

THE CLARKE PAPERS.

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SELECTIONS FROM THE PAPERS OF WILLIAM CLARKE,

*Secretary to the Council of the Army, 1647-1649, and to General
Monck and the Commanders of the Army in Scotland, 1651-1660.*

EDITED BY C. H. FIRTH.

Sir William Clarke

VOLUME II.



PRINTED FOR THE CAMDEN SOCIETY.

M.DCCC.XCIV.

WESTMINSTER :
PRINTED BY NICHOLS AND SONS,
25, PARLIAMENT STREET.

[NEW SERIES NO. LII.]



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PREFACE.

THE papers contained in this, like those in the previous volume, are derived from the Clarke manuscripts in Worcester College Library, and are mainly from the volumes numbered xvi., lii., lxv., and cxiv. But single documents have also been taken from other volumes in the same collection. Moreover, while these selections were being printed, my attention was called to the fact that a certain number of Clarke's MSS. were in the possession of Mr. F. Leybourne Popham, of Littlecote, Wilts, and were being examined for the Royal Commission on Historical MSS. By the kind permission of the Commissioners, and of the owner, I was allowed to copy several papers for publication in this volume. The thanks of the Camden Society are also due to Mr. J. J. Cartwright, for his good offices in the matter, and for the liberality with which he facilitated the consultation of the MSS., and the copying of the selected papers.

Mr. Popham's papers are specially valuable as supplementing the meagre account of William Clarke's own life given in the preface to volume one. A letter from Robert Spavin, one of Rushworth's assistants during part of 1648 and 1649, and secretary to Cromwell, fixes the date of Clarke's marriage. Spavin, who had accompanied Cromwell's forces into Scotland, wrote to Clarke on November 2, 1648, to congratulate him and wish him joy. "Deare friend and Mr. Bridegroom, I am glad you have a little breathing time after your solemnities to visit your poor friends with a line. . . . But sure

if you had noe better choyse than we had in Scotland you would not be soe lusty." Cromwell had halted in his march southwards to summon Pontefract Castle, and Spavin proceeds to give some account of the siege. "Pomfret put a stop to us, being by the howse's order and the Committee of Yorkshyre's desire to take the care of the seidge, which will take us three weekes time to settle, and then I hope we shall draw towards you and leave Col. Bright to command." In conclusion he turns to consider the position of politics, is glad to hear that the southern army is beginning to act, and hopes soon to see an end of "that old jog-trot form of government of King, Lords and Commons." "Noe matter," he continues, "how or by whome, sure I am it cannot be worse if honest men have the managing of it, and noe matter whether they be greate or noe. . . . The Lord is about a greate worke, such as will stumble many meane principled men, and such as I thinke but few greate ones shall be honoured withall." Spavin himself was not honoured with any share in the management of the said great work, for having been caught forging Cromwell's hand and seal to passes and protections, he lost his post, and was sentenced by a council of war "to ride on horseback from Whitehall to Westminster, and thence through the City, with an inscription on his back and on his breast, written in capital letters, to signify his crime."^a

This occurred in June, 1649, when Cromwell was about to leave for Ireland. Clarke did not accompany him thither, but remained at the headquarters in England. In two letters addressed to him about this time he is described as "one of the secretaries to his excellency the Lord Fairfax," and as "secretary unto the Council of War." In the following year he took part in the invasion of Scotland, and the officers of the invading army recommended him for the post of secretary to the Committee of the Army, no small

^a *Cromwelliana*, p. 61

proof of his popularity and his usefulness.^a (October 19, 1650.) The application was unsuccessful, and on August 19, 1651, Clarke requested Lenthall to appoint him keeper of the Scottish records, which had been captured in Stirling Castle, but the Parliament preferred to have them all removed to England.^b Clarke's official gains were sufficient to warrant his buying from the State part of St. John's Wood, when the crown-lands were sold. However, as the purchase involved him in a lawsuit which lasted for some years, it can hardly have been profitable.^c In his petition to the Commissioners of the Great Seal on this subject, he complains that "one Mr. John Collins" had unjustly laid claim to the land in question. This John Collins was Clarke's uncle, and was the author of a curious narrative of the Restoration which is amongst Mr. Popham's papers. Those MSS. contain also the following letter from Margaret, daughter of John Collins, to her cousin Clarke, written early in 1661, congratulating him on his recent knighthood.

"Honored Cozen,

"Give me leave (though late) to congratulate your attainment of that well deserved honour confferd upon you, as likewise that which you more esteeme, the hopes God hath been pleased to give yourselfe and Lady, of being once againe blessed with a child, which I hope you will beleve wee doe heartily rejoyce with you in. Although our present disturbance hinders us from tendring our respects in that gratefull maner which your own and deare Ladyes merits justly challenge from us, who very unhappily came to be concerned in this last troublesom bussines, in which although we are the greatest sufferers, yet I hope God and the world will acquit us from being any way way the procurers of this or other troubles of this kind, which may happen to us. And since it hath pleased God to strip us of that deare and carefull freind my mother, and leave us in a condition not soe well provided for as shce endeavoured and desired wee should, wee must now make it our request to you, Sir, that you would please to importune my father to settle something upon my sister and selfe, that soe wee might not bee left destitute how ever things goe with us, and

^a See p. 224; cf. *C. S. P. Dom.* 1650, p. 351.

^b Cary, *Memorials of the Civil War*, ii., 332.

^c See p. 227. Other documents concerning the disputed property are amongst the MSS. at Worcester College.

that the trust of it may bee reposed in your hands, in whom wee doe put the greatest confidence of any freind living, and wee doe hope that if wee could gett this done wee should see farr followe my mother's pattern of good huswifery and thrift as that wee should not bee burthensom or chargeable to any of our freinds. And thus Sir, havinge acquainted you with our desires, and presenting our most humble service to your selfe and Lady, beseeching God to send her a happy delivery, and make her once againe the gladd mother of a much promisinge sonn, I rest

" Sir,

" Your most affectionate and obliged kinswoman
and humble servant,

" MARGARET COLLINS.

" Stanmore,
March 22,
1660.

" Addressed to Sir William Clarke 'att his house in the Pell Mell neer St. Jameses.'

" Endorsed 'Conz. Margr. Collins, Lre of Congratulation.' "

What the origin of the relationship between the Clarke and Collins families was I have not succeeded in discovering, and Clarke's parentage and early history still remain obscure. Two letters from his brother-in-law Kympton Hilliard, also derived from Mr. Popham's MSS., are printed in this volume (pp. 225, 228). Other relatives mentioned incidentally in the same MSS. are two cousins of Clarke's, James Staesmore and Captain Thomas Sherman, and "brother William Carey," a goldsmith in London.

The papers contained in this volume are more miscellaneous, in their nature than those printed in the first volume, and cover a larger period of time. From 1651 to 1660, Clarke was employed in Scotland, and nearly all his collections during that period relate solely to the government of Scotland or to questions of army administration. As a selection from the papers relating to Scotland is shortly to be published by the Scottish Historical Society, I have thought it best to exclude any dealing with that subject. But I hope to put together at some future date a small volume of papers concerning the Restoration and the revolutions of 1659.

At the beginning of 1648 there were signs all over England of the approach of a second civil war. Hardly had the Army and Parliament come to an agreement to settle the kingdom without the King, when the Royalists began to take up arms to restore him. The movement began in Wales, in February, 1648. Col. Poyer and afterwards Col. Laugharne declared for the King, but their forces were routed at St. Fagans on May 8 by Col. Horton. A newsletter describes the effects of this victory on the temper of the London Presbyterians (p. 6). In the north of England the preparations of the Scots to send an army across the border roused the cavaliers of Yorkshire and Cumberland to action. Berwick and Carlisle were seized by them at the end of April, and on June 1 they surprised Pontefract (pp. 1, 8, 20, 25 ; Appendix, p. 251). In London a serious riot took place on April 9 ; seditious placards against the Parliament were posted about the City, and plans were laid for a general rising (pp. 2, 5, 11). On May 16 the tumultuous presentation of a petition from the county of Surrey led to a fight at the very doors of the House of Commons, and a week later the Kentish-men seized the county magazines and declared for King Charles (pp. 13-17, 22). Fairfax defeated them at Maidstone on June 1, but the Earl of Norwich with a portion of the Royalist army crossed the Thames, and joined the Royalists of Essex. Three letters from Col. Whalley to Lord Fairfax illustrate the history of their march from Stratford to Colchester, and their pursuit by Fairfax's cavalry * (pp. 24, 26, 27). In Colchester, Norwich and his followers held out for eleven weeks, hoping vainly to be relieved by the advance of Hamilton and the Scots, and believing that their stubborn defence would give opportunity for the rest of the kingdom to act. An intercepted letter from Lord Capel to Sir Marmaduke Langdale explains the position of the besieged, and shows their willingness to sacrifice themselves for

* One of these letters I afterwards found to be printed in the *Fairfax Correspondence*, iv., 35.

the King's cause (p. 28). But Cromwell routed Hamilton at Preston on August 17, and ten days later hunger forced the defenders of Colchester to surrender. The town was given up on August 28, and on the afternoon of the same day Sir Charles Lucas and Sir George Lisle were executed by order of Fairfax's Council of War. Clarke's account of the death of Lucas and Lisle, printed on pp. 31-39, adds many details of great interest to the accounts published at the time. Then, as now, many people regarded their execution as a cold-blooded and treacherous murder; but though the equity of their sentence may be disputed, there can be no doubt that the execution was not a breach of the terms of the capitulation. The reasons which justified that sentence in the eyes of the men responsible for it are clearly stated by Ireton in his discussion of the question with Sir Charles Lucas (pp 35, 37).^a

The Earl of Norwich and the rest of the Royalist prisoners who surrendered at Colchester were assured by Fairfax of quarter for their lives, and at their trials in February, 1649, the plea was put forward that this promise exempted them from any future proceedings in a civil court. This plea seems to have been first suggested by the Earl of Norwich, in a letter which he addressed to Speaker Lenthall on October 3, 1648, on learning that the House of Commons had passed an ordinance attainting him of high treason.^b On October 6 the House read Goring's letter, and ordered that a letter should be written to Lord Fairfax "to desire his explanation of that clause of his letter of 29 September, 1648, that concerns the quarter given to the Lord Goring and the Lord Capel, and leaving them to the further justice and mercy of the Parliament." The answer of Lord Fairfax is well summarised in Rush-

^a I understand that Mr. J. H. Round has recently treated the subject in a paper read to the Royal Historical Society, but as it is not yet published I can scarcely discuss his arguments.

^b *Commons' Journals*, vi., 45; Cary, *Memorials of the Civil War*, ii., 26.

worth,^c but as the letter itself has never been printed,^d and because its precise phraseology is of some importance, it is now inserted here.

"Mr. Speaker,

"Though I cannot easily understand what itt is in that letter of mine you recite that should soe much neede a serions explanation (as to the point in question), yett supposing the scruple to bee, whether my assuring of quarter to the Lord Goring and the rest did intend or does imply to secure them from further question as to life before your owne or other civill judgement for the warre leaved by them, in obedience to your commands I returne this answer.

"That the quarter assured to his Lordshippe and others of that condition was nott by capitulation or agreement (as by the articles and explanation annex't may appeare), and therefore could ground [noe] more claime then common quarter to any enemy taken in a feild engagement or other action.

"Now for the sense and extent of common quarter given I have alwayes understood itt to bee an assuring of life against the immediate execution of the military sworde from any further execution therby without judicall triall, but whether it imply to protect or exempt them from any judicall triall or proceeding to life, either by the civill sword of that authority against which (being subjects) they rebell, or by the martiall power (as to persons and causes subject to its cognizance), having never soe understood itt nor knowne itt to bee soe I leave itt to your determination.

"And the same power of giving quarter every souldier also hath in his proper action, which is daily used by them (if they see cause) to all sorts of the enemy, and then (unlesse where particular command is beforehand to the contrary) alwayes allowed, whatever the parties prove, because nott understood to amount to further exemption then as aforesaid, and whether now itt should bee taken otherwise, and that the souldier granting quarter shall bee a full pardon (as to life), lett not my sense, but the generall sense and practise in all warres and of both parties in this warre give the determination; butt if itt were soe then nott only noe Rebell (by that civill Judicature to which hee stood a subject), butt alsoe noe revol'ter or deserter of his colours and trust (running to the enemy), nor any spie or the like (by the martiall power), after once taken upon quarter should bee brought to a judicall triall or execution for their revolt or treachery; and therefore Sir I doe not urge these things out of any perticular animosity to the Lord Goring, for were hee even an innocent person, or one for whome I would begge your pardon, yett I should nott by my opinion or silence bee guilty of staying your judicall proceeding upon such a ground the admission whereof would at once condemne soe much the just and

^c Rushworth, vii., 1285, 1303.

^d The letter is amongst Clarke's MSS. (vol. cxiv., f. 89); but was not noticed till it was too late to insert it in its proper place in the body of the volume.

necessary practices of the Parliament and other states, and alsoe preclude or prejudice your future proceedings in publique justice against any person for rebellion, revolts, or treachery in warre, who after utmost extremitie against you could finde butt any souldier of yours to give him quarter.

T. F.

"St. Albans 13 October
1648."

The questions discussed in this letter were again argued in February, 1649, at the trials of Hamilton, Capel, Holland, and Norwich by the High Court of Justice. A volume amongst Clarke's MSS. (numbered Worcester MS. lxx.) gives a much completer account of these trials than any yet published, and the evidence then given by some of the witnesses against the Earl of Norwich deals with several of the points raised in the cases of Lucas and Lisle. But the account is too long to print *in extenso*, or even in an abridged form, in this volume, and it was thought better to leave it to be treated as a whole at some future time than to extract a few fragmentary passages from it. A debate in the Council of Officers on the case of Hamilton and others will be found on pp. 194-198.

Fairfax's capture of Colchester and Cromwell's defeat of the Scots set the army at liberty once more to intervene in politics. While the northern army under Cromwell was assisting to establish the supremacy of Argyle's party in Scotland (pp. 42-49), the southern army prepared to prevent the negotiations at Newport from ending in a treaty which would restore Charles to his throne. In October the soldiers began to present petitions demanding justice against all offenders without respect of persons, and on November 7 a Council of Officers met at St. Albans to formulate the desires of the army. On November 16 the "Remonstrance of the Army" was agreed to by the Council, and four days later it was presented to the House of Commons (p. 54). As to the history of the Remonstrance these papers supply no new information, but they do throw a great deal of light on the development of the design for the seizure of the king, and on the history of his removal from Carisbrooke

to Hurst Castle (pp. 54, 55, 57, 59, 63, 65, 67). Charles was transferred to Hurst Castle on December 1, and Fairfax's troops occupied London on the following day. A newsletter, possibly written by Clarke himself, supplies an account of the occupation of London and of the forcible purgation of the House of Commons, which is supplemented by a letter from one of the excluded members to his constituents (pp. 67, 136). The Council of the Army next passed a vote to send for the King to Windsor Castle, "in order to the bringing of him speedily to justice" (December 15). The precautions to be adopted to prevent his escape, and the manner in which he was to be treated during his detention at Windsor, were minutely prescribed to the officers employed, and the instructions of the Council on these heads were further explained by private letters from Cromwell and Ireton (pp. 132, 133, 140-147). Concerning the King's trial Clarke's papers are silent. There are, however, certain orders issued to the troops quartered in London, forbidding either officers or soldiers to come to Westminster Hall, except such as were on duty there, and commanding the cavalry regiments to be ready for action both night and day until the trial ended (p. 186).

Whilst the King's trial was going on, and for some weeks before it began, the Council of Officers had been busily discussing the constitution of the future republic. The plan of defining by an "Agreement of the People" the rights which the people reserved to themselves, and the powers which they delegated to their representatives, originally put forward by the Levellers in the autumn of 1647, was revived again a year later. After a certain number of conferences between representatives of the Levellers, the army, and the leaders of the Independent party in and out of Parliament, it was agreed that a joint committee should be appointed to prepare a revised "Agreement of the People" (Nov. 29). The Levellers believed that the decision of this committee was to be final, and that the document drawn up by it was to be at once offered to

the nation for acceptance.* When they discovered that it was to be submitted to the Council of Officers for discussion, and found that the Council insisted on altering and amending it in several important points, they regarded the army leaders as false to their pledges. They were still more disgusted when the Council, instead of circulating the "Agreement" for signature amongst the people, and compelling the Parliament to adopt it, simply presented it to the House with a request that they would take it into consideration and adopt so much of it as they thought proper. Lilburne had taken the alarm even before the Agreement was revised by the Council of Officers, and he published on December 15 the draft of that document upon which the joint committee had agreed, under the title of "Foundations of Freedom." He was anxious to enlist popular support in its favour, and prefixed to it the following appeal to his readers:—

"Dear Countryman,

"This Agreement having had its conception for a common good, as being that which contains those Foundations of Freedom, and Rules of Government, adjudged necessary to be established in this Nation for the future, by which all sorts of men are to be bound, I adjudged it a just and reasonable thing to publish it to the view of the Nation, to the end that all men might have an opportunity to consider the Equity thereof, and offer their Reasons against anything therein contained, before it is concluded; that being agreeable to that Principle which we profess, viz., to do unto you, as we would all men should do unto us, not doubting but that the Justice of it will be maintained and cleared, manre the opposition of the stoutest Calumniator, especially in those clear points in the Reserve so much already controverted, viz., touching the Magistrates power to compel or restrain in matters of Religion, and the exercise of an arbitrary power in the Representative to punish men for state offences, against which no Law hath provided; which two things especially are so clear to my understanding that I dare with confidence aver,

* Gardiner, *Great Civil War*, iv., 239, 262. A history of the origin of this second Agreement, and of the negotiations and debates concerning it, is given by Lilburne in his "Legal Fundamental Liberties of the People of England," 4to, 1649. His narrative is so necessary to the understanding of the debates that I have inserted it in the Appendix (pp. 254-266).

That no man can demand the exercise of such a power, but he that intends to be a Tyrant, nor no man part with them, but he that resolves to be a slave. And so at present I rest,

"Thy true-hearted

"Countryman.

"Friday, Decemb.
15, 1648."

The debates of the Council, as recorded by Clarke, deal mainly with the first of the two points mentioned by Lilburne. On December 14, 1648, the portion of the Agreement which prohibited the magistrate from imposing any restrictions on the free exercise of religion, was discussed by the officers, assisted by representatives of the Levellers and by a number of Independent divines (pp. 73-132). These assistants, however, were allowed no vote in the final decision on the controverted clause (p. 139). The clause was referred to a committee, and it was decided by the Council on December 21, that in the general article reserving certain questions from the control of Parliament the original reservation concerning religion should not be included (p. 140). Instead of this it was resolved to insert a special article, the ninth in the Agreement when completed, to define the powers granted to the Government in religious matters, and the limits of religious freedom. Early in January this article seems to have been finally agreed upon and passed (pp. 171-174).

Lilburne and his partizans, angered by the refusal of the Council to adopt their scheme in its entirety, presented to Fairfax on December 28, 1648, a protest against the proceedings of the officers, printed under the title of "A Plea for Common Right and Freedom." They began by setting forth the satisfaction with which they had seen the adoption of their proposal for a new "Agreement of the People," and the hopes with which they had hailed the first steps taken to carry out the plan. Then they complained bitterly of the obstructions which had arisen "since the same hath been tendered to the consideration of your Council."

"The long time spent already therein, and the tedious disputes and contests held thereupon, and that in things so essential to our freedom, as without which we account the Agreement of no value: for what freedom is there to conscientious people where the magistrate shall be intrusted with a restrictive power in matters of religion? Or to judge and punish in cases where no law hath been before provided? Which are the points which yet remain in suspense, and about which most of the time hath been spent." They lamented that too many in the Council had supported the granting those unreasonable powers to the magistrate, that those who spoke for them had been countenanced, and those who spoke against them discountenanced; and that finally even the Presbyterian clergy "interests directly opposed to freedom of conscience in points of God's worship," had been consulted, and attempts made to satisfy their objections. In conclusion they demanded as a necessary preliminary to the production of "a full and ample Agreement for the people," the re-organisation of the Council, and laid down the principles upon which that body ought to be constituted and its debates conducted.

"1. To agree what certain number of officers, and no less shall make a Council, which we humbly conceive ought not to be lesse than the major part of the Commission Officers at the head Quarters and adjacent thereunto, not excluding of others.

"2. That all persons in Council may sit in a distinct orderly way, so as they may be observed by the President when they are inclinable to speak.

"3. That you will agree how many times any person may speak to a Question.

"4. That you will free your Determinations from all pretences of a Negative Voice, and from all discountenance and check by any Superior Officer. And being so regulated, 1. That you will consider and resolve, what is the most proper way for the advance of Officers, so as to preserve them entire to the interest of the People, and from a servile condition or necessary dependence upon the favour or will of any; and seriously to consider whether your Articles of Martial Law (as now they are) are not of too Tyrannous a nature, for an army of Freeborn Englishmen, and to reduce the same to reason and an equal constitution.

"2. To take special care of the principles of any Officer to be admitted, that they be not tainted with those of Arbitrary power or of persecution for matters of Religion.

"3. That there be no disbanding of any sort of men, but by consent of the General Council; nor admission or listing of any for Horse or Foot, but according to provision made by the said Council, it being reported that very many of late are listed of bad and doubtful condition; by all which means, if conscionably observed, (and we trust you will not be the lesse sencible because we advise) the growth of any corrupt interest will be effectually prevented. And if it shall seem good or any way usefull unto you, we shall chuse and appoint four of our Friends always to attend and assist though not to Vote with you."

Fairfax naturally refused to listen to these demands. He was neither inclined to limit the power of the general officers over their subordinates, nor to take any steps which would have revived, under any form, the representative council of agitators and officers which had given him so much trouble in 1647. It is evident from reading the debates that Lilburne's third proposal was aimed at Ireton, of whose predominance in the Council he elsewhere speaks with great wrath (Appendix, p. 265). In the debate of December 14 Ireton made five speeches of considerable length, answering the Independent divines and the representatives of the Levellers with equal effect. His remarks on the origin of commonwealths, on the end of the state (p. 79), and on the extent to which biblical precedents could be applied in drawing up modern constitutions are of particular interest (pp. 113, 122, 128).

A curious scene in these debates, which throws a strange light on the religious fanaticism of the times, was the appearance of a woman in the Council of Officers, who announced that she had a message to deliver to them which had been revealed to her in a vision. She came twice: on December 29 to manifest to them the disease of the kingdom and its cure (p. 150), and again on January 5 to protest against the execution of the King (p. 163). The Council heard her with great gravity, and solemnly enquired into the nature of the evidence which proved that her message was

a divine revelation. An anonymous Royalist pamphlet published in 1651 gives a strangely distorted version of the incident, attributing the whole affair to the contrivance of Cromwell.*

"Now that Cromwell might firmly unite the Councell of War to him, which consisted of a few able Head-pieces, to whom he laid himself open so far, as to shew them their profit and preferment in the designe, which united them fast to him, the other part, who were soft heads, and had a good meaning to do no evill, but to promote the Kingdome of Christ, and throw down Antichrist, and then according to their duty (as they were taught) to take possession of, and (as Saints) reign over the Kingdom ; Cromwell provided fit food to feed such fantasies, for he had provided a monstrous Witch full of all deceitfull craft, who being put into brave cloaths pretended she was a Lady that was come from a far Countrey, being sent by God to the Army with a Revelation, which she must make known to the Army, for necessity was laid upon her ; this Witch had a fair lodging prepared for her in White-Hall where she was very retired.

This Witch had her lesson taught her beforehand by Cromwell and Ireton, by whose order she was entertained at White-Hall.

She desired audience at the Councell of Warre, for to them she said she was sent.

Cromwel and Ireton to beget the more attention and belief in the Officers in the Councell of Warre, began to extoll the excellency of Revelation, and conceived that this Prophetess being a precious Saint, and having much of God in her, ought to be heard, and that with all attention ; because in such glorious days as these God did manifest himself extraordinarily : and especially to his Saints, in chalking out their way before them when they came into straights and difficulties ; such as they were in at that time.

By this time the Witch was come to the door, and forthwith she had admittance ; where the Officers all beheld her, and her strange postures, expressing high devotion.

Cromwel and Ireton fixing their eyes upon her in most solemn manner, (to beget in the rest of the Officers (who were ready to laugh) an apprehension of some extraordinary serious thing) fell both of them to weeping ; the Witch looking in their faces, and seeing them weep, fell to weeping likewise ; and began to tell them what acquaintance she had with God by Revelation, and how such a day, such an hour, after such a manner she had a Revelation, which she was to reveal only to them ; and that was, that the glorious time of setting up Christ's Kingdom was near

* *A Brief Narrative of the Mysteries of State carried on by the Spanish Faction in England, 4to, 1651 (printed at the Hague), p. 69.*

at hand, and that Antichrist must be speedily thrown down, and that they were the Instruments that were by God ordained to throw him down, and how they were about that great work, and that if they would prosper in it, they must first remove the King out of the way, which they must do by proceeding first to try him, and then to condemn him, and then to depose him, but not to put him to death: with a great deal more such stuff which that weeks Diurnall printed at large, so open was this business. This relation I had from one that was strongly of the Armies party, but related this shamefull story with much indignation."

The last important debate on the subject of the Agreement took place on January 13, 1649. On that day it was finally passed by the Council, and a declaration was agreed upon to be presented to the Parliament, explaining the motives which had led them to draw it up and offer it to the House. Some members of the Council, and many of the friends of the Army out of doors, objected to the proposal that the Army should abandon the dictatorship it had assumed, and leave Parliament the task of carrying out the schemes embodied in the Agreement. In that sense the prophetess from Abingdon had spoken, urging the Council to "go forward and stand up for the liberty of the people," and not to surrender to others the power which the Lord had given into their hands (pp. 151, 163).

In a similar spirit Mr. Erbury now declared, that the Council, instead of drawing up a new constitution, ought to take in hand the removal of the oppressive burdens and unrighteous things which troubled the people. That would be the way to settle the Nation, and a dozen or twenty-four selected men could effect it in a shorter time than a Parliament of four hundred (p. 178). Captain Joyce added that Fairfax and the Council ought not to try to shift off on others the work which the Lord had called them to (p. 182). Ireton answered, that to clear up the dispute as to the question of sovereignty, which had originally caused the war, and to take away from future governments the power to oppress the people, were the likeliest ways to settle the nation. Harrison's speech was probably more effective, for he sympathised strongly with the view of the Fifth

Monarchy men, but argued that the day of the Lord, when the powers of this world should be given into the hands of his saints, had not yet come. And both Ireton and Harrison urged that the Army was pledged by its declarations, not to use the opportunity to perpetuate power in its own hands, but to give it back to the civil authority (pp. 175-183). Their views prevailed; the Agreement was presented to Parliament on January 20, and the attempt of the army to settle the nation by its own action was adjourned until 1653.

The last meeting of the Council of Officers recorded in this volume took place on March 24, but though Clarke does not record its further debates it certainly continued to assemble. For the three following years, however, it busied itself almost entirely with military affairs, and its next important intervention in politics was the presentation of the petition of August 13, 1652 (*Old Parliamentary History*, xx., 97). From January, 1653, to the expulsion of the Long Parliament in the April following, it met with great frequency, and discussed public affairs with great vigour. Unfortunately Clarke was at that time in Scotland, and excepting a few short notices amongst the newsletters in his MSS., there is no record of these most important debates (See the *English Historical Review*, July 1893, p. 527).

The action of the Council of Officers in January, 1649, had postponed for four years the final breach between the military and the Parliamentary sections of the republican party.

So long as the harmony between the leaders of the Army and the Parliament continued, the newly-founded republic was safe. But in the spring of 1649 so many dangers threatened the existence of the Commonwealth, that there was good ground for doubting if it could weather the storm. In Ireland the English interest was, in Cromwell's phrase, almost "rooted out." In Scotland there prevailed "a very angry hateful spirit" against the "army of sectaries" and its leaders. In England the Presbyterians and Royalists were

making ready to co-operate with Scots and Irish in restoring Charles II. (pp. 203, 205). A more immediate and pressing danger was the spread of insubordination in the army, caused by the doctrines propagated by Lilburne and his followers. On February 22, 1649, the Council of the Army found it necessary to lay down regulations limiting the right of the soldiers to petition, and forbidding them to hold clandestine meetings for political purposes (p. 190). Nevertheless, on March 1, a petition was presented to the Council of Officers, demanding the re-establishment of the representative "General Council of the Army" which had existed in 1647 (p. 193). The discipline of the army had evidently become considerably relaxed, especially in some of the newly-raised regiments. Fairfax consequently issued stringent orders for the punishment of any soldiers guilty of plundering during their march for Ireland (p. 193), and Marten's regiment, which had earned an evil notoriety by its bad conduct, vanishes from the army lists (pp. 56, 213). One of the worst offenders of all, William Thompson, was the leader of the mutiny suppressed at Burford, and was killed a few days later (p. 199).

Several papers illustrate the history of the wilder sects to which so great a political and religious revolution had given birth. The little band of Socialists who termed themselves "Diggers," and attempted to found a settlement on St. George's Hill in Surrey, found themselves so hardly treated by the local authorities and by their neighbours, that they applied to Fairfax for protection. Their colony seems to have been broken up about the end of 1649. The song of the Diggers, doubtless written by their leader Winstanley, is extremely curious (pp. 209-212, 215-224). The doctrines and the preaching of the Fifth-Monarchy men are illustrated by the trial of John Erbury for blasphemy, which took place in 1652 (p. 233). Of the miscellaneous papers contained in this volume four letters illustrate the history of the navy (pp. 39, 42, 62, 138), whilst others will be of interest to the historians of

Cambridge (p. 28), Yorkshire (pp. 1, 8, 20, 25, 70), Cheshire (136), Hereford (p. 157), Lancashire (pp. 160, 187), and Jersey (p. 228).

On several important passages in Cromwell's life these papers shed fresh light. The most important and most characteristic of them all is the long letter from Cromwell to Hammond, printed on p. 49. Large extracts from it have been given by Mr. Gardiner, and it is sufficient to refer the readers of this preface to his admirable explanations of its political significance.^a Two points the letter makes clear; the first is Cromwell's deep distrust of the King and of any attempt to treat with him; the second is his desire to see "union and right understanding" between Puritans of every sort, "Presbyterians, Independents, Anabaptists and all." The justification of the alliance with the Argyle party in Scotland expresses the views not merely of Cromwell himself, but probably of the majority of the superior officers of his army. Exactly the same sentiments are expressed in a letter from the headquarters in Scotland, printed in one of the pamphlets of the time.^b It is signed J. L. only, but there can be little doubt that these initials designate John Lambert, Cromwell's second in command.

"Sir,

"The godly party in Scotland seem to be very sensible of the benefit they have lately reaped by the victory God gave to our Army, and say they hope never to forget those instruments which the Lord chose to work their deliverance; and check themselves for the hard thoughts they formerly had of the Army: And its very observable, that this Army which the honest party in Scotland looked upon as a bundle of Sectaries, not fit to be continued, and did many ways unjustly reproach, should now under God, be the only authors of their deliverance. Some of the most eminent and honorable in Scotland have ingenuously confessed to me their error and rashness in charging the Army last year with rebellion unjustly, seeing now there is a necessity put upon them to tread in that very path: Nay, they acted now against a clearer authority, where was the concurrence of the three States, King, Lords, and Commons. I am much persuaded that the Lord hath a glorious work in Scotland as well as in England. The interest of the godly people in Scotland, as to the Civil,

^a *Great Civil War*, 2nd edition, iv., 248.

^b Good news from Scotland, being a true relation of the present condition of the army under the command of Lieut.-Gen. Cromwell, 1648, 4to.

was once different from that of the godly people in England, or at least acted as it had been different; but now the Lord hath been pleased to order the affairs of that Kingdom, as that the interest of the godly people there, is become the same with ours in England, and they and we must act upon the same grounds and principles: And I am persuaded that so much of their power as the Princes of the Earth have lent to the support of that Man of Sin, God hath and will suddenly break and destroy.

"I have no more at present, but that I am

"Your most affectionate friend,

"J. L.

"Mordington in Scotland,
Sept. 27, 1648."

Cromwell's friendship with Hammond, proved by this letter of November 6, and by many of those printed by Carlyle, is further illustrated by two other letters to Hammond printed here for the first time. Mr. Gardiner copied them from the MSS. of the Marquis of Lothian at Newbattle, and has been good enough to allow me to add them to those contained in this volume.

The first, which is not dated, was evidently written between January and April, 1648, and deals with the precautions to be taken by Hammond to prevent the King's escape from the Isle of Wight. The same subject is touched in letters lii. and lvii. in Carlyle's Collection.

Cromwell to Hammond.

"Deare Robin, am I forgotten?

"Thou art not, I wish thee much comfort in thy great businesse, and the blessinge of the Almighty upon thee.

"This intelligence was delivered this day viz. that Sir George Cartwright^a hath sent 3 boates from Jersey, and a Barque from Sharbrowe,^b under the name of Frenchmen, but are absolutely sent to bringe the Kinge (if their plott can take effect) from the Isle of Wight to Jersey, one of which boates is returned back to Jersey with newes, but it is kept very private.

"I wish great care bee taken. Truly I would have the Castle well manned, you

^a Carteret.

^b Cherbourg.

know how much lyeth upon itt. If you would have any thinge more done lett your freindes know your minde, they are readye to assist and secure you.

"You have warrant now to turne out such servants as you suspect, doe itt suddenly for feare of danger, you see how God hath honored and blessed every resolute action of theise [?] for him, doubt not but Hee will doe soe still.

"Lett the Parliaments shippes have notice of Cartwrights designe that soe they may looke out for him.

"I have noe more but rest

"Your true servant

"O. CROMWELL. ^a

(Addressed):

"For Col. Robin Hammond
Governour of the Isle of Wight
theise att Carisbrooke Castle
hast post hast."

Hammond was removed from the government of the Isle of Wight at the end of November 1648, for refusing obedience to the orders of Fairfax concerning the securing the King's person, and during the Commonwealth neither held any military office, nor took any part in public affairs. In 1651 however he again sought for employment, but had some doubts of the justice of the war with the Scots, and would have preferred to serve in Ireland. Cromwell thought him unfit for the work. "You must not expect," he said to his Parliament in 1656, "that men of hesitating spirits, under the bondage of scruples, will be able to carry on this work,"^b and he wrote in the same spirit now to Hammond.

"Deare Cozen,

"I receaved yours for which I thanke you, I understand my cozen your wife is under some trouble of minde, but because you are not perticular, I can only say my poore prayers shalbe for her that it may bee sanctified to you both. I am glad to heere my aunt and you are agreed, I hope it's a mercye to you both. You mention some purposes to come and visitt us, which kindnesse deserves and hath a thankefull acknowledgment from your freindes heere, whoe retaine in some measure their old principles, which are not unknownen to you.

"You doe expresse in your letter thatt its the desire of your soule that you may

^a Holograph.

^b Carlyle's Cromwell, Speech v.

be ledd forth in some way wherein you may have more enjoyment of God, and bee used to his glorie, findinge deadnesse.

"Truly Sir it's a favor from the Lord not to bee vallew'd that hee vouchsafe to use and owne us, of the sweete whereof you have heeretofore tasted, and well it becomes you in remembrance of former experiences, to say, and thinke soe. Hee is a master whoe ownes every servant in the lowest station, and those whoe are in the heighest have nothinge to boast of but his favorable countenance and acceptance, the greater the trust the greater the account, there is not reioycinge simplie in a lowe or high estate, in riches nor povertie, but only in the Lord. Noe, nor cann wee fetch contentment from the securest, hopefulest condition wee can choose for our selves, nor is the comfort and peace of the spirit annexed to the greatest retirements, but the winde bloweth where it listeth, and if wee bee found with the Lord in his worke, Hee will dispence what is needfull, and oftentimes exceede in bountie.

"You hint somewhat of a willingnesse to bee againe engaged, but with this that the worke in Ireland goes smoothen with you then this. You will forgive mee if I wonder what makes the difference, is it not one common and complexed interest and cause acted in Ireland and Scotland ?

"You oppose a call to your beinge in a good and settled condition to your contentment. Truly if it bee the Lord's worke now in hand lett it bee of choyce to leave contentments for itt.

"The Lord hath noe neede of you, yett Hee hath fitted you with abillities for the present dispensation, your freindes heere iudge soe, and will heartily welcom you, but indeed I doe not thinke you fitted for the worke untill the Lord give you a heart to begg of him that Hee will accept you into his service. Indeed, I write not this but in deernesse of love, truth of heart, and feare of the Lord, to you. The Lord may lay us in the dust when Hee pleaseth, yett wee serve him—Hee is our master, this is our boasting—to receave and welcom you with comfort into the fellowship of his service is not more desired by any then by

"Your cozen and very affectionate freind
to serve you

"May 13th, 1651.

My affection to my deere cozen,
and aunt Hampden."

"O. CROMWELL.

In two letters to Lord Wharton, numbered by Carlyle cxlvi., and clxxxix., Cromwell refers to the similar scruples of Wharton and other old friends, and treats them in much the same way. Hammond's answer to Cromwell's letter has not survived, but on July 22, 1651, he wrote to Cromwell interceding for the life of Mr. Love,

* The remainder is autograph.

and incidentally saying that his wife's ill-health had prevented him from joining Cromwell in Scotland.^a In 1654 the Protector appointed him one of the Commissioners for the Government of Ireland, but he died a few weeks after entering upon the post he had so long sought.

To return to 1648. The letter printed on pp. 49-53 shows Cromwell's deep distrust of the King and his objections to the treaty then in progress at Newport. These are further explained in the famous letter of November 25 to Hammond, printed by Carlyle (No. lxxxv.). He approved of the petitions of the northern army for the punishment of the King, and he approved also of the Army Remonstrance of November 20. His letters show this. On November 20, forwarding the petitions of his army to Fairfax, he wrote: "I find in the officers of the regiment a very great sense of the sufferings of this poor kingdom, and in them all a very great zeal to have impartial justice done upon all offenders. And, I must confess I do in all, from my heart concur with them, and verily think and am persuaded, they are things which God puts into our hearts." On November 25, referring to the Army Remonstrance, he added: "We have read your Declaration here, and see in it nothing but what is honest, and becoming christians and honest men to say and offer. It is good to look up to God, who alone is able to sway all hearts to agree to the good and just things contained therein."

On two important points however Cromwell though he accepted the responsibility of the acts done by the southern army, disagreed with the policy adopted by them. He agreed with the opinion which Ireton some months earlier had expressed to Ludlow, viz., that it would be best to delay the intervention of the army till the treaty between the King and the Parliament had been actually completed. "We could perhaps have wished," he wrote "the

^a *Original Letters and Papers of State addressed to Oliver Cromwell*, edited by John Nickolls, 1743, folio, p. 77.

stay of it [*i.e.* the Remonstrance of the Army] till after the treaty, yet seeing it is come out, we trust to rejoice in the will of the Lord, waiting his further pleasure."

In the second place he evidently desired that the army and the parliamentary minority should imitate the proceedings of the Argyle party, and as he expressed it "make the parliament null and call a new one" (p. 53). On this question however, as Mr. Gardiner has shown, the army leaders were obliged to yield to their parliamentary allies, and to content themselves with purging the parliament instead of forcibly dissolving it. Had Cromwell been in London at the beginning of December, instead of in Yorkshire, it is possible that his influence might have won over the parliamentary republicans to the original plan. In that case the breach caused by the forcible dissolution of 1653 might have been avoided. On the other hand he was extremely anxious, in 1649 as in 1651, that the Parliament should be persuaded to dissolve themselves, without undue pressure or force from the army (pp. 170, 233).

Cromwell was summoned to London by Fairfax on Nov. 28, (p. 62) and arrived there on Dec. 6. Concerning his share in the trial of Charles I. these papers give less information than we might have expected. The two letters from Cromwell and Ireton jointly to Colonel Harrison, with the minute precautions for the King's safe keeping prescribed by them, prove that Cromwell was determined that Charles should be brought to trial, (pp. 140-144). Mr. Gardiner has shown that even after the King had been conveyed from Hurst Castle to Windsor, "Cromwell and his allies among the officers desired to save the King's life, if it was possible to do so without injury to the cause for which they had fought."* Discussions on the subject undoubtedly took place in the Council of Officers, but no record of these important debates has been preserved. No doubt Clarke was there and took shorthand notes as usual, but

* *Great Civil War*, iv., 283.

if so he probably destroyed them in 1662 when the notes of the other debates of the council were transcribed. A royalist newspaper gives the following account of the division of opinion amongst the officers.

"There is great talke at White-Hall of bringing the King to tryall, and on Christmas day, when they should have bin at church, praying God for that memorable and unspeakeable mercy, which he in that day showed to mankind, in sending his onely begotten son into the world for their salvation; they were practising an accusation against his Deputy here on earth; and Ireton declared, they had conquered the Kingdom twice; and therefore it was fit they should bring the King, the capitall enemy thereof, to speedy justice: there were six in the council that were very hot for justice; and Hugh Peters did very gravely shew the necessity of it; but Cromwell had more wit in his anger, and told them there was no policy in taking away his life, and shewed divers and more solid reasons than Hugh's were; whereof one was, that if they should at any time loose the day, they could produce the King, their stake; and by his means work their peace: so it was concluded, that His Majesties charge should be forthwith drawn up, and himself brought to a speedy tryall; and, being found guilty, they could proceed either to mercy, or justice, as they pleased."^a

But if Cromwell had doubts as to the expediency of the King's execution, he had none as to its justice. Mr. Goldwin Smith erroneously states that Cromwell neither in his speeches nor letters touches on the King's death. Cromwell refers to it with satisfaction, as a warning and as an example, in one of his letters to the governor of Edinburgh Castle.^b He refers to it again in his speech about the Irish expedition on March 23 1649. "God," he tells the officers, "hath brought the warre to an issue heere and given you a greate fruite of that warre, to witt—the execution of exemplary justice upon the prime leader of all this quarrell," (p. 202).

In the debates of the Council of Officers recorded in this volume, Cromwell took scarcely any part. Indeed, as the table of attend-

^a *Mercurius Melancholicus*. Dec. 25-Jan. 1, 1649. For this reference I am indebted to Mr. Gardiner.

^b Carlyle, letter cxlviii. Goldwin Smith, *Three English Statesmen*, 1868, p. 59.

ances shows, he was generally absent (p. 272). But as the discussions mainly concerned the question of liberty of conscience—a subject upon which his opinions are perfectly well known from the speeches in Carlyle's collection—this is less to be regretted. On the other hand the important speech of March 23, on the subject of the expedition to Ireland, throws a good deal of light on Cromwell's views about the Irish war (pp. 200-207). He regarded the reconquest of Ireland as forced upon the English republic, by the adoption of the cause of Charles II. in Ireland, and by the danger of a possible invasion of England from thence. His national pride revolted at the idea of a Stuart restoration by the arras of Irish Catholics, or indeed of Scotch Presbyterians. "I confesse I have had these thoughts with myself that perhaps may be carnall and foolish. I had rather be overrun with a Cavalierish interest than of a Scotch interest; I had rather be overrun with a Scotch interest than an Irish interest; and I thinke of all, this is most dangerous. If they shall be able to carry on their work, they will make this the most miserable people in the earth, for all the world knows their barbarism" (p. 205).

