habemus quidem senatum se intabulis reconditum & tarquam gladium in vagnia*, we have indeed a Senate but in shew, and as a woodden sword in a skabbard, and may not that free speech of Isabella, Countesse of Arrundell, unto King Henry the third, be fitly applyed to these times, I could with poore prisoners and suters had no cause to say the like of the Parliament of England the Countesse moving the King about a Ward detained from her, the king in turning away from her gave her a harsh answer thereupon, her words were these unto the King, viz. My Lord, why turne you away your face from Justice, that we can obtaine no right in your court? You are constituted between God and us, but neither you governe your selfe nor us discretely as you ought to doe, you shamefully vex both Church and Nobles of the Kingdom by all the meanes you can.

It seemeth the Lords were then lovers of Justice and Law, (Oh, would it were so now;) to which speech the King then disdainfully replied, saying, Lady Countesse, have the Lords made you a charter and sent you (for that you are an elloquent speaker) to be their advocate and Prolocutrix? No Sir (said shee) they have not made any charter to me, but only the charter which your father and you made, and swore so often to observe, and so often extorted from your subjects their money for the same, you unworthily transgresse, as a manifest breaker of your faith, where are the liberties of England so often written, so often granted, so often bought? I (though a woman) and with me all your naturall and faithfull People appeale against you, to the tribunall of that high Iudge above, And Heaven and earth shall be our witnesse, that you have most unjustly dealt with us, and the Lord God of revenge avenge us. Here-with the King disturbed, asked her if shee expected no grace from him being his kinswoman? How shall I said shee, when you deny me my right; I therefore appeale before the face of Christ against all those councillors of powers, who being only greedy of their owne gaine have bewitched you and infatuated you. Mr. Daniel on the life of Henry the third folio. 141.

But I pray you heare your poore prisoner what he saith from his slaughter house. under the cruel custody of his executioner the Gaoler, the prisoner calles for Iustice and expects diliverance from this his slaughter house accordingly, and by the way here also Edition: current; Page: [3-188] appeareth a poore prisoner for debt, who saith, that by the Lawes of this Realme, he is and ought to be a free man, but is unjustly contrary to the Law made a slave, and cast in prison to be starved or murdered, and with him accordeth Sir Edward Cooke, who saith, when a Subject at the common Law, sueth for execution upon a Iudgment for debt and dammage, he ought not to have the body of the defendant, but onely his goods in execution, unlesse it be in some speciall case, viz. for the Kings debt: And the reason of the same is, that the body in case of debt shou'd not be delayed in Prison, but remaine at liberty, not only to follow his owne affaires and businesses, but also to serve the King and his Country when need should require, nor take away the possession of his lands, for that would hinder his husbandry and tillage, which is so beneficiall to the Common wealth, vide a part of his Institut. folio 344, whereby it appeareth (as formerly hath been said) that the law of England is a Law of mercy, and all our priviledges and liberties are confirmed unto us by Magna charta, chap 29, where it is said, That no man shall be diseased of any of his liberties and free-hold, so the statute of W.st 2 folio 18 the thirteenth of Edw 3. where halfe of a mans land is charged for want of other goods, which doth in a great measure spoile a man of his free-hold contrary to Law, and so is void to that poynt, but if any doubt be made thereof, the same is clearly by a latter Statute which is none other then a confirmation of Magna Charta, and the Liberties of England, I will set downe the very letter of the Statute. viz. Wee

will and grant that all men of our Land shall have their Laws, Liberties, and free customs, as largely and wholly as they have used to have the same, when they had them at the best, and if any Statute by us and our ancestors or any customs brought in contrary to them, or any article contained in this present charter, we will and grant that such manner of Statutes and customs shall be void and Frustrate for ever more. The 34. Edw. 1. chap 4.

If it shall be objected, that this Statute is repealed by some latter Lawes & Statutes, whereby not only mens lands may be seised, but likewise their bodies made liable to be Imprisoned for debt or dammage till the same be paid or satisfied, I answer, that these and such like Statutes being Repugnant to Magna charta (or Fundamentall Law of the Realme) by which charter the Commons of England are inabled to convene and sit in Parliament, and being also flatly against the Liberties of the Commons of England, are absolutely void in themselves and no waies binding, because Edition: current; Page: [3-189] Magna Charta which giveth them their being, is by them brought in diminution and incroachment of the inheritance, right and Priviledges of all the free borne people of this Kingdom and made invallid and of none effect in Law. And yet in the same Parliament the said great Charter was then also ratified and confirmed, I say by the same Parliament which made the said other destructive Lawes, but to cleere all doubtfull questions and controversies.

These latter destructive Statutes (under colour and by vertue wherof many thousands have been imprisoned, murdered, starved and ruined there, their wives and children also destroyed for many yeares together; the said cruelty also still continued and are barbarously practised as ever, upon the free borne people of England) are absolutely void and made of none effect, being now repealed by the late Petion of right, and by the statute made this present Parliament for the abolishing of the Star chamber, in and by both which not only Magna Charta, but this good Law and Statute of the 34. of Edw 1 chap 4 (the same being but a restauration and confirmation of our former priviledges & Liberties) are recited, revived, and fully confirmed, and againe since purchased, redeemed and recovered with no lesse then the blood and precious lives of more then a Milion of true harted and Free-borne English men, so as it must needes be great injustice and wickednesse to withhold us from the enjoymment of this our right, liberty, and inheritance, which hath cost so great a price, and all such as are detained and holden in prison for debt ought to be freed and Inlarged, as being illegally and falsly imprisoned contrary to the iust and Fundamentall Lawes of this Kingdom, which the High Court of Parliament as well as other Iudges, Iustices and other Ministers of State are bound and have Sworne to the uttermost of their power to defend and preserve and inviolably to observe the same.

And I have not these our Judges, and Lawyers, as well as others of former times by their Orders, Decrees, Judgements and Executions, for committing and detaining mens bodies for debt, discovered themselves to be Oath breakers, & betrayers of the Law wherewith they are intrusted, whereby their selfe-ends, covetous minds, and by respects are plainly discovered, and their owne private gaine (and flourishing state of Gaolers) Mind but the five yeares delay of the Ordinance for release of Prisoners for Debt, and you may easily smel the Fox-like subtilty of the Lawyer in it. before the precious Liberty and well being of the Commons of England, by them preserved: For which their insolency, they deserve to have inflicted on them, and to under goe, more heavy more Exemplary, and great Edition: current; Page: [3-190] punishments then those Iudges received, that gave that false Iudgment for shipmony, for by the right of shipmony, a man had but a small part of his goods unjustly taken from him; but by the false Judgement and executions against the bodies of men for debt, Millions of people have been and are spoyled of their credits, callings and Liberties, (which hath beene ever counted the most precious Jewell belonging to the Commons of England) and both them and their wives and children utterly ruined, no provision being made or allowed to the prisoner for food or rayment, if once committed to prison he must then either starve or beg at the grate, nay often times upon the singular displeasure of the Gaolor mewed up in a close roome without any allowance of bread or

drinke, For instance the Fleet and Kings-Bench. where beg he cannot, and therefore must inevitably perish (if not by strangers or friends releevd) being by the Gaolor no wayes pitied, but his death rather daily wished and desired, nay to the shame and reproach of this Nation be it spoken, some poore men for debt have been (in a famishing and perishing condition) kept in these prison houses for 10:20, 30, and some 40 yeares together, and as they were and are helplesse so also hopelesse ever to be freed out of prison til by death delivered from under the hand of their cruell extorting Gaolor and his impes of cruelty, such barbarous cruelty, and wilfull murdering of the poore soules, in prison houses for debt, is no where practised or exercised, no not any people so tyrannized ever and subjected to the like misery, oppression and servitude in any nation or Kingdom, throughout all Europe, as is imposed upon the poore spoyled freeborne English-man, yet we justifie these doings and support the instruments of the same, as of late some of us did the Luciferion Prelacie here, as though wickednesse and oppression were established by the Law, and Justice, and mercy, quite swallowed up by tyranny; oh that our Parliament would at length (though late) free this Nation from this unsupportable vassilage & bondage & restore us to our ancient (long lost) Liberties and freedoms, and no longer suffer us thus tyrannously to be wasted and worne out, famished, and starved, and murdered, in these destroying prisons, by long imprisonment, which the Law accounteth most odious and hatefull.

By the statutes of Westminster, the 2. Chap. 29. Anno 13 Edw. 3. it is inacted for the ease and benefit of the subject, that no Writ of trespassse (ad audiendi & terminandi, for hearing and determining)) shall be granted before any Justice, except the Justice of either Bench, and Justice of Oyre, or else if it be for a hainous Edition: current; Page: [3-191] trespassse where it is necessary to set speedy remedy, and no writ to heare and determine appeale before Justices assigned shall be granted, but in especially case and for a cause certaine, when the King Commandeth, but if the parties appealed or Indited, be kept long Imprison, they shall have a Writ of Odio & Atia, like as is declared in Magna Charta and other Statutes, the Law favouring the Liberty and freedom of a man from Imprisonment and that he should not be long imprisoned, alloweth the Writ Odio & Atia, for Bailing out of prison, though the cause were most odious, and in favour of the Prison, by Magna Charta chap provided that the Prisoner shall have his writ gratis without Fee, without delay or deniall.

And Sir Edward Cooke, upon this Statute of Magna Charta saith, though the offence whereof the prisoner was accused were such as he was not Baileable by Law, yet the Law did so highly hate the long imprisonment of any man, although accused of an odious and haynous crime, that it gave him this writ for releefe, and that there was a meane, by the Common Law before indictment or appeale, to protect the innocent against false accusation Cooke in his 2. part of Institutes Fol 42.

For the prisoners commitment to prison is only to this and that he may be forthcomming, to be speedily and duely tryed according to the Law and Custome of the Realme, nay, the Law hath beene so far from allowance of detaining a man long in prison without due and speedy tryall, that it was resolved in the case of the Abbot of Saint Albons, to have a Gaole, and a Gaole delivery and divers persons were committed to that Gaole, and because the Abbot would not be at cost to make a Gaole deliverance, he therefore detained them in prison a long time without making lawfull deliverance, but the Abbot had for that very cause fore-cited this Franchise seised into the Kings hand, and the Abbot of Crowland had also a Gaole, wherein divers men were imprisoned, and because he detained some that were acquitted, the King seised the Gaole for ever, vide the 8. of Hen. 4. fol. 18. the 20. of Edw fol.6. Cook in his 2 part institute, upon Magna charta, fol.47.

Now that Parliaments should weary and waste men out with long imprisonment, without bringing them to a speedy and due tryall, is neither justifiable, nor hath been accustomed; for the more high and absolute, the jurisdiction of the Court is the more just and honourable it ought to be in the proceedings, and to give example of justice to all other inferiour Courts.

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The King being desirous to know of the Iudges, whether a man that was forth-comming might be attainted of high treason by Parliament being never called to his answer, the Iudges answer then was to Sir Thom. Gawdy (sent by the King) that the high Court of Parliament ought to give example to Inferiour Courts, for their proceedings in Iustice, and that no Inferiour Court could doe the like, for by the Statutes of Magna charta chap. 29 the 5, of Edw.3 chap 9 and the 28. of Edw.3.chap.5. no man ought to be condemned without answer; see, part.4.Instit.fol.37, & 38 neither ought any man to be kept in prison without being brought to answer and speedy tryall. Magna charta chap.26. whereby it appeareth what expedition ought to be used for avoyding of long imprisonment, the time of twelve moneths, nay, one moneth was then thought to bee long, therefore the time of seven, ten, or twenty, yeeres imprisonment now usuall, is most barbarous, vile, inhumane, and sathanicall and savours no waies of any Christianity, or of the true knowledge and feare of God; and it is to bee observed, (saith learned sir Edward Cooke) that *lex anglia est lex misericordia*, the Law of England is a Law of mercy, for three causes, first, for that the innocent shall not bee worne and wasted by long imprisonment, but (as by the Statute of Gloc. chap.9. and by Magna charta, appeareth) speedily to come to tryall.

Secondly, that prisoners for criminall causes, when they are brought to their triall; be humanely dealt withall for, *Severos quidem facit justitia inhumanos non facit*, justice maketh the Judges severe; and *Fleta* saith, *Cum autem capti in iudicio produci debeant non producantur armati sed ut iudicium recepturi nec ligati ne videantur respondice coacti*, that is, when prisoners are brought forth to judgement, they may not have any weapons about them, but as men to receive judgement of Law, neither ought they to be fettered, lest they seeme to be inforced to answer.

Thirdly, the Judge ought to exhort him to answer without feare, and that justice shall be duely and truly administred unto him, Cooke 2.part Institut fol 315, 316 seeing by the Law, Gaolers and prison keepers are not to take any fee or reward of any prisoners, and seeing Gaoles and prisons be not private or particular mens, but doe properly belong to the common wealth, and so to be maintained at the publique charge, and for that purpose the keepers of the Gaole of Kings Bench and the prison of the Fleet, together with some other prisons have and receive certain severall Edition: current; Page: [3-193] yearly stipends out of the Exchequer, of the King, as appeareth by their several grants under the great Seale, as also by the antient Records in the Tower.

Seeing then that by the Law, prisoners ought to be well and humanely ordered and used, while they be continued in Prison, and having fully proved that men ought not to be imprisoned for debt, and how that long imprisonment, is in and by the Law adjudged odious and provided against, we will therefore also take a briefe view of the severall Fees, Extorted and Exacted, by some of these Prison keepers in and about London, and how they use, or rather abuse the poore prisoners under their charge and custody, the Fleet and Kings Bench, being the two prime Common shores into wch all other prisons of England and Wales empty themselves, if due inquisition were made of these alone, it would be found that no lesse then 2000l' yearly, if not 3000l' is taken and extorted from poore prisoners, by either of those Gaolers, their Clerks & others their evill minded substitutes, yet have we not seen nor heard of any one Gaoler punished for these their extortions & other their cruelties & misdemeanors (all wch have been complained of by prisoners,) no nor so much as checked for their cruell oppressive practises, since the 1. sessions of this Parliament, which hath so much the more inboldened them and their hellish Impes, to persist in their cruel waies of oppressing, assaulting, beating and robbing the prisoners, tormenting them by iron fetters, starving, and close imprisoning them at their pleasure, requiring also and forceably exacting from the prisoners their illegal Fees, excessive Chamber rents, and other their severall exorbitant, boundlesse, and unlimited demands, or rewards as they please to tearme them, all which severall most grievous (Tollerated) Oppressions and exactions, if exactly

particularized, would require a very large volumne,, therefore I purpose only (in briefe) to acquaint you with the inhumanities of Newgate, the cruelties of Kings Bench and with some passages only of the Fleete, and Tower of London (in its due time and place) in the meane time I will only give a touch at their (Lawlesse) high and transcending Fees constantly exacted of prisoners.

Newgate, that vile and infamous Prison, the old Episcopall Slaughter house of many of the deare and precious Saints and servants of Christ, hath and doth to this day retaine its old Malignancy and inveterate malice, as appeareth in their bad usage of that worthy and constant sufferer for his countries liberties, Lieutenant Colonell John Lilburne, and others.

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It is not unknowne with what courage and constancie this deserving Gentleman maintained the Kingdomes cause and liberty against the bloody Prelates, Insulting Lords, and Law-betraying Judges of those times, how neither that bloody Censure of the Lords in the Star-chamber, nor the rigorous and cruell execution thereof. Neither all the Barbarous and Salvage usages of James Ingram the Renter Warden of the Fleet, and his bloody substitutes, towards him; whilst hee was kept in the Common Wards of the Fleet, could in the least bring his spirits under, or be brought to stoope to these lofty Cedars and sonnes of Anak but under-went (with all cheerfulnessse) what malice and tyranny could device or inflict upon him: And with an undaunted mind and resolution endured all, withstood all their assaults, and by the assistance of the Almighty overcame all, and lived to see the downfall and confusion of most of those, his oppressours, all which his undaunted resolution will be recorded to all posterities, and may justly reprove our pusillanimity and poverty of spirit in this Generation, who are so fearfull to own themselves, and most regardlesse of their liberties and countries welfare, most men now preferring their owne present ease and wealth, before the future welfare of their posterity and countries Liberty, to whose true valuation all the riches, honours, and promotions of men is not to be compar'd. Oh England seeke after this thy precious Liberty! Breake off this thy Iron band from off thy neck, and bow no more under this yoke of bondage, suffer thy selfe to be no longer lulled asleep in this oppressing cradle of security.

This worthy Gentleman, who may be truly stiled, Liberties Champion, being committed to Newgate by the Committee of Examinations in August 1645, which commitment, being put to the question, the House of Commons approved of, yet after his continuance twelve or thirteene weeks prisoner; No information or charge being brought against him, he was then discharged of his imprisonment, which for the time was to him both grievous and chargeable: This is most certaine, that he hath deserved better from the House of Commons, having formerly adventured his life so freely for them against Captaine Hide, who drew his sword in Westminster-Hall of purpose to make an uprore; but was by this valiant Gentleman dis-armed, who brought both him and his sword to the House of Commons; but the Sergeant at Armes let the Captaine go, restoring to him his sword, who being no sooner come to the residue of his companions, caused them to draw their Edition: current; Page: [3-195] swords and fall to flashing and cutting, driving the naked people up to the very Parliament stairs, with a resolution (as was then conceived) to cut the throats of all the House of Commons, which was then by the valour and courage of this Gentleman Lieu. Coll. Lilborne, Sir Richard Wiseman, and their friends prevented, and the Parliament house (for that time) secured.

The Fees which the Gaoler of New-gate exacted of Lieu. Coll. Lilburne were great and excessive: The affronts and wrongs put upon him and his friends there, were most insufferable, being also inforced to pay for his chamber-rent about twenty shillings weekly, as though Newgate were the Gaolers and not the Common wealths.

This Gentleman hath been since also committed to the said Prison of Newgate by the Lords, contrary to Magna Charta, and the Petition of Right, where it is said, No man shall be imprisoned, but by the judgement of his Equalls being men of like condition and quality, that is to say, Commons by Commons, as Peeres by Peeres, and no man put to answer before Indictment or Presentment in matters Cryminall, 5 of Edw.3.chap.9 the 25 Edw.chap 4 so as the Lords have not the least colour or shaddow of Law to passe Judgement of life, limbe, or libertie upon any commoner of England, see Magna charta, chap.29. and this notably appeareth by a Record of Parliament, where albeit it was accorded in the upper House of Parliament Anno 6. of Edw. 3. nu.6 that such learned men in the Law as should be sent as Justices or otherwise, to serve in Ireland should have no excuse; yet that being no Act of Parliament it did not bind the subject and further it is inacted that if any man be attested or imprisoned against the forme of the great Charter, that he shall be brought to answer and have right Rot. Parlam.num.60. and thereupon (saith that learned and juditious man Sir Edw. Cooke) all Commissions are grounded wherein is this clause *Facturi quod adjuticium pertinet secundum legem & consuetudinem angliae*, to doe justice according to the Law and Customes of England.

And it is not said *legem consuetudinem Regis Angliae*, The Law and Custome of the King of England, lest it might be thought to bind the King only, not (*Populi Angliae*) the people of England, but that the Law might extend to all (*per Legem terre*) by the Law of the Land, Magna charta, chap.29.

Against this ancient and fundamentall Law, and in the very face thereof (saith Sir Edw. Cooke) he found an Act of Parliament Edition: current; Page: [3-196] made in the 11 of Hen. the 7. Chap.3. that as well Justices of Assize, as Justices of Peace without any finding or presentment by the verdict of 12. men, upon the bare information for the King before them, should have full power and authority, by their descretions to heare and determine all offences & contempts committed or done by any person or persons against the forme, ordinance, and effect of any Statute made and not repealed, by colour of which Act, shaking this Fundamentall Law, (it is not credible) saith he what horrible oppressions and exactions (to the undoing of infinite numbers of people) were committed by Sir Richard Empson Knight, and Edmund Dudley, being Justices of Peace through England, and upon this unjust and unjurious act, as commonly in the like cases it falleth out, a new Office was erected, and they made masters of the Kings Forfeitures.

But at the Parliament holder in the 1. of Hen.8.chap.6. this Act of Hen 7 is recited, made voyd and Repealed, and the reason thereof is yeelded, for that by force of the said Act, it was manifestly knowne that many sinister, crafty, and forged informations had been pursued against divers of the Kings Subjects, to their great damage and unspeakable vexation, (a thing most frequent and usuall at this day and in these times) and the ill successe whereof together with the most fearfull end of these great Oppressors should deterre others from committing the like, and should admonish Parliaments in the future, that in stead of this ordinary and precious tryall *Per legem Terra* they bring not in an absolute and partiall tryall by discretion, Cooke 2. part institute folio. 51.

Most the Committees of this Kingdome, if duly examined, will be found to have (with a high hand) exercised the like arbitrary and unlimitted jurisdiction, to the great oppression of the people, whereof even at present all severall Counties of England sadly complaine, but hitherto finde little or no Redresse, such is the misery of these times. But let us returne to our honest Prisoner in Newgate, Lieu. Col. Lilburne after his being committed thither close Prisoner, being to be carryed before the Lords, hee desired to see and have the Copie of the Warrant for it, but the Sheriffe of London refused to give it to him or any of his friends, a thing never (heretofore) denied to the worst of men whether theeves or murtherers.

When some of his friends desired to see him it was denied them, and then also most vile and bad

language returned unto them by Edition: current; Page: [3-197] the Gaoler and his unworthy substitutes, Seconded also with several threatenings; nay, his wife was not suffered to give him any victuals, or to come unto him, An unheard of cruelty, being against the Law of God, Nature, and Nations, a priviledge allowed to Traytors never denied to any Malefactors to have their wives and friends minister unto them; this kind of cruelty and injustice the Parliament in their Remonstrance of 15. Decemb. 1642. condemneth and complaineth of, in these words:

Where amongst other weighty matters, to shew the bold and presumptuous injustice of such Ministers as durst breake the Lawes, and suppress the Liberties of the Kingdome, after they had been so solemnly and evidently declared.

Another Parliament dissolved, 4. Car. the priviledge of Parliament broken by imprisoning diverse members of the House, detaining them close prisoners for many moneths together, without liberty or using books, pen, inke, paper, denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them, even in the time of their sicknesse, and for the compleating of that cruelty, depriving them of the means of spiritual consolation not suffered to go abroad to enjoy Gods Ordinances in Gods House, nor Gods Ministers to come unto them to administer comfort unto them in their private chambers, and to keep them still in this oppressed condition, nor admitting them to be bayled according to the Law. See booke of Declarations, fol 6.

Vpon the Lords order for bringing Lieu. Coll. Lilburne before them, the Sheriffe of London in a reproachfull and dishonorable manner, sent him from Newgate, as a theefe, or some such like Malefactor, attended with about 30. or 40. Sergeants and other Officers armed with clubs and staves, at which time being brought before the Lords he then was by them committed to the Tower of London, the Fees there, being far greater, and his usage not much better than Newgate, no consideration or regard had of his former sufferings and losses, nor how he is and hath been wasted and spent in attendance on the Parliament, for some due reparations for his former false imprisonment and barbarous usage, upon that cruell, unjust, and unpresidented Decree of Star-chamber, here the Gentleman must bee left naked againe, his upper garment by the Tower Law upon his first entrie is forfeit to the Lieutenant as a Fee.

This is not to cloth the naked, Is this the Reformation (so long looked and wished for by the free borne people of England) thus Edition: current; Page: [3-198] to spoyle the Prisoner, and Caniball-like to Feed fat upon the flesh of our brethren. But what must he pay there for entrance and admission, No lesse then thirty pound to the lieutenant of the Tower, five pound to the Gentelman porter. Lodgings of chamber-rent there exacted is great, of some fifty shillings, of other forty, and thirty is there taken.

How can we complaine of the enimies spoylings and plundrings. How can we speak against the enemy for violence and wrongdoing? With what face in Justice can we do it? Whilst our owne great Officers of State are suffered, countenanced and protected in these their excessive and unsupportable exactions, and oppressions? But seeing the Gentle-man must pay so deare for his entrance and Lodging, who would doubt of his kind usage and entertainment there, but alas here is but Newgate welcome and usage, he must not have the copy of the Warrant for his commitment, he must neither be allowed to write, nor any friends to speake with him, without his keeper being by, and first their giving in their names and places of habitation, nay, his wife may not accompany him nor bring any thing to him, but in presence of his Keeper, no conjugall duties may they performe the one to the other, but still the Keeper must be bie.

When this worthy Gentleman desired the copie of the Warrant for his Commitment, it was denied him by the Lieutenant of the Tower, who tould him it was not the custome there to give any, but he would

reade it him, which he did, being to this effect, that the Lieutenant of the Tower should keepe him seven yeares and take care that he should not write nor print any thing that should be scandalous to either House of Parliament, which, saith he, I cannot doe, except I keepe your wife and all your friends from you except it be with a Keeper, and if your wife at any time tarry, she must be a Prisoner with you; Mr. Lilburne tould him he did not conceive that to be the extent and meaning of his warrant, nor his wife prohibited thereby to come at him, she being all the outward comfort he had in the World, but to free the Lieutenant of the Tower from the danger of his writing, he offered to engage himselfe as he was an honest man & had regard to his reputation, that if his wife might have liberty freely to come to him, he would neither write nor print at all, whilst his wife had this liberty, which the Lieutenant of the Tower denyed & so would not suffer his wife or friends to speake to him without his Keeper bie, and afterwards the Lieutenant of the Tower received a Warrant from the Lords Edition: current; Page: [3-199] expressing these words which indeed he had before put in execution.

And to add unto his affliction, One White a Warder of the Tower (who came to the Lieu. Col. in Newgate and gave him there evill and provoking language) doth with contumelious and reproachfull words and gesture frequently affront and abuse this worthy deserving Gentleman and such of his friends as come by to visite him: This White when he is in place hath often-times turned backe with threatnings his friends, and such of them as he suffered to go to him, those passe not without affront, (O the cruelty and wickednesse of the times! What is inhumanity, if this be not? Nay, what is Paganisme or Turkish slavery, if this be not such?) If this be the English mans Liberty, what is servitude?

But as though this his usage were yet too good for him, or this his strict restraint not great enough. The Lords have of late given a farther order for a more strict watch over him: Thus you may see who ever be that speaketh freely, or writeth in defence of Law or Liberty, though never so worthy or deserving, then either by surmised imputation of some capitall crime or by-aggravation of small causes by far fetched circumstances or strained constructions, his life or liberty, or both, is called into question. What benefit, what comfort then have the people of this Realm, in having the Star-chamber and high Commission Courts taken away, if their fellow-Commoners of England shall be thus inslaved, and thus suffered, without Law to be robbed and spoiled of their Liberties, and in all this time not vindicated; what availes all the blood, Travell and Treasure, which hath been shed and spent for the recovery of our Lawes and Liberty; if these abuses and oppressions be not redressed, if these outrages and violences be thus passed by?

May it not be truly said, that we have fought our selves into slavery & our Government turned into a Tyranny? it is a grieft to speak it, and for to hide it, it availeth not, being now come to the knowledge and sight of all men. Our Ancestors of old lived in the highest pitch of perfect Liberty, and wee now in dejected servility we are not used as free men, but as abjects, yea, as meere slaves.

The several extortions and exactions of these our Gaolers and Prison keepers, have wasted us more then the devouring Sword of the enemie, we are brought to that miserable condition which causeth our friends to pity us, and our enemies to flout, scorne and deride us, being also become a burthen to our selves, this is our condition, but what and where is the remedy, we have for these Edition: current; Page: [3-200] many yeares patiently suffered and humbly sued for ease and remedy, what fruit have we reaped? Behold our patience and sollicitations have procured unto us (hitherto) nothing else but continuation of our misery and increase of punishments, and our severall complaints (against Gaolers and their instruments of cruelty) have caused us to undergo, more Egyptian stripes, and with hazard of life, yet we still remaine unheard, not pitied, nor regarded, whereby our condition is farre worse then the condition of their hounds in their kennells, and haukes in their mewes, which are by them both regarded and carefully provided for with food and lodging, convenience and fitting, what is the reason

of this their great neglect? Because we are Poore, Poore I say, and not able to see Lawyers, Attorneys, Solicitors and Gaolers; for if we had moneys to satiate these Horsleeches, then (though our causes were never so unjust, and debts never so great) we should not wayes doubt the gaining of our Liberties, it is not unknowne that some guilty and condemned to dye, are suffered to go at large, and have their liberty, this Gaolers may do, and what not? But it may be said, that other prisons may be better ordered, Prisoners, else where better used: Not the like oppressions and exactions practised But that these exorbitancies and oppressions are common and universall: The daily usage of Prisoners in the Kings Bench and the Fleet will abundantly and clearely manifest to all men. These exactions of the Prison of the Kings Bench (in part) will be discovered by these Fees, and summes of money by every poore prisoner there paid in particular: First, the charge of his removall from and out of the Counters, is seldome lesse then foure pound or five pound.

Secondly, if a prisoner be removed from some Prison in the Country to the Kings Bench, then it stands him seldome in little lesse then twelve pound, or fifteene pound. Then being turned over from the Judges Chambers, there is Item 10 the Tipstaffe eight shillings six pence. Item, upon entring his name into the Gaolers booke, now paid at the Kings Bench doore, on the Masters side, thirteen shillings six pence, whereas Sir George Renolds at the first exacted but three shillings foure pence, (whereof the due Fee is, if any, but foure pence) Item, for Chamber-rent, for some Chambers ten shillings, some eight shillings, some five shillings the weeke, yea, although six men lye in one Chamber on three beds, yet they are inforced to pay each man two shillings six pence the weeke, Item, to the Chamberlain, to help the Prisoner to a Chamber two Edition: current; Page: [3-201] shillings six pence, yea, some times five shillings: but if the Prisoner desire (upon security) to lie in the Rules, then in the first place, so much to the Lady Lenthall, for her favour in it. Item, to Frith the Clerke, for approving and taking security for the Prisoners true imprisonment, 20. shillings, 15. shillings, or 10. shillings at the least. Item, to Mr. Holland for making the Bond, two shillings six pence. Item, to Sir John Lenthall for liberty weekly paid by the Prisoner, some 20. shillings, some fifteen shillings, some 10. shillings, some five shillings at the least: And Sir John Lenthalls Rules reach sometimes as far as Yorke: If the Prisoner be in Execution (and of Estate) then there is accompted to him, and required of him for each dayes liberty out of Terme ten shillings six pence, but if in Terme, foure shillings for the first day, and three shillings for each day all the Terme after in generall of all Prisoners, which together with the charges of his keeper being two shillings, and other charges abroad amounts to no lesse also then ten shillings a day.

Item, so much to the Lady Lenthall, at Christmas, Easter, and Whitsontide, from every Prisoner, &c. And upon the discharge of a Prisoner, required and taken by Sir John Lenthall, his Deputy Thomas Dutson, his Clerke John Landman, and others his servants.

Imprimis, To Sir John Lenthall ten shillings. Item, to his Deputy Thomas Dutson ten shillings, as his Fee. Item, By Frith demanded, and of some received seven shillings six pence. Item, to the Tipstaffes six shillings. Item, to Ralph Whilstler, the chamberlain, and Zachary Anzloe two shillings, the Porter two shillings. Item, in the totall, and as the only due and lawfull Fee to Sir John Lenthall the Marshall foure pence. Item, to Dutson and Landman, for with-drawing of every Action two shillings foure pence. Item, to the Marshall Sir John Lenthall also paid by the Prisoner three halfe-pence in the pound for every Execution depending against the Prisoner, and this cost unjustly required and taken, although the Creditors themselves discharge the said Actions and Executions freely, and upon the Prisoners refusall to pay any of these exorbitant Fees, then is had by them, forthwith charged with eight or ten new Actions in strange and unknowne mens names, and so still detained Prisoner, where many thus have ended their lives there; others inforced after discharge by their Creditour to pay unto them for the taking off, and discharge of such false Actions, no lesse then eight pound or ten pound, I will only mention to prove Edition: current; Page: [3-202] the truth of this Master George Burrage, sometime

Pilate of the Royall Soveraigne, who after his agreement with his creditour, had no lesse then ten severall false actions by Dutson and Landman charged on him. From which to cleere himself he then protested that they had inforced from him almost ten pound, this was done in the yeare 1645, yet this man was Prisoner, but in the common Gaole of Kings Bench.

Fees required and taken of the poore Prisoners in the common Gaole of Kings Bench. Item, at their being turned over by the Judge, to the Tipstafe 8s,6d. Item to the porter 1s. Item at their discharge 28s,4d. shared between the Marshall, his Deputy, Clarkes, and servants, of all which by the Law there is but 4d. due to be paid and that by a late Statute, as for all the rest of their illegall and unjust practises and barbarous cruelties inflicted on Prisoners, I deferre the relation thereof to a further discourse, referring you (for the present) to the Prisoners petition lately presented to the House of Commons, and for the severall illegall practises, exorbitant Fees, and inhumane cruelties taken, acted, and done by the severall Officers of the Fleet, I referre my self unto the Articles formerly Exhibited to the House of Lords against them, deferring the particular relation of their severall abuses lately acted to another time if the same bee not timously regulated and amended.

Prisoners for debt in the severall Prisons, whilst they are able to pay and have the favour of some Judge, or one of the Commissioners of the great Seale, may have a day writ to go abroad, (which what it else but meere fraud and couznage) to take their pleasure where they list, to live at home in their owne houses, to Trade and trafique in their owne Country, with this caution as a man of bondage, that in all that time they must pay chamber rent, present the Gaoler with some gift, and pay well his subordinate officers, these be the profitable tenants of Gaolers, and thus the Law and the Creditors are cozned and deceived, but other poore Prisoners who have not wherewith to satisfie the greedy lusts and desires of their wills, nor answer their unlimited excessive Fees and chamber rents, are by them mewed up close in Prison, or otherwise disposed in the worst and meanest lodgings, and most inhumanely exposed to all misery and want, and seldome or never come forth untill by death they are freed: yet here being such whom the Law hath declared traytors, can enjoy their Liberties and all the Freedome and accommodation that the Prison can afford, and goe abroad at their pleasures, such as these who are the Capitall enemies of the Kingdome, open Rebells to the State, are the only men in esteeme with Gaolers and their servants, live in all pleasure and ryot, being countenanced and respected, there they contrive wickednesse and deceit, Prisons to them, are no other then Sanctuaries and places of security, where then all manner of vice and wickednesse raigns and is tolerated, Prisons being none other then houses of Sodomie, here are rapes acted unquestioned, unreproved, yea, they are become the very houses of hell, and of death, the receptacle, nurseries and seminaries of all filthinesse and vice.

But if such as are honest and well minded although committed thither for some triviall matter, as refusing to answer interrogatories against themselves (a custome now of late growne a thing which Law and nature abhorres, that any should bee a self destroyer, according to that maxime of Law, *Nemo tenetur prodere seipsum*, No man is bound to betray himselfe, frequent and common, as in the Prelatique times) are dis-respected, scorned, evill intreated, and by one way or other disgraced, defamed, and made the song of the Drunkards and Deboyst blaspheming Cavaleeres; thus are these poore men laden with contempt and reproach, yea, such as come to visite them or minister unto them, abused, threatened and evill intreated, as divers Prisoners both in the Kings Bench and the Fleet have been beaten, abused, Famished and starved, so that for any honest man it were lesse grievous to dye at once by the hand of some cruell Executioner, then thus to mourne, live, wast and consume, in these soule-destroying Prisons, yet, are these insolencies and extreame oppressions still tollerated, and not any complaints against them can be heard: such favour and friendship, their wealth gotten by Rapine and Robberie hath gained them, the power and greatnesse of some eminent Lawyers, their alliance likewise serving them for a shelter, but I hope the Honourable Parliament, will now at length provide

for the timely reliefe and inlargement of their poore oppressed and unjustly inslaved Prisoners, and not suffer them any longer to lye languishing in this their present perishing condition, for seeing many hundreth of Ordinances have passed for the freeing and discharging thousands of Delinquents, who have spoyled, plundred, wasted and destroyed whole Townes and Countries, killed and murdered the Kingdoms friends, yet how can they in justice deny theirs and the Kingdomes friends and freemen of England, their just Liberties, so long Edition: current; Page: [3-204] expected, so much solicited for; surely if any feare of God, if any love to their native Country, Law or liberty, remaineth in them, they will not suffer the freeborne of this Nation longer to be inslaved and tyrannized over by these Egyptian Taskmasters, but without further procrastination free us from our unmercifull oppressors, for as Justice is the honour of a Nation, the Lod-stone to draw down the favour and mercies of God upon a Land and Nation, so doubtlesse (if timely provision be not made according to the will & pleasure of God and the Fundamentall Lawes of this Realme for the preservation or rather restauration of the free practice of justice, & our native just freedoms, the dreadfull God of justice (for the injustice of the Rulers of the people) will in his wrath and fury contend against them, and in away (by them not thought of) will in mercy lend deliverance unto the poore inslaved Prisoners, and bring an evill upon their adversaries and oppressors, which shall astonish them, wrath and destruction shall take hould of them? This is the Lords doing, and marvellous in our eyes, so let all thy enimies perish O Lord.

Richard Overton
Overton, Richard
9 September 1646
16.

[Richard Overton], A Defiance against all Arbitrary Usurpations Or Encroachments (9 September 1646).

- A DEFIANCE
- AGAINST ALL
- ARBITRARY USURPATIONS
- Or Encroachments, either of the House
- of LORDS, or any other, upon the Sovereignty
- of the Supreme House of COMMONS,
- (the High Court of Judicature of the Land) or
- upon the Rights, Properties and Freedoms
- of the people in generall.
- Whereunto is annexed,
- A Relation of the unjust and barbarous
- proceedings of the House of LORDS, against that
- worthy Commoner, Mr. Overton, who standeth by them
- committed to the most contemptuous Goal of Newgate,
- for refusing to Answer to Interrogatories, and Appealing from
- that Court to the Honourable House of
- Commons (as by the great Charter of England he was bound)
- for the triall of his cause.
- Howsoever the House of LORDS do suggest in their
- Commitment of him, that it was for his contemptuous
- words and gesture, refusing to answer unto
- their Speaker.
- Which being every mans case, is published by his friends for

- the publick benefit of all the Free-born people of England, as
- it was enclosed in a Letter to one of his friends.
- Deo, Patriae, tibi.
- Printed in the Yeer 1646.

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Worthy Friend,

The great and continued experience of your endeared affections towards me, of your uprightness, valour, and fidelity through manifold afflictions both ancient and present, for the publick weal, and safety of all men in generall, and of the honest and godley in speciall, hath so emboldned me with you, as not to count it presumption to single you out from the rest of my friends in this time of my bonds to unbosome my imprisoned thoughts unto you, as knowing you to be a man much sensible and grieved at the oppressions, miseries, and calamities of the people; which if not narrowly and wisely observed, and discovered by the more consciencious and knowing, will prove for ever incorrigible, and helplesse. But for me to undertake the cure of this Nationall Disease, were justly to incur the censure of ignorant presumption, by reason of my own known insufficiency; yet into the Treasure of your private consideration I shall be so bold as to cast in my mite, not doubting of your friendly construction, presenting you for your better information and satisfaction, with a narrative of the illegall and barbarous proceedings of the House of Lords against me, concerning this their most unjust Commitment of my person to the Goal of Newgate, the which you may communicate to whom you shall have occasion.

But first be pleased with me to consider, that such and so long hath been the Arbitrary encroachments, usurpations, and invasions of the naturall Rights, properties, and freedoms of the people of this Nation, through the abused power, and machivilian policy of the Kings, Lords, and Clergy-men thereof, that the spirits of this people (naturally of themselves noble and free) are even vassalaged, and drawn into an inconsiderate dislike of their own primitive, naturall, and Nationall Rights, Freedoms, & Immunities, insomuch that they persecute, and condemne all such amongst them (as Traytors, Rebels, and Enemies to all Government) that are more conscious, and carefull of their own naturall properties, and shall but endeavour to pluck off the Clergy-scales of insinuation, flattery, and adulation, from their darkned eyes, endeavour to discover & break the Norman yoke of cruelty, oppression, and tyranny from off their necks, and set their heels at liberty from the Prerogative fetters of the House of Lords, (by opening the Cabinet of their machivilian policy, against the peoples Liberties, that those Usurpers might be discovered in their deceit, as their Masters were in their Edition: current; Page: [3-207] King-craft, and the peoples deluded understandings be undeceived) these instead of gratitude, shall be rewarded with hatred, and the malefactors portions for their faithfull endeavours, and good intentions.

Yea, such hath been the misterious mischievous subtilty from generation to generation of those cunning Usurpers, whereby they have driven on their wicked designs of tyranny and Arbitrary domination, under the fair, specious, and deceitfull pretences of Liberty and Freedom, that the poore deceived people are even (in a manner) bestiallized in their understandings, become so stupid, and grosly ignorant of themselves, and of their own naturall immunities, and strength too, wherewith God by nature hath inrich'd them, that they are even degenerated from being men, and (as it were) unman'd, not able to define themselves by birth or nature, more then what they have by wealth, stature, or shape, and as bruits they'l live and die for want of knowledge, being void of the use of Reason for want of capacitie to discern, whereof, and how far God by nature hath made them free, if none have so much magnanimity as to ingage betwixt them and their deceivers, as not onely Religion, and Reason, but even Nature it self doth bind every man to do according to his power, whom God hath inabled, and honoured with any talent or measure of abilities to that end, whatever perill or danger

shall ensue, though of liberty, estate, or life, Quia nemo sibi nascitur, Because no man is born for himself.

But the task will be no lesse difficult to effect, then perillous to attempt, for through this long continued flattery under those Prerogative Task-masters, the usurping Lords, they are now so besotted therewith, that they even esteeme sowre sweet, and sweet sowre; usurpation, and tyranny, better then naturall freedom and property; and so are become contented slaves to those insolent, Arbitrary, tyrannicall Usurpers; accounting it their honour to rob themselves, and their posterities, of their just Birth-rights and Freedoms, to make those domineering Insulters magnificent and mighty, and themselves and posterities miserable. So that he whosoever he is, or shall be their Informer, must not look to conquer all where he may at first seem to prevail, yet that may not excuse his endeavours, which are the discharge of his duty: feeling the blessing comes in the use of the means, and it is impossible that so great stupiditie should be either removed from this generation, or prevented in the next, except there be diligent, faithfull, continued, and powerfull endeavours used.

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And how dangerous and perillous the cure is to the Physitian of this Disease, may easily be imagined, when Free-men by Nature are even so unnaturall, and inhumane to themselves and their own posterities, that they are so ready with hazard of their lives and estates to purchase power even for their Usurpers, to be trampled under foot like mire in the street: and if they be thus unnaturall and inhumane to themselves, much more to others whom they ignorantly and fondly not onely suppose to be, but persecute them as their enemies, when as indeed they are their best and most reall friends. And this disposition and temper I have observed to be common, especially where the dregs of Regality, Peerage, Episcopacy, or Presbytery remain, for there, there appeareth nothing but wrath, anger, and revenge against the opposers of usurpation, tyranny, and cruelty; if they be but gilded and furbish'd over with those formall titles of honour obtained through their great policie, craft, and deceit.

Thus the people being cast into this temper of ignorance and vassalage (the one by them esteemed, and fancied for wisdom, the other for freedom) they are even fitted for their Arbitrary designes, by and through whose strength and power, those Machavilians do act, and without which they could not move or ever prosecute or accomplish their politick designes of oppression and cruelty upon them: never could the Arbitrary domination of Kings, Lords, Bishops, or of our new upstart Presbyters (newly re-royalliz'd) have win to such an exorbitant height in this Nation, it would never have been thus puffed up, thus exalted with their Arbitrary venome, to have burst asunder in wars, emulations, and divisions, had it not been for the sottish and fond ignorance wherewith they have thus bestially besotted the people of this Nation, for the spirit of emulation (striving who should be greatest) being cast in amongst those usurpers, the people are by those fore-mentioned means fitted on both sides, pro or con, for their purpose to fight, and destroy one another for the advancement of these Arbitrary Lords and usurpers, if they do but tell them of Reformation in Religion, the Liberty and property of the people, when as indeed and in truth nothing lesse is intended.

Yet do those ignorant deceived souls run on, and, like horses, furiously rush into the battell whether right or wrong, though all (God knows) under a fond imagination of their own weal, the publick property, safety, liberty, and tranquillity, but how for the publick-weal, and safety, the removall of oppressions, and Edition: current; Page: [3-209] tyrannies, oppressors and tyrants old or new, either Royall, Lordly, or Clericall in this Nation, the late great miraculous conversion (of the King, the Lords, Presbyters, and others) shew clearly, whatever was, and is still, intended for the people, even meer oppression, tyranny, slavery, that's their doom, except they look better about them, and stick closer to their own representative Body the Commons assembled in Parliament; yea, and they to them

too, for love cannot stand on one side.

And the occurrences of these heavie times do clearly prognosticate, that except the people of this Nation with their hearts, hands, lives, and estates, stand close to their own House of Commons, yea, and they to them, and do justice, and relieve prisoners, and all that are oppressed, especially by the Lords, with resolution and fidelity, in despite of the malice, power, policy, and force of Kings, Lords, and Presbyters, they themselves will be reduced to their old bondage, slavery, and oppression, if not to far worse; even more cruell, Lordly, and tyrannicall then ever before: yea, and this very House of Commons (the most supream Court of Judicature in the Land) will be swallowed up, consum'd, and confounded, and the severall Members thereof proceeded against as Traytors, and Rebels to the King his Crown, and Dignity: yea and that cruell late Proclamation renewed, that a Parliament shall be no more mentioned, as we have both dolefull experience at the untimely breaking up of former Parliaments, and dreadfull prognosticks in this already, to wit, the Inditement of his victorious Excellency Sir Thomas Fairfax, with other gallant Patriots and Contestors for their Countrys Liberties and freedoms, at the Assizes of Chester, as also Mr. Crab, and severall others though of meaner rank and quality, yet men of approved honesty, valour and fidelity to the State; who have notwithstanding (or rather for their reality and fidelity, been Indited, arraigned, condemned, and fined 500 l. a piece, and imprisonment till it be paid, for nothing but for uttering their indignation and anguish of mind against the cruelties, blood-shed, and oppressions of the King nefariously perpetrated upon the people) in form or phrase of words which was displeasing to their Caveleerships: these are but the beginnings of wo, which portend and threaten a generall and irrecoverable destruction, if the Scotch Miracle of the Kings Conversion take but its proper effect, as God forbid, for nothing is betwixt it and them, but a readvancement on the Royal Throne, and then farewell Parliaments, Laws, Priviledges, Freedoms, Liberties, and all.

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Therefore, see Englishmen, that have true hearts, and love to the House of Commons, ye that desire the safety and preservation thereof, the peace, weal, rights, liberties and freedoms of this Nation, ye that would do as you would be done unto, that would have your neighbour enjoy the fruit of his own labour, industry, and sweat of his brow, the freedom of his Conscience and estate, his own naturall right, and property, and have none to invade or intrench upon the same, more then you would have upon your own.

Ye in speciall be encouraged against all opposition and encroachment of Kings, Lords, or others upon the House of Commons their rights and properties derived from the people, and save them, or else ye will all speedily fall. Keep up their names, titles, honours, and priviledges above all usurpations whatsoever, either of Lords, or others. And acknowledge none other to be the Supreme Court of Judicature of this Land but the House of Commons, and in this gallant resolution live and die, and acquit your selves like men: for my part I'le tread upon the hottest coals of fire and vengeance that, that parcell of men, intituled, The House of Lords, can blow upon me for it.

And though I be in their Prerogative clutches, and by them unjustly cast into the prison of Newgate for standing for my own, and my Countrys rights and freedoms, I care not who lets them know that I acknowledge none other to be the supream Court of Judicature of this Land, but the House of Commons, the Knights and Burgesses assembled in Parliament by the voluntary choice, and free election of the people thereof; with whom, and in whose just defence I'le live and die, maugre the malice of the House of Lords. For I acknowledge that I was not born for my self alone, but for my neighbour as well as for my self; and I am resolv'd to discharge the trust which God hath repos'd in me for the good of others, with all diligence and fidelity, as I will answer it at Gods great Tribunall,

though for my pains I forfeit the life and earthly being of this my little thimble full of mortality.

And these are further to let them know, that I bid defiance to their injustice, usurpation and tyranny, and scorn even the least connivance, glimpse, jot, or tittle of their favour: let them do as much against me by the Rule of Equity, Reason, and Justice for my Testimony and Protestation against them in this thing as possibly they can, and I shall be content and rest: for, *Nihil quod est contra rationem est licitum*; Nothing which is against reason is lawfull, it Edition: current; Page: [3-211] is a sure maxime in Law, for Reason is the life of the Law. But if they transgresse, and go beyond the bounds of rationality, justice, and equity, I shall to the utmost of my power make opposition and contestation to the last gaspe of vitall breath; and I will not beg their favour, nor lie at their feet for mercy; let me have justice, or let me perish. I'le not sell my birth-right for a mess of pottage, for Justice is my naturall right, my heirdome, my inheritance by lineall descent from the loins of Adam, and so to all the sons of men as their proper right without respect of persons. The crooked course of Favour, greatnesse, or the like, is not the proper channell of Justice; it is pure, and individuall, equally and alike proper unto all, descending and running in that pure line streaming and issuing out unto all, though grievously corrupted, vitiated, and adulterated from generation to generation.

Why therefore shall I crave my own, or beg my right? to turn supplicant in such a case is a disfranchising of my self, and an acknowledgement that the thing is not my own, but at another mans pleasure; so that I forsake and cast off my property, and am inslav'd to his arbitrary pleasure: if the other will, I may have possession, otherwise not. Which indignity to my own, or to my Countreys rights, their Lordships shall never enforce me; for it is no better then a branch of tyranny to force a man to turn supplicant for his own, and of self-robbery to submit thereto. Though this inslaved Nation be most deeply and miserably involved in that intolerable condition, so that indeed we cannot have our own naturall rights and immunities, but we must be either patient sufferers, or actuall Petitioners, as if our own were not our own of right, but of favour.

What is this other but an utter disfranchisement of the people, and a meer vassalage of this Nation, as if the Nation could have nothing by right, but all by favour, this cannot hold with the rule of Mine and thine, one to have all, and another nothing: one's a gentleman, th'other a begger; so that the birth-rights, freedoms, and properties of this Nation are thereby made these great Mens Alms; and we must come with hat in hand, with good your worships, May it please your Honors my Lords, and with such like terms of vassalage and slavery for our own rights, as if we ought them Villein-Service, and held all the rights and properties we have, but by Tenure in Villonage, and so were their slaves for ever.

Indeed, if this Petitionary way be lawfull and expedient, onely in testimony of respect, loyalty and obedience unto that Sovereigne Edition: current; Page: [3-212] power which all of us the Commons have chosen out from among us, and set up for the mutuall good both of us and themselves (wherunto out of a good conscience we are bound in duty to submit in all things just, lawfull, honest and reasonable) and not out of any Arbitrary respect, homage, or reverence which is not due; as if the Commoners just liberties and freedoms were not their own of right, but of favour and grace. I shall freely and willingly walk in that petitionary way, and make presentation of my just suits, as I shall have occasion. And I hope the Honourable House of Commons (to whom that Power is convey'd, and in whom it onely and truly resideth) doth require it from their fellow Commoners (the free people of England) in no other respect, but in testimony of loyalty to them.

But those Lords do challenge the Supremacy to themselves, which I shall make appear by this ensuing Relation to you as one of my dearest friends, of their illegall practises, and unjust proceedings against me a Free Commoner of England.

Sir, it is not unknown to me how various and different the reports have been about this businesse, especially concerning my words and gesture when I was brought before the House of Lords: But though divers will account it to be vain-glory, pride, ambition, folly, and what not, for me to make a narration of mine own speech and behaviour; yet of you, and the better sort, with whom I may be bold, it is presumed that even my own recapitulation or rehearsall thereof, will be taken in the best sense, especially now when necessity hath no Law, both my just cause lying (as it were) at the stake and my self being in prison, and therefore as if I were presently to suffer, what those unjust troublers of my peace, and infringers of my liberty would inflict, if their power were as large as their will, I will present you with a full relation of the very truth of all that hath yet past between them and me, both that you may be rightly informed thereof, and others also by your means; if it can no otherwise be conveniently divulged to the whole Commons of England for their information and satisfaction, as a businesse no lesse belonging unto them, alwayes to weigh and consider, then it is troublesome at this time for me to undergo.

Upon Tuesday, August 11, 1646 one Robert Eeles, a Journeyman Printer, commonly known by the name of Robin the Divell, and one Abraham Eveling (dweller at the Green Dragon in the Strand) entred into my house betwixt 5. and 6. a clock in the morning, and this Eeles at his first entrance into my house, said with a loud Edition: current; Page: [3-213] menacing voice, W—w—w— we will have him in his bed; then forthwith the said Eeles ran up the stairs into my Bed-chamber with his drawn sword brandashed in his hand, and after him hurries the said Eveling with a Pistoll in his hand ready cock'd, to the great affrightment, terrour and amazement of my wife lying sick in Child-bed; and as soon as they had made this forceable entrie into my Chamber in this Hostile manner, the said Eeles with bended brows, and irefull look with his naked sword against me, said to me lying in my bed, Tut, tut, tut, rise up and put on your clothes: whereupon I arose out of my bed, (espying my wife as I came near her ready to swoound at that sudden affright) and taking my garments to put on, this Eeles pick'd my pockets, taking what he pleased out of them, for which, and for the rest of his barbarous, tyrannicall, and illegall dealings with me he may expect Justice; and then he ransaked a Trunk, and taking out a pair of Britches feloniously pick'd the pockets thereof. In the mean time I slipt on my clothes, and went down the stairs, and looking out at my doore, I espied certain Musketeers at my Gate; then those Armed men above cried, Stop him, stop him: whereat I withdrew my self. And behind my house were other Musketeers, who presently ran with violence towards me, threatening to knock me down with their Muskets, and to shoot me; one saying, if I had been so near him as I was others, he would have run me through with his sword: and from this Hostile pursuit I fled, but was surprised by them; and I was no sooner captivated, but these men also nimbly slipt their fingers into my pockets.

Thus in this hostile manner my person being surprised, these armed men drag'd me away violently; And as they went, I demanded of them, What they were that thus by violence and force of Arms did assault me? and what was their intent? and whether they had any Authority for what they did? Not one of them all this while in the least mentioning or producing any Authority or Warrant for what they did, but all of them (when I was in my own yard) encompassing me round in that armed posture, did vilifie and abuse me with divers scurrulous and scandalous reproaches; divers of them griping me in their clutches, and threatening to lay me neck and heels together, which was a most insufferable affront, and invasion upon the rights, properties, and immunities of the free-born Commoners of England.

For by the great Charter of the Laws, freedoms, and properties of the people thereof in such cases no mans property, person, Edition: current; Page: [3-214] house, &c. may be assaulted, entred, much lesse by force of Arms in warlike posture invaded, or seized upon, without Warrant first shewed or declared; and no violence, especially by force of Arms, may be offered or committed against any of the free Dennisons thereof, but in cases of violence, opposition, and contempt of Authority truly

Magisteriall: for the Law brings none under penalty, deprives no man of his liberty, person, or estate, looks upon none as its captive, before its Authority first shewed or declared to the party intended, and that by proper denomination or name, or else no man could be safe at home or abroad, or have any certainty of his own liberty or property, either in person, goods, or estate; but daily subject to the robberies and murthers of rebellious and wicked men.

For as upon this ground the Kings appearing in hostility, and leavying of war against the Parliament and people is adjudged unnaturall, barbarous and illegall, being, he never yet hath produced any Legall Authority or true Magisteriall Warrant for what he did; so that during his time of the none appearance or inspection thereof, the Parliament and people have stood in their own defence, and the same both in point of Law and Conscience is truly adjudged both reasonable, equall and just. Therefore by the same rule, that the whole State may oppose the King their Generall Man in this his hostility for their necessary defence and their Action justifiable by Law, as equall, reasonable and just and the King condemned as illegall, unnaturall and barbarous. Even so upon the same ground, and by the same rule, that opposition which is made by a particular man in his own necessary defence, against the assault or sudden hostility of certain other particular men upon his person, or house, without any Warrant or Magisteriall Authority for that their hostilitie, is by the Law of the Land lawfull, justifiable and equall; and the others condemned, as illegall, unjust, unnaturall and barbarous. So that my case (for that time being) is of the same nature with that of the Parliament against the King. If I must be condemned for denying to subject my self to that their hostile assault, and proffering to stand in the just and necessary defence of my self, my wife and family, till these men had produced a Magisteriall Warrant for that their hostility; the so must the Parlaments practises against the King.

Thus it will necessarily follow, that as my half houres resistance of those men is as justifiable as the Parliaments four yeers resistance of the King, and of these who have leavied these wars against the Edition: current; Page: [3-215] Parliament, and must be proceeded against as Delinquents, traytors, and Enemies to the State: then those which made this violent hostile invasion upon me deserve little lesse. For though that be not of the same degree, yet is it of the same kind and nature. So till their production and discovery of a Magisteriall Warrant, these Armed men thus assaulting my person, and invading my house by force of Arms, appeared not to me for that time being in any magisteriall capacity, neither indeed could they be so accepted, by reason they made no appearance of distinction of themselves from common men; so that I could not in the least take them for Magisteriall persons (no Magisteriall Authority appearing) but for Murtherers, Theeves, and Robbers. For if assaulting of mens persons, invading and entring their houses, and taking what of their goods such men please, and that all by force of Arms, be simply a Magisteriall Act, then All theeves and murtherers are justified thereby; for their violence is without any Magisteriall Authority appearing: but by the Law it is therefore adjudged theft, murther, &c.

Wherefore I hope the free Commoners of England, as they tender themselves and their posterities, their severall weals, safeties, and well-being, will now seek for the suppression and future prevention of such outrages, and incursions upon their rights, freedoms and liberties, though such insolent usurpations and tyrannies should be driven on by the men of the highest Arbitrary titles in the Land; against whose injustice, tyrannies, usurpations, and encroachments upon the Commoners of England their rights and properties, I have engagd my life for the delivery and freedom thereof: for better is it that one or some few should perish, then a multitude.

But to proceed with our former Relation. After I was in this hostile manner surprised, some of them did vilifie me for flying from them, to whom I replied:

Gentlemen, I did not flie from Authority, but from violence, hostile invasion, and pursuit, for my

house being in this hostile manner invaded, and looking out of my doores, and espying Musketeers at my gate, I was struck into a sudden fear of my life: and hearing of no Magisteriall Authority, nor seeing the least appearance thereof from them, but of hostile invasion and assault, menacing nothing but death in my appearance: I therefore (as by nature I was bound) attempted to make an escape for the present preservation of my life. And this I repeated divers times over to Edition: current; Page: [3-216] them, with some circumstantiall variations in phrase, but not in matter. Then in most promiscuous manner they uttered many reproachfull and menacing words and speeches which I cannot well remember, by reason of the great confusion thereof, and mine own distemper with my wife and childrens lamentable case, and therefore I shall omit them, untill I can better recapitulate my thoughts. Whereupon I bade them take notice how they had invaded and assaulted my person with Muskets, sword and Pistols: and how with drawn Sword and Pistol ready cock'd, by force of Arms had entred my house, and therefore if they had no Magisteriall Warrant to shew for their Authority, I would not submit unto them, but would stand in the legall defence of my self, my own right and property, which thus by drawn sword and force of Arms they had assaulted and invaded: Adding this as a Reason; That my House is my Castle, my right and property, over which none hath power but my self, excepting lawfull Authority.

And espying my neighbours gazing upon me, I desired them to take notice how those men had assaulted my person in this hostile manner, contrary to the rights, freedoms and immunities of the free-born people of this Nation; and how they had beset and surrounded my house with divers men armed in warlike manner. And further, I desired them to take notice, how those armed men had entred and invaded my house in this hostile manner (which is my Castle, my own present right and freedom) by force of Arms, even with drawn swords, and pistols ready cock'd, to surprise or kill me in my bed, and all without any Magisteriall Authority, none of them producing, mentioning, or so much as confessing hitherto any Magisteriall Warrant for such kinde of practises and proceedings.

Then after some confusion and reiteration of their words, and austere gesture towards me, I applyed my self unto them in this wise.

Gentlemen, if you have any legall Authority, or Magisteriall Warrant for what you do, then produce it, and I shall freely submit, otherwise I will not obey you: for so far as you have Authority, and no farther will I yeeld my self. At which time they began to tell me they had a Warrant: And the foresaid Eveling pluck'd a paper out of his pocket, and began to read; whereupon I desired, that I might see what was read, lest they should cheat me; but they grapl'd me so violently, that I could not: but by the sound of it I understood, that it was an Order from a Committee of Lords, to apprehend suspicious persons for Printing of seditious and scandalous books, and to bring Edition: current; Page: [3-217] them before the said Committee of Lords; Subscribed by the Earl of Essex, and the Lord Hunsden.

To which I answered; Gentlemen, this is no Warrant Magisteriall for the apprehension of me, for my name is not so much as mentioned therein to be a suspicious or seditious person, or to be apprehended at such an one. And therefore I not being taken notice of by the Law as a seditious or suspicious person, or by it nominated for such an one, I would not obey them: And therefore (said I) that was no Authority for me, and I would not obey it.

Then attempting to go into my house, they held me by force, and would not suffer me, but assayed forthwith to drag me away, threatening to lay me neck and heels together: Whereat I answered; Gentlemen, you may drag me away by violence, but I will not voluntarily submit; which if you do, my going with you is not my own Act, but yours; not the Act of my submission, but of your violence; for I for my part am resolved by my own proper Act to stand for my own Rights, that is, as much as in me lies to defend my person, house, property, and freedom against all hostile and violent opposition that is

not by Magisteriall Authority, and so consequently the rights, properties, and freedoms of this Nation in generall.

Then with a File of Musketeers they drag'd me away, and by force of Arms brought me to the Bull-Tavern at St. Margarets Hill in Southwarke, where they kept me prisoner. And when I was there, I demanded so much my liberty as that I might send for a friend; But the said Eveling denyed me of that benefit, which is my due by birth. Then I demanded of him, If he had any Authority to inhibite me of that liberty? And he told me he had no Order to permit it: To whom I replied, Sir, you can not authoritatively infringe me of any of my Liberty without a Magisteriall Inhibition, and no more may you deprive me of any thing more then you have Authority or Warrant to do. Yet notwithstanding he still denied me of that my just liberty: whereupon I knock'd for the Drawer, and told him that I would try what I could do, for I would not voluntarily suffer them to take from me so much as any breadth of my liberty, that I would not onely stand for my own rights, the common rights and immunities of this Nation; but even for the naturall Rights of themselves in particular, and of their posterities, though themselves had dealt so unfriendly and barbarously with me as mortall enemies, thus not onely pleading, but working, yea and fighting for their own bondage.

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Then being urged by some of their frivolous speeches, that my carriage would make worse both for me, and others: I affirmed on the contrary, my carriage was such that it would go well with me so long as I stood to the Law, and such like discourse; and thus I addressed my self unto them.

Gentlemen, I am resolved by the grace of God, that whatsoever either you, or any man, or men shall do against me, I will not let go (by my own or proper consent) the [Editor: illegible word], jot, title, or bare-breadth of the just Rights, freedoms, or liberties either of my self, or of any other individuall, or of this Nation in generall: stand or fall, live or die, come what come will, on this I am resolved, hoping so to deport my self according to the Rule of Reason, equity and justice, that if I suffer, it shall not be for evill, but for well-doing, and righteousness sake, for which is promised a blessing. And adding this further, that in case, through the tyranny and injustice of some, I should suffer, that notwithstanding that I did not doubt, but in my sufferings it should appear unto them, that it was a friend of theirs, and of this Common-wealth, which by them was thus violently and illegally assaulted, and kept by force of Arms.

Now during a great part of this time, the said Eeles with some Musketeers went out of the Tavern, and staying a great while, at length they returned, and as soon as they came in, they would have needs perswaded me that they had taken a Printing Presse, and Printing Materials of mine. But I answered, their bare affirmation was no sufficient proof, and it was necessarie first to prove before they did affirm it: Then this Eeles commanded me to go along with them; But I told him I was resolved not to stir a foot with them, except it were by violence; and if by violence, then it were not mine (as I said before) but their own act. Then the said Eeles took me by the hand, and drew me along out of the house, and so led me through the streets in that contemptuous and disgracefull manner amongst my neighbours, being strongly guarded with armed men, as if I had been a Traytor, or a Fellow, so that the streets were fild with people, of whom I was abused in a most scandalous, scurrulous manner, by base and evill language.

Whereas for my own reputation, I was forced to declare unto the people as I went along the streets, that I was not apprehended by any Magisteriall Authority or Warrant, but by violence, and force of Arms. Then the said Eeles call'd me Tub-preacher, and told me that I preached in the streets; and did this on purpose to raise a mutiny: and if I would not be ruled, he would tye me neck and heels

together. Edition: current; Page: [3-219] Then I bade him do his worst, for I defyed his cruelty, and scorn'd his mercy. Then coming to St Mary Overies stairs, they forc'd me into a Boat, and brought me to Westminster-stairs; and when we were landed, this Eeles took me by the hand, and the said Eveling with his Pistoll ready cock'd on the other side, with the Musketeers for their guard, I was by them contemptuously led through Westminster Hall, and so unto the Lords House. And coming to a private Chamber, where (as it seems) sate a Committee of Lords, as they so styled themselves, whereof the Earl of Essex, and Lord Hunsden, and others were.

Then the Earl of Essex demanded of me whether I were a Printer, or no? To whom I answered, Sir, I will not Answer to any Questions or Interrogatories whatsoever, which may infringe either my own liberty, or the properties, rights and freedoms of this Nation. Whereat this Eeles standing by, said in a most scornfull deriding manner, that I was one of Lilburns Bastards. To whom I replied, that I was free-born; and demanded of him wherefore he call'd me Bastard? But the Earl of Essex commanded his silence; and askt me the second time if I were a Printer? To whom I answered again, that I was resolved to stand to the rights, and properties of the people of this Nation, and therefore I would not Answer to Interrogatories. Then they speaking nothing to me, I desired of them to know where, or before whom I was. Then the Lord Hunsden said thus, You are before a Committee of Lords which is the most Supream Court of Judicature in the Land. Then I answered, What! is a Committee of Lords the most Supream Court of Judicature in the Land? Then the Lord Hunsden said, You'l make what you list of it; I say not so. To whom I retorted thus: You say that I am before a Committee of Lords, which (Committee of Lords) is the most Supream Court of Judicature in the Land. Then the Lord Hunsden answered again, that he did not say that, that Committee of Lords was the most Supreme Court of Judicature in the Land; but that the House of Lords was the most Supreme Court of Judicature in the Land.

Here by the way may be observed, the most insufferable encroachment, and usurpation of those Lords over the priviledge, supremacy, and sovereignty of the House of Commons. For be it granted that the Lord Hunsden did not intend in his minde, that the Committee of Lords was the highest Court of Judicature of the Land; yet he both said it, and meant it of the House of Lords. Now then whether the House of Lords be the Supreme Court of Judicature in the Land, may be easily known, if it be but considered Edition: current; Page: [3-220] by whom they were chosen to sit in Parliament: and if not by the Cities, Counties and Burroughs of the Land, then are these Lords neither Lords, nor Representers of the people. And if they be neither Lords, or Representers, then at most they cannot be Representers of so much as their own Tenants, but rather Presenters of themselves in the Land, and therefore must of necessitie be subordinate to those who represent the whole Nation; for by the rule of right reason, the lesser must needs be subject to the GREATER.

And therefore it was wisely and rationally provided by our predecessors, in the Great Charter of England, that the represented should be tried by the Representers, the Commons by the Commons in criminall cases. For indeed the peoples sovereignty and power is onely in that their great and Supreme Court resident and forceable onely, whereunto it is conveyed by their election, consent, and approbation: so that these Lords are not Lords of the Commons, nor so much as of their own Tenants, save onely in exacting of their Rents (though thus unjustly they do usurp it) but are Lords onely in or among the Commons, and so is every man Lord of his own property, how little or great soever it be; And therefore these Lords and the whole people must all be subordinate and subject to the Great Representors of the Land: But it is strongly reported, and much suspected by some, that these Lords (as their late exorbitant Actions and sayings give too great cause of surmise) would if they could paramont the House of Commons in an absolute sovereigntie of power, and so subject both them and the whole Commons of England, whom they represent, to their own Lordly, as well as to their Master the Kings DOMINATION.

For indeed were they the supreme Court of Judicature in the Land, then by vertue of that Judicative power, they might (in cases of the Commons non-concurrence) act and move alone by themselves, make Laws, Edicts, Statutes, &c. without the House of Commons, at their own Arbitrary pleasures [which usurpation would prove most desperate, and dangerous, and destructive: and therefore it behoves us to be wary and wise, for such men have ever been too subject to be puffed up with ambition and pride.] But the Power Legislative is onely resident in the House of Commons, originally derived, and legitimately issued to them from the Commoners; so that the King himself, and Lords together, cannot devise, make or establish, abolish or reverse any Law without the Commons But in cases of their non-appearance or departure, the Commons ever might do all those things. In probation whereof, I will annex the Edition: current; Page: [3-221] Reasons of Master John Vomel, printed Cum Privilegio, and made use of by Mr: Pryn in his Sovereigne Power of Parliaments, pag 43

When Parliaments were first begun, and ordained, there were no Prelates or Barons of the Parliament; and the Temporal Lords were very few or none: and then the King and his Commons did make a full Parliament, which Authority was never hitherto abridged: [else how could the Commons have cast the Lords Spirituall from the House?]

Again, every Baron in Parliament doth represent but his own person, & speaketh in the behalf of himself alone: But in the Knights Citizens and Burgesses are represented the Commons of the whole Realme, and every of these giveth not consent onely for himself, but for all those also for whom he is sent. And the King with the consent of the Commons had ever a sufficient and full Authority to make, ordain, and establish good and wholesome Laws for the Commonwealth. Wherefore the Lords, being lawfully summoned, and yet refusing to come, sit, or consent in Parliament, cannot by their folly abridge the King and Commons of their lawfull proceedings in Parliament: Nor yet the King in his absence abridge them, as Mr. Prin bath largely proved it in his Sovereigne Power of Parliaments. Which therefore is the Supreme or Upper, the House of Commons, or the House of Lords, I think may by this very easily be resolv'd. But to return to the Relation.

When the Lord Hunsden had call'd back his words, a Journeyman Printer began to prate against me. Then I askt him, whether he were a Lord or no? and who call'd him to speak? But the Earl of Essex commanded him to hold his peace. Then I told them, that in my proper place I would make my defence. Then the Earl askt me where was that? I answered, Gentlemen, if you be a Committee of Lords, then I appeal from you (and so consequently from the whole House of Lords) to the Commons, I mean the Knights and Burgesses assembled in Parliament, by the free Election of the people. Then the Lord Hunsden laughed at me, and in a most scornfull deriding manner (as if it were such a ridiculous thing to appeal to the Commons) he tauntingly said, What? will you Appeal to the House of Commons!) This is Lilburn-like, he must appeal to the House of Commons indeed; but when he came into Westminster-Hall, to whom then would be appeal?

Then I was commanded forthwith out of their presence into the next Roome; where standing till that most supreme Court of Judicature in the Kingdom was risen, and as the Earl of Essex Edition: current; Page: [3-222] passed by me, I gave him an humble salute; and that done, I put on my hat, the which the Earl espying, said, Look he stands with his hat on. Then I putting off my hat, and in a most courteous lowe manner gave him an other salute, saying, I would give unto him, as he was a Gentleman, all courteous and civill respect: that done, I put on my hat again. Then the Earl commanded my hat to be pluck'd off: whereat a Gentleman said to me, Sirra, pluck off your hat, and presently he snatch'd it off.

By this we may see what State those Lords (which in no wise doth personate or represent the Land) usurp over the Commons, as if by them they should be adorn'd as Gods; being not sufficient that

persons should stand bare to them when they are in Court of Judicature, but at other times also: it is more then any one of the Upper House (to wit, of the Knights and Burgesses Assembled, both their Judges and mine) would have exacted or required.

Then some certain space after I was brought before the House of Lords; and coming to their Bar, I gave them most humble and lowe obeysance: which I mention by reason it was otherwise reported: Then the Speaker demanded of me, whether I were a Printer, or no? To whom I answered: Gentlemen, I am resolved not to make answer to any Interrogatories that shall infringe my own property, right or freedome in particular, or the rights, freedoms and properties of the Nation in generall. Whereat the whole House of Lords in a most scornfull deriding manner laughed at me, as I then conceived on purpose to dash me out of countenance, and so to hinder or weaken my just defence: but I replied: Gentlemen, it doth not become you thus to deride me that am a prisoner at your Barre.

Whereat I was forthwith commanded out of their presence. Thus we may see to what a heavie case, and sad condition, all of us are come, that a free Commoners challenging of his own properties, rights and freedoms, must be had in derision thus openly amongst the House of Lords: and that whilst they even sit in their Supreme Court of Judicature, as they call it: as if the Seat of Justice were a place of derision, mockerie, laughter and sports; and not of Judgement, gravitie and justice: except it should be said, Such carriage, such Court. For indeed Comedies, Tragedies, Masks and Playes are far more fit for such idle kind of men. Besides it is not onely rude, uncivill, and dishonourable to those who hunt after honourable titles, and the highest places of Magistracie, but even to Magistracie it self, and therefore intolerable; for it is such an occasion of discouragement to the party arraigned, and so of disabling him Edition: current; Page: [3-223] in his legall and just defence against both those and other their illegall proceedings, as will scarce ever be obliterated or forgotten.

And therefore these Lords in this transcendent manner passing the bounds of that Magisteriall gravitie, discretion, modestie, and civilitie, which becometh Judges, I might well tell them that such behaviour did not become them, far lesse to me a free Commoner, with whom they had nothing to do. And being carried back to the place where I was first examined after the Superlative House arose, the Earl of Essex passing by asked me, If I had not been a Souldier, saying, it was no question which would infringe my liberty. To whom I answered: Sir, be pleased to forbear Questions, for I am resolved to answer to no Interrogatories at all. Then a little after they made my Mittimus, and sent me to Newgate Goal, a Copie whereof is as followeth.

Die Mortis 11. Augusti. 1646.

It is this day Ordered by the Lords in Parliament assembled, That Overton brought before a Committee of this House for Printing of scandalous things against this House, is hereby committed to the prison of Newgate for his high contempt offered to this House, and to the said Committee by his contemptuous words and gesture, and refusing to answer unto the Speaker. And that the said Overton shall be kept in safe custodie by the Keeper of Newgate, or his Deputie, untill the pleasure of this House be further signified.

Jo: Brown

To the Gentleman Usher attending this House, or his Deputie, to be delivered to the Keeper of Newgate, or his Deputie

Cler: Parliam.

*Examinat: per Ra:
Brisco*

*Clericum de
Newgate.*

Thus (Sir) I have given you a full view of the most materiall proceedings, whereby you may perceive the illegality, injustice, and tyrannie of the House of Lords (vulgarly so styled) against me; the which were it simply against me in particular, it were of lesse moment; but insomuch as these Lords have intrenched actually upon the rights and properties of one Commoner in particular, they have done it virtually unto all, for by the same rule they have made this inroad upon mine, they may do it unto all: and indeed Edition: current; Page: [3-224] answerably they act, proceeding from one Commoner to another, as the now depending case of these worthy and famous sufferers for their Countreys rights and freedoms in conscience, person, and estate. Liv: Coll: John Lilburne, and Mr. William Larnier with his two Servants doth evidence to the world; so that if I should not have made opposition to this their violent progression and inroad upon us, I should not onely have betrayed my own Right, but (as much as in me lieth) my Countreys; with which infamy, basenesse, and infidelity I hope I shall never be stained.

But (Sir) if I may further trouble your patience, I desire you to observe the nature of this my Commitment; First, it pretends a Criminall Fact against me, to wit, the printing of scandalous things; but in case I were as criminall as is by them pretended, and it could legally be proved against me, yet they well know (however they presume) that they have no power of themselves over Commoners to passe upon them try, sentence, fine, or imprison any of them in criminall offences, and that this their presumption upon the Commoners is a Breach of the Priviledge of the House of Commons, to wit, as if the Sovereigne power were not in the Body Representative, but in themselves originall, and from them derivative, and not from the people. For the Sovereigne power to passe upon, try, sentence, fine or imprison, can extend no further then whereto it is conveyed, but from the Representers to the Represented, if the Sovereigne power is onely conveyed, and no further: Therefore these Lords being none of the peoples Vicegerents, Deputies, or Representors, cannot legally passe upon any of the Represented, to try, sentence, fine, or imprison; but such their actions (exceeding the Sovereigne compasse) must needs be illegall, and Anti-magisteriall.

And therefore as by that Sovereigne power conferr'd from the people upon the House of Commons (as I was bound) I made my Appeal unto the said House, refuting altogether to submit unto that usurpation of the Lords over the peoples properties, and Sovereignty of the House of Commons, the Body Representative, to which all Appeals are finally to be made from all other Courts and Judges whatsoever; yea from the Kings own personall resolution, in or out of any other his Courts, yea such a transcendent Tribunall it is, as from thence there Is no Appeal to any other Court, person, or persons, no not to the King himself, but onely to another Parliament: and therefore much more may our Appeals be made thereunto from the Lords.

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Secondly, it declares the reason of my Commitments, to wit, for contempt against the House of Lords, and Committee of the said House both in words and gesture: but how contemptuous I was in either, by this Relation you may judge; for my gesture both before the Committee, and the whole House, was with all humble, lowly, bended obeysance, standing bare-headed before them. And if this gesture were of a contemptuous nature, let the world judge: for the other gestures and motions of my body, indeed they were according to the ordinary course of nature, I went with my face forward, set one leg before another, and the like; and if that were contemptuous, it is more then ever I was taught. Their Lordships might do well to send me to Dr: Bastwicks School of Complements, that I might have a little more venerable Courtship against the next time I appear in their presence.

For my words either before that House, or the Committee thereof, I cannot see how they can be contemptuous, except the manifestation of fidelity and resolution for the property, freedome, and

liberty of the people, or indeed the making of Appeal to the House of Commons is become a contemptuous thing amongst them.

For both the one and the other was made a derision amongst them. Which gesture of theirs, might there be one impartiall judgement without respect of persons, would justly incur the censure of a more dishonourable and contemptuous nature, even to the People in generall, and to their Sovereigne Court, their own House of Commons in particular: for in the judgement of equity, the Greatnesse of men doth rather adde then diminishe, aggravate then detract from their evill. But it may be they took it in foul scorn and contempt, in that I gave them the Appelation of, Gentlemen, and of, Sir, to the Earl of Essex; But how such titles or terms could be taken in contempt, except by the spirit of pride and ambition I know not, I am sure not by the spirit of meeknesse and humility, (with which I think their Honours are not very much acquainted) for after the use and culture of the Nation they are termes of reverence, civility, and respect; but it may be, they expected more lofty, arrogant, ambitious titles of Lordship over the people, the which I forbearing, must therefore be censured, a contemptuous fellow, and be answerably rewarded with a take him Gaoler: But first they must prove themselves Lords of the Commons, before the forbearance of such titles to them be accounted and condemned as contemptuous, and legally worthy of imprisonment: Indeed they Edition: current; Page: [3-226] are Lords over their estates, Lands, Goods, Servants, and the like; but blessed be God, as yet they are not such Lords over the Commons, and people in general; neither yet have they legally Lordship in matter of judging, to passe upon them, condemne them, fine, censure, or imprison them in criminall things. But if for their vertues, gravity, judgement, and fidelity for the common-good they will stand to the election of the people to their Parliametary honour, then such of them (for their vertues so chosen) may have the Title thereto, as well as the rest of the House of Commons.

Sir, this might be sufficient for this matter, yet I shall trouble you with one consideration more about it.

All contempt, opposition, or disobedience of Magistrates can be no other but such as respecteth the Statutes, Laws, and Ordinances Magisteriall, for it is the Laws onely which dignifie and distinguish them from common men and indeed such disobedience or contempt is properly against the Law, and so such contempt can at the most be but by imputation from the Law to those that are the Ministers thereof, and where there is no Law, there is no transgression.

But there is no Law, Statute, or Ordinance to binde the people of this Nation to any certain and precise form of Titles to be given to these Lords, to this or that supplicatory phrase, as, Right Honourable, may it please your Honours, my Lords, and the like; but it is left to the disposition, discretion, choice and freedome of the people, to give them what titles and terms of civility, reverence, honour and respect as seemeth good unto them; and so answerably I did. So that wherein, or how I am guilty of any legall contempt, as yet I am ignorant: If they have any Law, Statute or Ordinance to binde us in this case, then let them produce it, and let me suffer the penalty thereof.

Indeed, it is confess'd, that all Acts, Statutes and Ordinances Parliametary do run in the name of Lords Temporall, as well as of the Commons Assembled in Parliament. But I answer. So have they done in the name of the Lords Spirituall, and when these Lords Spirituall were in their full power and pomp, was it transgression of any Law to forbear them the Titles, of My Lords Grace, William Lord Archbishop of Canterbury his Grace, Primate, and Metropolitane of all England, and the like; yea, we have manifold proofs, examples and instances that it was no transgression at all. And so the same I demand concerning these Edition: current; Page: [3-227] Temporall Lords; Is it any sin, any breach of the Law now, to forbear them their trowing, lofty, high-flowne titles of illegitimate honour, which are like steeples above the Commons, and instead thereof to give them good honest titles, and terms of civility and respect when we have to do with them, more then of old to forbear the Lords Spirituall

their forementioned titles; when as those Bishops were every wayes more potent and powerfull then these Lords Temporall are now, or ever were.

But for the seasonable reproof which I gave them, sure they will be ashamed to account that as contemptuous, for it is the highest degree of Infamy for any man high or low, rich or poore, King or beggar, to be so indulgent to vanity and folly, as to be scornfull of a deserved reproof, and account it as a contemptuous thing, for of such an one there is no hope. So that I suppose (in the judgement of equity) I shall no more deserve to be adjudged contemptuous, for telling these Lords, That it did not become them to mock and scorn a prisoner, whom they had unjustly at their Bar, then Samuel and Himani were for telling King Saul and Asa, that they had done foolishly. 1 Sam. 13.3. 2 Chron. 15.9.

Lastly, this Order of the Lords pretends yet an other reason or ground of their imprisonment of me, namely, For refusing to Answer unto the Speaker: which by interpretation is as much as to say, Because I would not be again intangled with the late High-Commission bondage of Interrogatories (from which the Act for the Abolishment of the Star-Chamber hath made us free) therefore I must go to prison. Surely these Lords are very rash and inconsiderate, or else extreemly forgetfull of their late Votes and concurrance (however they were in their hearts I know not) with the House of Commons, against the illegality, injustice and tyrannie of such Interrogatory proceedings, that still upon such illegall grounds they should imprison the free Commoners of the Land, who by the fundamentall Laws thereof, and by this present Parliament are all legally freed from that bondage forasmuch as it is extreemly opposite, and destructive to their Great Charter of Freedoms; and so of themselves severally, their persons, estates and liberties: For thereby the Innocent are made lyable to the circumventing querks, and subtle devises, gins and traps of the crafty, secretly and insensibly couch'd to destroy the Innocent with the guilty, even to make them a prey to the malice and tyranny of the wicked; for by such their winding, turning, over-reaching Interrogatories, the simple plain-hearted, and ignorant, bring unacquainted therewith, are Edition: current; Page: [3-228] unawares, enforced to some inconsiderate Answer, whereby such an one is made an Offender for a word, yea guilty of that whereof he is innocent, and so accordingly unjustly proceeded against: whereas Religion, Reason, yea Nature it self doth abhor, that a man should betray, spoyle or destroy himself either of life, limbe, or liberty; for it is a principle in Nature, implanted by the finger of God, for every living moving thing defend and preserve it self from all things hurtfull, destructive, or obnoxious thereto; and this we see by daily experience is [Editor: illegible word] bruit beasts of the field; and shall then be worse then beasts? Oh ineffable, unreasonable, and inhumane! It is against flesh and blood, it is against the kind, yea against the Law of God, for a man to destroy himself; one that so doth, is guilty of no lesse then murther; and if so, then what are those, which force him to it?

Moreover, the very Law of the Land, (which of it self is a Law of Mercy, and respect in those things) bindeth no man to betray himself, for it saith, *Nemo tenetur prodere seipsum*; no man is bound to betray himself. I by the witnesse of honest and lawfull men of his equals (not of infamous persons) he be found guilty, then the sentence and censure of the Law must passe upon him according to his guilt, otherwise he in the eye of the Law is free, and at liberty: And therefore this present Parliament hath abolished the Star-Chamber, and High-Commission Courts.

And for these considerations I would not subject my self to those exploded, abolished, illegall, High-Commission, Interrogatory practises, refusing to answer unto any Interrogatories whatsoever, whether with me or against me, putting my self upon the legall course of the Law, not because I could not have clear'd mine innocence before them, but because I would not let go my own right and property in the equity of the Law, or be an evill president or pattern unto others, whereby they might again be entangled with this old, barbarous, illegall, Episcopall bondage by my example; rather subjecting my self to imprisonment, or to what else may unjustly be inflicted upon me or mine for my

so doing, then to save my self, and my own in particular, and betray my Countrey, and Countreys in generall.

And for this I must be thrown and lie in the most contemptuous Goal of Newgate, to the undoing of my self, my wife, and children, untill the pleasure of these Lords (not the equity of the Law) be further signified: And thus to their pleasures, not to the mercy and benefit of the Law, the Free Commoners of England Edition: current; Page: [3-229] must be made subject: So that who can judge otherwise, but that their Laws, lives, liberties and estates are hereby made a prey to their Arbitrary pleasures? But I hope the House of Commons will no longer sit still, and behold their Lordships thus to devour up the Commoners of the Land one after an other, as if it were a far off thing, and did not so neerly concern both themselves and the whole Commons of England, who are present, and are bound to defend; for you see these Lords have got Liu: Coll: John Lilburn, Mr. William Larner, and my self also into their Jaws; and for ought I see, such is their greedinesse, that we are all likely to be swallowed down quick, except the House of Commons step in with a present delivery: but however their Lordships may pray that Little Martin come not into the number, for he'l serve their Arbitrary pleasures, their Prerogatives, and all such other their toyes and trinkets which are not for the weal of the people, little better then the Presbyters Tyth-cocks, milk pails, bowls and cream pots, &c. See Mar. Eccho, and Arraignment of Persecution

Thus (Sir) I have presumed upon your patience to empty my self of those present conceptions, which (though tedious) I suppose of your self will be taken in good part, and therefore I have the more emboldned my self to open my mind freely unto you, being strongly assured of your good construction. But lest through some accidentall means these my papers should become publick, I would have the world know, that the premises, words or sentences therein contained, are not intended against any person, or persons, to wit, of Kings, Lords, or others therein mentioned, or for the Alteration of Government, by the fundamentall Laws of this Realm established, or for the depressing of any Magisteriall officers from their true Magisteriall Functions and Offices, as may unhappily by some evill minded men be concluded; but the whole matter both for word and circumstance of the premises aforesaid (to you directed) is simply and onely against illegality, injustice, oppression and tyranny over the free people of England, their rights, properties and freedoms; whether by Kings, Lords, or any other unjustly and illegally exercised upon them, and this and no other meaning, sense, or signification of the foresaid matter, words or sentences either in part, or in whole is intended or meant; and therefore in that sense onely, and no other whatsoever, I present them unto you, or to whomsoever they may come, to be accepted and construed: for indeed I do professe Edition: current; Page: [3-230] my self an absolute enemy to all injustice, tyranny and cruelty whatsoever, or in whomsoever, and no otherwise.

Thus, Sir, with the remembrance of my love, and kinde respects unto your wife and children, and to all other our Christian friends and brethren, I rest

From the most infamous Goal of
Newgate.

August, 17. 1646.

Mine own no longer, but yours, and my Countreys, till death
separate us.

R. Overton.

The Publishers to the Reader.

Courteous Reader, we have been demanded of many, whether or no this our worthy friend, be that reverend peece of sanctity, usually dignified or distinguished by the name of Young Martin Mar-Priest? Unto whom we have given the same answer, that was given by the parents of that blind man mentioned in the Gospel, when the Scribes and Pharisees asked them, by what means he received

his sight? He is old enough (said they) ask him, he will answer for himself: But here's the mischief, that this our honoured friend, will not answer to Interrogatories, as we our selves have refused to do in this matter, and so they not a whit the nearer to be resolved.

But howsoever, whether he be that young Martin, or some other bird of that feather or no, it is no disparagement to his worth; for although some neutrals (that are neither hot nor cold) are far readier with their railing words (then good deeds to any in distresse) to endeavour rather to blaze the infirmities, then expresse the vertues of all such as do surpasse themselves in any publick good, yet both this our loving friend, and some other worthies, chiefly those in bonds, have not onely laboured more abundantly, but stood more constantly then thousands of such self-lovers and temporizers; the one in truly informing the free Commons of England (both by word and writing) of their just freedoms as well spirituall as temporall; and the other so valiantly opposing all sorts of Arbitrary usurpers whosoever, whether Kings, Lords, Commons, or Clergie, without respect of persons, and that in defence of those freedoms, not onely in the behalf of themselves and posterities, but likewise of all the Commons of England in generall, whether friends or enemies.

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In which doing & opposing, if this rare man, or such as he be either neglected or traduced, by those of whom they ought to be maintained, encouraged and advanced, chiefly now in their suffering condition, for the just common cause, as thus standing in the gap for them and all the free Commoners of England (even as well their mortall enemies as dearest friends) whereof too many are not indued with such fidelity, magnanimity nor ingenuity, if they were or had been so tried and winnowed as these, will it not be very just with God, that he permit such ingrate, double minded, time-serving, and self-seeking men to be intangled again with the yoke both of spirituall and temporall bondage, wherewith both God and man have made them free, that will not so much as speak a good word, far lesse do a good deed, to those that stand thus fast for them, who have not spirit nor courage to stand for themselves; and that now after the loosing of so many thousands of lives, and multitudes of estates, both in defence and recovery of these our just freedoms? Yea, and this persecuted means of unlicenced Printing hath done more good to the people, then all the bloodie wars, the one tending to rid us quite of all slavery; but the other onely to rid us of one, and involve us into another. Farewell.

FINIS

William Walwyn

Walwyn, William

7 October 1646

17.

[William Walwyn], A Demurre to the Bill for Preventing the Growth and Spreading of Heresie (7 October 1646).

- A DEMURRE TO THE BILL FOR PREVENTING
- THE GROWTH AND SPREADING OF HERESIE.

Humbly presented to the Honourable House of Commons.

Edition: current; Page: [3-233]

Wee beseech you for the great love you have from the people, that you will be cautious in determining any thing in this businesse of blasphemy & heresie; and that you will resolve to doe nothing therein,

but what shall evidently appeare to be just and agreeable to the word of God.

Our feares are great; that those who urge you so much to suppress heresies and blasphemies, have their own unjust ends therein, and the enslaving of the people to their wils: To estrange their affections from you; and to make them out of love with Parliaments.

For what is it you are urged unto; but in effect to establish a very inquisition, to be as a curb to all those that oppose the doctrines and oppinions of the ministers, or will not without reasonings or disputings submit their faith, practise and purses to their wils.

It is not to be supposed but that these desires and motions, have their rise and birth from them, whose purpose it is to make you Instruments of their cruelty; certainly they have digged deep, and are grown confident you are fully undermined; they judge you believe you are; and that you are so fully captivated by their policies and stratagems, that you dare not but doe what they desire? though never so unjust or distructive to your selves.

It cannot be; they should think you so ignorant as to believe they make these desires out of zeale to God, to Christ or his word; they are assured, you not only doubt, but know they doe it only to make you instruments, to subject the people to their no lesse Edition: current; Page: [3-234] then popall tyranny, they know you know it to be so, and think they have you upon such a lock as you dare not deny them.

But will you now feare the power of a Clergy, so lately raised out of the dust by your selves; when neither the power of the Court; and a long settled Clergy united, hath been able to stand before you; there is nothing for this Parliament now to feare but God.

The Clergy doe but presume, and like the Prelates doe things hastily, that will speedily make them odious, and be their ruine.

The people already generally see through them, they have waighed them in the ballance and find them light, a delusive, covetous, violent, bloody, imperious sort of men, no more like the Apostles or Disciples of Christ, then Simon Magus was; there is nothing so much in discourse as their pride and coveteousnesse: That it is they who set Nation against Nation, and neighbour against neighbour, and to have their will, set even all the People together by the eares; their craft and pollicies are worne threed bare, and their credits and reputations is grown low in the Peoples esteem, and therefore doe they make hast unto you for some reall power.

And because they would prevaile, they seem to be advocates for God, for Christ, for his word, for the precious soules of men, transforming themselves into this shape of angels of light, in hope to deceive the very Parliament it selfe.

Wee beseech you to looke upon them without dread, without superstition; with open eyes, see through them to their ends, and you will see they mind only themselves, to set themselves above you, to trample upon the People, who yet trust you will preserve them from so great a bondage.

1. First for their desire concerning heresie: for I presume I may safely call them theirs first: for it is not probable they know any person that doe deny and maintaine there is no God, if any such were they would no doubt ere this time have been brought to light, by these searching inquisitive Church-men: their purpose in this particular seems to be no other then to keep men in awe & feare of affrunting them in their arguments, to have advantages against any that hold any set discourses, and to beget in men a superstitious believe of any thing they say, without any examination of their grounds and

reasons

2. In case any being ignorant, maintaine the contrary, can it be judged in wisdom or justice, an equal thing that they should Edition: current; Page: [3-235] therefore be discharged? Would it not farre better become us to endeavour the enlightening of their understanding, or to waite Gods leasure till he doe it in his due time, rather then by their death to make sure that it shall never be done.

3. Men are not borne with the knowledge of this more then of any other thing; it must therefore either be infused by God, or begoten in us by discourse and examination as other things are; if it be infused, we must waite Gods time; his season is not the same for all, though happily one mans understanding may be opened at the first or second houre, another may not till the eleventh or last houre.

If by discourse and examination; then every man must have liberty to discourse thereupon; to propose doubts, to give and take satisfaction, to scruple, argue, or doe any thing that may firmly establish our minds in this prime and fundamentall truth.

4. Wee beseech you let not God and the truth of this being, be so excessively disparaged as not to be judged sufficient to maintaine it against all gainsayers, without the help of earthly power to maintain it; Let Turkes and those that believe in strange gods, which are indeed no gods: make use of such poore and infirme supporters of their supposed deities; but let the truth of our God, the only God, the omnipotent God, be judged abundantly; able to support it selfe; tis a tacite imputation of infirmnesse, to imagine it hath need of our weak and impotent assistance.

5. If there be any feare that for want of such a terrour and penalty as is desired, men will take greater liberty to be vicious; Let the strictnesse and severity of law be multiplied tenfold against all manner of vice and enormity: Let some course be taken and charge given to the publike speakers, that they spend lesse time about controversies and entrigate disputes; and divert the streame of their discourses against the ugliness of vice, and let forth the lovelinesse and excellency of vertue and true piety; that so all men may be inamoured therewith, and hate whatsoever is vicious with a perfect hatred. Concerning those that deny the unity of God: His eternity, presence or omnipotency; the divinity of Christ the purity of his manhood: the distruction of the two natures: the sufficiency of his death, and suffering for the satisfaction for our sins: the Trinity: resurrection, or judgement to come: or any other position mentioned in the former part of the desired Ordinance.

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Those Miserable men I say, that through ignorance maintain any of these particulars: must they therefore be put to death? Is there no way to cure the blindness of their understandings, but by taking away that and life together? Is it not misery sufficient to these unhappy men that they are deprived of that knowledge, which is the principle comfort of this life: a support to us in affliction, the joy and solace of our soules?

But must they for this their infirm filicity loose their lives also? What precept I pray have wee for so doing? What command or Authority from Scripture? Was there ever any injunction given by Christ or his Apostles for the extirpation of the Romans or any others that denyed our God; and multiplied other feigned gods to themselves? Can we think the name of God was lesse precious to Christ or his Disciples then it is to us? The Apostles way was to make the unknowne God, to be known to ignorant men; to remove error by the sword of the Spirit and soundnesse of argument; not by punishment or death: If worldly strength had been judged the best and meetest way for the implanting the Gospell, God would with a word have furnished his servants there with: He could have chose to him out of the greatest and most potent upon the earth, or have made the Apostles: which seeing he did not, it

evidently sheweth that his truthes are not to be propagated by strength and the sword: Nay we see rather it was his way to give all errours the advantage of worldly power, and trust the establishment and support of truth to its own effecacy, upon assurance whereof, he sent it abroad by messengers of meane condition, of no power in the world, as proposing it as his end to convince, not to compell, to conquour the under standing by the glorious and shining brightnesse of truth: and not subdue it by force of armes, by fire and faggot, by the hatchet or halter: Christ and his Disciples were frequently with the Sadduces, that denyed the resurrection, and by consequence the Judgement to come: yet wee find not that they ever Instigated the Magistrate against them: and though there were heresies in their times, as many and as grosse as there are said now to be; yet our blessed Saviour shewes no zeale against them; the most that ever he exprest was against hypocrisie: the oppression of the Pharises, the cruelty of Herod, the pride and imperious mastery of the Scribes and Doctors of the Law: for Matters of opinion there was a toleration no man was molested: and it is exceedingly to the honour of Christianity: Yet of it selfe Edition: current; Page: [3-237] notwithstanding its low beginnings and despicable appearance at first, through the inherent and essentiall excellency and power that inseperably accompanies it, it was able to erect it selfe, and spread its branches about a great part of the world: let us not therefore make use of other meanes then Christ used; nor flee to those poore, refuges of civill power, which he purposely avoided, let us not now cast a blemish upon our profession: Let us not now undervalue it, by thinking it cannot stand without crutches, or that errorr unlesse the Magistrate assist, will be to hard for it.

For blasphemy, if thereby be ment, a reviling or speaking evill of God, his Christ or his word; It is but meet that some fit punishment (as the word clearely imparts 1. Tim. 1. chap. & 20 ver. compared with 2. Pet. 2.10. Judg. 8.10.) should be appointed for restraining thereof, as also for any other evill and reproachfull language, against either men or opinions: though reason, and argument is allowable and necessary for the finding out of truth, yet reviling railing, bitter taunts, and reproches, tends to the disturbance of civill peace, and proceeds from a maligne and a distempered mind, and are therefore justly restrainable; But surely the punishment mentioned of burning in the cheeke with a hot Iron, is to rigorous and severe, I shall not prescribe, but leave it to your discretion.

For the supposed errours summed up in the latter part of the desired Ordinance, though many of them are disallowed by all, yet some of them are esteemed truths by the Anabaptists, some by the Brownists; some by the Independents, some by the Antinomians, and some by all of them: And such truths as they doe as really esteem themselves bound to maintaine, as the Presbyterians doe any of their tenets, this Ordinance therefore is like a insurrection of one sort of men against another, the purport and desires thereof in effect being that all the Independents, the Brownists, the Antinomians, the Anabaptists that have so much courage left, as to hold fast that which they account good, should be imprisoned till they can find two subsity men that will be sureties for them, that they shall never professe nor practice what they esteem truth any more.

Have these sorts of men been invited (though indeed they needed no invitation) to venture their lives and estates for their Country; and is this the reward? What could these good mens persons have been worse, had they been conquered by the Enemy? Since if this Ordinance takes effect, they must lead the Edition: current; Page: [3-238] remainder of their lives in a prison; and after they have got the victory be cast into bonds: I cannot perswade my selfe but that the Presbyters themselves, the ingenious I meane and meekly disposed amongst them, must utterly dislike this motion, as savouring not only of ingratitude and inhumanity, but of injustice; neither can I think but that the Honourable House of Commons will shew tendernesse to those sorts of men, from whom they have had reall affection, assistance protection, besides many excellent services and performances: and expresse no other then a detestation of such imperious and unequall desires, evidently tending to enslave them.

Though wee will not contend who has done best service for their Country, in the time of its straites and necessities, yet the presbyters sure themselves will acknowledge with us, that these sorts of men have not been backward in emptying themselves here at home, and powring out their blood abroad, thinking nothing to deare for their Country, and all in hope that the worke being done, they should participate of its peace and freedome, but the enemy being subdued, and freedome being now expected of serving God according to conscience, as a recompence for all the miseries and calamities Independents and Separation have indured for their Country, and amongst others, for the Presbyters: And instead thereof, motions are made that they maybe put out of all Offices and imployment in the common wealth (and not only so, but it is further intended) by this desired Ordinance that they may be put in prison.

1. If this dealing be just or any waies pleasing to Almighty God, let the Presbyters themselves judge? Let it be considered first, that in matters of Religion, no sort of men have no just power to determine for another: neither are the Presbyters competent judges of the Independents or Anabaptists &c. no more then they are of the Presbyters.

2. That those tenets which are now accounted heresies, may be in the countenanced truthes of the next age; as what formerly was accounted errour, is now esteemed truth; every man is to satisfie his own conscience, the best he can, and doing so, walking, likewise according to his light (which is now principally wanting) it is as much as in equity can be desired; consider that though the bondage of the Presbyters seems not to be included within this Ordinance; yet being and settled, the Ministers having such a foundation to work upon, they will extend it to all, and the Edition: current; Page: [3-239] Presbyters themselves not complying in all things to their desires, shall by questioning, catechizing, or some other way, be look within in the verge of its power.

4. Our bretheren the Presbyterians, having no assurance that they shall not change their minds, and therefore it may so fall out, that the rod they provide for their discenting brethren to day, may whip them to morrow, and Mordecaies gallowes, may serve for Hamans execution.

5. We may very well dread the tendencie of the government wch in its first desires is so rigid and bloody minded, what will it in time grow up to? what will its corruptions arise to? We see how frequent it hath been to pervert the end of Lawes, and extend them beyond the intentions of the Law-makers: The Law against meetings in private, was intended for the security of the Nation against conspiracies and traitorous plottings against the State: But is wasted by the malicious men, and made to serve their turne against the godly people, and men best affected to the State, meeting together to worship and to serve God: The Statute against Recusancy, was intended against Papists, but they frequently put it in execution against the Separation: So that it is very necessary to be provident and cautious in making Lawes of this nature: since crafty men have devices in their braine that good men never dreames of; and though the glory of God be the pretence at present; yet upon very good grounds it is to be feared that the principle thing intended in these desires, is to lay gins and snares to intrap men with all, to terrifie men from a free and necessary search into the grounds and originall of things, and to dispose all men to an easie and apt beliefe of whatsoever the Synod and learned Church-men shall hold forth. It cannot be. Oh yee lovers of the People, but that you desire the People should be a judicious, knowing & understanding people; a people established and grounded upon solid principles, begotten by serious meditation, and deliberate examination: You cannot but abhor that most superstitious maxime to believe as the Church believes; O doe but consider; what the Clergy men desire; and see whether it amounts to lesse, then to barre all search, enquire, or examination, and in time to believe as the Assembly believes: at least to professe as they professe, or not the contrary upon paine of death, imprisonment, or other punishments.

Certainly if there be need of any ordinance concerning the Assembly it is for their dissolution, and that the Parliament Edition: current; Page: [3-240] would be pleased to take a survey of their manifold attempts upon them, and that like subtile and bloody Simon & Levy, in the greatest exigents and difficulties of their weightiest affaires, as trusting rather to what necessity might enforce, then what justice would allow. They have been goads in your sides, & thornes in your feet, hindering by frequent & politique stratagems, your progression towards the peoples good and wealfare; be pleased therefore instead of complying with them in these vast and unreasonable desires; admonishing them to labour for humble and contented spirits: and to yeild ready obedience to the commands of Parliament, by whom they are ordained, and whose direction they are to observe without dispute; and that they would not spend their time, and stuffe their sermons with State affaires to beget parties, and factions to carry on their own ambitious designs.

If the Parliament would be pleased to answer their desires thus, and to forbear to make either Ordinances or Lawes of that nature, which their crueltie hath prompted them to desire, it would manifeft so great a care of the quietnesse of the people as would cause them to blesse their remembrance for ever, and would be their honour to future generations: and is the most zealous desire of all those that would gladly see the quietnesse and happinesse of Parliaments and People.

FINIS

Richard Overton
Overton, Richard
12 October 1646
18.

Richard Overton, An Arrow against all Tyrants and Tyranny (12 October 1646).

- AN
- ARROW
- AGAINST ALL TYRANTS
- AND TYRANNY,
- shot from the Prison of New-gate
- into the Prerogative Bowels of the Arbitrary House
- of Lords, and all other Usurpers and Tyrants
- Whatsoever.

wherein the originall rise, extent, and end of Magisteriall power, the naturall and Nationall rights, freedoms and properties of Mankind are discovered, and undeniably maintained; the late oppressions and encroachments of the Lords over the Commons legally (by the fundamental Laws and Statutes of the Realme, as also by a memorable Extract out of the Records of the Tower of London) condemned; the late Presbyterian Ordinance (invented and contrived by the Diviners, and by the motion of Mr. Bacon and Mr. Taet read in the House of Commons) examined, refuted, and exploded, as most inhumaine, tyranicall and Barbarous.

By RICHARD OVERTON

Prerogative Archer to the Arbitrary House of Lords, Their Prisoner in New-gate, for the just and legal properties rights and freedoms of the Commons of England: Sent by way of a letter from him, to Mr Henry Martin, a Member of the House of Commons.

IMPRIMATUR

Rectat Justitia.

Printed at the backside of the Cyclopien Mountains, by Martin Claw-Clergy, Printer to the Reverend Assembly of Divines, and are to be sould at the signe of the Subjects Liberty, right opposite to persecuting Court. 1646.

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Sir,

The spelling and punctuation in this chapter have been modernized. To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. Mine and thine cannot be, except this be. No man has power over my rights and liberties, and I over no man's. I may be but an individual, enjoy my self and my self-propriety and may right myself no more than my self, or presume any further; if I do, I am an encroacher and an invader upon another man's right - to which I have no right. For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and as we are delivered of God by the hand of nature into this world, every one with a natural, innate freedom and propriety - as it were writ in the table of every man's heart, never to be obliterated - even so are we to live, everyone equally and alike to enjoy his birthright and privilege; even all whereof God by nature has made him free.

And this by nature everyone's desire aims at and requires; for no man naturally would be befooled of his liberty by his neighbour's craft or enslaved by his neighbour's might. For it is nature's instinct to preserve itself from all things hurtful and obnoxious; and this in nature is granted of all to be most reasonable, equal and just: not to be rooted out of the kind, even of equal duration with the creature. And from this fountain or root all just human powers take their original - not immediately from God (as kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representers. For originally God has implanted them in the creature, and from the creature those powers immediately proceed and no further. And no more may be communicated than stands for the better being, weal, or safety thereof. And this is man's prerogative and no further; so much and no more may be given or received thereof: even so much as is conducent to a better being, more safety and freedom, and no more. He that gives more, sins against his own flesh; and he that takes more is thief and robber to his kind - every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is.

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And thus sir and no otherwise are you instated into your sovereign capacity for the free people of this nation. For their better being, discipline, government, propriety and safety have each of them communicated so much unto you (their chosen ones) of their natural rights and powers, that you might thereby become their absolute commissioners and lawful deputies. But no more: that by contraction of those their several individual communications conferred upon and united in you, you alone might become their own natural, proper, sovereign power, therewith singly and only empowered for their several weals, safeties and freedoms, and no otherwise. For as by nature no man may abuse, beat, torment, or afflict himself, so by nature no man may give that power to another, seeing he may not do it himself; for no more can be communicated from the general than is included in the particulars

whereof the general is compounded.

So that such, so deputed, are to the general no otherwise than as a school-master to a particular - to this or that man's family. For as such an one's mastership, ordering and regulating power is but by deputation - and that *ad bene placitum* and may be removed at the parents' or headmaster's pleasure upon neglect or abuse thereof, and be conferred upon another (no parents ever giving such an absolute unlimited power to such over their children as to do to them as they list, and not to be retracted, controlled, or restrained in their exorbitances) - even so and no otherwise is it with you our deputies in respect of the general. It is in vain for you to think you have power over us to save us or destroy us at your pleasure, to do with us as you list, be it for our weal or be it for our woe, and not be enjoined in mercy to the one or questioned in justice for the other. For the edge of your own arguments against the king in this kind may be turned upon yourselves. For if for the safety of the people he might in equity be opposed by you in his tyrannies, oppressions and cruelties, even so may you by the same rule of right reason be opposed by the people in general in the like cases of destruction and ruin by you upon them; for the safety of the people is the sovereign law, to which all must become subject, and for the which all powers human are ordained by them; for tyranny, oppression and cruelty whatsoever, and in whomsoever, is in itself unnatural, illegal, Edition: current; Page: [3-245] yea absolutely anti-magisterial; for it is even destructive to all human civil society, and therefore resistible.

Now sir, the commons of this nation, having empowered their body representative (whereof you are one) with their own absolute sovereignty, thereby authoritatively and legally to remove from amongst them all oppressions and tyrannies, oppressors and tyrants - how great soever in name, place, or dignity - and to protect, safeguard and defend them from all such unnatural monsters, vipers and pests, bred of corruption or which are intruded amongst them; and as much as in them lies to prevent all such for the future. And to that end you have been assisted with our lives and fortunes most liberally and freely with most victorious and happy success, whereby your arms are strengthened with our might, that now you may make us all happy within the confines of this nation if you please. And therefore sir, in reason, equity and justice we deserve no less at your hands, and (sir) let it not seem strange unto you that we are thus bold with you for our own.