Equally characteristic is Cromwell's confidence in the triumph of his cause, and his firm assurance of divine assistance and protection. "All the rest of the world, ministers and profane persons, all rob God of all glory, and reckon it to be a thing of chance that has befallen them. If we do not depart from God, I am confident, we doing our duty and waiting upon the Lord, shall find he will be as a wall of brass round about us till we have finished that work that he has for us to do" (p. 204).

The last of these new documents relating to Cromwell is a letter directed to Lieut. Col. Timothy Wilkes, apparently written early in January 1655. Wilkes was one of the Protector's most devoted adherents, and to him Cromwell unbosomed himself with the greatest frankness, and expressed the grief which the divisions of his own party and the opposition of his former friends aroused in him.

It resembles in its tone the letters which Cromwell wrote to Fleetwood, and reiterates the same complaints. "Truly" he had written in August 1653,^a "I never more needed all helps from my Christian friends than now. Fain would I have my service accepted of the Saints, if the Lord will;—but it is not so. Being of different judgments, and those of each sort seeking most to propagate their own, that spirit of kindness that is to them all, is hardly accepted of any. I hope I can say it, my life has been a willing sacrifice, and I hope for them all. Yet it much falls out as when the two Hebrews were rebuked: you know upon whom they turned their displeasure." And again, in June 1655:^b "The wretched jealousies that are amongst us, and the spirit of calumny turn all to gall and wormwood. My heart is for the people of God: that the Lord knows, and will in due time manifest; yet thence are my wounds;—which though it grieves me, yet through the grace of God doth not discourage me totally. Many good men are repining at everything, though indeed many good are well satisfied and satisfying daily. The will of the Lord will bring forth good in due time."

The causes of the breach between the Protector and his former friends, and the motives which dictated the vehement opposition of the Fifth Monarchy men to his government are very clearly set forth in a long and interesting letter from Thurloe to Monk (p. 242). Two letters from Thurloe's MSS. in the Bodleian Library, omitted by the editor of the Thurloe papers, are added here in order to further elucidate this subject. They were either intercepted by the government, or found amongst the correspondence of some Fifth Monarchy man arrested by its orders. The originals were probably written in cypher.

"I account it as great a happiness, that I have opportunity either to receive from you or transmittē unto you. Since I received your letter it hath beēn matter of

^a Carlyle, letter clxxxix.

^b Carlyle, letter cxcix.

refreshment to me and to all the (remnant) Saintes who have heard of it, that in the day of darknesse upon the world, there remains a spirit of vigour and resolution for the King of Saints amongst you, both in God's servants and handmaydes. It was no unusual thing in former ages, for the handmaydes of the Lord to seek him apart upon any inferiour account, much less upon so glorions behalfe (as this day they are, in seaveral places of this Nation remote from each other) which is a notable testimony to me, that they are set at worke by the Lorde's owne Spirit, and that he is now formeing of that Little Stone (cut out of the mountains without hands) to set the Image upon its feet; which are part of iron and part of clay, partly strong and partly broken, which is so lame, that it would endeavour to mingle it selfe with the seed of men, whereby to maintain its brotherhood a little longer; but it is no other than for the moulding (if I may so say) of the Little Stone in purer mettall that when it cometh actually to strike, it may make thorow work with the Image both civill and ecclesiastical, and not deal so spareingly with the Antichristian relations as those honest harts would have done in the late Little Parliament (so called) as many of them do acknowledge. But now the indignation of the Saints against Babylon is so heightened, that when they come to the Lorde's worke againe no less will serve then the utter eradication of all what is planted, or built by the Manne of Sinne. Surely notable havock will be made in England the next as ever was since the world began, and trully the greatest thing that lyeth upon my hart at present is, that the Lord would make me fitte to follow the Lambe at that time, and give me such a spirit for the executeing of his judgments, and the rewarding of Babylon as she hath rewarded us, as he shall call for in such a day. Doubtless his motions will be very swift when he beginns againe to march visibly, and those who resolve to follow him had need to be redeemed from the earth, as well as from among men; and indeed to become virgins having no interest marryed unto them, besides the pure and honourable interest of Jesus Christ. The Remnant of Saintes (since you were here) are exceedingly raised in their spirits, to consider how they may beare their witnesse more effectually for Christ then hitherto they have done, many being strongly perswaded that the Lord looketh for more from his servants, then faith and prayer; and that God speaketh to them now as he did to Moses, "Why cryest thou unto me? Speak to the children of Israel that they goe forward." And several of the choicest saintes here have beene much before the Lord in their closets in order to this concerne; also in our private meeteinges much time is spent in seeking for a cleere and sure call, that whether we live or dye we may be found in the worke of the Lord, which we know shall prevail, though it were but with Gideon's 300 men, if so many could be found of such a spirit as they were.

My perswasions are great that a terrible destruction will suddainely be brought upon Babylon's workes and workemen in England. There are sent from us to Norfolke, where about 15, or 16 churches have mette to conferre together, and begge wisdom of the Lord how to beare their witnesse for him against the present powers and their wickedness. The last time they conven'd was the 13th

of this moneth, at what tyme they would come to a result, whether in print, or by word of mouth to the present superiors. What the conclusion is, wee cannot yet heare: our friends did judge it would be by sending two members from every church to London, there to bear the testimony of their dissatisfaction and dislike of them, which will be about 30 men. However things goe the councill of the Lord shall stand, that the bloody city must be remembered with all hir inhabitants farre and neere; because strong is the Lord God who judgeth hir, to whom be Glory for ever. Amen.

"Wee should have writte to you in general from the whols meeting if wee had a safer way of conveyance then by the post, but wee are considering whether to send messengers to all parts of this nation and Wales to enquire how the Lord moves upon the spiritts of

ere long to be cutte short of that also, when the great Revolter hath strengthened his Hornes a little more, if God suffers him. It will be more visibly knowne who indeed are the people that know their God, and shall do exploitcs.

"Your friend and bro. in Christ, etc.

"London 19^o—10^m—1654."

COPY OF ANOTHER LETTER FROM LONDON,

Dated 21^o—10^m—54.

"As for your desires concerning Anna Trapnell, it is (to be playne) to me a very strange dispensation, yet I am perswaded she hath communion with God in it, but under what sort to rank it, I am at some stand. The dispensation is strange, because rare, more strange, because to me there appears no such amongst the Scripture records, as to the manner of it: for I cannot reckon it among the visions and revelations of the Lord, because in the things she utters (whether in verse or prose) its only what she hath been conversant in before, and had the knowledge of, as now she spoke much concerning the Windsor prisoner (which those that know not she had bene there would have thought she had by revelation) and of the young men and their meeting, which she is conversant in, and much taken with. If she did continue it, but for one or two dayes I should be apt to think she might do it when she would, in the strength of phantasie [?] save for two things. First, she is so stiffned in her body that were she not warme one would thinke hir dead. Secondly, because (she saith) she cannot make a verse when she is herself. But it is strange to me she should continue for 8 dayes as she did now; and I am ascertain'd (from those I can believe as if I saw it my self) that she set nothing all that time; no, nor

drunk, save once in 24 houres a little (and but very little) small beere. And on the last day of the weeke she declared in my hearing that she would be the next morning at the young men's meeting, which I much doubted, seeing how she lay and had layne; so I went that morning on purpose, and found hir there, she taking me by the hand ere I was aware; she came out without eating or drinking save a little small beere, yet did not experience herself weak or faint. My Lady Roles heareing she was there, called hir to goe to Lambeth in her coach, with whome I went also, and though wee spent the whole day there, she refused to eat. In our converse she was full of affection, with what sweet enjoyment she had of God the whole weeke. I told hir that it was the opinion of some, that what she delivered was from the strength of hir naturall memorie. She answered, no, but throwne in by the Spirit to hir. I have sometimes said, that I thinke God in this Dispensation doth teach his people that when our communion with him is enlarged a very little of the creature will satisfie us.

"John Simpson is come to London; and did preach the last first day with the congregation, and at Allhallowes on the second day, where he related his reasons why he submitted to their order of banishment, and why now he breaks it; one reason to this was, because he hath it from good handes that O. P. had said to them, that John Simpson might come to London if he would, and that the Order was of his owne procuring; he might come to the Church if he pleased, but had no mind to it. Whereupon he declared, after he heard the certaine truth of this, he thought he was bound in conscience to come, whatever it cost him.—O. P. hearing he was in the City, sent for him, desiring him to come and conferre with him as a brother and a christian, and to bring three or four of the Church along with him. It was put to the church, and by vote they resolv'd he should goe, but some said he went into a temptation he should have avoyded. He was at Whitehall the whole day; wee were together till six of the clock at night, at which time he was not returned, and since I have not had opportunity to know the event. Mr. Simpson did declare in the pulpit his sameness to what he ever was; and that he never in the least doubted of the goodness of his cause, in bearing witness against the last publique thinge, as a publique sinne against former vowes. [Mr. Sim]pson I apprehend not to be fully enlightened about the kingdome of Christ; and comeing home, as I conceive, may occasion further tryalls upon the spirits of the Church in some tyme. God is sifting all sortes.

"It is now I perceive much upon the Spirits of some choice Saintes, that the next tryal may very great: possibly O. P. closeing so farr as to do such thinges as (he thinkes) may please the Sectaries, take away tythes, and loppe the laws; and so deceive the minds of the simple, and enrage all the more against the non-complyers. This tryall some are preparing for. A petition I understand is prepared in the Common Councell of this City to encourage the Parliament about settling Church Government, etc. And I have it from a good hand that O. P. sent for a certain citizen, desiring a sight of that Petition; which having read, he said, "I think wee

must labour to have Collonel Pride's Common Councell again, for these will undo all." One answered, "You (my Lord) called that a Lev[elli]ng Common Councell, but wee shall never have so good againe?" He replied, "Where shall wee have men of a Universall Spirit? Every one desires to have liberty, but none will give it."

"Collonel Okey hath layd downe his grounds so farre as is apprehended, they had him at advantage, and he wanted power to oppose them; they on the other side weresuspitious, and so were glad of his resignation. As for that friend, surely the Lord will be a Light in Darknesse to those that with a single heart cleave to him. I desire to present my service to them both, leaving them with the Lord, and desireing he may stand compleat in all the will of God. But I conceive the great ones have lost their opportunity. Surely they were once betrust by God, and had power to have stood up for what they had engaged, and ought to have kept their watch better, and not have suffered themselves to be cheated of so good an interest through the deceits of men and cuning craftiness; and whether ever God may trust them againe I question. But let them in the meane time take heed of strengthening the handes of evildoers, and surely were but a few good spirits to appear for their old good cause in the strength of truth, the Appostates and revoltors would soon flee with Adonijah and his followers, when that cry was made in Jerusalem, "God save King Solomon."

"I could now relate at large what passed between O. P. and Mr. Simpson and those with him; but it is too late. Yet in brief thus: They conferred together from 9 to 12, at what time O. P. was called to dine an Ambassador he had invited; when he went out he commanded six dishes of meat might be sent to Mr. Simpson and his friends, whom he tould he would again conferr with them, which he did from 3 or 7; they took not his dinner, but consulted together how to answer him, for he had challenged them to decla what vowes or declarations he had broken; and being met again they instanced: 1st, In his promise about tythes to be taken away before 3 September, to which he replied, "He wist not whether he had said so or no? But he heard Mr. Jessey should report it of him, in which he had not done well; and for his part he could not do it, for he was but one, and his Councel alledge it is not fitt to take them away." There were further arguings about this. Another thing that he had sworne to maintain the just laws of the Land, but had contrary to law imprisoned J. S., and C. F. I cannot now write the answers. He said it was out of love to them to save their lives. They instanced further that he had vowed and engaged others to the Government without king or single person, and now by taking this Government had not only broken those vowes, but also an Act of Parliament that it should be treason soe to do. To which among other things he replied: "Well said, Simpson, thou art plain indeed; not only to tell me I have broken my vowes, but that I am in plain termes A Traitor." He concluded his answer with this, That the Government he had taken and would stand to maintain it. Againe that he had promised Liberty to the Saintes, but now by the Tryers they were thrust

out of all public liberty. Hee sayd the Tryers were set up only to keep out knaves, but should not be used against any Godly men. At parting he gave Mr. Simpson an exhortation to carry soberly, as that should be best for them. Upon the whole they came away very much dissatisfied with his Spirit and words.

B. T."

In the beginning of Cromwell's letter to Wilkes he alludes to the collection set on foot for the town of Marlborough which had been almost entirely burnt to the ground by the great fire of April 28, 1653. Mr. Waylen in his *History of Marlborough* (pp. 257-269), gives a full account of the fire, but both in that work, and in his *House of Cromwell* (p. 319), omits to notice a circular letter from the Protector recommending to the charitable the relief of the sufferers. As it is not included in Carlyle's collection and seems to have escaped notice I have thought it worth reprinting in full at the close of this introduction.

"Loving Friends

"Whereas it pleased the Lord to lay his afflicting hand upon the Inhabitants of the Town of Marlborough in the County of Wilts, on the 28 of April 1653, by a sudden and terrible Fire, which burnt and consumed (within the space of foure houres) the Church, Market-house, and 250 dwelling houses, besides diyers barns, stables, and other out-houses, with most of their goods, to the losse of above 70,000*l*. as hath been made appeare by sufficient testimony, whereby many of the poore inhabitants were reduced to a low and miserable condition, even without hopes of a future subsistence, had not the Lord in mercy by his good hand of Providence enlarged the hearts of some good people to extend their charity towards the re-building the said Town, and relieving of the necessities of the poore inhabitants thereof: And yet (as we are credibly informed by persons intrusted with the distribution of the monies collected for that purposes) the monies so collected doe not amount to the sixth part of their said losses, so that many mens houses lie unbuilt, and diuers who have begun building, are necessitated to give over in the midst thereof, being no way able to finish them, by reason of their yet extream want: We doe therefore make it our earnest desire, That you the Officers and Soldiers under our command in England and Scotland, would take the premisses into your serious consideration, cheerfully to impart something to be deducted out of your next months pay for the further reliefe of those poore distressed people, towards which our Army in Ireland hath already unanimously manifested large bowells of compassion: which we hope will be a good example for you to follow:

And the rather, for that the Town was the first in the West of England that declared for, and took up Arms in the defence of that Cause which the Lord hath so eminently appeared for, and hitherto carried on, by which meanes they then sustained exceeding great losses both by fire and plundring : of which We need say no more, but shall conclude with that saying, 'He that giveth to the Poore, lendeth to the Lord,' and rest,

"Your Loving Friend

"OLIVER P.

"White-Hall, 20 Nov.
1654."

In conclusion it only remains to refer readers of this volume to the account of the nature and condition of the MSS. given at page lxxvi. of the preface to volume one. The papers printed are generally derived from copies, or, in the case of the debates, from notes made in shorthand at the time but not transcribed till many years later. Both contained in consequence a large number of clerical errors and other mistakes which it was necessary for the editor to correct. Corrections or alterations of any importance are printed out in the notes. For mistakes of his own the editor can only apologise beforehand, and plead that the exceptional difficulty of his task may be taken into account.

C. H. FIRTH.

May 29, 1894.

ERRATA.

VOL. I.

- Page xxxiii., note a, for "*Lords' Journals*, vii." read "*Lords Journals*, ix."
- Page 82, last line, for "if these" read "if there."
- Pages 128, 129, for "Twistleton" read "Twisleton."
- Page 150, line 18, for "gave" read "give."
- Page 219, note a, line 23, for "June 26" read "July 26."
- Page 226, note b, line 6, for "agent" read "Agents."

VOL. II.

- Page 1, note a. "Cavalerie" is a word frequently used to denote the Cavaliers in general.
- Page 49, note a. On this note Mr. Gardiner observes: "The letter at Newbattle is not in Cromwell's hand, but it had every appearance of being the letter actually delivered. The explanation which occurred to me when I saw it was, that to avoid suspicion if the letter fell into bad hands, Cromwell either dictated it or had his own handwriting copied."
- Page 72, note a, for "vol. 67" read "vol. 65."
- Page 89, note c, Mr. Gardiner points out that Peter refers to the Diotrephes mentioned in the third Epistle of St. John, verse 9: "Diotrephes who loveth to have the pre-eminence among them."
- Page 169, note a, line 8, for "Cowell" read "Cowling."
- Page 171, note c, for "Athenae Oxonienses, ii. 75" read "ii. 175."
- Page 229, line 10, "St. Won's Bay," i.e. "St. Owen's Bay."
- Page 233, line 23, for "John Erbury" read "William Erbury."

THE CLARKE PAPERS.

Thomas Margetts to William Clarke.

My deare freind,

Besides the inclosed I have little this weeke. On Wednesday last there was a meeting in this City of divers of the Presbyterian Ministers of the County for the settling of that government; but I perceive no great progresse is made in it, they have onely begun some 3 or 4 Classes in the West Riding, tis thought it will goe on but slowlye. The high reports of the Scotts coming in makes a sower countenance in theis parts; the Cavaliers^a denie it on tooth and nayle, and I feare they will quickly bee upon our backs, and whether our late disbanding heere were good service or no, judge. I told you when the Parliament first resolved it, it would give advantage against themselves and kingdome; but I desire my former feare and apprehensions may not happen, if it may not be against the will of God, who works all things for good. By a private gentleman lately come from Scotland wee understand that the moderate party are now the fewest, and that the generall resolution is to come into England. They are for the present preparing their way, and privately carry on their designe of making their entrance as plausible as they can, to preserve and gaine interest. Our forces heere are so disperst into quarters over all the Association that if they intend a sudden and private entrance, or surprizall

^a MS. "cavalrie."

of Barwick &c., wee are neither in a posture of offence or defence. Our intelligence from thence is meere[ly] accidentall, not certaine; having no scoutmaster or other intelligences. I wish theis things were considered, and that wee might be as active in private actings for defence as they are for offence. Episcopacy was the roote of the former war. Presbyterianism you will find to be the roote of the succeeding. The lamb and the dragon cannot be reconciled, so a victory there must be, but I rest

Thine owne,

THO: MARGETTS.

York 8 Apr. 1648.

It was against my judgment to send the abstract of the Muster by an express, but it was the Major Generall's express command, in regard the Committee of the Army did so earnestly write for it, neither is such to be practised.^a

[Addressed:—]

To his very loving freind Mr. William Clark
at the Head Quarters.

[*News-letter from London.*]^b

Queenstreete, 10 Apr. 1648.

To give you first the newes from Scotland: the Parliament hath yett return'd noe answer to the desires of the Commissioners of the Kirke of Scotland, butt seeme to be very angry that the Ministers still persist to crosse them in their designes, and they seeme to bee farre from agreement. The Parliament are resolved to proceede against them; a new modell of their army is agreed on, and great store of armes lately come thither from Holland. Sir Phil. Musgrave hath ingeniously confest uppon discourse with his freinds in Scotland, that the Cavaleers would nott joyne in a body with or

^a Compare Rushworth, vii. 1054. Rushworth simply reprints the "Perfect Diurnal" in which a sentence or two of this letter is quoted.

^b Headings enclosed in square brackets are added by the editor.

under the command of the Scotts, if they come into England, butt are confident to have opportunity and assistance to make a body of their owne partie to carry on their owne designe, and manage their owne interest.

And itt seemes their freinds in London had some intimation of this their intention, though they began to act something too soone, and engaged before the other could assist.^a For, on Sunday last, there mett in Moorefields London some thousands of apprentices and others to sport, which being contrary to the ordinance of Parliament the Lord Major indeavoured to prevent, and sent one of the Trained bands to disperse them ; butt such was the greatnesse of their number and their resolutenesse, that they pelted the Trained bands with stones and att last fell in upon them, and disarm'd divers of them, and tooke away their colours. This done, they thought their desighe was now ripe, and that they were fitt for any enterprize ; wheruppon they gave a generall shoute, and cried, " Now for King Charles," and soe went shouting alonge ; their numbers increased downe towards Whitehall, crying out " For King Charles ", and [at] Whitehall intending to beate Col. Barkestead's men out from thence. In this manner they passed through Fleetstreete and the Strand, where they were animated and encouraged by divers Malignants, and their number made them about 3000, some with musketts, others with swords and clubbs. Butt notice therof coming to the Generall, and the Lieutenant Generall, and Commissary Generall, who were very neere surprizing by the multitude, having noe notice of itt till they were almost att the Mewes ; butt before they could gett thither the Generall went to the Mewes, and the Lieut. Generall drew forth a partie of horse, fell upon them, kill'd him who carried the colours, and one or two more were slaine, and divers of them cutt and hack't by the troopers, wheruppon they soone fled and were dissipated. This was

^a Cf. *Old Parliamentary History*, xvii., 93 ; Rushworth, vii., 1051, 1055 ; Walker, *Independency*, pt. i., pp. 84, 90 ; Gardiner, *Great Civil War*, iv., 97 ; Collections of the Massachusetts Historical Society, 4th series, vii., 140.

about 8 att night. The troopers followed them and clear'd the streetes, and the Generall went in person to Ludgate, and soe into Smythfeild, giving charge to all to keepe within their houses. After this (though it thundred, lightned, and rained), all thinges appear'd quiett and serene, and noe appearance was found of any company. Butt the Generall had nott bin longe come in and in bed, butt about two in the morning, there came newes, that the rude rabble were againe mett, and had secur'd Ludgate and Newgate, and afterwards went to the Lord Mayor's house, and fell uppon some of the Trained bands there, kill'd 2 or 3, and tooke 2 drakes which hee had for the security of his house. These they drew downe towards the Gates. They alsoe went into Milkestreete, and broke open the Armorie there, and furnished divers of themselves with armes. Thus they continued till about 7 or 8 in the morning, their numbers nott much increasing, nor any of the Citty Trained bands appearing to oppose them. Att last the greatest parte of Col. Barkesteads regiment of foote and 4 or 5 troopes of horse being sent against them, they refused to lett them enter the Gates; wheruppon they went about to Mooregate, where they were lett in, and overtooke a great parte of the rabble as they were going to seize uppon some magazine in Leadenhall, fell uppon them in Gracious streete, charg'd them; they received the first charge butt were repulsed with the losse of 8 men, and divers wounded, none of the souldiers kill'd, butt only Capt. Merriman shott in the shoulder butt curable. After this they were driven like sheepe into Leadenhall, the cheif of them prisoners. Afterwards the horse and foote clear'd the streetes of them. The Generall continued all the morning att Whitehall.

This was the abortive issue of the designe of the Malignant partie. To prevent the like tumults, and that the Army may bee in a fitt posture, there is a randezvous of 5 Regiments of horse and 5 of foote (besides those already in the Citty) to bee shortly held within 10 miles of London, when something will bee done in order to a settlement of thinges.

The Examination of William Paradine.

That on Munday night being the first of May, 1648, according to a former engagement the Cavaleers and others were mett att the signe of the 3 Tuns in Newgate Market, to consult together to finde out a way to raise horse and foote, For God, the Kinge, and Citty. The number of Cavaleers, Apprentices, Innes of Court Gentlemen, and others were neere 30 persons, being all together in an upper roome 2 pair of staires high. Major Pilkington, formerly belonging to the Kinge, drew from his pockett 6 proposalls, consisting in 2 sheetes close written, to certifie unto their fellow plotters the lawfulnessse of their undertakings (having bin advised in them by counsell): which proposalls run to this effect, First what they intended to fight for (is) in the defence of the Kinge and his posterity. 2^{ly} The ancient protestant Religion. 3^{ly} The safety of the Citty. Further that they meete noe more att present all together, butt are appointed severally to list men in severall precincts, and to bringe in the names of those men they list to the signe of the Queenes-Armes in Lumbard streete, and that they have already listed neere 1500, wherof of them in Fanchur[c]h streete and therabouts 700, and that they doe intend when they have perfected their designe to seize on all the Gates of the Citty, and to take all the horses they can light uppon. This is to bee done before the terme bee ended if possible, and when they have soe done they intend to send to the Lord Major, and Common Councill propositions to this effect: that they intend noe hurt to the Citty but their preservation.* After this was declar'd to the company,

* On this plot see *Lords' Journals*, x., 262, May 18, 1648. Rushworth, vii., 1119.

An earlier plot of the same kind is mentioned in *Mercurius Dogmaticus*, Jan. 20-28, 1648: "There was a design of late . . . which was—One Major Clark, sometime a Vinter at the Miter in Bishopsgate Street, Lieutenant Corbet, and Richard Yates, formerly officers in the King's army, had contrived a way how to purchase themselves and the loyall partie of this kingdome a redemption from their cruell bondage; and for that purpose had given forth tickets to those whom they knew to

one objected, what shall wee doe for amunition? The Major answer'd 'I hope there is none heere soe poore butt are able to buy two or 3 shotts apiece, for (said hee) when once the Gates are secur'd wee will nott want for amunition.'

Signed,

WILLIAM PARADINE, &c.

[*News-letter from London.*]

12 May, 1648.

To observe the strange alteration the defeating of the Welsh hath made in all sorts is admirable.* The disaffected to the army of the religious Presbyterians now fawne uppon them, partly for feare of you, and partly in that they thinke you will keepe downe the Royall partie, which threatened them att their doores in the streetes to their faces with destruction, and putt noe difference

be cordially affected, exhorting them to make all the strength they could amongst their friends and allies; and when of considerable strength to divide themselves into three bodies, whereof the one was to seize upon the Tower, the other to surprise the men at Westminster, and the other to keep a court of guard at Temple Barre, to hinder the citizens from flocking to their rescue. . . . A Declaration was printed and dispersed abroad the heads whereof were these:

"To all those that are faithfull to God, loyall to their King, and desire to be freed from their cruell bondage.

"1. Wee declare our intentions to be onely for the preservation of His Majestie and ourselves from ruine and the restitution of His Majestie to His just rights, the knowne lawes to their due course, and ourselves to our ancient liberties.

"2. To destroy all those who shall adhere to Sir Thomas Fairfax, in pursuance of his damnable Declaration for deposing the King.

"3. To hang up all men at their own doores immediately who shall conceale any parliament-man in their house within the Citie, and not give present notice of him to the present governor of the Tower.'

"But this undertaking was blasted, even in the bud, for (as the Devill would have it) the Citie Marshall had notice given him of the place where these Loyalists resorted, who at the second search found and surprised them."

* Cf. Gardiner, *Great Civil War*, iv., 126.

betweene Presbyter and Independant. The Parliament men that went alonge with you because they supposed you would prevaile, and they should bee most secure in you, how doe they flagge, [they that] fawne[d] uppon the Citty, and whisper'd against you, beginning to say you had done thus and thus amisse, [are] now cordiall to you. When the lettres were read in the House of the defeate, how many Royalists hunge downe their heads, and went out, nott staying the conclusion; from all which you may see clearly how necessary itt is to bee alway in action with your army, and if nott heere, yett elsewhere. I finde the people have alway bin content to nott onely parte with mony, soe itt was fairely carried in raising and faithfully disposed of,^a butt to bee taken with successes, and the noyse of victorie running in a ballad is matter for them to prate of; the more wise are putt into feare and conformity. This went alonge with all our victories and warres in France, though they exhausted never soe much. The Citty talke as if they would alsoe joyne with you against the Royall partie, butt trust them nott; for all that are nott fooles, unlesse your frends, are for Kinge and Byshopps. Our new Statesmen in the House of Commons are att a losse, nott knowing how to goe farther, either in setling the Kingdome, or in contenting the Scotts. The 2 chief Sco[tts] Officers came to some of our's for advice, who told them they lik't nott their foundation, and soe itt were indiscretion for them to give advice in the building. The Lords I doe verily thinke will nott parte with the Tower, nor give way to the Militia altering; for one of their selves told mee, if itt bee a truth, that the present state of itt hinders trade. 'Tis best to putt the Tower into such an hand as you may confide in and they bee pleas'd with, and soe now itt is, were they nott soe bent to basenesse. The Scotts honest partie declaring against the other very much stuns them heere, and putts them to their witts end. Now to declare never to receive the Kinge nor any of his, unlesse hee give satisfaction to the 4 Bills and what was soe presented:^b

^a Position of clause altered.

^b By the letter of intelligence of May 8, Clarendon MS., 2778, it appears that the Independent leaders were even then reviving the negotiations.

that the Parliament shall sitt butt 3 monthes in the yeare, and confined to making lawes, giving mony, and righting those wronged in inferior courts : that then the^a excise shall cease and soe much uppon the pound rent paid instead thereof : that noe man shall bee punished for discourse in any point of Religion, the same disturbing nott the civill peace: that none shall bee barr'd from trust for not taking the Covenant : and a way taken uppe for raising mony in this Kingdome to pay 10,000 Horse and 30,000 Foote for ever without tax: which may bee done, and to which all the Kingdome, a few excepted, will concur in. I am confident you might nominate alsoe 21 for a Councill of State, and they would bee yielded unto.

[*News-letter from York.*]^b

Yorke, 12 May, 1648.

To relate unto you the true present condition of these parts is very difficult. In generall wee are all ever in a struggling, striving, fearing, hoping, marching, fighting posture. The late surprise of Barwick and Carlisle hath put . . . the Cavaleers . . . many high, proud and confid[ent] . . . with them, . . . and that they have plotted and hoped for, have they now oportunity to putt in execution, taking advantage of the paucity of our forces to resist, if they can but possibly gett into a body ; their number every where is soe great and the well affected so few, that the former are very highly incouraged even to confidence, and the latter are much discouraged even to differences, because they heare of no visible assistance approaching (which is soe much desired and would never bee more seasonable then now) to give a stop to their dayly confluence and engaging the country on their side, which they loose no time in, while the poore well affected are forced to leave their homes and flie for their lives. They are so high, that

^a MS. "these."

^b This letter is injured by damp, and in parts illegible. It is pretty certainly from Thomas Margetts, like that of April 8.

they cry out in every place "hay for King Charles againe," (and satyriacally) "what will become of the saintes now." Indulgence, I feare, hath whetted this knife to cutt our owne throtes; a hundred or six score of the well affected are fled out of Cumberland for feare of the enemy. All our forces are marched northward to endeavour all they can to prevent the enemies multipling, and dissipate their tender bodies before they grow too corpulent. By the inclosed, which is a copy of the gentlemen's warrant under named, at Tor . . . in this new rebellion, Major Cholmley's lettre, and the list of men's names enrolled, you will see the forwardness and cuningnes of the enemye. By that warrant they procured a great meeting of the Country to see what those new agents would propound to them. Sir Robert and Sir Thomas Strickland made large speeches to the poore ensnared country to [venture] lives and f[ortu]nes in this their present designe. [Enclosed] is a copy of the list of those that gave in their names for it, which was taken by [one] Harrison, Clarke of the Peace for Westmerland. Their meting was on Saturday last, and at their dissolve they appointed the Tuesday following to perfect their resolves; but that Saturday night after their meeting Major Cholmely with his troope fell into some of their quarters, and apprehended some of them, which hath given a little hush to the people, and 'tis thought now upon the approach of our forces they will disperse. Among the rest Harrison the Clarke of the Peace was taken at Kendall, crying about the stretes "now high for King Charles," and had the list in his pocket. Hee and one Captain Ferrand were sent up to Yorke, and are comitted to Clifford's Tower, and some more are taken. Harrison confessed ingenuously to mee that he did take the names upon a hill in the feild at the randezvous, upon the desire of Sir Henry Bellingham, and that it was a true copy. Here in Yorke there hath bene a great feare of the enemies rising to surprise this towne,* and indeed not without ground, because they are so high and many, and doe indeed in plaine termes threaten and speake it, and terrifie the well

* Cf. Rushworth, vii., 1113.

affected as much as they can ; and on Wednesday night last about midnight runned in a party of horsemen, and disperst themselves, as is conceived, to severall malignants houses to lie there till an opportunity of setting themselves in a fitt equipage of putting themselves into action, insomuch as the well affected were sore-frighted and began to shift for themselves, and looke about them. This gave a great alarm to the Lord Maior and Aldermen, who presently under strict charge to looke well to the barrs and [H]ouse of C[apt] Spencer, who hath a Con Clifford's Tower to suppress meeting[s] and insurrections in the Citty ; and p[resent]ly they sumoned a counsell, and tooke into consideration the raising of some volunteers for the defence and safety of themselves. While the Citty was in this confusion, comes in, providentially, and unlooked for, a troop of our horse that quartered in Darbysheire ; the Cavaleers seeing them cryed " Glenham was come, Glenham was come," and Quarter Master Diggles, who brought them in, hearing the Citty in that posture, drew uppe the troupe in the heart of the Citty, and spake to them to make ready in case of present opposition, which they did, but nothing done ; onely this much discouraged the enemy, and incouraged freinds and gave life to the present motion of the Lord Mayor and Aldermen in raising men, who now though lately they would . . . in the Citty, beg heartily that they would stay in the Citty, till they have raised and putt the Citty in a posture of defence and safety. I heare they have agreed to raise 2 Companies of Volunteers under Aldermen Dickenson and Alderman Gray, and some horse to ride about a nights to keepe downe the enemy. It was verily believed that the last night, had not that troupe come in, the Cavaleers would all have beene up in armes, and possesst themselves of the power of the Citty for the Enemy.

A Libell dispersed att Covent Garden.

On the Lords day May 14, 1648.*

Oyes, Oyes, Oyes!

If any manner of Man in citty, towne or country can tell any tidinges of a thanksgiving to bee kept the 17th day of this present month of May, by order of the Commons now assembled att Westminster, lett him come to the cryer, and hee shall bee hanged for his paynes.

God save Kinge Charles and hange all his Enemies.

[*Gilbert Mabbott to Lord Fairfax.*]

May it please your Excellencie.

I am comanded by Collonell Hewson, and some other officers of your Excellencies here in towne, to desire your Excellencie forthwith to give speedie orders for some considerable force that lies quartered neere this place, to advance hither, or neere Westminster. For that before the Surrey Petitioners would withdrawe they forced the Howse and the guards, which occasioned 2 more companies to bee speedily sent for from the Mewse, upon whose coming, severall affronts were offered them, and shouting for about an houre together gathered about 2000 in a body, and then cryed "a King" "a King," some of them forceing upon the companies in the Pallace, which occasioned them to keepe of at pikes'-end, but getting one of the souldiers among them accidentally the Petitioners fell upon [him] with their swords and clubbs, whoe was runne through (and conceived dead by this time) before hee could bee releived. Upon which the troope of horse fell in upon them, and routed them; and then the companies

* Wednesday May 17. "This was thanksgiving day for the victory in Wales, which was punctually observed by the Houses, but very slightly in the City." Rushworth, vii., 1117.

pursued, and forced them through the Hall and out at King's Bridge. Not above 2 or 3 slaine, and many wounded, and some striped, about 20 odde of the cheife of them taken prisoners. The City gates are shutt up, and they stand upon their guard. I leave all to your Excellencies consideracion, resting,

Your Excellencies most humble servant,

G. MABBOTT.

16 May, 1648.

[*Col. Barkstead to Lord Fairfax.*]

May itt please your Excellency,

This day was a petition presented to the Commons from the County of Surrey^a by neere 3000 Horse and Foote. They came to the House about 12 of the clock, and after they had staid about 3 houres they began to expresse much discontent that they had nott an answer, some of them saying, that they would have an answer, others that they would have such an answer as should please them. Att last they cried out with a loude acclamation, "For God, and Kinge Charles," and soe crowding towards the doore disarm'd and knock't downe some of the sentinells, indeavouring to have surprized the whole [guard], saying, "wee will pull them out by the eares" Butt I having a very watchfull eye over them, and being very unwilling to give them any just occasion, yett seeing their outrage went thus farre, I sent downe a partie of about 500, which came in very seasonably, for as they came, the petitioners had began to force the guard, att which began a present engagement with them, in which two of our men were kill'd, and 4 or 5 of the Enemy. The businesse was soone over. My Lord, I am informed by some that is amongst them this night, that they resolve to fall on those of

^a On the Surrey petition see Rushworth, vii., 1116, and Walker, *History of Independency*, part i., Epistle. Mr. Gardiner enumerates the pamphlets written on the side of the petitioners and the side of the soldiers, and concludes in favour of the account given by the soldiers. *Great Civil War*, iii., 376.

Col. Harrison's regiment which quarter with them, by way of revenge. No more butt that I am and ever shall bee,

Your Excellencies most humble and faithfull servant,

JO: BARKESTEAD.

London.

May 16, 1648.

*Sir John Rayney's Information concerning the insurrection in
Kent.*

Sir John Rayney of Wortham in the County of Kent, Bart. certifieth, That upon the 22th of May instant hee being come to Rochester, upon a summons for a generall meeting of the Deputy Lieutenants of Kent to bee there that day, found the gate upon the bridge shutt, and about 20 musqueteers upon the guard, and 2 peices of ordnance mounted upon the bridge; and the gates being open'd unto him hee was followed by a musketeer to the inne called the Crowne, without being questioned att all, untill such time as this informant, perceiving the said souldier to follow him, did speake to the said souldier these or the like words, "Thou needest not to follow mee." Hce this informant supposing the said guard to have bin placed by the Deputy Lieutennants of the County, and demanded of the said souldiers and others what Deputy Lieutennants were there; wherupon the said souldiers and divers otheis replied, that there were none of the Deputy Lieutennants there, neither did they expect any of them. Wherupon this informant answer'd, that there was a meeting of them appointed to bee there that morning; to which one amongst the rest replied "the case is alter'd now," and that the Citty was for the Kinge, and should bee kept for him or words to that effect; and another of the said companie demanded whether this informant were nott for the Kinge, to which this informant jestingly replied, "There is noe doubt of that." Upon which one of the said companie, who had formerly bin this informants coachman, replied in these or the like words, "I know that Sir John Rayney wisheth

well to the Kinge," and offer'd to guard him out. To whome this informant replied "you neede nott," and soe left them; and passing back through the maine streete found them all armed alonge the streetes in the manner of a court of guard att every doore, and att Margretts Church in his returne was againe stop't and questioned by a guard, demanding his name and whither hee went, and whether hee were for Kinge Charles; whome this informant did putt off with the like answer as before.

JOHN RAYNEY.

[*Sir Michael Livesey to Sir Anthony Weldon.*]

Sir,

Wee are glad your parts are soe quiett. Itt is otherwise with other parts of the County; * Rochester, Sittingburne, Feversham, and Sandwich all garrison'd for the Kinge. The County Magazines in those places, and as wee just now heard . . . likewise seized, Mr. Box their prisoner att Sittingburne, and one John Swan though of their owne partie, and by themselves . . . What our indeavours are and present engagements wee shall att large acquaint you with att your coming, which we daily expect. In the meane time resting,

Your humble servant

MICHAELL LIVESAY.

Aylesford,
22 May. 1648,
past 9 att night.

Wee desire you to hasten the raising of all your horse and foote, and immediately to send away Capt. Skinner's troope to Aylesford, where they shall receive further orders.

For Sir Anthony Weldon Kt. att Swanscombe these.

* On the origin of the Kentish rising see Matthew Carter's *A true relation of the Honourable though unfortunate expedition of Kent, Essex, and Colchester*. He is particularly hostile to Livesey, pp. 7, 15, 26, 32.

[*To the Derby House Committee.*]

My Lords and Gentlemen

I send you this inclosed sent mee this morning, by which you may understand the constitution of this County. Never was the faire face of such a faithfull County turn'd of a suddaine to see much deformity and ugliness. If your Lordshippes doe thinke that by flinging water on our flame you shall extinguish all, believe mee itt will nott doe, butt make all parts in flame the more. I heare some Members of the honourable House of Commons are sent to appease the insolencies att Rochester . . . besides many already in the same posture, and noe question by that course all will follow. I cannott say more then I have to your Honours in my former lettres postscript. You may cast away many gentlemen that have serv'd you formerly from the first beginning of these unhappy differences, butt where to finde such is nott easily to bee advised. For my parte I looke hourelly to bee seized, which must cost the seizers or some of them their lives, for I shall nott bee their prisoner to bee led in triumph as poore Mr. Box. I shall nott say more, butt if you suffer us to perish for want of aide you shall wish aide had come in time.

Your humble servant

ANTHONY WELDON.

The 23th of
May, Swanscombe.

To the right honorable the Committee of Lords and Commons
sitting att Derby House.

[*The Kentish Committee to the Speaker.*]

Mr. Speaker,

Perceiving the growing distempers of this County arising by a

Petition to the Parliament sett on foote by the malignant partie in this County, and by a generall randevvouz appointed for a tumultuous meeting att Blackheath, uppon pretence to carry uppe the same, wee raised a small partie of horse to preserve the peace of the County. Since which time uppon the rumours given out of the Princes landing att Sandwich, that towne with the ordnance belonging therto seized by a route, and the Malignants flocking thither from Canterbury and other parts, wee applyed our selves to all possible indeavours to raise forces to prevent the heading of that partie; in the very act wherof wee received the inclosed of the 21th instant from Capt. Leigh, Capt. Westrowe, and the Mayor of Rochester, which gave a stoppe to our proceedings. That very night the magazines of Sittingburne and Feversham were seiz'd, and those townes in armes declaring for the Kinge, and one there kill'd, Rochester that night forewarn'd the approach of our partie of horse towards them which wee had with us for preserving the Counties peace (as will appeare by the severall inclosed of the same date from Col. Newman, and one likewise from the Mayor and severall inhabitants of Rochester) the citty then standing, uppon their guard, and the next day openly declaring for the Kinge, as will appeare by the inclosed information of Sir John Rayney, one of the Deputy Lieutenants of the County. Since which that the like is done att Canterbury and Ashford, wee lately represented our position * to the honourable Committee of Lords and Commons att Derby House by our's of the 21th instant, together with our desires of their speedy care for a timely releif to this County by a considerable strength from the Army or the Citty out of hand; without which this County is in danger to bee wholly lost. What this dayes meeting of the Malignants att an horse race att Cox Heath will produce you will further heare. Wee have a small partie att Maidstone, and the parts adjacent, and are in hourelly expectation what supply the Weild of Kent will or can afford us. What help may be had from the Army or Citty, wee shall againe

* MS. Commission.

humbly desire may bee speeded to us, and in the meane time to send us your further directions.

Your humble and faithfull servants,

MICHAELL LIVESAY.

AUGUSTINE SKINNER.

RICHARD BELL.

LAMBERT GODFREY.

Aylsford, the
23th of May.
1648.

For the honourable William Lenthall Esq.
Speaker of the honourable House of Commons.

[*An Anonymous Letter to Lord Fairfax.*]

May itt please your Excellencie,

I thought my self bound in duty and conscience to informe your Excellency that Sir Henry Vane Jun^r (uppon devision of the House of this day concerning the treaty with his Majesty) voted with the malignant partie against the honest partie, and therfore I shall humbly desire your Excellency nort in the least measure to confide in him. Some honest men were fearfull of his revolt of late, because Doctor Stane and Scoutmaster Generall Watson ^a had bin too conversant with him. I humbly begge your Excellencies secrecie and pardon heerin, and leave to subscribe myself,

Yours &c.

24 May, 1648.

[*The Derby House Committee to Lord Fairfax.*]

My Lord,

Uppon some propositions made to this Committee by the Earle of

^a On Scoutmaster-General Leonard Watson and his intrigues with the royalists see Carte, *Original Letters*, 1739, i., 220.

Thanett about appeasing the tumults in Kent, which propositions were reported to the Houses, the inclosed instructions^a were ther-uppon approv'd of to bee given to the said Earle of Thanett to proceede in that businesse, which wee thought fitt to send to your Lordshippe that you may see how farre the Houses have proceeded in itt, butt for that itt is of soe great concernement that this tumult bee speedily suppressed, wee desire your Lordshippe that noe opportunity may (uppon occasion of those instructions) bee lost to reduce them by force, if they shall nott conforme themselves to what is contayn'd in the instructions by Saturday morning next. Wee have desired Mr. Boyce Knight of the shire of Kent, and alsoe Sir Anthony Weldon and Mr. James Morice, who have bin very faithfull and active for the Parliament, to waite uppon your Lordshippe, who are able to give you a full information of the present state of that County.

Signed in the name and by warrant of the Committee
of Lords and Commons att Derby House by
Your Lordshippes

very affectionate freind and humble servant

WILLIAM SAY & SEALE.

Derby House,
25^o May, 1648.

For the right honourable Thomas Lord Fairfax, Lord
Generall.^b

[*Lord Fairfax to the Derby House Committee.*]

My Lords and Gentlemen,

Having received the votes of the House of this day, by which I finde the regiments att the Mewes, Whitehall, and the Tower,^c

^a *Lords' Journals*, x., 282.

^b This letter and that of the same Committee dated May 26, are calendared in *Cal. S. P. Dom.*, 1647-9, pp. 79, 81.

^c These 3 regiments were those of Cols. Rich, Barkstead, and Tichborne. Cf. Gardiner, *Great Civil War*, iv., 134.

to bee set free from their present duty, and left to your Lordshippes disposall for other service heerabouts, I thought good to represent to your Lordshippes the opinion of my self and the Officers heere, that itt is nott safe or adviseable to engage those regiments (or any parte of them) uppon any service by themselves, in relation to the present great insurreccions ; butt itt is our humble advice and desire that your Lordshippes would take order they may speedily bee drawne forth this way to morrow, in order to randevous with the rest of our small bodie about Hounsloe Heath, that wee may once bee imbodied together; and then as wee shall bee more considerable for any service, soe wee shall bee ready with the whole to bee att your Lordshippes commands. To receive which in order to the managing and carrying on of the present businesse, I have, according to a lettre from the Speaker of the House of Commons (for the sending of some person to consult with the Committee att Derby House) appointed Col. [Hewson] to attend your Lordshippes for that purpose, having noe other whome I could att present spare; and there being likewise much neede of his speedy returne, I desire hee may receive a dispatch from your Lordshippes assoone as may bee.

T. F.

Windsor, 26^o May, 1648.

[*The Derby House Committee to Lord Fairfax.*]

My Lord,

Wee have received your Lordshippes letter of the 25th instant from Windsor, and wee conceive the forces therein mencioned to bee much too short to provide against that danger which wee conceive the Parliament to bee in from this insurreccion in Kent, and the distempers that are in other places ; wee are inform'd that the Kentishmen will have a meeting att Black-heath on Tuesday next,

A letter from Fairfax to the Derby House Committee printed in the *Lords' Journals*, and reprinted in the *Old Parliamentary History*, xvii., 149, gives an account of the distribution of his forces.

and att the same time those of Surrey att Putney Heath, and those of Essex att Wanstead; wee therfore desire your Lordshippe to give order to as many forces as can bee timely had for the defence of the Parliament and the preservation of the peace of the Kingdome. Wee heare, that many of the inhabitants of Surrey are very unwilling that any forces should come into their County. Therfore, if your Lordshippe shall see the necessity to send any forces that way, wee desire your Lordshippe that they may take care to carry themselves inoffensively to the people of the County, and to their owne quartering that they may bee in safety. Since the lettre wee wrote this day Mr. Westrowe, a Member of the House, is come from Rochester, who will waite upon your Lordshippe to give you the state of the Country.

Signed in the name and by warrant of the Committee att
Derby House by,

Your Lordshippes very affeccionate freind and Servant

WILLIAM SAY & SEALE.

Derby House.

26 May, 1648.

[*News letter from Yorke.*]

May 27, 1648.

Affaires heere looke nott with soe plesant a countenance as by this time, if my Lord Generall had been heere, they would have done—the reason alleidged of his not coming satisfies not, but people now feare whether he will come or no, and say that discontent in the army, unwillingnes and dissatisfaccion in another engagement is the cause; notwithstanding the Cavaleers are not altogether soe high as lately, in regard their designes have not taken effect answerable to their desire. Langdale with all his forces in armes is confined onely to Westmorland and Cumberland, though sometimes they inrode into the Dales, but without any considerable act. Wee have given power and comission to the

well-affected there to putt themselves into a posture of defence, and to rise and nott permitt the Cavaleers comming unto them, or through them into Yorkshire, which of them selves they are able and wee beleive will doo. The Enemy however strong reported, (and how strong they are our intelligence is so bad wee cannot certainly learne) yet they have acted nothing, but taken some well affected out of their houses and carried them away. One troupe of ours lay farre from the rest even upon their borders, and yet they stired not to offend them. Nine of our tropes are in a body, and have laine at least 10 daies upon the borders of Westmorland, but no enemy hath appeared, onely a partee of ours lately tooke 5 of them with horses and armes to a good value, which hath much encouraged our souldiers. The Major-Generall came on Thersday night from the troupes which lay at Barnard Castle, and in regard no enemye appeared (though wee heare they were at Kirby Stephen) a partee of about 7 score were drawn out under the comand of active Major Cholmley, who had directions to march towards Kirby Stephen into their quarters, and if he saw cause or any advantage to engage, and Coll. Lilburne, who comands the tropes in cheife in absence of the Major Generall, was to follow with the rest to second or secure him as occasion should bee. Wee expect every hower to heere of something to be done, for our men are in good case and ready, though they are 6 weekes pay behind the rest of the army. There hath been lately a treaty betwene the Cavaleers and Lancashire, and wee heare that County is newtrall, onely have agreed that they and the Cavaleers shall not hurt one another, soe that now wee thinke they will suddenly attempt Yorkshire. Coll. Harrison is invited out of Lancashire hither. Coll. Twisleton's regiment quartered last night at Otley, himself at York, and had discourse with the Major Generall. [If] those 2 regiments of horse ioyned with oures, which is intended, wee shall be able I hope to looke the enemy in the face; besides Yorkshire is in a pretty good posture, and [three] regiments of foote, vizt. one in East Riding [etc.], agreed to be raised, and one of horse. Col. Legard to comand the

East Riding Regiment, Col. Ch. Fairfax, uncle to the Lord Generall, the West, the North not yet named, and Coll. Bethell the horse.

T. M[ARGETTS].

[*Col. Barkstead to Lord Fairfax.*]

May itt please your Excellency,

The Enemy still continues att Dartford; they give out themselves to bee ten thousand butt the countrymen lessen every day; very many officers and souldiers that have formerly serv'd the Kinge come in hourelly to them. The discourse among them is, that if the country will nott stand to them they will imediately possesse themselves of all the castles and stronge holds, and therby secure landing for the Irish, French, or Danes, of whose coming they fondlie flatter themselves and the malignant partie of the country. These countrymen that are come home doe extreamly cry out against the gentlemen that did engage them, looking uppon themselves as utterly undone, which is the onely cause of their coming home, hoping th[us] to keepe their neckes out of the halter. I have received order [from] your Excellency by Col. Rich, and accordingly have drawne the be[st part of] my regiment to Lambeth, 200 foote I have left uppon [the] passes att Southwarke townes-end with 3 troopes of Horse. [I] have nott more att present butt doe waite in expectation of your Excellencies farther orders, which shall bee punctually obeyed by him who is,

My Lord,

Your most humble and faithfull servant,

JO: BARKESTEAD.

Lambeth House,
the 29th of May
1648.*

* Cf. Gardiner, *Great Civil War*, iv., 137.

I had 2 scouts from them just now, who brought mee the inclosed pamphlett from amongst them. They report they hope to bee possest of Dover this night, and doe nott doubt of seizing of all the Navy, if your Excellency stay butt 2 or 3 dayes from them.

[*A letter from Carisbrook.*]

My letters have ever bin welcome to your hands, and soe I am assured this will doe the like, conveying such good newes as the happy prevention of the Kinges escape this last night, which was most graciously prevented. Mr. Dowsett the Clerke of the Kitchin, and one Osborne (gentleman usher and recommended by my lady Wharton, a truly soe seemingly pious and faithfull that we all tooke him for a very upright man) having corrupted the sentinells and Mr. Readinges man, a barber and butt newly entertain'd, had design'd to conveye the Kinge over the Castle wall at midnight, two of the Worseleys, gentlemen of this Isle, and Osborne had prepared horses and brought them to the counterscarpe of the line. The Kinge alsoe had cutt the toppe of a stronge iron barre in's chamber, and was ready to descend by a rope which Dowsett was to furnish. Now itt pleased God to move two of the 3 souldiers' hearts to reveale itt to the Governour, who lett the plott goe as farre as itt would, butt the rope failing, the Kinge attempted itt noe further then to bee ready when the signe should bee, which was the throwing a stone against the windowe. The 2 souldiers that discover'd itt have 10*li*. a piece given them, and deservedly, that others may bee encouraged to bee honest uppon all occasions. The designe is (att our request alsoe) examining, to the end that all false hearts may fully bee discover'd as God will give way, for truly itt is cause of joy and sorrow; joy that soe dangerous an attempt succeeded nott according to the craft of those villaines and the expectation of our enemies; sorrow that in soe small a family such perfidie should bee harboured and to throw a scandall uppon

the honest partie who serve by principles of conscience and honour, and were itt nott unseemly to justifie my self I should say something that your good opinion may bee continued where I hope 'tis fix't. Truly I appeale to the Governour what my diligence and care hath bin, without any mixture of other businesse, and to God as touching the integrity of my heart, which I hope will never faile mee, I pray heartily for itt, I shall indeavour itt to the utmost ; and as I wish the false may have their reward proportionable to their demeritt, soe I pray God such as bee faithfull may nott bee discouraged. I am sure 'tis an unspeakeable joy to mee that God has vouchsafed us such a mercy.

Sir, your most affectionate humble servant,

T. H.^a

Caresbrooke Castle,
May 29, 1648.

[*Col. Whalley to Lord Fairfax.*]

My Lord,

The Enemy hath quitt the towne and Stratford, left their guns and ammunition behinde them. They are betwixt two and 3000 foote and 100 horse. They are marching towards Rumford. I have sent a partie of neere 300 horse and dragoones in pursuite of them, which are as many as wee conceive can doe service in these narrow wayes. I remaine with the body att present att Stratford Langton till I receive further order from Your Excellency, which I desire may be hastened to,

My Lord,

Your most humble and faithfull servant

EDW: WHALLEY.^b

Stratford Langton.

^a Compare with this the letter of Hammond on the same subject, May 29, 1648. *Old Parliamentary History*, xvii., 191. Is T. H. Thomas Herbert?

^b Cf. Gardiner, *Great Civil War*, iv., 145. This letter, which is not dated, immediately follows one dated June 4, and was probably written June 5 or 6.

[*News-letter from Yorke.*]

9 June, 1648.

Our affaires heere are in a very sad and dubious state, the Enemy very active, strong and cunning. Yow have I question not heard of the taking of Pontefratt Castle, being betrayed by a sergeant and a corporall that formerly served the Enemy, who were upon the guard. The Governour Major Cottrell, having left the keyes with them att that time (which hee never did before) till hee tooke a little rest about 6 or 7 a'clock in the morning, after his watching the whole night himself as hee used to doe. Hee was a man that all men iudged faithfull, how farre he may bee guilty in this I cannot tell, but hee refused to take quarter, and was shott in the thigh and cutt in the arme, but is living and like to recover: Lieutenant Coll. Morris, who once served the Enemy and delivered up Leverpoole to us, and since served the Parliament, was the maine actor, and is now Governour. Helmsley Castle was lately attempted to bee taken in the like manner, but the fidelity of the souldier they applyed themselves to (to whome was offered 100*li.* in hand and 500*li.* more upon bond, and to bee knighted) prevented it, for hee discovered the parties and apprehended them prisoners, and now they are in the dungeon att Helmsley Castle. This I can assert for trouth having examined it upon oath. Langdale is in Westmerland, and wee heare is unwilling to fight if hee can prevent it, but our forces now are in a bodey, and are upon the edge of Westmerland about Bowes, waiting an opportunity to ingage him, though fewer in number. Tis thought hee will wheele about for Pontefratt if hee can possible, and misse fighting. Pontefratt is block'd up with about 800 horse and foote,* which is all can possibly be made here for the present; the Enemy there increases, and are as wee heare 250 horse and 400 foote, so that that partee canot lay close seige, and if our partee there or

* Cf. Surtees Society, *Miscellanea*, 1860, *Journal of the Siege of Pontefract*, p. 89.

those attending on Langdale received a worst, it will so highten the King's partee in theis parts (which I think are 20 for one,) that wee shall be in danger of loosing theis parts, except the good providence of God smile on us, as it hath on you in the southerne parts.

[T. MARGETTS.]

[*Col. Whalley to Lord Fairfax.*]

My Lord,

The Enemy hath quitt Chelmsford, march't to Lees, where as soone as hee came hee had 500 armes besides ordinance without resistance. Wee marched close in the reare of him, but he doth so overpower us with foote that wee cannott ingage in this close countrey, but with greate disadvantage, to the hazard of the brigade. Wee are indeavouring a conjunction with Sir Thomas Honiwood's forces, who is reported to bee 1200 horse and foote. Itt behoves you to hasten all the foot up you can, and to come your selfe; other wayes the Enemie will be suddenly formed into a considerable army, and will engage us. I shall neede to say no more to your Excellencye, but that I am,

My Lord, Your Lordships most humble and faythfull
servant

EDWARD WHALLEY.

Much Walton, 5 miles from
Chelmsford.

June 10th 1648.

Our frendes repourt the Enemy to bee 3000 horse and foote, and like a snowball increasing.*

My Lord, I desire to knowe which way and when your Lordshipp comes, that I may take care to secure you; doubtles the best way is by Gravesend.

My Lord,

Since the writing and sealing of theis, I received your expresse, and shall desire your Excellencies force may march by Gravesend to Tilbury, and so to Billericay.

EDW. WHALLEY.

* MS. "small increase." See *Fairfax Correspondence*, iv., 35.

[*Col. Whalley to Lord Fairfax.*]

My Lord,

After wee had falne uppon the enemies reare the last night att Lees they marched to Braintree, as itt is conceived with an intention to sett upon Sir Tho: Honywood's forces, soe they gave out, soe wee beleived; wheruppon I immediately sent Col. Scrope with his 3 troopes to their assistance, they being very stronge in foote and desir'd onely an addition of horse. I march't in reference to the safety of Coggeshall (uppon the conjunction of your Excellencies other forces assign'd for this service) for the better interposing betwixt the rebells and London, to Wittam, where I now lie and waite uppon the enemies motion. Hee hath laine still all this day till now, being one of the clock, butt by a spye that I sent amongst them I am inform'd that they beate their drums and have drawne out a great parte of their foote to Rayne Greene, which is towards London from Chelmesford. Therefore our purpose [is] for the better securing your Excellencies forces out of Kent, to draw somethinge back; and I desire your Excellency would send to Col. Ewer to march to Chelmesford, where I shall bee this night, because just now Sir Thomas Honywood sends mee worde, if I will but spare him 2 troopes more they shall bee sufficiently stronge to defend themselves against any attempt of the enemy made against them. Wee desire your Excellency would expedite your march, for wee cannott engage them heere without more foote, and the longer they are suffer'd the more numerous they growe:

I am, My Lord,

Your Excellencies most humble
and faithfull servant,

EDW. WHALLEY.*

Wittam,
11 June, 1648.

* Cf. Gardiner, *Great Civil War*, iv., 148; Rushworth, vii., 1150.

[*Mr. Rushworth to Col. . . .*]

Sir, The Generall desires you to send a partie of 50 or 60 Horse into Sussex to Chichester to march to Lewis; for there is a beginning of a rising, and Col. Temple is confident that this party will give life to the honest partie to make head against the rest.

J. R[USHWORTH].

[*Extract from a News-letter.*]

His Excellency hath written to the Committee at Cambridge to authorise Major Blackley (?) for commanding 300 men. The well affected Schollers in Cambridge did chuse 2 out of each Colledge to represent the rest, which gave uppe themselves to their results and counsellis, which were soe prosperous that in lesse than the space of 24 howses there was 200 fighting Schollers, suitable armes and ammunition, with provisions for a week's space. They pitcht upon the most tenable place Queens Colledge, and in a civill manner requested the Fellows thereof that they might have itt, who gave them a peremptory deniall, and secretly caused the tutors of the engaged Schollers to summon them to their severall Colledges, soe that the company was forced to breake.

Leaguer before Colchester,
17 June, 1648.

Lettre intercepted going to Sir M. L[angdale] from the Lo: Capell.

10 July, 1648.

Sir,

Wee are advertised from soe many severall parts of your being att Lincolne, that wee cannot refuse the beleefe of it, and in consideration that itt may advance his maiestyes service, I thought itt fitt to advertise you some what [of] our condition att Colchester. Fairfax hath beene for this month engaged heere att Colchester; I

presume with the considerablest force that party can make, which I beleave exceeds not 3500 foote and 1200 horse. Hee had soe ill successe in his first adventure to storme us, and [in] the last, hee hath had 5, [and] of our ffoote by divers sallies hee relishes soe ill, that his endeavour is to surround us with a line and works att some distance, in which hee haith proceeded not unsouldyerly. It is to bee doubted wee may soone want fodder for our horse. Neither the Enemy nor wee are idle, yet wee heere coñceive that our tying and obliging Fairfax to us is the best way of proceeding for his Majesties service ; for the rest of the Kingdome have the more scope to act their parts by it, and a disaster here would lett him loose, which is the reason wee hazard not more then needs must stande with our duty and honour, considering the advantage the enemy hath of us in numbers. If this findes you according to our expectation neere Cambridge, I conceive that if you march to Walden on the border of Essex, and Fairfax his army will not neerer attend your comming, and you are att your election to march directly to us, or to goe to London, [that you should act] as shall bee most requisite for the Kinge's service ; though wee should bee glad to have that advantage by your comming to us to bee releived, and more liberty to encrease our numbers ; and itt is to bee doubted when wee are driven to strayt[en] the provisions our men will nott bee kept well satisfied. By this much I doubt not but you will judge of our condition. Sir, I rest your most humble servant,

ARTHUR CAPEL.

July 10.

Colchester.

[*Extract from a News-letter to Lord Fairfax.*]

Your Excellency's answer to the letter of the House concerning the Earle of Holland gave much distaste to some, who moved that your Excellency's commission might bee taken from you ; but this not carried, the House of Lords debated neere two houres this day

for a generall cessation, butt laid aside for the present, butt will bee insisted on againe tomorrow, and then itt's thought will bee carried, and itt's feared the Commons will comply. The Citties listing goes on this day more violent than ever before. The Lord direct your Excellency for some speedy course in reducing Colchester, which done the rage of the enemies would cease, and till then much increase. . . . Things are high, the designe will bee speedily putt in execution, if not prevented by a blow att Colchester or the North. I have writt to the Lieutenant-Generall by advice of some members to engage upon any condition speedily, else the Houses will vote an approbation of the coming in of the Scots Army.

London, 16 Aug. 1648.

*Lettre from the Townesmen to his Excellency sent by Doctor
Glissen.*

Right honourable,

Wee returne your Lordshippe our most humble thanks for your Lordshippes lettres in answer of our petition, and for your condescention soe farre in granting of our desires; butt soe itt is that the Commanders in chief heere having bin made acquainted with the contents of the letters, they have absolutely declar'd their deniall in granting liberty to the Committee heere under restraint to passe hence, and have this day passed an order of their Councell of warre, that all such inhabitants within this towne as have noe provisions for the maintenance of themselves and families for 20 dayes to come are to depart the towne tomorrow in the forenoone, and have caused warrants to bee issued out to the respective constables of each parish to give notice of such their order. Your Lordshippe well knowes that itt is nott within the compasse of our power to enlarge those of the Committee kept heere; and therefore in the behalf of the inhabitants wee humbly renew our former petition to your Lordshippe, that you would be pleased (notwithstanding such

the deniall of the Lords and other commanders heere) to grant your Honours lettres of libertie of all such as are nott excepted in your Lordshippes lettre to passe into the country for the preservation of their lives ; and soe commending your Lordshippe with the issue of this businesse to God Almighty wee humbly take our leaves.

Your Lordshippes humble servants

WILLIAM COOKE MAJOR.

ROBERT BUXTON.

JOHN FURLEIGH.

JOHN SHAW.

Colchester,
Aug. 21, 1648.

Postscript.

Your Lordshippe may perceive that this lettre was intended to have bin sent yesterday, butt wee could nott with convenience, and the commanders heere have now given licence for the sending itt by Doctor Glissen, and att the request of our selves and the Committee heere have respited the putting of their order in execution for turning out the poore people.

For the right honourable Thomas Lord Fairfax his Excellency these humbly present.*

An account of the death of Sir Charles Lucas &c., the originall of which, writt with my owne Fathers' hand, I gave Sir Thomas Clarges.

Colchester, 28 August, 1648. Sir Charles Lucas speech att his first comeing into the Castle yard.

There may be something that I may vindicate my self in. In order to my duty, I came to this place in the Prince's service, but

* Cf. Gardiner, *Great Civil War*, iv., 200 ; Rushworth, vii, 1235.

since I came hither, I am not guilty of wronging the least person the least soldier of this army.

God knowes I never intended my owne particular in my life, and if God Almighty had pleas'd as for my sins I doe justly deserve death, but for this God Almighty is the best judge ; yet I should have been very glad, that those^a people that made themselves my judges had been pleas'd to have allow'd mee a longer time of repentance, for the best of us all hath not liv'd such a life but he does deserve a longer time of repentance then I have now.

Minister.

If it be true, it is as acceptable.

Sir Charles.

My sins are many, and Gods mercies are great that I doe expect.

All those that have either kindnesse for the King, or so much conscience for themselves, I shall desire that they would be pleased to let me have their prayers. For what God hath bestow'd upon mee in this life, I praise him, and pray for his mercy upon mee after this life. I doe not professe my self a rhetorician att all. I doe not know how it may be construed, but in the first place, I wish I could have liv'd longer, to have serv'd my Prince and my country, or at least [had] a larger time of repentance. But [since it] hath pleas'd . . . to allow mee the means to receive the Sacrament, God make mee a worthy receiver, to my salvation, not my damnation ; and so God blesse you all, and send you peace and happinesse in the Kingdome.

Sir Bernard Gascoyne.

I would very faine take my leave of Sir Charles Lucas, for I care not how soon, when it shall please those God hath made my judges——

Sir Charles.

Farewell, Sir Bernard.

They embrace and kisse.

Sir Charles.

I confesse the great obligation our country owes to you, for your service to our Prince.

Sir Bernard.

It is a very great consolation to mee for to die with such a companion. I did no man any hurt.

Sir Charles:

[To the minister.] If you have the means to see his Majestie present my duty to him, he is my Prince and Master. Bid my parents and friends they should not afflict themselves. Truly I think it is a great deal of happinesse to mee [to die thus]. God might have taken mee away without such a sense of my sins. They know my genius would not let mee die upon any base thing ; bid them blesse God, that I die so happy for the service of my country, as I beleive I have, and have the honour of it.

[To the officers] What is the death that is pleas'd to be assign'd to my self and these worthy gentlemen? doe you know by what means? Captain Packer.

That which is most proper to soldiers, to be shot.

Sir Charles.

With all my heart, shoote mee out of a cannon when they please.

To his Kinsman.

Present my duty to my father.

He and the minister retire aside and pray against the Castle wall.

Sir Charles.

Come, my heart, I need not cheer you up, I know your chearfulness by my owne, but here is my amends, I die for my Prince, and you die not soe.

Sir Bernard.

I thank God, I doe not fear death.

Sir Charles.

I will not say I do not apprehend death, but I can look him in the face now.

Sir Bernard.

I wish to die, and repent of my sins.

Sir Charles.

You have God's word for it, if I may speak a divines part in it, [that] at what time [soever] a sinner does repent. . . .

Minister.

Hee that repents truely and properly.

Sir Bernard.

I could say so, wheras you repent: from the bottom of my heart I have not found so sorrowfull as it need to bee.

Sir George Lisle.

Better late than never. Though I don't beleive in predestination, yet I beleive it is God's will, and truly I should have thought myself a happy person, if I could live to have a larger time of repentance, and to see the King my master in his throne again, whom I beseech God to send to all the happinesse which is due to so just, so good a man.

I was bid to goe my way, say divers people; but truely I was confident my innocencie in this action would have rendred mee very clear from any such punishment, especially so suddenly.

Sir Bernard.

My conscience is guilty of many things, but nothing this way.

I say that I have never in my life done any action which I will not acknowledge before all the world.

Sir George.

He will that his body remaine with my servant.

I will bear it with as much patience as I can, I should take it for a very great favour done to my poor soul to have a little more time, I have deserv'd it as much as an enemy can doe.

Sir Charles.

I should very willingly hear, if you would please to satisfy mee, by whom I am condemned, whether by my Lord Fairfax

alone, or by a Councill of Warr; I beseech you to lett me know my judge.

Cofm. Ireton.

I may answer so far, as you were condemned by the Parliament, upon your owne actions. [The war] wherein you have so voluntarily a second time engaged, hath rendred you in their judgement in generall your whole party deserving death, and your self is in some particular exception.

Sir Charles.

Pray Gentlemen bee pleas'd to give a dyeing man leave to speak, I beseech you.

Cofm. Ireton.

Know, your self as all others that engage a second time against the Parliament are traitors and rebels, and they doe employ us as soldiers by authority from them to suppress and destroy. Would you know our commission, itt's that. Sir, you were here in armes, (the head), one of the heads of a great party; you have not yet had quarter given, not any of those gentlemen yonder, but by the Generall's demands of you, and by your commissioners consent to it, you were to render your selves att mercy; and for yourself you can't but know, because your commissioner came in to acquaint you with it, that by mercy it was meant to be free in the Generall's breast, without any obligation to the contrary, to put some of you to the sword, if he saw cause. Now as to any matter of judgement; neither the Generall nor any censure of the Councill hath pass'd in this businesse; the judgement hath been in generall pronounced by the Parliament, for whom wee fight, and you being persons in hostility, that yet have had no assurance of quarter, for you it is only thus far resolv'd by the Generall, by the advice of the Councill of war in generall upon the businesse.

Sir Charles.

Sir, this is a very nice point to take away a man's life, when there is a law in the Kingdome, which truly I must plead; and look to it [lest] my blood be upon you. I doe plead before you all the lawes of this Kingdome. I have fought with a commission from

those who were my soveraignes, and from that commission I must justifie my action. For yeilding to mercy, wee must needs yeild to those in whose power we were then. I must starve or yeild. That yeilding of ours, all the world knows, was meer constraint.

Co^m. Ireton.

Wee take it for no other.

Sir Charles.

If wee yeild ourselves unto you, if it be for our lives you should try us.

Co^m. Ireton.

If wee had taken it for any other then what you had voluntarily done upon confidence of the Generall's mercy.

Sir George.

I am confident I did it upon that ground.

Co^m. Ireton.

But now it is by constraint, and no otherwise. I did speak that that you may yet know there was no assurance of quarter given to any of you, and the Generall did expressly declare that he would be free to it.

Sir George.

Gentlemen, lay your hands seriously upon your breasts, you that were of the Council of Warr, and consider what it is to take away a man's life in this kind, that you may have nothing to rise against you hereafter.

Co^m. Ireton.

Sir, wee have nothing more to add to that. But to what you said before: you know it is a certaine rule, that among armes the lawes are silent, and had not you by armes stopt the lawes of the land, you and other men might have had the justice of the lawes of the land; but you and others, by pretence of the lawes of the land, have stopt the current of judgement and law which wee had. When you are mett in armes there is no more reason for you to plead it now then there hath been to many soldiers and officers of the Parliaments party, when they have mett some under your

command, if they had pleaded the lawes of the land against them.

Sir Charles.

It was never knowne that men were kill'd in cold blood, before.

Collonel Whalley.

Sir, shall I answer you for that. You have given us a president before, where there was Major Wandstead * and about forty more, they submitted to mercy, and they hang'd up 14 of them.

Ensigne ———

May it please your Honour I will satisfy you.

Sir Charles.

If the Generall pleases, a man may be mercifull, and satisfy both his mercy, and the world besides, and justice. I doe here beseech the Generall that he will be pleased to looke upon mee in that nature as I am in his power, that he will excuse mee with my life, if I can but obtaine the General's mercy and favour [to me] and these gentlemen ; and if it be not, God's will be done, I must submit to it.

Colñ Ireton.

I have no more to say to you, nor is there any other judgment that wee have received from the Generall, but you being persons who being in armes and hostility against the Parliament, he may as justly kill and give no quarter to you as ever any was in this warr. He having given you no assurance of quarter nor any of you, has only determined to yourselves in particular, that you are not in the compasse of quarter. Tis no more then if the soldiers mett you and shot you.

Sir Charles.

I am within the lawes of the Kingdome, for what I did is by commission, and quarter hath been given as the lawes of armes doth require elsewhere.

* Major Wansey and the garrison of Woodhouse in Wiltshire are referred to. Fourteen of the garrison were hanged by Sir Francis Dodington's orders, two by himself and twelve by Sir William St. Leger. Ludlow, *Memoirs*, i, 103.

Coñ Ireton.

Sir, you are better acquainted with the lawes of armes. Is any body bound to give quarter where it is ask'd?

Two of the soldiers sayd, that at St^a he came in
rageing, and swore a great oath, 'why should they
have any more quarter, then wee had at Cannon-
Froome.'^b

Coñ Ireton.

You being a traitor——

Sir Charles.

I am no traitor, but a true subject to my King, and the lawes of the Kingdome. Sir, you ought to prove mee one, before you condemne mee to be a traitor.

Coñ Ireton.

Wee tell you what judgement you are concluded by, and that is by the judgement of the Parliament.

Sir Charles.

I can say no more. I shall only desire that my life may satisfy for all the rest of these gentlemen, and these gentlemen may goe free.

Sir George.

I have given many hundred men quarter.

Sir Charles.

Give mee leave to pray with these gentlemen.

Retires with Sir George Lisle and Sir Bernard Gascoigne.

Gentlemen, I now die like a soldier, will you that these gentlemen shall looke upon mee?

They embrace and kisse.

^a This word is unfinished. Probably Stinchcombe in Gloucestershire, a small parliamentary garrison near Berkeley Castle, taken by the troops of Rupert and Sir Charles Lucas in Aug., 1645. Twenty, or according to some stories forty, of the garrison are said to have been put to the sword in cold blood. Webb, *Civil War in Herefordshire*, ii., 214. *Report on the Portland MSS.*, i., 250.

^b Stormed by the Scots in July, 1645. Vicars, *Burning Bush*, p. 205; Webb, *Civil War in Herefordshire*, ii. 378.

Sir Charles.

Remember mee to all my friends.

Sir Bernard.

I thank God I am no more troubled at it.

Sir Charles.

Remember me to all my friends, and tell them that I have died in a good cause ; if I have offended any, I desire forgiveness ; I would have a decent buriall, and that I might be buried by my ancestours, and where they are. Their monuments are not only defac't, but their dead bodies remov'd.^a Let us from henceforth lye in quiet.

Give mee leave to pray but a few words, and now I have done.

I pray God forgive you all, I pray God forgive you, gentlemen. Farewell, I pray God vengeance may not fall on you for it.

When I shall [fall] lay mee downe decently

One goeing to pull downe his cap, he said, stay a little.

Oh Father, Son, and Holy Ghost, receive my soule.

After this six dragoones with fire locks discharg'd att him ; and after his falling, Sir George Lisle, having kissed him, was also shot to death.

[*The Earl of Warwick to the Derby House Committee.*]

My Lord and Gentlemen,

On Sabbath day last in the evening the fleete weighed from the Downes, and yesterday morning wee came to anchor off Goree, where calling a Councill of Warre, and finding the winde faire and the weather calme, wee resolved to goe into the harbcur, and about 3 in the afternoone anchored off Gor[ee] towne. The revolted shippes about 13 in number being att anchor within 2 leagues of us off Helvoyett sluice, shortly after our coming to anchor wee

^a See *Mercurius Rusticus*, No. 1 ; Carter, pp. 167, 234.

resolved on a summons, to the revolvers, requiring amonge other thinges the taking downe of their standard, and containng an offer of indempnity uppon the rendring of their shippes,^a which I sent to the Admirall by a servant of my owne, who found aboard her Capt. Batten, Sir Henry Palmer, Capt. Jordan, Mr. Hamond, Capt. Bargrave, Capt. Fogge, and some others; to whome reading my message they declar'd, they bore the Standard by command, and in right of the Prince his Highnesse; without command from whence, or from his Majesty, they would nott take itt downe; butt gave noe reply to that of indempnity. My servant desiring their answer in writing they determined of Mr. Hamond to draw itt, who intimating unto them, that itt would bee fitt first to have some conference together, they did after a litle retirement resolve of this answer: that the matter concern'd the Prince, that without communicating the paper to his Highnesse they could give noe positive answer, that they would send itt him early this morning (supposing itt would meete him uppon the way). They expected him to day aboard, and that this day I expect an answer with which my servant returnes. As yett I have nott heard further from the fleete, which when I doe I shall give your Lordshippes a further account of my message, and of the answer I shall theruppon receive. Last night and this day the weather hath bin very stormy, soe that our shippes could hardly correspond one with another, nor can wee as yett have any certaine intelligence of the revolvers condition; what opportunities may bee taken for the publique service shall be faithfully improved, which is all I shall now trouble you with.

Your Lordshippes &c.

WARWICK.

Aboard the St. George riding att
Anchor off Goree, this 20th September, 1648.

^a For a copy of Warwick's summons to the revolted ships and their answer see *Old Parliamentary History*, xvii., 496.

[*A Letter from Dr. Dorislaus.*]

My Lord

Uppen Tuesday night all the bloud-royall being att a play together about ten a clock att night, a boatswaine came with Sir John Minch,* and brought good newes from the Navy; being asked what good newes, hee said, Warwick was come with 20 shippes into Goree. The Prince of Wales asking agen, how hee could make this good newes, replied, 'Because Warwick is come in to your Highnes, and to joyne his shippes with yours.' Itt caused a mighty discomposure in their merriment, and the rest of the night was spent in councill. Divers of their shippes are in the dock, or ashoare careening and the ordinance ashoare. The men in a mutinous disposition, disperst through all the neighbouring townes as farre as Rotterdam riotting and drinking. In the morning itt was ordered, that the Prince of Wales' coach should bee ready by 6 a clock to goe for Helvoyett sluice, yett itt was one of the clock in the afternoone before hee went; with him went all that belonge to the partie, leaving a man scarce behinde in the Hague; and for to appease the wrath of the mariners which was especially fierce against Culpepper, for keeping from them (as they say) the money proceeding from their prizes, 4 small barrells of monie were carried alonge in their waggons. Some 3 or 4 houres after his Highnesse departure, the Prince of Orange and the Princesse Dowager came to the Hague. In the evening I spake with some of the States of Holland, to desire the same civilities towards the Lord Admirall of England which were showne to the Prince of Wales. They answer'd, they would keepe the neutrality, and afford equall respect to both parties, butt withall expect peacefull behaviour on all sides within their harbour.

In the morning Sir William Boswell gave in the paper in the Assembly of the States Generall, and the resolution was taken by

* *i.e.* "Mennes."

the States to send commissioners for to declare unto both parties the old resolution of neutrality taken A^o 1643, and to charge them to keepe the peace within the States dominions ; somewhat was afterward proposed about communicating with the Earle of Warwick the States inclination to mediate for peace in England att the time of the Treaty. I finde the partie itt self, and all their adherents in this nation full of despaire, giving this Navy utterly for lost, although for the present they may gett the mariners quiett againe by distributing of mony &c., and which concerneth the publike most, the reputation of England is fully secured in this Nation by their powerfull appearing att sea, and keeping now under a lock those haughty men which would brave the Kingdome butt a few dayes before. Since the Royall partie hath nott any other hope butt uppon the Treatie, uppon which they build great vast projects againe, and that soe the Kinge come butt in once they shall doe well enough, and since the Dutch adheering to that partie have soe great a desire to bee lett in agen into that mediatourshippe, your Lordshippes will doubtlesse [take] that course that the old censure of Philipp de Comines may nott bee laid to this age, ' That what was gott in a dozen yeares fighting was lost in 6 dayes treating.'

Your Lordshippes, &c.,

DORISLAUS.

Hague

21 September, 1648.

[*News-letter from Scotland.*]

Edinburgh, October 17, 1648.

The Committee of Estates have bin employed for the most parte of this weeke uppon their forces, which they have now resolved shall bee onely 1,500 foote and 600 horse, the West being sure to them, the South under our reverence from Barwick and Carlile, and that force conceived sufficient att present to garrison and quiett the North and East. Other reasons indeed there are why they keepe

uppe noe more, for they found the last army they so much stickled to keepe on foote to bee their greatest prejudice when an hower of temptation came, they turning head against them; they now finde much pressing to bringe in officers who (though without palpable exception) are nott throughly to bee confided in, and I beleive there is an eye of reflection, and the best ground of confidence is helpe from England, if there bee occasion. They have delayed J. R. (who brought the Kinges lettre) untill the Treaty bee near^a towards an end; and though the lettre was intended to the malignant Committee of Estates, they that by providence are now invested in that power returning an answer, complayning of the miseries suffer'd by the late Engagement, declare how they are forced to rise in armes, what are the consequences of itt, and what their resolutions are since, for which they referre the Kinge to their agreement with Lanerick and their late declaration; and in conclusion they press^b his Majesty att last to hearken to the advice of his Parliaments, in consenting to the propositions of both Kingdomes, and especially to those concerning the Covenant and Reformation of religion, which they finde to bee the points hee sticks att, and they in honour and interest are most obliged to stick to, and without which (they tell him) his throne cannott bee established in righteousnesse. They have alsoe writt to the Prince dehorting him from that course of opposition hee is in, and from attempting any acts of hostility against this Kingdome, butt the rather since all worldly policie and projects have failed, hee would apply his indeavour to mediate with his father to consent to the propositions of both Kingdomes, and especially the Covenant &c. (as before). Sir John Cheisley, who is this day on his way to London, is to communicate these to the Houses; then they are to bee sent, and with them two schooling lettres from the Assembly, and Commissioners of the Kirke, who can speake more plainly in the name of their master then the state can doe in their owne.

There is an additionall instruction for reparation of all losses of

^a MS. "now."

^b MS. "promise."

horses, clothes or mony taken from our partie, bee made out of the estates of those that were in the late Engagement, and have nott consented or come in to the late agreement; and those that were intrusted to see itt done are uppon laying on the estates of Lanerke and Lauderdaile 100*li* a piece, which will pay all scores of that kinde if mony can bee had.

George Monroe, Coll. Diell, Coll. John Hamilton, and other desperadoes are yesterday and this day gone over the water into Fyff, where Crauford, Lanerke, Dury and other ringleaders of that partie were before. They give out itt is onely for a drīking bout att parting, Monroe and Hamilton having received passes from Generall Leven to goe to Sweden, butt knowing men apprehend some new mischief is brewing concurrent with some designe yett in reserve for the Kinge of England, and therfore the old Highland Regiment of Argyll's are speeded to Sterling, and some horse to St. Johnston's; and as all malignant designs will bee watched and opposed heere, soe itt's the wish and hearty prayer of many honest men, even of qualitie in this Kingdome, that they may bee soe there; and they particularly hope that your Excellency and your army will still bee instrumentall therin.

W. R.

The well-affected Lords and others desire that a strict hand may bee held over the great ones of this nation prisoners in England, having cause of jealousie that they will bee working some mischeife.*

* This letter is certainly from William Rowe. It is summarised in Rushworth, vii., 1304. William Rowe was in 1650 Scoutmaster-General, and evidently held that post (or some similar post) in the English army in Scotland in Oct., 1648. In the New Model the place had been held by Leonard Watson, who had now left the army. George Downing seems to have succeeded Rowe as Scoutmaster-General. Many of Rowe's letters of intelligence are amongst the *Letters and Papers of State addressed to Oliver Cromwell*, which were published by John Nickolls in 1743.

[News-letter from Scotland.]

Seaton, 24 October, 1648.

Our cheifest worke heere is to keepe downe the rising and tumultous humoures of the malignant partee, that the Committee of Estates may act securely till their forces be compleated, and 'tis conceived they will keepe us heere starving the most part of this winter till their Parliament sitt, which will not bee before Januery next.

Heere is one misery: wee stay to preserve a generation of men who call themselves the well-affected partee, till they seate and settle themselves, and their owne ends and interest, but doe feare it will be heere, as it hath been in other Kingdomes (and is the great politique fashion) the pulling downe of one power and partie by our countenance, and the setting up of another that may be as bad or worse then the other. This is our hope: that partee that is now downe wee are sure was [not] good, this for (ought wee know) may bee good; Providence may bring thinges about beyond our feares, thoughts, expectations; what ever the issue be, this is our comfort, wee are in the prosecution of our duty in love and peace.

Time lately was that the great expectation was out of the North. God did great thinges there by a fewe, even to admiration; the scene is now alterd, and the great expectation is now upon the Treaty.