For by nature we are the sons of Adam, and from him have legitimately derived a natural propriety, right and freedom, which only we require. And how in equity you can deny us we cannot see. It is but the just rights and prerogative of mankind (whereunto the people of England are heirs apparent as well as other nations) which we desire; and sure you will not deny it us, that we may be men and live like men. If you do, it will be as little safe for yourselves and posterity as for us and our posterity. For sir, look: what bondage, thralldom, or tyranny soever you settle upon us, you certainly, or your posterity will taste of the dregs. If by your present policy and (abused) might, you chance to ward it from yourselves in particular, yet your posterity - do what you can - will be liable to the hazard thereof.

And therefore sir we desire your help for your own sakes as well as for ourselves, chiefly for the removal of two most insufferable evils daily encroaching and increasing upon us, portending and threatening inevitable destruction and confusion of yourselves, of us, and of all our posterities: namely the encroachments and usurpations of the House of Lords over the commons' liberties and freedoms, together with the barbarous, inhuman, blood-thirsty desires and endeavours of the Presbyterian clergy.

For the first, namely the exorbitances of the Lords: they are to such an height aspired, that contrary to all precedents, the free commoners of England are imprisoned, fined and condemned by them (their Edition: current; Page: [3-246] incompetent, illegal, unequal, improper judges) against the express letter of Magna Carta chapter 29 (so often urged and used): that no free man of England 'shall be passed upon, tried, or condemned, but by the lawful judgement of his equals, or by the law of the

land', which, as says Sir Edward Coke in his exposition of Magna Carta, p. 28, last line, is 'per pares, by his peers, that is, by his equals'. And page 46, branches 1, 2 and 5, in these words:

- 1. That no man be taken or imprisoned, but per legem terrae, that is by the common law, statute law, or custom of England. For these words, per legem terrae being towards the end of this chapter, do refer to all the pretended matters in this chapter; and this has the first place, because the liberty of a man's person is more precious to him than all the rest that follow; and therefore it is great reason that he should by law be relieved therein, if he be wronged, as hereafter shall be showed.
- 2. No man shall be disseised, that is, put out of seisin, or dispossessed of his freehold (that is, lands or livelihood) or of his liberties or free customs (that is, of such franchises and freedoms, and free customs, as belong to him by his free birthright) unless it be by the lawful judgement, that is verdict of his equals (that is of men of his own condition) or by the law of the land (that is, to speak it once for all) by the due course and processes of law.
- 3. No man shall be in any sort destroyed unless it be by the verdict of his equals or according to the law of the land.

And, chapter 29 of Magna Carta, it is said, 'secundum legem et consuetudinem Angliae' (after the law and custom of England) 'non regis Angliae' (not of the king of England) - 'lest it might be thought to bind the king only, nec populi Angliae, not the people of England; 'but that the law might tend to all, it is said, per legem terra, by the law of the land'. Magna charta, 29.

'Against this ancient and fundamental law, and in the very face thereof', says Sir Edward Coke, he found an act of the parliament made in the 11 Hen. VII cap. 3: that as well Justices of the Peace, without any finding or presentment by the verdict of twelve men, upon the bare information for the king before them - should have full power and authority by their discretions to hear and determine all offences and contempts committed or done by any person or persons against the form, ordinance, and effect of any statute made and not repealed. By Edition: current; Page: [3-247] colour of which act, shaking this fundamental law, it is not credible (says he) what horrible oppressions and exactions - to the undoing of infinite numbers of people - were committed by Sir Richard Empson, Knight, and Edmund Dudley, being Justices of the Peace through England; and upon this unjust and injurious act (as commonly in the like cases it falls out) a new office was erected, and they made Masters of the King's Forfeitures.

But at the parliament held in 1 Hen. VIII (cap. 6), this Act of Henry VII is recited, made void and repealed; and the reason thereof is yielded: for that by force of the said act it was manifestly known that many sinister, crafty, and forged informations had been pursued against divers of the king's subjects, to their great damage and unspeakable vexation - a thing most frequent and usual at this day and in these times - the ill success whereof, together with the most fearful end of these great oppressors, should deter others from committing the like and should admonish parliaments in the future, that instead of this ordinary and precious trial per legem terra they bring not in an absolute and partial trial by discretion. Cooke, Institutue foli, 58.

And to this end the judgement upon Simon de Beresford, a commoner, in the fourth year of Edward III's reign, is an excellent precedent for these times (as is to be seen upon record in the Tower in the second roll of parliament held the same year of the said king and delivered into the Chancery by Henry de Edenston, Clerk of the Parliament) - for that the said Simon de Beresford having counselled, aided and assisted Roger de Mortimer to the murder of the father of the said king, the king commanded the earls and barons in the said parliament assembled to give right and lawful judgement unto the said Simon de Beresford. But the earls, barons and peers came before the lord the king in the

same parliament and said with one voice that the aforesaid Simon was not their peer or equal, wherefore they were not bound to judge him as a peer of the land. Yet notwithstanding all this, the earls, barons and peers (being over-swayed by the king) did award and adjudge (as judges of parliament, by the assent of the king in the said parliament) that the said Simon as a traitor and enemy of the realm should be hanged and drawn; and execution accordingly was done. But as by the said roll appears, it was by full parliament condemned and adjudged as illegal, and as a precedent not to be drawn into example. The words of the said roll are these, viz.

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And it is assented and agreed by our lord the king and all the grandees in full parliament: that albeit the said peers as judges in full parliament took upon them in presence of our lord the king to make and give the said judgement by the assent of the king upon some of them that were not their peers (to wit commoners) by reason of the power of the liege lord, and destruction of him which was so near of the blood royal and the king's father; that therefore the said peers which now are, or the peers which shall be for the time to come, be not bound or charged to give judgement upon others than upon their peers, nor shall do it; but of that for ever be discharged and acquitted; and that the aforesaid judgement now given be not drawn into example or consequent for the time to come, by which the said peers may be charged hereafter to judge others than their peers, being against the law of the land, if any such case happen, which God defend.

Agrees with the Record.

William Collet.

But notwithstanding all this our lords in parliament take upon them as judges in parliament to pass judgement and sentence (even of themselves) upon the commoners which are not their peers - and that to fining, imprisonment, etc. And this doth not only content them, but they even send forth their armed men, and beset, invade, assault their houses and persons in a warlike manner and take what plunder they please, before so much as any of their pretended, illegal warrants be showed - as was lately upon 11 August 1646 perpetrated against me and mine, which was more than the king himself by his legal prerogative ever could do. For neither by verbal commands or commissions under the Great Seal of England could he ever give any lawful authority to any general, captain or person whatsoever, without legal trial and conviction, forcibly to assault, rob, spoil or imprison any of the free commoners of England. And in case any free commoner by such his illegal commissions, orders or warrants, before they be lawfully convicted, should be assaulted, spoiled, plundered, imprisoned, etc., in such cases his agents and ministers ought to be proceeded against, resisted, apprehended, indicted and condemned (notwithstanding such commissions) as trespassers, thieves, burglars, felons, murderers, both Edition: current; Page: [3-249] by statute and common law, as is enacted and resolved by Magna Carta, cap. 29; 15 Eliz. 3 stat. 1. caps. 1, 2, 3; 42 Eliz. 5 cap. 1, 13; 28 Eliz. 1 Artic. sup. chartas, cap. 2; 4 Eliz. 3 cap. 4; 5 Eliz. 3 cap. 2; 24 Eliz. 3 cap. 1; 2 Rich II cap. 7; 5 Rich. II cap. 5; 1 Hen V cap. 6; 11 Hen II caps. 1-6; 24 Hen. VIII cap. 5; 21 Jacob. cap. 3.

And if the king himself have not this arbitrary power, much less may his peers or companions, the lords, over the free commons of England. And therefore notwithstanding such illegal censures and warrants either of king or of Lords (no legal conviction being made) the persons invaded and assaulted by such open force of arms may lawfully arm themselves, fortify their houses (which are their castles in the judgement of the law) against them; yea, disarm, beat, wound, repress and kill them in their just necessary defence of their own persons, houses, goods, wives and families, and not be guilty of the least offence - as is expressly resolved by the Statute of 21 Edw. de malefactoribus in parcis; by 24

Hen. VIII cap. 5; 11 Hen. VI cap. 16; 14 Hen. VI cap. 24; 35 Hen. VI cap. 12; Edward IV cap. 6.

And therefore (sir) as even by nature and by the law of the land I was bound, I denied subjection to these lords and their arbitrary creatures thus by open force invading and assaulting my house, person, etc. - no legal conviction preceding, or warrant then shown. But and if they had brought and shown a thousand such warrants, they had all been illegal, antimagisterial and void in this case; for they have no legal power in that kind, no more than the king, but such their actions are utterly condemned and expressly forbidden by the law. Why therefore should you of the representative body sit still and suffer these lords thus to devour both us and our laws?

Be awakened, arise and consider their oppressions and encroachments and stop their lordships in their ambitious career. For they do not cease only here, but they soar higher and higher and now they are become arrogators to themselves of the natural sovereignty the represented have conveyed and issued to their proper representers. They even challenge to themselves the title of the supremest court of judicature in the land - as was claimed by the Lord Hunsden when I was before them, which you may see more at large in a printed letter published under my name, entitled A defiance against all arbitrary usurpations - which challenge of his (I think I may be bold to assert) was a Edition: current; Page: [3-250] most illegal, anti-parliamentary, audacious presumption, and might better be pleaded and challenged by the king singly than by all those lords in a distinction from the Commons. But it is more than may be granted to the king himself; for the parliament, and the whole kingdom whom it represents, is truly and properly the highest supreme power of all others - yea above the king himself.

And therefore much more above the Lords. For they can question, cancel, disannul and utterly revoke the king's own royal charters, writs, commissions, patents, etc., though ratified with the Great Seal - even against his personal will, as is evident by their late abrogation of sundry patents, commissions, writs, charters, loan, ship-money etc. Yea the body representative have power to enlarge or retract the very prerogative of the king, as the Statute de prerog. Reg. and the parliament roll of 1 Hen. IV, num. 18. doth evidence; and therefore their power is larger and higher than the king's; and if above the king's, much more above the Lords', who are subordinate to the king. And if the king's writs, charters, etc. which entrench upon the weal of the people may be abrogated, nulled and made void by the parliament - the representative body of the land - and his very prerogatives bounded, restrained and limited by them, much more may the orders, warrants, commitments etc. of the Lords, with their usurped prerogatives over the Commons and people of England be restrained, nulled and made void by them. And therefore these lords must needs be inferior to them.

Further, the legislative power is not in the king himself but only in the kingdom and body representative, who has power to make or to abrogate laws, statutes etc. even without the king's consent. For by law he has not a negative voice either in making or reversing, but by his own coronation oath he is sworn to 'grant, fulfil, and defend all rightful laws, which the commons of the realm shall choose, and to strengthen and maintain them after his power'; by which clause of the oath is evident that the Commons (not the king or Lords) have power to choose what laws themselves shall judge meetest, and thereto of Edition: current; Page: [3-251] necessity the king must assent. And this is evident by most of our former kings and parliaments, and especially by the reigns of the Edwards I to IV, Richard II and the Henrys IV to VI. So that it cannot be denied but that the king is subordinate and inferior to the whole kingdom and body representative. Therefore if the king, much more must the lords veil their bonnets to the Commons and may not be esteemed the Upper House, or supreme court of judicature of the land.

So that seeing the sovereign power is not originally in the king, or personally terminated in him, then the king at most can be but chief officer or supreme executioner of the laws, under whom all other

legal executioners, their several executions, functions and offices are subordinate; for indeed the represented (in whom that power is inherent and from whence it takes its original) can only make conveyance thereof to their representers, vicegerents or deputies, and cannot possibly further extend it. For so they should go beyond themselves, which is impossible, for *ultra posse non est esse*: there is no being beyond the power of being. That which goes beyond the substance and shadow of a thing cannot possibly be the thing itself either substantially or virtually; for that which is beyond the representers is not representative, and so not the kingdom's or people's, either so much as in shadow or substance.

Therefore the sovereign power, extending no further than from the represented to the representers - all this kind of sovereignty challenged by any (whether of king, Lords or others) is usurpation, illegitimate and illegal, and none of the kingdom's or people's. Neither are the people thereto obliged. Thus (sir) seeing the sovereign or legislative power is only from the represented to the representers, and cannot possibly legally further extend, the power of the king cannot be legislative but only executive, and he can communicate no more than he has himself. And the sovereign power not being inherent in him, it cannot be conveyed by or derived from him to any; for could he, he would have carried it away with him when he left the parliament. So that his mere prerogative creatures cannot have that which their lord Edition: current; Page: [3-252] and creator never had, has, or can have: namely, the legislative power. For it is a standing rule in nature, *omne simile generas simile*: every like begets its like, and indeed they are as like him as if they were spit out of his mouth.

For their proper station will not content them, but they must make incursions and inroads upon the people's rights and freedoms and extend their prerogative patent beyond their master's compass. Indeed all other courts might as well challenge that prerogative of sovereignty, yea better, than this court of lords. But and if any court or courts in this kingdom should arrogate to themselves that dignity to be the supreme court of judicatory of the land, it would be judged no less than high treason, to wit, for an inferior subordinate power to advance and exalt itself above the power of the parliament.

And (sir) the oppressions, usurpations, and miseries from this prerogative head are not the sole cause of our grievance and complaint, but in especial, the most unnatural, tyrannical, blood-thirsty desires and continual endeavours of the clergy against the contrary-minded in matters of conscience - which have been so veiled, gilded and covered over with such various, fair and specious pretences that by the common discernings such wolfish, cannibal, inhuman intents against their neighbours, kindred, friends and countrymen, as is now clearly discovered was little suspected (and less deserved) at their hands. But now I suppose they will scarce hereafter be so hard of belief. For now in plain terms and with open face, the clergy here discover themselves in their kind, and show plainly that inwardly they are no other but ravening wolves, even as roaring lions wanting their prey, going up and down, seeking whom they may devour.

For (sir) it seems these cruel minded men to their brethren, have, by the powerful agitation of Mr Tate and Mr Bacon (two members of the House) procured a most Romish inquisition ordinance to obtain an admission into the House, there to be twice read, and to be referred Edition: current; Page: [3-253] to a committee, which is of such a nature, if it should be but confirmed, enacted and established, as would draw all the innocent blood of the saints from righteous Abel unto this present upon this nation and fill the land with more martyrdoms, tyrannies, cruelties and oppressions than ever was in the bloody days of Queen Mary, yea or ever before, or since. For I may boldly say that the people of this nation never heard of such a diabolical, murdering, devouring ordinance, order, edict or law in their land as is that.

So that it may be truly said unto England: 'Woe to the inhabitants thereof, for the devil is come down unto you (in the shape of the letter B.) having great wrath, because he knows he has but a short time.' For never before was the like heard of in England. The cruel, villainous, barbarous martyrdoms,

murders and butcheries of God's people under the papal and episcopal clergy were not perpetrated or acted by any law so devilish, cruel and inhumane as this. Therefore what may the free people of England expect at the hands of their Presbyterian clergy, who thus discover themselves more fierce and cruel than their fellows? Nothing but hanging, burning, branding, imprisoning, etc. is like to be the reward of the most faithful friends to the kingdom and parliament if the clergy may be the disposers - notwithstanding their constant magnanimity, fidelity and good service both in the field and at home, for them and the state.

But sure this ordinance was never intended to pay the soldiers their arrears. If it be, the Independents are like to have the best share, let them take that for their comfort. But I believe there was more tithe-providence than state-thrift in the matter; for if the Independents, Anabaptists, and Brownists were but sincerely addicted to the due payment of tithes, it would be better to them in this case than two-subsidymen to acquit them of felony.

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For were it not for the loss of their trade and spoiling their custom, an Anabaptist, Brownist, Independent and presbyter were all one to them; then might they without doubt have the mercy of the clergy; then would they not have been entered into their Spanish Inquisition Calendar for absolute felons, or need they have feared the popish soul-murdering, antiChristian Oath of Abjuration, or branding in the left cheek with the letter B - the new Presbyterian mark of the beast: for you see the devil is now again entered amongst us in a new shape, not like an angel of light (as both he and his servants can transform themselves when they please) but even in the shape of the letter B. From the power of which Presbyterian Beelzebub, good Lord deliver us all and let all the people say Amen. Then needed they not to have feared their prisons, their fire and faggot, their gallows and halters, etc. (the strongest texts in all the Presbyterian new model of clergy divinity for the maintenance and reverence of their cloth, and confutation of errors). For he that doth but so much as question that priest-fattening ordinance for tithes, oblations, obventions, etc. doth flatly deny the fundamentals of presbyters, for it was the first stone they laid in their building; and the second stone was the prohibition of all to teach God's word but themselves - and so are ipso facto all felons etc.

By this (sir) you may see what bloody-minded men those of the black presbytery be: what little love, patience, meekness, longsuffering and forbearance they have to their brethren. Neither do they as they would be done to or do to others as is done to them. For they would not be so served themselves of the Independents, neither have the Independents ever sought or desired any such things upon them, but would bear with them in all brotherly love if they would be but contented to live peaceably and neighbourly by them, and not thus to brand, hang, Edition: current; Page: [3-255] judge and condemn all for felons that are not like themselves. Sure (sir) you cannot take this murdering, bloody, disposition of theirs for the spirit of Christianity; for Christian charity 'suffers long, is kind, envieth not, exalteth not itself, seeketh not its own, is not easily provoked, thinketh no evil; beareth all things, believeth all things, hopeth all things, endureth all things'. But these their desires and endeavours are directly contrary.

Therefore (sir) if you should suffer this bloody inroad of martyrdom, cruelties and tyrannies upon the free commoners of England with whose weal you are entrusted; if you should be so inhumane, undutiful, yea and unnatural unto us, our innocent blood will be upon you, and all the blood of the righteous that shall be shed by this ordinance, and you will be branded to future generations for England's Bloody Parliament.

If you will not think upon us, think upon your posterities. For I cannot suppose that any one of you

would have your children hanged in case they should prove Independents, Anabaptists, Brownists - I cannot judge you so unnatural and inhumane to your own children. Therefore (sir) if for our own sakes we shall not be protected, save us for your children's sakes (though you think yourselves secure). For ye may be assured their and our interest is interwoven in one; if we perish, they must not think to escape. And (sir) consider that the cruelties, tyrannies and martyrdoms of the papal and episcopal clergy was one of the greatest instigations to this most unnatural war; and think you, if you settle a worse foundation of cruelty, that future generations will not taste of the dregs of that bitter cup?

Therefore now step in or never, and discharge your duties to God and to us and tell us no longer that 'such motions are not yet seasonable' and we must still wait; for have we not waited on your pleasures many fair seasons and precious occasions and opportunities these six years, even till the halters are ready to be tied to the gallows, and now must we hold our peace and wait till we be all imprisoned, hanged, burnt and confounded?

Blame us not (sir) if we complain against you - speak, write and plead thus - with might and main for our lives, laws and liberties; for they are our earthly summum bonum, wherewith you are chiefly betruſted, and whereof we desire a faithful diſcharge at your hands in Edition: current; Page: [3-256] eſpecial. Therefore be not you the men that ſhall betray the blood of us and our poſterities into the hands of thoſe bloody black executioners. For God is juſt and will avenge our blood at your hands. And let heaven and earth bear wiſſneſs againſt you, that for this end, that we might be preſerved and reſtored, we have diſcharged our duties to you - both of love, fidelity and aſſiſtance and in what elſe ye could demand or deviſe in all your ſeveral needs, neceſſities and extremities - not thinking our lives, eſtates, nor anything too precious to ſacrifice for you and the kingdom's ſafety. And ſhall we now be thus unfaithfully, undutiſfully and ungratefully rewarded? For ſhame. Let never ſuch things be ſpoken, far leſs recorded, to future generations.

Thus ſir, I have ſo far emboldened myſelf with you, hoping you will let grievances be uttered (that if God ſee it good they may be redreſſed), and give loſers leave to ſpeak without offence as I am forced to at this time, not only in the diſcharge of my duty to myſelf in particular but to yourſelves and to our whole country in general for the preſent and for our ſeveral poſterities for the future. And the Lord give you grace to take this timely advice from ſo mean and unworthy an inſtrument.

One thing more (ſir) I ſhall be bold to crave at your hands: that you would be pleaſed to preſent my appeal, here enclosed, to your honourable Houſe. Perchance the manner of it may beget a diſaffection in you or at leaſt a ſuſpicion of diſfavour from the Houſe. But howſoever I beſeech you that you would make preſentation thereof, and if any hazard and danger enſue let it fall upon me; for I have caſt up mine accounts. I know the moſt that it can coſt me is but the diſſolution of this fading mortality, which once muſt be diſſolved; but after - bleſſed be God - comes righteous judgement.

Thus (ſir) hoping my earneſt and fervent deſires after the univerſal freedoms and properties of this nation in general, and eſpecially of the moſt godly and faithful in their conſciences, perſons and eſtates, will be a ſufficient excuſe with you for this my tedious preſumption upon your patience, I ſhall commit the premiſes to your deliberate thoughts - and the iſſue thereof unto God, expecting and praying for His bleſſing upon all your faithful and honeſt endeavours in the proſecution thereof. And reſt,

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From the moſt contemptuous gaol of
Newgate (the Lords' benediction)
25 September 1646

In bonds for the juſt rights and freedoms of the commons of
England, theirs and your faithful friend and ſervant, Richard
Overton

To the high and mighty states, the knights, citizens and burgesses in parliament assembled (England's legal sovereign power). The humble appeal and supplication of Richard Overton, prisoner in the most contemptible gaol of Newgate.

Humbly shows,

That whereas your petitioner, under the pretence of a criminal fact being in a warlike manner brought before the House of Lords to be tried, and by them put to answer to interrogatories concerning himself - both which your petitioner humbly conceives to be illegal, and contrary to the natural rights, freedoms and properties of the free commoners of England (confirmed to them by Magna Carta, the Petition of Right and the Act for the abolishment of the Star Chamber) - he therefore was emboldened to refuse subjection to the said House both in the one and the other, expressing his resolution before them that he would not infringe the private rights and properties of himself or of any one commoner in particular, or the common rights and properties of this nation in general. For which your petitioner was by them adjudged contemptuous, and by an order from the said House was therefore committed to the gaol of Newgate, where, from the 11 of August 1646 to this present he has lain, and there commanded to be kept till their pleasures shall be further signified (as a copy of the said order hereunto annexed doth declare) which may be perpetual if they please, and may have their wills. For your petitioner humbly conceives as hereby he is made a prisoner to their wills, not to the law - except their wills may be a law.

Wherefore your liege petitioner doth make his humble appeal unto this most sovereign House (as to the highest court of judicatory in the land, wherein all the appeals thereof are to centre and beyond which none can legally be made) humbly craving (both in testimony of his acknowledgement of its legal regality and of his due submission thereunto) that your honours therein assembled would take his cause (and in his, the cause of all the free commoners of England, whom you Edition: current; Page: [3-258] represent and for whom you sit) into your serious consideration and legal determination, that he may either by the mercy of the law be repossessed of his just liberty and freedoms - and thereby the whole commons of England of theirs, thus unjustly (as he humbly conceives) usurped and invaded by the House of Lords - with due reparations of all such damages to sustained, or else that he may undergo what penalty shall in equity by the impartial severity of the law be adjudged against him by this honourable House in case by them he shall be legally found a transgressor herein.

And your petitioner (as in duty bound) shall ever pray, etc.

Die martis 11 Augusti, 1646

It is this day ordered by the Lords in parliament assembled, that Overton, brought before a committee of this House for printing scandalous things against this House, is hereby committed to the prison of Newgate for his high contempt offered to this House and to the said committee by his contemptuous words and gesture, and refusing to answer unto the Speaker. And that the said Overton shall be kept in safe custody by the Keeper of Newgate or his deputy until the pleasure of the House be further signified.

To the Gentleman Usher attending this House, or his deputy, John Brown Cleric. Parl. Examinat. per
to be delivered to the Keeper of Newgate or his deputy Ra. Brisco Clericu. de Newgate

Postscript

Sir,

Your unseasonable absence from the House, chiefly while Mistress Lilburne's petition should have been read (you having a report to Edition: current; Page: [3-259] make in her husband's behalf) whereby the hearing thereof was deferred and retarded did possess my mind with strong jealousies and fears of you that you either preferred your own pleasure or private interest before the execution of justice and judgement, or else withdrew yourself on set purpose (through the strong instigation of the Lords) to evade the discharge of your trust to God and to your country. But at your return, understanding that you honestly and faithfully did redeem your absent time, I was dispossessed of those fears and jealousies. So that for my over-hasty censorious esteem of you I humbly crave your excuse, hoping you will rather impute it to the fervency of my faithful zeal to the common good than to any malignant disposition or disaffection in me towards you. Yet (sir) in this my suspicion I was not single, for it was even become a general surmise.

Wherefore (sir) for the awarding your innocency for the future from the tincture of such unjust and calumnious suspicions, be you diligent and faithful, instant in season and out of season; omit no opportunity (though with never so much hazard to your person, estate or family) to discharge the great trust in you reposed, with the rest of your fellow members, for the redemption of your native country from the arbitrary domination and usurpations, either of the House of Lords or any other.

And since by the divine providence of God it has pleased that honourable assembly whereof you are a member to select and sever you out from amongst themselves to be of that committee which they have ordained to receive the commoners' complaints against the House of Lords granted upon the foresaid most honourable petition, be you therefore impartial and just, active and resolute, care neither for favours nor smiles, and be no respecter of persons. Let not the greatest peers in the land be more respected with you than so many old bellows-menders, broom-men, cobblers, tinkers, or chimney-sweepers, who are all equally freeborn with the hugest men and loftiest Anakims in the land.

Do nothing for favour of the one or fear of the other. And have a care of the temporary sagacity of the new sect of opportunity politicians, whereof we have got at least two or three too many. For delays Edition: current; Page: [3-260] and demurrers of justice are of more deceitful and dangerous consequence than the flat and open denial of its execution; for the one keeps in suspense, makes negligent and remiss, the other provokes to speedy defence, makes active and resolute. Therefore be wise, quick, stout and impartial: neither spare, favour, or connive at friend or foe, high or low, rich or poor, lord or commoner.

And let even the saying of the Lord, with which I will close this present discourse, close with your heart and be with you to the death. Leviticus 19:15.

'Ye shall do no unrighteousness in judgement: thou shall not respect the person of the poor, nor honour the person of the mighty, but in righteousness shalt thou judge thy neighbour.'

12 October 1646

finis

William Walwyn

Walwyn, William

29 October 1646

19.

William Walwyn, A Parable, or Consultation of Physitians upon Master Edwards (29 October 1646).

- A PARABLE, OR CONSULTATION OF
- PHYSITIAN'S UPON MASTER EDWARDS.

Doctors: Love. Justice. Patience. Truth.

Observers: Conscience. Hope. Piety. Superstition. Policie.

London, Printed by Thomas Paine, for Giles Calvert, and are to be sold at his shop at the Black spread Eagle, at the west end of Pauls Church. 1646.

Edition: current; Page: [3-262]

To the Reader

To the Reader

Men, for the most part, of all opinions, are bread up with so much feare and scrupulosity, that they no sooner arrive to some measure of knowledge in their particular way, but they become meere Pedants; fierce and violent censurers of all things; they are not accustomed to themselves, instantly engaging, and condemning, before they have deliberately examined, or maturely debated the thing they judge: which is an evill and unhappy temper of mind, because unsociable: and proceedeth from want of that generall knowledge, which freedome of consideration would beget.

It is therefore worth our labour, to study how to reduce our minds into the most friendly disposition, to be ready, and alwayes provided of harmlesse and friendly thoughts of men and things, untill evident cause appeare to the contrary; not to looke with an evill or a growling eye, as if we desired to find matter to except against, it is a shrewd signe of disease, when the stomock hankers after unwholesome things.

It cannot proceed from true Religion rightly understood, to beget melancholly, moody, angry, frampoll Imaginations, for that rightly understood begets cheerfulness of spirit: which is ever accompanied with love, and maketh the best construction: for love thinketh no evill: but hopeth all things: and is very kind to all men.

The ensuing discourse, would not need this preparative, but that there is an aptnesse in the most to misconster; and a readinesse to give eare gladly to any that shall shew either wit, passion, Edition: current; Page: [3-263] or mallice, in finding fault: it is a pitie good people should so easily be deluded: or evill men so easily worke their ends upon them: or good intents be so easily frustrated: the unusualnesse of the Title and method of this discourse will minister occasion to the Weake and to the Perverse: but if the authority, antiquity and use of Parables, be considered with some ingenuity, the Author will not loose to end of his discourse, nor of this preface, which is, to worke amendment in some, where there is cause enough.

A PARABLE. Or Consultation of Physitians upon Master EDWARDS.

Doctor Love: Mr. Edwards, I have knowne you long, and have considered your complexion, & inclination; & am no stranger to your alterations and changes: your turnings and returnings: your loathing, and againe liking, one and the same thing: and was alwaies willing to have advised you, to take some fit course in time; as being too well assured, you could not but fall into some desperate

distemper; which now we all see hath proved too true: but you ever shunned my acquaintance; and at present, seem so little to regard my words, as if you wished my absence.

Doct. Patience, Sir, excuse him, you see his distemper is very violent.

Doct. Love, Nay Sir, it moves me nothing; nor shall not hinder me from doing him all the good I am able.

Mr. Edwards: Gentlemen, as desperately violent as you judge my distemper; I have not yet lost the use of my senses, I know you all; and have heard Mr. Loves wise exordium: I have known him as long as he has known me, but I was never yet so simple, as to think him wise enough to counsell me, in case I had needed any; nor doe I know by what strange meanes, he or any of you (of his politique tribe) thus thrust your selves upon my privacy.

Piety, Sir, it was my care, and their loves that brought them hither for in my apprehension, you are in a most dangerous condition: and the more, because you are altogether insensible thereof.

Truth, He is either very insensible as you say, or very obstinately desperate.

Mr. Edw. As for both your judgements, I value them no more then I desire your companies: and as for you friend Piety, you and I of late have had no such great familiaritie that you should Edition: current; Page: [3-264] presume to be thus officious, and indiscreetly troublesome: you see I am not friendlesse, here are friends whose friendship and counsel I much esteem: Pray friends, what is your opinion of me, am I not as sound of wind and limme, as ever I was in my life? have I need think you of the counsell of these learned Doctors or not?

Superstition, Mr. Edwards, you know I am your faithfull friend, I have received much good by you, I would not for anything in the world, the least hurt should befall you: It is from you, I have received that little knowledge and comfort that I have, for which I have not been unthankfull; if it had not been for you, I might ere this have run into one strange Sect or other, but through your care, I keep close to my owne Church, and to the Churches Doctrine, through which I live quietly, and for which I am respected in the place where I live, and may in time be some body in my parish, if not in the City: and therefore I love you, and will be plaine with you: I professe Sir, I judge the Doctors to be very simple persons, for it is as evident, as the light that is in me, that you are in as perfect a good condition as I my selfe am at this time, and I am confident you will say I were very unwise, to ask their advice.

Conscience. For all this Sir, you must know these Doctors, are of approved judgement and fidelity, and how ever you may desire to be flattered, you very well know, the ignorance and weaknesse of this your friend Superstition, whom yet you sooth and keep company with all, and make to much use off contrary to my counsell: you were better abandon him, and all the advantages you make of him: and whilst you have time, give eare to the counsell of these Doctors: if you neglect this opportunity, you are likely never to have the like.

Super. Sir, you are too rash in judgeing, but Mr. Edwards knows me, and I know him, better then to be estranged by you, or any such as you are.

Justice. By your favour Sir, you may sooner be too rash then he: for what he hath said wee shall find both just and true:

Policy. Truly Mr. Edwards, I am glad I have a further occasion to shew my love unto you at this time: you and I for some yeares now have been bosome friends; you cannot imagine, I meane any otherwise

to you, then your owne heart; and I must needs tell you, I do see some symtomes of disease upon you: but what it is, these learned men can best judge: and if I may perswade with Edition: current; Page: [3-265] you, you shall for your owne good; thankfully except their loves, and submit to their judgements, and directions: but this I must also say, that I evidently see there is no cause of hast, some few dayes hence may be time enough, in which time, you and I shall have setled that busines which you know I am now come about: A work gentlemen, that being finished, your selves will say, was worthy the hazard of his and all our lives; no lesse then the building of Gods owne house, sweeping out of hereticks & schismaticks, stopping the mouthes of illiterate mechanicall preachers: and beautifying this holy building, with the glorious ornament of uniformity, the Mother of peace and all blessed things.

And if it will please these worthy Physitions, and the rest of your friends, to give you and I leave for the present, to goe on with this pious work, and to repaire to you when you shall find cause to call upon them, I think they shall in so doing shew not only a care of you, but of the whole Church of God: nor shall I leave it only to your own care Mr. Edwards, for truly gentlemen, he is too apt to neglect his health and all that is deare unto him, for the good of his brethen: I speake my conscience, and the very truth from my heart and am confident no hurt can come to him, but a great deale of good to the publique; if you allow of this my counsell, and I judge you so prudent and pious, as to preferre the publique, before your owne private trouble.

Cons. Although (Mr. Edwards) when you and I, and your friend Pollicy, are together, and no body else, he alwaies overswaies you, ever proposing things sutable to your corrupted humours, yet now here are others present that can impartially judge betwixt us, and therefore I shall use my accustomed plainnesse, though I have never any thanks for my labour. (Pray Sir, turne not from me, but heare me, and let these worthy men judge betwixt my perswasions, and the perswasions of Pollicy) gentlemen, I pray observe well this darling of his: This is hee whose councill he hath long time followed, he it was that first inticed him to undertake this unhappy worke, which contrary to all reason and Religion, he calleth the building of Gods house, &c. though I shewed him plainly, he went about therein to destroy the living houses of God: the vexing and molesting of his most deare (because most consciencious and peaceable) servants: though I told him plainly, any that differed with him, might as justly compell him to conforme unto them, as he could compell Edition: current; Page: [3-266] them: though I manifested that he was as liable to errour, as any that he complained off, and that therefore there was no reason why he should endeavour to make men odious for opinions: I shewed him it was impossible, so long as knowledge was imperfect, but men must differ: I shewed how neverthelesse, every man was bound equally as himselfe, to worship God according to his own and not another mans understanding of the word of God. I told him he would bring upon himselfe, the odium of all judicious Religious people.

I put him in remembrance, how extreemly he himselfe complained of compulsion and restriction of worship; in the Bishops times: laid before him their miserable endes, and the great disturbances, that have arisen from thence to the Commonwealth, shewed how much it tended to devision, and confusion, to set up one way of worship and to persecute or dispise all others, that it was not Gods way to bring men to truth by force, but the devills and Antichrists, to fasten men in errour: that there was no sin more unreasonable nor more odious in Gods sight, then to enforce men to professe practice, or worship, contrary to knowledge and beleefe: and that to enforce is as justly punishable by man, as any other violence.

This and much more I told him continually: yet this wretched Pollicie finding him ambitious, and covetous, applyed his arguments, to these his corruptions; and in an instant, swayed him into an engagement: for he said no more but this: if conscience heere will undertake to secure unto you the honour, domination and profit, due to you as you are a Clergy man, then follow his councill: but if his,

tend to make you esteemed, but as a lay man, and (not regarding your learning and venerable calling) to mix you amongst the vulgar, and (in effect) bids you to labour with your hands the things that are lawfull, that you may no longer be a receiver of tythes, offerings, &c. but from your owne labours and sweat, to give to them that need: if he bids you, having food and rayment be herewith content: and I shew unto you a way to abound with superfluties, like the men of this world, and to have a large share in controwling the unlearned, and shall manifest unto you the defects of the prelatick Clergy, and shall supply you with rules that cannot faile to effect our desires: then let you and I joyne our force and counsell together.

And if we doe not in the end, share between us all the honours and glories of this world, saye Machevill was not so wise as Edition: current; Page: [3-267] Ignatius Ioyola the Father of the Iesuites: upon this they struck hands, and ever since have plyed their work, and though successe hath failed, and time hath produced contrary effects, those increasing in number, and reputation, whom they labour to suppress and defame; though Mr. Edwards through malencholly, and vexation, be fallen into this desperate condition, you now see him in: yet you see this wicked Pollicy labours in a most cunning manner to diswade him from taking your present counsell, least you should direct him for his recovery, into some such course, as would frustrate his wicked designe, and deprive him of this his most speciall instrument: this is the intent of this crafty pollicy.

And if you interpose not with your wisdom, he will prevaile, to the ruine of this our distressed Friend, for a few houres more, in this ungodly worke (falsly and deceitfully called the building of Gods House) will put him past hope of recovery; therefore admit of no delay: but if Piety will help: you, and I, & he and hope: will thrust this varlet Pollicy downe the stayers, and out of doores, and then I shall not doubt but some good may be done; come, pray set your hands too't, suffer him not to speake a word, for he will delude a whole nation, and make you beleeve no man is so godly, or so charitable as he—what a sturdy strong devil it is, you have had so good entertainment heere; you are loth to depart; stand too't Piety; Justice, Love, Truth, (Patience, where are you now; you will still befoole your selfe) down with him,—so out with him, and lie shut the doore fast enough I hope, for his entrance heere any more: —how this one ungodly wretch has made us all sweat; Superstition, I thought you would have been so vainly zealous, as to have helpt him, but an you had, you had gone too, but was well you were quiet, you shall now stay and see what usage your woefull friend here finds amongst us.

Love: Conscience, Let us sit still a while: I judge your violence against Pollicy, (being unexpected) hath put our distressed Friend here, into a kind of extacie; let us observe the issue: I doubt not after this, wee shall find him sencible of his distemper, draw the Curtaines close; if he rest twill do well.

Justice, Conscience, I cannot but approve your faithfulness to your friend, in the course you have taken against Pollicy I must confesse, had not you by your pertinent discourse, kept my eyes open his subtil speech had deluded me, as I see it did Patience, Edition: current; Page: [3-268] who was at the doore to be gon, but it is: better as it is: let us consider what is to be done.

Truth, As old as I am, I confesse ingeneously I never yet was called to such a consultation, the distemper is of such a nature, as I have not scene the like, that a man should discourse, labour, studdy, watch, write, and preach, and all these to the continuall vexation of honest, religious, peaceable people, and yet seemeth not to be sencible of any evill he doth therein: though nothing in it selfe be more opposite to the true end of labour, study, writing, or preaching, and what to advise in this case, I professe I am at present to seeke.

Justice, What think you of an issue, if the humors be not too much setted, they may gently, and by

degrees be so drawne from him.

Patience, Happily I may speake some what properly of his disease, because I have had much to doe with him of late: and it will be a good step to his cure if we can but discover his disease: All my reading will not furnish me with any definition or denomination I must therefore take the boldnesse to transgresse our common rules, and for your information; coyne a name and call it a fistula in the brayne: whose property is to open, and vent it selfe once a month, and though the matter it issues, be to a sound nostrill the most intollerably odious that can be imagined, yet to himselfe it is not so offensive; and the great profit he makes thereof, makes him beare with the stinke thereof.

For to such as this man is whom you call superstition, nothing sells at a deerer rate, nothing is more exceptable, it is their meat and drink, without it they are as dead men, with it, who but they: and this makes him instead of seeking after a remedy, to studdy how to increase the humour, and nothing shames or grieves him more then when it flowes not monthly having proclaimed a market once every month: as beggers live by their sores so doth he by this fistula, cure him and you undoe him: a Phisitian is as death to him, divers have undertaken him but all his study is how to mischeife them and he only, is welcome, that feeds his humour: I think he speakes pray let's listen.

Mr. Edwards, Welcome Sir, you are very kindly welcome, pray sit downe, I see you faithfully labour, and take paines, in the sweeping of Gods house; come what Rubbish have you discovered—so, I have heard indeed, he is a stirring Sectarie, but have you nothing else against him, but Rebaptizing and generall Edition: current; Page: [3-269] redemption, I had as much before; and have publisht it, with as much reproach as I could, and yet I heare their numbers increase dayly, is there none amongst them, adicted to drunkennesse, or whoredome, or theivery—come, speak all you have, I can not be my seife in every place, if you bring me not matter to reproach them and they thrive and increase, the fault's yours, and not mine— A Tayler and Porter Preach, whats this now adayes? tis nothing twill doe nothing; they are heard with as much respect as I am: for shame abroad againe, and bring some extreordinary matter, or all our labours lost?

O tis well yee are come—you spake with him your selfe you say, and provoak't him to discourse all you could; what, and bring away nothing? Devillish cunning indeed; ask't two questions, for you one; go, you are simple, and for want of wit, and dilligence, the Sectaries increase dayly, and will doe except you bring something dayly for me to make them odious withall; goe; mend for shame, and let not them out-strip you.

So, tis well you are come— I am almost out of breath, with chiding the simplicity of those I employ as intelligencers:— Your kinsman you say, dyn'de in your company; at your friends house, very familiar you were, and merry; he suspecting nothing, but friendship from you (an excellent opportunity) well, and there he uttered the words in your note, which you say, you can safely swear to— Yes, you did say you could sweare to it? and why should you now scruple it, since you presume it is truth? Well leave me your note.

I shall now pay this great Favourorite of the Sectaries, your note shall not be lost, nor a little of it, never feare it: pray be continually watchfull in this great worke, you know your labour shall not be lost.

I thought I should have seen no body to day: I am glad yet you have not forgot the worke: A great meeting you say, and a Petition read, somewhat tending to liberty of conscience; and they talk of the King, and the Parliament, and assembly, and Scots, and the Army, and you were there all the while: but whats all this, without some perticular words that can be taken hold off.

Ile not give a rush for such informations, can you make me believe, so many Sectaries could be together, and nothing to be, taken hold off; away for shame, be sure you be at next meeting, and take somebody with you, that is able to bring away somewhat to purpose; begon I say.

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O come, I have been so vext, men bring a great deale of circumstance. but no substance at all: What is it you have got: —Mr. Peters you say, spoke the words in this paper: you are sure of it: and M. John Goodwin these in this paper: and Mr. Kiffen these: this the copy of a letter written from the North: A woman dipt, and dyed tenne daies after: and this the parties name that dipt her: An Anabaptists wife very well in health, and in five daies dead of the Plague: so, you have no more you say; truly yee have done very commendably; never feare the losse of your trade.

Ile take a care, some friends I have shall be better to you then twise your trade: Olack, I would not for any thing you had forgot it: is that active youth (say you) suspected to be a Jesuite; you say you have strong presumption of it; and what is said by him you wot on—How an Atheist and blasphemer—and the other a drinker, and loose companion: truly I am glad I know it: if I doe not set them out to the life; let me Perish: heres matter worth the publishing: this will be welcome newes to my deere friend Pollicy, who is now setting the greater wheelles a going, and hath prevailed very farre already; nor doe I doubt, but all will be as he and I doe wish; but I must be carefull to keepe all close from my busie companion Conscience, hee's one that knowes too much of my secrets, and I know not well how to be rid of him; I think Pollicy and I must each him alone, and stifle him.

Love, How strangely his mind runnes upon the unhappy worke, he hath undertaken: if we interrupt him not, he will spend all his spirits, and expire in this extacy: Conscience, pray take hold on this occasion, and speake to him.

Conscience, Mr. Edwards, I know all your proceedings, observe all your waies, and have ever faithfully advised you for your good to leave the wayes of Pollicy, and to walke in the waies of Christ; but you are so farre from following my advice, that you lay plots to stifle me; but?

Truth, Conscience, save your labour: your voice no sooner sounded in his cares, but he fell fast asleep, tis wonderous sad to consider, but I hope the issue will be good.

Justice, Twere but just, he should never wake; I never observed the most wicked man in the world, delight in so abominable a worke.

Patience, Deare Justice, Let us take this opportunity, to consult what may be done for his recovery? for that is now our worke.

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Piety, I pray yee friends, bring the light and come hither, I begin to smell the most filthy savour that ever was smelt; see, see, what a black froth his mouth fomes with all; see, it riseth more and more, some thing must be brought to receive it from him: out upon't, I am not able to hold the light any longer, if it continue thus, we shall no be able to endure the roome.

Superstition, Pray let me doe that office, I wish I might never have a better sent, I am sure some of you smell of ranke heresie, if I mistake, not.

Truth, Wee must beare with your weaknesse, till you are better informed, how abundantly it flowes: he

is now extreame weake: but were he in his wonted strength, with this most filthy Gangrenous matter, would he mix his inke, and whilst it were even hot, and boyling, fall to writing as he hath done lately, some huge volumne; with which he poysons the spirits of thousands (otherwise) well minded people; and fills them with a violent, masterfull disposition, with which they goe up and downe, vexing and molesting all they meet, if any man refuse to doe as they would have them, in the worship of God (though never so peaceable and well minded) him they revile, at him they raile, call him Anabaptist, Independent, Brownist, Seeker, Antinomian: worry and vex him, by all the waies and meanes they can: instigate the Magistrate, and rude people, to wearie them out of all societys: and will joyne with their owne enemies, to their owne ruine, rather then these should have a quiet life amongst them: It flowes extreamely stoop him a little (humillity is alwaies good) I feare it will blister his mouth, it is so hot, but I hope it will all come from him, and then wee shall have no more to doe, but to get out the bagge for that must be done, other wise the humour will fill againe, and he will never be perfectly cured.

Hope, Sir, the couler begins to alter from its blacknesse, and turneth red.

Patience, There is now some hope of a good event: it doth not smell so strongly:

Love, Pray hold this soveraigne Pomander to his nostrill, lest his spirits faint.

Piety, I should be exceeding glad to see his recovery, which if he doe, truly Conscience, you deserve the greatest thanks.

Justice, There comes now perfect blood; my opinion is, wee must instantly proceed to open his head, and take out the blader, and in roome thereof, to leave some ingredients, proper for rectifying Edition: current; Page: [3-272] the temper of the brain and to bring it into a good constitution. I have instruments ready, and he sleeps very soundly.

Love. Patience. Truth, Wee all agree: but let us be very tender: Superstition, you had best withdraw a little, lest you fall into a sound, or your hand shake: give the light to Piety: Conscience and Hope, lend us your heipe: who should that be that knocks so loud. Conscience, pray step and see—

Conscience, What an inpuident wretch is this? who should it be but Pollicy, returnd in a grave Doctors habit, pretending to be sent hither, by a Colledge of friends, to lend his assistance: twas well I went to the doore, for he would have deceived any that had not knowne him so well as I, he was so like a Collegiate, sure his familier tels him, his agent is likely to be dispossessed; but I have sent him packing, with a vengeance: pray goe on with your worke.

Justice, I pray bow him a little more to me-ward, so, give the pan to superstition, I am not able to stand neere it.

Piety, Rather let it be burnt, for Superstition is too much infected already.

Conscience, By no meanes, Ile keep it untill my friend wakes, that he may see, what filthy matter, his head was stuff with all.

Piety, It is well considered: and if he loath the avon himselfe, his cure will the better appeare to us to be perfect.

Love, Doe ye not lance too deep think you? Pray be very carefull.

Justice, Pray Piety hold the light neerer: come all hither, see-what mighty large bag it is, I professe I

never saw the like—except in the late head of great CANTERBURY; but it was not discovered till after his death: but the savour of this is much worse; what shall we doe with it, now we have it out? sure it is best to reserve it, to shew him with the matter it contained, otherwise he will never beleieve it: and I pray be all ready, with your severall ingredients to fill up the empty place, that the humours may be rectified; and that thence may issue forth, no more such unsavory pestilent matter, odious to good men, but such as may bring honour to God, and peace to all good men: come let us see what wee have amongst us, for this work will admit of no delay.

Love, I have a most excellent powder, the maine agent therein, being the eyes of Turtle doves: and the property thereof, is to expell all sinister apprehensions, and hard constructions of men and things.

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Justice, I have a balsome; approved by long experience, for the clensing, and drying, of all violent, hot, and grosse humours.

Patience, I have found much profit, by carrying about me the well known plant, called Al-heale: and I judge it very usefull in this cure.

Truth, I have an ingredient, which though of a strange nature, yet without it, I am perswaded the cure cannot be perfect: it is an extraction from the braine of a Serpent: which gives quicknesse of apprehension and foresight.

Justice, I pray you truth be carefull you exceed not the just proportion, because if you should, yould marre all: Hope, what think you of our course.

Hope, I approve thereof, so farre as I understand: but here is Piety, is better able to judge.

Piety, I exceedingly approve of all: and if you please Ile mix them and work them into a body, and forme the same, fit for the place: and then Justice, when you please you may goe on with your worke.

Justice content:—so—tis very well he stirs not: Ile close up all, and wee will all with draw, and leave him to rest: for rest now will be his best friend: Conscience wee le pray you to stay with him: if he stirre youle call us, weel be but in the next roome.

Love, This Conscience is of true temper to make a friend off, he neither flatters nor feares: no unkindnesse alienates him, nor danger affrights him, from doing the office of a true friend at all times: one would not be without such a friend, for anything in the world: this distressed man hath extreamly abused him; and yet you see with what fervency of affection he sticks to him.

Justice, I know abundance of the name, and of his kindred, and truly all the generation of them are such.

Patience, Whence is hee, is he a Scholler? What profession is he off?

Truth, I never saw no signes of schollership in him; nor doth he make any profession (that I know of) of any one calling now in use: but he is of a wonderous publique spirit: you shall have him at all meetings, that are for publique good, finding fault with the lazinesse of one sort of men, with want of charity in another, with pride and disdaine in another: telling them they glory to be esteemed Christians, and talke much of Religion, go much to Church, heare and read, and pray, and fast frequently, because these are the cheapest parts of Religion; but to deliver the captive, Edition: current; Page: [3-274] and set the oppressed free, or to feed the hungry, cloath the naked, or visit the

Fatherlesse Widowes, to all these they are very backward, when they are called to these, one hath a great family, another hath married a wife, another hath but one servant at home, & cannot be spared from his trade, & getting of mony; I says he, you are rare Christians that can abound in this worlds goods, & see your brother lack.

His dealing is so plaine, & to the point; that very few regard his company, and that's the reason, those great meetings produce so little good as they do; for without his company, you shall never see any effect worthy the name of Christian: he hath had no breeding, neither in the Universities, or Ins of Court: never was a Courtier, nor Trauailer; & yet he is ignorant of nothing: & speaks very shrewdly to purpose; owneth every just & publick cause, without respect to persons or opinions: he will not weare finer cloathes, if you would give them to him gratis: & yet to an ingenious & vertuous man, there is not a more pleasant companion.

Hope, Pray yee, what Religion is he off.

Truth, For matter of outward formes, he is very reserved, as if he were not fully satisfied; I have often heard him say, God is a Spirit, and will be worshipped in spirit and truth: but he professeth himselfe, to be clearely for liberty of worship; and the greatest enemy to compulsion or restriction that can be; affirming there is no sinne so unreasonable, or un-Christian, as for one man (especially one erring man) to persecute, punish, or molest another for matters of Religion, or to make Lawes, concerning any thing supernaturall: he saies it proceeds not from any savour of Christianity, that men doe so: but from an imperious domineering spirit, that takes it in foule scorne, that any man should doe any thing, but by Licence from him: I assure yee Conscience allowes no such dealing; and this is the maine quarrell twixt him, and our Patient Mr. Edwardse but I hope wee shall see them good friends againe.

Superstition, Well, if this man dye under your hands, your lives shall go for his: Ile take my oath, you are the cause of his death. Piety, Spare your teares. Superstition, you shall find we have done him a good office, you will see him a new man: and your selfe too I doubt not ere long,

Conscience, Hoe, friends, pray yee all come in quickly.

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Love.

Justice. } Whats the matter?

&c.

Conscience, Doe you see this posture wherein he lyeth? thus he hath layne about a quarter of an houre, his lips moving, his hands and eyes lifted up, just as if he were praying in the Pulpit.

Hope, It is very wonderfull: He takes notice of nobody, what will be the issue? See, he now strives as if he would raise himselfe, as if his prayer were ended, and he were preparing to Preach; Conscience, help to hold him up, and see what he will doe: certainly he supposeth himselfe to be in some great presence, for just thus is his manner at such times—peace, and listen for he begins to speake.

Mr. Edwards, Men of England, my purpose is not now (as formerly) to promote my owne work: but to prosecute what is just and necessary, without respect of persons, or opinions: which hath occasioned me to make choice of this place of Scripture.

The whole commandement is fulfilled in this one word, LOVE.

It hath often come to my thoughts why the Apostle Saint John is called in a peculer manner, the

Disciple whom Jesus loved; but it never made so deep impression in me as at present: certainly there could be nothing more joyous to his own spirit, then to consider it; and my heart at present panting after the reason thereof: tels me that John certainly was of a mild, a loving, and tender disposition, more eminently then any of the rest; so soft, that our Saviour chose his brest, for a place of his repose: and I am strengthened herein, because I find it recorded of him, that when he was so old that he was hardly able to come in to the speaking place, or to speake, he prosecuted this most blessed and amiable theame: little children love one another, repeating it often, little children love one another: as having throughly digested this lesson of his Masters: the whole commandement is fulfilled in this one word LOVE; Love is the true touch-stone of all Christian performances, it instantly manifesteth how things are; so much love, so much of God.

It is the surest guide in all private and publique undertakings; without a due regard to the rule of love, all things will goe wrong: observe it, & it will be like the North pole to the Marriners, to guide you to the quiet harbour of justice and peace: it is a rule easie to be understood, the meanest capacity is capable thereof, none can excuse themselves that swarve from this rule.

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If you would know your duty to God, it will tell you that in equity you are to love, as he hath loved: hath he so loved, as to give himselfe an offering and a sacrifice for you, then ye ought to waike in love as Christ hath loved; would you know how you should manifest your love to Christ? Love will set before you the sick, the naked, the aged, and impotent; it will lead you to prisons, and houses of distresse, and shew you the captives, the widowes and fatherlesse Children, and it will assure you that in as much as you ministred to the necessities of these, you have done it unto him, but if you have this worlds goods, and see, and suffer these, or any of these to lack, there is not the love of God in you.

Would you have a rule for your conversations? Why, the love of God which bringeth salvation to all men, hath appeared teaching us to deny all ungodlinesse and worldly lusts, and to live righteously, godly, and soberly in this present world: Are yee publique persons? Are yee intrusted to judge righteously in all causes: Love is the best property even in a judge, for God is Love, who is the righteous judge of all the earth, and slayeth not the righteous with the wicked: Love (rightly so called) putteth no difference betweene high and low, rich and poore, but loveth all men (as they are men) alike: but the proper object of Love is vertue, the more vertuous, the more it loveth; the lesse vertuous, the lesse it loveth: what so ever justly deserveth the name of infirmity, Love can beare with all: but it is contrary to its nature to beare with wickednesse, because mercy to the wicked, tends to the ruine of the just, and so becomes the greatest cruelty: Love is just, as God is; spares not the greatest, for his greatnesse, nor the wealthy for his money, nor any for any by respect; so that hold but up your love to God, and you can never be partiall in judgement.