The generall evill designe is the same still, and is acted in the latter by the same principles, though not by the same persons as the former; and though I cannot well give iudgment of the presentt premises there at this distance, yet in the generall I am confidente that hee that overcame that great power of the common visible enemy in the feild, will alsoe bring to nought the great policy of those secret enemies in Insula Vectis. The mistery of iniquity is now discovering, tumults rising, feares &c. appeares, but hee is securd that sees God in every thinge. A man may guesse the temper of this Kingdome by the temper of the Clergy, who are the ringleaders,

ductores et seductores, they are the supream power both ecclesiasticall and civill, their height of glory is but fleshly, formall; cheifly of a double intrest, Presbiteriall and royall, and these pretty equally mixt, and for ought I perceive were wee gonne there would be another tugg who should be the greater, little striving who shall bee the better; formality in the one is little better than royalty in the other. I see butt little knowledge in the mistery of godliness, tis all confined to a forme and that called jure divino; and those that live above that forme are as great enemies as those that live belowe it, for they are iudged to bee equally evill, though in a different sence, because they sitt not upon that forme. If there be a composure called happy, that happines for ought I knowe either will be (or will be endeavoured to be) confined and have its center onely in that forme, which will certainly will be cryed up by the Clergy of both Kingdomes, that is their interest; and the slavish, ignorant people will as certainly make it their conscience to observe their lawes, though it be to their owne losse and mischeiff. England I think, are more above this forme then Scotland, perhaps our being in the schoole with them, and having had a little better learning, may iussle them up a little higher, and by degrees they may take out a new lesson and advance. When once the light brakes forth in this Kingdome, (and I thinke the sunne is neare rising) it will warme and heale apace, butt the cloudes must be broken first, the foundation of this ould fabrick must be shaken; and when the poore, blind, dead people shall see the light and feel the warinth of the sun (sweete liberty) to redeeme them out of their present slavery, then the straggling of Scotland wilbe as great as those of England, which hath overcome a few of those, but not yet gotten to the top of its glory.*

* Part of this letter is printed in "The Moderate" for Oct. 31, Nov. 7, which has furnished me with one or two small corrections of the Clarke MS. copy. The Report on Lord Braye's MSS. (Hist. MSS. Comm. 10th Report, pt. vi, pp. 168-173) contains a series of letters written by Thomas Margetts to John Browne, Esq., Clerk of the Parliament, which help to complete those amongst the Clarke Papers. They are dated: Brancepeth, Sept. 14, 1645; Belford, Sept. 20;

[*News-letter from Scotland.*]Edinburgh, 24^o October, 1648.

In a late Declaration about the Covenant published heere (in the enumeration of errors and heresies) Independency is left out, which in former Declarations and papers alwayes brought uppe the reare. There is alsoe a printed Act for the leavies of their new modell (as they owne itt by that very name) in which there are severall observable thinges, for. 1. They lay all the whole charge and burthen uppon the Malignants, and exempt the well affected; 2. They trust the command to a number of new modell'd officers the most confiding they can picke out; 3. They lay out the best way their present constitution will admitt for the getting the honestest of the cominaltie for their souldiers; and for manage of publique affaires in the country they have new modell'd all Committees. By another Act they have discharged the Earle of Crawford Lyndsay, and all other officers belonging to the Treasury or Exchequer, from meddling with the Kinges rents or the Exchequer affaires, and have appointed a Committee to manage the same.

On Friday last October 20, Sir James Stuart, Lord Provost of this Citty, warned all the Burgers therof to a Generall Convention, att which betweene 2000 and 3000 mett in a great roome by the Parliament House. After some preface to them hee desired them to joyne in prayer with him, and hee prayed; after which hee made a longe speech referring principally to the late Engagement of the loane of 40,000*lb.* Scotts (which is about 3000*lb.* sterling), which they without the consent or privity of the generallity of the Citty had furnished amonge themselves, and when Argyll's partie came

Mordington, Sept. 26; Seaton, Oct. 3; Dalkeith, Oct. 10; Seaton, Oct. 17; Broxmouth, Nov. 1. The letter of Oct. 17, summarised in the Report, is printed in full in Rushworth, vii., 1305, but wrongly dated. The letter printed above is obviously also from Margetts. He was attached to Lambert throughout the campaign, and Lambert was now remaining in Scotland to protect the establishment of the new government.

in they were leavying the same (for their reimbursement) uppon the Citty; uppon which account^a hee requir'd that all who were privy or consenting, or that were for the same Engagement, should withdrawe, and they had then a free libertie to goe out, and all that had bin, or that now were against that sinfull engagement should stay. Nott a man going out, hee againe prayed with them, and after tooke every man's name, man by man as they went out, hee havinge guards, that suffer'd butt one att a time to passe by him and the bayliffs as they satt in the gate; this hath nott onely, putt all the loane monie uppon the Malignant Magistrates' shoulders, and freed the Citty of soe much charge, butt appearingly hath united them against the Malignant partie in further order, who run to. . . . The former Clarke of the Citty (whose influence and power heere is nott inferiour to a Recorder of a Citty in England) is alsoe putt out, and Mr. Andrew Ker, Clerke to the Commission of the Kirke chosen in his roome.

Two ministers from the Presbytery and two officers from the souldiers of the Scottish Nation in the Province of Ulster came lately, instructed to move and presse some thinges there in order to the renewing of their interest as well in the townes they had by treatie and district garrisons (independant from Col: Monck) as^b in the sole administration of Ecclesiasticall Government in that province; butt being by one or two of greatest power heere dissuaded from itt, partly uppon the ground, that Ireland was indeed England's sole interest, and partly of unseasonableness, (att present att least) they are this day returned to Ireland, without soe much as proposing in publique anything concerning the same.

The Committee of Estates are now considering of the time for the Parliament's sitting downe, whiche they thinke to appoint about the middle of December, within a day or two after the time sett downe for renewing the Covenant, that after the recent impression thereof thinges may goe on the more cordiall and

^a MS. "Act."

^b MS. "butt"

orderly ; which in all probability they may, the best affected that could bee pick't out in all the quarters of the country being chosen [to] this next Parliament.

Lanerk is att Glencairne's house in the West Country; there is noe certainty of any number yett uppe in the North, though Malig-nants bragge soe.

Att a full meeting of the Committee of Estates this day [to] the number of above 60 persons, the papers and proceedings, from the first sending to Lieutenant Generall Cromwell to this day, were read and approved.

W[ILLIAM] R[OWE].

(*Cromwell to Col. Robert Hammond.**)

Dear Robin.

Knottingley Novem^r 6, 1648.

I trust the same spirit that guided thee heertofore, is still wth thee; looke to thy heart, thou art where temptations multiply. I

* A copy of this letter is contained in vol. xvi. of the *Clarke Papers* at Worcester College, where it is signed "Heron Brother," and no indication is given of the person to whom it was sent. I concluded it from internal evidence to be written by Cromwell to Robert Hammond. Some letters from Cromwell to Hammond were mentioned in the Report of the first Historical MSS. Commission, p. 116, as being in the possession of the Marquis of Lothian. Mr. Gardiner at my request examined these letters last summer, and has kindly supplied me with copies of them. Two are now printed in the Preface. The third was identical with the letter in vol. xvi. of the *Clarke Papers*, but as the copy in the Newbattle MSS. gave an obviously better text I have printed it here in place of the copy given by Clarke. Differences between the two versions, simple variations in the spelling and punctuation excepted, are marked in the notes. The Newbattle version seems to me to be a copy also, and not an original. Compare with this letter Cromwell's letter of Nov. 25, 1648, to Hammond, letter lxxxv. in Carlyle's collection. Carlyle assumes the latter to have been written from "Knottingley near Pontefract," where the letter printed here was written. "Dear Robin" is

feare least our freinds should burne their fingers, as some others did not long since, whose hearts have aked since for it. Howe easy is it to finde arguments for what wee would have; how easy to take offence at things called Levellers, and run into an extremity on the other hand, meddling with an accursed thing.^a Peace is only good when wee receave it out of our father's hand, its dangerous to snatch it, most dangerous to goe against the will of God to attayne it. Warre is good when lead to by o^r father, most evill when it comes from the lusts that are in our members. Wee waite upon the Lord, who will teach us and leade us whether to doing or suffering.^b Tell my brother Herne I smyled at his expression concerning my wise freinds opinion, who thinks y^t the inthroning

the term by which Cromwell, Ireton, and other intimate friends usually address Hammond. In this letter Cromwell also makes use of the names which he sometimes employed in his correspondence with Vane and one or two others. "Brother Heron" is the younger Vane. "Brother Fountayne" is Cromwell himself. (See Nickolls, *Original Letters and Papers addressed to Oliver Cromwell*, 1743, pp. 78, 84). "Sir Roger" seems to have been one of Cromwell's companions in Scotland, possibly Lambert or Hesilrige. Hesilrige and Cromwell had just been entertained at Edinburgh by the Argyle party (see Whitelock, *Memorials*, ed. 1853, ii., 422, 432). Cromwell defends himself against the charge of granting too favourable terms to the Scots, or as he puts it "turning Presbyterian." The "wise friend" is probably Pierrepont, as Mr. Gardiner suggests. Pierrepont and Vane were both now at Newport, as two of the Commissioners sent by Parliament to negotiate with the King. Both were probably in daily intercourse with Hammond. "It appears from this letter," writes Mr. Gardiner, "that Cromwell had heard that a party amongst the Independents, including Vane, Pierrepont, and Hammond, in their alarm at the thorough-going reforms demanded by the Levellers, were anxious to come to an understanding with the King on the basis of moderate episcopacy and toleration. It was to this state of opinion that he now addressed himself. (*Great Civil War*, iv. 248.)

^a Compare the letter of Nov. 25. "Dost thou not think this fear of the Levellers (of whom there is no fear) 'that they would destroy nobility,' has caused some to take up corruption, and find it lawful to make this ruining hypocritical agreement? Hath not this biased even some good men?"

^b Compare letter II. in Carlyle's collection: "If here I may honour my God, either by doing or suffering, I shall be most glad."

the King wth presbitery brings spirituall slavery, but wth a moderate episcopacy workes a good peace. Both are a hard choice. I trust ther's no necessity of either except, o^r base unbeliefe and fleshly wisdom make it so; but if I have any logick it will be easier to tirañize haveing that he^a likes and serves his turn, then what you knowe and all beleeve hee so much dislikes. But as to my brother himselfe, tell him indeede I thinke some of my freinds have advanced too farre, and neede make an hono^{ble} retreat, Scotts treaties haveing wrought some perplexities; and hindering matters from going so glyb as otherwise was hoped, especially taking in some doubts that Sr Roger and brother Fountayne are also turned Presbyterians. Deare Robin, tell brother Herne that wee have the witnesse of o^r consciences that wee have walked in this thing (whatsoever surmizes are to the contrary) in plainnesse and godly simplicity, according to o^r weake measure, and wee trust o^r daily^b businesse is to approve o^r consciences to Godward, and not to shift and sharke,^c w^{ch} were exceeding basenesse in us to do, haveing had such favo^r from the Lord, and such manifestations of his p^rsence, and I hope the same experience will keepe their^d hearts and hands from him, against whome God hath so witnessed,^e though reason should suggest things never so plausible. I pray thee tell my Bro: Herne thus much from mee; and if a mistake concerning our compliyanse wth presbitery perplex an evill businesse (for so I accompt it), and make the wheeles of such a chariott goe heavy, I can be passive and lett it goe, knowing that innocency and integrity looses nothing by a pacient waiting upon the Lord. Our papers are publike; let us be judged by them. Answers^f do not

^a "He," i.e. the King.

^b "Day of businesse," Clarke MS.

^c I should suggest "shirke" instead of "sharke."

^d "thy heart," Clarke MS.

^e The King; compare the letter of Nov. 25. "This man against whom the Lord hath witnessed."

^f "Answers," i.e. the answers made by the Scots to Cromwell's declarations. "Cromwell," suggests Mr. Gardiner, perhaps refers to the answer made by the Committee of Estates on Oct 6, in which they speak of "these covenanted kingdoms."

involve us. I professe to thee I desire from my heart, I have prayed for it, I have waited for the day to see union and right understanding between the godley people (Scotts, English, Jewes, Gentiles, Presb^{as}, Independents, Anabaptists, and all). Our Br^s of Scotland (really Presbyterians^a) were our greatest enemies. God hath iustified us in their sight, caused us to requite good for evil, caused them to acknowledge it publicly by acts of state, and privately, and the thing is true in the sight of the sunne. It is an high conviction upon them. Was it not fitt to be civell, to professe love, to deale with cleernesse wth them for removeing of preiudice, to aske them what they had against us, and to give them an honest answer? This wee have don, and not^b more. And heerin is a more glorious worke in our eyes then if wee had gotten the sacking and plunder of Edinb^r, the strong Castles into o^r hands, and made conquest^c from Tweed to the Orcades; and wee can say, through God wee have left by the grace of God such a witnesse amongst them, as if it worke not yet^d there is that conviction upon them that will undoubtedly bear its fruit in due time. Tell my bro: Herne, I beleeve my wise friend would have had a conquest, or if not, things put in a ballance; ^e the first was not very unfeazible, but I thinke not Christian, and I was commanded the contrary by the two houses; as for the later by the providence of God it is perfectly come to passe, not by our wisdom, for I durst not designe it, I durst not admitt of so mixed, so lowe a consideration, wee were lead out (to the praise of o^r God be it spoken) to more sincere, more spirituall considerations; but I said before the Lord hath brought it to a ballance; if there be any dangerous disproportion it is that the

^a "Our brothers of Scotland really presbyterians," i.e. not men like the Presbyterian leaders in England professing Presbyterianism for a political purpose.

^b "and noe more," Clarke MS.

^c "made a conquest," Clarke M S.

^d "as if it worke not yet (by reason the poore soules are soe wedded to their government) yett their is that conviction," etc. Clarke MS.

^e i.e. A mixed government established in which the Argyle and Hamilton parties would counterbalance each other.

honest party (if I may wthout offence so call them) in my apprehension are the weaker, and have manifold difficulties to conflict wthall, I wish our unworthynesse heere cast not the scale both there, and heere the wrong way. I have but one word more to say. Thy freinds, deare Robin, are in heart and in profession what they were, have not dissembled their principles at all. Are they not a little justified in this, that a lesser p^{ty} of a Parliament hath made it lawfull to declare the greater part a faction, and made^a the Parliament null, and call a newe one, and to do this by force, and this by the same mouths y^t condemned it in others. Thinke of the example and of the consequence, and lett others thinke of it too, if they bee not drenched too deepe in their one^b reason and opinions. Robin, be honest still. God keepe thee in the midst of snares. Thou has naturally a valiant spirit. Listen to God, and hee shall encrease it upon thee, and make thee valiant for the truth. I am a poore creature that write to thee, the poorest in the worke,^c but I have hope in God, and desire from my heart to love his people, and if thou hast opportunity and a free heart, lett me heere from thee howe it is wth thee. This bearer is faithfull, you may be very free to communicate wth him; my service to all my freinds, and to my deare brother Herne whome I love in the Lord, I rest.

Thy true & faithfull friend

Herons brother.^d

(Addressed) For the ho^{ble} Collonell Robert Hammond
Governor of the Isle of Wight.

(Endorsed in another hand) 9^{br} 6ⁿ 1648.

A letter from L. G. C.

(Lower down) Cromwell lost (?) letters.

^a "and made a parliment null and called a new one." Clarke MS.

^b "if thay bee not drencht too deepe in there owne reason and opinion."
Clarke MS.

^c "world." Clarke MS.

^d None of the writing or signature of the letter is in Cromwell's hand.

[*General Council of Officers at St. Albans, Nov. 16, 1648.*]^a

Q[uestion]. Whether this Councill doth approve of the substance and drift of the paper now read to be sent to the parliament and published to the kingdome.

Assented to nem^e contradicente.

Committee to peruse the paper, and to fitt it for to bee tendred to the parliament.

Com. Gen. Ireton.

Col. Whalley.

Sir W^m Constable.

Col. Scroope.

Col. Ewers.

Lt. Col. Kelsey.

Ad. Gen. Evelyn.

Capt. Cannon.

Capt. Messervey.

Private Instructions for Col. Ewers in reference to the letters & orders herewith sent for the more orderly prosecution of them.^b

That leaveing the charge of Portsmouth to Lt. Col. Saunders you haste into the island with the letters, and there :

^a A Council of War, or more properly a meeting of the "General Council of Officers of the Army" took place on Nov. 7, but the Clarke Papers do not contain a record of the votes, though they give a list of officers present. A table of attendances at Councils of War, drawn up from these lists, is given at the end of this volume. Another Council meeting took place on Nov. 16, of which these papers contain no record except the resolutions above. The document referred to is the Remonstrance presented to the House of Commons on Nov. 20. See Gardiner, *Great Civil War*, iv., 236-245.

^b The date of these Instructions should be Nov. 21. Fairfax's letter to Ewer ("that sealed from the Generall") is the letter dated Nov. 21, in answer to Hammond's letter of Nov. 19. It is printed in *Lords' Journals*, x., 610; *Old Parliamentary History*, xviii., 240, 255. Ireton's letter ("that unsealed from the Commissary Generall") is dated Nov. 22, and is printed in Birch's *Letters to Col. Robert Hammond*, p. 95. The letter from the Council can hardly be the letter of Nov. 25 (or rather warrant) signed by Rushworth in the name of the Council. It must rather be some document like the letter of the 4 officers (Birch, p. 87). Ewer was not to deliver it unless he found Hammond satisfied to act.

1. To deliver to the Governor two of the letters, viz., that sealed from the Generall, that unsealed from the Commissary Generall, but not that from the Councill, unlesse in case as is hereafter expressed.

2 To taste (?) whether upon our Remonstrance, the letters, or otherwise, it please God to satisfie his minde better towards the doeing of the thinges himselfe ; and if soe then lett him knowe by worde of mouth, that hee undertakeinge to doe it himselfe his present coming to the headquarters is not expected or desired, but rather his staye there ; and in that case for assurance thereof (as alsoe for his better satisfaction to the doeing of the thinge), give him the letter from the Councill to himselfe.

3. If notwithstanding all this, hee will neather undertake it himselfe nor leave it to you, then keep the letter & proceed as God shall direct & give opportunitie, according to the close of the letter from the Councill to yourselfe, adviseinge therein with Major Rolphe & such other honest officers thereabouts as you finde will be faithfull & secrett.*

Att a Generall Councill held in Windsor, Nov. 25, 1648.

That an order be sent in the name of his Excellency & Generall Councill of officers requireinge that the person of the Kinge be secured as formerly in Cairbrooke Castle, untill upon some resolution to our Remonstrance or otherwise further order shall be given from his Excellency.

To be directed to Col. Hammond or the chief officer commanding in the Isle of Wight.

That the officers above named, or any of them, bee a Committee to consider of such thinges as may bee of concernement for the present affaires, & to make transaction therof.

* From a very rough draft.

Commissary Gen^l.^a
 Lieut.-Gen^l. Hammond.
 Sir William Constable.
 Coll. Harrison.
 Coll. Whaley.
 Coll. Thomlinson.
 Coll. Whitchcott.

That an officer of every regiment attend at the headquarters to assist in Councill.

[*A Commission issued by Harry Marten.*]

Henry Marten of Longworth in the County of Berks
 Esqr.

To Symon Rice, Capt.

Wheras by virtue of that right which I was borne to as an Englishman, and in pursuance of that duty which I owe my said Country, I have resolved to raise and conduct a Regiment of Harquebusiers[?] on horse back on the behalf of the people of England, for the recovery of their fredome, and for common justice against [all] tyranny and oppression whatsoever, theise are therefore to aauthorize and appointe, and I doe herby constitute, you Simon Rice, to be Captain over one troope in my said Regiment of horse consisting of 80 men besides officers, and these to trayne, exercise in armes, and lead, acording to this commission. I doe farther require all officers and souldiers that have or shall putt themselves under your command for this service, to obey such orders as they shall from time to time receive from you, and your self to obey such as you shall receive from me, and from other your superiour officers in the Regiment acording to the discipline of warr. Given under my hand and seale the 25th day of November, 1648.^b

^a Names supplied from above.

^b Mercurius Pragmaticus for Aug. 22-29, 1648, after reading the votes for a personal treaty with the King, says : " The precious Saint Harry, is extream angry

[Robert Saunders to Lord Fairfax.]

May itt please your Excellencie

I sent two letters from the Isle of Wight to give your Excellencie an account of what had bin done in the prosecution of our trust, in the roome of my Collonel,^a who is (blessed be God) safelie come

that the Houses should presume, contrary to his liking, to proceed so farre as they have done in order to a treaty, for which cause he is resolved to declare against them, in as high terms as ever he did against the King. . . . And therefore he and one Eires are busy in drawing up a manifesto both against King, Lords, and Commons, as confederate to the enslaving of the people; and having already *borrowed a sufficient number of Horse*, on whom he hath set riders, who display their imbellished colours beautified with this misterious motto, 'For the People's Freedom against all tyrants whatsoever,' hee is now imployed about listing of foot; the rusticks of Berkshire resorting to him in great numbers, being mightily taken with [the] novell doctrine, that the supreame power & authority is inherently in the people, & to them doth Harry daily preach in the habit of a Leveller, proposing unto them that they ought not to acknowledge any power above them, or doe homage or yeeld obedience to any, they being a free people subsisting of themselves, & that they ought to pay no tithes, and to confirme them in these opinions, hee hath already forbidden his owne tenants & souldiers, not to yeeld him any manner of reverence, or to be subject unto his commands in ought but what shall concerne them in the warre: & now having begun to act the second part of Jack Cade, hee goes on very prettily, having already distributed the tithes belonging to one of the parsons at Reading amongst the poor of the parish, & also hath divided the spoiles of many prerogative landlords amongst their tenants."

According to Lilburne, Marten also taught the Berkshire jurymen that they were greater men than the judges and ought to sit with their hats on at assizes. *Trial of John Lilburne*, 1649, 4to, p. 123.

Marten's chief assistants in raising these forces were Col. William Eyres and Capt. John Waldron. Their undisciplined soldiers were provided with horses by the simple process of stopping travellers on the highway, or breaking into the stables of the gentlemen of the county (see Gardiner, *Great Civil War*, iv., 268; Tanner MSS., lvii., ff. 197-199; Portland MSS. i., 495; Grey's *Examination of Neal's Puritans*, iii., Appendix, p. 67). On Aug. 21, the House of Commons ordered the forces of the adjacent counties to suppress Marten and his adherents, and sent down Major Fincher to command the local forces for that purpose (*Commons' Journals*, v., 676).

^a Isaac Ewer, who had succeeded to the command of Hammond's old regiment. Saunders was Lieut.-Col.

to us, and gone over to serve providence in the execution of your commands. I left Captain Joyce behinde privately to agitate businesse with the Governour and other freinds, who is come over this night, that if possible itt may nott bee knowne hee was there, to take off the scandall of an agitating businesse. Hee informes mee, that the Governour doth engage to secure the Kinge.^a Hee hath passed the businesse of Ormond, and will send a letter, and if that will nott doe hee will proclaime him traitor. The Kinge will nott passe that of Bishoppes. The Commissioners of Parliament will goe on Munday. The Governour is resolved to make proclamation to morrow in the morning, being Sunday, for all Cavaliers that are nott in the list to depart the Island; hee intends to send a copy of the Generalls's lettres to the Parliament, and give them an account of his being sent for by your Excellency. I have drawne in two Companies of foote into Portesmouth Garrison, and have a troope of horse lying att the place appointed uppon any occasions; which is all att present from,

Your Excellencies most humble servant

ROBERT SAUNDERS.

Portesmouth

November 26, 1648.

[*News-letter from Windsor.*]

Windsor, 26 November, 1648.

This day the Generall and Generall Councill of officers mett together about 9 of the clock, and continued together till about 5 in the afternoone, seeking God by prayer to direct them in the great businesse now in hand, that they may bee instruments that justice may bee done uppon those who have caused soe much bloud to bee shed, and that righteousness and iudgement may flowe in the land.

^a See *Lords' Journals*, x., 614, for Hammond's letter of Nov. 28, on the coming of Col. Ewer.

Itt is incredible how wonderfully God appeares in stirring uppe and uniting every man's heart as one man in the prosecution of this busnesse, and that there might bee a suddaine settlement made in this Kingedome, and wholesome lawes and modell of Governement may bee speedily agreed uppon, which will bee vigorously prosecuted by the army.

There is a messenger come this night from the Isle of Wight who saith the Treatie broke off there the last night, that the Kinge is secured by Col. Ewers (who deliver'd the Remonstrance and could receive noe answer^a) hath the charge of him; Col. Hamond is coming uppe to attend the Generall.

This evening about 7 of the clock severall petitions are come from the forces in South Wales, and the regiments of horse in the North, earnestly importuning the Generall to make way for justice against those who have shed soe much innocent blood in this first and 2^d warre, desiring the Kinge may bee speedily brought to justice.^b

[*To Col. Ewer.*]

Sir,

Windsor, 27 November, 1648.

Itt has bin formerly intimated to you by word of mouth, that the Kinge being secured in Carisbrooke-Castle, if you founde itt hazardous to keepe him there you should in that case convey him over to Hurst-Castle. Now there appearing to us heere some

^a The Commons adjourned its consideration to Nov. 27.

^b A letter to Fairfax from Westminster, dated 27 Nov., after reciting the votes of the Parliament with respect to Hammond on Nov. 27 adds: "These thinges I thought itt my duty to acquaint you with, least the Governor of the Isle of Wight might possibly deale contrary to your Excellency's expectation in a business of soe high concernement, and though letters came this day from Windsor that the King was secured, yett this [letter of Nov. 26] from Col. Hammond, and the orders thereupon, doe make an absolute contradiction. See that the honest partie knew not what to thinke of the business."

danger in his continuance within the Island, which perhaps is nott soe visible to you there, wee have thought fitt heerby positively to desire you, that for the better securing the person of the Kinge you doe uppon receipt heerof imediately convey him over to Hurst Castle, the best and safest way you can, taking order for a competent Guard out of your Regiment to bee assistant to those in the Castle for the securing of him there. [And] because wee are nott certaine of Col. Eyres his being present att Hurst-Castle, wee therefore desire that you would goe over thither with the person of the Kinge yourself, and take the charge of securing him there untill Col. Eyres himself shall come; for which purpose wee have heerwith sent an order to Col. Eyres his lieutenant, that hee admitt you to command in the Castle untill Col. Eyres returne. Wee suppose that the shippe which now attends you will bee faithfull in this business, butt if before you convey over the Kinge you finde any new shippes come into the roade, which you have nott the like assurance of, wee conceive in that case your best way will bee to take boate att Yarmouth Castle, or else att Freshwater, for your readier passage, and to bee more free from the command of such shippes.

[*To Col. Eyres.*]

Wheras Col. Ewer is appointed to remove the person of the Kinge from the Isle of Wight into Hurst Castle, these are to require you on sight heerof to take the person of the Kinge into your charge, (and to receive such souldiers as Col. Ewers shall bringe alonge with him for that purpose) and to secure him in your Castle untill you shall receive further orders from his Excellency.

[*To the officer in command at Hurst Castle.*]

Wheras Col. Ewers is appointed to remove the person of the Kinge out of the Isle of Wight to Hurst Castle, you are on sight heerof to admitt Col. Ewers with the person of the Kinge, and

such guards as hee shall bringe alonge with him into Hurst Castle, and that you observe such orders as you shall receive from the said Col. Ewers, untill such time as Col. Eyres doe returne unto the Castle.^a

*Windsor Castle. Att the Generall Council of Officers.
28th Nov., 1648.*

Question. Whether it bee expedient that that Army should bee forthwith drawne uppe to London to quater in or about the Citty?
Resolved, Nem. Contradicente.

Question. Whether a Declaration shall bee drawne rendering the grounds of the Armie's advance as aforesaid, with relation to the Remonstrance, the thing now in debate, and what shall bee further tendered.

Comm. Generall.

Col. Whalley.

Sir Wm. Constable.

Col. Hewson.

Col. Harrison.

A committee to drawe uppe that Declaration.^b

Comm. Generall.

Sir W^m Constable.

Col. Tomlinson.

Col. Barkstead.

Lt. Col. Kelsay.

Capt. Packer.

Or any 4 of them, to bee a Committee to joyne in advice with such as are sent from London, about the preparing of an Agreement, and other thinges of that Nature.

Councell to meete again to-morrow at one of the clocke.^c

^a Col. Thomas Ayres, Eyres, or Eyre, was the commander of Hurst Castie. The garrison seems to have been about forty men. Eyres appears to have been absent when the King arrived, and his lieutenant was probably the officer of whose conduct Sir Thomas Herbert so loudly complains (*Memoirs*, ed. 1702, p. 85.) The letter and the two warrants annexed (which last should also be dated Nov. 27), were probably signed by Rushworth in the name of the Council of Officers.

^b Rushworth vii. 1341.

^c For officers present see table of attendances.

[Circular letter sent to the Commanders at Sea.]

Sir,

The providence of God, together with the sence which hee hath bin pleased to sett uppon our hearts concerninge the condicion of affaires of the Kingdom in relation to the present Treaty, hath led us to prepair and present a Remonstrance to the House of Commons, which wee send herewith to you. Wee have found generall concurrence to the same thinge throughout the Army and severall countyes, and wish and hope for the same with you at Sea. It is therefore desired (as the Remonstrance and the thinges contayned herein shall close with what God hath bin pleased to set upon your harts, which wee doubt not of) that you will in a publike way expres to the Generall your and your officers' and seamen's approbation thereof and concurrence therein,

By the Appointment of his Excellencie and the Generall
Councell of the Armie

Signed

JO. RUSHWORTH,
Secretary.^a

28 Nov.,
1648.
Windsor.

[The General to Lieut. Gen. Cromwell.]

Sir,

By the Remonstrance which was lately tendered to the House of Commons I beleve your apprehensions are full of the waightines

^a A similar letter (*mutatis mutandis*) dated 25 Nov. was sent to officers commanding in different parts of England. That directed to Col. Hammond is printed in *Lords' Journals*, x., 614.

of our present affaires, therefore in that particuler I shall not saie any thinge : onlie lett you know that my self with the advice of my Generall Councell of Officers desire, that you would (with all convenient speede possible) come to the Head quarters, whereby I hope our councells and endeavours as formerly j[oining] a mercifull furtherance wilbee giuen to the very great business now in agitation: the importance whereoff I am confident you duely resent.

[T. FAIRFAX.]

Windsor. Nov. 28,
1648.

For Lt. Generall Cromwell.^a

[*Lieut.-Col. Saunders to Lord Fairfax.*]

My Lord,

In pursuance of your former orders in securing the Kinges person I sent over two companies of foote with Capt. Prettyes^b troope, pressing boates in the harbour, and stopping those that came from the Isle. Capt. Joyce and some other of our officers are not idle, butt serve providence for the accomplishing all our desired ends.

RO. SAUNDERS.

Portsmouth, 29 November, 1648.

[*Warrant to convey the King to Hurst Castle.*]

You are heerby required forthwith to make your repaire into the Isle of Wight, and to take into your custody the person of the

^a Cromwell's opinion of the Remonstrance is given in an undated letter to Fairfax, printed in the *English Historical Review* for 1887, p. 149. "Wee have read your Declaration heere," he says, "and see in itt nothinge but what is honest, and becominge Christians and honest men to say and offer." Compare also letter 83 in Carlyle's *Cromwell*.

^b Henry Pretty, of Ireton's regiment, later a colonel in the army in Ireland.

Kinge, and that you from thence immediately convey him safely to Hurst-Castle; and I doe heerby require Major Rolphe, Captain Boreman, and Captain Hawes, and all officers and souldiers under their command, as neede shall bee, to give you such assistance therin as you shall require of them; and I doe heerby authorise you to impress such boates as shall bee necessary for this service; and the Governour of Hurst-Castle is heerby order'd to receive the Kinge into the Castle with such forces as you shall see cause to bringe for the better securing of him there; and in case Col. Eyres the Governour bee absent, the officer who commandeth in his absence is heerby required to obey your orders till the Governour returne. Given &c.^a

To Lieutenant Col. Cobbett and Capt. Merriman.

[*To Lieut.-Col. Cobbett*]

Sir,

I am commanded by the Generall to desire you to have a speciall care that all civility bee used towards the person of the Kinge in the ordering of that businesse committed to your charge, and that hee have such accomodations whither hee is to remove, as shall bee suitable to the present occasion, that there may bee noe complaint there is any want of conveniencies fitting for him.^b

^a This second warrant should apparently be dated Nov. 29. Mr. Gardiner suggests that Ewer had accompanied Hammond to Windsor, and that it consequently became necessary to send new agents. The warrant is from the General Council of Officers. *Great Civil War*, iv., 256.

^b Probably from John Rushworth.

*A list of such horse and foote that are to meet at the Randevouz,
1 Dec., 1648.^a*

Troopes.

12	{ The Lord Generall	} Horse
	Col. Whalley	
5	Commissary Generall	
4	Col. Fleetwood's	
5	Col. Rich's	
2	Lt. Generall's	
1	Col. Harrison	

—
29 troopes.

2 troopes Col. Okey's Dragoones.

Regiments.

Col. Hewson	} Foote.
Col. Pride	
Col. Deane	
Lt. Col. Cooke	
Lt. Col. Ashfeild	

Companies.

- 3 Col. Inglesby.
- 5 Col. Barksted.
- 1 Adjutant Generall.
- 1 Col. Whitchcott.

Two regiments of horse and 17 troopes.

Two troopes of diagoons. Five regiments and ten companies of foot.

[*Lieut-Col. Saunders to Lord Fairfax.*]

My Lord,

Our God hath done our worke for us, all things are quiet in the

^a Before the march of the army to London.

Island, the King went without any opposition to Hurst Castle, and is there; your worke now is before you, to putt such a number of confiding men to guard him as therin you may rest, for the old souldiers are rotten. I have sent a party of horse to Capt. Pretty; there will be need of more horse and foote to ly there abouts; the Castle is allsoe much unprovided of victuall. This is all that I can informe your Excellencie, who am, Sir, your humble servant,

RO: SAUNDERS.^a

Portsmouth,
December 2,
1648.

^a *The Moderate* for Nov. 28-Dec. 5 contains the following letter, dated Newport, Dec. 2:

"This morning about six of the clock, five of us came to his Majesties chamber, and desired one of his attendants to acquaint his Majesty with our intentions (according to our orders, to secure his person, which we rather did because he might not be affrighted; which done we secured the town with 40 horse and two companies of foot which we got over last night from Portsmouth, and once in half an hour his Majesty was coached, and soon after secured in Hurst Castle, of which our dear friend and true patriot, Col. Ayers of Wiltshire is governor, whose fidelity can never be poysoned as H. was."

A second letter from the same person, dated Hurst Castle, Dec. 14, adds:

"When the governour of this Castle, Col. Eyres, came down, and came into his presence, his Majesty saluted him with a kind of a jeer, telling him, he hoped he would not take it ill that he came to visit his wife in his absence; but withall that he was sorry to put him up in so narrow a room (meaning, himself and his attendants would take up the greatest part of that little castle, the governour not having one room left for the entertainment of a friend). The governour answered his Majesty, that the place afforded not that accommodation as might be desired, but he should be well satisfied with his present condition, especially now that his Majesty was there in safety (which I believe was more than his Majesty could cordially say himselfe). Upon Sunday last his Majesty was speaking to Lieu.-Col. Cobbet to shew him by what order he was brought to that castle (which till that time he had not seen); the Lieu.-Col. shews him the order, upon the perusall of which he seemed to be well satisfied, after some debate about it, but told us, that as he had no desire to stay long in this place, yet he should be unwilling to be removed hence without the sight of an order beforehand; to which was answered, that necessity was above order; he replied, that it was true, but necessity was many times pretended, when there was none." *The Moderate*, Dec. 12-19.

[To Lieut-Col. Cobbett.]

Westminster, December 5, 1648.

Sir,

I understand you have removed the King to Hurst Castle, and soe manag'd the businesse as itt was carried without incivilitie unto him, or prejudice to others. The Parliament being soe busy att present, there can bee noe orders gotten for monies. That you may nott want for the present occasions, I have assign'd you 100li, which you may dispose with the best husbandry you can for the present occasions of those with you attending that service.*

[A letter from the head-quarters of the Army.]

Munday, December the 12, 1648.

Sir,

By the last post I acquainted yow in what temper the House of Commons were to comp[ly] with the King, by being ridgedly and passionately bent by voting the King concessions to be a ground of a settlement, which was as much as to say it was satisfactory what he had offered. All good men did soe admire at the weakenes, or rather at the madnes of the Parliament in such a vote, which at Midsommer could not have bin expected; but as it happened about 100 members of the Howse opposed it, who gave encouragement to the Army to thinke of some way to purge the Howse, since they were soe violently bent to a rotten and unworthy peace; to dissolve the Parliament would have bin counted a rash act; to purge it by a force would be thought a bold and unwarrantable attempt; to let both these passe, and to doe nothing, was to continue the same division that was in the Howse, and by consequence the division of the Kingdome, and in conclusion the distruction of it. Upon these considerations, finding the disease being desperate, there could nothing thought upon but a desperate cure; and thereupon the

* The letter is unsigned; it is probably from Lord Fairfax to Lieut.-Col. Cobbet.

Army resolved there being noe other way upon the earth left (to my iudgement) to save the Kingdome, but to seaze upon certaine members of the House, who had from time to time obstructed the proceedings in the Howse, and all good motions tending to the welfare of the Kingdome out of faction —^a by respect. Hereupon Mr. Prynn, the firebrand of England, Maior Generall Massey, Mr. Gewen, Sir John Clotworthy, and in all about 40 members were seazed upon by the Army going to the Howse; and others desired to forbear to come thither who were men who were of the same stampe of the same faction. Upon Thursday the Howse sate, and though it was an undoubted breach of their priviledge to have the Members thus seazed, yet the Members had soe abused the priviledge by the[ir] perpetuities there, taking advantage thereby, not onely to wronge the subiect, but to vent malice and passion in particular without controule, as it was frequent with these time serving members; whereupon the Howse resolved to proceed with the busines of the Armys Remonstrance and the [settlement of] Kingdome, and to let there members alone till another opportunitie. On Friday the Howse kept a fast, and adiourned till Tuesday; the army being passive all this while, charging the suburbs with provisions, and lying upon bare boords in White Hall, St. Jameses &c., hoping the Citty would not faile to send moneyes for the payeing of the army (considering the Citty was 100,000li. in arreares) and bedds, that soe the souldiers might be accomodated as not to be necessitated to come into London;^b which the army to avoyde by all meanes possible had patience from Saturday to Friday last, and the Citty of London in all that time not being able (or rather not willing) to advance one 10 dayes pay out of all their arreares, necessitating the army to resolve to march into the Citty, and there to quarter; which accordingly they did on Friday last, in Paul's, Blacke Fryers, and in parts there abouts. When the Citty see the

^a A word erased.

^b Cf. Rushworth, vii., 1349, 1350, 1353.

army was in good earnest, and that theire owne folly, by not advancing that which they owed unto the army had wrought this upon them, then they beganne to vote to raise 10,000li., and to provide bedding for the souldiers, hoping the army would retire out of the Citty; but the army being hitherto deceived with their delitarynes, understood where 27,000li. was in bank at Weavors Hall, went and seized upon the same,^a that the Citty might see, that though they could not raise 10,000li. 10 dayes pay for the army, yet the army could tell how to finde a months pay ready in cash. This terrified the malignant merchants and goldsmiths, fearing theire estates should be seized upon, though there was noe reall cause to suspect them, saide in soe humble a manner that they all professed themselves to be servants to the army. Hereupon the Generall sent some Colonells unto the Citty to assure them never a gold-smith should loose the value of a thimble, or merchant 2d. in his goods, who did not obstinately refuse to pay the just arreares that were behinde from the Citty to the army; and further assured that the 27,000li. that was thus seized upon should be repaide out of the very arreares that is yet due, out of the Citty arreares to the army, and out of the first moneyes that did come in; and the army having bin there ever since, hath committed noe spoyle more then trouble of quarter, because the Citty are sloe in bringing in of theire debts. Thus you have the true account of this weekes passage. The Lord direct both the Parliament and the army out of these distressed proceedings to bring good unto the Kingdome; and my opinion is this, that you will finde these [members] now sitting in Parliament to goe on more unanimously and more vigorously in the settlement of the peace of the Kingdome, in giving eare unto the subiect, and doing more capable thinges unto the common wealth in 3 months, then hath bin done by the Parliament for three yeares past.

^a See Fairfax's letters to the City. Rushworth, vii., 1356, 1358.

[*Thomas Margetts to William Clarke.*]

Deare Billy,

Yesterday wee had a generall meeting of Officers heere and they have resolved upon a declaration, sent to his Excellency by this gentleman Captain Baynes, to which I shall referre you. The Major Generall did expresse himself very sweetly and fully, opposing with aboundance of convincing reason all that gainesaid, so that he gave great incouragement and full satisfaction to all the well affected, and putt much life and strength to the busines, so that he hath clearly taken away all iealous thoughts of non compliance; nay, I can say, I believe no man acts in it with more clearnes and satisfaction in point of conscience, nor can give greater life to the thing; and let no man have any thought against his fidelity and integrity to the publique cause of the kingdome, as I heare he hath been a little too much spoken of in that sence, you may most safely vindicate him against all such.

It is the greate feare of the well affected, that the Army through some temptation or other may fall off, and not act vigorously, (the former defection breeds iealousy) and so they be brought in to further mischeif by being engaged with them. And this is also the enemies hope. If in case this declaration be appointed to be printed I beseech you let it be carefully done, and the presse carefully examined and corrected before it be published; and I beseech you also, when they are done, lett a reasonable proportion of them be sent to mee that am

Thine owne

THO: MARGETTS.

Pont. 13 Dec. 1648.

Present my humble service to Mr. Rushworth, my love to Mr. Hatter, Mr. Wragg and all old Cronies.

This Castle holds out still, the Governor desperate feeds their men with hopes of releif from Scotland; many of them are sick, and many gett away, and [some] came away this day, some yesterday, and some almost every day. Yesterday an officer of theirs standing upon one of their towers had his head shott of by one of our cannon bullets. Wee hope their owne discontents within will shortly put them to extremity. Present my service to Card: Woolsey, tell him by the next post I am for him.*

Generall Councell, Dec. 14, 1648.

[List of Names.]

Question debated—

Whether the Magistrate have or ought to have any compulsive and restrictive power in matters of religion.

Adjourned till Saturday at noone to proceede upon the other parte of the Agreement, waiving [?] this first reserve.

The Generall Councell is to meete tomorrow at one in the after-noone in relation to justice.

The Generall Councell is to meete Munday for further proceeding in matter of this dayes debate. Left to the Committee, in relation to the thinges formerly referred concerning the Agreement, to meete tomorrow here or elsewhere in the Cittie to discusse.

Question. Whether to have any reserve to except religious thinges, or only to give power in naturall and civill thinges, and to say nothing of religion?

* This letter is one of the few originals amongst the Clarke MSS. On the state of political feeling in the northern army see Rushworth, vii., 1366, 1400. A series of letters from the camp before Pontefract are printed in *The Moderate*. Margetts was secretary to the Council of Officers of the northern army, and probably to Lambert its commander.

Orders for the discussing of this Question.

(1) That those who are of opinion in the affirmative begin (if they will) to lay downe the grounds.

(2) That the discussion be alternate, viz^t. that when one hath reasoned for the affirmative, the next admitted to speake be such as will speake for the negative, and after one hath spoke for the negative, the next admitted to speake bee for the affirmative.

(3) That if none arguing in the affirmative give grounds for a compulsive power, then none in the negative to speake against any other then the restrictive power.

Col. Rich.	Mr. Taylor.
Col. Deane.	Mr. Collier.
Mr. Wildman.	Capt. Clarke.
Mr. Stapylton.	
Mr. John Goodwin.	

To meete at Col. Titchburne's tomorrow at 4 of the clocke
in the afternoone with

Mr. Calamy.	Mr. Marshall.
Mr. Ashe.	Mr. Nye.
Mr. Seaman.	Mr. Russell
Mr. Burges.	Mr. Ayres.
Mr. Cordwell.	Mr. Brinsley.

About the particulars this day debated.*

* This account of the votes of the General Council of Dec. 14 is from vol. xvi. 4to of the Clarke MSS. The debate which follows is from vol. 67, folio.

General Council. att Whitehall. 14 December. 1648.

Present,

Lo: Generall Fairfax. etc.^a

The first Reserve as in relation to matters of Religion, read.^b

The Question,

Whether the Civill Magistrate had a power given him from God?

Col. Tichborne.

How farre the Civill Magistrate had power from God?

^a For list of names see the table of attendances, given at the end of the volume. Cromwell was absent. *Mercurius Pragmaticus* notes under Dec. 14: "This day Duke Oliver set forth in state towards Windsor, upon an entreaty by letter from Duke Hamilton to come and conferre notes with him, now that design is ripe for execution. It's thought that cunning coward (for as yet we must not call him traytor) hath told tales. . . ." The same paper adds: "Munday, Decem. 18, came information, that much discourse had passed between Hamilton and Cromwell at Windsor, but in conclusion he protested he was not invited in by his Majesty, nor by any member of Parliament." *Mercurius Pragmaticus*, Dec. 12-19, 1648.

^b This debate concerns article seven of the original "Agreement" laid before the Council of the Army. It runs thus: "That the power of the people's Representatives extend (without the consent or concurrence of any other person or persons) to the enacting, altering, repealing, and declaring of Laws; to the erecting and abolishing Officers and [?] Courts of Justice and to whatever is not in this Agreement excepted or reserved from them." Eight reservations or exceptions then follow. The first is the one now before the Council. "We do not now empower our Representatives to continue in force, or make any Lawes, Oaths, and Covenants, whereby to compell, by penalties or otherwise, any person to any thing, in or about matters of Faith, Religion, or God's Worship, or to restrain any person from the professing his Faith, or exercise of Religion, according to his conscience, in any house or place (except such as are or shall be set apart for the publique worship,) nevertheless the instruction or directing of the nation in a publique way, for the matters of Faith, Worship, or Discipline (so it be not compulsive or expresse Popery) is referred to their discretion." Lilburne's *Foundations of Freedom*, 4to, 1648; cf. Rushworth, vii., 1358. In the completed Agreement, presented to Parliament on Jan. 20, 1649, there was no reservation concerning religion, but a separate article, the ninth, was devoted to the question of toleration and to religious matters in general. *Old Parliamentary History*, xviii., 533.

Col. Deane.

The law is, that what a man would have done to himself hee may doe to another, and that according to that rule hee did nott understand the Magistrate to have power.

Mr. Jo. Goodwin.

Offers to consideration, that God hath nott invested any power in a Civill Magistrate in matters of religion; and I thinke if hee had hee might more properly bee called an Ecclesiasticall or Church Officer then a Civill; for denominations are given from those [things] that are most considerable in an office. There is noe difference in that. That the Magistrate hath [not] in any way a concession from God for punishing any man for going alonge with his conscience, I conceive that is nott necessary to bee argued uppon.

That I suppose is [necessary to be argued upon is], whether itt bee proper or conducing to your ends, whether it bee like to be of good resentment of the wisest or generality of the people, that a businesse of this nature should bee of your cognizance, itt being that which hath taken uppe the best witts to determine whether the Magistrate hath power in matter of religion or noe, yett itt being a matter of that profound and deepe disputation as men have made itt, whether it will bee a matter appropriate to the cognizance of you to interpose to determine, and to decide a question which hath bin the great exercise of the learning, and witts, and judgement of the world. And I conceive though there bee reasons uppon reasons of very great weight, commanding why itt should bee inserted—Certainly if soe bee the inserting of itt could carry itt, if itt could obtaine and bee likely to prevaile in the kingdome I thinke itt would blesse the Nation with abundance of peace, and [be] the preventing of many inconveniences, and troubles, and heart burnings that are like to arise. Butt inasmuch as I doe nott apprehend that itt is a matter proper for you to take notice of [or] to intermeddle in, itt being a matter of conscience and matter of religion, whether you will, you must doe itt either

then as Magistrates, and then you goe against your owne principles, you doe assume and interpose in matters of religion. If itt bee noe matter of conscience, butt only matter of civill right, itt will fall into those Articles which concerne the civill power of the Magistrate.

Mr. Hewitt.

Every poore man [that] does understand what hee does, and is willing that the commonwealth should flourish, hath as reall an hand heere as the greatest Divine,* and all devinity you have had from reading, if you had as many degrees of time since the creation, learning is butt the tradition of men. Hee is properly concern'd and as one of England, and therefore [hath a right] to know whether you give him any power or noe.

Those men that are religious they are those men that has the greatest spiritts and fittest for publique service, and to have religion given under the hand of a Magistrate or two, and all the noble spiritts of the poore to turne them out of the Commonwealth—Therefore iff wee doe honour the Commonwealth of England, itt is best to lett them bee free, that they bee nott banished or injured for matters of Conscience, butt that they may enjoy the Commonwealth.

Mr. Wildman.

I suppose the difference is concerning the Stating of the Question. For what that learned Gentleman was pleas'd to say

* "On Saturday the two politic pulpit-drivers of Independency, by name Nye and Goodwin, were at the debate of settling the Kingdom, in the mechanic councill at Whitehall, and one main question was concerning the extent of magistracy, which Nye and Goodwin requested them not to determine before advice had with some learned divines; which saying of theirs turned the debate into a quarrell: for the mechanicks took sauff, told them they thought themselves as divine as any divines in the kingdom, which a brother standing by undertook to prove, and pretended a sudden revelation for the purpose, by which means both Nye and Goodwin were once again made silenced ministers." *Mercurius Pragmaticus*, Dec. 12-19, 1648.

whether itt were proper for this Councill to conceive whether itt were matter of conscience. Through the judgment of God uppon the Nation all aucthority hath bin broken to pieces. Att least itt hath bin our misery that itt hath bin uncertaine whether the supreame aucthority hath bin [here or there], that none have knowne where the aucthority of the Magistrate is, or [how far] his office [extends]. For the remedy of this your Excellency hath thought fitt to propound a new way of settling this Nation, which is a new constitution. Your Excellency thinkes itt that itt can bee noe other way for to governe the people then this way.

And though this Agreement were resolved heere—The Question is now what power the people will agree to give to the Magistrates that they will sett over them to bee their Governours. Now the great misery of our Nation hath bin the Magistrates trust nott being knowne.^a Now wee being about settling the supreame power I thinke itt is [necessary] clearly to declare what this power is; therefore I thinke the question will bee, [firstly], whether wee shall intrust the Magistrate in matters of religion or nott? [secondly], whether itt bee necessary to express^b itt or nott?

That then the question must bee thus :

Whether itt bee necessary that after wee have had a Warre for power, to shew what power wee doe give them, and what nott? and I desire that the Question may bee stated : whether itt is

^a In the "Humble petition of thousands of well affected people inhabiting the City of London," etc., presented on Sept. 11, 1648, this view is clearly set forth. The petitioners address the House of Commons as "the supreme authority of England," and will them so to consider themselves. They are told that they must not admit King or Lords to any share in this supreme authority, "it being impossible for us to believe that it can consist either with the safety or freedom of the nation to be governed by two or three supremae." The petition complains that the Commons have declared that they will not alter the ancient government from King, Lords, and Commons; "not once mentioning, in case of difference, which of them is supreme, but leaving that point, which was the chiefest cause of all our public differences, disturbances, wars, and miseries, as uncertain as ever." *Old Parliamentary History*, xvii., 454.

^b MS, "exercise," the last line supplies the correction.

necessary clearly to expresse in this Constitution, whether to intrust the Magistrate in matters of religion or nott, whether itt bee necessary to expresse itt or nott ?

Col. Hewson.

Noe man hath said that in this Agreement nothing hath bin [granted to the magistrate, save that which hath been] exprest. The maine thinge is nott whether hee^a should bee intrusted, butt what should bee reserved. I thinke that's sufficient. For to trust them, if they have a power in themselves either to binde or nott to binde, I thinke that will bee a thinge questionable still. For that's doubted by many whether the people can tie uppe themselves to any particular measure of their obedience. Now if soe, if they have nott this power in themselves, then for them to say they reserve itt from others which they have nott themselves——

Col. Rich.

I thinke the greatest cause of the lengthning of the Debate is the mistake of the Question in hand, and I have heard difference in opinion severall [times?] about the Question. As to that the Gentleman that spoke last asserted, I referre itt to your Excellency that whether or noe the [not] empowering the civill Magistrate does nott reserve itt. If wee did not give him this power expresly, implyedlie hee has it not, and therefore to consider whether itt bee a necessary reserve.^b If itt bee a reserve that concernes the conscience of any of those faithfull freinds that have gone alonge with your Excellency, and this is a reserve that does nott concerne us butt them. . . . Even for that I referre itt to your Excellency, whether itt ought nott to bee inserted ?

Butt as to the equity and reason of the thinge, whether hee hath this from God, or whether hee can have itt, that is soe cleare that

^a "Hee," i.e., the magistrate.

^b Order of the two sentences altered.

noe man will argue for itt. That [the question] is, whether the Civill Magistrate hath power to bee exercis'd uppon the outward man for civill thinges. It has bin said wee may intrust the Civill Magistrate with our lives and our estates, butt to intrust the Civill Magistrate with a compulsive power for religious ends does implicitly signify, that wee will submitt to such a power. Now the question is [not] whether wee can impower him over our consciences; it's impossible. Butt this is that which sticks with mee, whether wee ought to countenance the Magistrate, much lesse give him a power over the persons of men, for doing or nott doing religious thinges according to his judgement.

Lt. Col. Lilburne.

To my understanding [in] all that hath bin said to reach this busnesse that which hath bin principally aimed att [is] to state the Question. According to [the] Commissary Generail's first stating of itt, [it] is this. That seing there hath bin a great warre about breach of trust (and that unlimited trust), and seing wee are now about to [seek a way to] avoide those miseries that hitherto have hapned, I conceive the substance of the Question will bee this: whether itt bee necessary to represent the trust that is reposed in the Magistrates. That I conceive that is the principall thinge that will reach our end. Whether itt bee requisite to expresse their trust positively in this Agreement, yea or noe?

Com. Gen. Ireton.*

I have heard soe many thinges and soe many mistakes that itt makes mee thinke of some other method, and that is to finde out the persons of the severall opinions that are started amongst us, that [they] may apply themselves to answer [each other]. Nott many to speake together of one parte, and that which they have said goe without answer; butt immediatlie as one hath spoken any thinge of one.

* Ireton, so far as these reports can be trusted, had not yet spoken. I doubt whether the order of the speeches given in the MS. is always correct.

parte that itt may bee answer'd of the other parte. Otherwise wee shall, as farre as my reason goes, perplex ourselves and all that heare us.^a

My memory is nott able to reach to those many mistakes that I have found in the Debate hitherto, butt I'll speake a worde to the last because itt is very materiall. I perceive by this Gentleman that the foundation of the necessity—the ground of the necessity^b—[of] the determination of this point now, is fix't upon this: that wee have had warres and troubles in the Nation, and that hath bin for want of ascertayning the power in which men should have acquies'd in the Nation, and for that men have nott knowne where to acquiesce. If the meaning of this bee, that itt hath bin for want of knowing what power Magistracie hath had, I must needes say that itt hath bin a cleare mistake [to say] that this was the ground of the warres. The grounds have bin these: That wheras itt is well and generally knowne what is the matter of the supream trust (that is all thinges necessary for the preserving of peace) [it is not so well known] what is the end of civill societie and Commonwealthes. If I did looke att libertie [alone] I would minde noe such thinge [as a Commonwealth]; for then I am most free when I have noebody to minde mee. Nor doe I finde any-thinge else that's imediately necessary, nott [as the cause] of making any power amongst men, but^c the preserving of humane society in peace. Butt withall to looke att such a trust. That you comitt the trust to persons for the preserving of peace that they may use it in such a way as may bee most suitable in civill societie, that are most probable and hopefull for [preserving] libertie, and nott [like] to make us slaves, as itt may bee most hopefull for common and equall right amonge us, as may be most hopefull to provide for the prosperitie and flourishing state of the nation. That the necessary thinge, that which necessarily leads all men into civill agreements or contracts, or to make Commonwealthes, is the necessity of itt for preserving peace. Because otherwise, if

^a See p. 72.

^b Answering Wildman.

^c MS. "by."

there were noe such thinge, butt every man [were] left to his owne will, mens contrary wills, lusts, and passions would lead every one to the destruction of another, and [everyone] to seeke all the wayes of fencing himself against the jealousies of another.

That which hath occasioned the warre in this Nation, and that which hath occasioned the controversies heretofore is,^a nott the nott knowing what the limitations are, or of what [nature] the supreame trust is, butt that wee have nott knowne in what persons, or what parties, or what councill the trust hath layne. The Kinge hee hath claim'd itt as his right, as in the case of Shippe Monie, butt the people thought they had another right then. There was a Parliament called, and itt was then cleare and undenied; the Kinge could nott deny itt—that itt was the right of the kingdome that they should nott bee bound and concluded, butt by common consent of their deputies or Representatives in Parliament. Itt [not] being thus farre made cleare where the supreame trust did lie, thus much was cleare, that the kinge could nott doe anythinge alone. Then hee insists uppon itt, that the Parliament could nott doe any thinge without him. This was the difference, because they did assume to doe somethinge without him which they thought necessary for the safetie of the Kingedome. Soe that the ground of the warre was nott difference in what the supreame Magistracie [was, but] whether [it was] in the Kinge alone.^b Now wee are all that are heere I suppose unanimous, that this bone of contention should bee taken away, that itt should bee determined in what persons or succession of persons the supreame trust doth lie. With us the Question is, what kinde of power wee should committ with those that have the supreame trust. Since itt is cleare in this question itt is nott intended [to determine] whether wee shall committ [to them] a trust of our judgements or consciences, the question is whether wee should give a trust to them for the outward man, and with

^a The position of several clauses altered.

^b i.e., a difference not as to the nature of the supreme power but whether the King alone possessed it.

acquiescence butt for peace-sake. That all civill power whatsoever, neither in naturall or civill thinges, is nott [able] to binde men's judgements. The judgement of the Parliament [which] is the supreamest Councill in the World, cannott binde my judgement in any thinge. [Whatever power you give the magistrate], whether you limitt itt to civill thinges or naturall thinges, the effect of that power is that hee hath nott power to conclude your inward, butt your outward man [only]; the effect of all is butt the placing of a power in which wee would acquiesce for peace sake.* Take that for granted then. To come to consider whether as to the proceeding to the outward man, and our acquiesce[nce] unto him for peace-sake, itt bee fitt for us to committ a trust to the civill Magistrate for this purpose, concerning spirituall thinges as concerning civill thinges.

Now the ground [of the dispute] is this. There are two pretences of Conscience. There are many men who doe claime a right to the Civill Commonwealth with you, and have nott forfeited that right. They say "Though wee thinke itt bee in your power to determine who shall bee the supream Magistrate, butt that being determined there is somethinge of Divine Institution that does tell him what is his duty to doe, gives him rules in point of acting betweene man and man, in civill thinges hee ought to have regard to that right. 2^{dly} They say, that that same word or wnesse of God left to us, which gives him directions in this case in civill thinges, [which tells him] what is right and what is wronge, and soe must bee the guide of his judgement—that same does tell him, that in some thinges [that concern religion] hee ought to restraine. This is truly the pretence of conscience on one parte.

That which is said against this. First, many men doe nott beleive that there is by the word of God, by the Scripture, any such direction, or power, or duty laid uppon the Magistrate, that hee should exercise any such power in thinges that concerne religion. They differre in that point. Secondly, they say: "Though itt were soe, to your satisfaction that are of that opinion, yett wee

* The last three sentences lines are transferred from p. 80.

being nott satisfied that wee ought to thinke soe, itt is nott fitt for us to committ a power to him which God hath nott intrusted him withall." That's the argument. For otherwise itt would follow, that if there bee a pretence of conscience, and some probable grounds and reasons on the one side, that the Magistrate should nott bee bound in matters of religion, butt that hee may exercise this power in this case. When wee are uppon the businesse or uppon agreement itt will bee necessary wee should leave this out. Lett us goe on to make an agreement for our civill rights uppon those thinges wherin wee are agreed, and lett us [not] make such a thinge necessary to the agreement as will inevitably exclude one of us from the agreement, butt lett us make such a distribution of the publike trust in such hands as shall give everyone an equall share, an equall interest and possibility, and lett us submitt ourselves to these future Representatives, and if wee bee nott satisfied in one Representative itt may bee satisfied in the next. This would certainly bee the most reasonable way in all those that have nott admitted this Agreement.

Saving that, [as] itt's alleadged on one hand, "If you putt this into the Agreement you necessarily exclude mee from itt, as my conscience is that the Magistrate should have that power;" soe sayes the other, "If you have nott this in the Agreement you doe exclude mee from the Agreement for my conscience sake, for my conscience is, that the Magistrate should nott have that power."

Then Sir—For that truly I thinke itt has bin offer'd, to the end wee may come to the neereest possibility that I can see to an agreement—this hath bin offer'd. That you cannot conscientiously intrust the Magistrate with a power which by the rule of God hee ought nott to exercise, butt if you finde itt is alleadg'd to give him a power to all thinges butt those that are reserved, and [if we do] nott reserve this from him then wee give him the power of that. To that itt hath bin offer'd, that in your generall clause concerning the power of the supream Magistricie of the peoples Representative that wee should [make it] extend to all civill and naturall

things ;^a then if nott having right to a power from him if hee will exercise his power without clayming itt from some body else ; if hee have itt in him of God then your Agreement cannott take itt from him ; if hee have itt nott [of God] then itt is nott [given him] in the Agreement.

For that for a setling of the power, there are noe rightfull foundations of this trust [save] either Divine Institution or designation of the person, or else an humane placing of them. Now though itt bee in man (where God doth nott designe) rightfully to elect and designe the persons, yett when the persons are elected and instituted, what is their duty to doe in point of justice, and what is their duty in point of those thinges of religion whereof they are to judge, [those are thinges] that are nott to bee determined by those that committ the trust to them. Certainly [by] the same reason as wee in only making our choice of the persons and of the time of their continuance, (that are clearly in our power) do^b leave itt to him according to his judgement to determine and proceede in matters of civill right and civill thinges, [so] wee may uppon the same ground, without further prejudice to the inward^c man, referre to him a power of determining as to the outward man what hee will allow or suffer in matter of religion.

And thus I have indeavoured as clearly as I can to state the Question and the severall Questions that are in this businesse.

Col. Whalley.

My Lord,

Wee are about preparing an Agreement for the people and truly, my Lord, itt is high time that wee did agree. If we now vary itt is

^a Cf. Vernon, "The Sword's Abuse Asserted, or a word to the Army; shewing the weakness of carnal weapons in spiritual warfare, the sword an useless tool in temple work; and the bearer thereof an unfit builder. Tendered to the serious consideration of his Excellency the Lord Fairfax and his General Council, upon occasion of their late debates about the clause concerning religion in the promised Agreement. By John Vernon, sometimes a member of the Army. Imprinted for John Harris, Decemb. 1648."

^b MS. "to."

^c MS. "outward."

a ready way to common ruine and destruction. My Lord, I doe perceive in this paper which is prepared for the people to bee by Agreement. There is one Article in itt which hath bin soe much spoken of to the great stumbling of many. Itt causes a great difference amongst us. If soe, wee cannott butt expect that itt will cause a greater in the Kingdome, and soe great as doubtlesse will occasion a new commotion. Since itt is soe apparent to us, I must thinke itt were a very necessary Question to putt, whether this ought nott to bee left out of this paper, yea or noe. For how can wee terme that to bee an Agreement of the people which is neither an Agreement of the major parte of the people, and truly for anythinge I can perceive (I speake out of my owne judgement and conscience) nott[an Agreement of] the major parte of the honest partie of the Kingdome? If the Question were whether the Magistrate should have coercive power over mens Consciences, I thinke itt is a very necessary thinge to putt. Wee have bin necessitated to force^a the Parliament, and I should bee very unwilling wee should force the people to an Agreement.

Lt. Col. Lilburne.

I agree to that motion of the Commissary Generall, that there might be some of contrary principles or parties chosen out to agree uppon the stating of our Question, that wee may nott spend soe much time in that which wee are to Debate uppon.

Mr. Sprigge.

My Lord,

I should bee loath to taxe any heere with mistakes, though I have nott a better worde to call it by, and itt hath bin used oft already. I conceive there are many mistakes have pass'd in bringing forth the state of the Question. There has bin a mistake I conceive of the true subject that is to bee intituled to this businesse, and a mistake of the capacitie that you are in to act in this businesse, and a mistake of the opportunity that lies before you,

^a MS. "serve."

and of the fruite and end of your actions. I conceive my Lord, that hee hath not bin intituled to this thinge who ought to be intituled, and that is our Lord Jesus Christ, who is heire of all thinges; and as hee was Gods delight before the world was made, why, soe God did bringe forth all thinges by him in a proportion and conformitie to him, to that image of his delight and content his sonne; and soe retayning this proportion, and acting in this conformitie to him, have all States and Kingdomes stood that have stood, and expect to stand; and declining from this proportion, itt hath bin the ruine of all Governements [that have done so]. Itt is God's designe, I say, to bringe forth the Civill Government, and all thinges heere belowe in the image and resemblance of thinges above; and when as those thinges that are butt of [a temporary] and representative nature have clash't with that which hath bin their end; and have either sett uppe themselves, or sett uppe thinges that are of this world like themselves, as their end, and soe have made all thinges (I meane the thinges of the other world) to stoope and vaile to these ends, and have measured Religion and the appearances of God according to rules and ends of pollicie, itt hath bin the ruine of all States. I conceive that that is the account that is to bee given of the [cause of the] condition that this Kingdome is brought into att this time.

Now, My Lord, God having thus taken us a pieces, and that righteously, because our Government did nott stand in God in itt patterne, why hee hath only by his providence now brought forth the Government of the sword, being that which only wee are capable of, and which wee have brought ourselves into a condition of needing and requiring.* Now, My Lord, I conceive that this same goodwill which is in your Excellency and in the Army to promote the spirituall liberties of the Saints as well as the civill liberties of men, cannott butt bee taken well. Itt is that which certainly you shall nott fare the worse for att the hands of God, who will award unto you according to your doings, and according to

* MS. "needinesse & acquiringe."

your intentions. Butt wee must alsoe professe that the Kingedome of Christ does nott stand in [need of help from] any power of man ; and that Christ will growe uppe in the world, lett all powers whatsoever combine never soe much against him. Soe that I conceive the Question is nott soe much to bee putt in the interest of Christ and of the truth—I meane in the interest of the neede of Christ of your restraining of the Magistrate,—of your providing against such coercion. Butt if itt should bee, now that the Magistrate is despoyled of all power to oppresse the saints, if you should goe to lay an opportunity before him againe, and offer such a thinge to him, certainly that were to lay a great snare before them,* and by thrusting them on to breake their owne neckes the faster. For this I look upon,—that Magistrates and all the powers of the world, unlesse they were in the imediate hand and guidance of God, unlesse hee does superact, they will dash against this stone. Itt is naturall to them nott to retaine themselves in that subordination wherin they are unto God and unto Christ, who are butt to represent [him] in this spheare of theirs in a lower way, and to bee subservient to him. Butt there is an enmitie in all these, there is an enmitie in the powers of the world [against God], and therfore Christ must bee putt downe [by them], as wee have itt att this day. God is in the Kingdome, and hee is growing uppe, and men shall nott bee able to hinder him. Soe that heere's all the question that I conceive can bee made, and all that is concern'd in itt [is this] : whether you will declare your goodwill to Jesus Christ, or noe. For I say, Christ depends nott either uppon this or that, or the truth uppon itt, as if itt should suffer or die, if such a power doe nott appeare for itt. Butt there may bee somethinge else concern'd then [the truth, namely] the flesh of the Saints, which God is tender of ; for hee is tender of all of us in our severall administrations and under our severall dispensations ; and if soe bee that [the] Saints are nott

* "them," i.e. the Magistrates, changing abruptly from the singular to the plural.

prepared soe to suffer, or inabled to committ themselves to him in well-doing without such defence as your sword [or] your arme, to restraine and keepe back persecutors—itt may bee God may in mercy putt this into your hearts to accomodate the weakenesse of his people soe. Butt I conceive, My Lord, that this thinge is nott att all essentiall unto your worke; for the power of the sworde and all other power whatsoever being extinct righteously, because itt stood nott and did nott act in God, I conceive that which you have to doe is to waite uppon God, untill hee shall shew you some way, and nott to bee too forward to settle. I perceive by this Agreement of the People there is a going on to settle presently, and [to] make a new constitution, which I thinke wee are nott in such a capacitie to doe. God will bringe forth a New Heaven and a New Earth. In the meane time your worke is to restraine, indeede to restraine the Magistrate from such a power. That the people of God, and that men too, that all men that are, ought to live within such bounds as may bee made manifest to them to bee such bounds that they may nott suffer wronge by might. Certainly if soe bee you shall soe manage your opportunity, I conceive you shall fully answer your end; waiting uppon God untill hee shall [deliver you], who certainly is growing uppe amongst us; and if wee could have butt patience to waite uppon him, wee should see hee would bringe us out of this labyrinth wherin wee are.

Sir Hardresse Waller.

My Lord,

That that I was going about to say was only this: I shall nott take uppon mee to dispute the Question, only tell you I feare I shall goe away with the same opinion I came. That itt was the Question, itt is the Question, and itt will bee the Question to the ending of the world: whether the Magistrate have any power att all [in matters of religion], and what that power is? My Lord, I offer itt to yourselfe and everybody, whether your affaires will

admitt of soe much delay as to determine the Question whether or noe. This that is term'd the Agreement of the People, whether you doe alwayes expect to uppehold itt by the power of the sword? Otherwise you must have somethinge suitable to the affections of the people, to correspond with itt. Truly, My Lord, I should bee glad all men might bee satisfied and I thinke, if I know my heart, I could suffer for their satisfaction. Butt since itt is uppon these termes that wee cannott goe together in all thinges, I desire wee may bee soe good natur'd as to goe as farre as wee can, and I hope before that [time for parting] comes God will finde out a way to keepe us together. If the other thinges which are Civill may soe bee termed the Agreement by us, if they may bee gone through withall, and if wee can expresse any thinge to lett the world know wee doe not goe about to give the Magistrate power in that which hee hath noe power, truly, My Lord, this will shew that wee goe nott about to give him more then hee has, if hee have itt att all wee take itt away. Certainly what wee doe heere does nott conclude against right, wee may bee mistaken, if wee give itt nott certainly wee restraine from that usurpation hitherto though I could thinke itt a great-deale of happinesse that every man had as much liberty as I desire I may have nott to bee restrain'd; and since I venture nothing butt a persecution of the flesh, and instead of bringing ease to the Kingedome I should lay itt out, and to that which lies uppon us of destroying Kinges and Parliaments and all that, wee shall destroy a people of our owne, wee shall nott bee thought agreers butt disturbers of the peace. Therefore I shall desire wee may goe on to other thinges and leave this till that time. And truly itt is somethinge to mee that the Spiritt of God has nott thought fitt to determine in this world, as wee are to live uppon such incomes^a from God, and though itt bee a very pleasing thinge to have God appeare in

^a incomes, i.e. incomings, impressions. Cromwell speaks of "men who know not what it is to pray or believe, and to receive returns from God."

power to us in itt, yett God hath bin as much glorified in the suffering of Saints as in their doing, and therefore I desire wee may goe on to other thinges and nott sticke att this.

Mr. Peter.

May itt please your Lordshippe.

I thinke wee have hardly time enough to spend about those thinges that are very essentially and certainly before us to bee done out of hand.

First of all, wee doe nott know any one's mindes, for I doe nott finde anythinge att all is putt to the Question. For if any one of these three or fower were putt to the Question wee might have noe Question.^a I know without all controversie there hath bin dispute, and will bee a great while [about this], and I know nott in what Country this will bee first decided.^b Nott that God and Nature hath left itt soe [doubtful], butt from Diotrephes^c to this day there hath bin a spiritt of domination. There are two thinges uppon which I will raise the Conclusion. 1. I am mervailous tender that there shall bee nothing done about Religion in England (and I am only tender in England, if I were in another Country I would nott say soe) because the interest of England is Religion.^d I say itt lookes like the interest of the Kingdome; and I beleive you will finde that [religion is the cause of] those contests that have bin in the Kingdome. And though that Gentleman and others are inabled to know if [it be] soe [better

^a If any one of these three or four questions propounded were put to the vote we might know the minds of this meeting.

^b This question of the power of the magistrate with respect to religion.

^c Peter doubtless refers to Udall's tract: *The state of the Church of England laid open in a conference between Diotrephes a Bysshopp, Tertullus a papiste, Demetrius an usurer, Pandochus an Innkeeper, and Paule a preacher of the worde of God*, published in 1538.

^d Cf. Cromwell, 4th speech, in which he terms England "the best people in the world. . . . A people that have the highest and clearest profession amongst them of the greatest glory, namely religion."

than I am], I ask why doe wee march with our swordes by our sides? From first to the last wee might have suffer'd under Kinges, or Byshopps, or Parliament or anybody, and wee that [speak] know what itt is to suffer and to bee banish't a thousand miles.^a You shall know all the disputes all alonge have bin uppon this very point. Itt was the old Question in Pharoah's dayes, Whether the people should worship or no? Yett [though] I thinke in truth, [that] though wee all satt still, yett the worke of God will goe on, I am nott in the minde wee should putt our hands in our pocketts and waite what will come.^b Wee have bin drawne to this worke, wee have nott bin perswading ourselves. I should spitt him out that would looke for any plantations of his owne from the other side, lett that bee curs't from heaven to minde the thinges of that Kingdome.^c I only offer these two thoughts. First, God seemes to call for somethinge att our hands about Religion, and that only because wee are Englishmen. The 2^d thinge is this. That I thinke wee should nott bee too much perplex't about itt; and therefore, if I finde itt move uppon other spiritts that itt is a matter of great intricacie or trouble my thought is this. Doe butt tame that old spirit of domination amonge Christians, of trampling uppon their Brother, and giving law, and the like. Witnesse the Country next from us that hath all the markes of a flourishing state uppon itt, I meane the Low Countries. Wee are nott soe against or afraid of this toleration, and I am nott soe against on the other side that are to feare some sufferinges. That which I would hinte is, that now wee are come heere to settle somethinge for Magistrates [let us settle something for the Church too]. "If she bee a wall," sayes [Solomon of] the Church, "wee will build a silver palace uppon her, and if shee bee a doore wee will have her of boards of

^a Peter means to say that he does not agree with Waller's suggestion.

^b Peter does not agree with Sprigge's view.

^c i.e. temporal gains.

cedar."^a For the present case I thinke this, that that last motion made by that noble freind and some others [should be agreed to]. I wish wee would doe as all other Republicques would doe when wee come to such a rubbe as this is, I wish that this thought about this reserve may bee hunge forth in every Markett towne if men will write or speake about itt give itt a time itt may have a month or two that before you goe on with your other worke, and those thinges that can bee agreed to, and the affaires of the Kingdome from such time they may nott have longe debates. And soe you have my thoughts.^b

Capt. Spencer.

Wee are now about an Agreement of the people, and I perceive one clause in itt is, that if wee have this Agreement wee will acquiesce.^c I conceive if you leave this [power to the Magistrate] I can never comfortably [acquiesce in it], nor any man breathing, and this surely will bee [a cause of disagreement] if hee^d bee nott restrain'd in his power.

Mr.^e

That Gentleman hath mentioned itt 3 or 4 times as if itt might bee taken for granted, that the Magistrate hath power over the outward man [but none over the inward man]. In some case itt may bee done. If hee hath power over my body hee hath power

^a *Canticles*, viii., 9.

^b Peter's meaning is clear though the report is hopelessly involved. He recommends that the reserve be adjourned for a month or two, and the outside public invited to give their opinions on it, whilst the council of war continues its discussions on the other parts of the Agreement.

^c Spencer refers apparently to a passage in the letter prefixed to the Agreement. The Agreement is said to be presented by the Army, "as a testimony whereby all men may be assured what we are willing and ready to acquiesce in."

^d Hee, *i.e.* the magistrate.

^e Possibly Wildman or Overton, certainly some layman not a member of the Army. "The gentleman" whose argument is refuted is Ireton.

to keepe mee att home when I should goe abroad to serve God. And concerning [yourselves] one worde I would speake. God has pleas'd by your meanes [to give us what liberty we have], which wee looke att as from himself by whome wee have had all the comforts wee enjoy,—I say God hath made you instruments of libertie. In matters of Religion that's preferr'd by us before life. Lett's have that or nothing. Now God hath by your meanes trodden uppon that power which should have trodden uppon us. [Let us agree] to prevent any authority from coming uppon us. If you never agree in your Judgements, itt's noe matter, [if you] keepe butt authority from beating of us and killing of us, and the like. And wheras that Gentleman spake of this concerning a Representative, concerning what power they should have heerafter, wee have this to say. If you your owneselves cannott helpe us [to freedom] in matters of opinion wee doe nott looke for itt while wee breathe. The Lord hath bin pleas'd to informe you as [well as] any other men. If you cannott agree uppon itt, then I^b shall conclude for my parte, never to expect freedome whiles I live,

Col. Harrison.

May itt please your Excellency.

I would nott trouble you save that itt may save you trouble. I doe wish that which was offer'd at first might bee entertained to save time. That you would putt the businesse in such a way [as] to have the state of the Question.^a If itt bee soe longe before you come to thè Question, itt will bee longer before you come to a resolution in itt. I offer this: That because this is that which stickes uppon the consciences of men I would nott have itt taken notice of by any that you would soe slight them as nott to doe that now, butt that some of all interests may have the consideration of this, and therin you may have confidence that God will blesse the issue. For what expedient there may bee found in itt that

^a i.e. Have the question stated.

^b MS. "wee."

may bee left to their consideration, and the blessing of God upon their indeavours. Whether they should have assistance from some out of London, or those that would bee willing to meete [them from] elsewhere upon itt, would bee an happy thinge to guide them to the right of itt. That then you would please to goe with the rest of the thinges that I thinke you may more generally concurre in.^a

Col. Deane.

I should make this motion : whether wee might nott finde somethinge att this time might satisfie all, and whether in that foregoing clause. . . . "That in all civill thinges," [etc.], wee might nott satisfie all interests ?^b

Col. Harrison.

That will leade you to a consideration of the meritt of the thinge, and will spend much time in debate pro and con, and if itt please God to guide the hearts of some few itt may bee a satisfaction.

Capt. Clarke.

I shall take the boldnesse to offer one worde or two. That Gentleman that spoke last ^c was pleas'd to offer this as an expedient to satisfie all : that if the worde[s] 'civill and naturall' [were inserted, it] might suffice to satisfie all. I suppose [they will] nott [satisfy all], because that all punishments, though for matters

^a *i.e.* Do not adjourn the consideration of the religious question till we have settled the civil questions, as some propose, but appoint a committee at once to consider the religious question. This proposal was adopted.

^b Compare the eighth section of the Agreement of the People (as presented Jan. 20, 1649). "That the representatives have and shall be understood to have the supreme trust . . . and the highest and final judgment concerning all *natural or civil things*; but not concerning things spiritual or evangelical."

^c Refers to Deane.

of religion, are meerly civill for the punishment of the body; and whatsoever the sentence of the Church [may be], if they doe sentence any person, they send him to the secular power. Soe that will bee as himself has spoken. . . .

Butt I shall adde one worde. This Army by the blessing of God hath done very great thinges for the Nation, and itt's the honour of the Nation that itt hath bin a shelter to honest people that had otherwise bin hammer'd to dust, and as longe as God makes us a shelter to them [it will be an honour to us]. Wee are now closing uppe the day, and I thinke every one heere is willing to see an end of the days, yea yeares [of his life] were itt to see that freedome soe often spoken of, and that common right soe often desired, clearly brought forth to the people. Your Lordshippe and the Army under your command hath taken uppon you to interpose in those times of straighthes, to see if you could finde out such a way as might settle the people in formes of common right and freedome. You have remonstrated this to the world; and to that end you have hinted unto a petition of the 11th of September wherin (if your Lordshippe please to looke uppon that itt doth aime att) the thinge principally spoken of [is] that there may nott bee a restriction to the opinions of men for matters of religion, to the[ir] consciences.* Wee are conclude[d] men cannott master

* "We expected," say the Petitioners to the Parliament, "That you would have exempted matters of religion and God's worship from the compulsive or restrictive power of any authority upon earth, and reserved to the supreme authority an uncompulsive power only of appointing a way for the public, whereby abundance of misery, persecution, and heart-burning would for ever be avoided. . . . That you would not have followed the example of former tyrannous and superstitious parliaments, in making orders, ordinances, or laws, or in appointing punishments concerning opinions or things supernatural, styling some blasphemies, others heresies; whereas you know yourselves easily mistaken, and that divine truths need no human helps to support them: such proceedings having been generally invented to divide the people amongst themselves and to affright men from that liberty of discourse by which corruption and tyranny would be soon discovered." *Old Parliamentary History*, xvii., 456, 458.

passions. I referre this to bee consider'd whether if this bee nott our common right and our common freedome to live under a Civill Magistrate to live by our neighbours, butt as touching religion why should any people bee punished. I thinke, My Lord, that every one heere when hee speakes his Conscience will say plainly [no]. And now whether wee for prudence or policie should protest. Lett us doe that which is right, and trust God with the rest. Noe man or Magistrate on the earth hath power to meddle in these cases. As for meum and tuum, and right betweene man and man hee hath right, butt as betweene God and man hee hath nott. Therefore I desire [that] though all agree that the Magistrate hath noe power to doe soe, and wee have noe power to give him ; yett seing hee hath in all ages usurp't itt ; and in these late yeares, and in this last age * almost as in the remembrance of errours and blasphemies had made most of them heere to fall to the ground, and since that is soe wee have great reason to reserve itt soe. Wee might bee willing to reserve itt [hereafter] when wee cannott.

Com. Gen. Ireton.

Truly, My Lord, I should nott trouble you agen, butt that I see wee are falne uppon an Argument ; and from the convincing of one another with light and reason wee are falne to an eager catching att that which is our owne opinion, and dictating that which is our apprehension, as if itt were the minde of all, and indeed of God himself ; and indeed studying to preclude one another by consequence, as especially the Gentleman did that spoke last. Hee tells us, that wee are bound by the Remonstrance to doe this thinge that now wee are questioning about whether wee should doe or noe ; and one ground is because in that our Remonstrance wee had referr'd soe to a petition of the 11th of Sep-

* May be paraphrased : " Had almost made religion itself to fall to the ground, under pretence of restraining errors and blasphemies."

tember that wee had desired all thinges [in it] to bee granted. Butt if soe itt had bin an ill use of itt; if there had bin generally good thinges in itt, and one thinge prejudiciall, though wee did stand uppon all thinges in itt that were [good] wee were false to our Engagement. When wee had desired the whole wee did nott insist uppon every particle of itt. I desire wee may nott proceede uppon mistakes of this kinde. This conduces only to stifle itt, and I wish wee may nott goe about to sett such thinges uppon men's mindes.^a I must clearly minde that Gentleman, that all that is said in the Remonstrance concerning the [petition of the] 11th of September is butt this: when wee have prosecuted our desire concerning justice, and our desires to a generall settlement, and amongst the rest a dissolving of this Parliament, [we then desire] that this Parliament would apply themselves for the remainder of the time to such thinges as are of publike consideration, and lay aside particular matters that have interrupted them hitherto, and for the further time they shall sitt nott meddling with private matters, butt consider those thinges that are proper [work] for Parliaments, as reformation of laws, and providing better for the well government of the nation, and hearken to what hath bin offer'd to them by persons well-affected for the publike good; and amongst the rest [we mention] that petition of the 11th of September [and we move this as to matters to be taken into consideration, in due time and place, after public justice and the general settlement of the kingdom].^b Now because wee saw very many and great dreames of good thinges, and therfore have desired they would take itt into consideration with this Agreement and settle-

^a *i.e.* I wish you would not suggest that the Army has broken its engagements.

^b The grand army remonstrance of Nov. 20, 1648, to which Ireton refers, supplies the words given here in brackets (*Old Parliamentary History*, xviii., 236). In the text of the speech in Clarke MS. after the word "hitherto" in l. 16. come the following words, which are clearly misplaced, "and for relation to lawes in that kinde and for providing better for the well government of the nation, and wee move this as to advice to matters of justice and of the kingdom."

ment thinges of that nature, and amongst the rest that therefore wee should bee concluded because of that, that wee should nott now have any thinge in this Agreement that shall nott prevaile for that which the petition does [is unreasonable].

Another thinge wee have declar'd [for] : to have a settlement uppon grounds of common right and freedome. Itt is the title of the Agreement.^a 'Tis true, butt I doe nott altogether remember that itt is in our Declaration. Lett itt bee soe that itt is a common right. Itt is dictated to us by that Gentleman to bee a common right and freedome [that any man] submitting to the Civill Governement of the Nation should have liberty to serve God according to his conscience.^b This a right, I will agree to that. That is nott the Question amongst us. For if that were the Question, I should bee sure to give my noe to the allowance of any man [to be punished] for his conscience, and if I had a thousand noes I should give itt, and that as loud as any man.

Heere's a [nother] Gentleman^c that does speake for what is to bee done in this businesse, [as being] a matter that is nott necessary to God and Jesus Christ, butt a thinge wherein wee must shew our good will to him, in preserving his people from sufferinges for that which is his worke, his act. If that were the thinge in Question, I should thinke that wee of this Army above all others should walke most unworthy of the mercies wee have found, if wee should nott indeavour [it].