Love doth as it would be done unto, in which respect it is a motive to the compleat performance of trust: for would it not grieve you to have your love abused, in the trust you have given for your good: doubtlesse it would? Why then (sayes Love) grieve not those that have loved and trusted you: but be watchfull for their safety; tender of their freedoms, and then you shall certainly reape the fruite of love, which is an abundance of love and reall thankfulness.

Are you in dispute what you shall doe in matters of Religion! take Love along with you, to light you through this laborinth, Edition: current; Page: [3-277] whence never any Authority returned without prejudice? Say now, is Religion of that nature that you can referre it to him (whom you must love) to set you rules in such sort, as you can assure your selfe, you shall without sinne obey those rules.

Nay when your friend hath done all he can doe; are you not to follow your own understanding of the

word of God & not his? and if you doe not so, doe you not sin? if so, how can any trust Religion? And if none can trust, none can be trusted? And love will never meddle with matters not intrusted, by way of injunction, but only by perswasion: whilst we live here knowledge will be imperfect, and whilst it is so, that which seemeth truth to one, seemeth an error to an other: If I now shall be so unadvised, as to call him an heretique who differs from me, I doe but provoke him to call me so, for he is as confident of his, as I am of my judgement: and here the rule of Love is broken, that ought not to love in reference to opinion but according to vertue and godlynesse of conversation; for this were a way otherwise, to bring all into confusion, there being so many severall opinions; if one should revile and reproach another, with the names of Heretiques and schismatiques. Anabaptist, Brownist, Antinomian, Seeker, Sectarie, Presbyter, this tends to nothing but to divide the honest party, and to make way for your common enemy; for in whatsoever the true and evident rule of Love is broken, it tends to dissolution, it being love that preserveth all things.

Therefore my humble advice is in this great cause, (upon which more dependeth, then is presently seen) that you give not countenance to one before another, for that begets a high conceite in those you favour, and makes them dispise all others, though they may be as nigh the truth as those; in the one you beget pride, in the other feare; the fruit of both being the worst that can come to any people; none are now infallible, truth and error are two easily mistaken; but love; is easily understood; to doe as you would be done unto, is a rule generally agreed on.

Let those that conceive they can justly submit their consciences to others arbitration in the worship of God, give in their names for themselves and the places they represent; I beleeve upon a little consideration few would be found; tis not what formerly hath been done, but what may justly be done, that is to beare sway with all true reformers; No man hath been more earnest then I, for compelling all to uniformity, and for punishment of all Edition: current; Page: [3-278] contrary practisers, but I now see my error; and will doe all I can to make amends for the evill I have done; the books I have written, I will burne with my owne hand: for I judge no opinion so evill as molestation for Religion.

What I have in hand, shall never see the light, because I now see it to be a work of darknesse, and I exceedingly rejoyce that I have this opportunity to declare thus much before you: if ever men shall kindly be brought to be of one mind, I see it must be by liberty of discourse, and liberty of writing; we must not pretend to more infallible certenty then other men, this distinction of Clergy and layety, how I loath it, Ile no longer abuse the world therewith, nor with any thing appertaining there unto, I will henceforth magnifie nothing but love: I am the devoted servant of Love, and his lovely companions. Justice, Patience, truth, Piety, and Conscience, shall be my fortresse to defend me from the wiles and force of Machiavilian Pollicy: O Love! how thou hast melted me, how thou hast refined me, and made me all new; perfect thy worke O! Love, that I may become all love, and nothing but love.

Piety, Here is a happy change indeed: certainly the cure is absolute, we have great comfort of our poore indeavours: how his discourse fell at last from the publique to his particular content: my advice is, that wee all silently depart, and let all things be removed as if no man had been here: as for you Conscience, I know you will not leave him, and when he wakes, your presence doubtlesse will be most acceptable.

FINIS

John Lilburne
Lilburne, John
October 1646
20.

John Lilburne, London's Liberty in Chains discovered (October 1646).

- London's Liberty
- In Chains discovered.
- AND,
- Published by Lieutenant Colonell John Lilburn
- prisoner in the Tower of London, Octob. 1646.

Jer. 22. 15. 16. 17.

Shalt thou reign, because thou closest thy selfe in Cedar? Did not thy Father eat and drinke, and doe judgement and justice, and then it was well with him?

He judged the cause of the poore and needy, then it was well with him: Was not this to know me, saith the Lord?

But thine eyes and thine heart are not, but for thy covetousnesse, and for to shed inocent blood, and for oppression and violence to doe it.

Therefore thus saith the Lord concerning Jehoiakim the son of Iosiah King of Judah, they shall not lament for him, saying, Ah Lord, or ah his glory.

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IT is to be observed, That the illegall election of great Ministers and Officers for the administration and execution of Justice, and where the people have been and are deprived of this their just right and liberty; there have ever all actions and practises of injustice and oppressions abounded: Freedome and Liberty being the onely Jewels in esteem, with the Commonalty, as a thing most previous unto them, and meriting that men should expose themselves to all danger, for the preservation and defence thereof against all tyranny and oppression of what nature and condition soever.

For prevention therefore of these mischiefes and miseries, (which through evill government of magistrates by their injustice and other Edition: current; Page: [3-281] the oppressive practices) doe usually fall upon Kingdomes and Cities. And for that all lawfull powers reside in the people, for whose good, welfare, and happinesse, all government and just policies were ordained: And forasmuch as that government which is violent and forced, (not respecting the good of the common people, but onely the will of the commander) may be properly called Tyranny: (the people having in all well ordered and constituted Comon-wealths, reserved to themselves the right and free election of the greatest Ministers and Officers of State.) Now although the tyranny whereby a City or State oppreseth her people, may for the present seem to be more moderate then that of one man; yet in many things it is more intollerable: And it will clearly appeare, that the miseries wherewith a Tyrant loadeth his people, cannot bee so heavy as the burthens imposed by a cruell City.

Therefore all free Cities, lest their government should become a tyranny, and their Governours, through ambition and misgovernment, take liberty to oppresse and inslave the people to their lusts and wils; have in their first Constitutions provided, that all their Officers and Magistrates should be elective By Votes and Approbation of the free people of each City; and no longer to continue then a yeare, (as the Annuall Consuls in Rome.) By which moderation of Government, the people have still preserved their ancient Liberty, enjoyed peace, honour, and accord: and have thereby avoyded those

calamities incident to people subjected to the Lawes and Arbitrary Dominion of their insulting Lords and Magistrates (or Masters;) of all which this Honorable Citie, and Metropolis of this Kingdome, upon the first erecting of this Island into a Monarchy, or Kingdome, by that valiant, wise, and victorious Prince, Alfrede, who first freed the Land from under the Danish yoke and slavery, under which it had a long time groaned did with the approbation of their King, and States, then assembled in Parliament, for their well-being, and more peaceable good government, agree, and by a perpetuall law, ordaine, That all their Governours, and Magistrates, should be Annuall and Elective, by the free votes of the free men of the Citie, Then, and Yet, called by the Names of Barons, and Burgesses of London, as appeares by their generall Charters of Confirmation of their Liberties, by severall Princes (before and since the Conquest) although in processe of times, their Titles, and Names Edition: current; Page: [3-282] of their Offices, bee changed yet the power and right of election still remains, and ought to continue in the body of Commonalty, and not in any particular or select persons of any Company, or Brotherhood whatsoever. And for illustration, and more cleare manifestation hereof, I need none other Evidence, or Proofs, then the Charter of King John, granted to the Citizens before the Incorporation of any Company: The first Company that was incorporate, about the yeare of our Lord, 1327. being more then an hundred yeares after the date and grant of the aforesaid Charter; which hath been since by sundry Kings and Parliaments confirmed. Their Charter I have here set down at large; which, compared with the Protestation, will make good your right, and justifie your claime to vote In electing the Major of this Citie.

The Charter.

Iohannes Dei gratia Rex Angliæ, Dom. Hiberniæ, Dux Norman. Aquitaniæ, & Comes, Anjou. Archiepisc. Episcop. Abbatis, Com. Baron. Justic, Vic. Praposisit, & omnibus Ballivis fidelib. suis. Salutem, Sciatis nos concessisse, & præsentì Charta nostra confirmasse Baronibus nostris de London, quod eligant sibi Majorem de seipsis singulis annis, qui nobis sit fidelis, discretus & idoneus ad regimen Civitatis: ita quod cum electus fuerit; nobis, vel Justic. nostro, si præsentès non fuerimus, præsentetur, & nobis Juret fidelitatem: & quod liceat eis ipsum in fine Anni amovere, & alium substituere si voluerunt vel eundem retinere. Ita tamen quod nobis ostendatur idem vel Justic. nostr. si præsentès non fuerimus. Concessimus etiam eisdem Baronibus nostris, & hac Charta nostra confirmavimus quod habeant bene & in pace quiete & integre omnes libertates suas quibus hactenus usi sunt, tam in Civitate quam extra tam in terris quam aquis, & omnibus aliis locis. Salva nobis Chamblengeria nostra. Quare volumus & firmiter præcipimus quod prædicti Barones nostri Civitatis nostræ London eligant sibi Majorem singulis Annis de seipsis predicto modo: & quod omnes prædictas Libertates, &c. bene &c. in pace beant sicut prædict. &c. Testibus &c. Anno regit decimo sexto.

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JOHN by the grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitain, and Earl of Anjeou, To his Arch-Bishops, Bishops, Abbots, Earls, Barons, Justices, Sheriffes, Stewards, and all his Bayliffes, and faithfull Subjects greeting; Know ye, that We have granted, and by this present Charter, have confirmed to our Barons of London, That they may chuse to themselves every year a Major of themselves, who is faithfull to Us, being discreet and fit for government of the City. So that when he shall be chosen, he be presented to Vs, or to Our Justice, if We be not present, and swear to Us fidelity, and that it may be lawfull for them at the end of the Year, to remove him, and and appoint another, or retain him, if they please; yet so, as the same be shewed to Us, or to Our Justice, if Wee bee not present. Moreover. We have granted to Our said Barons, and by this Our Charter have confirmed, that they may wel, and in peace quietly and fully have and enjoy all the Liberties which hitherto they

have used, as well in the City as without: in the Land as in the Waters, and in all other places, saving to Us Our Chamberiege; Wherefore We will and firmly command, that Our said Barons of Our City of London, may yearly elect a Major of themselves, after the aforesaid manner, and have and enjoy, well and in peace, wholly and fully, all their said Liberties, with all things appertaining to the same aforesaid; Witnesse, &c. in the 16. Year of Our Raign.

Wherein is fit to be observed. 1: That all the Free-men of London be all and every of them Barons, being so intituled and ordained by the Kings Grant or Charter. 2. That every of them hath his free Vote in the election of their Major. 3. That they have liberty to chuse any Baron or Burgesse from amongst themselves, without restriction or reference to any particular person or persons, or to any other Fraternities of Aldermen, Common-Councill men, or any other particular Gown or Livery-men only; so as he be faithfull, discreet, and such as they judge fit to govern. 4. That no Major may continue in office above one year, without a new Election. 5. That Aldermen were likewise ellgible by the Commonalty, and but to continue for the yeare, Patent 22. Edw. 2. No: 2. Cook 2. Part Institutions, fol. 253. 6. Sheriffes are only eligible by the Barons Edition: current; Page: [3-284] or Burgesses of the City, as appeareth by by the Charter of Henry the 3. made in the 11. Year of his Raign, confirmed after by Henry the 5. Charta de 2. Hen. 5. Part. 2. No. 11. But of late yeares the Aldermen and Common-Councill of this City, by their power and policy, have invaded your rights and just priviledges, and contrary to the fundamental Law of the Land, & the antient customs of the City, most injuriously have betrayed the trust reposed in them: spoiled you of your Liberties: taken upon them (of themselves, with some selected Companies) without the free vote, the rest of the Barons or free, Burgesses (the Commonalty) of this City, the sole Power & Goverament of the City, changing and altering your Lawes and Customes at their pleasure, and chusing of Majors and Sheriffes, such, and whom they pleased, hindering and prohibiting all others (who ever had the like equall right and interest with them) to have their Votes in the choise and election of the Major and Sheriffes. Whence have ensued many calamities and miseries, even to the indangering of the utter overthrow and desolation of this most famous and honourable City of Europe, being wholly disfranchised of those liberties, and immunities, which even the meanest Burrough or Corporation in England now enjoyeth.

Hence, by their craft and policy, have so many Monopolies and Pattents under pretext of publike good, been brought in, and set up to the ruining of thousands, and great decay of Trade & Traffique, bringing in and countenancing of Arbitrary Lawes, and unlimited Power and Government, and whereby Tyrannie, Injustice, and Oppression, have without controle been exercised and practised by these your late Governours and Rulers, as well as by those your former Governours and Magistrates, not by the Commonalty.

Were not the Land-Money, Ship-money (and many other illegall Taxes and Impositions) with rigour and force exacted of you Citizens by these your illegall Governours? Were not many of you free Barons of this City (for refusing to pay those exactions, and to part with your estates by such illegall tyrannous courses) imprisoned by these your Governours (thus illegally forced upon you without your own free Election?) Were not the cruell Edicts, and bloudy tyrannous Decree of the Star-Chamber, High Commission, and Councill-Table, withall readinesse in a compulsive Torrent executed? Nay, to reckon up in particular, the severall cruelties, exactions, oppressions, Edition: current; Page: [3-285] insolencies, violencies, and the illegall practises and proceedings of these your Magistrates, and their subordinate Ministers; would require a particular Tractate, which I rather desire might be buried in Oblivion, by a timely restauration of you to your antient and just freedoms in electing your own Officers. But if still you be denied Justice, and may not enjoy your due and accustomed priviledges; I shall be occasioned to remonstrate at large, and in particular, set forth your severall heavy burthens, harsh dealings, great grievances, and severall incroachments upon your Franchises: how, and by whom your Rights and Liberties have been invaded: and how you are enslaved, that were and are (or at least

of Right ought to be) free Burgesses and Barons, but now captivated to the Lawes, covetous Lusts, and the Arbitrarie unlimited power and dominion of your illegally imperious lording Magistrates.

Therefore, for the present, I will insist only upon the manner of the election of your now new Lord Major: The Narrative whereof will fully discover, how much the Barons of this City suffer, and that by their long forbearance, or rather neglect, to own and claime their just priviledges and immunities (if they stoutly stand not up) and resolve to be no longer robbed and spoyled of their Birth-right and Inheritance; They are, and wil be then in danger to be reduced into a condition worse then ever any of your Progenitors, were, under the Bastard Norman Bondage. For indeed, you Citizens are but free-men in name, as intruth this your giving up your selves to the power and government of men, without your free and publike choice and approbation, demonstrates: and therefore (truly) you can be accompted none other then meer slaves to your thus elected Governours, as the rest of the whole Nation is become, unto Lawyers, Attornies, Clerks, Solicitors, and cruell Jaylors, and such instruments of contentions, by whom the peace and flourishing State of this Kingdome is quite devoured, and the people wholly inslaved to their wills; for truth hereof, I appeal to all the Inhabitants of every countie throughout this Kingdome, whose estates, purses, and persons, have for these many score of years groaned under the inhumane burden thereof; all which, is farther demonstrated unto us all, the Inhabitants of this Land, by the (still continued) frequent, unjust, and illegall Commitments of your fellow-Citizens, and all the free Commoners of England to the severall murdering-houses (stiled Prisons) in this Kingdome, Edition: current; Page: [3-286] abounding in cruelty, murther, and oppression: being most wickedly and powerfully countenanced and supported by their Potent Adherents.

I have shewed you, how by right, the meanest Baron of this City of London (by their Charter) hath as good right to have his vote in the Election of the new Major, and other the subordinate Officers, as the Lord Major, or any Aldermen (for the time being) with their Golden Chaines. Notwithstanding, this undoubted Right be acknowledged; yet is it denied to the people upon bare surmises, and vain pretences of danger, by tumults and disorder, if the same should be yeilded unto, which in truth is, but a poor allegation, and frivolous excuse: The vanity and weaknesse whereof, must needes be apparent to any who is impartiall, and not carryed aside with desire of Rule, through Ambition, and blinded with affection, or beastly besotted, and against Nature and Reason, loving Bondage more then Liberty. For what mischief (I pray you) do we find, or have we ever heard of in any Town, City, or Corporation, (where the Citizens have, and enjoy this freedome) of any disorder or tumults that have grown thence?

Were not the Sheriffes (till now of late) ever chosen by the freeholders in full Country? & yet we find not that chusing to have bin complained of but rather (only) by Prerogative Power taken away to defrauding the people of their free choice due & of right belonging unto them, by the great Charter of the Kingdom. And how are the Commons and Burgesses now assembled in that High Court of Parliament, elected? Whether by the Sheriffe, and some few selected Grandees of each County, or by the Majority of voyces of all & every the Free-holders that will appear, & give their votes upon the day assigned by Proclamation, if our great Senators come in place, and be chosen by the generall and free voyce of all, and not of a few (like some) which hath been the right manner of Election from the first establishment of this Kingdome, and so hath continued to this day, being conceived to be the best forme of Government, and so hath been found to be by approved experience? For, did Rome ever so flourish, as when, not any thing was done but by the Senate and People there? But of this, expect a larger Discourse.

I pray you, whence have we fetched this new wisdom? Surely, not from above, but beneath; it being none other then Satanicall Edition: current; Page: [3-287] pride in thus despising their fellowes, and

free Commoners. For these can be of no other spirit, but such as affect Tyranny, Injustice, and Oppression: And being thus, is it not then a lawlesse Dominion, and so, not of God, but of the Divell?

But let us now say somewhat of the election of the Maior upon the 29. of September, 1646. the day assigned for electing the Maior of London; at which time Mr Wansie, a Citizen and Baron of London, came to the Guild-Hall, London, the place appointed for electing the Lord Maior for the yeare ensuing, (the doore of the Hall being kept shut) the Marshal of London, who was with divers others, standing with staves, to keep the doore: But Mr. Wansie, with divers other Citizens of London, desired that they might have liberty to goe into the Hall; telling them, that they came with intent to passe their free votes in electing the new Lord Maior. But could not by any meanes obtain liberty to enter the Hall, (although by them earnestly desired) but were kept out forcibly with Halberts, Bills, and Staves, upon a speciall command of the now Lord Maior, Thomas Adams: Whereupon the said Citizens having framed a Protest, (which they intended to deliver in the open Court) the said Mr. Wansie having the said Protest in his hand, and reading it to the rest of the Citizens there present; the said Marshall thereupon with force, and much violence, laid hold on him (with the said protest in his hand) and dragged him into the Guild-Hall, and kept him there as a prisoner for the space of an houre, until the Lord Maior and Aldermen came from the Sermon: and then hee was brought before the Lord Maior, and Court of Aldermen; who there examined him strictly about the said Protest; demanding where he had it, and who delivered it to him. And then they all threatned him very violently, that they would send him to New-gate. But he answered, That he knew not the framer of it, nor him that delivered the said protest unto him: and then also affirming, that he and the rest of the Citizens, intended to have subscribed it, and then to have delivered it unto his Lordship, and the rest of the Court. But the said Protestation was detained from him. And he thereupon dismissed for the present, with ingagement by promise, that he would attend his Lordship the day following. But for more assurance, his Lordship sent an Officer for him (as for a Delinquent.) Upon whose appearing before the Lord Maior, the said Edition: current; Page: [3-288] Marshall made a great complaint against the said M. Wansie, for saying that he would question him the said Marshall for abusing him, as aforesaid, being very earnest with his Lordship to have him committed. But the Lord Maior and some of the Aldermen for that time, dismissed and let him goe.

Thus you may see how imperious this Marshal is (being none other then a meere vassall or servant unto the Citizens of London) shewing and expressing his disaffection to all honest and good men, in the highest nature.

After the thus election of the Lord Maior, the Livery men departing, and the Court not risen, the Hall doore then being opened; the Lord Maior, Thomas Adams, gve command to the Constables and Halbert-men then standing at the doore, that they should take care that no Cloak-men should come in; fearing, as it is conceived, left the Citizens should come in, and protest against that unjust and undue election of the new Lord Maior.

This briefe relation, thus made unto you, may bee a sufficient discovery of the intentions and sinister ends of your great Masters, to continue you still under an enforced slavery and subjection, who esteeming you no other then as abjects, & as unworthy to have any thing to do in the choyce of your own Officers, withholding from you your Charter of Liberties, and Franchises, the more to blind you, and keep you in ignorance, that they may the better carry on their designes against you, for the continuance of your thraldome and to hold your necks under their yoaik.

The very relation of the bad usage of M. Wansie, with the manner of the election of the Maior, compared with your Claim of Right, and Protestation against the same; is sufficient to shew & plainly set forth the illegality therof, to which you cannot submit, without betraying your own Liberty. Your

Protestation being in my hand, I held it my duty no longer to conceal it: but for your common good to publish the same; hoping, that as you have freely fought for your Liberties, sworn to maintain your Liberties, and largely contributed to the State to inable them to protect you in your Liberties: so you will not sit still, and passe by this injury and indignity of those that would and doe make themselves Lords and Masters over you, by violence and wrong: But constantly adhere to your Protestation, continue the claime of your right, and with courage and resolution, Edition: current; Page: [3-289] maintain and preserve your just and undeniable Liberties and Priviledges, which are thus unjustly extorted, and kept from you by fraud and force, lest it be said in after ages; These were the men, these were the Fathers that durst not, would not, own their Liberties and Rights: These were the men, who when a free Parliament were sitting subjected them, and their Posterity to voluntary slavery. If you neglect this opportunity, and advantage offered you, for the regaining of your Liberties, and recovery of your Birth-right (the Law;) the losse will be irrepayable, irrecoverable, bringing with it certain ruine, & unavoidable vassalage upon you, and your whole City; yea, though I am not a Citizen, yet no stranger, nor forreigner, but a freeman of England, who hath freely hazarded all, for the recovery of the common Liberty, and my Countries freedome; and it is no small griefe unto me; yea, it lyes more heavy upon me, then all other my troubles undergone, to see our Nationall and Fundamentall Lawes, Rights, and Priviledges, thus trodden under foot, even by those, by whose endeavours we expected a restauration of the same. Oh! the unexpressable misery, and besotted condition possessing this Nation, that we should be so regardlesse of our selves and Posterity, as thus in and by cowardly silence, to betray our selves, and to beget Children, to live and remain (by our meanes) Bond-men, and Bond-women, yea, Slaves.

Look but upon your industrious Neighbour-Nation, the Netherlands, how for a long time, under faire and colourable pretences, (As Conformity, and Religion,) they were spoyled of their Lives, Liberties and Estates. But at the length, they discovered the cunning and crafty dealings and devises of the Bishops, and their Clergie, whom the Spaniard promoted, and used as his Instruments, by whom he intended to bring those Countries under the power of his Sovereignty, and cruell will. These your Neighbours were constrained to knit themselves together by Bond and Oath, to stand up for their common Liberties, and Countries safety, leaning every man (in matters of Religion) according to that common Principle, *Religio sua denda non cogenda*, Religion may be perswaded, not forced & the good successe they have had therein, and tranquility and security they thereby enjoy; may be great encouragement to us, not to despaire of the recovery of our Native, and just Freedoms, and by the like meanes to put an end to these our troubles, & unnatural oppressions, Edition: current; Page: [3-290] if we will but tread in the same steps, each one labouring in his place to preserve the common Liberties and Lawes of the Kingdome, which makes us indeed true free-men, without seeking, or endeavouring to Lord it thus (as now we do) one over anothers faith; your Brethren, together with you, and all the Commons of England, have an equall interest, and property in the Law, being all of us free-born English-men.

Therefore look about you, and be no longer deluded to be by a meet shadow of greatnesse and flattery, fooled into slavery; But according to your Protestation, endeavour to preserve, or rather recover your lost Liberties, which under conformity, and other specious pretences and glosses, you have been long deprived of: Till when, expect not any Justice or Right to be done unto you: For, it is impossible, for those that have reduced you to this slavery, to degenerate so far from themselves, as to maintain or give you any assistance or countenance, in standing for liberty, untill they lay down their Offices and Functions, which they all this time have unjustly usurped, and intruded themselves into. I will forbear to insist further upon this matter for the present, being ready and willing, if any should presume to question the Citizens just rights, in the election of their Major; upon the perill of my head, and forfeiture of my life (if I be called thereunto, and may have a just and equall hearing) to prove and maintain, That it is the just and due Right and Liberty, for any free Citizen and Baron to give his vote

in the election of the Major, and Sheriffes, and other the publike Officers: the same being grounded upon the Law of God and Nations, and agreeable, as well with the Fundamentall Lawes of this Kingdome, and Customes of this City, as by the Charter and Acts of Parliament (yet unrepealed,) is confirmed.

But one thing I cannot passe by (which may cause some scruples) which is this:

By the words (Barons of London) mentioned in King John his Charter, Whether, all, or but some speciall Citizens of note, are to be understood; to be the Electors of the Major and Sheriffes of London;

That all and every Citizen is there meant and implied; The very words of the Charter it self clearly manifest: For, the Liberties Edition: current; Page: [3-291] there granted by the Charter, are to them all as Barons, and not otherwise, not to any other particular persons of any Society: Yet the same may be farther cleared, thus; In that before the Conquest; all Free-holders of this Kingdome, (as well as in Scotland are yet to this day) were called Barons; and therefore saith, Lamb. fol 128. and 136 Court-Baron is so called because amongst the Laws of King Edward the Confessour, it is said thus, Barones vero qui suam habent Cariain de suis hominibus &c. Barons are those who have their Court for their Tenants or men. And this Jurisdiction hath every Free-holder, according to Mirrour C. 1. Sect. 3. & chescun, free Tenant use jurisdiction ordinary: every Free-holder hath this ordinary jurisdiction; and the name Baron in the eye of the Law hath relation to Free-holders, saith Sir Edward Cook 1. Part, Institut. fol. 58. and in very antient Charters and Records, saith he, The Barons of London, and the Barons of the Cinque-Ports, doe signifie, the Free-men of London, and the Free-men of the Cinque-Ports, Cook ibid. All which, I desire may be taken into due consideration: which, as I writ the Protestation, so this I have published for the good of this famous City, and for the benefit of all the Barons thereof; and if you will own this your right, and not suffer your selves to be brought into voluntary servitude; I shall be encouraged to make a farther discovery of the Priviledges and just Rights, now unjustly detained, and holden from you.

By the Contriver of the Citizens Protestation, here following.
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The Copy of the Protestation made by the Citizens of London, the 29. of Septemb. 1646.

The right and claime of the Free-men Citizens, and Commonalty of the famous and most antient City of London, for their Votes in the election of their great and highest Officer, the Lord Major, &c. With their Protestation against the election of such, who shall be elected Majors, as illegall and destructive to the Liberties and Priviledges of this City, if in case the Commonalty, and Freemen thereof, or any of them, be denied, and not admitted to have their Votes in the Election.

WHereas this City hath had, and enjoyed before, and since the Conquest, many great and notable Franchises, Custome, and Priviledges, often and sundry times confirmed, as well by the Laws Edition: current; Page: [3-293] and Statutes made in the severall Parliaments, as by the several Charters of the Kings and Queens of this Realme appeareth; amongst which, it hath been an ancient and laudable custome (Time out of mind) for all, and every the Free-men and Citizens of London, in the annuall elections of the Majors thereof, to have their votes, as formerly they had, in the election of their Porte Graves. The following marginalia text is unreadable and Liberty Fund has made no effort to partially transcribe it. In whose place and office, the Major succeeded; as appeareth by the Charter of King John, granted in the sixteenth yeare of his Raigne, where hee granteth to the Citizens, Liberty and

Authority to chuse yearly a Major out of themselves, Cook the 4. Part, Institut. fol. 253. Printed by Authority of this present Parliament.

Which Custome, of Election of Majors, by majority of voyces of the Free-men and Commoners of the City, agreeth with the Fundamentall Law of this Kingdome, and the manner of election of Majors, in all other the Cities and Burroughs of this Realme as Coroners, were, and are chosen in full County, by the Free-holders of each County, Inter leges Edward. Sanct. Chap. Lambert, folio 136. Artic. super. Charta, chap. 8. & 10, &c, The Major is Coroner within the City of London.

Now, forasmuch as we be Free-men, and Commoners, and Burgesses of this City, and so have right, and ought to have our Votes in the election of the Major; Do hereby claime, and demand, as our Right, Custome, and Priviledge, to vote in the election of this present Major to be chosen; and doe likewise hereby signifie, That for the same end wee are come hither, to give our free votes in electing a Major for the ensuing year, if we may freely, without molestation, disturbance, and interruption, doe the same, according to the Statute of Westminster, the 5. chap. the 9. of Edward the 2. 14. The words whereof are these;

And for that Elections ought to be free; it is ordained, upon pain of great forfeiture, That no Noble man, or other, by force of Armes, neither through malice or menacies, shal hinder to make free Elections in Counties, Vniversities, Cities, Corporations, and other places, Cook 2. Part, Institut. fol. 169.

And forasmuch, as all the due, just, and accustomed Priviledges, Franchises, Liberties, and Immunities of this City, are confirmed by Edition: current; Page: [3-294] this present Parliament, The Petition of Right, And Magna Charta, the great Charter of Liberties, where it is said, That the City of London shall have and enjoy all its antient Liberties, and Customes, Mag. Chart. chap. 9. and the 28. of Edw. 1. E. 1.

And although it may seeme, by reason of some undue elections of late yeares made, through usurpation of some few, who by power and menacies, hindering the free Elections, not suffering us the Free-men and Commoners to give our votes upon chusing and electing the Majors; to be a Barre, let, or hinderance to this our present voting; yet the same doth nothing at all prejudice our Rights, but rather aggravates the wrong done unto us: For there is a beneficiall Statute (yet unrepealed) made for the strengthening and preservation of our Liberties and Rights, which no other Corporation hath that we know of; Whereby it is enacted, That the Citizens of London, shall enjoy all their whole Liberties whatsoever, with this clause, Licet usi vel abusi fuerunt, Although they have not used or abused the same, and notwithstanding any Statute to the contrary, Parl. Rot. R. 2. N. 37.

Therefore, if we may not be admitted, being Free-men and Citizens of London, to enjoy our due and accustomed Priviledges and Liberties, to have and give our free votes in the election of the Major, we being by Parliament injoynd, and by Oath and Protestation bound, to our uttermost power, to defend and preserve the lawfull Rights and Liberties of the People; Doe declare and protest against all such who shall any-wise hinder us, or any of us, in a free way, to vote in the electing of the said Major; as oppugnors and violators of the Lawes and Liberties of the Kingdome, and destroyers of the Priviledges of this antient Metropolitan City, and shall by all lawfull wayes and meanes, labour to bring them to condigne punishment, for such their offences.

And wee doe hereby declare, and protest against the Major, so unduly and illegally elected, being chosen without our free Votes and consents, who have right, and are come hither to give in our

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free votes, if wee might have freely, peaceably, and without let or trouble done the same, alwayes acknowledging our obedience, and shall bee ready, with all alacrity and cheerfulness to manifest the same, to our lawfull Magistracie duly elected, in all their just Commands.

LONDON.

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A Postscript written by Lieutenant Colonell Iohn Lilburn, Prisoner in the Tower of London, Octob. 1646.

THE omnipotent, glorious, and wise God, creating man for his own praise; made him more glorious then all the rest of his Creatures that he placed upon earth: creating him in his own Image, (which principally consisted in his reason and understanding) and made him Lord over the earth, and all the things therein contained, Gen. 26, 27, 28, 29. and chap. 5. 1. and 9. 6. 1 Cor. 11. 7. Col. 3. 10; But made him not Lord, or gave him dominion over the individuals of Mankind, no further then by free consent, or agreement, by giving up their power, each to other, for their better being; so that originally, he gave no Lordship, nor Sovereignty, to any of Adams Posterity, by Will, and Prerogative, to rule over his Brethren-Men, but ingraved by nature in the soule of Man, this goulden and everlasting principle, to doe to another, as he would have another to do to him; but man by his transgression; falling from his perfection of reason (that Image in which God created him, Col. 3. 10.) became tyrannicall and beastly in his principles and actions; the effect of which, we see in Caines slaying of Abel; for which he was accursed of God, and all things hee went about, Gen. 4. 8. 10. 11. 12. but God taking mercy of Mankind in some measure, and not executing the fulnesse of his wrath, in the 9. of Gen. to revenge that beastlinesse, bloody, revengfull, and devouring temper of Spirit, that, by the fall, had now entred into the Spirits of all Edition: current; Page: [3-297] Mankind; institutes a perpetuall, morall, unchangeable, and everlasting Law; that is to say, That whosoever he was, that would be so beastly, bearish, and Woolvish, as to fall upon his neighbour, brother, or friend, and to do unto him that, which he would not he should do to him, by taking away his life and blood from him; God ordaines, and expresly saith he shall lose his life without mercy or compassion for so doing, vers. 5. 6 Yea, and afterwards, when he chuseth unto himself Israel, out of all the Nations of the world to be his peculiar people, Levit. 19. 15, 16, 17, 18. ordaines this for a standing Law amongst them; Yee shall do no unrighteousnesse in judgment; thou shalt not respect the person of the poore, nor honour the person of the mighty; but in righteousness shalt thou judge thy Neighbour. Thou shalt not go up and down as a Tale-bearer amongst thy people; neither shalt thou stand against the bloud of thy neighbour: I am the Lord. Thou shalt not hate thy Brother in thy heart: thou shalt in any wise rebuke thy neighbour, and not suffer sinne upon him. Thou shalt not avenge, nor bear any grudge against the Children of thy People; but thou shalt love thy Neighbour as thy selfe: I am the Lord

And when the fulnesse of time was come, that Christ the Restorer and Repairer of mans losse and fall, should come and preach Righteousnesse & Justice to the world; He saith, it is the Law, & the Prophets, that whatsoever we would that men should do to us, that wee should do to them, Matth. 7. 12. Luke 6. 31. Yea, and further saith, That as it is the great Commandement, that we should love (our Sovereign Creator, and Preserver) the Lord our God with all our hearts, and all our soules, and with all our minds; so the second Commandement, which is like unto it, is, That we should love our neighbours as our selves; and on these two, saith hee; hang all the Law and the Prophets: So that by this, it is cleerly evident, that Religion, Christianity, or the knowledge of Christ, doth not destroy morality, civility, justice, and right reason; but rather restores it to its first perfection, beauty, splendor, and glory: and therefore the Apostle exhorts Saints and Believers, Ephes. 4. 17, 18, 19, 20, 21, 22, 23,

24. Not to walk as other Gentiles do, in the vanity of their mind, having their understanding darkened, being alienated from the life of God, through the ignorance that is in them, because of the blindness of their heart. Who being past feeling; have given themselves over to lasciviousnesse, to work all uncleannesse with greedinesse. But (saith the Apostle to all that Edition: current; Page: [3-298] love Christ,) Ye have not so learned Christ: If so be ye have heard him, and have been taught by him, as the truth is in Jesus. That ye put off, concerning the former conversation, the old man; which is corrupt, according to the deceitfull lusts: And be renewed in the Spirit of your mind. And that ye put on that new man, which after God is created in righteousness, and true holinesse; and excellent to this purpose, is that of the Apostle, Col 3. 7, 8. where speaking of, and to those that have put off the old man, with his deeds; and have put on the new man, which (saith he) is renewed in knowledge, after the Image of him that created him.

And therefore the same Apostle layeth down his exhortation at large, and declareth, it is not only the duty of the Saints, to doe good each unto other, but as much as in them lyes, to doe good unto all the Sons of Adam; saying, Gal. 6. 10. as we have therefore opportunity, let us do good unto all men; especially, unto them, who are of the Houshold of Faith. But the greatest good that I know of, that any man can do unto the Sons of Men besides the discovery of the knowledge of Christ, and the benefits and priviledges that are to be injoyed by him; is, rationally to discover the privilege, that is, the Right, Due, and Propriety of all the Sons of Adam, as men: that so they may not live in beastlinesse, by devouring one another: and not onely so, but also to stand for, and maintain those Rights and Priviledges in any Kingdome, or Nation, wheresoever they are in any measure established: that so the trusted, made great and potent, by a power conferred upon them; may not there-with (as is too commonly seene) Lord it, domineer over, and destroy by their Prerogative-will and pleasure, the Betrusters: yea, and also to maintain the liberties and priviledges established in a Land, by Law, against the incroaching usurpations of some great and mighty Nimrods of the world, made so by wayes and meanes; more immediatly and properly flowing from the Divell, then God: and by their false-assumed incroaching power, tyrant-like tread under their feet, all just, and innocent persons: and protect, defend, and countenance none but those, that will comply, applaud, and assist them, in their brutish, woolvish, and tyrant-like proceedings: which practises are contrary to the very end of Government; and Magistracy; as is largely declared by the Apostle, Rom. 13. 3, 4. where he plainly saith, Rulers are not (no nor ought not to be) a terrour to good workes, but to the evill: wilt thou Edition: current; Page: [3-299] then not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the Minister of God to thee for good: But if thou do that Which is evill, be afraid, for he beareth not the sword in vain; for he is the Minister of God, a Revenger to execute wrath upon him that doth evill, but not upon him that doth good. The knowledge of which, in some measure, in my own soule, hath been the true ground, that conscienciously made me out of duty to my selfe, and neighbours, and obedience to God; stand against, and oppose my self against the Bishops, and with resolution so often since, in the midst of many deaths; hazard my life for my liberties, and the lawes, liberties, and rights of all the people of this Land, & which is the only principle that now carryes me on in opposition against the Lords: unto whom, as so many men, I have and must confesse, I am ten times more oblieged, for my own particular, than to the house of Commons it self, having found at their hands several times cordiall and speedy Justice, which I never enjoyed from the House of Commons in my life; although I have waited upon them therefore, these six years, and followed them as close as any man (I think) in England: and I dare safely say, it, without vain or lying boasting; for these nine or ten years together, I have been as serviceable to the Commonwealth of England in my place and condition, as any one man whatsoever that sits in that house; though I have been as ungratefully dealt with by them, as ever man in England was: yet I say, when the Lords forced me to contest with them, which I professe, I was as unwilling to do, as I was to run my head against the wall, the which I told unto one of themselves; yet I say, before I would have parted with my reason and understanding, and so have defaced, obliterated, and annihilated, as much

as in me lay, the Image that God created me in, (and which Christ by communicating of himself to me; hath restored, confirmed, and enlarged) and degenerated into the habit of a beast, (which all slaves that live in the World without a rationall and just Law are in) by parting with, and betraying my native, naturall, just liberties, which the fundamentall lawes of this Land give me; I will part with my very heart-blood first; yea, and if I had a thousand lives, they should all go, before I will part with my just liberties, either to them, or any power on earth, what ever it be, that dare assume unto themselves so much tyranny, and satanicall pride, as to go about it, or endeavour it. And it Edition: current; Page: [3-300] is this very principle that now engageth to write this Postscript, to beget a Contest with the Prerogative-men of London, England, mighty Nimrods, who haue inslaved not only this City, but beene strong Instruments from time to time, to doe the same to the whole Land. And the present ground of my putting pen to paper at present, ariseth from this ensuing: The day the last Lord Major was elected; It seemes, Major Wansie, a Watch-maker in Cornhill, (a man that in these late wars, hath freely and gallantly adventured his life for the preservation of the present Parliament, and Englands Liberties) and some other free Citizens, commonly by the Prerogative-men of London, distinguished by the name of Cloak-men; intended to have claimed their right, to give their Vote in the election of the Lord Major, as by Law, and the Charters of London, every free-man therof ought to do; as also, in both the Sheriffes, &c. And in case the prerogative-L. Major Adams, and the prerogative-Aldermen his Brethren, would not permit them; They then intended, to deliver in a Protest in writing; the Copy of which Protest within a day or two after, I saw and read, and not before: and understanding how basely Major VVansey was used by the Marshall of London, and of my Lord Majors prerogative-Mastives; and how that contrary to Law, Guild-Hall Gate was guarded with armed men, which rendered the election in no sence to be free, as all elections of all publike Officers ought to be; and reading the Protest over, the reason of it, and the injustice offered to its well-willers; It inflamed my spirit with indignation, and set my very soule as it were all on fire: Insomuch, that I went immediatly to old Mr. Colet, the Record-keeper of the Tower, and asked him, if hee had the originall Records of the Charters of London; and understanding he had them; out of my penury, I bestowed three or foure pound for the Copies of those that were most usefull for me; and also the Copy of H. 5. prerogative, and unbinding Proclamation: by vertue and authority of which, they have invaded the rights of all the free men of London, in divers particulars, and as much as in them lies, annihilated divers of the antient and just Charters, and legall priviledges of this City confirmed by Magna Charta; and making further inquiry of a man versed in antiquity, I understood that there was an antient book in print, above 100. yeares agoe, containing many of the Liberties and Franchises of London; for which I sent into Duck-lane, and with some industry found it out, Edition: current; Page: [3-301] which is a most excellent book, which with the Records I sent to a true friend of mine, to get him to translate the Records into English, and all the Latine and French that is that book, who sent unto me the fore-going Discourse; which in regard he was a stranger to London, he was unwilling to set his name to it, and I reading the Discourse, and liking it very well, judged my self bound in duty to my self, and all my fellow-Commoners, the Cloak-men of London, to publish it in print; and in regard, by Gods assistance, I intend shortly to publish and print the Records, with a Commentary in point of Law upon them; I judged it convenient hereby, by way of Post-script, to give you the understanding thereof; and also, to give you the reasons which moved me to resolve, to hazard no small adventure thereupon, which are these:

First, because the Prerogative-Pattentee monopolizing Merchant adventurers, have contrary to Right Law, and Justice, robbed me of my trade, whose illegall, arbytrary, destructive practises, to the liberties, freedome, and prosperity of England; I have in my answer to Mr. VVill. Pryn (called Innocencie and Truth justified) punctually anatomized, as there you may reade from page 48. to page 63. Now, as Paul saith, 1 Tim. 5. 8. If any provide not for his own family and specially for those of his own house, he hath denied the Faith, and is worse then an Infidell; In which, to me is implied, that a man must not only be provident and industrious to keepe and preserve what hee hath, but also to

maintain and defend his rights, liberties, and proprieties, that they be not invaded or taken from him: and this made honest Naboth, that he would not part with his Vineyard, his inheritance to wicked King Ahab, although he offered him very good tearmes for it, 1 Kings 21. 1, 2, 3. much lesse should I part with my trade, to any illegall Monopoliser and every individuall Free mans of London, &c. and that not only by the principles of nature and reason, but also by the Law of England, as is not onely proved by the fore-named Discourse, but also by another excellent Treatise, called, Discourse for free Trade, published about two years agoe by a Merchant of London.

Secondly, the readinesse of the Prerogative-Magistrates of London, to execute any illegall Commands upon the free-men thereof, and particularly upon my self; as for instance, when I was prisoner in Newgate, illegally committed by the house of Lords, that had no Edition: current; Page: [3-302] jurisdiction over me in that case, and when upon the 22. of June last, by their Warrant, they commanded me to dance attendance at their Bar, for what cause they did not expresse: neither know I any Law extant that authorizeth them so to do. Which action, I looked upon, as a trampling the Lawes of the Land, and the Liberties of all the free Commons of England, under their feet; and therefore, for the prevention of further mischief, I writ this following Letter to Mr. VVoollaston, the chiefe Jaylor of Newgate under the Sheriffes of London.

John Lilburn
Lilburn, John
13. of June 1646
SIR,

I This morning have seen a Warrant from the house of Lords, made yesterday, to command you to bring me this day at ten a clock before them, the Warrant expresseth no cause wherefore I should dance attendance before them; neither do I know any ground or reason wherefore I should, nor any Law that compels mee thereunto; for their Lordships sitting by vertue of Prerogative-pattents, and not by election or common consent of the people, hath, as Magna Charta (and other good Lawes of the Land) tels me, nothing to do to try me, or any Commoner whatsoever in any criminall case, either for life, limb, liberty, or estate: but, contrary hereunto, as incrochers and usurpers upon my freedoms and liberties; they lately and illegally endeavoured to try me a Commoner at their Bar, for which I under my hand and seale, protested to their faces against them, as violent and illegal incrochers upon the rights and liberties of me, and all the Commons of England (a copy of which &c. I in Print herewith, & send you) and at their Bar I openly appealed to my competent, proper, legall tryers, and Judges, the Commons of England assembled in Parliament (for which their Lordships did illegally, arbytrarily, and tyrannically, commit me to prison into your custody) unto whom divers dayes agoe I sent my appeale &c. which now remains in the hands of their Speaker, if it be not already read in their house, unto which I do, and will stand, and obey their commands.

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Sir, I am a free-man of England, and therefore I am not to bee used as a slave or Vassall by the Lords, which they have already done, and would further doe. I also am a man of peace and quietnesse, and desire not to molest any, if I be not forced thereunto: therefore I desire you as you tender my good and your own; take this for an answer, that I cannot without turning traytor to my liberties; dance attendance to their Lordships Barre: being bound in conscience, duty, to God, my self, mine, and my Country; to oppose their incroachments to the death: which by the strength of God I am resolved to doe.

Sir, you may, or cause to be exercised upon me, some force or violence to pull and drag me out of my

chamber, which I am resolved to maintain, as long as I can, before I will be compelled to go before them; and therefore I desire you, in a friendly way, to be wise and considerate before you do that, which it may be, you can never undoe,

Sir, I am your true and faire conditioned prisoner, if you will be so to me,
From my Cock-lost in the Presse-yard of Newgate this
13. of June 1646

.
John Lilburn.

The Copy of the Order.

Die Lunæ 22 Junij 1646.

ORDERed by the Lords in Parliament assembled, that Lieutenant Colonel John Lilburn now a prisoner in Newgate, shall bee brought before their Lordships [in the High Court of Parliament] to morrow morning by ten of the clock: And this to be a sufficient Warrant in that behalf,

To the Gent. Usher of this House, or his Deputy, to be delivered to the Keeper of Newgate, or his Deputy.

John Brown Cler. Parliamentorum.
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Which Letter I sent by my wife, and a friend; but they not finding Mr. Wollaston within, I ordered them to carry it to Mr. Kendrick, and Mr. Foot, the Sheriffes of London his Masters, whom they found at Guild Hall, at the Court of Aldermen; to whom they delivered the letter, with my Protest against the Lords, and appeale to to the House of Commons therein mentioned; who (as they told me) carried it in to the Court of Aldermen: and, as they judged, there read them. But, in stead of any remedy, according to my just expectation; I had my chamber wall immediatly after broke down by force, by Ralph Brisco, the Clerk of Newgate, and their Officer & a violent and forcible entry made into my chamber, and my person by force carried away before the Lords, who had no Legall, or Magisteriall power over me. I confesse, I was suddenly surprized, it being past ten a clock at night before I knew of it: and so could neither provide my selfe of victuals, or any defensive Armes; the which if I had had, I would (to the death) have defended my selfe against all the Officers in London that had come to have fetched me out of my Chamber (my legall Castle) by vertue of that illegall Warrant, to carry me before the Lords, who had nothing to doe with me: especially considering I had legally protested against them; and legally appealed to the House of Commons, my proper and legall Judges; who had accepted, read, and approved of my appeale, as just and legall: And therefore not onely that businesse, or proceeding of the Lords; but all their after proceedings: yea, the sentence it selfe, in this very particular alone; was, and is, illegall: For they ought not, neither (in law) had they any ground to meddle or make with me any further; unlesse the House of Commons had judged my proceedings with the Lords, illegall, and had given mee up to them as my legall Judges to try me. And therefore the affront of the Lords (in point of right and priviledge) is as great to the House of Commons, in proceeding to judgement against mee without their leave, or so much as ever desiring it; as their usurpations are destructive to me and my Liberties, and the Liberties of all the Commons of England: And opportunity they could not have had to have made me so fully as they did, the object or subject of their usurpation, if it had not been that the prerogative-Sheriffs of London had been as full of prerogative-Principles, as the Lords themselves, and as desirous to destroy the Lawes and Liberties of England Edition: current; Page: [3-305] as they; for which I will never forgive them, till they have acknowledged their great

wickednesse therein, and made me (according to Law and Justice) ample reparations which by Gods assistance I will with all the strength and might I have, uncessantly seek for.

But their malice and indignation to mee, for standing for the Lawes, Liberties, and Freedomes of England, ceased not here; but when the Lords committed me, by their tyrannicall order, close prisoner to Newgate, to be lockt up close in my Chamber; These Arbitrary & tyrannicall Sheriffes and their Officers executed it upon me to some purpose for 3 weeks together. For; contrary to all law and justice, they kept my wife from me, & would not so much as suffer her, or any of my friends to set their feet over the threshold of my chamber doore: nor suffer my wife, servant, or any of my friends, to deliver either meat, drink, money, or any other necessities. And when I pressed the Jaylors to permit my wife to come into the prison yard, that so I might (in their presence) speak with her out of my chamber window; they absolutely refused it, and told mee, I little knew what a strict charge was laid upon them to the contrary, by the great ones at Guild-Hall. And therefore my wife was forced to speak with me out of the window of a neighbouring house, at about fourty yards distance: whose cruelty and malice was so enraged, that they often threatned to boord and naile up the poore mans windows; Yea, Brisco, the Clerk came up into my chamber, and commanded me to forbear speaking to my wife, (although it were at such a distance) or else he would boord up my windowes and so deprive me not onely of seeing and speaking to my wife; but also rob me of the greatest part of that little aire that I had coming in at my Casements. But I bid him doe his worst: for I would pull them down as fast as he naid them up; or else if I could not, I would set fire to them, though it burnt the House down to the ground: And also I would speake to my wife in spite of his teeth, and all his great Masters; unlesse they either sewed up my lips, or cutout my tongue. And then in a rage hee told me, Hee would carry me into Newgate it self, and lay mee in a close place, where I should speak with none, nor see none. whereupon I desired him to cease his threatning of me; for I scorned him, and bid defiance to the malice of him and all the Men and Devils in earth and Edition: current; Page: [3-306] hell; having my confidence fixed in and upon that God that I knew would preserve and keep me, and who by his power was able to destroy him, and ten thousand such, in the twinkling of an eye; telling him, that to lock me up in such a place, was the ready way speedily to get me my liberty: For then all my friends and acquaintance would conclude, that the Lords had set his Masters and him on to murder me: (as the Earle of Northampton, and the Earle of Sommerset, set Sir Gervis Elvis, the Lieutenant of the Tower, and Weston his servant, to murder Sir Thomas Overbury in his imprisonment in the Tower of London; for which act they were both deservedly and justly hanged) which might hazard, at the least, either the pulling down, or breaking open the prison; to see what was become of me: Therefore I wished him to be advised what he did; for I assured him, I would improve all the interest I had in the world to effect it. For, before I will be murdered, I would sell my life at as deare a rate as it was possible for me to sell it at. And at another time I turned him to the Parliaments Declaration, 2 N. 1642. Book Declar. pag. 722. 723. Where, speaking of the difference betwixt the King and themselves, in answer to something said by him about the interpretation of the Statute of 25. E. 3. that they would take away his power from him; they demand a question, How that doth appeare? And they answer, "Because we say it is treason to destroy the Kingdome of England, as well as the King of England; and because we say that the King of England hath not a power to destroy the lawes and people of England. And what is that interpretation of that Statute, that no learned Lawyer will set his hand to? That treason may be committed against the Kings Authority, though not directed against his Person. Doe there want (say they) presidents, or Book-cases to make this good? Or, is it not, that they cannot see wood for trees, that look after presidents to prove this, which at length is acknowledged in his Majesties Proclamation of the 18. of June? Is it then that interpretation of the Statute, that the raising of force in the maintenance of his Majesties Authority, and of the Lawes, against those that would destroy both it and them, is no treason, though such acts of traitors and rebels should be in pursuance of his Majesties personall commands, and accompanied with his Presence. And have we cited no presidents to this purpose? What are those then of Alexander, Edition: current; Page: [3-307] Archbishop of Yorke,

Robert de Veere, Duke of Ireland, and the rest in the time of Richard the second, which we caused to be published: whose levying of Forces against the authoriy of the Parliament, and to put to death divers principall members of both Houses, by the Kings expresse command, which he promised to accompany with his presence; was by two Acts of Parliament judged Treason: And the Act of such levied forces to suppress them, was judged; good service to the Common-wealth. These presidents are said to be grounded upon repealed Statutes: and wee have indeed heard it said so twice; but wee never heard the Statute that repealed them, cited once. And whether the Parliament of the eleventh of Richard the second, was a more forced Parliament then that of the twenty first of Richard the second, which repealed the Acts thereof: And whether that of the first of Henry the fourth, which repealed that of the twenty first of Richard the second, and all the acts thereof, and revived that of the eleventh of Richard the second, and all acts made therein; was ever yet repealed: And consequently, whether those 'two acts of the eleventh of Richard the second, and the first of Hen: the fourth, doe not still stand in force; None that are acquainted with the Records and History of that time, can deny, or so much as doubt. But doe we need Presidents in this case? Is it not a known Rule in Law, That the Kings illegall commands, though accompanied with his presence, doe not excuse those that obey him? And how then (say they) shall it excuse Rebels and Traytors? and how shall it hinder the Kings Courts and Ministers to proceed against them judicially, if they submit; or by force, if they make opposition with force? If the King might controll all the Courts in Westminster Hall, and the High Court of Parliament it selfe, and make it good by force; what were become of the known legall government of this Kingdome? or what a Jewell had we of the Law? or what benefit of being Governed according to Law; if all Lawes might by force be overthrown, and by force might not be upheld and maintained?"

Now Mr. Brisco, said I, if the Kings commands and power cannot over throw the Law; much lesse can the Lords commands, who are farre inferiour in power unto him, their absolute earthly Creator and Master from whom they have derived all that they have; and Edition: current; Page: [3-308] therefore cannot be above him. For it is a maxime in Nature and Reason, That there is no Being beyond the power of Being. And another Maxime it is, That every like begets its like; but not more: And therefore impossible it is, that their power should be above the power of their begetter, or Improver, the King.

Again, Mr. Brisco, said I, if here, by the confession of the Lords themselves; (for they joyned in the making of this very Declaration) it be a known Rule in Law, That the Kings illegall commands, though accompanied with his presence, doe not excuse those that obey him; then much lesse are you, your Master Wollaston, nor his Masters, the Sheriffes of London, excusable, for executing the Lords illegall and barbarous Warrants and Orders upon me; which they doe not accompany with their presence to see put in execution. Therefore, Mr. Brisco, assure your selfe, that if I live, I will turn all the stones in England that possibly I can turne, but I will have justice, satisfaction, and reparations from you and all your masters, for executing the Lords illegall Orders and Commands upon me. At which hee told me, he and his Masters were Officers, and must execute the commands the Lords gave them, without the disputing the illegality of them. Wel then, said I, by the same Rule, if the Lords (who have no legall authority over me) send you a Warrant to hang, strangle, or stab me, or cut off my head in prison, although I have had no legall triall according to the Law of the Land; you will put it in execution: And as well, said I, may you doe that, as to doe to me as you have done: and besides I know no Ground they had to receive mee a prisoner upon the Lords Warrant, at all: especially considering according to Magna Charta, the Petition of Right &c. none of their Warrants of commitments of me, have either legall beginning, or legall conclusions. And excellent to this purpose are those Golden expressions of the most worthy Lawyer, Sir Edward Cook in his exposition of the 29. chap. of Magna Charta, in his 2. Part. Instit. fol. 52. Where expounding what is meant by *per legem terrae*, that is, the law of the land, having spoken of divers things, he comes to speak of Commitments, and saith,

Now seeing no man can be taken, arrested, attached, or imprisoned, but by due processe of law, and

according to the law of the land; these conclusions hereupon doe follow.

First, that a Commitment by lawfull warrant, either in deed, or in Edition: current; Page: [3-309] law; is accounted in law due processe or proceeding of law, and by the law of the land, as well as by processe by force of the Kings Will.

Secondly, That he or they which doe commit them; have lawfull authority.

Thirdly, That his warrant or MITTIMUS be lawfull, and that must be in writing under his hand and seale.

Fourthly, The CAUSE must bee contained in the WARRANT, as for Treason, Felony, &c. or for suspition of Treason, or Felony, &c. Otherwise if the MITTIMUS contain no cause at all, if the prisoner escape; it is no offence at all: Where as if the MITTIMUS contained the cause; the escape were Treason or Felony: though he were not guilty of the offence. And therefore for the Kings benefit, and that the prisoner may bee the more safely kept; the MITTIMUS ought to contain the cause.

Fifthly, the Warrant, or MITTIMUS containing a lawfull CAUSE, ought to have a lawfull CONCLUSION, Viz. and him safely to keep, untill he be delivered by Law &c. and not untill the party committing doth further order. And this doth evidently appeare by the Writs of Habeas Corpus, both in the Kings Bench, and Common Pleas, Exchequer, and Chancery, which there He cites.

But, Mr. Briscoe, I am a legall man of England, who in all my actions have declared a conformity to the lawes thereof, and have as freely adventured my life for the preservation of them, as any Lord in the Land, whatsoever he be, hath done. And besides; I have to doe with those very LORDS that have stiled themselves. The Conservators of the Lawes and Liberties of England; and with in their printed Declarations, the plague and vengeance of heaven to fall upon them, when they indeavour the destruction and subversion thereof. And therefore I expect in every particular to be dealt with according to Law (my inheritance, and the inheritance of all the free Commoners of England) and not otherwise; and my life and blood I will venture against that man, what-ever he bee, that shall attempt the contrary upon me: for the Free-born men of England (yea the meanest of them) can neither by the command of the King, nor by his Commission, nor Councell, nor the Lord of a Villain can, or could imprison, arrest, or attach any man, without due processe of law, or by legall judgement of his equalls, viz. MEN OF HIS OWN CONDITION, or the Law of the Land, against the forme of Edition: current; Page: [3-310] our defensive great Charter of Liberty. Nay, in old time a Pagan or an Heathen could not be unjustly imprisoned, or attached, or arrested, without due processe of Law, as appeares by the Lawes of King Alfred, Chap. 31. and consonant to this doctrine, and that fore-mentioned in the Parliaments Declaration; is the judgment of Sir Edward Cook in the 186, 187. pages of the 2. part of his Institut. and which was so resolved for Law, as hee there declares 16. H. 6. and yet notwithstanding all the discourse I had with Briscoe, the Sheriffes Clerk of Newgate, about 9 a clock at night; the Sheriffes the next morning sent 30. or 40. of their Varlets that wait upon the Theeves and Rogues, and the Hang-man to Tyburn, to carry me by force, nolens, volens, to the Lords Bar (those Vsurpers and Incrochers) to receive my most illegall, unjust, barbarous, and tyrannicall sentence.

My third reason is, because I have not only been so evilly and unjustly dealt with this year by the Sheriffes of London; but also the first year by the Lord Major of London, Alderman Atkins, and Mr. Glyn Recorder thereof, when I was committed to Newgate by the House of Commons; for what, to this day, I doe not yet know: yet Mr. Glyn so thirsted after my blood; that as I was from very good hands credibly informed, he was a main stickler to get an Order to passe that House, to have me tried at the Sessions of Newgate for my life; saying (as I am told) in the house, to some members thereof, turn him over to me and I will hamper him to the purpose: of which, when I heard; it was not for me to

sit still; and therefore, I got published certain Quere's to state my case, in one side of a sheet of paper: the substance of which, you may read in a printed Book called Englands Birth-right. And what was the issue of that businesse, you may fully and truly read in my fore-mentioned answer to Mr. Pryns notorious lyes, falshoods, and calumnies; especially, in pag. 28, 29, 30, 31, 32, 33, 34. to which, I refer the Reader.

And then secondly, there was a false, and base report raised, spread, and divulged by Mr. Pryn, and some other of my bitter Presbyterian Adversaries (those bloody cozen-Germans to the persecuting Bishops) meerly to make me and my friends odious to the people that so instead of enjoying a legall tryall, and the benefit of the Law, our common Inheritance; we might by the rude multitude, be either stoned to death, or pulled in pieces: which report was, that I had conspired Edition: current; Page: [3-311] with other Separates & Anabaptists to root out the Members of this Parliament by degrees, beginning with Mr. Speaker; whom if we could cut off, (as Pryn saith it in print, in his book, called, The Lyar Confounded) all the rest would follow: and if this succeeded not, then, to suppress & cut off this Parliament by force of Arms, & setup a new Parliament of our own choice & faction; my answer to which abominable false charge, you may read in my fore-mentioned answer to him, pa. 35. And there running divers of his Authentical witnesses and Creatures (little better then Knights of the Post) up and down London; and at last, one or more of them came into Houndsditch, to one Mr. Rogers, &c. to insnare him, and told him of the plot; but he like a wise man, apprehended him by a Constable, and carryed him before the then Lord Major, who dealt neither faire, honestly, nor justly with me, nor them; no, nor with the Kingdome, &c. But in regard it may at a distance, touch upon some present Member or Members of the House of Commons, with whom, I do ingeniously confesse, I have no desire at all to contest; I cease it: though it was as mischevous a plot against me, as ever in my life was contrived against mee, and which had come out to the bottome, if my Lord Major had been as just and honest, as a righteous Judge ought to be, and had not been so full of prerogative-principles, as to feare Man, more then God.

My fourth reason, is, because I have not only been robbed of my trade, by the monopolizing Merchant-Adventurers; and so evilly, hardly, and unjustly dealt with, by the late Lord Major, the two Sheriffes, and the Jaylors of Newgate, all Mr. Recorders pride and malice, all prerogative Officers in London; but also, have been so evilly, illegally, and unjustly dealt with all, by Col. Francis West, the present Lieutenant of the Tower (thereunto appointed by the principall prerogative-men of London,) which you may briefly reade in a late published book of a friend of mine, called, Liberty vindicated against Slavery, and which I shall, by the help of God, fully lay open in due time; and also, in regard of that late abuse, given unto my wife at Westminster, at the very Parliament door, when she was peaceably wayting there with eight Gentlewomen more of her friends, for an Answer to her late Petition, and for Justice from the house, about my illegall sufferings, which it is their duty to hold out to her, and all others whatsoever, that have just cause to seek it from them; where came unto her Edition: current; Page: [3-312] one Richard Vaughan, Ensign to the Guard that day, and a Citizen of London, being a Goldsmith in Foster-line; who, after he had set his Guard at the doore, that goes into the Roome next to the House of Commons: my wife, with other of her friends, standing in a peaceable manner at the bottome of those staires; hee came, and enquired of them which was Lilburns wife; at which my wife answered, she was she; upon which he wished, I had been out of the Land when I first went out in the Parliaments service; and without any more adoe, laid violent hands upon her, and endeavoured to throw her down the next staires, which are three or four steps, that goe down into the Court of Requests, and had gone neer to have spoyled and undone her, if some of her friends by her, had not preserved her from the fall but being not content with this, he follow'd her into the Court of Requests-chamber, and then again laid violent hands upon her, and took her by the throat, as if he would have throttled her, and would have drag'd her away as a prisoner, calling out to his armed men to help him: a piece of unmanlike cruelty and barbarism, which will be in future ages, a badge of

shame to the sufferers of it, to go unpunished, and which renders him to be one of the malicious, basest, unworthiest, and cowardliest of men, to use a Gentlewoman in such a barbarous manner, that neither affronted, nor medled, nor made with him, and which makes me judge him to be a fellow more fitter to feed hogs and Swine, then to be named a Soldier, or ranked amongst the number of martiall men: but yet notwithstanding, it gives me cause to think, and judge, that some of my prerogative-adversaries either in the City, or else-where, set him on of purpose, at last, to abuse and affront my wife; that so, she should never dare any more to come thither to seek for justice, at the hands of those who have sworn to hand it over impartially to every legall man & woman of England. The comparing of which, with what I have but very lately heard, puts my thoughts into a deep and serious muse: the late relation of which, as it is told me, is thus; That day my wife delivered her Petition in print to the Members of the House of Commons, there was a Barrister at Law in the Lords House (it seemes before they sate) reading my wifes Petition, and there came a Lord to him, and said unto him in a familiar manner. What art thou reading? unto which; he answered, the Petition of Lieut. Col. Lilburns wife to the House of Commons: Unto which that Lord said, the Plague on Edition: current; Page: [3-313] him for a Rogue; how are wee troubled with him? but if the Lords would be ruled by me, and be all of my mind; we would dispatch him, and stretch him up without any more adoe: But truly, my Lord, I must tell you, you have no Law to do it, I am sure of it; and therefore in reference to that, I challenge you, and your whole House, to a tryall of Law, for all the differences betwixt us, begin when you please: and your Lordship knowes very well, that when I was last at your Bar, I challenged you all face to face to a tryall at Law: But, my Lord, seeing I find and meet with such ready Instruments, amongst the prerogative-men of London, my unnaturall fellow-Citizens, to put in execution, without dispute, feare, or check of Conscience; (all your unjust Commands) I have some cause to be jealous, that I may meet with Sir Thomas Overburies portion, to be murdered in prison, there being a very near parallell betwixt divers of his usages and mine, as appears to me, by the printed relation thereof, made by the Right Honourable Foulke, Lord Brooke, and printed at London for N. R. 1643.

And therefore, for all these reasons laid together, I am resolved, both in point of conscience, prudence, and safety, to sit no longer in silence; but to give to you Lords, and your Kinsmen, the prerogative men of London (by some of whom, I have suffered so much of late, & have just cause to fear, that they will be your arbitrary and illegall Instruments, to make me yet suffer much more) a joynt and home-charge both together; and this I send you forth, as a forlorn Hope: the body of which (do all of you the worst you can) by the strength of God, shall follow after; although you should tye, and fetter both my hands and feet, and set twenty Warders upon me, to keepe mee from Pen and Ink: for I am now resolved, by the power of the Almighty, to sell my life to you my conjoynd adversaries and enemies, as dear (if it be possible) as ever Sampson did his to the Philistines: of whom it is said, he did them more mischief at his death, then he did them in all his life, Judg. 16. and good reason have I so to do, in point of conscience; both in the sight of God, and all rationall men, that are not distempered with the principles of prudentiall cowardlinesse; and that I prove thus:

If to do to another, as we would have another to doe to us, be a principle, so acceptable to God, and all good men, and an unalterable Law established by God, before Moses Law, and under his Law; and Edition: current; Page: [3-314] also established by Christ, the just and righteous Prince of peace, under the Gospel; as the most transcendent excellentest Law, that can be amongst the sons of men, and which purely flowes, from the pure fountaine of reason: then from the same pure principle of reason and Justice; I deduct this which naturally ariseth from the lesse to the greater;

That which in point of conscience is unlawfull for me to do to another, is much more in point of conscience, unlawfull to do unto my selfe:

But, to do evill unto another, to mischief, rob, spoyle, kill, or any way destroy another, in point of

conscience, is unlawfull;

And therefore, in point of conscience, it is much more unlawfull for me to do any evill unto my selfe, or to mischiefe, rob, spoyle, kill, or any way destroy my selfe.

And the reason of all is, because in my self, is nature nearer to my self then all the world besides. And again, if by the Command of God, and the instinct of nature; I must as much as much as in me lyes, do good to all men: then by the same strength of reason, must I much more do good unto my selfe. And therefore for me to know of, and see mischiefe before my eyes intended me, and to be so stupid and sottish, as not to take care, by all just and rationall meanes to prevent it; is to be felonious to my selfe, and to do that unto my selfe, which I should not do unto another, no, nor suffer to be done unto another: But my adversaries have taken from me, my liberty, (and tormented and tortured my body with cruel and close imprisonment) and spoyled me of my trade and livelihood, and disfranchised me without cause or ground, by robbing me of my right and benefit in the lawes and liberties of England (more deare to me then any earthly treasure whatsoever) and thereby as much as in them lyes, have made a slave and a beast of me, and so changed the property that God created me in: and now thirst after my life and blood, which is all they have left me. To preserve which (finding no remedy at the hands of Justice (by the powerfull operation of some prerogative-men there, the names and qualities of whom you shall shortly knowe) to whom I have appealed; I send my adversaries this bone to pick, as a speciall meanes (appearing so to my understanding) to breake their cruel fangs, and devoureing Edition: current; Page: [3-315] tusks; and the mighty and omnipotent power of the Lord JEHOVAH, goe along with it, and make it effectfull for the accomplishing that end. And I hope no rationall man will blame me for doing herof, seeing as Iob saith, eye for eye, tooth for tooth, and all that a man hath will he give, (or venture) for his life. And so much for the particular reasons concerning my selfe, which moved me to write this.

I will onely give you two more, which are more generall; and then conclude.

And the first is, because the greatest bondage of this land ariseth from the monopolizing patentee-Clergy, who have been and still are the men that as Iohn in his Rev. (Chap. 7. 1.) saith, hould the four winds of the earth, that the winde thereof should not blow upon the earth, And though in Pauls time, some preached the Gospel of envy, and others of good will; yet he forbids none to preach it; but rejoyceth that, it was preached by any, whether in pretence or truth, yea, and there it would rejoyce, Phil. 1. 5. 16. 17. 18. But these Clergy-men, like so many of the Divels Agents, whose Kingdome is a Kingdome of darknesse; see themselves on purpose to overspread the earth, with blindness and darknesse, and so by consequence; with injustice, cruelty, and blood-shed: and rather then any, though never so able, should preach Christ and his Gospel, that will not receive power; therefore, from them, by their mouldy, greazy consecration and imposition of hands; thousands, and ten thousands of soules shall perish for want of knowledge, and so run headlong to hell eternally: yea, men that will not be conformable unto them, and be absolutely of their cut, and fashion; though never so extraordinarily adorned with the knowledge of Christ, and of his will and minde; shall neither eat, and drinke buy, nor sell amongst them, no nor live, nor have a habitation amongst them in the land of their nativity: witnesse that most DIVELISH, WICKED, BLOODY, VNCHRISTIAN, PAPISTICALL REMONSTRANCE of the prerogative-men of London, &c. who amongst many other base and wicked desires, would have us reduced back to the Pope of Rome againe, to believe as the Church believes; for they would have us be conformable in Church Government, &c. not onely to what is already established, but whatever shall be established, Edition: current; Page: [3-316] and to speake properly, this very Remonstrance is but one of their brats, which with other of their actions, doth demonstrate them cleerly to be part of that Antichristian beastly power, spoken of Rev. 13. 11, 12, 13, 14, 15, 16, 17. And what Doctor Leighton in his booke called Syons Plea, pag. 69. saith of the prelates

in reference to the popish Bishops, may we say of the present Clergy in reference to the Bishops, whose office and function they have condemned for Antichristian, viz. that they are garments cut out of the very same cloth, a paire of sheeres (as we say) went but betweene them, onely divers hands have cut them out. And to me it is the greatest riddle in the world, how the Bishops can be Antichristian as themselves say, and themselves Christs Ministers, although they have no other ordination but what is derived from them, seeing as nature tells me, every like begets its like: and reason also tells me; that there is no being, beyond the power of being: and the Scripture saith, without all contradiction, the lesse is blessed of the greater, Heb. 7. 7. but no where saith, the better or greater is blessed of the lesser: and Iames demands a question which in reason, and the ordinary course of nature is impossible to be, saying, Iames 3. 11. doth a fountaine send forth at the same place, sweet water and bitter? and Iob demands to know who he is, that can bring a cleane thing out of an uncleane and answers: not one.

Now these Clergy-men demonstrating by all their actions, that they are the naturall and true-bred children of their bloody fathers the Prelates, if not worse then they; for all their faire speeches and glosing pretences to the contrary: therefore we may safely averr, that proposition to be true of them, that Doctor Leighton in the foresaid booke, pag: 51. averrs and proves to be true of their spirituall forefathers, viz. that of all the evils inflicted, and of all the good hindered, since Anno. 600; one or more of the hierarchy, have been a principall cause. And I add and averr, that there is no misery befallen this Kingdome, nor no good hindered from coming to it, since the Prelates were put downe; but some of the present Clergy have been the maine principall in it, witnesse their continuall and daily dividing and distracting the Kingdome in all the parts of it, on set purpose for the establishing that divilish and tyrannicall interest of pride, Lordship, Edition: current; Page: [3-317] and Domination which they will effect, or else they will lay it in blood and force. Witnesse their bloody intended Ordinance, brought in by Mr. Tate, and Mr. Bacon. And have they not already almost brought us to the doore of a new warre with the Scots; which, God prevent. But, if for a plague to us it should come upon us; I hope the people of England will have their eyes opened to see the Clergy to be no small causes of it, whom I hope they will not let passe without due punishment, as grand disturbers of the peace of this distressed Common-wealth: Seeing that the temporall and trade-Monopolizers, and other prerogative-men in London, are their stalking-horses, by which they act their designes the more strongly: the one helping the other to inslave the people, and therefore are and may justly be called Simeon and Levi, brethren in evill, and wickednesse, whose tyrannicall mystery wants an Anatomy, the beginning of which; this is.

The last reason why I publish this, is, because that although the fundamentall Lawes of England, be rationall and just lawes, and so pleasant and delightsome to the people: these Prerogative-Monopolizing Patentee-men of London, have done as much as in them lies, to pervert them, and to turn them into Wormwood and Gall: And though they be the common birth-right and inheritance of every particular individuall freeman of England; yea, of the meanest Cobler and Tinker, as well as of the greatest Gentleman or Nobleman. And therefore justly doth the King call the Law, The Birth-right of every subject of this Kingdome. Book Declar. 312. and in pag. 328. he saith, The Law is the common inheritance of his people. And in pag. 385. he calls the Law, The common Birth-right of his Subjects; to which onely, they owe all they have besides: And therefore are bound in the defence of it, to bee made MARTYRS for it. And in pag. 28. he sath, The Law is not onely the inheritance of every subject, but also the onely security he hath for his life, liberty, or estate: And the which, being neglected, or disesteemed; (under what specious shewes soever) a great measure of infelicity, if not an irreparable confusion, must without doubt fall up them. The meanest of which, he saith, p. 650. are born equally free, (and to whom the Law of the Land is an EQUALL INHERITANCE) with the greatest Subject. And that the wealth and strength of this Kingdome, as in the number and happinesse of the people; which is made up of men Edition: current; Page: [3-318] of all conditions: and to whom

in duty without Distinction, he acknowledgeth he oweth an EQVALL Protection. And he in pag. 140. 163. passeth a most superlative high commendation upon those golden expressions of Mr. John Pym's speech against the Earle of Strafford: and published in print by a speciall order of the House of Commons, which are, That the Law is the SAFEGVARD, the CVSTODY of all private interests: Your honours, your lives, your liberties, and estates; are all in the keeping of the Law: And without this, every man hath alike right to any thing. And therefore (saith he) the Law is that which puts a difference betwixt good and evill, betwixt just and unjust. If you take away the Law, all things will fall into a confusion; every man will become a law unto himself: which, in the depraved condition of humane nature, must needs produce many great enormities: Lust will become a law, and envy will become a law, covetousnesse and ambition will become lawes: and what dictates, what divisions such lawes will produce; may easily be discerned.

And in this very language doth the Parliament speak in their declarations, Book Declar. pag. 6. where they speak with a great deal of vehemency and bitterness against the bold and presumptuous injustice of such Ministers of Justice as before this Parliament, made nothing to breake the lawes, and suppress the liberties of the Kingdom, after they by the Petition of Right, &c. had been so solemnly & evidently declared. Yet they obstructed (amongst abundance of other grievous crimes there enumerated, the ordinary course of Justice; which they there (pag. 7.) call the COMMON BIRTH-RIGHT of the Subjects of England. And in pag. 38. they speaking of the Kings dealing with the five accused Members: who, by his Majesties Warrant, had their Chambers, Studies, and Trunkes sealed up: which action (they say) is not only against the priviledge of Parliament, but the common liberty of every Subject. And in the same page they say, His Majesty did issue forth severall warrants to divers Officers under his own hand, for the apprehension of the persons of the said members, which by Law he cannot do; there being not all this time, any legall charge, or accusation, or due PROCESSE of law issued against them, nor any pretence of charge made known to that House whereof they were Members. All which are against the fundamentall lawes and liberties of the Subject, &c. And in pag. 458, 459. they declare, That in all their endeavours since this Parliament began, they Edition: current; Page: [3-319] have laboured the regaining of the ancient (though of late yeares much invaded) rights, lawes, and liberties of England, being the Birth-right of the Subjects thereof. And therefore pag. 660. they own it as their duty to use their best endeavours, That the meanest of the Commonalty may enjoy their own Birth-rights, freedome, and liberty of the law of the land; being equally (as they affirm) intitled thereunto with the greatest Subject. And in pag. 845. they declare, that to be assaulted or seised on without due Processe or Warrant; is against the legall priviledge of every private man: but the Prerogative-Monopolizing arbitrary-men of London, as though they had an absolute Deity-power in themselves, and were to be ruled and governed by nothing, but the law of their own will: And as though they were more absolute and soveraigne in power, then either the King or Parliament, divided or conjoynd; dis-franchising the greatest part of the Commons of London, of their Liberties, Trade, and Freedomes, at their pleasure; which is granted unto them not onely by God, and the great Charter of Nature, and Principles of Reason, but also by the Fundamentall Lawes and Constitutions of this Kingdome: by which lawes, and by no other; is London, as well as the rest of England, to be governed. And therefore Arbitrary, Irrationall, and Illegall it is for them, or any of their brother-hoods, Monopolizing Corporations and Companies, by the authority of any pretended Royall Patent, Proclamation, or Commission, whatsoever; to assume unto themselves a power to destroy, annihilate, and make voyd the Fundamentall lawes of the Land; which yet notwithstanding they daily doe. And sure I am, by the Petition of Right, the King of himself can neither make an oath, nor impose 6 pence upon any of his people, nor imprison, nor punish any of them, but by the Law, & by the Statutes of Magna Charta, chap. 29. & 2. E. 2. 8. & 5. E. 3. 8. 9. The King shall neither by the great Seal, nor little Seale, disturb, delay, nor deferre judgment, or common right: And though such commandements doe come; the Justices shall not therefore leave to do right in any point. But yet notwithstanding, they meerly by their illegall prerogative, both frame oathes absolutely-destructive to the publick law of the

kingdome: impose arbitrary fines, and illegall levies and payments of moneys: and act illegall imprisonments and punishments: yea, and at their pleasure seise upon the goods of freemen. All which is constantly practised in their Patentee-Monopolizing Edition: current; Page: [3-320] Companies, Corporations and Fraternities. So that to speak properly, really, and truly, their Brotherhoods are so many conspiracies to destroy and overthrow the lawes and liberties of England, and to ingrosse, inhance, and destroy the trades and Franchises of most of the Freemen of London.

But if it should be objected, That these things are the ancient customes and practices of the Grandees of London: and therefore by prescription of time are become lawes thereto;

I answer: Course of time amends not that which was nought from the beginning. And that which was not grounded upon good right, and sound reason; is not made good by continuance of time. And therefore to give a definition of the Lawes of England, as it may be proved out of the workes of the best and most conscientious Lawyers thereof.

It consists of the ancient constitutions, and modern acts of Parliament, made by the States of the Kingdome: but of these onely such as are agreeable to the word of God, and law of Nature, and sound Reason.

Or the Fundamentall Law of the Land, is the PERFECTION of Reason, consisting of Lawfull and Reasonable Customes, received and approved of by the people: and of the old Constitutions, and modern Acts of Parliament, made by the Estates of the Kingdome. But such only as are agreeable to the law Eternall and Naturall, and not contrary to the word of God: For whatsoever lawes, usages, and customes, not thus qualified; are not the law of the land: nor are to be observed and obeyed by the people, being contrary to their Birth-rights and Freedomes, which by the Law of God, and the great Charter of Priviledges, they ought not to be.

And therefore Sir Richard Empson, and Edm. Dudley, Justices of Peace, were both hanged in Henry the eighths dayes, for putting in execution, severall illegall practices grounded upon an unjust law made in the 11. H.7.chap.3.1. which, as honorable Sir Edw. Cook saith was made against, and in the face of the Fundamentall Law of the great Charter, 2. part. Instit. fol.51.

And just it was they should be thus dealt with, because it is honorable, beneficial and profitable for the Common-wealth, that guilty persons should be punished, lest by the omission of, the punishment of one, many men by that ill example, may be encouraged to Edition: current; Page: [3-321] commit more heinous offences. And excellent to this purpose, is that saying of the Parliament, which I desire they may never forget, Book. Doctor pag. 39. which is, That they are very sensible, that it equally imports them, as well to see justice done against them that are criminous, as to defend the just rights and liberties of the Subjects and Parliament of England. And therefore pag. 650. they call the execution of the law, the very life and soule of the law, as indeed it is: without which; it is but in truth a dead letter, and a sencelesse block. But woe unto you prerogative Patentee-Citizens, if the Law shall be executed upon you; I professe I will not give three pence for an hundred of your estates, for all the greatnesse thereof, what-ever become of some of your liberties, or lives; which many of your have hitherto preserved by bribes, and other indirect courses. Witnessse some of you in a joint fraternity, like brethren in evill, giving above threescore thousand pounds at once for a bribe in the dayes of the Councell-Table, to preserve you from Law and Justice; and to destroy the Law, and to buy and rob your fellow-Citizens, as free as your selves, of their liberties, franchises, trades, and livelihoods. Read the Discourse for Free Trade.

Onlye worse then high-way men, pick-pockets, & housebreakers, who now would fain transform your selves into Angels of light, like your old wicked Father, & become godly Presbyters, that

now-sprung-up Sect and Heresie in England; whose Lordlinesse and pride, was long since as Heathenish and Gentilisme condemned by Christ and his Apostles; and zealous Covenanters, which you make your stalking horse, to disfranchise all honest and tender conscient men, that cannot take that impossible to be kept, and double-faced Covenant, the greatest make-bate and snare that ever the Divell, and the Clergy his Agents, cast in amongst honest men in England, in our age: which I dare pawn my head and life so to prove it to be, in a fair & publike discourse, against the greatest maintainer thereof in England. But alas! If it were ten times worse, your wesons are wide enough to swallow it down, and your consciences large enough to disgest it, without the least danger of vomiting; But I hope the true, faithfull; and just God of Heaven and Earth, will raise up heroical Instruments, to unvaile, and unmask you; and bring about wayes & means enough, for all your juggling, and machivel-like endeavours, to divide the peoples affections, each from other, about those unhappy names Edition: current; Page: [3-322] of Independents and Presbyters to bring you to condigne, and just deserved punishments, before you have fully saddled and bridled them, and made them fit to be rid by you as slaves: And therefore, for the further discovery of you, I judge it not amisse here to insert, that excellent Petition of Mr. William Sykes, and Thomas Johnson, delivered in writing first to the house of Commons, and then in print to the Members thereof; which thus followeth:

To the Honourable the Knights, Citizens, and Burgesses of the Commons House in Parliament Assembled.

The humble Petition of William Sykes, and Thomas Iohnson, Marchants, on the behalfe of themselves, and all the freemen of England.

William Sykes
Sykes, William
Thomas Johnson
Johnson, Thomas
March the 4. 1645
Sheweth,

THat whereas divers Marchants in the 21. year of the Raign of Queene Elizabeth, under the great Seal of England, obtained a large and illegall Charter of incorporation, for them and their Company, to use the traffique and seas of Marchandize, out, and from any of Her then Majesties Dominions, through the Sound into divers Realmes, Kingdoms, Dominions, Dukedoms, Countries, Cities, and Townes, viz. Norway, Sweden, Poland, &c. Whereby none but themselves, and such as they shall think fit, and for such fines and compositions as they shall impose, shall take any benefit by the said Charter; disfranchising thereby, all other the free-borne people of England, who during the time of all these warres, have been in divers respects, greatly charged for the defence of this present Parliament; the lawes and liberties of their native Edition: current; Page: [3-323] Country, and therefore ought indifferently to enjoy the benefit of the good lawes, franchises, and immunities by Magna Charta established: which great Charter hath been ratified by 31. sessions of Parliament; as also this present Parliament, being bound by protestations, oaths, and covenants to maintaine the same: by reason whereof, and other illegall monopolies, they are debarred from that free enlargement of common traffique, which the Kingdoms of Scotland and Ireland do enjoy; the same being destructive to their laudable liberties and priviledges, the fundamentall lawes of the Land, to the manifest impoverishing of all owners of ships, masters, mariners, clothiers, tuckers, spinsters, and multitudes of poore people; besides the decrease of customs, the ruine and decay of navigation, together with the abusing the price of our wools, cloth, stuff: and such like commodities, arising and growing within this Ralm, and the inhauncing of all commodities imported from those forraign parts, by reason of the insufficiency of the

merchants, they being few in number, and not of ability to keepe the great store of our ships and seafaring men a work, and to vend our native manufactories, and likewise by reason that those forraign commodities are in few mens hands, much hurt and, prejudice hath redounded to every private or freeman of this Kingdom, and tendeth to the ruine of the constitutions thereof.

Your Petitioners most humble suit is, that the charter and monopoly of the Eastland-merchants, the charters and monopolies of the merchant Adventurers, Turkie-marchants, Greenland-marchants; Muscovia-merchants, &c. upon mis-informations, and untrue pretences of publike good, so unduely obtained, and unlawfully put in execution, to the great grievance and inconvenience of the free Denizons of this Realm, contrary to the great Charter, and divers other statutes of former Parliaments, viz. the 12. H. 7. the 3. Jac. which was made for the overthrow of the Spanish Corporation, &c. the Petition of Right, the act made for the abolishing of the Star-Chamber in this present Parliament (in which our liberties and freedoms are confirmed) may be, as indeed they are, declared to be contrary to law, and to be utterly void, and of none effect, and in no wise to be hereafter put in execution; and this we are the rather imboldened Edition: current; Page: [3-324] to crave, for that the Parliament in the 3. Car. by the Petition of Right, and this Parliament by the act for abolishing the Star-Chamber, have confirmed the statute of tallage, made in the 34. of Edw. 1. whereby in the 4. chaptar, it is enacted; that we shall have our lawes, liberties, and free customs, as largely and wholly as we or our ancesters have used to have the same at any time, when we had them at the best: and if any statute hath been made, or any custome brought in contrary to them; that such manner of statutes and customs, to be void and frustrate for evermore: and by another statute of the 25. Edw. 1. yet in force, and unrepealed, It is enacted, that if any Iudgement be given contrary and against the subjects liberties, confirmed by Magna Charta, by any Iustices, or by any other Ministers, that hold plea before them; the same shall be undone, and holden for nothing: all which your Petitioners doubts not but you will grant and confirme, and no more subject your Petitioners to these law-destroying monopolizers: but that free trade and traffique may be restored in all points, according to law, as of right it ought to be: these Corporations called to a strict account for all their wrongs and oppressions, and reparations made to the parties grieved, as shall be agreeable to justice (the life and soule of all well-governed Common wealths) that all men hereafter to succeeding generations, may be terrified from making inchroachments upon the common liberties and freedoms of the people.

And your Petitioners shall ever pray, &c.

March the 4. 1645

William Sykes.

Thomas Johnson.

And I doe hereby exhort all my fellow-Citizens that have been denied and prohibited by you to follow their trades, and vend their goods, seriously to read over the Statute of Monopolies, made 21. James, chap. 3. and seriously with the best advice and counsell they can get, consider thereof; and I believe they will, by it, finde your practises to be against the Fundamentall Laws of England, and your selves liable to pay treble dammages, and double costs, to every man that shall ground his action upon this Statute; and, sue you at common-law, for hindering, grieving, disturbing, or disquieting, or his, or Edition: current; Page: [3-325] their goods, or chattels, any way seizing, attaching, distraining, taking, carrying away, or detaining by occasion, or pretext of any Monopoly, or of any such Comission (as in the Declaratory-part of this Statute, is mentioned) grant, licence, power, liberty, faculty Letters-Pattents, proclamation, inhibition, restraint, warrant of assistance, or other matter, or any thing tending as aforesaid.

And for the incouragement of all those, that sue upon this most excellent Law; it is enacted in the body

thereof, That he that delays an action grounded upon this Statute, incurs a Præmunire, according to the Statute of the 16. R. 2. chap. 5.

But if you shall think, that you are free, by reason of the 5. proviso therein contained: I believe you are meerly cuzzoned; for if you read the Preamble or Declaratory-part of the Statute, you shall find it there declared, That all grants of Monopolies, and of the benefit of any equall Lawes, or of power to dispence with the Law, or to compound for the forfeiture, are contrary to Law; So that thereby it appears, the antient fundamentall known law of the Land, is absolutely against Monopolists; so that this Statute is no new law, but a declaration and confirmation of the old and just law of the Land, which makes the Statute the more stronger: but least it should in future time, by any scrupulous or cautious Judge, be questioned, whether it bee a true Declaration of the Law: Therefore, to make it strong, without staggering; it is not only declared to be law, but it is enacted to be so, and that by all the estates, in a free and peaceable time; which makes it as firme, and sure, without the least flaw in the world, as it is possible for any humane law to be made: And therefore, for the avoyding and preventing of the like mischiefs in future time, as had happened in the Kingdome in times past, to the great grievance and inconvenience of the people; May it please your most excellent Majesty, at the humble suit of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That it may be declared and enacted; And be it declared and enacted, by authority of this present Parliament. That all Monopolies, and all Commissions, Grants, Licences, Charters, and Letters Pattents, heretofore made or granted or hereafter to be made or granted to any person or persons, bodies politike or corporate whatsoever, of, or for the sole buying, selling, making, working, or using of any thing within this Realme or the Dominion of Wales, or of any other Monopolies, or of power, liberty, or faculty, Edition: current; Page: [3-326] to dispence with any others, or to give licence or toleration to doe, use, or exercise any thing against the tenour or purport of any Law or Statute or to give or make any Warrant for any such dispensation, licence, or toleration to be had or made or to agree, or compound with any others for any penalty, or forfeitures limitted by any Statute, or of any Grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or summe of money, that is, or shall be due by any Statute, before judgment thereupon had, and all Proclamations, Inhibitions, Restraints, Warrants of Assistants, and all other matters and things whatsoever, any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same, or any of them; are altogether contrary to the Lawes of this Realm, and so are, and shall be utterly void, & of none effect, and in no wise to be put in use or execution.

Now I pray tell me, ye Monopolizers of London, of what strength, validity, or authority, is your proviso against this strong declared Law? truly not worth a button, being absolutely weaker; then all the other 9 Provisoos.

But let us a little consider of your proviso; the conclusion of which, expresly saith, That your Fraternitie, Charters, Customes, Corporations, Companies, Fellowships and Societies, and their Liberties Priviledges, Powers, and Immunities, shall be, and continue of such force and effect (mark it wel) as they were before the making of this Act, and of none other: any thing before in this Act contained, to the conteary, in any wise notwithstanding. And truly, they were all of them illegall before, and therefore of no force and effect, as is fully proved and declared in the Preamble, so that you get not the breadth of a hair, either in point of benefit or power, by this proviso. But, notwithstanding, your Pattents, Charters, &c. are not onely declared and enacted, to be illegall, but also your estates liable to pay treble dammages and double costs, to all men that you wrong, contrary to this just and excellent Law: in which, besides the incurring the Praemunire, to any that shall delay an Action grounded upon this Statute: It is also enacted, That no Esseign, Protection, Wager of Law, Aid Prayer, Priviledge, Injunction, or order of restraint, shall in any wise be prayed, granted, admitted, or allowed, nor any more then one imperlance.

And for the further illustration, that the Proviso of London is under, both the declaratory, and penall part, of this Statute; seriously read Edition: current; Page: [3-327] and consider, the strength of the five last provisoes, which onely are fenced in unquestionably, and you shall find their provisoes run clear in another strain to that of London, viz. Provided also, and be it enacted, that this Act, or any Declaration, provision, disablement, penalty, or other thing before in the Act mentioned; shall not extend to, &c. and in the conclusion of their proviso, the words run thus. That all &c. shall be, and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this ACT had never been had nor made, and not otherwise.

But compare the proviso for London (which is absolutely the weakest of the rest) and you shall find no such words in it at all; the words of which Proviso; thus followe:

“Provided also, and it is hereby further intended, declared, and enacted; that this Act, or any thing therein contained, shall not in any wise extend, or be prejudiciall unto the City of London, or to any City, Borough, or Towns-Corporate within this Realm; for, or concerning any Grant, Charters, or Letters-Patents to them, or any of them, made or granted, or for, or concerning any custome or customes used by or within them, or any of them, or unto any Corporations, or Fellowships of any Art, Trade, Occupation, or Mystery, or to any Companies, or Societies of Merchants within this Realm erected for the maintenance, enlargement, or ordering of any Trade of Marchandize; but that the same Charters, Customes, Corporations, Companies, Fellowships and Societies and their liberties, privileges, powers, and immunities shall be and continue of such force and effect, as they were before the making of this Act (which was just none at all) and of no other: any thing before in this Act contained to the contrary in any wise: notwithstanding, the Statute of 3. James, chap. 6. which Statute opens and make free, the trade for Spain, Portugall, and France, with Sir Edward Cookes Coment upon the Statute of Monopolies, in the 3. part of his Institut. fol. 181. and his sayings upon the same subject in his Exposition of Magna Charta, 2. part Institut. fol. 47. is extraordinary well worth the judicious Readers serious perusall; for they will give a great deale of light about these Monopolists, &c. But in case the Reader have not the bookes by him, nor cannot furnish himself therewith without a great deal of money; if he please to furnish himself with my fore-mentioned Edition: current; Page: [3-328] Treatise (which for a very small matter he may) called 55, 56, 60, 61, 62, pages thereof: you shall finde there, both the fore-mentioned Statute at large, and the marrow of Sir Edward Cookes Aaguments; to which I refer you.

But if any man shall propound the question, and ask what’s the reason that the Statute of Monopolies, being a Law of so great concernment, to all the people of London, is no plainer penned.

I answer (according to that information that I have from every good hand, and one that knowes as much of the hammering, contriving, and passing of that Statute; as I think any one man in England doth) that in the Parliament before this most excellent Law passed, it was in more plainer expressions then now it is sent up to the Lords, who judged it so prejudiciall to the Prerogative, and divers great Courtyers, that with scorne and indignation they tare it in their house, and threw it over their Bar; so that there was an end of it for that Parliament: But it being of so much use to the Commonwealth, as it was; some Patrons thereof in the next Parliament, set it on foot again, and prosecuted it very close: but judging it impossible, purely without clogs to passe the Lords; and if it did passe the Lords, yet they feared it would stick at the King; and therefore put in some colourable provisoes, which not one in a hundred could rightly understand: but it coming into the Lords house with the provisoes, much all alike, the subtle, crafty, Attorney Generall, then Sir Thomas Coventry late Lord-Keeper presently found out the fallacie; and being put upon it by his Master the King, strengthened the five last provisoes as they are, which principally served his turn, and bearing then a good-wil to the Common-

wealth, and the Law of the Kingdome, passed by that proviso of London, &c. that so the Act might be as beneficiall for the Kingdom, as possible it could bee got to be then: and to be the promoters of that Statute, were willing to please the King and his Courtiers, in admitting the five last provisoes, having gained London, &c. being the main and principal of all the rest, rather then not to have it passe at all; which then it was impossible to do without them: and therefore there was an extraordinary great necessity, to pen it so ambiguous & doubtful as it is, not only for casting a mist over the Citizens eyes, as indeed they have done it excellently well; who if it had been plain, perspicuous, and Edition: current; Page: [3-329] easie to their understandings, would have interposed with all their might and strength: and if they could not have prevailed to stop it in the House of Commons; would have gone near to have bribed all the Courtiers about the Court (in which practises they are very well versed) before it should have passed either with the Lords, or King.

Now seeing the Patentee-Monopolizers are so pernicious and destructive to the lawes and liberties of England, as by constant experience they are found to be; that both in former Parliaments, and this present Parliament, the House of Commons have thrown divers Patentee-Monopolists, out of the House; as altogether unfit to be law-makers, who have been such law-destroyers. It had been pure Justice indeed, if they had made no exceptions of persons; but swept the House of all such: and then the King in his Declaration of the 12. August, 1642. Book Declar. pag. 516. had not had so much cause too justly to hit them in the teeth, with being partiall in keeping in, Justice Laurence Whittaker, &c. who the King there saith, hath been as much imployed as a Commissioner in matters of that nature, as any man. And by all the information that I can get, or heare of, from those that knew him well before the Parliament; the King in this particular hath spoken nothing but truth: and I am sure, and will to his face make it good, *secundum legem terræ* (that is by the law of the land, but not by the arbitrary law of Committees, that his estate and head will not make a sufficient satisfaction to the kingdome for those intolerable In-rides that he hath made since this Parliament, into & upon, the fundamental and essential liberties, privileges, and lawes of England. Therefore to you my fellow-Citizens, the Cloke-men of London, I make this exhortation, to make a petition to the Parliament, to bring him, & all such Delinquents, to condigne punishments: which both the most of you, and the Parliament are bound unto (not only by your own interest, but also) by your protestation, &c. Book Declar. 156. 191. 278, 629. And good encouragement you have from their own Declarations, so to doe: For there they say, Book. Decl. 656. The execution of Justice is the very soul and life of the law. And pag. 39 they say, They are very sensible, that it equally imports them, as well to see justice done against them that are criminous, as to defend the just rights and liberties of the Subjects and Parliament of England. And in pag. 497. they say, Woe unto Edition: current; Page: [3-330] them if they doe not their duty. Therefore never think that the Parliament will be worse then their words, or throw their own Declarations behind their backs and therefore if you want the fruit of them; blame your selves for not pressing them to make them good unto you. For I am sure it is their own Maxime and saying, that, of the Parliament there ought not to be thought or imagined a dishonourable thing, page 28 and therefore, as they would have men to believe the truth of this Maxime; so undoubtedly they will be very careful and wary not to do a dishonourable action, much lesse to protect visible Delinquents and Offenders amongst themselvs in the great Council of the Kingdom, which were not only a dishonourable action, but would justly open all rationall mens mouths (not only to think, but also) to speak dishonourably of them.

But it may be, you will say, that your Grandees of London tell you, the Parliament will receive no Petitions from a multitude of Citizens, unlesse it come through the Common-council.

I answer, true it is, there hath been a very strong report of such a thing in London; but roguery, knavery, and slavery is in the bottome of it: for if the prerogative-men of London could once bring you to that; they might tyrannize over you at their pleasure, ten times more then they do. Therefore, an

enemy to the Liberties of England and London in the highest degree; hee is that would perswade you, to believe any such thing: Yea, and I say further, he is an enemy to the honour, dignity, and safety of the Parliament that so doth: for this were to destroy the fundamentall freedoms of England, which the Parliament themselves cannot destroy, being appointed to provide for our weal, but not for our woe, Book Decl. p. 150, 81, 179, 336, 361, 382 509, 663 721, 726. and themselves say, pag. 700. that all interests of trusts are for the use of others, for their good, and not otherwise.

And punishable is he, that shal make the people believe any such thing: the Parliament judging it the greatest scandal, that can be laid upon them, that they either do, or ever intended such a thing, as to inslave the people, and rob them of their liberties and freedoms, Book Decl. p. 264, 281, 494, 496, 497, 654, 694, 696, 705, 716.

And therefore, when the King chargeth it upon them as a crime, that they have received Petitions against things that are established by Law; they acknowledge it to be very true,. And further Edition: current; Page: [3-331] they say, that all that know what belongeth the course and practice of Parliament, will say, that we ought so to do; and that both our Predecessours, and his Majesties Ancestors have constantly done it, there being no other place, wherein lawes, that by experience may be found grievous and burthensome, can be altered or repealed; and there being no other due and legall way, wherein they which are agrieved by them, can seek redresse, Book Decl. pag. 720.

Yea, and when his Majesty hits them in the teeth, with the great numbers of people that used to come up to Westminster, the beginning of this Parliament, calling them tumultuous numbers; "They tell him, that they do not conceive that numbers do make an Assembly unlawfull; but when either the end, or manner of their carriage shall be unlawfull. Divers just occasions (say they) might draw the Citizens to Westminster, where many publike and private Petitions, and other causes were depending in Parliament, and why that should be found more faulty in the Citizens, then the resort of great numbers every day to the ordinary Courts of Justice, we know not, Book Decl. p. 201. 202. And therefore, pag. 209. they affirme, that such a concourse of people, carrying themselves quietly and peaceably (as they did) ought not in his Majesties apprehension, nor cannot in the interpretation of the Law, be held tumultuary and seditious:

And therefore up and be doing againe, as then you did, and also petition for the exemplary punishment of those amongst themselves, that have robbed you of your Lawes, Liberties, Franchises, and Trades; for besides all that is before named, a greater is behinde, namely, the disfranchising of all you Clokemen of London, in giving any vote in chusing your Burgesses for Parliament, although I am confident you are above three hundred, for one Livery-man, and although your Persons and Estates, I dare say it have been voluntarily ten times more ready and serviceable, in these late distractions, to preserve the Parliament, and the Kingdome, and the lawes and liberties thereof; then the Gowne or Livery-men; although you be rob'd, by them of yours. Truly for my part, I speake from my soule, and conscience, without feare, I know no reason (unlesse it can be proved that you are all slaves & vassals (why you should be concluded by the determinations, orders, and decrees of those, that you Edition: current; Page: [3-332] have no vote in chusing: (for it is a true and just maxim in nature, no man can binde me but by my own consent) neither do I see how in reason or conscience it can be expected from you, to pay any taxes, &c. but that the whole charge that is layd upon this City, should totally be borne by the Aldermen, and the Livery men till you be actually put in possession, and injoy your equall share in the lawes, liberties and freedoms thereof; as by the law of nature, reason, God and the land, yea, and your own antient and originall Charters, the meanest of you ought to do, as fully and largely in every perticuler, as the greatest of them.

And now I am upon this theame, I will make bold humbly to propound or declare to the consideration

of the Parliament, an insufferable injury, and wrong, that is done unto thousands of the freemen of England, by vertue of Prerogative Charters, and corporations, and the restrictive and unjust statute of the 8. H. 6. chap. 7. First, by Prerogative Charters, the King makes corporations of what paltry Townes he pleaseth, to chuse two Burgesses for the Parliament, in diver of which a man may buy a Burgesship for 40. or 50. l. and in some of which is scarce, 3. legall men to be found according to the Statute of 8. H. 6 7. that is to say, men that are worth 40. s. in land by the yeare, above all charges, and in others of them, are scarce any but Ale-housekeepers, and ignorant sots, who want principles to chuse any man, but only those, that either some lord, or great man writes for, and recommends; or else one who bribes them for their votes; and this undenezing of those Corporations, is an undenezing to all the towns and villages adjacent; in which live thousands of people, that by name are free-men of England, and divers of them men of great estates in money and stock; which also are disfranchised, and undenezed, by the fore-mentioned unrighteous Statute; because they have not in land 40. s. per annum, and so shall have no vote at all in chusing any Parliament man, and yet must be bound by their Lawes, which is meer vasalage; and besides, unrighteous it is, that Cornwall should chuse almost 50. Parliament-men; and Yorkeshire twice as big, and three times as populous, and rich, not half so many; and my poor Country the Bishoprick of Durham, none at all; and so indeed, and intruth, are meer vassals and slaves, being in a great measure like the French Peasants, and the Vassals in Turkie: but the more fooles Edition: current; Page: [3-333] they: for I professe, for my part, I would lose life and estate, lived I now in that Country, before I would pay 6. d. taxation; unlesse it might enjoy the common, and undeniable priviledge in chusing, (as others, and all the Countries in England, besides, do) Knights and Burgesses, to sit and vote in Parliament: the greatest hinderer of which, at the present, I judge to be old Sir Henry Vane, the Vaine and unworthy Lord Lieutenant thereof, who hath done more mischief to that poor Country, by his negligence, if not absolute wilfulnesse, perfidiousnesse and treachery, (the discovery of which you may partly read in the 19, 20, 21. pages of Englands Birth-right; and which I understand is likely shortly more fully to be anatomized (if he turn not the more honest and juster speedily) by them or him, that to the death will avouch it,) then his life and estate can make satisfaction. And therefore, me thinks it were a great deale of more Justice and Equity, to fixe upon the certain number of the men, that the House of Commons should consist of at 500. or 600. or more, or lesse, as by common consent should be thought most fit; and equally to proportion out to every County, to chuse a proportionable number, sutable to the rates, that each County by their Bookes of Rates are assessed, to pay towards the defraying of the Publique charge of the Kingdome; and then each County equally and proportionable by the common consent of the People thereof to divide it selfe into Divisions, Hundreds, or Wapentakes, and every Division of and within themselves, to chuse one or more Commissioners to sit in Parliament, sutable to the proportion that comes to their share: which would put an end and period to all those inconveniencies that rarely happen, which are mentioned in the foresaid Statute of the 8. H. 6, 7. and restore every free-man of England, to his native, and legall rights and freedoms: Oh! that England might enjoy this peace of pure Justice; the which if it do not, the free-men thereof may blame themselves.

But now to return back to the City, and its prerogative-Monopolizers, who, and their predecessors, I may justly say, have been main and principall Instruments of all Englands woe and miserie; as I dare pawn my life upon it, cleerly, justly, and rationally to demonstrate: for what hath brought all the present wars upon us, but the unjust swelling of the Prerogative, beyond the just Bounds of the known, and established Law? and who hath put the arbitrary commands therof Edition: current; Page: [3-334] in execution; but principally the Monopolizing Citizens? as in hundred of particulars, might cleerly be evidenced and furnished the King from time to time, and year to year, with vast sums of money, to supply his extravagancies, and the extravagancies of his extravagant Courtiers, which did inable him to break off former Parliaments at his pleasure, and to keep them off, so long, till this poor Kingdome with oppression and injustice was almost destroyed.

And sure I am, if the King had found none to obey, or put in execution his illegall commands; our former miseries, and these present warres had never been: and impossible it would have been for the King to have kept off Parliaments so long as he he did, if these men and their predecessors had not been beginning, originall, and ill presidents, illegally (from time to time for their own particular ends and advantages) to supply his necessities with vast summes of money: yea, I have heard it from very good hands, of solid and substantiall Citizens, That after the breaking up of the Parliament in the third of this King, the Corporation of MERCHANT ADVENTURERS, freely and voluntarily without any compulsion, made a most unjust, and England-destroying and enslaving order, in their Company, TO PAY VNTO THE KING CVSTOMES, &c. for all their Merchandise, contrary unto law, and the liberties of England. Yea, and in affront of the late, or most excellent Parliament that had made the Petition of Right, by which all royall impositions, and levies whatsoever, are damn'd: and not onely enacted, but also declared, to be against the Fundamentall lawes of the kingdom; and yet I never heard of any of these men, whose life and estate was made a just sacrifice there-for; although to my understanding, they as much, if not more, deserve it, then the Earle of Strafford, But contrary to their deserts, divers of the Grandees of this very Monopoly, and illegall Corporation, are become the great Treasurers of the kingdome money, both in the Custome-house, and Excise; contrary to law, right, equity and conscience: which action of the Parliaments, in putting them into those 2 grand places, loseth the Parliament more in the affections of thousands of honest people; and will, if not speedily prevented, make a greater breach in the peace of this distressed kingdome, then all their estates confiscated will repay: For people doe already very much murmure, and begin privatly to question the intentions of the Edition: current; Page: [3-335] Parliament in reference to these men: and many begin to say, that this demonstrates unto them that they shall but only have a change of Masters, and not of their Bondage, slavery, and oppression; seeing such Varlets, Vipers, Pests, enemies and destroyers of the lawes and liberties of England, imployed in the great Places of the kingdom, who must needs act according to their old and corrupt principles, and drive on their habituated and destructive designs against the weale, peace, trade, and tranquillity of this poore bleeding kingdome. And if (say the people) these worst of men, who eat up mens trades and livelihoods, and so suck their bloods, as Sir Edward Cook in his forementioned discourse well observes, and destroy men and this poore kingdome, with a secret destruction, shall possesse the Custome-house; are they not enabled thereby to curb every Merchant that hath any Principles in him for the lawes and freedoms of England; are they not enabled hereby, to send their agents, creatures, and servants, to all the Ports and Sea-townes of England, where they have an influence into the elections of all the Burgesses that in any of them are chosen to sit in Parliament. By means of which we may have (say they) wickednesse, bondage, slavery, and all kind of Monopolies established by a Law: and then our last error will be worse then the first, and all our money, & blood, and fighting, shed and spent in vain. And have not the Excise-men the same power in every particular, in their hands likewise: For can they not, yea doe they not sit upon the skirts of every man that hates and opposes their tyrannizing and monopolizing wayes? And doe they not authorize, and send their Sub-commissioners, &c. into all the Counties and Corporations in England, where they have the same influence into all elections, that their brethren at Custome-house have in Sea-ports and Havens? Nay, these Blades strengthen their interest, and make it double. Therefore look about you Gentlemen, before it be too late. For sure I am, were it not for those unhappy, unnaturall and irrationall divisions, that these men (with the help of their Monopolizing brethren the Clergy) have made amongst us; I am assuredly and confidently perswaded, that neither the King nor the Scots, nor yet the unjust Lords, would be so high in the Iustep, as they are; which is like to beget a new warre again. For shame therefore unite in affection, though you cannot in judgement, in matters of Religion, and study and stand for your common interest, lawes and liberties, and Edition: current; Page: [3-336] take heed the French come not creeping in at a back doore: For they have already got Dunkirk, and so are furnished with a good Harbor and store of shipping, from whence with a faire wind they can in 6 or 8 hours land in the coasts of Kent, Essex, Suffolk or

Norfolk: Therefore beware of those two dangerous places, Lin, & the Isle of Lovingland, hard by Yarmouth: therefore up, and as one man, to the Parliament with a Petition, to displace all those Monopolizers, and to put honest Englishmen into their places, that love the Fundamentall lawes, and the common and just liberties of the Nation: And also desire the Parliament to reduce the publick treasure of the kingdom, into the cheap, publick, and old good way of the kingdome. The Exchequer for these obscure clandestine wayes of these mens receiving and paying moneys, is not safe nor profitable for the kingdome, if you will beleve Mr. John Pym's Speech, made at the Barre of the House of Peeres against the Duke of Buckingham, which is a most excellent speech. And also desire the Parliament not onely to remember, but also cordially, heartily, and really to put in execution their selfe-denying Ordinance that they themselves may be examples of self-deniall to all the men in the kingdome. For a hard matter is it for any Parliament-man-what-ever he be, in such times of distresse as these are, wherein Souldiers that have ventured their lives for eight pence a day, to save both the Parliament and the kingdome, and many poore Widowes and fatherlesse children, that have lost their husbands and Fathers in the warres, and are now ready to sterve and perish for want of bread; and yet cannot get their small arrears. And when the kingdome is reduced to that poverty, that Excise and Taxes must be laid upon poor men, that have wives children and families, and nothing to maintain them with, but what they earn with the labour of their lands, and the sweat of their browes, and yet then for &c. to have great places of 1000. l. 1500. l. or 2000. l. per annum, and the salaries and stipends of them paid out of the publick book, when they are able to live in pomp and gallantry of themselves besides: and it is possible to get honest, faithfull and experienced men; that have ventured life and all for the common wealth, to officiate in those places, as well, if not better, for 100. l. or 150. l. or 200. l. per annum: let such men, if there be any professe what honesty or Religion they will; I professe seriously, that some such actions, at such a time as this; are cleare demonstrations Edition: current; Page: [3-337] to me, that such men have neither honesty, Christianity, nor Religion; but meerly make them pretences for their own unworthy ends.