Butt heere's the case. The Question is now, whether you shall make such a provision for men that are conscientious, [in order] that they may serve God according to their light and conscience, as shall necessarily debarre any kinde of restraint on any thinge that any man will call religion. That's the very Question. Truly, itt is soe, or else you will make noe question. If you could

^a "An Agreement of the people of England, and the places therewith incorporated for a firm and present peace upon grounds of common right and freedom."

^b Clarke ?

^c Sprigge.

bring it to a restraint for the Magistrate to punish only men that are members and servants of Jesus Christ, all that are here would give an eye to it. But to the question: whether admitting that to be never so good, and I think it is our great duty and great interest to endeavour [to secure it]—yet whether we shall make our provision for that in such a way as shall give to all men their latitude, without any power to restrain them, to practice idolatry, [or] to practice atheism, and any thing that is against the light of God?

Lieut. Col. Lilburne interrupts.

That is not the Question; but [whether] that clause may be in the Agreement or not?

Com. Ireton.

Whether this be not the Question: that^a [all that] will joyne with you in civil things [shall be free from any restraint in spiritual things]? Now I come to tell you of what kinde those things are that conscientious men doe thinke the Magistrate ought to restrain. I doe not thinke any man conscientious [that says] that the Magistrate ought to restrain a man from that which Jesus Christ does teach him; but men have consciences to say that there are many things that men may owne and practice under pretence of religion, that there may, nay there ought to be the restraint of them in; and that is the ground of our Question. But if I have mistaken this, I shall willingly be mistaken. However I am sure of this in generall: that there is no exception to the putting of this in this Agreement but this; that you cannot so provide for such a reserve as this is for men really conscientious that they shall not be persecuted, but you will

^a "These things we declare to be essential to our just freedoms, and to a thorough composure of our long and wofull distractions. And therefore we are agreed and resolved to maintain these certain rules of government and all that joyne therein, with our utmost possibilities against all opposition whatsoever." *Foundations of Freedom*, p. 12.

by that debarre the Magistrate of a power that hee ought to have to restraints.

Mr. Sprigge.

There is something offer'd in that which I made bold to speake of. The Question that I conceiv'd to bee canvas'd was : whether your Excellency should improve this opportunity to restraints any power whatsoever from oppressing or vexing any man for the things that hee does conscientiously ?

Com. Ireton.

That's nott the Question.

Mr. Sprigge.

I suppose itt will bee resolved in this, and though the termes may bee different.

Com. Ireton.

Doe you make that [clear] that they shall nott punish for any thing butt that, and wee shall stand to itt.

Mr. Sprigge.

I conceive that there is all alonge a supposition of a provision to bee made to prevent heresies in the world, besides that same which is (as I conceive) the only meanes of suppressing them and eradicating them, and that is the breaking forth of him who is the Truth, the breaking forth of Christ in the mindes and spiritts of men. This is that which does only roote uppe and destroy those heresies, those false conceptions and imaginations; and I conceive that this same is altogether omitted and forgotten in the discourse [of the Commissary General]. For this is the extremitie that wee are reduc't to looke uppon. How shall we avoide. say you, butt that the Kingdome may bee overrunne with such things as idolatry and the grossest things that are ? I conceive that itt is nott proper for Magistracie to bee applied unto this; and therefore if you doe reserve [from

the Magistrate] this power to apply himself this way to the restraint of these, you doe nott reserve [from] him that which is his right, that to which hee beares any proportion, neither doe you withhold any meanes that is proper for the suppressing and preventing of these thinges. Itt is a shewing a great diffidence in the spiritt of God, and in Christ, as if he would nott provide for the maintayning his owne truth in the world.

Col. Harrison.

I will only trouble you in a worde. Wee are nott yett resolved uppon a Question. [The Commissary General] and the Gentleman there that spoke last [differ] which ought to bee the Question; though in the issue itt will bee, whether this clause concerning religion ought to bee in [the Agreement]. Yett to the end that you may come to a period [I desire] that you would first take this into consideration: Whether the Magistrate hath any inspection att all in matters of Religion? And when you have concluded that itt will fall under your consideration how much [power] will bee needfull for you uppon any considerations to give to him. Therefore, if you will fall into the Debate of the businesse, I doe humbly offer this to your Excellency as the first Question: Whether the Magistrate hath any power or noe?

Doctor Parker.

I would nott have spoken in this kinde, butt that I have heard divers men speaking, and yett in my owne sence they doe nott come to that which I apprehend concerning the thinge. The Gentleman that spoke last spoke well: that hee would have a Question [stated, whether the Magistrate hath any power or no]. All that I would adde [is, that the question be], whether they have any power to restraine men in their owne consciences acting to civill peace and civill honesty? Whether Jesus Christ under the New Testament hath given any power to the Civill Magistrate to restraine men professing their Consciences before God, while they walke orderly according to civill peace and civill honesty?

Com^o Ireton.

Itt is good to keepe to the Question which was first drawne, and as it is last (whether Jesus Christ hath given such power) itt is a catching Question. Itt was nott the businesse of Jesus Christ when hee came into the world to erect Kingdomes of the world, and Magistracies, or Monarchies, or to give the rule of them positive or negative. Therefore if you would consider this Question, whether the Magistrate have any thinge to doe in any thinge which men will call Religion (for you must goe soe large), you must nott confine itt [to the enquiry] whether Jcsus Christ have under the Gospell given itt, butt you must looke to the whole Scripture. As there is much in the old Testament which hath lost much, yett there are some thinges of perpetuall and naturall right, that the Scripture of the old Testament doth hold forth, wherin itt does beare a cleare witnesse to that light that every man hath left in him by nature, if hee were nott deprav'd by lust. There are some thinges of perpetuall right in the old Testament that the Magistrate had a power in before the coming of Jesus Christ in the flesh. Unlesse you can shew us that those thinges are nott a perpetuall right, nor had nott their perpetuall end, butt had only their temporall end, soe as to determinate by his coming in the flesh, you must give us leave to thinke that the Magistrate ought according to the old institution to follow that right.

Col. Hewson.

I desire your Excellency to consider whether itt tends? If itt bee a Question tending to that, then consider what you doe in putting itt to the Question. Either you resolve that they have a power or nott. I would faine learne if itt bee resolved whether that trust bee infallible, if itt bee liable to a mistake then wee may build a very great foundation.

Lo. Generall.

Now is only to dispute the Question.

Mr. Nye.

My Lord;

[I desire] that your Lordshippe would bee pleased to state the Question. There is one thinge that I have observed, that words of a neere significancie [sometimes lead to confusion], and I conceive these two words doe. Itt is one worde of "matters of religion," and another "matters of conscience." Matters of conscience is larger then "matters^a of religion." Itt concernes that of the 2^d table. Now if itt bee the power of the Civill Magistrate over consciences for a man may make conscience of some thinges. There was a Gentleman cast into Newgate to bee executed for having two wives, and hee had this case of conscience;^b hee sent for severall Divines, and amongst the rest I had this dispute. All the arguments about persecution for conscience. "Those that were of nearest affinity to sett them farthest off" [etc.].^c [Say] such matters [of conscience] as concerne the first Table; then you come to distinct termes.

Mr. Walford.^d

As a servant to your Excellency I desire to speake a worde. There is none concern'd more in libertie then the Lord himself. I know nothing butt that Kinges and Armies and Parliaments might have bin quiett att this day, if they would have lett Israell alone. For men to give away God how well they will answer itt I doe nott know. The Lord is a transcendent thinge. There is a seede gone forth from God . . . and whiles I am in bonds heere you will punish mee, when I shall come to returne to my spirit. . . . Itt was nott the saints butt God himself. . . . and therefore all that I shall say to this—if you can make by your power a Magistrate a Lord and lett him bee sett uppe assoone as you will. I have noe more to say.

^a MS. "that of religion."

^b i.e. made this a case of conscience, said he was following his conscience in thus acting.

^c Specimen of the argument used by the gentleman.

^d Walford was one of Fairfax's chaplains.

Sir Hardresse Waller.

I should desire the Question if I thought the Question would doe the businesse. I am afraid wee are gotten into the ocean againe. I should desire that might bee minded to save the time. Itt was moved a while since, and that by the way, to putt itt to such a thinge as may bee satisfactorie, for I doe nott thinke that words can satisfie the hearts of men. Butt if your Lordshippe shall take such a course that men of all interests to bee together. Lett the world know you will bring them into their civil quiett. Wee doe nott know butt that they will bee all agreed in this, and when itt is declared to the world, all Gods people may bee free.

Major Barton ^a.

An't please your Lordshippe, for ought I perceiue there are many presumptions. Many thinke there are great presumptions. I desire there may bee tendernesse had, and that is first, that Justice may bee executed.^b I feare stating this soe high itt does somethinge putt a demurre uppon that, and uppon what ground I doe nott know. I shall desire, that the meritt of the Remonstrance may bee consider'd, and noe other thinge offer'd that may inter-mingle, and desire that as itt is of that tender consideration as to blood or peace. I heare of some thinge that hath bin spoken heere, that there have bin divers invited that as yett doe nott appeare; and [I move] what was by one Gentleman ^c offer'd to your Lordshippe, that the place and time may bee soe determined as to this particular that they may have a further invitation, and soe bee invited that they may come. I shall desire that wee doe nott lay a foundation of distractions.

^a Of Scroope's regiment of horse.

^b Apparently refers to the King's trial.

^c Referring to Harrison's proposal for a Committee.

Col. Titchborne.

I shall desire to move this, that when wee doe putt itt to the Question, first, that you would propose heere what shall bee the Questions in the Debate; and then to referre itt to some persons and some time wherin you may take the concurrence of all persons that doe concurre. And in the meane time that the rest may bee [busied] in the [matters]^a that concerne the whole.

Mr. Overton.^b

I have observed, that there hath bin much controversie about this point, and severall motions concerning the matters. One thinge offer'd by Col. Hewson and some others, that some of all parties might bee choscn. I humbly conceive the same thinge hath bin already done, for there hath bin fower of severall parties chosen for the drawing uppe of this Agreement,^c which they have done to try who will agree, and who will nott agree; for itt is a thinge nott of force butt of agreement; and I presume, that there is noe man heere butt is satisfied in his owne judgement what to agree to, and what nott to agree to. I desire itt may passe to the Question, [yea] or noe?

Coñ. Ireton.

I should bee as free as any man to have a catch of his owne Agreement, there was little difference in those that drew this uppe.

All.

Calling for the Question.

C[ommissary-General] I[reton].

My Lord, the Question that men doe call for is nott as to the

^a MS. "whole."

^b Richard Overton.

^c See Preface. The history of the drawing up of the original "Agreement" is given at length by Lilburne.

Agreement—whether that clause may bee fittie in or noe, or any thinge to that purpose^a—butt [a question] to bee debated in relation to our judgements.

The Question was : Whether the Magistrate have any power in matters of Religion, that is, those thinges concerning the first Table ?

Col. Rich.

I shall offer one worde to the Question.

Coñ Ireton.

Whether the Magistrate have or ought to have any power in matters of Religion, by which wee understand the thinges concern'd under the First Table ?

Col. Rich.

My Lord, I finde that there is a generall agreement by every person that hath spoken, that itt is nott his desire that the Civill Magistrate should exercise a power to persecute any honest man that walkes according to his conscience in those thinges that are really religious, and nott pretended soe. What is represented in opposition to this is : That wee cannott finde out any way to discriminate this from that^b exorbitant liberty which those that are nott Religious butt would pretend to bee soe, would take. If you please I should offer my sence to the Question :

Whether or noe the Civill Magistrate is to exercise any power, restrictive or compulsive, uppon the persons of men in matters of Religion, they walking inoffensive to the Civill peace ?

Coñ Ireton.

My Lord, I still say, that whoever is eager to catch advantages

^a Order of clauses altered.

^b MS. "this."

for his owne opinion that there may be an advantage gained on the other hand, does nott further agreement. That which is propounded I did offer itt, that men under pretence of Religion may breake the peace, [or do] thinges that are civilly evill. Now, My Lord, I suppose that "whether if a man doe walk civilly & inoffensively or noe," is nott att all necessary to bee consider'd in this, which is the first and maine Question that is heere propounded, [viz.] whether in some thinges which [a man ^a] may call Religion, [the magistrate ^b] may have a restrictive power. Whether compulsive or restrictive power you may take itt whether you will. Yett it may still bee the question, if you will have itt putt ^c [after the main question].^d

Doctor Parker.

One word more I added, that word "civill peace" or "civill honesty."

Cofm. Ireton.

Make itt whatsoever you will according to "civill peace" or "civill honesty;" yett still itt remaines to bee debated [whether the magistrate is to exercise any power in matters of religion].

Major Barton.

My Lord, I doe perceive as I judge, and speake itt with submission, that there are some heere that are too inclinable to follow the course of corrupt Committees formerly, that were forward to putt the Question before there bee satisfaction given.

^a MS. "hee."

^b MS. "hee."

^c The order of the clauses given in the MS. has been altered.

^d Ireton's point is that the question raised by Parker may be considered later after the main question, whether the magistrate has any power at all, has been settled.

Capt. Hodden.

Heere have bin very many disputes what would bee the Question, and if these words bee nott further explain'd in those termes the Question is still, and hath bin, that which I thinke most mens spiritts heere have from the beginning satisfied to bee, [to wit]: Whether you will restraine Magistrates from that tyranny of compelling or enforcing^a men, and persecuting men for doing those thinges they doe out of conscience, and as to the worshipp of God?

Com. Ireton.

Reades the Question.

Whether [the Magistrate ought to have any power in matters of religion, by which we understand the things concerned under the first Table]?

Col. Harrison.

I desire the word compulsive may bee added, for restrictive will nott bee large enough. If [the words] any power bee nott large enough, [I desire that] then you will take both "compulsive" and "restrictive."

Co^m. Ireton.

My Lord, I perceive itt's every man's opinion, that the Magistrate hath a protective power; and if you will apply matters of Religion to the first Table, itt will bee granted [that he should also have a] compulsive. "Thou shalt have noe other Gods butt mee," "Thou shalt make noe graven image" &c. "Thou shalt nott take the name of the Lord in vaine." And then for the 4th. "Thou shalt nott doe any manner of worke [on the Sabbath day]."

Whether the Magistrate have or ought to have any power in matters of Religion?

Mr. Bacon.

I doe apprehend there hath bin much time taken uppe about the

^a MS. "informing."

restrictive power and ^a the compulsive power; that is concerning the power of the Magistrate in matters appertayning to the Kingedome of Heaven, and the Kingdome of God. They have bin debated, first, whether hee have power; and 2^{dly} what is that power that hee hath;^b and soe whether the power that hee hath bee either compulsive or restrictive. Now I doe conceive, that any other power [than that] which is purely protective hee hath nott; and I doe give this account. The whole power of the Magistrate is said to bee the power of the sword, an outward power. I doe apprehend [that] really all matters relating to the Kingedome of God are purely and altogether spiritual; and therefore I conceive [that] to allow the Magistrate any other power then that which is purely protective of men to live quietly is to putt a power into the hands of the Magistrate which is nott att all given him by God. I speake somethinge as a man, and I crave leave to speake a word only as a Christian, as touching affaires of this nature, which I doe confesse is a matter to bee acknowledged as the great and wonderfull worke of God. To witt, that there is a time [of] coming forth of captives, according as the Scripture speakes, "I will take off every yoeke and remove every heavy burthen from off the people, because of the annointing,"^c that is, because of Christ. Now Sir, give mee leave [to say], this thing is the great matter, and it is the glory of the nation that wee have lived to [see] it, and it is the care of the honourable Councill and all the good people of the Nation, how wee are [to] secure the people of the Nation from the like thraldome they have bin in in times past. I will lay downe only this one position. The ground of all that enmity that hath bin of men one against another, and of the universall enmity that hath bin in all sorts of men against God, I conceive hath bin the state of ignorance, and darkenesse, and pretence of Religion that hath bin amongst us. That nott having the faith itt self which wee have pretended to see wee have rather the forme of godlinesse then the power of itt, and

^a MS. "to."^b Order of clauses altered.^c Isaiah, x., 27.

God hath bin pleased to bringe forth as wee have heard.* There are certaine men in the Army that having tasted of the good worde of God and the powers of the world to come, that have bin in the good land, have bin in such a scattered time, wee all having light come, that the land may have her sabaoth in a good sence after 6 or 7 yeares disturbance or trouble now taken away, and therfore the Lord fill the Nation with men of upright spiritts. Whatsoever you doe appoint for the restrayning of men the Magistrate his hands will nott bee bound uppe, butt hee will keepe his power against that Religion that is contrary to himself; and therfore that's to bee prevented att this time as longe as wee goe noe further.

Coñ. Ireton.

A caution that you would use such words as concerne a restrictive power.

Whether the Magistrate have or ought to have any compulsive, or restrictive power in matters of Religion?

1. That those who are of the opinion in the affirmative,^b begin to lay downe their grounds, and that the discussion bee alternate:

2. That if noe man give grounds for a compulsive power, then those that doe speake against the power of the Magistrate will speake only to the restrictive power.

Mr.——

If there bee noe man heere to speake. . . . That that, I should offer to consideration is this. When Israell having bin at a losse a longe time had renewed their Covenant with God soe that God accepted them, Hee was pleased to deliver his minde to them (and nott only to them butt to all the sons of men) in those ten words, commonly called, the Ten Commandements. Now as your good Apostle saith, they consist of two Tables, and the commands of the

* From this point the speech becomes simply a collection of fragmentary sentences.

* MS. adds "or ought to be."

first Table are all negatives. Now God never gave any rules to the sons of men butt hee gave them to bee in force. For my owne parte I apprehend, that they are morall, and soe a rule to all the sons of men as well as to Israell, butt especially to those who are zealous for their God. That there is a compulsive power left to the Magistrates that I cannott alledge ; butt that there is a restrictive [power from the very] nature of the Commandements that I doe hold necessary. Neither did Israell ittself goe about to compell any man, butt were very watchfull and shy whome they did admitt into communion with them, butt wee have observed that they have restrain'd, as itt concernes every Magistrate [to do]. Wee must nott looke att Pagans and Heathens that are revolted from their duties to God, and yett God hath left those impressions uppon the sons of men that you shall nott finde any people butt they worshippe some God. Now the command of God in that kinde is, that they should worshippe noe other God butt him. This is that which I thinke lies uppon all powers, to suffer noe other God to bee worship't butt Jehovah; and soe the 2^d Commandement does restraine Idolatry. Butt as hee is pure in himself, soe hee will have such a worshipp as himself hath institutted and appointed; hee will nott have the sacred name taken in vaine. Now any that shall breake the 2^d or 3^d Commandement comes under the cognizance of the Civill Magistrate. Soe for the 4th, though there bee a Prologue leading to itt, yett itt is restrictive. Soe that though I have nothing to say for compulsive power, yett thus much I have to say, that [the magistrate ought to have a restrictive power]. God deliver'd these thinges to Moses that was a prince in Israell, and itt is a rule to this day, and itt is a rule by the light of Nature [also]; and therfore itt properly concernes the princes of the people, especially those that know * God, to restraine corrupt worshippe.

* MS. "knew."

Mr. Nye.

I speake to this. That there is noe ground from the nature of the Meeting to conclude every man [as agreeing] that sayes nothing, if your end bee by the suffrage of silence to second your owne judgements, to stampe your owne judgements, butt these have a better foundation then silence, butt least silence should bee soe farre thought of—Truly as the Question is stated I thinke a man may assent to itt, if you will take the words, "those things that are truly religious."^a If the contests that is betweene us and Byschopps were by way of compulsion they have assum'd soe much as this. That even in that which is truly religious, the worshipp and service of God, they have putt such restrictions^b as these are: that men shall nott preach though they bee called of God; and soe likewise compulsion, that such a forme of prayer [should be used]. In this sence your Question ought to bee understood, and soe to take the words in your proper speech, and that is religion. For if you say "religion" simply, by itt you understand true religion; and if you speake of any other thinge you will give itt's adjunct "false religion;" and soe a man may easily stand to itt, and yett nott come to what is the drift of the Question: whether a false religion, or such matters as these, are [matters which] the Magistrate hath to doe withall. If itt bee understood in that strict sence, I must stand with you in itt. I doe nott thinke, that the Civill Magistrate hath anythinge to doe determinatively to inforce anythinge that is matters of religion, to inforce the thinge that is that I doe extreemly question. Butt for the other [question], whether the Magistrate have anythinge to doe under any notion or consideration whatsoever, either of setting uppe the false God, which is noe religion indeed, that for my owne parte I must professe that I doe thinke the Magistrate may have somethinge to doe in that. And soe I shall deliver my judgement that noe man shippewreck himself in this thinge.

^a The last clause has been transferred from a later sentence. Nye proposes to amend Ireton's definition by adding these words.

^b MS. "reasonings."

Mr. Wildman's Question.

Whether the Magistrate have any restrictive or compulsive power in the time or manner of Gods worshippinge, or [as to] faith or opinion concerning him?

Coñ Gen. Ireton.

Whether the Magistrate have or ought to have any power of restrayning men, by penalties or otherwise, from the profession or practice of any thinge the evill or good whereof relates to God only?

Col. Harrison.

That you will leave [thereby] the judgement to the Civill Magistrate [to decide] whether the doing of such a thinge bee [relating] to God [only] or noe. Whether [when the magistrate punishes] errorr or^a heresie, hee doe nott [profess to] punish them as itt relates to the Neighbour; and whether if soe, wee^b doe nott leave them to bee punished [by using those words.]?

Coñ. Ireton.

1. I take itt for granted that [the things commanded in] those words which wee call the fower first Commandements they are matters of religion, the fault of^c non-performance whereof relates to God only, the duty and satisfaction if a man doe observe them relates to God onely. I speake concerning such thinges. As to them I give my ground thus. That as to those thinges the Magistrate hath a power to restraine men, and ought to doe itt. I argue first from the possibility of the thinge. Those are thinges against which there is a testimonie in the light of nature, and consequently, they are thinges that men as men are in some capacity [to judge of], unlesse they are perverted—indeed a man perverted in his owne lusts cannott judge of any thinge even matters of common honesty

^a MS. "of."^b MS. "hee."^c MS. "or."

—2^{dly} Those who are subject[s] and nott the judges, they are likewise in [a] capacity to judge of the evill of those thinges even by the light of nature. And in that respect I account itt is proper and nott unsuitable to the judgement of men as men, and of Magistrates as Magistrates, because (if any body will take notes of itt in writing they may *) because in such thinges the Magistrate by the light that hee hath as a man may judge, and the subject by that light that hee hath as a man may bee convinc't.

In the next place I goe to grounds of Scripture, and shew that this is the Magistrates duty. And first I will take itt for granted till some body give mee reason to the contrary :

1. That tis the injunction [of the old Testament], and likewise itt hath bin the practice of Magistrates in all the time of the old Testament till the coming of Christ in the flesh, to restraine such thinges. If any doubt itt they shall have proofes : first, that the Magistrates of the Jewes as Magistrates were commanded to restraine such thinges : secondly, that they were commended when they did itt : thirdly, that they were reprov'd when they did nott. This is cleare through the current of the old Testament

And first because I see the answers to these are obvious, I shall speake to the two cheif [answers], and shew you what is objected. That is first : [that] what the Magistrates of the Jewes might or ought to doe is noe rule to others, for they were to doe itt as ecclesiastical Magistrates, Church matters concerning them ; [that by] the punishment of death or such other punishments, they did butt allude to excommunication, unto the time of the Gospell ; and that you can make noe inference from what they ought to doe as to conclude a perpetuall duty of Magistrates, butt a duty allegorically answer'd in the duty of Ecclesiasticall [officers in ecclesiastical] thinges. This I have have heard to bee one answer ; and to this I shall butt apply one reason to shew the inconveniencie of this answer [to] those grounds that wee give from Scripture, and that is this. If

* Probably a reference to Clarke's note-taking.

itt doe appeare that those that were the Magistrates amonge the Jewes,—whether they were Ecclesiasticall or Civill Magistrates—that they were to exercise this power, nott only to persons within the Church, butt [to persons] without the Church, professedly noe way within the compasse of the Church, then that objection is taken away. Butt I thinke [it is clear that] they were to extend this power to those that were out of the Church. They were commanded to beate downe the Idolls, and groves, and images of the land whither they went; they were commanded that they should nott suffer the stranger that was within the gate to worke on the Saboath, [and not to] to suffer swearers or idolaters of any kinde. If any man doubt that, itt is an easie matter to produce Scripture for that purpose—Soe that itt is cleare to mee they did [it] consider'd as Magistrates having an aucthority civill or nacturall, not as persons signifying or typifying the power of Ecclesiasticall Officers under the Gospell; and therefore what was a rule of duty to them (unlesse men can shew mee a ground of change) is a rule and duty of Magistrates now.

And that rule or duty to them leades mee to the next evasion: that what was a rule to them under the Law as Magistrates does nott hold under the Gospell. Now to this I answer (and I doe these things because I would give men grounds against the next meeting to consider of some things); I say that I will acknowledge as to those things enjoyn'd the practice whereof was commanded, the neglect whereof was reproved in the Magistrates of the Jewes, whose end was typicall and determinative, to end att the coming of Christ, to all those [I acknowledge] the duty of the Magistrate doth cease. Either as to restriction or compulsion [it] doth cease; because itt relates [not] to the things themselves. Butt for those things themselves for which they had a perpetuall ground in relation of the duty to God, a perpetuall rule by the law written in mens hearts, and a [perpetuall] testimonie left in man by nature—and soe consequently for those things whereof the ground of duty towards God is nott chang'd—for those things I account that

what was sin before is sin still, what was sin to practice [before] remains sin still, what was the duty of a Magistrate to restraints before remains his duty to restraints still. And thus I have given my grounds why wee ought [not] to binde the hands of the Magistrate, [so] that they shall nott restraints men from evils, though against God only, that are given as breaches of the first Table only.

Mr. Nye.

I should have made bold to suggest my thoughts this way before. I doe nott professe itt to bee my opinion, butt now I shall doe itt upon a ground or two.

Under favour I thinke your resolution att first was to propose some objections now, and leave them to consideration.

Mr. Goodwin.

I shall crave leave to speake a few words to what the Commissary Generall hath said.

You were pleased to lay this for your ground. That the Magistrate ought to have a restrictive power in matters of religion, because matters of false worshippe (or att least of idolatry) are matters comprehended within the light of nature, such as may bee perceived by naturall men. I conceive first: That itt is nott whatsoever may bee made out, may bee drawn^a out by much meditation, or discourse, or inference by the light of nature—you will nott call this matters of the light of Nature; for then every man that is to obey your lawes ought to bee a student, and by contemplations finde those things that lie as remote from mens first apprehensions. There are abundance of things that may bee made out by the light of nature which are nott lawes or constitutions.^b All law ought to bee [such] things [as may be known] by the light of nature; butt

^a MS. "drawn."

^b Order of sentences changed.

such thinges as ought to bee knowne by the light of nature without inquiry, without meditation. See [for instance with regard to] thinges as to the being [of God], as to the creation of the world. It is an hard thinge for any man to come to frame a notion by such a meditation of such a being as is in God. You must putt in infinitenesse of wisdomes &c. Itt will require much of a man's time to frame such a notion which will answer the being of God. For this is nott [to knowe God], to beleive that there is a God, to say there is a being which is more then men, from above that which is of men. Butt to know God is to beleive that there is a true God. "This is life eternall to beleive thee the only true God."^a That was for that thinge. That though itt bee [possible] by the light of nature to make out [that there is a God, that though] men are capable by the light of nature to conceive that there is a God, yett to conceive this in a right and true manner itt is in the profundities, in the remotest parte, amongst those conclusions which lie farthest off from the presence of men, [even] though itt should bee in the light of nature.

And then againe, [with regard to] what you were pleas'd to observe concerning the Old Testament and the power of the Magistrate, I shall desire to suggest these two thinges by way of answer. My ground is : that there is nott the same reason for the power, and the exercise of the same^b power [under the] the Gospell [as there was] under the law. My first reason is this. Wee know, that the Magistracie of the old Testament was appointed, instituted, and directed by God himself. The Magistracie under the Gospell is chosen [by men], and they are vested with that power which they have from men. Now God may bee his owne carver. If hee will create and sett uppe Magistrates hee may give them what power hee pleases, and give them charge to exercise such a power as hee shall conferre upon them. And then further

^a "This is life eternal that they might know thee the only true God." John xvii., 3.

^b MS. "sameness of power."

there is this. There is a peculiar and speciall reason why Magistrates under the law should bee invested with such a power in matters of religion, and that reason being chang'd under the new Testament the consideration will nott hold; itt will nott paralell heere. The reason is this. Wee know the land of Canaan, and indeed all thinges in itt, nott only those that were . . . ^a poetically, butt the land and Nation and people, was typicall of Churches, and [typical] of the Churches of Christ under the Gospell, of the purity of them and holinesse of them. Canaan is the Kingdome of Heaven as wee all generally know.^b There was a necessity, that land being a type of perfect holinesse and of the Kingdome of Heaven, that there should bee lawes and ordinances of that nature which should keepe all thinges as pure and free to worshipping as possibly might bee. Otherwise the visage,^c the lovelinesse of the type, would have bin defac't. Itt would nott have answer'd God's designe in itt. Now unlesse wee shall suppose that the lands and state[s] under the Gospell are typicall alsoe, there is noe reason that wee should thinke to reduce them to those termes ^d [as the land of Canaan was], or by such wayes [as the land of Canaan was]. That is by forcible meanes, by stronge hand, as God did then order and use for the clearing of that land, of that naked piece, which hee intended should bee a type of that whole estate of thinges in his Kingdome and his Church. And that's another thinge. Inasmuch as Magistrates now in [being are under] the Gospell, they are from the first,—and soe consequently to the lowest, for they have all their descent from him—[all instituted by man]. If soe bee wee shall conceive they have power from him, itt should bee part of that power which is putt into him, and vested

^a Word illegible.

^b See the argument of Roger Williams in *The Bloudy Tenent of Persecutions*, ed. 1848, p. 272 *et seqq.*

^c I should be inclined to suggest "virtue" in place of visage, were it not that Goodwin might perhaps have been intending a play upon words.

^d The MS. continues "for matter of freeness."

uppon him who made them and sett [them] uppe in the place of Magistrates.^a For that you were pleas'd to suggest in another parte of your discourse, that there is a certain [inherent] power in Magistracy; ^b for man marks the case and God putts in the jewell, men present and God impowers. I doe nott conceive there is any such thinge in itt, for then there was a necessity that the extent of the Magistraticall power should bee the same throughout the world. Wheras if you looke into the state of all Nations, [you will see] that the power that is putt into the hands of Kinges and princes is moulded and fashioned by the people; and there is scarce any two places in the world where the power[s] of the rulers are the same. Magistrates have soe much power as the people are willing to give them. If [it be] soe now, then if a body of people, as the commonalty of this land, if they have nott a power in themselves to restraine such and such thinges, [as] matters concerning false worshippe, amongst themselves, certaine itt is, that they cannott derive any such power to the Magistrate, butt hee does act itt of himself, and by an assuming unto [himself] that which was never given unto him. There is much more to bee spoken in this point.

Mr. Nye.

The Arguments to abate what the Commissary Generall said are many.

I shall speake butt to one branch, and the last thinge mentioned: that the Magistrate hath noe other power butt what is conveyed to him by the people; for that I thinke is the [great] consideration. For^c what the Commissary was pleased to say as in relation to the Jewes, wee doe nott beleive that all that was there was typicall, butt much [was] rather morall, judicall; butt that such a thinge was then in practice as to putt a power in the Magistrate to have somethinge to doe about religion about matters of God. [I]

^a Cf. *The Bloody Tenent*, pp. 214, 306, 341.

^b MS. "magistrates."

^c MS. "of."

will take uppe this consideration : that that fundamentall principle of a Commonwealth to act what they are pleas'd to act, does nott in the least lie in the Ministeriall power butt in the Legislative power ; and if so itt lie[s] in the people. If soe, then [I would ask], whether itt doe nott lie in the power of the people to consider any thinge that may tend to the publique weale and publique good, and make a law for itt, or give a power [for it]. Whatsoever a company of people gather'd together may judge tending to the publique good, or the Common weale, that they have a liberty [to do], soe longe as itt is nott sinfull. They may putt this into the Ministeriall power to attend itt. Now Sir, suppose this bee laid downe as another principle, [I would ask] whether may nott a company [of people] conclude together and sitt downe in a Commonwealth to doe what may bee done in a lawfull way for the preserving and feeding of the bodie to their good.^a That the thinges of our God, itt is that which is of publique good and publique concernement, and amonge all other comforts of life I looke uppon this as one, aswell as my house and foode and raiment.^b

A second consideration may bee this : that there may bee such [and such] sins for which God will take account and make miserable this Commonwealth, those [men] being Christians, or [even] if they have the light of nature [only]. By the light of nature wee are able to say for such thinges God will plague a Nation, and judge a Nation. A companie of men mett together to consult for common good doe pitch uppon such thinges as doe concerne the Commonwealth. They would doe what they can to prevent such sins or provocacions as may [make judgments] come downe uppon their heads. In this case I doe nott goe about to say this, that a Magistrate, as if hee had an edict from heaven, should oppose this [or that] ; butt that the people making of them,^c if itt bee lawfull for

* Nye's argument is clearly "If a Commonwealth may provide for feeding the bodies of its members may it not provide also for feeding their souls, etc."

^b The position of the last sentence has been changed.

^c "them," i.e. laws, or possibly magistrates.

them to make such conclusions or constitutions to avoide such evils, the Magistrate may lawfully exercise that which they may lawfully make ; and therefore I say itt was once exercised under the Jewish Commonwealth. Then [if the end of a Commonwealth be to provide] for common good, and if the thinges of God [and blessings] appertayning to them bee a good to bee wish't ; if they doe nott [only] tend to that [common good], butt prevent the evill and judgements of God, I know nothing butt in conclusion there may bee some power made uppe in the Magistrate as may tend to itt.

Mr. Wildman.

I suppose the Gentleman that spoke last mistakes the Question. Hee seemes to speake as in relation to the peoples giving that power the Gentleman spoke before, butt to that which hee spoke this may bee answer'd de futuro.* That itt is nott lawfull to intrust the Magistrate with such a power. That itt was nott meerly typicall. The Question was, whether itt were morall? If itt were nott morall itt were [not] perpetuall. If itt were morall itt must goe to all Magistrates in the world. That the Magistrate should act to his conscience, destroy and kill all men that would nott come to such a worshippe as hee had. God hath nott given a command to all Magistrates to destroy idolatry, for in consequence itt would destroy the world. To that which the Gentleman said, that the people might conferre such a power uppon the Magistrate in relation to a common good, I answer : that matters of religion or the worshippe of God are nott a thinge trustable, soe that either a restrjctive or a compulsive power should make a man to sin. To the 2^d thinge : that [there might be such a power] nott only in relation to a common good, butt to the prevention of evill ; because by the Magistrates preventing such thinges as are contrary to the light of nature—To that I answer itt is nott easily determinable by the light of nature what is sin ; and if the Gentleman speake of

* The beginning of this speech is hopelessly confused. Wildman attempts to answer both Nye, "the gentleman that spoke last," and Goodwin, "the gentleman that spoke before."

things betweene man and man, of things that tend to [destroy] humane society, hee is besides the Question; if concerning matters of the worshippe of God, itt is an hard thinge to determine [by the light of nature.] Itt is nott easy by the light of nature to determine there is a God. The Sunne may bee that God. The Moone may bee that God. To frame a right conception or notion of the first being, wherein all other things had their being, is nott by the light of nature. Indeed if a man consider there is a will of the Supream cause, itt is an hard thinge for [him by] the light of nature to conceive how there can bee any sin committed; and therfore the Magistrate cannott easily determine what sins are against the light of nature, and what nott. And to both of those considerations together this may bee said. Supposing both these thinges were thus, yett [to give the Magistrate this power] is butt to putt the Magistrate in a probable condition to doe good, or in a capacity probably to prevent sin. Because the Magistrate must bee conceived to bee as erroneous as the people by whome hee is restrain'd, and more probable to erre then the people that have noe power in their hands.* The probability is greater that hee will destroy what is good then prevent what is evill. Soe that to both of them they doe nott putt the Commonwealth into soe much as a probability of any good by such a trust committed to them.

Com. Generall.

I shall desire butt a worde or two. Truly I did indeavour when I began to goe in the way that men might judge whether there was weight in what was said in the reply; and I perceive there was noe other ground laid then what I said, [or] then what Mr. Nye did adde further as a rationall satisfaccion to men why such a thinge might bee intrusted. Butt I suppose the grounds of this are such

* i.e. "equally fallible and more likely to err." Some word such as "constituted" is required by the sense, in place of "restrained."

as to lay a ground uppon conscience why itt is or should bee the duty of Magistrates in a Commonwealth to use what power they have for the restrayning of such thinges as ^a sins against the first Table, [and] practices forbidden in the first Table; and I would very faine once heare somebody to answer to these grounds that I lay to that. I have heard an answer to one of those grounds: that thinges are subject to men's judgements, . . . to the judgement of the Magistrates, and to the conviction of the subject. Butt I have heard none uppon the Scripture ground, and I would heare something of that. 1. That in the state of the Jewes the Magistrate there as a Magistrate,—and as a Magistrate nott of a Church only butt as a Magistrate of a Nation—hee had [the] power and [the] right [to restrain such things]—nay itt was a duty uppon him, hee was injoynd to itt, and when hee did itt hee was commended for itt, and when hee neglected itt hee was condemn'd and brought to ruine for itt—and [it was] to bee exercised to others then to those that were members of the Church only.^b That this therfore which was the rule then, is a rule to a Magistrate as a Magistrate [now], and as the Magistrate of a Kingdome or a Nation. That [which] was then a rule to them that were then [Magistrates] to deserve this commendation if they did itt, and reproof if they did itt nott, is a rule to Magistrates under the Gospell, unlesse in such thinges the evill or good wherof as then was taken away [by the coming of Christ.] If the thinge which hee had a power to restraine [was temporarily or typically evil], then I agree that by the coming of Christ in the flesh itt was taken away. Butt if the thinge were morally and perpetually evill, that which was the ground of the duty [then] will remaine the ground of the duty still, then I conceive the duty as to such thinges remaines the same still. I would I could expresse itt shorter—butt men may take itt shorter,—Butt I would have some answer [these grounds] that is deny that the Magistrates had power to restraine, or [assert that they exercised it not] as Civill Magistrates^b of a civil

^a MS. "of."

^b Position of phrases altered.

society, and [that it] extended only over the Members of an^a Ecclesiasticall Society; and to shew mee some grounds why if itt were a duty then itt should bee alter'd now, and as subject to men to judge of.

Col. Deane.

The businesse [as] you seeme to state [it] is thus: that in the State of the Jewes there was a Magistrate, and that Magistrate did this and that [to them] that did nott act according to the Jewish religion.

Commissary Ireton.

I will agree [that] all that was in the Jewish religion, the good or evill whereof^b did tend to typicall institution is nott a rule of our practice.

Col. Deane.

Why should nott the Civill Magistrate in this time punish any man for walking contrary to those rules for which the Jewes were punished?

Com. Ireton.

Those things which the Magistrates of the Jewes did punish as evill, if they bee of the grounds and evill as they were then——

Col. Deane.

Why will you nott destroy the Turke and the Jewes, and all others as they did the Canaanites?

Doctor Parker.

I would offer this to the consideration of our worthy freinds that are heere.

You say that which was comanded to the Civill Magistrates of the Jewes that is of [moral] right, that is alsoe to bee continued amongst us. I shall offer this objection as to that: that those thinges

^a MS. "any."

^b MS. "therof."

that are of morall right as wee conceive, and that they did practice in their religion, were commanded immediately from God; if they were commanded to them immediately from God, without any injunction to bee practized by their successors, and that they should practice the same thinge, then your argument holds good, otherwise nott. My meaning is this. Wee know itt was of morall right, that noe man should kill his owne sonne. Abraham had an injunction to the contrary. God may give out injunctions to his owne will and pleasure, face to face, to any particular person, and to bee obeyed by that particular person, [even if contrary to] those things that are of morall right. Itt is of morall right I should preserve my childe, and doe him all the good I can doe. Yett because God did command a contrary thinge itt was practised. Soe on the other side, if God will command thinges to bee done [by particular magistrates], they doe nott conclude all successors of [those] Magistrates that are in the same power.

Mr. Gilbert.

The Doctor sayes, if wee can shew that those commands are now binding uppon Magistrates hee'll grant us the Question as for his parte. Truly I have this to offer. Itt will bee much in compliance with what the Commissary General [said]. There were three lawes amonge the Jewes, the Ceremoniall, Judiciall, and Morall Lawes: I suppose the Judiciall law as to the pains^a of itt was a fence^b and guard to the Ceremoniall and Morall law. [In the first place] the law doth aime att obedience to itt, and in the second place a punishment to itt's dissobedience. I conceive the punishment of the Ceremoniall law was nott [a part] of the Morall law itt self, butt [a fence] of the purity of the Jewes.^c See farre as the Judiciall [law] was a fence and out worke to the

^a MS. "panges."

^b MS. "fence."

^c MS. I conceive the punishment of the Ceremoniall law was not of the Morall law itt self the punishment of the Morall law was not of the Morall law itt self, but of the purity of the Jewes.

Ceremoniall law [it] is false with the Ceremoniall^a law. Soe farre as itt was a fence and outworke to the Morall law itt stands with the Morall law, and that still bindes uppon men. Soe [that part of] the Judiciall law that was a fence to that, is still the duty of Magistrates.

Mr. Collier.

As farre as I remember the Commissary Generall offer'd two thinges: and the first was, whether that this Judiciall law for the Magistrate to punish thinges which were sin, sin against God, those things in the old Testament mentioned are not commanded by God. And the 2^d, whether they are taken away, and soe have noe relation to the Magistrates under the Gospell. Now to the first, I shall give you the ground why those lawes or commands and that Judiciall law given under the time of the Law hath noe reference to us under the Gospell. I might give you particular grounds, butt one principall ground of that I shall give you is this, as one ground of that which is given already. As itt is Morall itt should have bin given to all states as well as to the Jewes. Butt the ground is this, that the law of the Jewes is nott binding to us under the Gospell. If itt bee I shall then thus inferre, that the Magistrate hath his power from Divine Institution, and soe hath his power from God, and nott from the Agreement of the people, and if soe then they must come to have the same claime from God. If hee have his Commission from God lett him shew itt, soe say I, if hee have his Commission from God wee have nothing to doe to limitt him.^b

The 2^d thinge that I would minde you then itt is that wee generally agree in, [and it has been] often minded this day: that the Judiciall law to the Jewes is abrogated to us in the Gospell. I meane in respect of the circumstances of itt, though in respect of the truth of itt there is a Judiciall law to bee executed uppon

^a MS. "Morall."