And this Parliament being now a standing Parliament, and like so to continue; it is very hard that the Lawyers thereof should run from Bar to Bar to plead causes before Judges made by themselves, who dare not easily displease them, for feare of being turned out of their places by their meanes. Sure I am, well and conscienciously to officiate the single place of a Parliament man; is enough for one.

But to return again to the Monopolizers, the endeavourers, & contrivers of Englands destruction. If Alex. Archb. of Yorke, and Rob. de Veere, Duke of Ireland, &c. deserved to be prosecuted as traytors, for but endeavouring at the Kings comand to destroy certain members of both Houses: How much more doe these law-and-kingdome-destroying Monopolizers, deserve the same, that have not onely endeavoured the destructions of some Parliament-men, but also the very Being of all, Parliaments themselves; and so by consequence; the whole kingdome. Sure I am, if the Commonalty of London will carefully peruse their own ancient and just Charters, they shall find, That they within themselves have power, enough not onely to disfranchise all these Monopolizers, but also all other freemen of London that shall endeavour the destruction of their ancient fundamentall and just Freedomes, Liberties and Franchises: And that they, namely, the Commonalty, have not onely liberty to chuse their Lord Maior, and that not onely from amongst the Court of Aldermen; but also if they please, they may chuse a discreet man from amongst themselves: And the Commonalty in every Ward, upon a fixed day, are inabled once every yeare to chuse an Alderman in every Ward, with an expresse Prohibition, that one man shall not be Alderman two yeares together. And the Commonalty expresly have a power to chuse Chamberlaine, common Sergeant, Bridge-master, &c. and to whom alone they are to be accountable for the moneys in their offices received.

Now having brought this Discourse to this period; it behoves me a little to Apologize for myselfe: because I beleve I shall have a whole sea of indignation to arise against me; which I heere professe I

feare not, nor value, if I may have faire play, and have not my hands and feet bound, and then challeng to fight, and defend my self. And truly I must say, and that in the presence of God, I have Edition: current; Page: [3-338] in the singlenesse of my heart, without ends of my owne; discharged my conscience: the boylings of which I could not withstand, being at the writing hereof in Jeremies case, when he said, pleading with God, Thy word was in my heart as a burning fire shut up in my Bones, and I was weary with forbearing, and I could not stay, Jer. 20. 9.

But yet, because what-ever I meet with besides, I perswade my selfe I am sure to meet with the revilings, and reproches of the barking curs of the times, such as (S. Shipard) &c. who in my close captivity have: nibbled at my heeles, like brats of the old Serpent; I shall therefore, for my present apologie, publish to the view of the world, the dealings of Mr. Iohn White, a Warder in the Tower with me, who lately writ a most false and scandalous book against me, & with much importuning the Lieutenant of the Tower, (being prohibited Pen, Ink, and Paper) I obtained leave from him, upon certain conditions made with him, to write an answer to it; which was, that I should not in the least meddle with his masters that committed me; and to let him see it, before it was printed, which I performed. But my Angatonist, old Iohn White, as it appears to me, hearing the Answer was very plain, and home English; sent me a message by a Gentleman, my fellow-prisoner, That he desired to put the difference betwixt us to arbitration: And I being a man of peace, and willing to avoid jangling, if it were possible; upon agreement to compose it.

I did chuse two of my fellow prisoners, strangers to me, and men of opposite principles; but knowing the Justice of my cause, and being convinced of the morall Justice of the Gentlemen: I chose Sir Lewis Dive, and Sir William Morton; and he chuse Sir John Strangeways, and Sir John Glanvill; and the first day of the hearing of the businesse was before Col. Francis West Lieutenant of the Tower at his own house, where we both referred our selves, to stand to the finall award of our foresaid Arbitrators: at which hearing, they were pleased to give my Antagonist certain dayes time to procure Witnesses, to prove the essentials of his Charge; and he out-stripping the time, and I lying under his publike disgrace and calumny; I pressed them for a conclusion: upon which they issued out this following Warrant.

John Glanvill
Glanvill, John
John Strangeways
Strangeways, John
Lewis Dive
Dive, Lewis
William Morton
Morton, William

WE whose names are subscribed, Arbitrators indifferently chosen to end all differences betwixt Lieutenant-Colonell John Lilburn Edition: current; Page: [3-339] of the one party, and Mr. John White one of the Warders of the Tower of the other party, have appointed to morrow next at three of the clock in the afternoon, at Mr. Lieutenants house in the said Tower, further to hear, and finally to determine the said differences; whereof wee desire the said parties to take notice, and then to be present with their Witnesses, and all such prooffe, as they will use in the premises. Given under our hands this 5. of October, 1646.

{ John Glanvill.
{ John Strangeways.
{ Lewis Dive.
{ William Morton.

But the next day, the Lieutenants office not permitting him to be present at the finall hearing; we all met at Sergeant Glanvils Chamber, where after a large and faire hearing, they made this award under their hands and seales; the Copy of which, thus followeth:

John StrangWaies
StrangWaies, John
Lewis Dives
Dives, Lewis
John Glanvill
Glanvill, John
William Morton
Morton, William

“TO all true Christian people to whom these presents indented shall come; We Sir John Strangewayes, Sir Lewis Dive, Sir John Glanvill, and Sir William Morton Knights, Arbitrators, heretofore (that is to say, upon the 26. day of Septemb. last past, before the date hereof) indifferently chosen by Lieutenant Col. John Lilburn, of the one party, and John White, one of the Warders of the Tower of London, of the other party, for the ending of all differences, and matters of controversie betwixt them; having entred into the hearing of the said differences, and matters of controversie, upon the said 26. day of September, and having upon the 6. day of this instant moneth of Octob. 1646. in the 22. Yeare of the Raigne of our Sovereign Lord King Charles, fully heard the said differences, and matters of controversie; Doe find the same to be, and arise by, and upon the writing and publishing in print, of a certain Book, entituled John Whites Defence, in behalf of himself, &c. against a lying and scandalous Pamphlet, written by John Lilburn, entituled, Liberty vindicated against Slavery: In the 7. p. of which Book, so written, and published by the said John White; he intimateth, That the said Lieut. Col. Lilburn, was and is the Author of another scandalous Libell; entituled, An Alarum to the House of Lords: and in a Edition: current; Page: [3-340] Postscript added to the same Book of the said John White, pag. the 12; he alleadgeth the said Lieut. Col. John Lilburn to be the Author and contriver of a printed Letter, annexed to the said Book or Treatise, of Liberty vindicated against Slavery: of which Letter, hee rehearseth a passage, reflecting in a scandalous way upon the honourable houses of Parliament: Of which Book, entituled, John Whites Defence, &c; the said John White confesseth, and acknowledgeth himself to be the Author and Publisher.

“But the said Lieut. Col. Lilburn denied himself to be in any sort the Writer, Contriver, Author, or publisher of the said other Books, Treatise, and Letter, or of any of them; or that he had any hand, direction, or approbation, in, or concerning the writing, printing, or publishing of the same, or any of them.

“And the said John White, did not at our entring into the hearing of the said differences, and matters of controversie, nor at any time since produce or offer unto us any sufficient proofs, by witnesses, or otherwise: Wherby it did, or might appear unto us, That the said Lieut. Col. Lilburn was the Writer, Contriver, Author, or publisher of the said Bookes, Letters, and Treatise, so by him denied as aforesaid, or of any of them! And the said John White being now offered further time to produce his witnesses, or other good proofs, which he had to insist upon, for the making good of the severall Imputations, in, and by his the said John Whites book, laid and fixed upon the said Lieut. Col. Lilburn; He the said Iohn White, absolutely refused to take any further time in that behalf; expresly saying, hee would travell no more in it; We the said Arbitrators, upon due consideration of the whole premises aforesaid, are cleer of opinion; That the said John White (as the care hath been, & is represented & appearing before us) had no sufficient ground to write print or publish, That the said Lieut. Col. Lilburn was the Writer, or Author of the said Bookes, Treatise, and Letter, or any of them: But that the

said Iohn White in and by his writing, printing, and publishing of his said Book, intituled, Iohn Whites Defence, &c. in manner and form as aforesaid hath unjustly scandalized: the said L. Col. Iohn Lilburn; And thefore, we the said Arbitrators do most unanimously award, That the said Iohn White shall before the 10. day of this instant moneth of October; make a publike acknowledgment before Col. Francis West, Lieutenant of the said Tower of London, and his Edition: current; Page: [3-341] the said Lieutenants house in the said Tower, That he the said Iohn White hath done the said Lieut. Col. Iohn Lilburn wrong, and shal make and pronounce the said acknowledgment, in these words following; That is to say, I Iohn White, one of the Warders of the Tower of London; Do acknowledge, that I have unjustly wronged Lieutenant Col. I. Lilburn, in, and by my writing, and publishing in print, in such sort as I did, That he was the Writer, Author, or Contriver of a Book called, Liberty vindicated against Slavery, And of a Printed Letter thereunto annexed; And of a Booke, called, An Alarum to the House of Lords: For all which, and for all the unjust, and scandalous matters and language alleadged, and used by me, in my said Booke, reflecting upon the said Lieutenant Col. Lilburn; I am heartily sorry.

“We the said Arbitrators doe also award, That after the said Iohn VWhite hath so made and pronounced the said acknowledgment before the said Mr. Lieutenant; Hee the said Iohn White shall then deliver his said acknowledgment in writing (subscribed by him the said Iohn VWhite) into the custody of the said Lieutenant Colonell Iohn Lilburn, to be by him kept and disposed of, for his better vindication, against the said scandals laid upon him by the said Iohn White, in his the said Iohn VWhites said Book.

Lastly, we the said Arbitrators do award, That this our award shall be a finall end of all differences and matters of controversie “whatsoever betwixt the said Lieut. Col. I. Lilburn, and the said Iohn White, to us, or to our award in any wise, submitted by the said parties, from the beginning of the world, unto the day of their said submission to our award; so farre as the same doth, or may concern the said parties, or either of them in their particulars: and that the said parties from henceforth shall continue lovers and friends, without any repetition of former injuries on either part.

“And for the better clearing of the said Iohn White in his credit, touching some tumours of couzenage, and perjury by him supposed to be committed, or touching his being forsworn, lately scattered abroad to his discredit; We the said Arbitrators, do unanimously declare; that we have not found any colour, much lesse any just ground to fix upon the said Iohn VWhite any suspition Edition: current; Page: [3-342] of, or for the same, or any part thereof; But doe thereof in our opinions, absolutely cleer him. Given under our hands and seales the 7. day of Octob. aforesaid, 1646.

{John Strangwaies.
{Lewis Dives,
{John Glanvill.
{William Morton.

But the Lieutenant not being willing, for causes best knowne to himself, that the submission or recantation, should be made before, or in his presence; it was done at Lir John Glanvils chamber: the Copy of which, thus followeth:

John White
White, John
9 day of Octob. 1646

I Iohn White, one of the Warders of the Tower of London, Doe acknowledge, that I have unjustly wronged Lieut. Col. Iohn Lilburn, in, and by my writing, and publishing in print, in such sort as I did; that he was the Writer, Author, or Contriver, of a Booke called, Liberty vindicated against Slavery; and of a Printed Letter thereunto annexed; and of a Book or Treatise, called, An Alarum to the House of

Lords: For all which, and for the unjust, and scandalous matters and language alleadged and used by me, in my said Book, reflecting upon the said Lieut. Col. Lilburn; I am heartily sorry: and in testimony thereof, I have hereunto subscribed my hand, the 8. day of October, 1646.

Subscribed, pronounced, and accepted, the
9 day of Octob. 1646
. in the presence of us;
JOHN WHITE.

John Strangwaies,}

Lewis Dive,}

Iohn Glanvill,} Knights.

William Morton,}

Henry Vaughan.}

Christopher Comport, Warder in the Tower.

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And now to conclude at the present; because there is not any discourse of mine own abroad in Prin(t) (since I was first locked up so close, as I was by the Lords to Newgate) by way of Narrative, to state censures; by inserting first my Wifes late Petition to the House of Commons; and because by a Gentleman of the Committee to whom my cause was referred, it was judged a Declaration, rather then a Petition, and so unfit to be insisted upon any further, after once reading there: although I am not apt to think, if I had been a man accustomed to write Letters to my Lord Cottington when he was at Oxford at that time; When by Ordinance of Parliament, it was little lesse then death so to doe, her Petition, and my cause, would have found more favour from that Gentleman, then they did, whose cavels necessitated me to send a Petition of my own, to the same Committee, which I shall also insert. But first of all, my wifes Petition thus followeth:

Edition: current; Page: [3-344]

To the Honourable, the chosen, betrusted, and representative Body of all the Free-men of England, in Parliament assembled.

The humble Petition of Lieut. Col. John Lilburn, a legall Free-man of England; though now unjustly imprisoned by the Lords, in the extraordinary chargeable Prison of the Tower of London.

John Lilburn
Lilburn, John
Sheweth, That

Whereas the Petitioner is a legall and free-born English-man, and ought by the fundamentall lawes of this Land, to enjoy the benefit of all the lawes, liberties, priviledges, and immunities of a free born man and a Commoner of England: and whereas by the Lawes and Statutes of this Realm; no free-man may, be taken & imprisoned, but by lawfull judgment of his equals, who are men of his own condition, and the Law of the Land: and by the Law of the same, no man ought to be imprisoned, before he be taken upon indictment, or presentment, by good men of the same neighbour-hood or by due processe of Law. And whereas, every man that is taken or imprisoned by the common Lawes of the Land, ought to be bayled: But he that is taken and convicted for Murder or Felony, or for some other offence for which a man ought to lose life or member. And by the Statutes of this Realm, every man is baylable;

unlesse he be taken for Treason, Murder, Felony, or some particular case excepted; wherof the Petitioner is no wayes guilty. But your Petitioner sheweth, that he being taken and imprisoned above 4 Moneths, by colour of unjust orders, and an illegall sentence of the Lords pronounced against him in their house (although they have no legall jurisdiction over him) for supposed contempts and scandals committed against Edition: current; Page: [3-345] them, which was nothing else then a defence of his own liberty, and shall the free-men of England in a plea and defence put into the said House which contained an Appeal to your Honours, against their unjust proceedings: for which supposed contempts, he is by their unjust sentence committed to the Tower, there to remain for the space of 7 years, and disabled to bear any office either Military or Civill, and to pay 4,000 l. fine. All which proceedings of their Lordships, the Petitioner doth protest against as unjust, illegall, and destructive to the liberties, immunities, and priviledges of all the Commons of England, which he doubts not to free himself, and all other free-born English-men, of; by the Justice of this honourable House (to whom he hath formerly, and now also doth Appeale) and by the assistance of the Lawes of this Land.

Therefore, your Petitioner doth most humbly pray, that he may be enlarged, at least upon bayle, being by Law liable to follow and prosecute his cause depending before you, and redemption from the said illegal sentence, and to obtain just and legall reparations from the inflictors and executors thereof.

And he shall pray, &c.

John Lilburn.

John Lilevrn

Lilevrn, John

Octob. 1646

London

COurteous Reader, by reason I am prohibited to have Pen, Ink, and Paper; I am forced now to write a peece, and then a peece, and scarce have time and opportunity seriously to peruse and correct what I write; and in regard I cannot be at the Presse, either to correct, or revise my own lines (which besides is attended with many difficulties and hazards,) I must intreat thee, as thou readest, to amend with thy Pen, what in sence or quotations may be wanting, or false; &c I shal rest thy true and faithfull Country-man, ready to spend my bloud for the fundamentall Lawes and Liberties of England, against any power what-ever that would destroy them,

JOHN LILEVRN.

From my prerogative, and illegall imprisonment in the Tower of

London

, this present

Octob. 1646

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FINIS.

John Lilburne

Lilburne, John

19 November, 1646

21.

John Lilburne, Vox Plebis, or The Peoples Out-cry Against Oppression, Injustice, and Tyranny (19 November, 1646).

- VOX PLEBIS,

- OR
- The Peoples Out-cry Against Oppression, Injustice, and
- Tyranny.
- Wherein the Liberty of the Subjects is asserted, Magna Charta
- briefly but pithily expounded.
- Lieutenant Colonell LILBURNES Sentence published and refuted.
- Committees arraigned, Gaolers condemned, and remedies provided.

ISAI. 10.1.2.

Woe unto them that decree unrighteous Decrees, and that write grievousness which they have prescribed:

To turn away the needy from judgement, and to take away the right from the poore of my people, that Widowes may be their prey, and that they may rob the Fatherlesse.

JER. 22.15.16.17.

Shalt thou reign, because thou closest thy selfe in Cedar? Did not thy Father eat and drinke, and doe judgement and justice, and then it was well with him?

He judged the cause of the poore and needy, then it was well with him: Was not this to know me, saith the Lord?

But thine eyes and thine heart are not, but for thy covetousnesse, and for to shed inocent blood, and for oppression and violence to doe it.

London printed 1646, in the sitting of Parliament, during which time the presses ought to be free and open, as the Parliament declared to the Bishops at the beginning thereof.

Edition: current; Page: [3-347a] Edition: current; Page: [3-347b]

ALL States in the beginning are venerable: That Republique which would keep it selfe from ruine, is above all other things to keep their Religion uncorrupted, and their Lawes from violation, for as true Religion is the tie of the Conscience to obedience and observation of just Lawes (especially such as have their foundation in Divine Authority;) So are good Lawes the civill sanctions or sinewes of a Common-wealth, that bind the members thereof together, by the execution of justice and piety, in a perpetuall bond of peace and tranquillity. So that if either Religion be neglected, or the Lawes violated; the ruine of that Common-wealth must needs be neere, where such defects are found. But where Religion is held in due reverence, and the ancient Lawes of that Common-wealth are inviolably kept; the Governors of such a State, shall easily keep their Common-wealth religious; and consequently, virtuous, and united. Now there is no better way to make the Subjects of a State good, and to incline them to virtue; then that those that sit at the Helm of that State, and have the government thereof, should hold forth cleare examples of piety and justice, in their own lives and actions, to the people under their government; especially in the administration of Lawes. For as hunger and poverty make men laborious; so Lawes duly administred, make them good: and good examples proceed from good education; and good education, from the due observance of settled Lawes. Of all humane Lawes, there is none more fit to be observed, then those that concern our Lives and Liberties. For those that concern our Lives, they are most carefully, & with the greatest piety and circumspection, to be executed: since if our lives bee taken away by injustice, death being ultimum supplicium, the last punishment in this world; our injuries are remediesse and irrecoverable. Therefore we may

irrefragably conclude, That Governours of a State ought to be very wary in judging of matters of life, and not in one tittle to deviate or depart from the known Lawes of the Land, Edition: current; Page: [3-348a] lest by committing of irreparable wrongs upon the persons of their innocent subjects; they draw Gods irreconcilable vengeance upon themselves, in that day when he shall visit the Judges of the earth, and make inquisition for the blood of his people, spilt by injustice, violence, and oppression: which hee will surely doe, according to his own everlasting promise, and eternall decree, to be executed upon all States to the end of the world: And as he did execute it upon Ahab, and his posterity, and upon Jezebel his wife, for the unjust taking away of the blood of Naboth, as you may read, 1 Kings 21. chap. 2 Kings 9. chap. concerning Jehoram and Iezebel: and in divers other instances evidenced unto us by the holy Scriptures. That which Samuel said unto Agag, King of the Amalekites, As thy sword hath made other women childlesse; so shall thy mother be childlesse among other women; hath a perpetuall morall use in Gods justice. For we may finde a thousand examples where those Princes, or States, which have sold the blood of their people at a low rate; have made but the market for their enemies to buy of theirs at the same price. For it was never yet seen, that those that dipt their hands in innocent blood, went dry to their graves; the blood that is unjustly spilt being not again gathered up from the ground by repetance. These medicines ministred to the dead, have but dead rewards. Now as the Lawes concerning life, or proceedings therein, ought not to be Arbitrary; much more concerning liberty. For that the laws that concern the liberty of the subject, in respect of their object, which is the whole body of the people, are far more large then those which concern life: which lawes are onely relative to offenders, and guilty persons, and not directly to the whole people; and therefore with the more tender regard to the subject, to be executed. Wherefore all manner of proceedings whatsoever, which are Arbitrary, and that tend to the taking away of our liberty, are most dangerous & destructive to the State where such are put in execution. For Governours of Commonwealths ought to know this, That at the same instant they begin to break the Lawes, and to execute an Arbitrary power upon the peoples liberties; at that very instant they begin to lose their State. For by so doing, the Governours draw the Odium of the people upon them: and incite the people to find out and invent wayes unusuall, and of innovation, to free themselves from their oppressors, and the execution of such tyrannicall Edition: current; Page: [3-348b] power. It is a most sure Rule in State policy, That all the Lawes that are made in favour of liberty, spring first from the disagreement of the people with their Governours. Whosoever therefore sits at the Helme of a State, bee it either a Common-wealth, or Principality; should consider before they execute any Arbitrary power upon the peoples liberties, what contrary times, by the ill effects of it, may come upon them; and what men in their troubles they may stand in need of: and therefore should live with them alwayes in such manner, that upon any accident chancing; they may find them ready and willing to serve their occasions. For in a Common-wealth well governed, it is to be desired, That nothing should chance, which may call in the use of extraordinary courses. For though an extraordinary way, in some particular case, doe good; yet the example proves of ill consequence, and will stirre the peoples minds to Jealousie and Commotions; especially when it concerns the publique liberty, and with that deep impression, that having once freed themselves from the oppression of their Governours; it commonly falls out, that the State determines with the lives of the Governours. For the people bite more fiercely after they have recovered their liberty, then while they have continually maintained it: And having once gotten possession of their ancient rights, they will watch them so carefully, and with such strength and vigour, as that they will hardly be surprized again, or their rights any more wrested from them. As it fell out in the case of the Romane State, when the Romanes having freed themselves of the government of the Tarquins their hereditary Kings; the Nobility began to take upon the the rule of the people: & by the exercise of the like or greater tyranny then the Tarquins had done; the people being inforced by a necessity of their preservations; created Tribunes, as Guardians of the publick liberty, whereby the insolence and Arbitrary power of the Nobilty, was restrained, and the people re-estimated in their ancient liberty: which continued inviolable to them for the space of 800. yeares (after 300. yeares oppression

of the Nobility,) to the great honour and renown of their Nation, and exceding enlargement of their Common-wealth. Now as concerning the liberty which the people of this Common-wealth doe, and of right both divine and humane, ought to challenge; it consists of these particulars following, Liberty of conscience in matters of Faith, and Divine Edition: current; Page: [3-349a] worship; Liberty of the Person, and liberty of Estate: which consists properly in the propriety of their goods, and a disposing power of their possessions. As touching liberty of Conscience, it is due of Divine right to the people of God; since that the conscience is a Divine impression, or illumination, in the soule of man, which God instills into the heart by faith, whereby man is instructed to worship him in Spirit and Truth: and it is (as it were) the ingraven Character of the mind & wil of God in the soul of man; not passive, nor consisting of bodily substance: therefore it is not to bee constrained, or inforced to submit to any other rule, then what the Creator, by his revealed will, according to the Scriptures, hath imprinted in it: And for that cause is onely to bee accountable to him, whose image it is; as being the onely competent Judge of his owne will. As touching the liberty of our persons: That is founded not onely in Divine Law, but in Nature also; and as protected by the municipicall and known Lawes of this Kingdom. For as God created every man free in Adam: so by nature are all alike freemen born; and are since made free in grace by Christ: no guilt of the parent being of sufficiency to deprive the child of this freedome. And although there was that wicked and unchristian-like custome of villany introduced by the Norman Conquerour; yet was it but a violent usurpation upon the Law of our Creation, Nature, and the ancient Lawes of this Kingdome: and is now, since the clearer light of the Gospel hath shined forth, by a necessary harmony of humane society; quite abolished, as a thing odious both to God and man in this our Christian Common-wealth. Now that the liberty of mens persons hath ever been a thing most pretious in the eyes of our Ancestors and right deare and of most tender regard in the consideration and protection of the Law, if we doe but consider the originall Lawes of this Realme, the proceedings of our Ancestors, in the Acquisition and defence of their just liberties, and the continuall vigilance of them in making and ordaining good Lawes for their necessary preservation; we shall easily find that there hath not been any earthly thing or more weighty and important care to them, then the preservation of their Liberties. To prove this, Andrew Hern, a learned man in the ancient Lawes of this Kingdome, in his Booke called, The Marrow of Justice, written in the reigne of King Edward the first, fol. 1. saith, “That after God had abated the Nobility Edition: current; Page: [3-349b] of the Brittons, he did deliver the Realm to men more humble and simple, of the Countries adjoyning, to wit, the Saxons, which came from the parts of Almaine, to conquer this Land: of which men, there were fourty Soveraignes, which did rule as Companions; and those Princes did call this Realme England, which before was named, The Greater Britaine. These, after great warres, tribulations, and pains, by long time suffered; did choose amongst them, a King to reigne over them, to governe the people of God, and to maintain and defend their persons, and their goods in quiet, by the Rules of Right, and at the beginning they did cause him to sweare to maintaine the holy Christian Faith, and to guide his people by right, with all his power, without respect of persons, and to observe the Lawes. And after, when the Kingdome was turned into an Heritage; King Alfred, that governed this Kingdome about 174. yeares before the Conquest, did cause the great men of the Kingdome to assemble at London, and there did ordain for a perpetuall usage, That twice in the yeare, or oftner, if need should be, in time of peace; they should assemble at London in Parliament, for the government of Gods people, that men might live in quiet, and receive right, by certain usages, and holy judgements. In which Parliament (saith our Authour) the rights and prerogatives of the Kings, and of the Subjects, are distinguished, and set apart, and particularly by him expressed, too tedious here to insert. Amongst which Ordinances, we find, That no man should be imprisoned but for a capitall offence. And if a man should detain another in prison by colour of right, (where there was none) till the party imprisoned died; hee that kept him in prison should bee held guilty of murder, as you may read pag. 33. And pag. 36. hee is declared guilty of homicide, by whom a man shall die in prison, whether it be the Judges that shall too long delay to do a man right, or by cruelty or Goalers, or suffering him to die of Famine: Or when a man that is

adjudged to doe penance, shall be surcharged by his Goaler, with Irons, or other pain, whereby he is deprived of his life. And pag. 149. That by the ancient Law of England, it was Felony to detain a man in prison after sufficient Baile offered, where the party was plevisable. Every person was plevisable, but hee that was appealed of Treason, Murder, Robbery, or Burglary, pag. 35. None Edition: current; Page: [3-350a] ought to be put in the common prison, but onely such at were ATTAINTED, or principally APPEALED, or INDICTED of some capitall offence, or ATTAINTED of false and wrongful imprisonment. So tender hath the ancient Lawes and Constitutions of this Realme been of the liberty of their Subjects persons; That no man ought to be imprisoned but for a Capitall offence, as Treason, Murder, Robbery, or Burglary. And, if for these offences; yet ought he to be let to Baile: which to deny, were felony, in case the prisoner were plevisable, which is, if he were not appealed, indicted, or attainted. Nay, you see it was Felony to detain a man in prison by colour of right, when there was none. Neither was the law tender of the persons of Innocents, &ailable persons only; but also of the persons of men not plevisable and indicted: insomuch that they ought not to be oppressed by their Judges or Goalers, upon pain of Felony. This caused our Author to complain in the time of King Edward the first, that those good Lawes were violated in these words, It is an abuse that Goalers are suffered to spoyle and oppresse their prisoners, or to take ought from them, save their Armour and Weapons. Nu. 52. It is an abusion that prisoners are put in Irons, or to other pain, before they are attainted of Felony. Nu. 5. It is an abusion to imprison any other man then he that is indicted or appealed of Felony, in case he want not pledges, or mainpernours, pag. 289 And that this was the Law; is very clear: for that King Alfred did cause Fourty four Justices in one year to be hanged for breach of these Lawes. And more particularly the Suitors of Cirencester, for that they did detain a man so long in prison (that offered to acquit himselfe) that he died there, as you may find, pag. 301. whereby you may clearly perceive, that the Liberties of the Subjects of England, as touching their persons, are not grounded meerly upon Magna Charta, but are of a more ancient foundation, even in the originall Lawes of the Nation: the Statute of Magna Charta being onely a Declaration, or Confirmation of those former Lawes which by Divine right, and Nature, we inherit. As Sir Edward Cook in his Proeme to the second part of his Institutes, observes, These Lawes were gathered and observed amongst others in an intire volume by King Edward the Confessor. And though that William the Conquerour came in by the Sword; yet at the petition of the Lords and Commons of this Realme, he confirmed these Lawes unto us for the sake of King Edition: current; Page: [3-350b] Edward, that devised unto him the Kingdome; as witnesse Matth. Paris, and William of Malmesbury, which were afterwards confirmed by King Henry the first, and enlarged by Henry the second in his Constitutions, made at Clarendon: and after much blood spent between King John and his Barons, concerning them; re-established at Running Mead, neere Stanes: and lastly, brought to a full growth, and made publique by King Henry the third, in the ninth yeare of his reigne, though he sought afterwards to avoid both that of his father King John, upon pretence of dures of imprisonment, and his own by nonage; Yet neverthesse, God so ordaining, in the 20. year of his reigne he did confirm and compleat the said Charter for a perpetual establishment of liberty to all free-born Englishmen, and their heirs for ever: ordaining, Quod contravenientes per Dominum Regem, cum convicti fuerint, graviter puniantur. Which is, that those that went against these lawes, when they were convicted; should bee grievously punished by our Lord the King. And in the 52. yeare of his reign by the Stat. of Marleb. c. 5. this Charter was confirmed by Act of Parliament: and hath since been not lesse then 33. times confirmed and established, and commanded to be put in execution, by severall Parliaments since held.

This Charter of our Liberties, or Freemans Birth-right, that cost so much blood of our Ancestors, and was so long in the Forge before it could be fashioned: being no lesse then 200. yeares under persecution, before it was brought to perfection; is that brazen wall, and impregnable Bulwark that defends the Common liberty of England from all illegall & destructive Arbitrary Power whatsoever, be it either by Prince or State endeavoured. And because it imports us so much; we shall recite the words of this Charter, as to our present purpose of the vindication of our liberties both of persons &

estates. And first, ch. 14. it runs thus, A Freeman shall not be amerced for a small fault; but after the manner of the fault: and for a great fault, after the greatnesse thereof; saving to him his contentment: and a Merchant; saving to him likewise, his Merchandise. And none of the said ameracements shall be assessed but by oath of honest and lawful men of the vicinage. This part of the charter was made in affirmance of the Common Law; as appeares by Glanvil, l. 9. c. 11. where he useth these words, *Est autem misericordia domini Regis qua quicquid per juramentum legalium hominum de vicineto, eatenus amercandus* Edition: current; Page: [3-351a] *est, ne quis de suo honorabili contenemento amittet.* In English thus, The ameracements, or mercy of the King, ought to be such, whereby a man is to be amerced by the oath of lawfull men of the neighbourhood, or County, in such manner, that he may not lose any thing of that countenance or subsistence, together with and by reason of his Free-hold: For so is the sense of the word taken in the Statute of 1. Edw. 3. cap. 4. and vet. n. Br. fol. 11. The Armour and weapons, and profession of a Souldier, is his countenance: And the books; of a Scholler. So Sir Edward Cook. 2. part of Instit. pag. 28. Ameracements ought to be assessed by the equals of him that is amerced. So is the expresse Book of 7. H. 6. fo. 12. in Dett. Fitz. Herbert, Nat. Brev. fol. 73. And in case where a man is amerced; he ought not to be imprisoned: as appeares 11. H. 4. fol. 55. The intent of which clause of the Great Charter, is, That no man should be tried but by his Equals; as more fully appeares, cap. 29. where it is thus enacted, No Freeman shall be taken or imprisoned, or disseised of his Free-hold, or Liberties, or free Customes, or be out-lawed, or exiled, or any otherwise destroyed: nor we will not passe upon him, nor condemne him, but by lawfull judgement of his PEERES, or by the law of the land.

In these few words lies conched the liberty of the whole English Nation. This word, *liber Homo*, or free Man, extends to all manner of English people; as appears Stamf. Pl. Coron. pag. 152. In these words of this Charter before recited, there are these 6. particulars:

First, That no man shall be taken, or imprisoned, but by the law of the land.

Secondly, That no man shall be disseised, dispossessed, (sequestred) or put out of his Free-hold: that is, lands or lively-hood, liberties, or free Customes; but by the Law of the Land.

Thirdly, No man shall bee Out-lawed, but by the Law of the Land.

Fourthly, No man shall bee exiled, but according to the Law of the Land.

Fifthly, That no man shall be in any sort destroyed, unlesse it bee by the law of the land.

Sixthly, No man shall be condemned, but by a lawfull judgement of his Peeres, or by the law of the land.

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Where first it is to be noted, that these words, By lawfull judgmeat of his Peeres, or By the law of the land; are Synonyma's, or words of equall signification: and that the law of the land, and lawfull judgement of Peeres; are the proprium quarto modo, or essentiall qualities of this Chapter of our great Charter, being communicable omni soli & semper, to all and every clause thereof alike. Therefore we are to examine, declare, and publish to the world, what this Legale judicium, or Lex terra, this lawfull judgement, or law of the land, is, and hath alwayes been taken to bee: That the Free-borne subjects of this Kingdome, may not dwell in the shade; but that they may be able to understand them with clearnesse and perspicuity, and to demand them with force and vigour, as our Ancestors in times of old, have in like case done; To make a cleare demonstration whereof, we will follow the order of the six Particulars before mentioned, to be emergent out of this Charter of our liberties. And first touching

our caption and imprisonment, *Nullus liber homo capiatur aut imprisonerur, nisi per legale iudicium Parium suorum, vel per legem terræ*. Let no freeman of England (which is every man born in the Realm) be taken or imprisoned, but by lawfull judgement of his Peeres, or the law of the land. This is the context of this clause: Every Arrest, or Attachment, is comprised within it. See Cook. 2. part. Instit. pag. 96. What the Law was before the making of this Law; we have in part declared already: we shall onely adde this, That imprisonment without lawfull cause, was so odious, that among the lawes of King Alfred, cap. 31. wee find this, *Qui immerentem Paganism vinculis constrinxerit decem solidis noxam sarcito*: If a man should unjustly imprison a Pagan, or a Heathen man; hee should redeem his offence with the payment of ten shillings (no small summe in those dayes.) This is a perfect badge of liberty by our lawes. Let us now examine what it hath been since, by the Stat. of 25. E. 3. cap. 4. "It is ordained, That none from henceforth shall bee taken by petition or suggestion made to our Lord the King, or to his Counsell: unlesse it bee by Indictment, or Presentment of his good and lawfull people of the same neighbourhood, where such deeds, be done; in due man-manner: By the Stat. of 25. E. 3. cap. 3. No man shall bee imprisoned, without being brought to answer by due processe of law. By the Stat. of 46. E. 3. c. 3. It is accorded for the good Edition: current; Page: [3-352a] Governance of the Commons, That no man bee put to answer, without presentment before Justices, or matter of Record, or by due Processe, or Writ Originall, according to the old law of the land. And if any thing from henceforth be done contrary; it shall be void in law, and holden for error.

We need not cite the Petition of Right, or other Acts of Parliament mentioned in our former Treatise for vindication of Liberty, against Slavery: Let us now examine the *Responsa prudentu* upon these Statutes, and the Judgements given by those Sages, 45. Ass. Plea. 5. Fitzherbert Title Assise, nu. 346. wee find that the Bayliffe of Chensford in Essex, was indicted before Knevet and Thorp, by vertue of a Commission of Oyer & Terminer, for imprisoning a man, & taking his goods by vertue of a Commission out of Chauncery, which he pleaded in his justification: The resolution was, "That the Commission and imprisonment were against law, to take a man & his goods, without indictment, or suit of the party, or other due processe of law. 33. E. 3. Fitzh. title Trespasse, 253. It is declared for Law, That the Command of the Lord is not a sufficient warrant to one to take his villeine without due processe of law. May 16. H. 6. Fitz. Monstrans de faites, nu. 182. It is declared for Law, That if the King command a man to arrest one, and the party doth it in his presence; the arrest is unlawfull, & the party arested may have his action of false imprisonment. 24. E. 3. fo. 9. Be. faux Imprisonment. 9. You may find that a Commission was directed to men to take divers notorious Felons before they were indicted, and this Commission was adjudged void in Law.

We need not mention the resolution of the Judges in this point of Liberty, you may find it reported by Sir E. Cook in his Reports, 9. Ja. f. 66. There are a thousand cases more cited in our books of law, to prove this undeniable truth: out of which we only cited these, to inform the free Subjects of England, That neither the King by his command or commission, nor his Councell, nor the Lord of a Villayne, can or could imprison, arrest, or attach any man without due processe of law, or by legall judgement, and law of the land, against the forme of our defensive Charter of Liberty, no not a Pagan or Heathen could be unjustly imprisoned or arrested without due processe of Law. But to discourse here the manifold imprisonments of the free-born people of this Kingdom, contrary to their Birth-right, Edition: current; Page: [3-352b] this Free Charter, and contrary to the known lawes of this Realm: or to shew forth all the illegall processe, whereby men are now adayes arrested, attached, or imprisoned, contrary to this Charter, and the lawes before recited: as *Latitats*, *Capiats pro debito*, Attachments, and Messengers; would be infinite, and require a volume* by it selfe. Onely thus far we may be bold to demand, by what Law, Statute, or other legall power, the Committee of Examinations, Committees of Excise and Sequestrations,; nay, all Committees : nay more, their Sub-Committees take upon them to commit to prison: nay, without Baile or Mainprise, the free-born Subjects of this Kingdome, without lawfull processe, triall, or conviction, and most manifestly against the law of the land? For if those

whom we have elected to sit at the Helme of the government for us, as our Trustees, for preservation of our Liberties, be (by right of their places) Judges; we are sure they cannot depute their Authorities. For a Judge cannot delegate his power to another, nor make a Deputy to judge for him; And this appeares by the Books of 2. H. 6. f. 37. 9. E. 4. f. 31. 41. 10. E. 4. f. 15. 11. E. 4. f. 1. I am sure wee have not sent them thither, and given them the places of their trust to Them and their Assignes: therefore their Committees, or Assignees, cannot execute their Judicial power: which as to the matter of imprisonment, is one and the chiefest of their Judicial powers, so it bee according to due processe of Law. But wee will not wrong these Noble Patriots, the Commons of England, whom wee have chosen to be the Guardians of our Liberties; either to suspect them not to be our competent Judges, and Judges of Record too, or that they intend to commit our liberties to their committing Committes; since that by deputing such Committes, and investing them with their own powers; it argues the givers rather to be Ministeriall then Judicial Officers.

We come now to the second particular, which is, That no man shall be disseised of his Free-hold, or Liberties, or free customes, but by lawfull judgement of his Peeres, or by the law of the land.

We need not insist long upon this particular, it being so plain and cleare in it selfe; Onely wee will remember that which that learned Father in the Law, Sir Edward Cook 2. part. Instit. pag 46. saith upon this clause, viz. Hereby is intended, that Lands, Tenements, Goods and Chattels, shall not bee seized contrary to this great Edition: current; Page: [3-353a] Charter, and the Law of the Land. Nor any man shall bee disseised of his Lands or Tenements, or dispossessed of his goods or chattels, contrary to the law of the land. Wee may safely adde, That neither King nor State ought to seise, sequester, plunder or take away any mans goods, chattels, trade, lawfull calling or office; before the party be lawfully indicted or convicted of an offence by due processe of Law, tryall of Jury, and lawfull Judgement, by the law of the land. Neither ought any man to be disseised, or put out of his Lands, Tenements, or Freehold, by suggestion, or petition to the King, or his Councell, unlesse it be by presentment or indictment of his good and lawful people of the neighbourhood. That this is as clear as the Sun at noon-day; Read these three Statutes of 5. E. 3. cap. 9. 25. E. 3. c. 4. 28. E. 3. c. 3. And the books of 43. Ass. Pl. 21. These referre to sequestring, seising, or desieising rather, of Lands, Tenements, and Free-hold of the free subjects of England. For the defence of our goods, not onely this great Charter, but also the Book of 43. E. 3. fo. 24. 32. 44. Ass. Pl. 14. 26. Ass. Pl. 32. 7 H. 4. fol. 47. Cook. 1. Reports. fol. 171. 8. Reports. fol. 125. Case of London: Where the case was, K. H. 6. granted to the Corporation of Dyers within London, power to search, &c. And if they found any cloath died with Logwood; that the cloath should bee forfeit. And it was adjudged in Trin. 41. Eliz. in this case, That this Charter for seising of such cloath, was against the Law of the land, and this great Charter; because no man ought to have his goods taken away from him, before conviction. Nay, if he were accused or indicted of Felony or Treason; yet his goods ought not to bee seised upon, or taken away from him, before he be attainted or convicted, according to the Law of England, upon pain to forfeit the double value; as appeares by the Statute of 1. R. 3. And although Treason is not mentioned within that Statute, but Felony onely; yet Sir Edward Cook. Instit. part. 3. fol. 228. saith, that Regularly the goods of any Delinquent cannot be taken and seised, before the same be forfeited. Neither is this a new opinion; but, the law ever was, and still is so, as Bracton l. 3. fol. 136. witnesseth in these words, *Qui pro crimine, vel feloniam magna, sicut pro morte hominis captus fuerit, & imprisonatus, vel sub custodia detentus; non debet spoliari bonis suis, nec de terris suis disseisiri: sed debet inde sustentari donec de crimine sibi imposito se defenderit, vel convictus fuerit, quia ante convictionem nihil forisfacit.* Edition: current; Page: [3-353b] *Et si quis contrahoc secerit, fiat Vic. tale brev. Rex Vic. salutē, Scias quod provisum est in Curia nostra coram nobis, quod nullus homo captus pro morte hominis, vel alia feloniam pro qua debeat imprisonari, disseiseatur de terris, tenementis, vel catallis suis, quousque convictus fuerit de feloniam de qua indictus est, &c.* In English thus, Where any man for a crime, or great felony, as, for murder; shall be taken and imprisoned, or detained under custody, he

ought not to be spoyled of his goods, nor disseised of his lands; but ought to be maintained of the same, untill he shall acquit himselfe of the crime charged upon him, or shall be convicted thereof, because, Before conviction he shall forfeit nothing. And if any man shall doe contrary to this cours; let there be made out to the Sheriffe, such a Writ following, THE KING to the Sheriffe, greeting, Know thou, that it is provided in our Court before us, that no man taken for the death of a man, or other felony, for which he ought to bee imprisoned; ought to be disseised of his Lands, Tenements, or Chattels, until he shal be convicted of the Felony, whereof hee is indicted, &c. In which words, Qui pro crimine, Sir Edw. Cook is of opinion, that Treason is included, as also, Quia ante convictionem. And that the Act of Magna Charta, c. 29. extends to treason as well as to Felony, or other Delinquency. The Writ aforementioned, you may find in the Register among the Originall Writs. By all which Statutes and Book-Cases, and a thousand more testimonies to be produced; it is more then cleare, That neither, Sequestration, Seisure, nor taking or spoiling a man of his lands, or goods; ought to be: till hee bee lawfully indicted and convicted by triall of his equals, according to the law of the land.

But we have done with this particular: wee come now to the next, which is the third, and that is, No man ought to bee out-lawed, by the Law of the Land.

This word Outlary signifieth, The putting of a man out of the protection of the Law, either in Criminall or Civill causes; and it is of two kindes, Legall and illegall. A legall outlary is, when the party is duly indicted, or summoned to appear and makes default at the return of the Writ of Summons, and then by due processe of Law is pronounced an Outlaw in the County-Court, by the Coroners of the County where he doth inhabit. Which proceeding is according to the law of the land, because it is done by his Equals. And if he Edition: current; Page: [3-354a] be duly out-lawed of Treason, Murder, or Felony; it is a conviction in law till he appear, & plead to the indictment, and pray his Writ of error, to reverse the outlary: which ought to be allowed him upon his appearance. Illegall Outlaries in Civil Causes, are, where men are not duly summoned, and a false Returne made by the Sheriffe: whereby processe of Law is unduly awarded against him, till he be outlawed. In both which cases he forfeits his goods and chattels, and the profits of his lands, till the outlary bee reversed. There are other sorts of illegall outlaries in effect; which are, putting men out of protection of the law: which are unlawfull prohibitions and injunctions: whereby men are enjoined and stayed from prosecuting their rights, suits, or actions in any of his Majesties Courts of Justice: Or, when men under any pretence of incapacity by delinquency, are not permitted to sue, or have right denied them by any Judges or Justices; these are in effect outlaries: For every Outlary carries with it an incapacity to sue for a mans right or for wrong done in any personal or mixt action. As Littleton in his chapter of Villenage, affirmes; and as you may find 2. & 3. Ph. & Mar. Dier. 114. 115. Now it is all one to be put out of protection of the law, and not to be permitted to sue for a mans right, or to bee staid by injunction or prohibition, so that a man cannot proceed. All which causes are illegall, and contrary to this clause of the great Charter: For every man ought to bee permitted to goe to triall, judgement, and execution in his cause, according to the course of the law of the land. And if he faile in his suit, he shall pay costs, and be amerced, pro falso clamore. Which amercement ought to bee reasonable, & salvo contenemento, that he be not destroyed, as is before declared. Which payment of destruction, is the fourth particular, and now comes to be handled. The words of the great Charter, are,

That no man shall be any way destroyed, but by judgement of his equals, or according to the law of the land.

This word destruere amongst the Grammarians, est idem quod penitus evertere & diruere, to destroy is all one, as utterly to overthrow and demolish: To destroy a man is to forejudge a man of life, limb, or liberty, to dis-herit, to put to torture or death, any man without lawfull tryall, due preparation to his defence, or by SVRREPTITIOVS IVDGEMENT. All which are contrary to the law of the land. It is

the Genus of all the former particulars, it is the Edition: current; Page: [3-354b] most pernicious extent of all arbitrary power, there have been to many examples of it, Thomas Earl of Lancaster in the 14. E. 2. was destroyed; that is, adjudged to dye as a Traytor without lawfull tryall of his Peers. And afterwards, Henry Earl of Lancaster his brother was restored:

First, because that he was not arraigned and put to answer.

Secondly, because, that contrary to this Charter of Liberties, the said Thomas being one of the Peers of the Realm; without answer, or lawfull judgment of his Peers he was put to death: Such like proceedings were had in the case of John of Gaunt, as appears P. 39. Coram Rege, and in the E. of Aruudels case Rot. Par. 4. E. 3. Nu. 13. and in Sir John Alees case, 4. E. 3. Nu. 2. Such was the destruction committed upon the Lord Hastings in the Tower of London, by K. Richard the 3. who sware he would not dye, before he saw his head off; and thereupon caused him to be executed without tryall, answer, or lawfull conviction: such was the destruction of the Lord Rivers, and many other of sad remembrance: but above all that Attainder of Thomas Cromwell Earl of Essen, who was attainted of high Treason, as appears, Rot. Part. 32. H. 8. being committed to the Tower of London, and forthcoming to be heard, and yet never called to answer in any of the Houses of Parliament, they sitting: which we hope shal never be more drawn into president, but wish with a learned sage in the Law, Quod auferat oblivio si potest, si non, uteunq; silentium tegat, which is; let oblivion take away the memory of so foul a fact, if it can: if it cannot, let silence cover it: For, the more high and honourable the Court is, the more just and honourable it ought to be in the proceeding, and to give example of Justice to inferiour Courts; for these destructores subditorum dom. Regis, the destroyers of the free-born people of the Kingdom, were ever-odious and hatefull to the subject, and severe pains appointed for them, as appears by the Statute of Kenelworth, Par. 15. and by the old Statute of Rag-man; and that this kind of destroying the Kings people, is utterly against the Law of the Land, is most evident; not only by the great Charter, but also by the Statute of 5. 8. 3. c. 9. and 28. E. 3. c. 3. afore-mentioned, and by the ancient Lawes of the Land; as appears by Horn, in his Mirrour of Justice, c. 2. sect. 3.

We proceed now to Exile which is the fifth particular: The great Charter runs thus; No man shall be exiled, but by the Law of the Land. Edition: current; Page: [3-355a] Exile or banishment is of two sorts: The one, a voluntary, which is at the Common-Law; and that is, when a man would abjure the Realm for a Fellony committed by him, having taken sanctuary to avoid the punishment of death, chusing rather perpetuall banishment then to put himself to the hazard of his life, by a legall tryall for his offence, as Stamf. Pl. Cor. p. 117.

The other is, when a man is inforced to banishment, which is only legally done by Act of Parliament; as appeares by the Statute of Westm. 1. cap. 20, 35. El. c. 1. and 39. El. c. 4. and by that Judgment or Statute of banishment made of the two Spencers, 15. E. 2. called Exilium Hugonis le-Despencer, patris & filii: for, though there was an Order or Ordinance made in the Lords house, Anno 6. E. 3. Nu. 6. That such learned men in the Law, as should be sent as Justices, or otherwise, to serue in Ireland, should have no excuse: yet saith Sir Edw. Cooke, 2. part. Instit. p. 48. That Order or Ordinance being no Act of Parliament, it did not bind the subject; so that we that are the free-born subjects of England, cannot at this day be enforced or compelled to depart the Realme, or be exiled or banished from our native Country, but by Act of Parliament;

And from this, we passe to examine what is to be esteemed a lawfull Judgment of our Peers, and what is here in this Charter, meant by the Law of the Land.

This Great Charter was penned in Latine; the words are thus: Nec super eum ibimus, nec super eum

mittemus, nisi per legale iudicium Parium suorum, which are more emphatically in the Latine, then in our English Translations of this Charter: for the Translations render “it, We will not passe upon, nor condemn any man, but by the lawfull judgment of his Peers, or by the Law of the Land: whereas the words in the Latine import, That the King shall not in his own person, when he is personally present in his high Court of Parliament, or “any other of his Courts of Justice; cause any man to be otherwise tryed or condemned, then by lawfull judgment of his Peers, or the law of the Land, nec super eum mittemus; that is, That no Judges, Commissioners, or Justices of the King, shall by force of any Writ, “or Commission from the King, under the Great Seal, in his absence, arraign, try, or condemn any man, but by the lawfull judgment of his Peers, or by the law of the Land.

Now this legale iudicium parium suorum, or lawfull judgment of Edition: current; Page: [3-355b] a mans Peers, is, and hath alwayes had a two-fold construction in law; the one is, When a Lord of the Parliament hath committed treason or felony, or other capitall offence, whereby he is indictable at the Kings Suite; there he by vertue of this Charter ought to be tryed by his Peers, that is such as are Lords of Parliament, that sit there, by reason of their Nobility: for no Noble-man that is not a Lord of the Parliament, or any other that sits in the Lords house by Writ, Et non ratione nobilitatis; can be a tryer of a Lord of the Parliament, or challenge this priviledge of tryall in case of Treason, Fellony, or other capitall offence: But a Noble-man of the Parliament shall not have this priviledge, either upon an Indictment of Praemunire, or upon an Appeale of Fellony, at the suit of the party, or in any Civill-Action, either concerning the right of Lands, or of other Possessions, or in any personall Action, brought by a Common-person, against a Lord of the Parliament, as appears unto us by the Bookes of 1. H. 4. f. 1. 13. H. 8. f. 12. 10. E. 4. fol. 6.

This tryall of Noble-men by their Peers at the Kings Suit; is not upon Oath as in the case of common persons: for the Peers are not sworn before the Lord Steward, before whom this tryall must bee had: but they are to be charged by the Lord Steward, super fidelitatibus & ligeantiis Dom. Regi debitis; that is, upon their faith and allegiance due to the King; and if they acquit the Peer or Noble-man, upon whom they passe; the Entry is, Willelmus Comes E. & ceteri Antedicti pares instanter super fidelitatibus & ligeantiis dicto Dom. Regi debitis per [Editor: illegible word] Senescallū ab inferiori usq; ad supremum separatim examinati; dicunt, quod Wil. Dom. Dacre non est Culp. and so was the Entry in the case of the Lord Dacres 26. H. 8. Spilmans Reports, and Cookes Instit. 3. part. p. 30. If a Noble-man be indicted of Treason, Felony, or Murder, and cannnt be found; he shall be outlawed by the Coroners of the County: and in case of Clergy, no Noble-man shall have more priviledge then a common-person, where it is not specially provided for them by Act of Parliament; as by Stamford pl. Cor. p. [Editor: illegible word] is made manifest: out of all which, we gather, that a Nobleman hath this priviledge of tryal as well per legē terræ, as by this Charter: and that anciently, legale iudicium parium, or lawfull tryall of Peers, for all manner of persons, as well Noble-men as Commons: was, vere-dictum duodecim proborum & legalium hominum de vicineto, a verdict of 12. good and lawfull men of the Edition: current; Page: [3-356a] Neighbour-hood; that is, of the Commons of England, & so still remains saving only in this excepted case, by the Great Charter, which shewes, that there can be no legale iudicium, or lawfull judgment; but it must be per legem terræ, or according to the Law of the Land, which is the other branch of this judgment, as to the Commons of England.

Now to prove that legale iudicium parium, or lawfull judgment of a mans Peers or Equals, is by verdict of 12. men, and not otherwise: for the word Peers vinvocally signifies both. Let us consult both the judgment of Parliaments in this point, and the fundamentall lawes of the Land:

And first, for the opinions of Parliaments in this point, we finde, that by the statute of 25. E. 3. c. 4. “None shall be taken by petition or suggestion, made to our Lord the King, or to his Councell; unlesse it be by indictment or presentment, of his good and lawfull people of the same neighbour-hood. 42. E.

3. c. 3. It is assented, and accorded, for the good governance of the Commons, that no man be put to answer without presentment before Justices, or matter of Record, or by due processe and Writ, originall, according to the old law of the Land; and if any thing be done from henceforth contrary, it shall be void in law, and holden for errour; and to say one word for all: there are above 50. statutes now in print, and in force, that warrant this tryall, or legale judicium parium suorum, or tryall by a mans Equals or Peers, made since the Great Charter in severall cases: the citing of which statutes; for prolixity we avoid: And that this manner of tryall was the old law of the Land, wee are here to make it appear; that this manner of tryall, is according to the law of the Land, and that there is none other: wherein we are to observe this distinction, that this legale judicium, or lawfull judgment, is two-fold: The one is of the matter of Fact: The other is of matter of Law; That which is of matter of Fact, is to be tryed, per legale judicium parium, or a lawfull tryall of a mans Peers: That which is of matter of Law, is to be tryed by the Judges, or Justices of the Land, authorized thereunto by the Kings lawfull Commissions: To prove, that there is no other lawfull Judgment of our Peeres or Equals,

As touching the matter of Fact, we are to examine the foundation of this Common-wealth, and the originall constitutions thereof: Edition: current; Page: [3-356b] We find that King Alfred having reduced this Kingdome of England into an Entire-Monarchy divided it into 38. Counties, and each County into severall Hundred and Mannors: The Counties were put under the government of Earles, who substituted under them Viscounts or Sheriffes, for the quiet government of the people, the Hundreds and Mannors subordinately under the severall Lords of them.

The Sheriffes had two Courts; to wit, the Sheriffes-Tourn, and the County-Court: The first, for offences against the peace of the Land: The latter, for entry and determination of civill-causes, between party and party.

In the first indictment, or presentment of offences was made per-Enquest; that is, by Juries.

In the second, the Free-suiters; that is, men of the neighbor-hood. The like was done in the leets or viewes of Frankepledge, and Hundred-Courts in the Hundreds. The like proceedings was in the Leets, and Court-Barons of Mannors in those Courts. There was no condemnation or judgment given, but by the Enquirie of good and lawfull men of the neighbor-hood.

This every book of the Law tells us; for more particular satisfaction, read Horn, f. 8. and fore-ward. These Courts were formed after the modell of the greater Courts of the Realme, the Kings-Bench, and Common-pleas, where greater jurisdiction was, as to the matter to be enquired of; but no variation originallly in the manner of proceeding; only the jurisdiction of the Court of Kings-Bench, and Common-Pleas, in tryals of actions, ad dampnum 40. s. flowed over the whole Kingdome. The other Courts were confined to their severall limits, and might not exceed 40. s. damages: these were the originall Courts of the Kingdome: and the legale judicium parium, or lawfull judgment of Peers, was only tryall by Jury of Equals, before this great Charter: From which tryals, this clause is inserted into it, and by an inviolable right of law continues in force, even to this day, as every free subject of England by experience knowes; and as every book of our law proves into us, the verdict of the Jury in criminall causes, being the judgment of Attainder, and in civill causes a condemnation as Stamford, pl. Cor. p. 44. and all other bookes prove; And to leave every man without scruple in this particular; we finde by the statute of Westm. the 1. c. 12. That in case of Felony, those that refuse Edition: current; Page: [3-357a] upon their arraignment, to put themselves upon the Enquest, shall be put to pennance fort, & dure, which is, stoned or pressed to death, because they refuse as the statute saith, to stand to the Law of the Land, And yet if the party accused stand mute, and will not put himselfe upon the Enquest; the Judge ought to examine the evidence, and to enquire by the Jury, whether he were mute of malice, or by the Act of God, before he shall give judgment against the Prisoner: so tender is the

Law of the Land of the life of every man, that if an Offendor would wilfully cast away his life by contumacy; yet he ought not to be condemned; but per legale iudicium parium suorum, or lawfull verdict of a Jury, which is according to the Law of the Land: this appeares by Stamf. pl. Cor. p. 150. a, b, c, d. Cookes Instit. p. 2. part. page 178. and so from this legale iudicium parium, or lawfull judgment of Peers or Equals; we come to declare to the free-born subjects of England, what this *lex-terræ*, or Law of the Land is.

And first, we say, that this *lex terræ*, or law of the Land is the absolute perfection of reason; as Sir Edw. Cook. 2. part, Instit. page 179. saith.

Secondly, it is the law of England; and therefore all Commissions made to the Judges of the Land, run thus; That they in all cases that come before them, *facturi sunt inde quod ad iusticiam pertinet secundum legem & consuetudinem Angliæ*, the Judges by their Commissions are to iudge and act only that which to iustice belongs, according to the law of the land, and custome of England, as. 2, part of Cooks Instit. p. 51. and dayly experience tells us.

Thirdly, it consists of the lawfull and reasonable usages and customs received, and time-out-of-mind observed and approved by the people of this Kingdome: for if a custome or usage be not lawfull, it ought not to bind; *Quod ab initio vitiosum est; non potest tractu temporis convalescere*, saith Ulpian l. 29. Course of time amends not that which was naught from the first beginning, and in Jur. Reg. v. 2. q. 117 art. 1. *non firmatur tractu tempore quod de jure ab initio non subsistat*, That which was not grounded upon good right, is not made good by continuance of time, and they must be reasonable too: so is Augustines opinion, in his Book *de vera Religione*, cap. 31. *mihi lex esse non videtur quæ Justa non est*; It seemes (saith he to me) to be no law at all, which is not just: It must likewise be received, and approved by the people.

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Therefore, Ulpian F. de leg. 32. *Leges nulla alia causa nos tenent quam quod iudicio populi receptae sunt*; the lawes doe therefore bind the Subject, because they are received by the judgment of the Subject, and Gratian in Dec. distinct. 4. *Tum demum humanæ leges habent vim suam cum fuerint non modo institute, sed etiam firmatæ approbatione Comunitatis*; It is then, that humane Laws have their strength when they shall not only be devised, but by the approbation of the people; confirmed.

Fourthly, this law of the land consists of the antient Constitutions, and moderne Acts of Parliament, made by the Estates of the Realme; but of these only, such as are agreeable to the Word of God, and law of Nature: for, as Gregory de valentia, Ex Tho. q. 93. art. 3. & q. 94. art. 34. well observes, Humane law is a righteous Decree, agreeing with the Law naturall and eternall; and Augustine de libero Arbitrio, cap. 36. *nihil justum est atq; legitimum, quod non ab æterna lege sibi homines derivaverint* there is nothing just and lawfull, which men have not derived unto themselves from the law eternall; And Horn, cap. 5. sect. 1. saith, That torvous usages, and unjust decrees not warrantable by Law, nor sufferable by holy Scripture; are not to be used or obeyed: Out of all which premises, wee conclude, that the Law of the Land, is the Law of England; the perfection of reason consisting of lawfull and reasonable Customes, received and approved by the people, and of the old Constitutions and modern “Acts of Parliament, made by the Estates of the Realme, and such only as are agreeable both to the law eternall and naturall; and not contrary, but warrantable by the Word of God, whatsoever laws usages, or customes, are not thus quallified, are not the law of the “land, nor are to be observed or obeyed by the people, as being contrary to their Birth-right, and the freedome and liberty which by the law of God, the lawes of the Land, and this great Charter they ought to enjoy. The summe of all is, that according to this Charter, the statute and lawes afore-mentioned, no man ought to

be taken or imprisoned or disseized of his free-hold, liberties, or free-customes: or out-lawed, or banished, or any manner of way destroyed, nor condemned, “but by lawfull tryal of his Peers or Equals, or by the law of the Land; that is, by due processe of Law, by presentment or indictment of good and lawful men, where such deeds be done in due manner, or by Writ originall at the Common-law, according Edition: current; Page: [3-358a] to the old law of the Land. Here we will answer an objection, that we heare is made, which is, that this is an old Law, and many lawes have been made against it since it was granted, which weaken the strength of this Charter.

To this we answer, That by the Statutes of 28. E. 1. called Articuli. super Cartas. & 25. E. 1. vet Magna Charta, fol. 137. and 37. called confirmatio Chartarum; It is provided, “That if any judgment be given against any points of this great Charter, or the Charter of the Forrest by any Iustices of the King, or other his Ministers, it shall be undone and holden for nought, and by the statute of 42. E. 3. cap. 1. all Statutes made against Magna Charta are repealed. True it is, we find that 11. H. 7. c. 3. by the practises of Empson, and Dudley; there was a statute made in the face of this great Charter, whereby many exactions and oppressions were put in practice upon the free subjects of England, to their great trouble and vexation: but we find withall, Oh! for the like justice now, and if it were not? what would become of all our Ship-money, Judges, monopolizing Pattentee, Merchants, and arbitrary Committee-men. that they were hanged that put it in execution, and in the 1. H. 8. c. 6. That illegal Statute of 11. H. 7. was repealed, and made void, and the cause specified to be, because it was against this Great Charter, and the law of the Land, but to put all out of doubt. “These clauses of the Great Charter, which we have discoursed upon hitherto, are all confirmed by the Petition of Right, in the 3. year of this King.

Now for remedy against any man that will infringe this Charter to the injury of any free-man that ought to have benefit of it; the party grieved may have an Action vpon the great Charter against the party offending, as was brought against the Prior of Oswin, P. 2. H. 8. Rot. 538. in Banco Regis; and we find in the Register-Book of witnesses, fol. 64. a Writ directed to the Sheriffe, Adcapiend: impugnatores Juris Regis & ad ducendum est ad Gaolam de Newgate, to apprehend the opposers of the Kings Charter, and to bring them to the Goal of Newgate: or the party grieved may indict the Offendor at the Kings Suit, for going contra formam Magnæ Chartæ, whereof we find a President in Sheffields case, Pasch. 3. H. 8. B. R. Or the party grieved may bring his Writ, de Odio & Astutia, de homine Replegiando or Habeas Corpus, as appeares by the Register, f. 77. and by the Statute of Westm. 2. c. 29. and by the Statute of Glouc. c. 9. as his case shall require.

Having thus dissected the severall branches of this Great Charter, Edition: current; Page: [3-358b] which most eminently concern our publike liberty, the birthright of the free born subjects of England, and stated the question thereof. We will now with all due regard to the house of Peers, examine that judgment or sentence pronounced against that impregnable Bulwark of the common-liberty, Lieutenant Col. John Lilburn, and the proceedings leading thereunto by the Rules of this lawful judgment or law of the land, mentioned in the great Charter (professing, that as we will be tender, not willing to derogate at all from any lawful power, jurisdiction, or priviledge of that honourable house; so we will be as careful in preserving and maintaining our liberties) swerving neither on the one side, nor on the other, from the true narrative of the fact, nor the literal declaration of the order, & sentence, as it hath been represented unto us.

And first we shal shew, out of what fountain; all the troubles of this worthy Gentleman have sprung, (which is no other then from his fidelity, and love to his Country) they have been all occasioned by his prosecution of Col. Edw. King, upon certain Articles exhibited against this Colonel, to the honourable house of Commons, in Aug. 1644. which yet hang there undetermined, and which charge the said Colonel with disloyalty infidelity, treachery, and breach of trust to the Parliament, to whom he was a

sworn servant, and entertained in their pay. To prevent this Gentlemans prosecution; Col. King did by undue meanes cause him to bee imprisoned, July 19. 1645. where being removed to Newgate, he remained till the 14. of March 1645. upon which day, upon Mr. Records motion in the house of Commons, hee was enlarged, there being nothing objected against him, and was by Col. King afterwards caused to be arrested, April 14. 1646. as he was going to prosecute and pursue this Colonell for the Publike good, and for matters contained in those Articles, and to follow his other businesse, depending in Parliament: For, Interest Reipublice, ut puniantur rei, ne per omissionem unius, multi atrociora perpetrent slagitia, as Cicero saith.

It is profitable for the Common-wealth, that guilty persons bee punished, least by omission of the punishment of one; many men by that ill example may be encouraged to commit more heinous offences.

This Arrest was illegal, and a breach of priviledge of Parliament to the house of Commons who were originally possessed of the Edition: current; Page: [3-359a] Cause, for, all suitors in any Court of Justice at Westm. ought to have the protection and priviledge of that Court, where they sue against any that shall arrest them in any other Court for the same matters, Eundo, morando, & rediendo, which is, going thither, staying there, & returning homeward from their prosecution; as by 27. H 6. Fitzh. pr. 4. and divers other Bookes appears; and being put to plead by this unjust provocation to that action, he wrote that letter or booke to Mr. Justice Reeve, the 6. of June, 1646. whereat the great offence is taken, and upon which his grand charge was grounded, the proceeding was very quick; for the 10. of Iune there was a Warrant directed to the Gentleman-Usher attending the Lords house, or his Deputy, from the Lords, to summon him to appeare before their Lordships: the next day being the 11. he was summoned, and the same day he appeared before the Lords Bar; and being brought to the Bar, was asked, whether he wrote that letter or booke to Iustice Reeve: (here is an examination, ore tenus, not usual in Parliament, but frequent in Star-Chamber,) and being earnestly prest in it; the same 11. day of Iune; he delivered in a paper, containing his plea and defence; whereupon the same day he was committed by their Lordships prisoner to Newgate, for delivering in his plea and defence, which they in their Warrant call a scandalous and contemptuous paper, “being in truth but a recital and declaration of the Lawes & Statutes of England that made for his defence, and a declaratory of the liberties of all the Commons of England, which by law they ought to enjoy, and by nature is their proper and free birth-right; and the 16. of the same moneth he presented his Petition to the honourable house of Commons, against their Lordships proceedings, “being in the nature of an Appeale to the Commons; as his proper and onely Iudges.

The 22. of June, the Lords sent an Order to the Keeper of Newgate, “to bring Mr. Lilburn againe to their Bar the next day; & because he refused to kneel at their Barre, was the next day being the 23. of June committed close prisoner to Newgate, and not permitted to have Pen, Ink, or Paper, and none to have accesse to him in any kind but only his Keeper, untill that Court should take further order.

Where he remained in this condition till the Tenth day of Iuly, 1646. which day, Serjeant Nathaniel Finch delivered into the said Edition: current; Page: [3-359b] house of Lords, certain Articles, with certain Bookes and Papers annexed against the said Lieutenant-Colonel JOHN LILBVRN: which you have word for word here printed, July the tenth, 1646. The Charge against Lieutenant-Colonel JOHN LILBVRN, as followeth:

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ARTICLES,

Exhibited before the Lords in Parliament assembled, by Nathanael Finch, Knight, and one of his Majesties Sergeants at Law, against Lieu. Colonell John Lilburne, for high Crimes and Misdemeanors done and committed by him.

I.

VVHereas the Right Houorable, Edward, Earle of Manchester, by the space of divers yeares last past, hath been, and yet is, one of the Peeres of this Realm: And whereas the said Earle was, by Ordinance of Parliament, appointed Generall of divers Forces raised by the Parliament; the said Iohn Lilburne, intending to scandalize and dishonour the said Earle, and to raise discord between the said Earle, and other the subjects of this Realm: He, the said Iohn Lilburne, in a certain Book hereunto annexed, and by him contrived, and caused to be printed and published, intituled, The just Mans justification: Or, A Letter by way of Plea in Bar; hath falsly and scandalously, in certain Passages of the said Book, affirmed and published, concerning the said Earle of Manchester, and his Edition: current; Page: [3-360b] demeanour in his said Office and Employment: And touching the complaint by the said Lilburn alledged to be made by him, and others, to the said Earle, relating to the said Earle, as followeth, Pa. 2. I complained to the Earle of Manchester thereof, being both his Generall and mine. And at the same time divers Gentlemen of the Committee of Lincoln, as Mr. Archer, &c. having Articles of a very high nature against him; pressed my Lord (meaning the said Earl) to a triall of him at a Councell of warre. And at the very same time, the Major, Aldermen, and Town-Clerk of Boston, came to Lincoln to my Lord (meaning the said Earle) with Articles of a superlative nature against King their Governor; but could not get my Lord (meaning the said Earle) to let us enjoy justice at a Councel of War, according to all our expectations, & as of right we ought to have had; which at present saved his head upon his shoulders. And page 8. and 9. of that Book did affirm these words, viz, We could not at all prevaile: the reason of which I am not able to render; unlesse it were, that his two Chaplaines, Leo and Garter, prevailed with the Earle, (meaning the said Earle of Manchesters two Chaplains, Ash and Goode, to cast a Clergie-mist over their Lords (meaning the said Earles) eyes, that he should not bee able to see any deformity in Colonell King.

II.

THE said Iohn Lilbure within three moneths last past, in a certaine book by him contrived, and caused to be printed and published hereunto annexed, intituled, The Free-mans Freedom vindicated: or, A true Relation of the cause and manner of Lieu. Colonell Iohn Lilburns present imprisonment in Newgate, being thereunto arbitrarily and illegally committed by the House of Peeres, June 11. 1646. for his delivering in at their open Barre under his hand and seal, his Protestation against their incroaching upon the common liberties of all the Commons of England, in endeavouring to try him, a Commoner of England, in a criminall cause, contrary to the expresse tenor and form of the 29. chapter of the great Charter of England. And for making his legall and just appeale to his competent, proper, and legall Tryers, and Judges, the Commons of England in Parliament assembled; did falsly and scandalously, in eighth page of that Book, publish and affirm concerning the said Earle of Manchester, these false and scandalous Edition: current; Page: [3-361a] words: I clearly perceive the hand of Ioab to be in this, namely, my old back-friend the Earle of Manchester; the fountain (as I conceive) of all my present troubles; who would have hanged me for taking a Castle from the Cavaliers in Yorkeshire; but is so closely glu'd in interest to that party, that hee protected from justice. Colonel King, one of his own Officers, for his good service in treacherously delivering or betraying Crowland to the Cavaliers, and never called, nor (that I could heare) desired to call to account his Officer, or Officers, that basely, cowardly, and treacherously betrayed and delivered Lincoln last up to the enemy, without striking one stroke, or staying till so much as a Troop of Horse, or a Trumpetter came to demand it: His Lordships

head hath stood, it seems, too long upon his shoulders, that makes him he cannot be quiet, till Lieu. Generall Cromwels charge against him, fully proved in the House of Commons, be revived: which is of as high a nature, I beleieve, as ever any charge given in there: The Epitomy of which I have by me; and his Lordship may live shortly to see it in print, by my meanes. And the said Iohn Lilburne in the Book and page last mentioned, in scandall and dishonour to Henry, Earle of Stamford, a Peere of this Kingdome, and late a Commander of Forces of the Parliament, maketh this scandalous expression concerning the said Earle of Stamford, viz. And for my Lord of Stamford at present; I desire him to remember but one Article made at the delivery of Exeter which, it may be, may in time coole his furious endeavour to inflame the free people of England.

III.

VVHereas the said Iohn Lilburne, upon the 10. day of Iune last past, by vertue of the Order of the Peeres assembled in this present Parliament; was brought to the Barre of the House of Peeres, then sitting in Parliament; to answer concerning the said Book, in the said first Article mentioned: the said Iohn Lilburne falsly and maliciously intending to scandalize and dishonour the Peeres assembled in Parliament, and their just rights and authorities; did then and there in contempt of the said House of Peeres, at the open Barre of the said House, the Peeres then sitting in the said House in Parliament; openly deliver a certain paper hereunto annexed, Edition: current; Page: [3-361b] under his hand and seale, intituled, The Protestation, Plea, and Defence of Lieu. Colonell John Lilburne, given to the Lords at their Barre, the 11. of June 1646. with his appeale to his competent, proper and legall Tryers and Judges, the Commons of England assembled in Parliament: (which paper is hereunto annexed,) and since caused the same to be printed and published. In which paper, among other scandals therein contained, he published and affirmed, concerning the Lords in Parliament, these words following, Viz. Therefore, my Lords, you being (as you are) called Peeres, meerly made by prerogative, and never intrusted or improved by the Commons of England. And in another place thereof concerning their Lordships, and their proceedings in Parliament; did protest and publish these words following: I doe here at your open Barre, protest against all your present proceedings with me in this pretended criminall cause; as unjust, and against the tenor and form of the great Charter: which all you have sworn inviolably to observe, and caused the Commons of England to doe the same: And therefore, my Lords, I doe hereby declare, and am resolved, as in duty bound to God, my selfe, countrey, and posterity; to maintain my legall liberties to the last drop of my blood, against all opposers whatsoever; having so often in the field, &c. adventured my life there-for: and doe from you and your Barre, as incroachers, and usurping Judges, appeale to the Barre and Tribunall of my competent, proper, and legall Tryers and Judges, the Commons of England assembled in Parliament. And in pursuance of his said malicious and illegall practice; did afterwards contrive and publish a scandalous and libellous letter hereunto likewise annexed, directed to Mr. Wollaston, Keeper of Newgate, or his Deputy: wherein (among other things) he hath caused to be inserted and published these words concerning the Peeres in Parliament, viz. Their Lordships sitting by vertue of Prerogative-patents, and not by election or consent of the people; have (as Magna Charta, and other good lawes of the Land tell me) nothing to doe to try me, or any Commoner whatsoever, in any criminall cause, either for life, limb, liberty, or estate: But contrary hereunto as incroachers and usurpers upon my freedoms and liberties; they lately and illegallly endeavoured to try me (a Commoner) at their Barre. For which I under my hand and seale, protested to their faces against them as violent and illegall incroachers upon the

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Rights and Liberties of me, and all the Commons of England, (a copy of which, &c. I herewith in print send you. And at their Barre I openly appealed to my competent, proper, legall Tryers, and Judges, the

Commons of England assembled in Parliament. For which, their Lordships did illegally, arbitrarily, and tyrannically commit me to prison into your custody, Which Protestation, and Papers, and matters therein contained, doe falsly, and scandalously, and maliciously, charge the Peeres in Parliament, with tyranny, usurpation, perjury, injustice, and breach of the great trust in them reposed; and are a high breach of the Priviledges of Parliament. And are high offences against the Lawes and Statutes of this Kingdome, and doe tend to the great scandall of the said Peeres, and the authority with which they are intrusted, & to stir up differences between the said Peeres, and other the Subjects of this Realme.
(asterisks)

Natha. Finch.

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Vpon which Articles, he refusing to hear them read, as concerning their proceedings against him to be illegall, and that as a Commoner of England, they had no jurisdiction over him, they proceeded to sentence him, as followeth:

July 10. 1646.

IT is to be remembred, that the 10. day of Iuly, in the 22. Year of the Raigh of our Sovereign Lord King Charles, Sir Nath. Finch Knight, His Majesties Serjeant at Law, did deliver in before the Lords assembled in Parliament at VVestminster, certain Articles against Lieutenant-Colonell Iohn Lilburn, for high Crimes and Misdemeanours, done, and committed by him; together with certain Bookes and Papers thereunto annexed: Which Articles, and the said Bookes and Papers thereunto annexed, are filed among the Records of Parliament; The tenour of which Articles followeth in these words.

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Which Articles being by the command of the Lords, then, and there assembled in Parliament, read; It was then, and there, that is to say, the said 10. day of Iuly, by their Lordships ordered, That the said John Lilburn be brought to the Bar of this House, the 11. day of the said Iuly, to answer the said Articles; That thereupon their Lordships might proceed therein, according as to Justice should appertain.

At which day aforesaid, the 11. day of Iuly, Anno Dom. 1646. the said John Lilburn according to the said Order, was brought before the Peers then assembled, and sitting in Parliament; to answer the said Articles; And the said John Lilburn being thereupon required by the said Peers in Parliament, to kneel at the Bar of the said house, as is used in such Cases, and to hear his said Charge read; to the end, that he might be inabled to make defence thereunto;

The said John Lilburn in contempt and scorn of the said high Court, did not only refuse to kneel at the said Bar; but did also, in a contemptuous manner, then, and there, at the open Barre of the said House, openly and contemptuously, refuse to heare the said Articles read, and used divers contemptuous words in high derogation of the Justice, Dignity, and Power of the said Court: And the said Charge being neverthesse, then, and there read, the said John Lilburn was then and there by the said Lords assembled in Parliament, demanded what Answer or Defence he would make thereunto; the said Iohn Lilburn persisting in his obstinate and contemptuous behaviour, did peremptorily, and absolutely refuse to make any Defence or Answer to the said Articles, and did then, and there, in high contempt of the said Court, and of the Peers there assembled, at the open Bar of the said House of Peers, affirme, that they were Usurpers, and unrighteous Judges; and that he would not answer the said Articles, and used divers other insolent and contemptuous speeches against their Lordships, and that

high Court.

Whereupon the Lords assembled in Parliament, taking into their serious consideration the said contemptuous carriage and words of the said John Lilburn, to the great affront, and contempt of this high and honourable Court, and the Justice, Authority, and Dignity therof;

It is therefore this present 11. day of Iuly, ordered and adjudged by the Lords assembled in Parliament;

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That the said Iohn Lilburn be Fined; And the said Iohn Lilburn by the Lords assembled in PARLIAMENT, for his said contempt, is Fined to the Kings Majesty, in the summe of two thousand pounds.

And it is further ordered and adjudged by the said Lords assembled in Parliament,

That the said Iohn Lilburn for his said contempts be, and stand committed to the Tower of London, during the pleasure of the said House.

And further, the said Lords assembled in Parliament, taking into consideration the said contemptuous refusall of the said Iohn Lilburn, to make any Defence or Answer to the said Articles; did declare,

That the said Iohn Lilburn ought not thereby to escape the Justice of the House; But the said Articles, and the Offences thereby charged to have been committed by the said Iohn Lilburn, ought thereupon to be taken as confessed.

Wherefore the Lords assembled in Parliament, taking the premises into consideration; and for that it appears by the said Articles,

That the said Iohn Lilburn hath not onely maliciously published severall scandalous, and libellous passages of a very high nature, against the Peers of Parliament, therein particularly named, and against the Peerage of this Realm in generall, But contrived, and contemptuously published, and openly, at the Barre of the House delivered certain scandalous Papers, to the high contempt and scandall, of the Dignity, Power, and Authority of this House.

All which offences, by the peremptory refusall of the said Iohn Lilburn, to answer, or make any Defence to the said Articles, stands confessed by the said Lilburn, as they are in the said Articles charged;

It is therefore, the said Day and Year last above-mentioned, further ordered and adjudged by the Lords assembled in Parliament, upon the whole matter in the said Articles contained;

I.

That the said Iohn Lilburn be Fined to the Kings Majesty in the summe of two thousand pounds.

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II.

And that he stand, and be imprisoned in the Tower of London by the space of 7. years, now next

ensuing.

III.

And further, that he the said Iohn Lilburn from henceforth stand and be incapable to bear any Office or Place, in Military, or in Civill-Government, in Church or Common-Wealth, during his life.

Die Sabbathi II. Julii 1646.

ORDERed by the Lords in Parliament; That Iohn Lilburn being sentenced by this House, (shall for his high Contempt and Misdemeanors done to this High Court) according to the said Sentence stand committed to the Tower of London, for the space of 7. Years, next after the date hereof; And that the Lieutenant of the said Tower of London, his Deputy, or Deputies, are to keep him in safe custody accordingly. And that he doth take care, that the said Lilburn do neither Edition: current; Page: [3-364b] contriue, publish, or spread any seditious or libellous Pamphlets, against both, or either of the Houses of Parliament.

To the Lieutenant of the Tower of London, his Deputy, or Deputies.

And because this Sentence was conceived not to be severe enough by the Lieutenant of the Tower, hee did procure an Order, dated Die Mercurii 15. Julii, 1646. which followes in these words.

Die Mercurii 15. Iulii, 1646.

ORDERed by the Lords in Parliament assembled, That none shall speak with John Lilburn, now a prisoner in the Tower of London, but in the presence and hearing of his Keeper, And that when he shall desire to take the Ayre within the Tower, his Keeper shall constantly goe with him, forth, and back, and stay with him, till he return to his Lodging; and that if his wife desire to come to him, she shall reside with him, and not go in, and out, during his imprisonment in the said Tower. And lastly, it is Ordered, That this restraint of speaking with the said Lilburn shall be taken off, when he shall give good Bayle to this House not to contrive, write, or publish any scandalous, or libellous Pamphlets, or Papers, against both, or either of the Houses of Parliament.

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Die Mercurii 16. Septem. 1646.

IT is this day Ordered by the Lords in Parliament assembled, That the Lieutenant of the Tower of London, his Deputy, and all others employed him, shall permit and suffer the wife of Lieutenant-Colonell Iohn Lilburn, to come to him, and reside with him, when, and as often, as he shall desire, any former Order of this House notwithstanding.

Iohn Brown, Cler. Parliamentorum.

We will not say their Lordships are unjust in this Sentence; yet we hope it shall not be accounted scandall to them, if we say, and make it appear, that they have erred therein, both in manner of proceeding, and in substance of matter, or point of jurisdiction, both of the person and cause; for we do presume, that their Lordships will not presume an infallibility of Judgment, it being a quality

incompatible to, or with any sublunary creatures; and wee finde by our bookes of 21. E. 3. f 46. that a Parliament may, and hath erred.

And first, we shall declare their Lordships errour, in their manner of proceeding against this worthy Patriot; wherein we shall observe, That the 10. of Iune, he was summoned to attend their Lordships in their house: The 11. of Iune he appeared, and was then committed by their Lordships to Newgate. The 16. of the same moneth he appealed to the Right Honourable House of Commons. The Edition: current; Page: [3-365b] 22. their Lordships sent to the Keeper of Newgate, to bring him to their Bar; And thereupon the 23. day, he was committed close prisoner to Newgate, being brought by the Keeper of Newgate, where he remained close prisoner till the 16. of Iuly: At which time, his Charge was brought into the Lords House, and not before. Wherein, we are first to note, that he was summoned and committed a moneth before his Charge brought in, and after his appeal, and for that cause, made close prisoner 18. dayes before any Charge recorded against him;

All which proceedings, are erroneous, and principally in these two points.

First, because he was summoned, before his Charge was recorded: for, regularly, both in Law and Equity, the Declaration or Bill ought to be filed or recorded, before any Writ or Processe ought to issue against the Defendant or Party accused, either in civill or criminall causes; and the Writ or Processe ought to contain the matter of the Declaration or Bill, as in a Writ of Right. These words, *Quid clamat tenere*, import a Count, or Declaration recorded; so a Writ of *Warrantia Diei*, contains the substance of the Count in a *Monstraverunt*, the Plaintiffs title is set forth by the Writ: Nay, in every Writ at Common-Law, the Writ doth by these words, *ut dicitur*, or by some other Emphaticall word contained in the body of the Writ import, that a Declaration or Count is filed, registred, or recorded, before the Writ doth issue; and this appears clearly in every Writ, set forth by the Register, and Fitzherberts *Natura brevium*; Nay, every English Bill either in Chancery, Exchequer or Star-Chamber, doth pray, that Processe of *Sub-pæna*, be awarded against the Defendant, which proves, that processe ought not to be awarded against any man out of any Court till his charge bee recorded against him in the same Court.

If this was so in the Justice of the Star-Chamber in criminal causes, we hope their Lordships will not condemne it, as an Injustice in themselves, to follow the same Rules of Right, Reason, Law, and Equity.

Secondly, their Lordships proceedings against him, after his Appeal made to the honourable house of Commons, were void in Law; for by the Appeal to the proper jurisdiction, the Lords were outed of their jurisdiction, or *Connusans of the Plea*, (*sublata causa tollitur effectus*) Edition: current; Page: [3-366a] the Cause being removed by the Appeale, their judgment thereby was determined, or at least suspended, being but the effect of the cause before them, till such time as the Appeal is determined, the Appeal being a *supersedas* to their Lordships further legall proceedings in the same cause, and wherein they ought not to have proceeded without the privity, licence, and direction of the house of Commons; and therefore all their proceedings since Mr. Lilburns Appeal presented to, and accepted by the house of Commons, are *Coram non iudice*, and therefore void and erroneous.

We shall not deny the Lords house to be a Court of Justice, and that of Record too, and of the highest degree in the Kingdom, co-operating with the honourable House of Commons: but when they are distinct, and apart in their severall operations and judgments; we do conceive, that they neither have a legislative nor unlimited power of judicature in themselves; neither can they proceed to determine any thing out of the way of the known Lawes, by any arbitrary, or discretionary Rules, where there is a known Law in the case.

Sir Edw Cook doth well set forth the distinct powers of Judicatures of both houses, in his 4. part of Institutes, p. 23.

It is to be known, saith he, that the Lords in their house, have power of Judicature, and both Houses together have power of Iudicature, which is thus to be understood, That the Lords have power of Iudicature over their Members alone, viz. their Peers, the Nobility of England that sit in the Lords House.

The Commons have power of Iudicature over all the Commons of England, by themselves alone; and the Lords and Commons joyning have power of Iudicature over both Peers Lords, and Commons.

That this is true, is manifest by the Lord Dacres case, p. 26, H. 8. reported by Iustice Spilman, where it was resolved, that a Noble-man of Parliament, cannot wave his tryall by his Peers, and put himselfe upon the tryall of the Country: for by the Statute of Magna Charta, c. 29, every man is to be tryed, per legale iudicium parium suorum, by the lawfull judgment of his Peers; which Statute, gives the Lords of Parliament a jurisdiction over their Peers, which cannot be taken from them; and as the Lords have a jurisdiction over their Peers; so have the Commons over their Peers, viz. all the Commons of England: for, as Sir Edw. Cook 2. part. of his Institutes, pag. 29. in his Coment upon Magna Charta c. 14. observes, that the generall Edition: current; Page: [3-366b] division of persons, by the Law of England, is either into the Nobility of the Peerage, (or Lords house) or the Commons of the Realme: for as every of the Nobles is a Peer to each other, though they have severall Names of Dignity, as Dukes, Marquisses, Earles, Viscounts, and Barons; so of the Commons of the Realme, each Commoner is a Peer or Equall to another, though they be of severall Degrees, as Knights, Esquires, Citizens, Gentlemen, Yeomen, and Burgesses: and this distinction we find likewise in Bracton, c. 2. fol. 36. and both these Jurisdictions do belong to both Houses, naturali equitate, by a naturall right or equity, as hereafter more plainly will be demonstrated: and according to this Jurisdiction, have the Commons themselves given judgment upon a Commoner, as in the case of Thomas Longe, cited by Sir Edward Cooke, ubi supra, p. 23. and recorded in the Journall-Book of the House of Commons, 8. Eliz. Onflow Speaker, f. 19. and in the case of Arthur Hall, 23 Eliz. f. 14. Popham, Attorney-General, Speaker, and divers others.

Now, that the Lords and Commons have a joynt Jurisdiction, or power of Judicature over both Lords and Commons, is manifest by the Judgments given against the Lord Audley, at the Parliament held at Yorke, Anno 12. 22 Consideratum est per Prælatos, Comites Barones & communitatem Angliæ, and in 15. E. 2. the Judgment given against the Spencers, both Earles, Hugh the Father, and Hugh the Son, who were adjudged to exile, by the Lords and Commons, and Sir John Alees adjudged by the Lords and Commons, as appeares 42. E. 3. Nu. 20. Rot. Parl. and of late time in the cases of Sir Giles Mompesson, the Lord Viscount of St. Alban, and the Earl of Middlesex, in 18. & 21. Iacob. Regis: In all which Judgments the Kings consent was concurrent, which gave those Judgments life and efficacy.

Having thus distinguished, the severall and joynt Jurisdiction of both Houses; it will bee necessary to shew whence these have sprung, and how they are grown. It appears by the old Treatise, de modo tenendi Parliamentum, which was made before the Conquest, and presented to the Conquerour, who held a Parliament in that forme, as appeares by the book of 21. E. 3. f. 60. That both Houses of Parliament sate together, and were but in effect one House, and so continued long after the Conquest, till 5. and 6. E. 3. as appears Edition: current; Page: [3-367a] by the Parliament Rolls of 5. E. 3. Nu. 3. and 6. E. 3. and by the 4. part of Sir Edward Cookes Instit. p. 2. and as may be gathered by the Preamble to the Statute of Marlebridge, made 52. H. 3. Westm. the first, 3. E. 1. Westm. 2. 13, E. 1, the Statute of Yorke, made 12. E. 2. and others, which mention, that the Prelates, Earles, Barons, and Commonalty of the Realm were called together (whereby we may infer, that they sate as one House)

to consult of the weighty affaires of this Kingdom; from whence, we collect, that the Lords had whilst they sate as one House, no particular jurisdiction, nor the Commons any to themselves alone, but their jurisdiction was joynt, being mixt of both their powers, and communicative to all alike of both Kingdoms; and this appeares cleerly, by the case of the Lord Audley, 12. E. 2. and the cause of the Spencers, 15. E. 2. afore cited, and by the case of Nicholas Segrave, adjudged in Parliament, as appears Placit: Parliament, 33. E. 1. Rot. 33. per Prælatos, Comites, Barones, & alios de consilio, by the Prelates, Earles, Barons, and others of the Councill, that is, the Parliament; and more plainly by that, spoken by Sir Edward Cook 2 part of his Instit. p. 50. And though of antient time (saith he) the Lords and Peers of the Realm used in Parliament to give judgment, in case of Treason and Fellony, against those that were no Lords of Parliament;

Yet at the suit of the Lords, it was enacted; that albeit the Lords and Peers of the Realm, as Judges of the Parliament, in the presence of the King, had taken upon them to give judgment in case of Treason and Fellony, of such as were not Peers of the Realm, that hereafter no Peers shall be driven to give judgment on any others, then on their Peers according to the Law.

And he cites Rot. Parl. 4. E. 3. Nu. 6. to maintain this assertion of his.

But to conclude more strongly, we find it recorded in 4. E. 3. Rot. 2. and inrolled in Chancery, in the cause of Sir Simon de Berisford, who was adjudged as an accessory to Roger Mortimer of the murder of King Ed: 2. in these very words, viz.

And it is assented, and agreed by our Lord the King, and all the Grandees in full Parliament; that albeit the said Peers, as Judges of Parliament took upon them in the presence of our Lord the King, to make and give the said judgment, by the assent of the King, upon some of them which were not their Peers, and that by reason of the murder Edition: current; Page: [3-367b] of their liege Lord, and the destruction of him which was so neare of the Blood-Royall, and Son of a King; that therefore the said Peeres which now are, or the Peeres which shall be for the time to come; be not bound or charged to give judgment upon others, then upon their Peers, nor shall do it: (But let the Peers of the land have power) but of that forever they be discharged and acquitted, and that the aforesaid judgment now given be not drawn into example, or consequence for the time to come; by which the said Peeres may be charged hereafter to judge others then their Peers against the Law of the Land, if any such case happen (which God defend.)

All which afore-mentioned presidents and judgments were made and given before the separation of the two Houses, & whilst they sate together.

Out of which, we collect and gather, that the Lords had no particular jurisdiction to themselves, or of themselves, before the division & separation of the Houses; and that it was against the Law of the Land, for the Peers before this separation, to judge a Commoner in any case whatsoever: Nay, that their hands are bound by their assent, never to judge any in future, which Sir Ed: Cook saith, was enacted.

So that joyning the one consideration with the other, it is most cleer, that the Peers at this day cannot judge a Commoner; no, not if the King joyn with them; especially, in case of life, or free-hold, for in the book of 4 H. 7. f. 10. Be tit. Parl. 42. We find that in Parliament, the King would that I. S. should be attainted, and lose his Land, and the Lords did agree, and nothing was spoken of the Commons; and this by all the Judges was held no good attainder or judgment, and therefore he was restored to his Lands: for there can be no attainder by Parliament, but by Act of Parliament, that is, by judgment of both Houses, and consent of the King: for the King, as Sir Edward Cook saith, is of the Parliament, caput principium, & finis, the head, the beginning, and the end.

But some will say, that the Lords have a Judicature a-part from the Commons, which they have long used: It is true, they have, and it is only in some particular cases, and their power is given them by Act of Parliament, by the statute of 14. E. 3. c. 5. in case of delay of Justice, difficulty of judgment, or cases of errors, and is confirmed unto them by the statute of 25. El. c. 8. and 31. El. c. 1.

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But we cannot find by any of our bookes in Law, and wee are confident, no man can shew us, that the Lords by themselves apart or without the assistance, and without judgment of the Commons, did hold plea in any of those cases; before that statute of 14. E. 3. For the first cases that we find of any proceedings in those cases before the Lords, were in 16. E. 3. Fitzh. tit. briefe, 561. and in 24. E. 3. f. 46. 22. E. 3. Fitz. error 8. and other bookes; out of which good notes may be drawn to fortifie our assertions withall, if need in so plain a case did require: By all which cases and presidents, we may assuredly conclude. "That the Lords in their House have no jurisdiction over the Commons in any other cases, then delay of Justice, difficulty of Judgment, or matter of Errour, as aforesaid.

And this is agreeable to the statute of 25. E. 3. c. 4. Where it is accorded, assented, and established, that from hence-forth, none shall be taken by petition, or suggestion, made to our Lord the King, or to his Councell; unlesse it be by indictment, or presentment of his good and lawfull people of the same neighborhood, or by processe made by Writ originall at the common-law, and to the other statutes afore-mentioned, and bindes the House of Peers, as well as any other Court of Judicature at Westminster, as they are of the Kings Councell, and sit by vertue of the Kings writ and Commission, as they have often by their own Declarations manifested.

If it be objected, that their Lordships being a Court of Judicature, are only to proceed, secundum legem & consuetudinem Parlamenti, according to the Law and Custome of the Parliament.

We answer, that we grant that it must be secundum legem, according to law, which is, according to the Great Charter, and the laws before cited; and as touching the custome of Parliament; we say that the Lords house cannot have any pretence by custome to judge a Commoner of England, since that it appeares by the presidents afore-mentioned: namely, Sir Simon de Berisfords case which was 4. E. 3. and by that of the same date, cited out of Sir Edward Cooke, that before the division of the Houses, it was enacted, and assented, that the Peers for the time to come, should not judge a Commoner as being against Law, as aforesaid: And therefore, that Custome being against Law, and prohibited by Act of Parliament, Edition: current; Page: [3-368b] must needs be void in Law: For, no Custome that is against Law or an Act of Parliament, is valid in Law: Neither can they have any good Custom by usage of such power, since the division of the Houses, though they have actually judged Commoners, it being within time of memory since the Houses were divided: that is to say, since the time of King Richard the first, which is the limitation of prescriptions; and since which time, no good custome can bee grounded, the contrary appearing by matter of Record, as aforesaid.

And albeit, they have judged Commoners; it makes not for them; for, a facto adjus non valer argumentum, because they have done it in fact; therefore, they may now do it of right, followes not: For, if those Commoners that were judged by them, did not stand upon their priviledge, nor demand an exemption from the judgment of the Lords, they did only lose to themselves the particular benefit of Appeale: for, vigilantibus, & non dormientibus jura subveniunt: the lawes only assist those that claime the benefit of them, & not those that pray not in aid of them: and such presidents ought not to be cited, in prejudice of others that are more watchfull over their liberties.

But wee have another objection made, that there is matter of scandall against a Peer of that House, contained in Mr. Lilburnes Charge, and therefore fit to be examined there,

We acknowledge the Earl of Manchester to be a person of great honour, and will not blemish him, as he stands unheard, with a supposition of his being guilty: But neverthesse, we conceive that it would not have lessened his honour, to have preferred some Information in the Kings Bench, or brought some Action at Common-Law upon some of the statutes, de scandalis magnatum, for the supposed slander contained in the bookes, written by Mr. Lilburn, whereunto Mr. Lilburn might have pleaded his lawfull plea, either by way of justification, or deniall, as his case would require him: In both which cases Mr. Lilburn should have been tryed by a Jury of 12 honest men, Commoners, his equals: and my Lord have avoyded any suspition of being partiall in his own cause, as it is said in the book of 8. H. 6. f. 14. Br. Connusans 27. of the Chancellour of Oxford, or that he went about by this so sudden and summary proceeding to hinder or fore-stall the evidence that might bee against Edition: current; Page: [3-369a] him in his own cause, and Mr. Lilburn had had a legall way for his defence: for if he had justified the supposed scandall, and proved it, it had bin no scandal, & the Jury must have acquitted him, if he had pleaded not guilty: and for the words proved against him, he must have paid dammage to the Earle, as the Jury should have assessed. And this had been, and is the only way of tryal in such a case, and is according to the statute of Magna Charta, and the Law of the Land; and it is a Maxime in Law, That where remedy may bee had by an ordinary course in Law, the partie grieved shall never have his recourse to extraordinaries.

Therefore, if a man should say of the Lord Chancellor, or Lord Keeper of the Great Seal, that he was a corrupt Judge, and that he gave a corrupt judgment in such a Cause depending before him, upon an English Bill in Chancery; The Lord Chancellor, or Lord Keepers remedy against that person for this scandal; is upon these statutes, and not by an English Bill in Chancery before himself, to be proved only by witnesses, or (the Parliament sitting) by the Parliament, and not by a Jury, being matter of Fact, tryable by the course of the common-law: Neither doe we conceive, that this scandall reflects upon that noble Earl (if it be so) as he is a Member of the Lords house, but as a Generall of an Army, which employment, he had as well from the Commons, as the Lords, and the rather, since one of the Commons is as capable, as a Peer of the Lords house, of such a Command.

Therefore, we conclude, as to the matter and manner of proceeding this sentence upon the Lieutenant-Colonell, may be taken to be erroneous, both concerning the nature of the cause, and the jurisdiction of the Court; in respect of the Defendants priviledge; not to be judged by the Lords House, being a Commoner of England; unlesse the Commons had first enquired of the offence, and had transmitted it to the Lords House, upon a vote made in their House, by information or impeachment; together, with the proofs taken by them in the Cause; but especially, after an Appeal made to the House of Commons, as his proper Judges:

But we meet with another objection, which is; that part of this sentence, is for words and contempts acted after his summons to the Lords House, and at his appearing there: one of which was, for not kneeling at the Lords Barre; for that we conceive, that if hee Edition: current; Page: [3-369b] through the tendernesse of Conscience not to offend God, by kneeling to any other power, did refuse to kneel at their Barre, (though it be a custome for those that are brought thither as Delinquents so to do: We cannot conceive that to bee a contempt, but rather an obedience to him, whom we ought to obey rather then men. As touching the no hearing of his Charge read, it was after his Appeal, Plea, and Defence, delivered in: which if that were just, and now rest; to be determined by the honourable House of Commons and by them so adjudged; there could be no contempt in that: And therefore, till his Appeale be determined, wee conceive, that part of his Sentence might well have been spared: As touching the contemptuous words by him uttered, against the proceedings of that honourable Court, though we cannot excuse it, a toto, yet a tanto, we may, in that they were rather words of heat proceeding from him, upon deniall of his Plea and Defence, which was his appeale to the honourable House of Commons, as his proper Judges, and rather issuing from him, out of a sence of his conceived

injury, then a spirit of calumny towards their Lordships: We are of opinion, that in that sence they might have produced a more mild sentence, then to have been his utter ruine; since by that sentence he is to have 7. yeares imprisonment (the age of a man in the eye of the Law) and be made incapable of bearing any Office, Military or Civill, in the Army or Common-Wealth, and to be fined 4000. l. which we think, is more then he is able to pay: whereas by the statute of Magna Charta, liber homo non amercietur, pro parvo delicto, nisi secundum modum illius delicti & pro magno delicto, secundum magnitudinem illius delicti, salvo sibi contenemento suo; If his offence were great; yet hee ought to be amerced, so as his free-hold & contenement, or countenance may be saved to him, and not to be disabled in his Calling, or lodged in the Tower, during his life, where he now remains.

Having brought this indomitable Champion for our liberties, to the Tower of London, wee will shew you his entertainment there;

He was brought by the Warders to the Lieutenant, alias dictus Col. Francis West, the Gaoler, or chiefe Keeper of the Prison of the Tower of London; for so his title is, in the capacity of receiving Edition: current; Page: [3-370a] and keepeing of the Prisoners committed to his charge; This Lieutenant or Goaler after some pause upon reading of the Warrant of Commitment, sent him to lodge at a Warders house for his further punishment, where he is to pay neere 20. s. a weeke for his lodgeing, providing himselfe dyet; The Lieutenant forbad his Keeper to let any body at first to come to speake with him, and forgetting the rule of Gods word, whom God hath joyned together let no man separate or keepe asunder, upon this pretence that by the Lords sentence and his Warrant, he could not keepe that worthy Patriot, from informing the people of their liberties, which the said Goaler or Lieutenant called writing of scandalous bookes against the Lords, unlesse he kept his wife and his friends from him, notwithstanding that Lieutenant “Collonel Lilburne offered to engage his word to the said Gaoler not to write any word-book, or letter, either of or concerning both, or either House of Parliament, or any thing else of publike concernment, so he might have his wife and Children, and friends admitted to him, according to law and right, answer was thereupon made by the same Gaoler. That unlesse his wife would stay with him and remaine with “him as a close prisoner to be kept within the Tower, he cold not permit her to come to him, to stay with him, or speake with him, but in the presence of his keeper, (the first time that ever we heard that the innocent wife was to be imprisoned and punished for the Husbands offence) having at that time no warrant to restraine either his wives or friends coming to him; but to colour such his illegall, uncharitable, and unchristianlike dealings, he goes to the Lords, and procures order from them as a superstructure upon the former sentence, to keepe this worthy Gentlemans wife from him, and not to permit her to stay with him, or to speake with him but in the presence of his Keeper: O horrible and unheard of Cruelty, “and barbarisme, did not God make woman of man, that she might be an helper unto him meete for him, Gen. 1. 18. did not God ordaine them to be one flesh, did not our blessed Saviour say, that God from the begining had made them male, and female, and that after their marriage they are no more twaine, but one flesh: doth he not command, and is it not Edition: current; Page: [3-370b] an ordinance indispensable, That what God hath joyned together, let no man put asunder, Matth. 19, 4, 5, 6. By what power or authority doth this Goaler take upon him to dispense with, nay, to change the immutable laws of God our maker, and of our Saviour and Redeemer? If ye have faith in him, doth not our blessed Saviour tell the wicked Jews, when they tempted him with this question, Is it lawfull for a man to put away his wife? THAT IT WAS NOT LAWFVLL: And that Moses suffered the Jewes through the hardnesse of their hearts, to put away their wives; But from the beginning it was not so? If this were hardnesse of heart for a man to put away his wife, though with her consent; how much more, and how much greater hardnesse of heart is it, that a woman, innocent and not charged at all with the offences of her husband that was created to be an helper to him, should, in the time of his imprisonment and affliction when hee needs most help, either be kept from him in a conjugall way, or if she will abide with him, must be made partaker of his punishments, if they were justly imposed? which kind of condition was never imposed

upon the wife of any man attainted or convicted of treason, felony, or murder. For, though a man is attainted of treason that hath a wife; their marriage is not thereby dissolved: neither can they be kept asunder. Therefore we may conclude, that this usage of this suffering Gentleman for the publick liberty, is both against the Lawes of God, Nature, and Man: Against the lawes of God and Nature, as against the end of our creation: Against the Lawes of Christ, as against his ordinances: Against the law of man, as it is against the law of God, Nature, and the law of the Land.

And here we shall leave this worthy Gentleman suffering under this tyranny, and extream oppression of this Goaler, (who hath chosen rather to obey men then God;) who, if he be offended that we call him Goaler; we are able to inform him, that a predecessor of his own, Sir Gervase Elvish, who was Lieutenant of the Tower, (*tam amplis modo & forma*) as he now is, was indicted by the name of Goaler of the Tower of London, and hanged upon Tower-Hill, for consenting to the poysoning of his prisoner Sir Thomas Overbury. Taking occasion upon this usage of this Gentleman, to declare unto you, as we have been credibly informed from persons of good quality; the politick government of the Guardian of this Edition: current; Page: [3-371a] prison, and his warders, for exacting money out of their prisoners.