^b Position of clause altered.

the people nott in the way the Jewes did. I shall give you the grounds of itt. One ground is this, that there are some thinges mencioned that was given as commands to Magistrates in the Judicial law to punish, with which Magistrates in the New Testament have nothing to doe.^a I shall minde two in particular. The first is that [sin] of Idolatry which was punished with death in the old Testament. Idolaters are to bee putt to death. That under the Gospell the Gospell is soe farre from giving that liberty much lesse power unto a Magistrate to punish an Idolater with death. To mee it is very clear in these words of the Apostle in 1 Corinthians vii.,^b that if a man or woman had a wife or husband that was an Idolater they were to live with them, and nott to punish them according to the law of the Jewes. The 2^d thinge I shall minde to you is that of Adultery. Adultery was [under the Law] to bee punished with death. If wee looke to the Judicial law wee must bee exact as to every particular of itt. Wee shall finde, that this law was done away. The woman that was taken in Adultery was brought to Christ, and they told him that Moses' law was to putt her to death. Christ answers, "Hee that is without sin lett him throwe the first stone att her." Now I looke uppon it to be mysticall. To mee itt was this: that the Gospell would admitt of noe such thinge as this [Judicial Law], butt that there was a New law; and in the Epistles, there was rules given for the excommunication of Adulterers, and [persons guilty of] Incest, and the like, which gives mee-ground to judge that the appointing of death under the Old Testament, and the like [penalties to] those which commit such offences doth relate to excommunication.^c

Col. Hewson.

I am nott satisfied as to the thinge, and therefore I shall nott use

^a Position of clauses altered.

^b Position of clause and order of words altered.

^c In this speech, which is exceptionally confused in the MS., the position of several clauses has been altered.

any argument as from my self; butt having heard some [use an] argument that is nott answer'd I shall desire to hinte itt againe. I shall gather itt uppe in few wordes That which in the Morall law is enjoyn'd unto the Jewes is still of perpetuall use amongst us under the Gospell. Butt restriction in the Morall law is enjoyn'd unto the Jewes, as in the 4th. Commandement. Therefore restriction is in perpetuall use now under the Gospell. This I conceive to bee the summe of what you have from the 4th Commandement. To mee itt seemes to bee of some force. There is some thing hinted of that which was typicall, and the like, butt nothing as to this argument from the Morall law.

Coñ. Ireton.

Because this Gentleman doth relate an Argument from mee, I'll tell you how I putt itt.

That which was evill in the time of the Jewes, and remaines as evill now, and hath the same ground of evill now that itt had then, and especially if such a thinge as was evill even before that law [was] given; for such a thinge what was the duty of a Magistrate to restraine then [remains his duty to restrain now], though I cannott say to restraine itt with the same penalty. For the imposing of a penaltie was judiciall, butt the imposing of a restriction was nott judiciall butt perpetuall. This I take for granted: that [what] was evill then and remaines uppon the same ground equally evill now, that if the Jewish Magistrate ought to restraine that even in persons nott under the Ecclesiasticall Jurisdiction, soe ought Christian Magistrates to restraine itt, if they bee Christians, even in those that are nott under the Ecclesiasticall Jurisdiction.

Mr. Goodwin.

Though itt bee supposed and granted, that the same thinges [which] are evill now as they were under the law [are] to bee

punished now as they were [then], butt if God hath ordain'd new kinde of punishments [for them] to bee punished with, wee can-nott suppose that they are punishable with both punishments. The latter does dissannull the former. If hee that blasphemeth is to bee cast out to Satan, that hee may learne nott to blaspheme, itt is impossible that this Commandement of God should bee putt in execution if a blasphemeth should bee putt to death.

Cofm. Ireton.

I thinke if wee were now upon the question of what an Ecclesiasticall Judicature or Church Magistrate should doe, itt would very well bee that that should bee the rule that Mr. Goodwin sayes: that such punishments should bee used by the Ecclesiasticall Officers (and only such) as are warranted by the Gospell, upon which the outward calling of the Church hath itt's ground; butt itt is concerning a Civill Magistrate, or a Magistrate of a meere civill constitution. I say this, if any man doe butt consider, that in the Gospell there is nothing that is to bee called and taken as of positive institution, butt that [which is expressly so intended]; I will nott desire that itt may bee taken any advantage of. Butt parts of the Gospell^a are either historicall, expressing what Christ did when hee was in the flesh and how hee was brought to death, as the fower Evangelists, and the Acts of the Apostles. Or else they are exhortatory, written by way of advice to the Churches of the Saints in the severall parts of the world; and they are written to them, [partly] as applyed to what was in generall to bee the condition of all Saints in all ages to the worlds end, and partly [as applyed to] what thinges were the condition of all the saints to whome these Epistles were written. As for the historicall parte of the Gospell—or Propheticall—that's the Revelation—I suppose noe man from the historicall parte will goe to make itt-necessary, that in the historicall parte there should bee

^a MS. "The Gospell the parts of itt."

anythinge of institution of Ecclesiasticall or other Magistrates. In the Epistolary parte, if wee first consider that all the Saints or Churches to whome these Epistles were written were all rather under a condition of persecution under Heathen Magistrates, then having a power of Magistracie in their owne hands, wee have noe reason to thinke that the Epistles written to them should bee intended as to give the rules concerning Magistracie. Butt since there was a rule concerning Magistracie, that is [a rule] by which hee^a might judge what was evill and what was good—First, Had from the light of nature. 2^{dly}, Had a more cleare foundation in the Morall law (as they call itt) that gave grounds which way the Magistrate might goe—they^b doe as well leave the Magistrate [free] in the punishment of those thinges that are in the first Table uppon prudentiall grounds, and nott tying them uppe to the judicciall grounds of the Jewish Commonwealth, butt when there should bee any Christian Magistrates leaving them to those foundations and rules of their proceeding which they had a ground for in nature, leaving that which was good or evill to restraine or nott.^c I conceive the whole drift of the Gospell hath bin to apply [restraint] in that kind to what thinges are either [un] fitt to bee used amongst men in society as Christians; or else thinges that were the common duty of men nott [merely of] Magistrates [to restrain]; though itt sayes something of that, and if any will say I shall thinke itt to bee very good. Butt this I shall wish to bee consider'd: whether in relation to what is said in the Gospell, if the penaltie does cease then the punishment of itt att all does cease? Then I would faine know, whether by the same ground that Idolatry should [not] bee punished [with death], murther should nott bee punished with death? And [I would fain know] what you can imagine should exempt the Magistrate under the Gospell from punishing Idolaters, should excuse the Magistrate

^a "Hee," i.e. the magistrate.

^b "They," i.e. the Epistles.

^c i.e. leaving the magistrates to decide what was to be restrained or permitted.

under the Gospell, or should deterre him from punishing them with death, or other punishment which under the judicall law is punishable with death? Whether the same thinge will nott serve to this, that now even for murther, for theft, for all those thinges that are evils against men, which in that law had their particular [punishments] prescribed, whether itt would nott hold as well for this, that now there ought to bee a libertie under the Gospell, itt is a time of mercie, and that wee ought nott to punish those thinges?

Mr. Goodwin.

Those punishments by death of murther and the like, the originall of the equitie and justice was nott to the Jewes only, butt they were by the law of nature. [The old Testament says:] By whome man's blood is shed. But longe before this [murder was punished by with death].

Coñ. Ireton.

Wee shall desire noe more [than this]. That if the ground of that which made itt sin, and the ground of the punishment does remaine the same now, then the sin is to bee restrain'd as itt was then, and that which was sin then is sin now.

Mr. Nye.

If blasphemy bee punished with two punishments, a sin may bee punished with two punishments; as for example theft. If a man were a Church Member hee might bee excommunicated first, and hang'd afterwards. That was nott a fallacie.

There were 2 places that Mr. Collier had [alleged]. They must nott punish Idolaters then because the Magistrate was soe.* Butt for the woman taken in Adultery, this was the reason that Christ did nott judge her, because hee would nott meddle with Magistra-ticall matters. All the while Christ lived noe Jewish rite was abolished.

* i. e. The magistrate was himself an idolater.

Mr. Wildman.

I humbly conceive, that while there is a new saving made whether that such thinges bee null'd by the Gospell, the ground [of your argument is that] which the Commissary Generall sayes.

This is your Argument: that which was sin then, and is now sin, and ought to be punished then, ought to bee punished now. I suppose there is noe consequence att all [in this argument, that] if itt were punished then itt ought to bee punished now. Because itt was [punished then] uppon a judiciaall law, which was morall, butt nott naturally morall,* and yourself said, that the punishment was nott naturally [moral]. If soe I would desire to know how wee should distinguish which parte of itt was naturally Morall, and what was nott. The Decalogue contains the whole law. If you will extend itt beyond itt I would know where you will terminate itt. Besides, if itt were naturally Morall, you must found it upon nature. If itt had bin given as a thinge naturally morall, and [to a magistrate] as a magistrate, then itt must belonge to every Magistrate that was in the world, and then you must hold that God had ordain'd such a power to bee in every Magistrate. I must confesse, that what was given to them was as Jewish Magistrates, butt nott quatenus Magistrates. Not determining what a Magistrate shall bee you leave us to an uncertainty. Wee finde noe such power att all in any Magistrate.

Mr. Goodwin.

That if this power should have bin destinated in all Magistrates, then every Magistrate in the world had bin bound to have putt all his subjects to death.

Coñ. Ireton.

If I should reply to what was said, and then adjourne the Court, itt would bee thought nott faire; and therfore I shall say nothing

* MS. "not morall, but not naturally morall." Wildman's next sentence shows that the first "not" is superfluous. Some repetitions have been omitted, and some corrections from a second version of the speech inserted.

in the world to answer to this, butt leave men to judge whether that which hath bin said bee an answer or noe.

Councell of War held at Whitehall the 15th of December 1648.

Resolved:

That the King bee forthwith sent for to bee brought under safe guards, to Windsor Castle, and there to be secur'd in order to the bringing of him speedily to justice.

Lt. Col. Venables.

Lt. Col. Cooke.

Lt. Col. Goffe.

Major Barton.

Major Swallow.

Major Cambridge.

Captain Grove.

These are, any three or more of them, to meete at Mr. Hunt his lodging in Whitehall, upon the rising of this Councell, and thenceforth to meete de die in diem as they shall agree, to consider of the best ways and grounds for the speedy bringing of the King to Justice, and to take advice and assistance therein of any such persons as they shall finde fitt and able to promote this business, and to make some report of their proceedings upon Tuesday next in the afternoone to this Councell.

The like concerning Duke Hamilton, Lord Goreing, Lord Capell, Lord Loughborow, and withall to consider their cases in respect of Articles given them.

Resolved &c.:

That the Earle of Holland, Sir Lewis Dives, Sir John Owen, Sir Hen: Lingen bee propounded to bee brought to speedy justice.*

* On Nov. 10 the House of Commons had voted that Holland and Owen and five other chief promoters of the second civil war should be simply banished. *Lords, Journals*, x., 590, 596; *Great Civil War*, iv., 246. But this vote had been rescinded by the Commons on Dec. 13, 1648. *Commons' Journals*, vi., 96. Mr. Gardiner points out that Cromwell was of opinion that these leaders should be tried before the King's trial instead of afterwards. *Great Civil War*, iv., 232.

Resolved &c.:

That Major Boswell, [Mr. Thomas] Holder, Colonel Thomas, Colonel Mouldsworth, Colonel Boynton bee speedily proceeded against as spyes, and the Judge Advocate to prepare a charge against them.

[*Letter to Lt. Col. Cobbett and others.*]

Gentlemen,

In pursuance of these inclosed Resolucions of the Generall Councell of Officers I have sent Colonel Harrison with a convoy of Horse and Dragoons to guard the King from Hurst Castle to Windsor. I desire you therefore upon receipt hereof that you bring away the person of the King to Windsor Castle, at such tyme, and by such way and marches as Colonel Harrison shall direct, who is to order the Guardes for the convoying and safe guarding of him, but you are (until further order) still to continue your care about the person of the King for his necessary accomedation and the beter secureing of him from escape.

I remaine *

Westminster December 15th
1648.

For Lt. Col. Cobbett.
Captain Merriman &c.

Generall Councell. Westminster Dec. 16 1648.

Magistrat:

The second Reserve, as to the not impresting of any by sea or land, considered and debated.

* Probably signed in the name of Fairfax.

Question. Wether wee shall propound in this Agreement any reserve from the power of the Representative in point of impressing men for the Warre.

Passt in the Affirmative.

Question. Wether there shalbe a Reserve from the Representative to impress for Forraigne Services.

Passt in the Affirmative by all.

[Except Colonel Hewson & Scoutmaster Roe.]

Wee doe not impower them to imprest or constraine any person to serve in forraigne warr, either by sea or land, nor for any military service within the kingdome; save that they may take orders for the forming, trayneing, and exercising of the people in a Military way, to be in readiness for resisting of forraigne invasions, suppressing of suddaine insurrections, or for assisting in execution of law; provided, that even in such cases none bee compellable to goe out of the county hee lives in, if hee procure another to serve in his roome.*

Resolved &c.:

That this Councell meete againe on Munday next upon the Remainder of the Agreement.

Resolved &c.:

That D^r Pagett, D^r Cox, and D^r Goddard bee added to the

* In the Agreement as originally laid before the Council this reservation ran thus: "We do not empower them to impress or constraine any person to serve in warre, either by sea or land, every man's conscience being to be satisfied in the justnesse of that cause wherein he hazards his life." Lilburne, *Foundations of Freedom*, p. 11; Rushworth, vii, 1360. Compare vol. i., p. 409. In the Agreement as presented to Parliament on Jan. 20 this reserve agrees with the resolution as passed on Dec. 16, with the following clause added: "or for assisting in execution of the laws; and may take order for the employing and conducting of them for those ends; provided etc."

former persons appoynted to goe into London to Colonel Tichburne's house about the first Reserve on Tuesday at 9 of the clock in the morninge.

Major Carter
Captain Hodden } added of the Army.

That at the meeteing of the Councill on Munday they bee remembered of this appointment.

Whitehall Dec. 18 1648. Generall Councill.

The Third Reserve allowed and passt thus.

That after the time herein limited for the commencement of the first Representative, none of the people bee at any time questioned for any thinge said or done in reference to the late Warres, or publique differences, otherwise then in execucion or pursuance of the determinacions of the present House of Commons, against such as have adheered to the Kinge, or his interest, against the people: and saving that accomptants for publique moneys received shall remayne accomptable for the same.

4. The 4th Reserve laid aside.

The 5th suspended, as not proper to the place in which it is sett, coming in among the reserves.*

* The third Reserve was passed as it stood in Lilburne's draft agreement, except that the first sentence ran originally: "That after the dissolution of this present Parliament," etc. See also vol. i., p. 409. The fourth Reserve, now voted to be laid aside, ran thus: "That in any lawes hereafter to be made, no person by vertue of any tenure, grant, charter, patent, degree or birth, shall be privileged from subjection thereto, or being bound thereby as well as others." The bearing of this clause on the position of the House of Lords may be seen by comparing it with the arrangement proposed in 1647. *Clarke Papers*, vol. i., pp. 391, 408. The fifth Reservation was of the same kind: "That all privileges or exemptions of any persons from the lawes, or from the ordinary course of legal proceedings, by vertue of any tenure, grant, charter, patent, degree or birth, or of any place of residence or refuge, shall be henceforth void and null, and the like not to be made or reserved again. Lilburne, *Foundations of Freedom*, p. 11.

Question. Wether the sixth Reserve shalbe waved or not.

Affirmatives 16.

Negatives 18.

Soe that it was carried in the Negative.

The Councill in relation to this business of the Agreement meete on Thursday next.

Ordred to bee added to the Committee to goe into London.

Colonel Hewson.

Major Barton.

Colonel Okey.

Memorandum at the meeteing to morrow to consider of some moderate men to meete in London at Colonel Tichburne's.

Whitehall December the 19th 1648.

Tuesday. Day of Humiliation at Wilmott House.

Major Coleman	} added to those formerly appointed to	
Captain Spencer		
Mr. Cooly		
		meete at Colonel Tichburne's.

[Sir George Booth to the inhabitants of Cheshire.]

Deare Countreymen,

Most thankfully I acknowledge your respects enhaunct by that your unanimous electing mee, whome yow were pleased to appoynt one of your servants in Parliament, which favour of yours haveinge bin ever in myne eye hath comanded from mee what ever my skill or ability could enable mee unto. This I hope I may modestly and safely say, your business I have intended, without designing any private advantage of my owne by place of honour or proffitt, and have endeavoured soe to smooth and playne my actions, that although in these traduceing tymes 'tis impossible to avoyde, yet may keepe

dirt from stickinge on me. I dare not (deare Freinds) soe much weaken my interest in your affections to suppose this declaratory of my selfe necessarie as to you, but shall meane it to those who being strangers to mee and my actions may have just title to it. That which at this time I shall make yours is breifely and exactly to acquaint you, that the 7th of this instant December, comeing as at other tymes, to doe you the best service I could, I was at the stepp which leads to the outward doore of the House of Commons stopp'd by a garde supposed to bee of the army, who asked mee whether I was a Parliament man, my answer, I was one; then they demaunded my name, I told it them; upon that a long paper was brought out by an officer (as I supposed him) which when they had perused, they told mee I must withdrawe, alledging noe reason at all for it. Knowing it to be both imprudent and vaine to contest with such force I did withdrawe into Westminster hall, where I mett with divers Gentlemen who had received the same usage, with them I joyned in a letter to the Speaker of the House of Commons, telling him what interruptions wee had in the way of our duties, and desaireing him to acquaint the House with it, which I may hope hee did. This hold I myselfe obleiged to doe, that soe your undoubted priviledge might be asserted, which is, as part of the free borne people of England, to send your members to act in the Commons House of the Parliament of England without molestation or interruption; though thus farr I had proceeded, yet could not thinke my self to have but very incompleatly discharged my duty, the principle part, as I conceive, being undone, that was acquainting you with it who imployed mee, whose servant I am; haveing faithfully presented you with the whole matter I leave it to you. This consideration I hope in the vacancy of my imployment, will in your thoughts acquitt mee from any share of blame for any inconvenience may fall on you, by free quarter, immoderate impositions or the like, force debarring mee from being there where your commands doe place mee for

preventing of such extremities, which to doe my selfe but right I may say I was in a faire way of effectuating, and had made a good progresse in itt when the aforementioned interruptions happened, and of this I have very good and plentifull witness. At what time when it shall please the gracious disposer of all things soe to order affaires, that I may with your honour and freedome (for yours it is), I say when thus I may bee permitted to doe you service, I am ready ; till that time and alwayes, whether in power or out of power, I have and hope ever shall have an affectionate heart to the reall good of my deare Countrymen the inhabitants of Cheshire, as becomes an Englishman, a Cheshireman, and as you may justly expect from him whome you have obliged. Your faithfull servant as long as life last

G. BOOTH.

December the 19th, 1648.

Indorsed. For my deare Countreyemen the Inhabitants of Cheshire. This is a coppie of a coppie attested under the hands of Peter Drinkewater, John Leigh.

[*Captain Richard Haddock to Mr John Rushworth.*]

Worthy Sir,

I heare inclosed send yow a true copey of the ingagement wee tooke on board the Unickorne before wee sett saille of this last expedition out of the river of Thames, which engagement they did unanimously stand up to mayntayne agaynst the revolted fleete. Sir, the principall motive which induces mee to send itt you is, first, in the way of an account, that you may thereby see this part of our actions ; secondly, that our men for their fidelety to give them further encoragement may see that their names are enrowld in the army ; thirdly, to stirre up others when occasion shall

bee to act by theire examples. I besech yow have me excused for this my troubling you, for the premises aforesayd moved my presompshion, humbly requesting yow to present my service to his excellency, I rest

Sir your servant

From aboutd the Unicorn.

R. HADDOCK *

Dec. 19 1648.

For the worshipfull Jo. Rushworth, Esq^r, secretary to his Excellencie the Lord Generall, att the Head Quarters nigh London.

Whitehall Dec. 21 1648. Generall Councell.

An expedient upon the first Reserve concerning Religion brought in and debated.^b

Question. Wether the particulars now debated shall bee referred or noe.

Past in the Negative.

All but Officers to goe forth.

Question. Wether the word Morall shalbe in the paper now read or noe.

Affirmatives 17.

Negatives 27.

Soe that it was carried for the word Morall to bee left out.

* On Richard Haddock see the Haddock correspondence, printed in vol. viii. of the Camden Miscellany by Mr. Maunde Thompson.

^b Under Friday, Dec. 22, the *Perfect Diurnal* says: "The General Council of the Army have had many large debates this week upon that reserve in the Representative, in matters of religion; some Presbyterian ministers have been discoursed withal, and at last an expedient is agreed upon, which will give satisfaction; much debate also upon the power of the Representative in Civils, as how they might proceed to punish, not being directed by a known law."

Resolved &c.

That the Representatives have, and shalbee understood to have. the supreame trust in order to the preservacion and government of the whole ; and that their power extend, without the consent or concurrence of any other person or persons, to the enacting, altering, repealeing, and declareing of lawes, to the enacting and abolishing of the Courts of Justice and publique officers, and to the highest and finall judgment concerning all naturall and civill things, and to whatsoever in such things is not herein excepted and reserved from them as followeth.*

Question. Wether under this Generall Article of the power of your Representatives now agreed on, there shalbe any reserve subjoynd concerning Religion.

Affirmatives 12.

Negatives 37.

Soe that it was carried to have noe Reserve.

The Councell adjourned till Saturday.

[*Letter to Col. Harrison.*]

Sir,

Col. Thomlinson is to bee speeded away to Windsor with instructions to himself, Lt. Col. Cobbett, and Captain Merriman, for securing of the Kinge, answerable to the severall Heads you desire resolution in. Soe soone as hee comes you may come away, and

* This is practically the eighth clause of the Agreement as presented to Parliament on Jan. 20, 1649, except that the eighth clause, after "natural and civil things," continues "but not concerning things spiritual and evangelicall;" and then enumerates the six reservations, prefacing them thus: "Provided that, even in things natural and civil, these six particulars next following are, and shall be, understood to be excepted and reserved from our Representatives." *Old Parliamentary History*, xviii., 532. In the completed Agreement a separate article, viz. the ninth, was devoted to the question of religion, instead of a simple section amongst the reservations. For the schedule propounded in 1647, see vol. I., p. 407.

your presence heere is both desired and needed. Butt before you come away, wee desire you to appoint 3 or 4 troopes out of your convoy (of the surest men and best officer'd) to remaine about Windsor, to whome you may assigne quarters in the next parts of Middlesex and Surrey, advising with the Governour therin, and to keepe guard by a troope att a time within the Castle, and for that purpose to receive-orders from Col. Thonlinson; and wee desire you alsoe out of the cheif of the Kinges servants last allowed (uppon advice with Lt. Col. Cobbett and Capt. Merriman) to appoint about the number of 6 (such as are most to bee confided in, and who may best supply all offices) to stay with and attend the Kinge for such necessary uses, and the rest wee desire you to send away, nott as discharged from the benefitt of their places, butt only as spar'd from extraordinary attendance. This is thought fitt to avoide any numerous concourse which many servants, with their followers and their relations or acquaintance, would draw into the Castle; and for the said reason itt is wish't that such of the servants retain'd as are least sure, and nott of necessity to bee constantly in the Kinges lodgings, may bee lodged in the Towne, or the lower parte of the Castle, wherin the Governour is to bee advised with.

Capt. Mildmay^a (wee presume) will bee one of those you'll finde to retaine. The Dragoones of your convoy send away to the quarters formerly intended, which (as wee remember) were in Bedfordshire. Wee blesse God by whose providence you are come on soe well with your charge. Wee remaine

Your true freinds to serve you,

OLIVER CROMWELL.

HENRY IRETON.

&c.

Westminster,
Dec. 22, 1648.

To Col. Harrison at Windsor, or by the way
to Farnham thitherward.

Hast.

^a Anthony Mildmay. See Appendix.

[*Cromwell and Ireton to Col. Whitchcott.*]

Sir,

Capt. Brayfeild of Col. Hewson's Regiment with his owne and two other companies of Foote are ordered to come to you, and to receive orders from you for the better securing of the Castle and the person of the Kinge therin. You may quarter them in the towne and in Eyton ^a (if nott in the Castle). Col : Harrison is alsoe writt unto to appoint 3 or 4 troopes of Horse out of his convoy to remaine neere Windsor, and to quarter in the next parts of Middlesex and Surrey, as you shall advise, and keepe guard by a troope att a time within the Castle, Itt is thought fittest, that the Horse guard or parte of itt bee kept within the upper Castle, and that att least one company of Foote att a time bee uppon guard there, and that the Bridge betwixt the Castles (if you thinke fitt) bee drawne uppe in the night, and kept drawne ordinarily in the day. Alsoe, that noe other prisoners bee lodg'd in that parte of the Castle besides the Kinge, unlesse Duke Hamilton in some close roomes where hee may nott have intercourse with the Kinge, and hee rather to bee in Winchester Castle ^b (where Sir Thomas Payton was), if you can safelie dispose of the other prisoners elsewhere ; butt the Kinge (by all meanes) must bee lodg'd in the upper Castle in some of the safest roomes, and Col. Thomlinson, Lt. Col. Cobbett and Capt. Merriman to have lodgings there, and those Gentlemen of the Army (being about 6 or 7) who are appointed to attend and assist them in the imediate watching about the Kinge to bee alsoe lodged (if itt may bee) in the upper Castle, or att least within the Tower; some of his allowed servants alsoe (that were of imediate attendance about his person) must necessarily bee lodged in the upper Castle, about which Col. Harrison and Lt. Col. Cobbett will advise with you. Col. Thomlinson and with him Lt. Col. Cobbett

^a Eton.

^b Winchester Tower ?

and Capt. Merriman are appointed to the charge of the immediate securing of the Kinges person (as you will see by their instructions which they will shew you), and for their assistance and furthrance therin you are desired to appoint such Guards of Foote for the immediate securing of him, and to guard the roomes where hee and they shall lodge, as they shall desire, and that you order those Guards from time to time to observe the orders of Col. Thomlinson, Lt. Col. Cobbett, and Capt. Merriman therin. The Horse alsoe (as to the immediate guarding of the Kinge) are appointed to receive orders from Col. Thomlinson, butt as to the safe-guarding of the Garrison, all (both Horse and Foote) are to bee att your command. Wee thought this distribution better for your ease, and for the leaving you more free to looke to the security of the whole Garrison then to burthen you both with itt, and with the immediate charge of the Kinges person, where you have alsoe soe many prisoners to looke to. Itt is thought convenient that (during the Kinges stay with you) you turne out of the Castle all malignant or Cavalerish inhabitants (except the prisoners), and as many others of loose and idle persons as you can well ridde out, and to stinte the number of prisoners servants to the lowest proportion you well can. You are desired alsoe to restraints any numerous or ordinarie concourse of unnecessary people into that parte of the Castle, of whose affection and faithfulnessse to the publique there is nott good assurance, or who have nott necessary occasions there, and to suffer noe publique preaching in the Chappell, or any like occasion for concourse of people. Tis good the prisoners this while bee strictly kept in, and withheld from intercourse or communication one with another, and that the Guards of the Gates att the upper-Castle have a list of the Kinges allowed servants now retayn'd and their followers, as alsoe of the Officers and Gentlemen of the Army that are to watch the Kinge with their servants, that those Guards may know whome they are ordinarily to lett in, and the Guards att the outer Gate of the lower Castle to have knowledge of the same list, and of all other dwellers and lodgers within the lowest part. The Lord bee with

you and blesse you in this great charge. To his good pleasure I committ you and itt.

Your faithfull freind and Servant,

OLIVER CROMWELL.

HENRY IRETON.

Westminster,
Dec. 22, 1648.

For Col. Whitchcott Governour of Windsor
Castle ^a hast these.

The 3 Companies of foote now sent have pay for the present, and shall bee duly supplied ; if you can lodge them within the Castle you shall uppon notice have bedding sent for them.

Dec. 23, 1648.

General Council.

December 23.

Instructions for Colonel Thomlinson, Lieutenant Colonel Cobbet, Captain Merriman, and Captain Brayfield, in and for the immediate securing of the King's person from escape.

1. It is to bee understood by you that as to this charge and in the pursuance of those instructions Colonel Thomlinson is to cominand in chiefe. Lieutenant Colonel Cobbett next, and Captayne Merryman third, and Captain Brayfield last, and in such subordination what is herein directed and committed to you is to bee understood.

^a In October, 1642, Col. John Venn occupied Windsor Castle for the Parliament. In April, 1645, the House of Commons recommended Col. Christopher Whicheote (to use his own spelling of his name) as Venn's successor. Whicheote, who had commanded a brigade under Essex in Cornwall, and had signed the capitulation of Sept. 1, 1644, seems to have been removed from his governorship in 1651. He died about 1655. *Commons' Journals*, iv., 100, 121; Rushworth, v., 796. *Mercurius Politicus*, July 24-31, 1651. Some documents relative to the sojourn of Charles I. at Windsor are printed by Tighe and Davis, *Annals of Windsor*, II., 228.

2. The Troopes of Horse which shalbe left by Colonel Harrison about Windsor to keepe guard within the Castle, are to receive orders from you or any of you in the subordinacion aforesaid, and the Governor is to order such foote Guards in and about the roomes where the Kinge shalbe kept, for the imediate securing of him, as you shall desire, and the Guards soe appointed are to observe your direccion herein ; but as to the safe guarding of the Garrison all both foote and horse are to bee at the Gouvernor's command, and you are to give orders to the horse accordingly (if there bee occasion).

3. Whereas there are some Gentlemen belonging to the Army appointed to bee assistant unto you, and to receive direccions from you in this businese, you are to take orders that two of them with one of your selves (if health permitt) may nightly watch in his chamber or at the doores thereof, and at least one of the three soe watching to bee within the chamber ; and in the day time two of the said Gentlemen, with one of your selves, to bee continually in the roome where hee is, or in view of him, or (when he shalbe private at his devotion, to bee attended at the dore of the roome). But in case of necessary hinderance to any of those Gentlemen in their course you may admitt one of his allowed servants who shalbe willing, or some commission officer of the Horse or foote attending the garrison, to watch in his stead that shalbe soe hindred.

4. You are to suffer noe lettres or writings to pass to or from the Kinge, save what you shall first reade, and soe fitt to pass, and of any writeing which shall be tendered to pass to or from him you are to take a coppie, if you see cause.

5. You are not to admitt any private discourse betwixt him and any other person, save what one of yourselves or one of the aforesaid Gentlemen shall heare.

6. You are to restrayne any numerous or ordinary concourse of people into his presence, or that part of the Castle where hee shall lodge, and to that purpose to desire the Governor's assistance

therein, and his strict care to restrayne the ordinary access of any such people into the Castle, of whose affections and faithfulness to the publike there is not good assurance, or who have not necessary occasions there.

7. You are not to permitt the Kinge to walke out of the Castle beyond the Tarras walke.

8. It is referred to your discretion and care to take off and cause to bee forborne all matter of unnecessary state, which might occasion needless charge, take up much roome, or induce recourse of people into his presence.^a

Whitehall.

Whitehall, December the 23th,
1648.

At a Generall Councell held there, Ordered that Jo^u Rushworth Esq., his Excellencie's Secretary, signe these Instruccions now agreed uppon, in the name of his Excellency and the Councell, as at other times,

HEN: WHALLEY.
Advocate.

[*Ld. Fairfax to Col. Thomlinson.*]

Sir

You are on sight hereoff to repayre to Windsor Castle, where you are to shew unto Lt. Col. Cobbett, Captain Merriman, and Captain Brayfield this lettre, with the instruccions to your selfe and them heere inclosed concerning the securing of the King's person, and you are with them to imploy your utmost care and indeavour for the immediate securing of the King's person from escape, and are

^a These instructions were all passed unanimously, as Clarke MS., xvi., 61, shows, with the exception of the fifth, which was opposed by Cromwell, and by Cromwell alone. The reason may have been that he thought this particular instruction unnecessarily harsh. Or, on the other hand, he may have considered that it would be an obstacle to the treaty with the King, which, in the hope of saving the life of Charles, Cromwell still continued to advocate. *Great Civil War*, iv., 223-225.

hereby impowered in all things necessary to that end. In pursuance where off the said instruccions here inclosed are to be observed by your selfe and them untill further orders ; I remayne

Your very assured freind

T. FAIRFAX.

Westminster the

23^o December 1648.

For Colonel Thomlinson.*

Whitehall Dec. 26 1648. Generall Council.

The Sixth Reserve in the Representative read and debated. Afterwards read thus

(As an expedient.)

That the said Representatives may not exercise the power of

* I conclude from this vote and letter that Fairfax, disapproving of the proposal to try the King, had absented himself from the meetings of the Council, in order not to be implicated in the preparations for the King's trial ; but was held nevertheless to be bound by the decisions of the majority of the Council in political matters. From the time when the Council of the Army was first set up, May 1647, the attachment of his signature to the declarations and political manifestos of the army was a mere matter of form. In his "Short Memorial" he says : "From the time that they declared their usurped authority at Triplow Heath, I never gave my free consent to anything they did : but being yet undischarged of my place they set my name in a way of course to all their papers, whether I consented or not." It is certain that Fairfax in writing this, much over-states and ante-dates his opposition to the proceedings of the Army. During 1647 he seems to have been in perfect agreement with the other leaders of the Army. Their differences began in 1648. At some period in the beginning of 1648, probably about April, if the statement of Fairfax himself may be trusted, he prevented a forcible purgation of the Parliament which Cromwell and some others advocated (*Short Memorial*, ed. Maeser, p. 446 ; cf. *Life of Col. Hutchinson*, ii., 149, ed. 1885 ; Rushworth, vii., 1070). In November, 1648, his objections to the acceptance of Ireton's draft Remonstrance led to a last negotiation between the Army leaders and the King (Gardiner, *Great Civil War*, iv., 237). Now, in December, 1648, after giving his support to the Remonstrance, playing the most prominent part in the occupation of London and the interruption of the Newport treaty, he accepted the responsibility of Pride's Purge, but parted company with the Council of Officers on the question of the King's trial.

mediate Judgment in particular questions of right or wronge between one private person and another. Nor may they give immediate judgment upon any man's person or estate for any offence which does not extend immediately to the hurt or damage of the publike, nor for any such offence may they proceede to the takeing away of life or limbe, unless before the fact done it were soe provided against by express law then in force, nor may they inflict or awarde other punishment for such an offence not soe provided against beforehand, save where it is clearely against the generall law^e of humane society, and where the vindicacion or secureinge of the publike interest does require such Justice.

1. Question. Whether the Sixth Reserve shall pass as it now stands or noe.

Carried in the Negative, Nemine contradicente.

That the Representative may not give Judgment upon any man's person or estate where noe law hath bin before provided, save only in calling to account and punishing publike officers failing in their trust.

2. Question. Whether this clause now read shalbe put to the question as part of the Reserve or noe.*

Affirmatives 22.

Negatives 15.

Soe that it was carried in the Affirmative.

Question 3. Whether this clause now read shall pass as part of the Reserve as it is.

Affirmatives 25.

Negatives 13.

Soe that it was carried in the Affirmative as part of the Reserve.

* This is the sixth Reserve in the original Agreement, and the fifth in the Agreement as presented on January 20, 1649. The difference is that the sixth Reserve originally began, "That the Representatives intermeddle not with the execution of any law, nor give judgment," &c. Both versions conclude "punishing publike officers *for abusing or* failing in their trust," so that these three words are probably accidentally omitted in the report of the proceedings of December 26, printed above. For the formulas adopted in November, 1647, see vol. 1, pp. 407, 408.

C. E. petition of the well affected in Newport Pagnell and parts adjacent.

Directed

To his Excellency the Lord Fairfax, Generall of the Parliament forces &c. and to the officers of your Excellencie's Army now mett in Generall Councill. (Read.)

4. Question. Whether there shall bee any addition made to the 6th reserve or noe.

Affirmatives 12.

Negatives 19.

Soe that it passt for noe addition to that Reserve.

Adjourned till Fryday about 10 of the clock in the morne-
inge.

The Petitioners call'd in.

Answer returned by Comm. Generall Ireton.

Gentlemen,

Wee have read your petition, and the Councill have appointed mee to returne you this answer for the present. That they doe very kindlie resent, & thankfullie accept those expressions first in the preamble of the petition of your affections & faithfulnessse in relation to the publique Justice & the liberties of the Kingdome, and for your desire in the prayer of the petition, concerning our prosecution of justice & freedome, they doe heartily close with your desires in itt, & shall indeavour to prosecute the same as God shall direct & inable them in all honest wayes.

And for the last part of your prayer of the petition, for mediating with the Parliament concerning those particulars following, I am to acquaint you, that as the most part of the particulars are such as relate to publique justice & a generall settlement of the liberties of the Kingdome, the Councill hath taken many of them already into consideration, and are in consideration of some other thinges remayning, which soe soone as they have passed the Councill you will see publique, and wee hope to your satisfaction; and the other

particulars that you desire mediation in particularly, either concerning the reformation of laws in being, or the making of new, the Councell commanded mee to lett you know that such thinges as those are matters of publike justice & of generall settlement of the liberties of the Kingdome, they shall soe farre as they are proper for their cognizance take them into consideration in their place & time.*

General Council att Whitehall 29 December 1648.

Elizabeth Poole of Abington first spake, to this effect.^b

That the businesse was committed to their trust, butt there was a great snare before them.

That God was about to breake the pottesheards of the Earth.

That there should nott bee a sheard left to carry coales now was of finer sort of mettall. I looke uppon all manner of manifestations, formes, and religions which are made uppe in any regard of—

That there might bee a pure life in death—That men might

* A large number of petitions both from the army and different counties were presented to Fairfax in December and January, 1648-9. See Rushworth, vii., 1374, 1388, and the Moderate for those months, pp. 200, 210, 211, 214, 223, 224, 231, 233, 239, 251, 263, 285.

^b A full account of this woman's discourse to the Council is contained in the pamphlet entitled: "A Vision wherein is manifested the disease and cure of the Kingdome, being the summe of what was delivered to the Generall Councell of the Army, Decemb. 29, 1648. Together with a true copy of what was delivered in writing (the fifth of the present January) to the said Generall Councell, of divine pleasure concerning the King in reference to his being brought to triall, what they are therein to do, and what not, both concerning his office and person. By E. Poole, herein a servant to the most High God. London 1648. 4to." In a pamphlet published in 1651 called "A brief narrative of the Mysteries of State carried on by the Spanish faction," etc., she is represented as a "monstrous witch" provided by Cromwell in order to mould the Council to his designs.

bee dead unto all their fairest images, and finde the comliness in truth.^a

After a short speech to this effect, further declaring the presence of God with the Army, and desiring, that they would goe forward and stand uppe for the libertie of the people as itt was their liberty and God had open'd the way to them.

The Commissary Generall said: That for what was said in commendation of the Armie, that they did nott looke for the praise of men; butt for that which shee spoke otherwise, that which shee exprest itt is very good and excellent and worthy consideration.

Woman.^b

When I had bin many dayes a Mourner for the land with great and sore lamentation, and indeed a sympathizer with your labours, I had a vision sett before mee which was this, for the end of your labours.

There was a Man, a Member of the Army, that some times had bin shewed mee, [expressing] his respect unto his Country, to its liberty and freedome, which hee should gladly bee a sacrifice for. This persone was sett before mee [on the one hand, representing the body of the Army], and a woman which should signifie the weake and imperfect distressed state of the land on the other hand. This woman was full of imperfection, crooked, weake, sickly, imperfect. I [having the gift of faith upon me for her cure] was to appeale to the body of the Army in this man that hee should improve his faithfulness to the Kingdome, by his diligence in the

^a "The great work which lieth upon you is to become dead to every pleasant picture which might present itself for your delight, that you perfectly dying in the will of the Lord, you may find your resurrection in him." *A Vision*, etc.

^b This account of her vision stands first in Mrs. Poole's pamphlet and was probably delivered before the fragmentary speech on p. 180, but I have preserved the order given in the MS.

cure of this person, by the direction which I should give him for her through the guift of God in mee. There was nothing requir'd att his hand more then the act of diligence; that hee should before the Lord, act diligently and faithfully to imploy all meanes which I should by the guift of God direct for her cure; and looke how farre short hee fail'd of the meanes, soe farre short hee should bee of her cure; butt soe farre as hee should bee faithfull, soe farre hee should bee for her consolation. Neverthesse this I was to shew him: that itt was nott the guift of God in mee, nor the act of diligence in him, butt in reference to that spiritt of eternall power which had called mee to beleive and him to act, neither was hee to bee slack in action, nor I to bee staggering in beleiving.^a

Col. Rich.

I cannott butt give you that impression that is uppon my spiritt in conjunction with that testimonie which God hath manifested heere by an unexpected Providence. What shee hath said being correspondent with what I have made [known] as [manifested] to mee before. The truth is, Itt is true [there are] many thinges in which wee are to take a liberty and use the libertie in reference to the men of the world that wee have to deale withall; butt that principle which is to carry us as in consideration of ourselves before God and the world, [is] after that liberty which the world doeth nott understand. Itt is true wee may use these arguments to satisfie such as understand noe more butt such [thinges] as the world gives testimonie of;^b butt if wee have nott another manner of testimonie, such thinges that God hath by his providence given us satisfaction of, I beleive as shee sayes the conclusion of itt will bee butt fleshly [after] having begun in the spiritt. I thiinke every man is to search his owne heart, and to see what is within, and nott [to look for deliverance] from himself or from men, or from outward

^a The words in this speech inserted in brackets are derived from the pamphlet.

^b The position of this clause has been altered.

meanes; butt from that Kingdome which when itt comes will have noe end. And truly I have had my portion of troubles and thoughts of heart since these thinges have come to their chrysis and to their alteration, and I confesse I can finde nothing that is really and seriously an objection to them butt what does arise from the flesh, which has tempted mee all alonge that might tend to a bearing testimonie against the whole and series of the actions. Certainly these thinges are of God, and 'tis good councill and, 'tis true, that hee that will goe about in a fleshly way to save his life shall loose itt, and hee that will [loose] itt is [in] the way to save [it] . . . them butt they being purified by that fire which is from God and through which all thinges must passe . . . I doe rejoyce to heare what hath bin said, and itt meetes much with what hath bin uppon my heart heertofore and I could nott butt speake what I did to beare witnesse to the same testimonie, and shall rejoyce to see itt made out more and more in others.

Woman.