First then, when a prisoner comes new in, or that is committed thither and not yet come; an Enquest is made by the Warders, what that prisoner is, what estate he hath, and whether he be like to pay wel; and if he be, each man is a suiter to the Lieutenant, that he may have the keeping of him: Perhaps if he be a good Fat one indeed, a Bribe is given, or some Reward promised at least, to the Gentleman Goaler, (a new erected Office, and an intruded Officer, as we shall shew hereafter) to procure the custody of that prisoner. If a Bribe or a Reward be not given; then the Lieutenant bestowes the prisoner upon his Warders, as they are in favour with him: as the great Turk doth his Concubines upon his Bashawes. And then the Warder is obliged to scrue his prisoner for the Lieutenants advantage; which hee commonly doth by these courses: First, he is kept close prisoner for ten or twelve dayes, or more, not suffered by their good wills, to speake with any body but themselves, for feare lest they should bee informed how to evade their snares. In which time, the Lieutenant tells the prisoner, that he hath placed him with an honest Keeper in his favour: And the Keeper tells him, that the Lieutenant is a very noble Gentleman, that he will desire nothing but what is due to him by the custome of the place; and brings him to a contract of five shillings a week, which he claimes for his own fee for attendance upon him; and 20 shillings a week, or thereabouts, for his lodging, if he lodge in the Warders house; and of some, more; and some, lesse. When that is done, the Warders tell him, That there are fees due to the Lieutenant: and desire them to think of it to prepare their way to a further liberty (being all this while kept in their Chambers.) Which, when they have contracted for, with their Warders, if they are lodged in their Warders or Keepers Houses; then they fall to work for the Lieutenants fees: and the Lieutenant avowes theirs; and so *Mulus mulum scabit*. This being done, the Lieutenant sends out his Beagles, of which, this Gentleman Goaler is alwayes one, being his chiefe Eare-wigge, and of the Quorum too; he comes and tells the prisoner, There are fees due to the Lieutenant. If the prisoner asks, what is due; he will tell you, that there is 100. l. due for the admittance of an Earle, 80. l. for a Baron, 70. l. Edition: current; Page: [3-371b] for a Knight and Baronet, 60. l. for a Baronet, 50. l. for a Knight, and 40. l. for an Esquire: and that there is 30. s. a week to be paid by every prisoner for liberty to buy and dresse his own meat. Where you may observe, that here is not onely an excise put upon the honor of persons of quality; but upon their mouthes too, besides that which the States have put upon their meat: and that, it seems a preposterous course, that a man should be brought perforce to a prison, and against his will, and be [Editor: illegible word] forced to pay for his admittance to a Goale, as to a Copy-hold, or some other matter of benefit. If you will ask him how it appeares these fees are due: his answer is, That Mr. Lieutenant is not so earnest of mony, but that if the prisoner be not provided, he will stay for those fees till you can procure money. And by this means wring a promise out of the prisoner if he can: and if the prisoner give but the least hope of payment, though it lookes not towards any undertaking to pay any

of those fees; This Gentleman Goaler is to affirm (and swear if need be) the prisoners promise. Shortly after the Lieutenant will (peradventure) send his Clerk to demand your fees and weekly payment of 30. s. which he calls by the name of Composition money. And if the prisoner stand upon it that nothing is due: then he will tell you, You promised to pay, and therefore are bound to pay, if there were none due. But if you ask him, how long those Fees have been paid? He will tell you, Twenty one yeares; and that makes a prescription: whereby we learn, that 21. yeares make a Goalers Prescription. Quodnota benè. if you return him empty-handed, then he brings you a thundring message, or perhaps, letters from his Master; wherein he tells you, If you will not pay the fees demanded, you must keep your chamber. And after that, if you walk but abroad out of your chamber, hee'l threaten to set a Sentinell at your doore (the first time that ever we read of [Editor: illegible word] Sentinell in the office of a Goaler.) And afterwards (peradventure) if you pay him not; he comes in person to you, and tells you, He cannot live without money. If you ask him, how he prove it to be due, he will tell you, that he finds it by his Predecessors books. Sir John Conyers, and Sir Allen Apsleys: and this is Title enough to an extortion.

These passages put us in mind of a Story that we have read in Rhamusio, of a great Desart of tartary called Lop, where are store of wild Beasts; amongst the rest, there is one that is like a Lion, Edition: current; Page: [3-372a] but is not, and he hath alwayes two small beasts, which are called Jackals, and are like Foxes, but are not Foxes. These Jackals, they follow the prey close at the heeles, and hunt it till it be weary. The greater beast followes after grunting at a distance. When these Jackals have wearied the prey, this counterfeit Lion comes, and seises upon it, and fills his paunch and leaves the rest to be devoured by the lesser Whippets; and between the one and the other, there is no harmlesse beast that is not wholly eaten up, being once seised on. Just so is the poore prisoners case. And we shall observe this further, that as the Divell, when hee tempted our blessed Saviour, as you may read, Matth. 4. 6. could cite this part of the Scripture, Cast thy selfe down, for it is written, He shall give his Angels charge over thee: But concealed another part of the Scripture which made against his ends, to wit, It is written, Thou shalt not tempt the Lord thy God: So deales this Lieutenant, or Grand Goaler, West, with his prisoners: for, all that makes against his title to his fees, he leaves out in his allegation to his prisoners: of which, that he may not plead ignorance hereafter; wee shall tell him his pretended title to these fees. In the time of Sir Allen Apsley, much about 21. yeares since, when he was Lieutenant of the Tower, there were divers prisoners in the Tower that were poor, and lay upon his hands for maintenance, of which hee informed the then Lords of the privie Councell, and petitioned that he might be allowed competency for their maintenance out of the Kings Exchequer. The Lords (according to law) ordered that he should have 3. l. a week, with increase according to their qualities, allowed for each prisoner to maintain them in diet, (for they being the Kings prisoners, were by law to be maintained by the King.) Sir Allen Apsley having procured this order, and some of his Successors after him, did contract with some of the Warders, or Victuallers in the Tower, to diet those, sometimes at 30. s. per week, sometimes at 20. s. per week, sometimes at 35. s. a week, as they could agree; whereby Sir Allen Apsley put up into his purse 30. s. a week, or more or lesse, upon allowance of every prisoner, and had his full pay out of the Kings Exchequer. This was entred into their Bookes, as a gain to them. And being grounded upon a Cheat, is now become a president of future extortion, being confirmed by a Goalers Prescription of 21. yeares. But wee would Edition: current; Page: [3-372b] have them know, that if every thing that hath been practised 21. years bee lawful; they may as well goe to Suiters-hill, and there take purses as to demand those fees. Besides, we desire them to take notice, that by this Parliament, the foundation of this pretended duty is taken away by that Act of Parliament which takes away the power of the Councell-board.

But wee have done with the pretence of their fees: wee now come to shew, that this Office of Gentleman Goaler, is a new erected office, and a grievance to the subject, being created within time of memory: and consequently, no fees due to him, though he pretend to a fee of 50. s. at the prisoners

going away, For this Officer, (one Yates) to tell the truth, is but the Lieutenants man; and if he be a Gentleman Goaler, it is to be doubted he is a better man then his Master: for we make a scruple, Whether a PORTER of a Colledge in Bishopsgate-street can beget a Gentleman. But whatsoever he be, being of an old Yeoman of the Guard, become a young Gentleman Goaler, he knowes how to lick his fingers, and make profit out of the plague it selfe. For wee could tell you, that when a Gentleman the last yeare a prisoner, was closely locked up, and the plague round about him, and in danger to be infected, desired him to speak to the Lieutenant, that he might be removed; he brought him word, that unlesse he would give him ten pound, hee could not be removed. The Gentleman made answer, that hee had not so much money; but all that he had, he would give him, if he would procure him to be removed. The summe agreed, was 20. s. which this Gentleman Goaler took and put in his pocket, and never came at him more in ten weeks space, let the plague take his course with the poore prisoner: And that albeit the Gentleman complained to the Lieutenant of this unjust and fraudulent dealing, and did desire that either he might be compelled to make restitution, or otherwise to give it to the poore, or into the Warders Box at Christmas; yet the Gentleman could obtaine neither. Here is Mulus mulum scabit again. We could tell you, that the prison lodgings have been, and are let out to prisoners at 20. l. some more, some lesse, per annum. We could tell you of 10. l. taken of a Gentleman that was sick, and made a close prisoner, for to have liberty to walk in fresh aire out of his chamber some 4. or 5. times the length of a Cannon. We could tell you another, that by no Edition: current; Page: [3-373a] Rule of Instruction, or Warrant, was to be kept close prisoner, and yet was so almost a yeare because he would not give 10. l. to walk the length of a Mast-pole. We could tell you of a Gentleman of quality, of above 70 yeares of age, after hee had his enlargement from the Honorable House of Commons, was detained in close prison 20. weeks, because he would not pay such fees as were demanded; and a demand of above 330. l. made of him for these pretended extortions and unjust fees: Nay, a boord nailed up before his window, to prevent him for taking any fresh aire, and a Sentinell set at his doore to keep him in his chamber. A new way of these monstrous Tyrants, to excise the Aire.

We could name a prisoner that for six moneths together in the Tower, had a Sentinel kept at his door to keep him in his lodging; yea, when he was sick, and had contracted that sicknesse and infirmity by a tedious close imprisonment. We could tell of the prisoners Beere and Wood stopped, and their servants kept from them, because they would not pay such fees as were demanded: And when the prisoners sent to the Lieutenant to have their Beere and Firing; his answer was, That he wanted money. HERE ARE THE FOURE ELEMENTS EXCISED TO THE POORE PRISONERS. Nay, wee could tell you of some that were shut up for eating of Venison, and to make their peace, must drop something, a parcell of 20. l. or something else: For we must keep our fingers in use. Nay, there is but few of these ravening creatures, but he hath all the inventions his wit can reach to excoriate their prisoners. We could tell you how prisoners are valued: Some have been valued at 5. s. a week and diet: Another at diet only; athird hath been offered to be exchanged with 20. s. [Editor: illegible word] Nay, we could tel yon of a prisoner that was made in jointure to a Warders wife, who contracted by Articles upon their mariage, that his wife should have the profits proceeding of his prisoner. Which proceedings puts us in mind of that story we read in Lucian, who saith, that Homer upon a time had drunk too much of the sweet wine of Chios, his native Countrey, and fell a spewing; and there came Pindarus, and Virgil, and Homer, and a great many more, and lickt up his spewings, and thereby became inspired with Poetry, every one according to the quantity of the spewings that he lickt up. So these Goalers, upon the dissolution of Regall Authority, each of them Edition: current; Page: [3-373b] hath lickt up a part of the spewings of it, & are become exercisers of this illegal arbitrary power, so far as their Wits will give them way, to the extream vexation and oppression of their prisoners: Insomuch that the poor prisoners doe wish with holy Job, That they had been as an hidden untimely Birth, or as Infants that never saw light, who are in that place, where the wicked cease from troubling, and the weary be at rest where the prisoners rest together, they hear not the voice of the oppressour: wherefore is light given unto him that is in misery, and life unto the bitter in soule? Job. 3. 16, 17, 18, 20. Yet, tell Mr. White, one of the

best of the bunch (though there are some honest men amongst them) and one that would deserve to be esteemed a moderate man, (if he would give over his rayling and scribbling of foolish Books against the dissenting-brethren, and men in affliction) of any of these practises; his answer will be; why, sure it cannot be? my Lieutenant is a Saint, a godly man, & one that never did any man any wrong, no, nor would do it, to gain a world: He is a man that is very diligent in taking Notes at Sermons, and goes to repetitions often, and does nothing, but what he doth by the Order of the Committee for the safety of the Tower; and surely, hee is wronged. Which puts us in mind of a merry story we read in the History of Reynard the Fox.

“Vpon a time, the Lyon proclaimed a great Feast, and invited all the Beasts of the Court; amongst divers beasts that came thither, the Panther came, and made a great complaint against Rynard the Fox; which was, that hee had (feyning great devotion) promised unto Kyward the Hare, to teach him his Creed, and to make him a fit Chaplain for the King, and did sing Credo, Credo, to him: the silly Hare believing, the Fox would have kept his promise, and have taught him to sing Credo, and become a good Chaplain for his preferment, came between his legs, but he was no sooner there, but in stead of teaching him his Credo, the Fox snapt at his throat: and if the Panther had not come in, & rescued him, the Fox had there devoured the Hare. When this complaint was made, Grymbard the Brock, that was Reynards sisters Son, answered for his Unkle,

“My Uncle is a Gentleman, and a true-man, he cannot endure falshood, he doth nothing without the Councell of his Priest, hee Edition: current; Page: [3-374a] eateth but once a day, he liveth as a recluse, he chastiseth his body, and lives only by Almes, and good mens charities, doing infinite penance for his sins; so that he is become pale and lean with praying and fasting, for he would fain be in Heaven.

But whilest Grymbard was making this defence, in comes Chanticleer the Cocke, clapping his wings with dolefull cry, and accused Reynard for murthering his faire Daughter Coppel, and that hee had eaten her, and that Grymbard had eaten the bones which Reynard left.

We promise you, Mr. White, a shrewd evidence against Reynard: neither, though that Reynard pleaded, this was done by advise of his priest, and was paler and leaner with fasting and praying, then your Lieutenant is; yet it did not excuse him.

And you may remember, Mr. White, that there is an out-cry against the Lieutenant, that albeit the honourable Houses of Parliament, have made an Ordinance, that prisoners in the Tower of London should be brought to the Bar of the Kings Bench by Habeas Corpus, to the end, they might be charged by their Creditors for their just debts, and removed to the Kings Bench; Yet the Lieutenant did refuse to obey an Habeas Corpus in that case, upon pretence that there were fees due unto him from the prisoner which was to be removed: and for the same, he is ordered, upon a pain, to bring in the prisoner the first day of the next Terme, the Judges not allowing that a good plea.

And as we remember, Mr. White, when your wife distrained your prisoners Trunk, your Lieutenant awarded the prisoner to pay 4. l. for the redemption to you before he could have it: So that, Mr. White, you playd Grymbard here: nor can the Lieutenant free himself, by saying he did these things by order of the Committee; for we are confident, that the Committee are persons of that piety, honour, integrity, & justice, that they would not stain their names with command of such barbarous tyranny as hath been practised against the poor prisoners, their Wives, Ladies, and Children in that prison.

Therefore, we do assoyle them, and leave it at Mr. Lieutenants door, till he plainly and evidently remove it further; And because Mr. Lieutenant, or any that he employes for the guard of his prisoners may know their duties of their places the more cleerly, and Edition: current; Page: [3-374b] may not

pretend ignorance for usage of their prisoners; we have thought fit to publish the Lawes that have reference to Gaolers and Keepers of Prisons: which Lawes, they upon their several penalties are to observe, and the people to preserve as a main badge of their Liberties, least by the neglect of them; an insensible slavery be drawn upon them.

Now, concerning the lawes of prisoners, and the usage of prisoners; we find by the common law, *Quod Carcer ad cominendos non ad puniendos haberi debet*, as Bracton l. 3. f. 105. Gaolers are ordained to hold prisoners, not to punish them: For, imprisonment by the law, is (neither ought to be) no more then a bare restraint of liberty, without those illegall and unjust distinctions, of close and open prisoner, as appears by *Stamf. pl. Cor. f. 30*.

Yet we know some kept close prisoners in the Tower almost 3, years, committed only by Warrant of a single Peer, (a most horrible oppression.)

And therefore Bracton f. 18. saith, That if a Gaoler keepe his prisoner more close then of right he ought, whereof the prisoner dieth; this is Fellony in the Gaoler.

And Horn in the *Mirroir of Justice*, p. 288. saith, That it is an abusion of the law that prisoners are put into Irons, or other pain, before they are attainted.

And p 34. 36. he reckons the sterving of prisoners by famine, to be among the crimes of homicide in a Gaoler.

And we find 3. E. 3. *Fitzh. Tit. pl. Cor. 295*. That it was Felony at common law in Gaolers to compel their prisoners by hard imprisonment to become Approvers, whereby to get their goods: which law is since confirmed by the statute of 14. E. 3. c. 9. with some enlargement, as to under-keepers of prisons, and the penalty of the law: and that Gaolers having done this, have been hanged for it; you may read 3. E. 3. 8. *Northampton. Fitzh. pl. Cor. 295*. and else-where: but this for a taste to them. Wee now come to shew what fees are due to them.

The *Mirroir of Justice*, p. 288. tells us, that it is an abusion of the law, that prisoners or others for them, to pay any thing for their Entries into the Goale, or for their going out: this is the common law; there is no fee due to them by the common law. See what the statutes say.

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The Stat: of Westm. 1. c. 26. saith, that no Sheriffe, or other Minister of the King, shall take reward for doing their Offices, but what; they take of the King, if they do: they shall forfeit double to the party grieved, and be punished at the will of the King. Under this word Minister of the King, are encluded all Escheators, Coroners, Gaolers, and the like; soe Sir Edward Cook 2. part of his *Instittutes*, p. 209. affirms, and agreeable is *Stamf. pl. Coron. 49. a*. Nay, by the statute of 4. E. 3. c. 10. Gaolers are to receive theeves and felons, taking nothing by way of fees for the receipt of them: so odious is this extortion of Gaolers, that very theeves and felons are exempt from payment of fees.

And we find in our Law-bookes, that no fees are due to any Officer, Gaoler, or minister of Justice, but only those which are given by Act of Parliament: for if a Gaoler will prescribe for any fees, the prescription is void; because against this Act of Parliament, made 3. E. 1. being an Act made within time of memory, and takes away all manner of pretended fees, before; and wee are sure, none can be raised by colour of prescription, since: and therefore we find by the bookes of 8. E. 4. f. 18. That a Marshall or Gaoler cannot detain any prisoner after his discharge from Court, but only for the fees of the Court, the Court being not barred by this statute of Westm. 1. afore-mentioned; and if he doe, he

may be indicted of extortion; and agreeable to this is the book of 21. H. 7. f. 16 where amongst other things, it is held for law, that if a Gaoler or Guardian of a prison, takes his prisoners upper garment, Cloak, or money from him; it is a trespass, and the Gaoler shall be answerable for it: (this is a note for the Gentleman-Porter of the Tower) so that we may undeniably conclude, that there is no fee at all due to any Gaoler or Guardian of a prison, from the prisoner (but what is due unto him by speciall Act of Parliament.) And if a Gaoler or Guardian of a Prison shall take any thing as a fee of his prisoner, he may, and ought to be indicted of extortion, and upon conviction, to be removed from his office; And if his prisoner by constraint, menasse, or duress, be enforced to give him money, he may recover that money against the Gaoler again, in an Action of the case, to be brought against him as his Bayliffe per accompt rendre.

And it is fit to be remembred also, that whilest prisoners are in Edition: current; Page: [3-375b] custody, having nothing of their own to maintain them, being either despoyled of their estates or goods by plunder, sequestration, long lying in prison, or otherwise; “That the prisoners in all the Kings prisons should be maintained at the Kings charge, & out of the Kings Revenues, according to the old law of the Land. Bracton said thus, *Prisones imprisonati; antequam convicti fuerint, de terris suis desseisiri non debent; nes de rebus suis quibuscunq; spoliari: sed, dum fuerint in prisona; debent de proprio in omnibus sustentari, doneo per iudicium deliberati vel condemnati fuerint;* which we English thus, Prisoners detained in prison, ought not to be disseised, or put out of their lands and free-holds, nor spoyled of their goods before they be convicted: but, they ought to be maintained of their own goods and estates in all things they want, untill by judgment they are either acquirted or convicted. Nay, we say further, that if prisoners have not whereof, of their own to live; they ought to be maintained, according to their qualities, out of the Kings revenue, and at his charge, whose prisoners they are; and this is according to the fundamentall lawes of the Land, and is a liberty inheritable, belonging to the free-born subjects of England: but if wee look into the prisons of these said times; Oh! what horrible oppressions, extortions, cruelties, and most unchristian-like tyrannies are exercised and practised upon the free-born subjects of, England in all prisons within the kingdome, by these sons of Belial, these ravening Harpies, and tormenting Gaolers, whom we may properly call the Divels Deputies, that rack even the very bowels, and feed upon the very livers of their prisoners, sucking away the very blood that should give life to their bodies, from them; what lamentable cryes, sighes, and groanes, doe wee hear from every corner of this kingdome; especially of this City, from the poor, starved, oppressed, life-wearied prisoners, shut up & inclosed in the Dungeons and Prisons in all places? What horrible lamentations, imprecations, and curses are uttered, and sent up to God Almighty, in anguish of mind, and bitterness of spirit, by these poor prisoners, their wives and children not onely against their tormenting Gaolers, but also against those Priests of the body politique, those Country-Committees, who have turned the wives and children of poor prisoners a begging, and sent them up to sterve in Prisons and Dungeons, under the hands of mercilesse Edition: current; Page: [3-376a] Gaolers, with their distressed Husbands and Parents, having not only their goods and free-holds taken away from them; which by law should be their support in prison: but what also they beg or borrow, is extorted from them by these ravening, mercilesse, and oppressing Gaolers, and their Ministers.

We therefore, the free-born people of England, having seriously weighed and considered with our selves; that by these lordly powers and sentences executed upon us by that sentence of the house of Peers upon Lieut. Col. John Lilburn, a free-born English-man, and one that hath so often with his sword in his hand for the redemption and reviving of our declining liberties, adventured his life in the field against the Royall intruders, and out of hatred and detestation to the execrable and odious oppressions of Committee-men, Gaolers and other inferiour Ministers of this present State, having an earnest desire and resolution to enjoy our liberties, which with our dearest bloods, and with the losse of so many lives of our dear brethren, and vast expence of treasure wee have purchased; and being of

nothing so much affected and enamoured, as to live under the happy and flourishing estate of this ever renowned Parliament, the most honourable Commons, whom we have chosen & intrusted for us to sit at Westm. as Guardians of our Birth-rights, and most powerfull Tribunes of the peoples liberties, and who have made so many pious and feeling Declarations of their mindes now in print, concerning our by-past thraldome, with most solemn Protestations, and execrations upon themselves, of their serious intentions, to maintain the lawes and liberties of the free-born Subjects of England, and that SALVS POPVLI shall be to them, their SVPREMA LEX,

Yet out of our dayly feeling of our ensuing miseries, & a cleere fore-sight of a future and speedy ruine of this present State (which above all things under heaven we desire to advance) if it be not by the wisdom of these our most honoured Patriots prevented; doe most humbly addresse our informations of the grievances & present evils, and advices for reformation of the same, to our most renowned Trusters; not doubting, but they in their profound wisdom, will both receive them benignely, prudently ponder them, and seriously and timely endeavour to prevent the growing mischief, by their indulgent and serious care and circumspection: To Edition: current; Page: [3-376b] you then, Oh! you most honourable Tribunes of the People, preservators of the Common-wealth, and chief Guardians of our Laws & Liberties, we apply our selves as next under God, the surest Instruments of our earthly felicity; And, we do most humbly implore & beseech you to free us from all lordly, illegall sentences, and tyrannicall powers and executions whatsoever: wee intreat and exhort you to hear and determine Lieut. Col. John Lilburns appeale to you the Commons representative of England from the Lords house; we will not presume to direct you, what is fit to be determined in it, for we neither can nor will distrust either your Judgment or Justice: but this we humbly beseech you to consider, that in your judgment upon him shall be involved the liberty of the whole Commons of England: and think it not a Trouble to your selves to be importuned in this particular, but give speedy dispatch therein to your Petitioners, since that a Republique that is well ordered, ought to give easie accesse to those that seek Justice by publique meanes.

In the next place, our desires are, that since this great inrode upon our liberty, is occasioned by an Impeachment or Accusation made in your house against Col. King, which yet there depends undetermined; that you would hear and determine that Impeachment, and bring the Offendor to condigne punishment, and not only Col. King, but all others whom you haue trusted in this late War, and have fayled in their trust: What though the war seeme to be at an end, and you have effected your desires, and these men have at some time stood you in stead, and at first proved faithfull and were strongly assistant to you; yet, if afterwards they proved corrupt or negligent, or falsified there trust, should they therefore be pardoned? put the case, a new war should break out, and you should have need of men: think you, that those you shall hereafter employ, will not take courage by the impunity of these that are now accused, to deceive and betray you when they finde opportunity? Or, do you imagine, that these men can ever be faithfull to you? We give you these Reasons, that they cannot.

First, because they are at least under a suspition; and if they are innocent; why have they been so long kept from clearing themselves? If they be acquitted, and innocent persons, it is an injury they will never forgive you; and if they be found guilty; you will never trust them: But some will say, that they have been good Edition: current; Page: [3-377a] members, and done good service; therefore they ought to be pardoned. To which we answer, Let them be first tryed, and if they are found guilty, use your discretions in mercy toward them: but withall, remember, that the wisest and best governed States in the world, never yet pardoned any man for a notorious crime committed against the Common-wealth, for any good services before done to it.

This is manifest by many examples; especially in the Romane State: The first we will present you with, is that of Horatius, where the case is thus: Tullus the Roman King, and Metius the Alban King,

made an agreement between them, that three of the Horatii, Romans, and three of the Curatii, Albans, should fight for the Dominion of their Countries; and that, that people whose three Champions vanquished the others, should bee Lords of the vanquished Nation; The three Horatii got the victory, and but one of them survived in it; all the Curatii were slaine. Horatius that survived, and was Victor, returning to Rome, met his sister, the Widow of one of the Curatii, lamenting the death of her husband, & killed her: This fact was adjudged so heynous, that notwithstanding the victory he obtained for the Romans, they brought him to judgement. Manlius Capitolinus, notwithstanding that hee had valiantly defended the Capitoll of Rome against the invading Gaules, and by his vertue delivered the Citie of Rome from imminent danger; was, notwithstanding his good deserts, for a sedition he endeavoured to raise in Rome through envie to Furius Camillus, thrown headlong down from that Capitoll, which he to his great renown had formerly defended. So we in Machiavel his discourses upon Liv. l. 1. cap. 23. 24. 26. More examples we might find in the Roman State, as those of Coriolanus, Martius Livius, Æmilius, and Scipio Africanus; of whose Stories you may read at large in Livies Decades. We read likewise of Themistocles the Athenian Generall, and who was a chiefe meanes to augment the glory of that State by the great defeat he gave to the Persians at Salamis, and elsewhere; having committed offences against that Government, had the punishment of Ostracisme, which was banishment for ten yeares inflicted upon him. Alcibiades likewise, after many notable victories obtained for that State, was notwithstanding for insolencies, as they conceived, committed towards it, Edition: current; Page: [3-377b] twice banished: the last time, into perpetuall banishment. These two examples we find in the State of Athens. We might produce many more, of ancient time, of all the States of Greece; which, for Brevity sake. we omit. Only mentioning some, of latter times, in our own neighbourhoods: As, that of Charles the Emperour, who for offence given, ruined Ferdinandus Cortes that subdued to his obedience and use, the mighty rich kingdomes of Mexico, Jucatan, and other parts of the West Indies: Neither did Marshal Byron, for all his service done to King Hen. 4. of France, find at his death any merits in those services done to his offended Prince: Nor, Barnevelt in his conspiracy against the Prince of Orange, and State of Holland, though he had been eminent for former services done them against the King of Spain: Nor, in our own Kingdom, could Sir John Hotham and his sons former deserts, save their lives, which they lost for being false to the trust.

By which examples we conclude, That never any Republick well ordered, cancelled the faults of their subject, swith their good deserts. Therefore as Clement Edmunds observes upon Cæsars Commentaries, p. 174. It more importeth a common-wealth, to punish an ill member, then to reward a good act. Wee also affirm, that a State, or a Common-wealth, that will keep it selfe in good order, and free from ruine; Must cherish impeachments and accusations of the people against those that through ambition, avarice, pride, cruelty, or oppression, seeke to destroy the liberty or property of the people: So shall they keep their Estate free from envie, and secure from supplantation: for it is an efficacious meanes to continue the people in a faire obsequency, to parlie often with them upon their grievances and to provide speedy and proper remedies. We therefore humbly desire you to take into your serious considerations, the great oppressions committed by these Countrey-Committees, who thinke there is no better way to govern the kingdome, then by lying with those Concubines of Sovereignty Tyranny and Arbitrary government, as Absolom did with his fathers. These Horse-leeches of the Common-wealth, who hang upon the limbs of it, and will continue sucking out the blood of the poore Countries, till their bellies are full: and then like faule and unprofitable vermin, will fall off your service, to their own cause. If you think to bind those people to you by the oppressive profits of their places, you are deceived: Edition: current; Page: [3-378a] For, benefits bind not the covetous, but the honest: and those that are but greedy of themselves, do in all changes of fortune, only consult the preservation of their own greatnesse. Besides, this inconveniency will attend their actions; that by making a few rich, you undoe multitudes, and lose the hearts of many, that by clemency may be gained, to enrich a few by rapine, that when they are grown wealthy, will think of nothing more then to preserve their ill-gotten treasure, and will never venture (when necessity challenges it) one drop of blood in your cause. We

speake not this out of any affection to the Royall party; but out of our hatred and detestation to oppression and rapine, it being the onely meanes to overthrow this State: For it is most certain, that these people are easily drawn into Commotion, who by their poverty are assured to lose nothing; being by nature alwayes desirous of innovation. Wherefore we heartily wish the suppression of those ravenous Committees, as utterly destructive to the peace and assurance of the present State and Government. But if they shall say in defence of their actions, that they onely poll the Royall parly, and such as have been in Armes against the Parl. we wish they were so innocent as they pretend themselves, & that they would pay the Souldiers better, & cleare their accounts to their masters that have imployed them: which, when they shall effect, they shall receive our better opinion, and till that time, they must be content to labour under their crying accusations. But admitting their objection to be true; yet we are of opinion, that courteous and charitable acts, work much more in mens minds that are subdued, then those that are full of violence, cruelty & hostility. For Seneca saith, *Mitius imperanti metius paretur*, they are best obeyed, that govern most mildly. And Machiavel ubi supra, p. 542. observes, that one act of humanity was of more force with the conquered Falisci, then many violent acts of hostility. Therefore we wish these eager Committe-men to consider for the good of the State they pretend to serve, that it is commodious for those that lay the foundation of a new State, or Sovereignty, to have the fame of being just and mercifull: For as Justice and Clemency in good Princes or Sovereignes, are the best meanes to keep the subject fast bound unto them in obedience and duties; so are cruelty, oppression and rage, bridles wherewith tyrants keep their subjects in awe and subjection unto them, and Edition: current; Page: [3-378b] themselves in their estates. And let these Committee-men so order their actions in screwing the Countries, that they sow not a jealousie among the free-born people of England, that they intend to hold up that common Maxime of all oppressing States, which is, That their interest is to maintain the publick, wealthy, and the particular poore; which if once the common people apprehend, they are not long to bee held in obedience: For where a State holds their subjects under the condition of slaves, the conquest thereof is easie, and soon assured. And when a forced Government shall decay in strength, it will suffer as did the old Lion for the oppression done in his youth, being pinched by the Wolf, goared by the Bull, and kickt also by the Asse, as Sir Walter Raleigh l. 5. fol. 501. wittily observes. And then when it is too late, they complain of their hard fortune; for sorrow can give remedy to mischiefes past, and anger is vaine where there wants forces to revenge. Correct those mercilesse sons of Cerberus, those greedy Goalers excessive demands, and extortions of fees from their distressed prisoners. Suffer not that vengeance which the complaints and groanes of those miserable and oppressed soules will draw down from the most just God for this kind of oppression; to fall upon your heads, by your connivence at, and tolleration of, their exactions. And if that cannot move you, yet let us advise you, not to permit them to create Presidents of oppression to enslave your posterity in future times. For who knowes what a day may bring forth? There is no new thing under the Sun. Therefore there is no confidence to be had in our present condition; since, as the Preacher tells us, Eccles. 1. 4. One generation passeth, and another cometh, but the earth endureth for ever. Be just and mercifull therefore, O yee Rulers and Judges of the earth, and remember that for all these things you shall one day be brought to judgment. And this consideration prompts us further to intreat and implore you to keep and observe the known, written, and promulged laws of this land: if you keep them, they will keep you. Abolish and abandon, as an infectious disease to your State, all arbitrary power, and discretionary government, in prerogative times falsly called, the Prudentiall way. There is nothing of worse example in a Republick, then to have good lawes, and not to observe them. Good government procures love from the Subject: and it is onely their love that supports a State in time of adversity. The Nations that endure Edition: current; Page: [3-379a] the worst under their own Governours, are not greatly fearfull of a forraign yoaik: whereas men when they are well governed, never seek after other liberty. That government is of all most sure, where the people take joy in their obedience, The Samnits rebelled against the Romanes, because Peace was more grievous to them in subjection, then War to those that enjoy their liberty; And on the contrary, Petillia a City of the

Brutians in Italy, chose rather to indure all extremity of War from Hanniball, then upon any condition to forsake the Romanes, who had governed them moderately, and by that good government procured their love: yea, even at the time when the Romanes sent them word, they were not able to relieve them, wishing them to provide for their own safety, as we read, Livy Decad. 1. 1. 3.

Therefore, it never turnes to a States advantage; to gaine the peoples hatred: the way to avoid it, is to lay no hands on the Subjects estates.

How many flourishing States have been ruined by the Avarice, Pride, Cruelty, and non-observance of the lawes by the Governours?

The people of Athens being sore urged with a War by Darius from Persia; in their great distresse, chose Critias Theramenes, & 28. others, to be their Governours. They were elected first to compile a body of their Law, and put in practise such antient Statutes, as were fit to be put in practise: to this charge was annexed the supream Authority, either as a recompence of their labours, or because the necessity of time required it.

These Governours, in stead of making or observing the laws, fell to spoyle the people of their lives and goods, by new lawes and arbitrary proceedings; this was hatefull to the people: the end was, Thrasibulus and 70. others conspired against them, and cut them off, and restored the people to their former libertie. The Governour of the Eleans held a strict hand over their Subjects, and oppressed them: The Subjects being in despaire, called in the Spartans to their reliefe, who had no just cause of quarrell, but only an old grudge; and by their help freed all their Cities from the sharp bondage of their naturall Lords.

The Estate of Sparta was grown powerfull, and opprest the Thebans: The Thebans, though but a weak State, yet desperate of their suffering; by the help of the Athenians, found means to free Edition: current; Page: [3-379b] themselves of their cruell yoke.

These examples, and divers others, we finde of the fall of the free Estates of Greece, recorded by Sir Walter Rawleigh, in his 3. book of the History of the world. The forceable causes of the ruine of the State of Carthage in Africa (which once contended with Rome for the Dominion and Sovereignty of the World) were Avarice and Cruelty. Their Avarice (saith Regius) was shewed, both in exacting from their Subjects, (besides ordinary Tributes) the one half of the profits of the earth, and in conferring of Offices not upon Gentlemen, and mercifull persons; but upon those who could best tyrannize over the people to augment their treasures. Their cruelty appeared, in putting men to death without mercy or justice, contrary to their Lawes. Wee read in Guicciardine, that Pisa revolted from, and maintained 10. years sharp Wars against, the State of Florence, and would not submit to her yoke, by reason of the hard impositions laid upon her by the Florentines, but chose rather to put her self under protection of Lewis the 12. of France, a forraign and an hard master. We know that an imposition of the tenth penny upon the Inhabitants of Holland, and the execution of arbitrary government by the Duke of Alva, lost the Dominion of the Netherlands to Philip the second, King of Spain. Wee could tell of the often revolts of Genoa from the Kings of France, of Siena, Lacquis, Modena, Regia, Vincensa, Padua, Cremona, Millain, and other Towns, and Provinces of Italy, from the States whereon they have depended, even from Venice (that only free State well governed in the world) by reason of the avarice, cruelty, pride, and injustice of their Governours.

We could tell you, how the Duke Valentinois, or Cæsar Borgia lost his new Conquests in Italy, by his pride and cruelty over the vanquisht people.

We could remember, how Alphonso and Ferdinand, Kings of Naples, lost their dominions and lives,

by their extream tyranny over the Nobility, Gentry, and Subjects of their Realm.

We could tell you, how the Syracusians, Leontines, and Messenians, and other States of Sicillie were stripped of their Dominions, and fell into the hands of their neighbours the Romanes, by their great cruelty to their own Subjects. Wee could find particular Edition: current; Page: [3-380a] instances and examples, in all Empires, Kingdomes, and free States that have been since the Creation of the World; that the Princes and Governours, for their tyrannie, and not due observing the Lawes of their Countries, have been banished, expelled, and put to death by their Subjects.

Ye know well enough, that Rehoboam lost 10. Tribes for an harsh answer to a petitioning people, 1 King. 12. 9.

We could give you some Scriptural-examples of free-States; but that we find none mentioned there; but conclude, that there was never any State, more glorious, more free, more carefull of preserving it self, then that of Rome; and yet she fell too, and never recovered her former libertie.

The Romanes, out of a fore-sight that her ruine would come upon her by the oppression and avarice of her Governours, made a Law, de repetundis, or of recovery against extorting Magistrates; yet it served not to restrain their Provinciaall Governours, though it relieved the Citizens at home, which was one of the two causes of Romes ruine: for, as Machiavel in his Discourses upon Livy, l. 3. c. 34. observes, that these two things were the causes of that Republicques dissolution; the one was, Contentions, which grew upon the Agrarian Law, or partition of conquered Land among the Citizens: the other was, the prolonging of Governments, viz. Dictatorships, Consulships, Generalships, Tribuneships of the people, and such like great Offices: for, by these meanes, those great Officers had meanes and power to raise armes against the liberty of the people: Sylla and Marius by this meanes could find Souldiers to take their part against the Publique; and Iulius Cæsar could find meanes hereby to make himself Lord of his native Country and Country-men.

These things we alleadge not, as if we suspected any of you, (O ye noble Patriots) to be guilty of any of these crimes, that may either hazard the continuing of the present Government, or destroy the publike liberty; but to awake you, and put you in mind to provide fit remedies against these growing evils, whereby you may procure safety and peace to the Common-wealth, and everlasting honour to your own Names and Posterities; for they are to be thought worthy of honour, not which begin, but well end honourable Actions.

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And we beseech you, not to take it in ill part from us, that we offer our humble advices to you in these particulars; since we the people, conceive it our duty, to shew unto our Governours, that good, which by reason of the malignity of the times and of fortune, we have not been able to do our selves; to the end, that you our Senators, being given to understand thereof, some of you whom God shall more favour, may put it in practise for the publike good.

Neither is our opinion to be despised: For it is a sure Maxime, that the people are of as clear judgment in all things that conceive the Publique, as any, and as wise, and circumspect concerning their liberties, and are as capable of the truth they heare. We know that Common-wealths have never been much amplified, neither in dominion nor riches, unlesse only during their Liberties; for it is no mans particular good that amplifies the Kingdome. We know that those that haue in their hands the Government of a State, ought to increase the number of their free Subjects, and make them as their Associates, and not Vassals. We know that it is more honourable and profitable unto a State, moderately to use their Subjects meanes, thereby to keep their State in perpetuity, then through

covetousnesse to devoure them in one day, and in their losse to undoe themselves for ever. We know that Tyrannie is a violent forme of Government, not respecting the good of the Subjects, but only the pleasure of the Commanders. We know that it is better to live under an hard and harsh known written law, where every man may read his duty, and know his offence, and punishment; then under the mildest arbitrary government, where the Subject is condemned at the will of their Judges, without any certain or known Rules, how specious or just soever the pretence of this kind of proceeding may be. Wee know that the pretence of necessity in a Prince or State, is but the Bawde to Tyrannie; And, that Tyrannie is more odious in a State we desire to maintain by love, then in a Prince that seekes to bring it upon his Subjects by force. Wee know, that those States, that call all the endeavours of their subjects, only duty and debt, and are more apt to oppresse their people, then to do them Justice, shall find themselves upon the first change of fortune, not only the most friendlesse, but even the most contemptible and despised of all other.

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And we fear, that notwithstanding all our desires of the preservation of this State; there will be little amended, till by sad experience, the truth of our conjectures in the hazard of this Common-wealth, are made manifest.

For we know, that all men are better taught by their owne errors, then by the examples of their fore-goers: but if our earnest desires and humble supplications, shall either with scorn be rejected, or with negligence disregarded, to the apparent hazard of the publike liberty, and most desirable State we wish to support; we hope that God will raise up some noble English Romane Spirit, such a one as Caius Flaminius, who as Sir Walter Rawleigh l. 5. p. 357. observes, for the preservation and maintenance of that Common-wealth, understanding the Majesty of Rome to be wholly in the people, and no otherwise in the Senate, then by way of delegacy, or grand Commission, did not stand highly upon his birth and degree, but assisted the Multitude, and taught them to know and use their power over himself, and his fellow-Senators, in reforming their disorders; and vindicating the publike liberty of his Countrey: In, and for which, we are resolved to dye: and which we wish may alwayes flourish, and continue for the perpetuall benefit, utility, and renown of all the free-born Subjects of England.

FINIS.

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The Publisher to the Reader.

COurteous Reader, in regard Lieu. Colonel Lilburns Charge and Sentence in the Lords House, and their Orders thereupon, are not as yet in any Book printed, but in this Vox Plebis; although there is, in several Books, much of his cruel usage, by vertue thereof; published: I shall desire thee to read his own two Books, called, Londons Liberty in Chains discovered, printed Octob. 1646. And his Anatomy of the Lords Tyranny and Injustice exercised upon him; printed Novemb. 9. 1646. which two compared with this, doe fully and amply declare and prove all the Lords proceedings with him to be most illegall and unjust. And as thou readest the fore-going Discourse; with thy Pen amend these following Presse-faults.

Pag. 2. line first, (for irreparable, read irreparable.) p. 4. l. 15 (for as protected, read is protected. and l. 37. for Marrow of Iustice read Mirror of Iustice.) p. 6 l. 5. for their subiects, read the subiects.) p. 9. l. 32. for contentment read contenement. page 12. l. 19. for May 16. H. 6. read Mich. 16. H. 6. p. 15. l. 28. read outlawed but by. p. 16. l. 20 for aed read and. p. 17. l. 14. for dye read dine. p. 18. which should be p. 20. l. 9. for vinvocally read universally. p. 21. l. 18. for torvous read torcious. p. 22. l. 27.

for witnesses read Writs. l. 34. for Astutia read Atia. p. 24. l. 4. for rediendo read redeundo. p. 28. l. 4. & 5. read in interest for in in interest. l. 25. for inflame read inslave. p. 29. l. 10. for improved read impowered. p. 30. l. 1. read conceiving for concerning. p. 37. l. 17. read quod for quid. p. 47. l. 7. read question for questition. p. 57. l. 35. read pests for Priests. p. 62. l. 12. read the people for these people, l. 13. read commotion for commotion. p. 63. l. 14. for can give remedy read can give no remedy. p. 66. l. 21. for the Agearian law read Agrarian law. p. 67. l. 11: for conceive the publick; read concern the publick.

FINIS.

John Lilburne

Lilburne, John

18 December 1646

22.

John Lilburne, The Charters of London: or, The second Part of Londons Liberty in Chaines discovered (18 December 1646).

- THE CHARTERS OF LONDON:
- OR,
- The second Part of Londons Liberty in Chaines
- discovered.

In which by the ancient, rationall, and fundamentall Charters of the famous City of London, is proved and declared, that it is the true and undeniable right of all and every the Barons, Burgesses, Free-men, or Commoners of London, to have their free vote in chusing out, annually from amongst themselves, a Lord Major, two Sheriffes, and all their Alder-men; which Aldermen are annually to be removed by the Commons of every Ward; and being removed, may not be chosen again for the ensuing year, but others by common consent are to be put into their places.

Also it is declared, to be the right of the said Barons or Commons, to chuse the Bridgemasters, Chamberlain, Common-Clerk, and Common-Sergeant, etc. of the City of London, and to be removed by them when they please. All which privileges, with many others, they are now rob'd of, by their late incroaching, and usurping, illegall Lord Mayors, & Aldermen, etc.

Unto which Charters is annexed, a Discourse, to prove, that though Kings and Parliaments may confirme unto the people their rights, freedoms and liberties; yet it lies not in their power to take them from them againe when they please; no, not at all: because all betruſted powers are (as both Kings & Parliaments, & all other Magistrates whatsoever are,) & ought always to be, for the good of the Truſters, and not for their mischief and hurt. In which is also proved, that all Pattentee-Monopolizing-Corporations are against, and destructive to the fundamentall Laws of England; and that it is impossible for justice, peace, or prosperity, to flourish in this kingdom, till they be all abolished. With divers other things worth the knowledg of all the free-men, not only of London, but of all England.

For whose good this is published by Lieut. Col: John Lilburn, prisoner in the Tower of London, for the common liberties of the kingdome against the usurpations of the House of Lords.

Deut. v.17.19. But he shall learn to fear the Lord his God, to keep all the words.

Printed at London. Decemb. 18. 1646.

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The Printer to the Reader.

Reader, the shortnesse of time, the absence of the Authour, and the difficulty of the Language in the Charter, not being ordinary Latin, but such as Lawyers use, which is so far above my capacity, that caused me to erre when I used the best skill I could in my Art. Pardon me therefore (I pray thee) and with thy wisdom, learning, and good disposition, help me in this case. And for the faults in the English, the meanest capacity may bee helped thus:

Page 3. line 27. for Serveants r. Serjeants, p.32.l.14. for nay, r.wee. l.35. r. take undue. p.33. l.9. for but, r. be. l.21. for ity, r. City, p.36. l.2. r. is their right. l.10. for as Magistrate, r. as a Magistrate p.37. l.1. for Trustees, r. trusters, l.4. r. indenosonizing of a few, to undenosonize, l.8. for divels, r. divelish. l.12. for evill, r. evils. p.40. l.11. r. and intollerable. l.26. for surreptious, read surruptitious, &c.

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To the Commons of London, commonly by the prerogative men thereof, called the Clokemen of London.

Fellow Citizens, I reade in the I Kings 21. that when Ahab though a King came unto honest Naboth, not by his prerogative to take his Vinyard from him, but to desire it of him (for a garden of herbes, because it was neere unto his House) for a valuable consideration; Naboth returns his King this Answer, the Lord forbid it me, that I should give (or part with) the INHERITANCE OF MY FATHERS VNTO THEE; Therefore much more I hope, without offence may you and I say to our prerogative masters of London, who have already robd us by their meer prerogative pleasure (although they be far inferiour to the King) not of our Vinyard, (a small thing in Comparison) but of our naturall, rationall, nationall, and legall liberties, and freedoms, and so as much as in them lyes, have made us slaves and vassals to their wills and pleasures: by meanes of which they do lay oppressions and burthens upon us, able to breake the backs of Pack-Horses themselves, and therefore seeing the knowledge of it in some measure, is come to our understanding, and dayly every day more and more is likely so to do; I hope it will be no blasphemy against God and the King, nor an Act deserving Naboths portion, to be stoned to death; to say unto our prerogative, usurping, and incroaching Masters, God forbid, that we should be such villains and traytors to our selves, as to suffer you to rob and steal from us (and run away with) the inheritance of our Fathers, and the Birth-right of us and our children) our Fundamentall Lawes and Liberties, Franchises and Priviledges, that God, Nature, and the just Customes of the Land in which wee live, hath given us, and for which we have been fighting above this 3 years. For my part, though all of you should be so sottishly base, and cowardly, as to sit stil, and like Issacar, crouch under your burthens; yet though I should not find one man amongst you all of my mind, I am resolved to send the loudest Hue-and Cry after them that possible I can, for the regaining of my Liberties, Freedoms, and just Priviledges; though I should by the iniquity of Edition: current; Page: [3-385] the present forsworn, tyrannizing, oppressing, and invassalizing times, pay as dear for my so doing, as Naboth did for his unwillingnesse to part with his Vineyard his Inheritance.

My Hue-and-Cry after these London-prerogative Robbers, I begun in my late book, called LONDONS LIBERTY IN CHAINES DISCOVERED, printed in Octob. last: the second part of which Hue-and-Cry this present discourse is; But here I must crave leave to acquaint you my fellow-Citizens, that by reason of those many difficulties which accompanie the Presse (which makes their proceedings very slow) my present Hue-and-Cry cannot be so loud, as I intended it; because, I would fain have you

to have the sight of so much, as herein you shall reade, before the day you chuse Common-Councell men; after which, you may expect an APPENDIX to this Discourse of some length; and also, all the rest of your CHARTERS at large, with observations upon them, deducted from the Fundamentall Lawes of the Kingdom: in which Discourse, you shall find such a pack of jugling knavery, as your eyes never read before.

Only this at present, I shall desire you to take notice of, that the City-prerogative Champion, Ireneus Lysimachus, the Author of the rotten and putrified book, called Bellamius Enervatus, and Col. John Bellamy (a kinsman to the Wethercocks) in his late Answer to the said book, called Lysimachus Enervatus, Bellamius Reparatus, and in his Plea for the Commonalty of London, spends much pains pro and con, to find out, whether or no the L. Major, & Aldermen of London have an absolute negative voyce in the common Council; both whose Discourses do not at all please me, nor shew the true rights and priviledges of the Commons of London: and therefore I shall lay down this position, and challenge all the City-prerogative-Champions, to a single combate, to make it good against them all; the Proposition is this, that the present "Lord Major, and the present Court of Aldermen have no right at all, to give any vote at all to the Comon-Councell, or so much as to be present there": And my Reasons are these that follow:

First of all, the present Lord Major is no legall Lord Major, nor the present Aldermen, no legall nor true Aldermen, and therefore have no true right at all in any sence to come there; but as Delinquents to receive Condigne punishment, by being disfranchised for their usurpations and incroachments, as by the Charter of Edward the 2. they ought, pag.30,31,&c. And that the Lord Major is no legall Lord Major, I thus prove.

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First, because by the 4. Charter of King John granted to the BARONS of London (which is every Free-man) in the 9. of May, in the 16. year of his raign; and by the Charter of Henry the 3. which you may read in the following Discourse, pag. 28.29, there is power given to the BARONS OF LONDON, that they may of themselves, chuse from amongst themselves yearly a Major, which priviledge is confirmed by K. Ed. 2. at the earnest desire of the Major, Aldermen, and the rest of the Citizens; as you may read in the 30. pag. following, & which priviledge is confirmed to all the Citizens of London, by Magna Charta, chap. 9. and 1.E.3.9.14.E.3.1.9.H.4.1. and by the statutes of Edward the 1. called articuli super chartas, chap.1. in which statute is also a power given to the Commonality in every Shire Court, to chuse the Justices of the Peace for their respective Counties; which said Commons have power by the statutes of the 18.E.1.8. & 13. chapters, to chuse their own Sheriffes in every Shire; and this manner of popular elections is granted to be the right of all the Free-men of London, by both the fore-mentioned Authors. But this Lord Major is not in the least legally chosen. Reade the fore-mentioned first part of this Discourse, page 8.9,13,14,15. Ergo, he is no true nor legall Lord Major: And the same I say of all the Aldermen.

My second reason to prove the fore-mention'd Proposition is this, because that if the King have no legislative power in himself, as the Parliament proves in their Declarations of the 26. May, 1642, and 2. Novemb. 1642, and which begins in the 1. part of the collection of Dec. page 262.686. and which Mr Pryn much more proves in the second part of his Sovereign power of Parliaments, p 73, 74, 75, 76, 77, &c. which book is published by speciall authority from the House of Commons, as appears by the Title page thereof: now if this be true, then I affirme, he cannot give or depute a legislative power to the Lord Major, and Aldermen of London; no, nor to his Lords, who pretendedly call themselves the Upper House of Parliament: for it is impossible, for him to give that to another, which is not inherent in himself: But the Lord Major and Court of Aldermen, for any thing I can perceive, either by their

Champion, or any other, lay no claime to their pretended power of voting to make Lawes in the Common-Councell; but the authority of the prerogative-Charter of Edward 3. which in such a case is not worth a button.

My third reason to prove the proposition is this; because the only and sole legislative Law-making power, is originally inherent in the Edition: current; Page: [3-387] people, and derivatively in their Commissions chosen by themselves by common consent, and no other. In which the poorest that lives, hath as true a right to give a vote as well as the richest and greatest; and I say the people by themselves, or their legal Commissions chosen by them for that end, may make a Law or Lawes to govern themselves, and to rule, regulate, and guide all their Magistrates (whatsoever) Officers, Ministers, or Servants, and ought not in the least to receive a Law from them, or any of them, whom they have set over themselves, for no other end in the world, but for their better being, and meerly with Justice, equity, and righteousness, to execute the Lawes that they made themselves, and betruſted them with, as the publique executors or dispensors of. But the Lord Major and Aldermen (admit there were no exceptions against the manner of their coming into their Offices) were never chosen by the Commons of London, not in the least, to set in Common-Councell to vote and make Lawes to binde them, but meerly and at the most, are Officers chosen and betruſted for no other end at all, but for the better being, peace, and prosperity of the City, to execute the just Lawes of the Kingdome already made in Parliament, by common consent of the whole Kingdom; and therefore have no right at all in no sence, to set in Common-Councell, there to vote, and make Lawes to bind the Citizens. And therefore, O my fellow-Citizens, I desire you to bee wise, and looke about you, and not suffer these Mungrell, usurping, incroaching, pretended Aldermen, to Lord paramount it over you, as they used to do at your election of your Common-councell men: at which election, (for any thing I know, or can heare of) they ought not to be present at all, unlesse they come as particular citizens to give a single-voyce, in chusing their (as well as your) Common-councell men, whose principall office and work it is by vertue of their deputed power derived from you, to call all your City Magistrates, Ministers, and publick servants, to an account, and to dis-franchise all those that have endeavoured the destruction of Londons just liberties, and to know of them what they have done with those many hundred thousands of pounds, that yearly is paid into the Chamber of London, which ought principally by right to be laid out to pay or defray the publick charges of the City, and taxations of the City that are laid upon it by common consent in Parliament, and not to be spent in hugger-mugger, and laid out for such ends and uses, and put into the pockets or purses of such, as it was never intended for. Look to it Edition: current; Page: [3-388] you Lord Major and Aldermen, brethren in evill: for I professe there is the most notorious jugling and cheating amongst you, that is amongst any generation of men in England; which I hope, in the despite of you all, to live in some good measure to anatomize to my fellow-citizens, whom, before I conclude, I shall desire to take notice of foure things, as the most pestilent evils in the world, amongst the sonnes of men, and they are these:

First, the Popes unwritten verities. Secondly, Kings unlimited Prerogatives. Thirdly, Parliaments unknown Priviledges. Fourthly, the Lord Major, Court of Aldermen, and the rest of the Prerogative men of Londons implicit faith, who in the second desire of their most pernicious Atheisticall, Papisticall Remonstrance, pag. 7. would have all those fully declared against, and some effectually course settled for proceeding against all such persons as will not be conformable to the publick Discipline established, or to be established. Whatever it be it matters not although it be never so much against justice, reason, equity, conscience, and the word of God.

By means of some of these foure, ariseth all those Monopolizing and ingrossing Patentee corporations, that trouble the world: this poore Kingdome; yea, even this City, a great number of whose members, by reason thereof, are (as I am informed) forced to pay to the Monopolizers of the Green-land Company, 10. l. a Tun for oyle, which they can buy of other Merchants for 12. l. a Tun, if by these

Theeves and Robbers their oyles were not taken away, as lately they did Mr. MANNINGS, a Merchant of London; and the same men force the poore people to pay 28. l. a Tun for Whale-Fin, when other Merchants if they were not rob'd of their trade and goods, would sell it for 14. l. I professe, for my part, I judge Tiburn too good for these wicked Monopolizing, and Kingdom-destroying men.

But to conclude all, I shall desire you (my fellow-citizens) seeing your Common-councell men have taken upon them to be impowered with such an unlimited, uncontrollable power, as they doe; I desire you seriously to consider amongst your selves, What the power is you give them, and draw it into writing, and let there be indentures sealed betwixt you, that so farre and no further they shall goe: for having your Commissioners sitting in Parliament, who onely and alone hath power to lay taxes upon you, and therefore I am sure, it is beyond the jurisdiction of the Common-councell of the City to doe it, especially seing there is no need nor necessity of it, considering (as I am informed) that the Edition: current; Page: [3-389] annuall treasure of the Chamber of London, is above five hundred thousand pounds, which ought to be laid out to beare and defray the publick taxes and burdens of the City, and our own following Charters, pag. 30. 31. &c. direct you how to assess your Parliament taxes. So with my true and cordiall love presented to all you my fellow-citizens, I commit you to God, and rest,

From my captivity in the Tower of *London, Decemb. 14.* *Your true and cordiall friend (and fellow-1646. for the common liberties of England, invaded by the usurping Lords, &c.* *Citizen) if you will stand for your liberties and freedoms.*

JOHN LILBURN

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