Itt is true that the Lord hath a controversie with the great and mighty of the earth, with the captaines and rulers.* Hee will contend for his owne name amongst them, butt beleive itt to your consolations who waite uppon him, that itt is nott with you, or with any butt as the captaines and rulers of the earth; you may bee captaines and rulers uppon the earth and maintaine his controversie, butt if you bee the captaines and rulers of the earth his controversie is against you. Wherefore greater is hee that is with you then they that are against you.

Col. Harrison.

If I doe rightly observe what did fall from you, you said, that

* "The Lord hath a controversie with the great and mighty men of the earth, with the Captains and Rulers, and Governors. You may be great and mighty upon the earth, but against the mighty men of the earth is his controversy held: For as you are the potsherd of the earth, he will surely breake you to peeces till there be not a sherd left to carry coals on." *A Vision*, etc.

one was represented to you on behalf of the Army, and that through their acting such a thinge was to bee accomplished. Itt was given to you to beleive hee should effect [this by] following somethinge that you^a ought to suggest unto him. Now that I have to offer unto you is this, whether any thinge was given to you more particularly to expresse then before?

Woman.

Noe, Sir. For itt was represented to mee as the Church, nott that the Church was confined to this, or that, butt as in the body, butt by the guift and faith of the Church shall you bee guided, which spiritt is in you, which shall direct you.^b

Com. Ireton.

For what this woman doth speake of the vision that was sett before her and soe for the judge of spiritts, for ought that I yett see, I see nothing in her butt those [things] that are the fruites of the spiritt of God, and I am therfore apt to thinke soe att the present, being not able to judge the contrary, because mee thinkes itt comes with such a spiritt that does take and hold forth humility and selfe deniall, and that rules very much about the whole that shee hath deliver'd, which makes mee have the better apprehension of itt for the present.^c Itt is only God that can judge of spiritts of men and women.

I thinke the summe of that which shee offers, that wee ought to doe for God, and you must goe on in the way, and I thinke the exhortation is very seasonable; and therfore I would have you come to the businesse that is before you, and I hope that God will lett that [counsel] goe alonge with you, that wee doe itt nott as men pleasers and men observers, butt as unto the Lord.^d

^a MS. "hee."

^b "She being after demanded, Whether she had any direction to give the Council? She answerd, No: for the present, for she was in this case presented to herself as the Church which spirit is in you, and shall guide you." *A Vision*, etc.

^c Cf. vol. I., p. 381.

A petition from Lieut.-Col. Lilburne was read after Mr. Poole's business was finished, and the Council then proceeded to discuss the Agreement.

Whitehall Dec. 29 1648. Generall Councill.

The 7th Reserve read, [and] passt as it stands nemine contradicente.^a

The 8th Reserve read [and] passt in the affirmative, nemine contradicente.

The 8th Article of the Agreement altered, and passed thus:

That the Councill of State (in case of imminent danger or extreame necessity) may in each intervall summon a Representative to bee forthwith chosen and to meete, soe as the Session thereof continue not aboue fourescore dayes, and soe as it dissolve at least

^a The seventh Reserve in the original draft of the Agreement was: "That no member of any future Representative be made either Receiver, Treasurer, or other officer during that employment, saving to be a Member of the Councill of State." In the Agreement as presented on January 20 this was the seventh Article. The eight Reserve in the original draft of the Agreement was: "That no Representative shall in anywise render up, or give, or take away any of the foundations of common right, liberty or safety contained in this Agreement, nor shall levell men's estates, destroy propriety or make all things common." This became in the Agreement as presented on January 20 the sixth reservation of the eighth Article. The following words were also added in the completed Agreement: "And that, in all matters of such public concernment, there shall be a liberty to particular members of said Representative to enter their dissents from the major vote."

The eighth Article of the original Agreement before it was altered, as mentioned above, concluded: "Soe as the sessions thereof continue not aboue 40 daies, and soe it dissolve two moneths before the appointed time for the meeting of the next Representative." In the Agreement as presented on January 20 the Article, passed as above, is the sixth in order.

The ninth Article of the original Agreement passed as above, became in the completed Agreement the third reservation of the eighth Article. The chief alteration made by the Council from Lilburne's original draft is the insertion of the sentences printed in italics.

The tenth Article now passed by the Council is also the tenth in the Agreement as presented on January 20. In the original draft of the Agreement it ran: "That every officer or leader of any forces in any present or future Army, or garrison that shall resist the orders of the next or any future Representative (except such Representative shall expressly violate this Agreement) shall forthwith after his or their resistance, by vertue of this Agreement, loose the benefit and protection of all the laws of the land, and die without mercy." Lilburne's *Foundations of Freedom*, p. 12.

fifty dayes before the appointed time for the next Biennial Representative, and upon the fiftieth day soe proceeding it shall dissolve of course, if not otherwise dissolved sooner.*

The 9th Article of the Agreement read and passed (altered thus):

That all securities given by the publique faith of the Nacion shalbee made good by the next and future Representatives, *except to such creditors as have or shall have justly forfeited the same*, and saving that the next Representative may confirme or make null in part or in whole all gifts of lands, money, or offices, or otherwise, made by the present Parliament to any member or attendant to either House.

The 10th Article read, and thus altered and passed. That who-soever shall, by force of Armes, resist the orders of the next, or any future Representative (except in case where such Representative shall expressly render up, or give, or take away the foundations of common right, libertie, and safty containd in this Agreement) shall forthwith after his or their such resistance loose the benefitt and protection of all the lawes of the land, and shalbe punishable with death as an enemy and traytor to the Nation. Non-contradicente.

The fifth reserve (formerly waved) read.

Question. Whether this shall pass as a reserve or noe.

Resolved in the Negative.

The of the Agreement read:

Com: Generall Ireton.

Lt. Col. Salmon.

Colonel Harrison.

Major Barton.

Colonel Rich.

Captain Clarke.

Sir Hardress Waller.

Captain Deane.

Colonel Deane.

Captain Hoddon.

These or any six of them to meete at Com: Generall Ireton's Quarters to morrow at 10 of the clock in the morninge, to con-

* Cf. vol. I., pp. 352, 355.

sider of a forme of conclusion and subscription to this Agreement as to the officers of the Army. Councell to meete againe on Munday by 10 of the clock in the forenoone.

Some Remarkable Passages out of the Countie of Hereford and Southwales concerning Sir Robert Harley and other Members of the Howse of Comons &c.^a

In primis Sir Robert Harley and Sir William Lewis and other members of Southwales, &c. did impannel themselves in the name of a Comittee of South Wales, and contrary to all ordinances of Parliament, did order in the said committee that all delinquents in South Wales should not bee sequestred, except Papists in armes and such as defended garrisons in the Kings right, on purpose to make such creatures of theire owne members of Counteyes and shires to sitt in the House of Parliament; and were not at all sequestered till now of late Commissioners were sent down by speciall command from the House of Parliament, and some that were sequestred had their sequestracions taken off on purpose to make members to sitt in Parliament, viz^t Mr. Lewies in the County of Radnour, and Mr. Rotherway Gwyn who made Majour Robt. Harlow Burges of Radnour, and one Mr. Anslow^b a Irishman Knt. of Radnour shire; and soe look on all South Wales, and yow will hardly heare of a man there that serves in the House, but have either bin made by delinquents, or have bin Comissioners of Aray or otherwise assisting the Kinge in party, the Earle of Carbery having a great hand in makeing of them and alsoe your Comittee men and Justices of Peace, this Earle being Generall of all South Wales for the Kinge.

Item, the Citty of Hereford hath two members that serves in the House for it, one Benjamyne Hoskins always a Comissionour

^a The paper is given in the MS. at the close of 1648, but from its contents is not improbably of earlier date.

^b Arthur Annesley.

of array, and one Edm. Weaver a cavalier, both made by delinquents that have bin in armes against the Parliament.

Item, Lemster have two Burges serves for it, Col. Birch and Walter Kerle, lawyer, the first have much enriched him selfe inderectly by the warr, the latter a great Cavalier, and have kept correspondency with the Enimy's garrisons and by raising moneyes and] provision for them: this Lenpster is within this County of Hereford.

Item, the two Knights of the Countie are Sir Robert Harlow, one who hath much deserted the godley party, and did sollicite and write to divieres delinquents together with his son and papists for their voyces to make his said son Col. Edw. Harlow, Knight of our County of Hereford, contrary to the freedome of the people.

Item, the said Col. Edw. Harlow, Col. Birch, and one John Hackett a Committee man have bought seaven Lordships and woods, 3 parts in 4 less then the worthe of it, of the Bishopp's lands within the said County, which much hinders the state in paying the publike debts of the Kingdom.

Item, the said Coll. Edw. Harlow and Major Harlow his brother, with Sir Robt. Harlow their father, would never suffer any Committee man to bee made within the County of Herford but men of their owne creatures, whereby dyvers summs of money have bin receved by the said Col Harlow and Major Harlow, sons to the said Sir Robt, by order of the said Committees, themselves being two of them.

Item, the said Robt. Harlow hath by his deputies received great sumes of money out of the Bishopp's and Deane and Chapter lands, and how that hath bin disposed of few doe know.

Coll. Burch have enriched himselfe from a man that drove packhorses with Manchester ware, his stock I am perswaded not being 200 li., untill in Bristoll hee married a widdowe which was thought to bee worth 1000 li. more, soe that it is guesed hee was full worth 1200 li.; now sence this warr hee hath purchased in London and Herefordshire

6 or 700 li. per annum, and will purchase more besides his said stock, which was abroad at interest is thought still to remaine. Hee seized on all delinquents estates, almost in the taking of Hereford, rayased what money hee pleased to great summs, gott 2 or 3000 li. by dead pay of his regiment in Kent, and divers others wayes, and I am confident he hath given in a very false account, and I beleive hee hath received when hee was Govenour of Hereford and comanded in Kent as much moneyes as his pay did amount unto, never the less hee hath 1800 li. charged upon the Excise, and 750 li. outt of Gouldsmithes Hall, besides hee sould the Castle of Hereford which cost him about 130 li., being a garrison, for 600 li. to Sir Robt. Harlow, on purpose that one Coll. More a creature of the said Sir Robert should comand it. Coll. Massey hath much enriched himselfe by the warre, for after he came from the voyage against the Scottes (when the Scotts first invaded England when the Papists army went against them some eight yeares since) in which expedicion the said Massey was made Capt. of Pyoneeres by Nicholas Davenant, poet Davenant's brother: I say after which voyage hee had not 12d. some time in his pockett to pay for his dinner, the said Nicholas Davenant being now in London at the Feathers in Longe Aker, as is thought now att this present expecting a comand fram Massey. This Massey did raise vast summes of money by his warantes out of our Herefordshire, Glocestershire Worcestershire & Wiltshire by way of contribution, and by ceasing of all delinquents persons and estates, releasing them for money, besides the selling of all the Gentl[emen] and Comanders which was taken at Highnam by Sir William Waller, being 2 or 300 (he receuing for said Kts. as Sir Hen. Lingen, Sir Trever Williams, and others 500 li. apeice, then 300 li. and 200 li. apeice which raised to vast summes of money) the releasing of which caused the garrisons in South Wales to the great prejudice of the well affected in those partes, besides the selling of Mr. Dutton the Knight of Gloucester shire, and others prisoners of note when they were taken, as Sir Richard Ducey, Barronett Tracy and

many others ; one tax he ceased Gloucestershire was 17000*li.* for 3 moneths, besides the said Massey had vast sumes of money from the House of Parliament, and the impost of currants from the Custome House which a Committee of Gloucester received for him, and other great summes hee often received as from the Lord of Essex, besides many prizes that was taken upon the River Severne.

That Sir R. H. hath a thousand pounds in his hands, of one Charles Price a delinquent, and will not deliver it, and hath bought one Mr. Howes his estate, a delinquent which hath been in armes.

*Charge against Mr. Thomas Smith.**

January 4th, 1648.

The heads of a Charge to a sermon preached by Mr. Tho: Smith at Lancaster parish church, out of the 2^d Epistle of Petter, the 2^d chap: and the 2^d verse.

From which he collected this observation, that every[one] that denies a fundamentall doctrin of sayth and after con[futation] . . . or admonition obstainatly maintaine it.

And now coming to lye downe Antechrist, and what it was like, and heresey to be a pernicious destratation.

1. He compared heresey to a canker that did eate the eyes and flesh till at last did consume to the verrey bone.

2. He compared it to an overflowing flood that drives away heapes of sand and stones, and indeed nothing is able to withstand it.

3^y. To foxes that devour the little plants or vines of Christ, for as foxes is subtiler soe is heriticks.

4^y. To wolves being of a tearing and devouring nature, soe hereticks rent both Church and State.

* See p. 157.

5^y. To grinding Marchants that through covteousnesse make marchandiz of poore soules.

6^y. To spaunes of the Divill, or like a spaune of the Divill in a spirituall liknesse which walketh about the City catching soules.

7^y. To doges which are of a snarling nature.

8^y. To Divills or like to Jezabells, the daughters of the Divill being a spirituall bewitching soules.

9^y. To cheaters as in that once famous Citty, which one can scarcely goe into but they shall have their pocketts pick't, if not their throates cutt, mcaneing the Citty of London, where the Parliament and Army resides, haveing their mindes darkened through heresy, denying the Lord that bought them.

I have bin shewing you what they are like, and now I will come to shew you who they are.

(1) Such as leave the truth, and are of this part Independant, and soe to Anabaptize, and then to Antenominisme, and then to meare nothing as they were before.

And that there was such a tolleracion now that every one might follow after his owne lusts, and his owne wayes. I thinke contrary to the lawes of mann, and I am sure contrary to the lawes of God, for if Paul had had might according to his good will, hee would have had them all cutt off that troubled Israell, or the Church of Christ, as Mr. Smith said.

(2) I count those damnable hereticks that would not have their children baptized, or such as would not have a Sabbath or a 7th part of tyme for God's Worship, or that pull downe free Grace and sett up free will, or that preach the law without the Gospell, or the Gospell without the law.

(3) I tearme such damnable hereticks as make seperacion from the ancient Church of England, under what pretence so ever of scandall, untryed without seekeing to bee reformed before the said seperacion, nor ought to leave one Church with lawfull Church ordinance, and to goe to another, both equally scandalous, nor

ought you to depart from that Church, though never soe confusedly disordered, till they bee humbled, and I question whether then or noe; for wee have had two great plagues, namely the sword and pestilence, but now that plague of these heresy'es is come which is the worst of all, which destroyes both body and soule.

Soe if heresy bee thus tollerated, then judge whether or noe wee bee not all turning hereticks. But now I will come to lay downe some caution to prevent heresy.

(1) I desyre you not to take up your Religion quickly, nor to change with the tymes, but to learne your principles of catichisme, for now is the tyme comeing that heresy is soe great, that they may come to question you in your principles of Religion.

(2^{ly}) Being a people of itching eares which loves to heare novilties, and to heare new doctryne, but not allowing old Scripture phrayse to prove it with; therefore I adjure you, as a Minister of Christ, to stand for your old principles, for if you now loose that opportunitie, you never are like to have it againe; for I am not ashamed to confess my selfe one of the scattered tribe of Levy, but I will never turne heretick while I live.

Likewise in his prayer before sermon hee prayed, that if the Kinge were alive that hee might bee restored to his former dignity and honour, and if dead, that his blood may not be layd to the charge of this Kingdome.

And further wee are informed by a very honest man, that the said Tho : Smyth said there would bee noe peace till the Scotts came into the Kingdome to suppress the Independans and Sectaryes armye, and alsoe further said, if they came into England hee would joyne with them, and that the Mallitia of Lancashire was the honestest army in the Kingdome, for they would stand for the Presbyterian Government.

And thus haveing credible informacion that the aforesaid Mr. Smyth have preached this doctryne in divers publique places, and likewise in many private discourses, though often admonished by

divers of his owne friends and constant hearers, which wee have bin informed of, Therefore wee humbly conceive him nott fitt or safe to preach to seduce the people, but to remayne in restraynt till hee have cleared himselfe of what is charged against him.

Signed by the Officers of Lancaster Castle.

General Councill 5 Jan. 1648 att Whitehall.

Elizabeth Poole who came from Abington call'd in.

Eliz. Poole.

Having bin by the pleasure of the Most High made sensible of the many grievances of this land, and of the great trust putt into your hands, I have had some cause indeed of jealousies least you might (through the manifold temptations which will easily besett you) betray your trusts. I know I speake to some amongst you that can judge what I say. I have heard [that] some of you [are busied] uppon that which is called, The Agreement of the People. 'Tis very evident to mee, that the Kingly power is falne into your hands, and you are intrusted with itt that you might bee as the head to the body. Now therfore if you shall take that uppe as an Agreement of the people, I must humbly present this to your thoughts. For itt seemes to mee to bee [intended by the Agreement] that you shall give the power out of your owne hands; whereas God hath intrusted itt with you, and will require itt of you how itt is improved. You are his stewards, and soe stewards of the guift[s] of God in and uppon this Nation. Wherefore I should humbly desire that itt might bee faithfully improved of you; and lett noe jealousies or feares that might suggest themselves to you, or apprehensions in respect of persons whatsoever they are, [prevail]

in you to lett goe your trusts. Further another snare on the other hand will meete you: that you beare sway above measure. Butt I am afraid of this alsoe, that you loose your Nobility for feare of what Parliament might say, or people might say, or other judges might say, or such as men have their eyes uppon you. I know itt hath bin the panges (?) of some of you that the Kinge betrayed his trust and the Parliament their's; wherfore this is the great thinge I must present unto you: Betray nott you your trust.^a

I have yett a[nother] message to declare, which itt's very possible may bee very strangely look't uppon; butt in the law of the Lord I present myself to tender itt, and lett itt finde acceptance as itt is.

(Gives in a paper.)^b

Col. Deane.

I must desire to aske one question: whether you were commanded by the spiritt of God to deliver itt unto us in this manner?

Woman.

I beleive I had a command from God for itt.

Col. Deane.

To deliver this paper in this forme?

Woman.

To deliver in this paper or otherwise a message.

^a She being afterwards asked by some of the chief officers; Whether she conceived they were called to deliver up the trust to them committed either to Parliament or people? She answered, No, for this reason it being committed to their care and trust it should certainly be required to their hands, but take them with you as younger brethren who may be helpfull to you. *A Vision*, p. 2.

^b Against the King's execution.

Col. Deane.

And soe you bringe itt, and present itt to us, as directed by his spirit in you, and commanded to deliver itt to us ?

Woman.

Yea Sir, I doe.

After Debate shee was call'd in againe.

Com. Generall.

The Councill desires to heare [from] you a little further what you say [as] to these 2 thinges. 1. What doe you hold forth to us as the demonstration of the witnesse to us, that this that you have deliver'd to us is from God, and from God given in to you to bee deliver'd to us ? The next thing [is, as to] that particular which you speake of concerning the Kinge : whether you intend itt against his triall or bringing to judgement, or against his execution only ?^a

Woman.

That hee is due to bee judged I beleive, and that you may binde his hands and hold him fast under.^b

Com Ireton.

What would you hold forth to us as the demonstration or

^a " Our Counsels run all for the following of Providence by present dispatch, and will not endure any mediations ; no, nor hear again of Ireton's proposals, that it were perhaps safer to have the King live prisoner for to dispose him a while to abandon his negative, to part from Church-lands, to abjure the Scots, etc." *Royalist letter Jan. 8, 1649, Carte, Original Letters, i., 202.*

Ireton appears to have tried to make use of Mrs. Poole's vision to support the policy he had been urging.

^b "She was asked, whether she spake against the bringing of him to triall, or against their taking of his life. She answered, Bring him to his triall, that he may be convicted in his conscience, but touch not his person." *A Vision, p 6.*

witnesse that wee should take notice of, that this that you have deliver'd to us to bee read is from God, from him given in to you, and from you to bee deliver'd to us?

Woman.

Sir, I know nott, butt that that is there will beare witnesse for itt self, if itt bee consider'd in the relation that Kinges are sett in for Governement, though I doe nott speake this to favour the tyranny or bloodthirstinesse of any, for I doe looke uppon the Conquest to bee of Divine pleasure, though I doe nott speake this—God is nott the supporter of tyranny or injustice, those are thinges hee desires may bee kept under.*

Col. Rich.

I desire to know whether that which is the will of God is nott concordant with naturall reason?—and are refined and purified from itt's heate of which wee know because wee know nothing of itt's fall, but—Whether itt bee the will of God that any thinge in point of Governement should bee inconsistent with the most essentiall being for which itt was ordain'd? Now if then any outward thinge, and [any] state and power and trust [may be forfeited if it is abused], if itt bee nott the will or the minde of God that any man impowred or intrusted for the publike good, for the Governement sake should bee tyrannous to the governed for the wellbeing of which hee was sett in the chaire for, then whether for the highest breach of trust there cannott bee such an outward forfeiture of life ittself, as of the trust itt self?

* She argues in her message to the Council that they are not to take the King's life. "Vengeance is mine I will repay saith the Lord . . . Stretch not forth the hand against him. For know this, the conquest was not without divine pleasure, whereby kings came to reign, though through lust they tyrannized; which God excuseth not but judgeth; and his judgements are fallen heavy, as you see upon Charles your Lord." P. 5.

Woman.

If these thinges bee mistaken by mee and found out by you, see God may be glorified I shall bee satisfied.

Lt. Col. Kelsay.

That which was desired to know of the Gentlewoman was, [whether she said] That this message was dictated to her by the spiritt, and by the spiritt presented to this Councill. Now if itt bee this way of demonstration or reason as Col. Rich speakes to [it] will admitt of dispute; butt if itt bee only from God, God doth nott send a messenger butt that there may bee an impression uppon their hearts [that are] to receive itt. Now that which was proposed to Mrs. Poole to know [was], what demonstration or token shee can give that itt is from God; for either itt must bee from extraordinary Revelation from God to you, and from you to us, or else there must bee somethinge of argument and reason to demonstrate itt to us. Now there is nothing of reason in itt, and if itt bee from God the Councill would bee glad to heare what outgoinges there are in that particular?

Woman.

For the present I have noe more to say then what is said therin.

Mr. Sadler.

I doe desire that I may aske heere 2 questions 1. I thinke you have indeed answer'd to the first already, butt perhaps I doe nott understand you fully, whether itt bee intended [only] to preserve his life, [and] nott att all against his Triall?

The 2^d whether you doe offer this paper or from the Revelation of God?

Woman.

I saw noe vision, nor noe Angell, nor heard noe voice, butt my

spiritt being drawne out about those thinges, I was in itt. Soe farre as it is from God I thinke itt is a revelation.^a

Col. Whalley.

In case uppon the Kinges Triall that very filthy thinges, murther and all the great crimes that can bee imagined, [shall be proved against him, and] that hee should bee found guilty, then must hee nott die?

Woman.

That Hee will direct you in wisdom, I have presented my thoughts.

Major Barber.

By the favour of this Councill, I would move one question: whether that the spiritt doth give in to her bee, that this Kinge after judgement must [not] die, or that noe Kinge in the world after judgement may die; and if soe, why itt should bee the minde of God that upon judgement and question hee should nott die rather then any other kinge.^b

Mrs. Poole.

Why surely thus, itt appears to mee that the Kinge is the highest in subordinat[ion] to God, in respect with the relation over the people His trust he hath betrayed—that I have often bin speaking of, and the charge and care therof is false uppon you. Butt I speake in relation to the people. A Head once sett off.^c

^a This last sentence is attributed by the MS. to Sadler, but is clearly part of Mrs. Poole's answer to his question.

^b MS. "another kinde."

^c The sense of her argument, according to the pamphlet, was that the King is to the people as the husband to the wife. The husband is head of the wife (*Ephesians*, v. 23), and therefore apparently may be put under restraint but not cut off. She quotes the case of Nabal.

Col. Rich.

I desire to bee satisfied in one question more. A Triall of the person that may bee is meete and is just, and hee is capable of being judged by men. Now the question is, whether or noe, [in case] hee being nott convinc't that those that were intrusted for the Judiciall power are the proper Judges, and soe when hee [should make] answers pro and con hee stands mute and will nott answer—the question is whether that will hinder the power of judgement?

Mrs. Poole.

I understand itt nott.

Coff Cowling.^a

I have heard mention since I came of two men, Joseph and Moses. The one was a greater provider for the wellbeing of the people, and the other did as much in delivering the people when they were nott well [used]. I desire that as Moses you will nott bee soe full of punctillios as to looke uppon the old Constitution, wherin they have bin uppon us 34 yeares^b and they could fall uppon noe other forme butt the beastly forme of E[gypt]. [The Jews did] and the

^a This speech, though given in the MS. at the end of the debate on Mrs. Poole's message, has absolutely no connection with it at all. These debates, as I conclude from a number of signs and other indications in the MSS., were taken down in shorthand on loose sheets of paper at the time, then put up in bundles, and not transcribed or copied into the folio book at present containing them until many years later, probably not till 1662. Under the circumstances it would not be surprising if a speech were sometimes inserted in the wrong place. This speech may very well belong to the debate of Jan. 6, or to that of 13 Jan. Cowell apparently urges the Council not to seek to give up their power to Parliament, as they proposed to do by the Agreement, but to keep the government in their own hands. Like the Israelites, he argues, the English people have come out of the house of bondage. Just as the Israelites hankered after the gods of Egypt and set up a golden calf, so the army are making a mistake in too punctiliously adhering to the old Constitution, and striving to set up government by parliaments again.

^b He perhaps said, "wherein these burdens have been upon us 300 or 400 years."

best they brought forth was a calfe. Now this I should offer to you: Take heede how you sticke unto that Constitution without [leaving] which you are nott able to forme a way by which every man may enjoy his owne.

Whitehall 6 January 1648.

Generall Councill.

Debate concerning the setting a period to this Parliament by the last of Aprill.^a

Arguments.

Coñ. Generall.

That itt will bee a greater securitie in case the Army should bee forced to remove, when the ill-affected partie may come in againe.

Itt will give much satisfaction to the people, in regard of their expressing their desires nott to sett' uppe themselves butt their resolves for a future Representative.

Lieut. Generall.

That itt will bee more honourable and convenient for them to putt a period to themselves.^b

Commissary Generall.

If the Parliament should vote a day for their dissolution without

^a The first article of the original Agreement was :

"That to prevent the many inconveniences apparently among from the long continuance of the same persons in authority, this present Parliament be dissolved upon, or before, the last day of April in the year of our Lord 1649." Lilburne, *Foundations of Freedom*, p. 4. In the agreement as presented on Jan. 20, 1649, this article was adopted with merely a couple of verbal alterations; viz. "supreme authority," "end and dissolve." In the third article the first Thursday in May, 1649, was fixed as the date for the election of the new Parliament. In Oct. 1647, the army demanded a dissolution by Sept. 1, 1648. See vol. i., p. 364.

^b "Them," i.e. the Parliament. Cromwell says on 12 Sept. 1654: "I pressed the Parliament, as a member, to period themselves;—once and again, and again, and ten nay twenty times over" (Carlyle, *Speech III.*). "So willing were we, even very tender and desirous if possible, that these men might quit their places with honour" (*Speech I.*).

the Agreement, all the indeavours will bee used for Parliaments to come in the old way ; butt if men finde there is noe avoidance of this Parliament butt by this Agreement, there is nothing soe much likely to keepe men's hands off from opposing the Agreement. The people may think if they oppose this Agreement they oppose the ending of this Parliament.^a

Lieut. Generall.

Then you are afraid they will doe [so] ? ^b

Com Generall.

If the generality of people could see the end of this Parliament, [they] would bee for the opposing of any thinge of this kinde ; or would waite for the expiring of that to looke for a succession of new Parliaments in the old way and old forme of a Kinge agen. Nothing of more advantage to this Parliament then to end itt by the Agreement with safetie [to itself], without prejudice to future Parliaments.

Att Whitehall.

Generall Council. 8 Jan. 1648.

Mr. Erbury.^c

Uppon the 3^d Article, The last Article, That every man beleives his God of all Nations.^d

^a This last sentence is added below as a separate speech of Ireton's, but seems clearly to be part of this.

^b i.e. Oppose the Agreement.

^c A life of William Erbury is given by Wood, *Athenae Oxonienses*, ii., 75, ed. 1721. Wood says he was a chaplain in Essex's army, "and therein he sometimes exercised himself in military concerns, but mostly in those relating to his function, whereby he corrupted the soldiers with strange opinions, Antinomian Doctrines, and other dangerous errors, and by degrees fell to grosser opinions, holding universal redemption, etc., and afterwards became a Seeker, and I know not what."

^d The debate is evidently on the 3rd clause of the ninth article (concerning religion), which runs thus in the Agreement presented on Jan. 20: "That such as profess faith in God by Jesus Christ, however differing in judgment from the

Com Iretton.

Those that doe nott owne Jesus Christ as a 2^d person from the Father, yett if you aske them acknowledging the man Jesus Christ as the person through whome God hath revealed himself, whether they have this faith in Jesus Christ?

Debate uppon the last wordes. Soe as they abuse nott this Libertie [to the civil injury of others or actual disturbance of the public peace on their parts.]

Mr. Erbury.

If any man doe offend in relation to the civill injury of others, hee is punishable by the lawes.

Uppon the 4th Article concerning religion. To what purpose will you give that libertie to the Jewes^a and others to come in unlesse you grant them the exercise of their religion?^b

doctrine, worship or discipline publicly held forth, as aforesaid, shall not be restrained from, but shall be protected in the profession of their faith and exercise of religion, according to their consciences in any place except such as shall be set apart for the public worship; where we provide not for them, unless they have leave: so as they abuse not this liberty to the civil injury of others or to actual disturbance of the public peace on their parts. Nevertheless it is not intended to be hereby provided, that this liberty shall necessarily extend to popery or prelacy."

^a "Monday, Decem. 25. Notice was given of what passed in the Councell of Mechanicke at Whitehall on Saturday, where they voted a toleration of all religions whatsoever, not excepting Turkes nor Papists nor Jewes." *Pragmaticus*, Dec. 19-26. On the toleration of the Jews see Carte, *Original Letters*, ii., 233. On Jan. 5, 1649, a petition was presented to Fairfax and the General Council from Johanna Cartwright and her son Ebenezer Cartwright, inhabitants of Amsterdam, for repealing the act of banishment against the Jews, "and that they may be again received and permitted to trade and dwell amongst you in this land, as now they do in the Netherlands." This was printed in 1649 under the title of *The Petition of the Jews*. 4to.

About the same time a negotiation was set on foot between the Catholics and Independents. The Catholics were to support the new government on the promise of a free exercise of their religion in England. See Carte, *Original Letters*, i., 206, 216, 219-222; *Clarendon State Papers*, ii., 544.

^b *The Perfect Diurnal*, under Jan. 8, says: "The Generall Councell of the Army intended to perfect the Agreement this day, if the sitting of the Commissioners for the trial of the King in the Painted Chamber had not prevented them."

Whitehall, 10 Jan. 1648.

Generall Councill.

Debate concerning the 9th Article, The Magistrates appointing Ministers.^a

Capt. Butler.^b

Truth, and light and knowledge has still gone under the name of errorrs and heresies, and still they have putt these Esau's garments uppon Jacob's back. And in that regard (that for the most parte truth and light go under the name of errorr and heresy) wee shall give occasion to our Adversaries to raile against us in every pulpitt; and [they will] make itt their worke nott to discover truth and preach sound doctrine, butt to raile against honest men.

^a On Jan. 10 and Jan. 11 the discussion is evidently on Article 9, Clause 1, of the Agreement of Jan. 20: "It is intended that the Christian religion be held forth and recommended, as the public profession in this nation, which we desire may by the grace of God be reformed to the greatest purity in doctrine, worship and discipline according to the word of God; the instructing of the people thereunto in a public way, so it be not compulsive; as also the maintaining of able teachers for that end, and for the confutation or discovery of heresy, error, and whatsoever is contrary to sound doctrine is allowed to be provided for by our Representatives; the maintenance of which teachers may be out of a public treasury and we desire not by tithes. Provided, that popery or preiacy be not held forth as the public way or profession in this nation."

The second clause ran: "That to the public profession so held forth, none be compelled by penalties or otherwise; but only may be endeavoured to be won by sound doctrine, and the example of a good conversation." The third clause is quoted on p. 171, note

^b William Butler of Northamptonshire, afterwards one of Cromwell's major-generals, and throughout his life a great advocate of liberty of conscience. In 1652 he presented to the Committee for the Propagation of the Gospel a paper on behalf of toleration, containing four questions, the second of which illustrates the argument of this speech. "Whether it be not the will or counsel of God that there must be heresies, yea damnable heresies, that such who are approved may be made perfect, and whether it be not the pleasure of God that the judgment and condemnation of such false teachers and heretics be left to Himself?" *Masson's Life of Milton*, iv., 393.

Com. Generall.

You agree [to allow them to preach against beliefs], if you doe butt say they must instruct the people as well concerning what is truth as what is false. I would know what latitude you give them to raile [against persons] by this, or that?

A use for satisfaction of conscientious men in those wordes. By our denying [the magistrate] compulsive power or restrictive power to [suppress] errours and heresies, wee doe allow they should bee opposed with spirituall weapons.

Capt. Spencer.

Wee are now about an Agreement, and as if the power were in our owne hands, butt if wee labour for libertie [for ourselves], lett us give itt to others that are as deare to Christ as wee are. Lett them preach what they will, they cannott touch mee only they touch mee in my purse.

Whitehall, 11 Jan. 1648

Generall Council.^a

Mr. Erbury.

Question uppon the matter concerning Religion. Whether they doe by that goe about to sett uppe a State Religion?^b

Men should bee call'd before they can teach publiquely.

^a *The Perfect Diurnall* gives the following account of this day's proceedings: "Thursday last the Generall Councell of Officers sate at Whitehall. The Agreement of the People as it was fully concluded of was read: and it was referred to some officers to nominate some other trustees for the making the divisions in the severall counties for elections, besides the Lord Grey, Sir John Danvers, etc. Also that two petitions should be drawn up in the name of the Councell to the House; the one for the taking off of Tythes; and the other for the repealing of the statutes for the banishment of the Jews in regard it was not held fit to mention them in the Agreement.

^b By the first section of Article 9 of the Agreement. The question of the existence of an Established Church was one of the chief causes of division amongst the Independent party. It led to the dissolution of the Little Parliament in 1653, and produced a permanent breach between Cromwell and many persons, officers of the army and Independent ministers, who had hitherto been his strongest supporters. See Masson, *Life of Milton*, iv., 513-518.

Whitehall, 13 Jan. 1648.

Generall Councill.

Mr. Erbury.

Made a longe speech declaring his dissent to the Agreement; setting forth that whilst wee were in a way of putting downe of authority wee had the power of God going alonge with us : but as itt was with the Parliament in [imposing] the Covenant, that which they look't for to bee for agreement proved to bee a great disagreement amongst the Nation, soe [with us] this [Agreement would prove] to bee an Hellish thinge, and altogether tending to disagreement; and though hee likes the greatest parte of that Agreement, yett the last [Article] as in relation to religion, is that which will doe much hurt.

Com Ireton.

Answer to itt.^a

That itt was nott to advance themselves [they offered this Agreement to the nation], butt [as] such a settlement as might bee equally good for all; and when wee did hold this forth without any inforcement uppon any, meerly tendring [it] to them as our utmost essay in this kinde, then itt hath surely itt's proper effect in itt's testimonie to the kingedome of our indeavours in that kinde; and that effect I cannott butt expect from itt, because itt is a duty wee are

^a The first twenty lines of Ireton's speech substantially anticipate the explanation of the Agreement given to Parliament in the "Humble Petition of the Army," presented with it. *Old Parliamentary History*, xviii, 516-519. That document says :

"To prevent misunderstanding of our intentions therein, we have but this to say : That we are far from such a spirit, as positively to impose our apprehensions upon the judgments of any in the kingdom, that have not forfeited their freedom, and much less upon yourselves. . . . We humbly desire, That whether it shall be fully approved by you and received by the people, as it now stands, or not, it may yet remain upon Record before you, a perpetual witness of our real intentions and utmost endeavours for a sound and equal settlement; and as a testimony whereby all men may be assured what we are willing and ready to acquiesce in; and their jealousies satisfied or months stopt, who are apt to think or say, we have no bottom."

led too for avoiding a just offence, and the preventing those evils amongst men that may ensue uppon that offence. Butt indeed if ever wee shall come to use forcible impulsions to binde men uppe in this Agreement; and shall soe sett itt uppe as the necessary thinge without which the kingedome cannott bee, or soe sett itt uppe as that from which wee would promise good thinges to the kingedomes, with a neglect or deniall, or diminution of God, or of his power, then I thinke wee shall incurre (when wee doe come to that end) the same blame as hath bin in the inforcement of the Covenant.

Butt truly, I shall nott trouble your Lordshippe to speake [of] the vast differences both in religious and civill respects that are betweene Covenants of that kinde that that was, and such as this is; I shall say this only in generall: that this businesse of this Agreement is more of the destructive nature to all covenants and to all authorities^a then itt is of the confirming nature to any. Except itt bee in that last clause of the non-resistencie of the peoples future Representatives by force of Armes.^b Itt is the^c contrary to [that, rather] the throwing downe of all destructive power then the erecting of any. Nay, I am confident that itt is nott the hand of men that will take away the power of Monarchy in the earth, butt if ever itt bee destroyed, itt will bee by the breaking forth of the power of God amongst men to make such formes needlesse. Butt the nature of this [Agreement] is, that uppon that ground [that] till God doe soe breake itt there will bee some power exercised, either by a voluntarie dispensation of the power from the people, or by the sword—since in the meane time there will bee some [power], that all the effect of this Agreement is noe more butt as restrictions uppon that power. [We agree as to that power] that itt shall nott bee in the hands of a Kinge; itt shall nott bee in the hands of Kinges or Peeres, or in the hands

^a MS. "Agreements."

^b The tenth Article, quoted on p. 156.

^c MS. "then."

of Commons, butt [in the hands] of such as are chosen [by the people]; and nott in their hands [perpetually], but [only] for soe many monthes as they are chosen; and that there shall bee a new election of another [Representative once in two years]; and for elections, that they shall nott bee in Corporations, butt [in] more equall [divisions]. And for the power [given to the Magistrate], itt gives [him] noe power, butt what the supposition of a Magistracie or a Commonwealth doth imply in itt selfe. The businesse of this Agreement is rather a limiting his power. In time they shall nott sitt soe longe. In the matter they shall nott have power to doe in those thinges that wee reserve from them; and one thinge is a reservation of all other thinges that are in this Agreement which are foundations of libertie. And truly if any man will justly finde fault with this Agreement, as itt is passing from us—to deliver the Nation from oppression, and to settle such a Governement, as there must bee such a Governement—if any man will take any just exception, itt will bee a shewing that wee did nott take away enough of power.* The whole Agreement is the taking away of any [undue power], itt is nott a setting uppe of power where there is none, butt itt is a taking off of power, a paring off of those unnecessary advantages which power in this Kingdome formerly had, and is still apt to have, whereby itt may oppresse. Now if itt bee blamable in any thinge; itt is in that itt does nott take away more; and if there were somethinge else wherin power should bee abridg'd, if wee bee unanimous to take away thus farre wee may have patience one towards another till God satisfie us in that alsoe. Under that notion uppon which in my understanding this Agreement doth passe from this Councill, I doe nott understand that itt does come under that sence that Mr. Erbury hath given of itt; and to that purpose itt will bee best to consider the termes

* i.e. You can argue if you like that we have not sufficiently diminished the power of future governments, but you cannot fairly argue we are setting up new powers.

uppon which wee putt itt forth, and there was a declaration to that purpose to bee drawne to publish to the Kingedome.

Mr. Erbury.

One word, that I might nott bee mistaken [as to] the destruction that I speake of. Itt is nott minded or thought in my heart to destroy any mans person, noe nott to destroy the person of the Kinge, soe his power bee downe. I doe nott looke uppon mens persons or destroying of that power of the Magistrate that is now. The Parliament are a power by whome men may act according to the appearance of God in them. I doe nott looke uppon itt [as a power to be destroyed], neither doe I speake any thinge of that kinde; butt [I speak of] the destroying of those oppressive principalls both in powers and persons, and in courts and lawes. Those [are] thinges that have bin complained of and petitioned [against] by the poore country to the Parliament. The Parliament would never heare them. Many thousand Petitioners have petitioned [first] the Parliament, then the Lord Generall, that they would please to rectifie them; cries against unjust lawes, against tythes, [against] many unrighteous thinges crept uppe amongst us heere, amonge Committees, Receivours of monies. God was with you to take away the oppressions of men, and nott the powers of men,—nott to take away Magistracie, butt to take away those oppressions that lay before you and in your view, to remove them in the power of God.

I conceive the settlement of the Nation is properly to remove those thinges that are [the causes the nation is] unsettled. The thinges that trouble the Nation are these. I doe nott finde they are any wayes unsettled about Governement, butt they are unsettled about those oppressions that lie uppon them. I conceive the removing of these is a setting of them;* butt I conceive this [Agreement] will bee a meanes to unsettle them, acting the Nation

* "them," i.e. the nation.

that should bee settled by the worde of God. Now if God would soe worke and act by his people of this Army as to remove those thinges that unsettle them, they would agree, butt this would unsettle them to see all thinges putt into this frame. For my parte I doe thinke that a dozen or 24 may in a short time doe the kingdome as much good as 400 that sitt in the Parliament in 7 yeares may doe,^a and therfore that which I would have is to [remove those thinges that] unsettle them.^b

Commissary Ireton.

I thinke nott that burthens are the causes of unsettlement, or the beginninges of unsettlement, butt [that] the beginninges of unsettlement are the controversies about power, where the power was. Wee finde this, that all the fixing of power to persons hath clearlie tended to the increasing of jealousies amongst men, and soe to unsettlement. Because that men as men are corrupt and will bee soe. Therfore there is probably nothing more like to tend to a settlement then the clearing of power, which formerly hath bin soe much in dispute, and the taking away that controversie of those severall Competitors to the Legislative power of the Kingedome, Kinge, Lords, and Commons. If itt please God to dispose the hearts of the people to [the] Agreement, that in it they^c may take away [that controversy], and soe taking away power

^a The order of the clauses has been altered.

^b Erbury wants to have an immediate removal of the grievances of the nation effected by means of a committee of a few officers and "faithful persons."

Erbury, to use a modern phrase, demanded social reforms, and refused to be satisfied with improvements in the machinery of government. The Agreement had specified 400 as the number of members to sit in future parliaments. The proposal to entrust power to a small body appears again in 1653. Cromwell and his fellow officers urged the Rump "to devolve their trust over to some well-affected men such as had an interest in the nation and were known to be of good affection to the Commonwealth, which we told them was no new thing when this land was under the like hurlyburlies." (Carlyle's *Cromwell*, Speech I.). So too Lambert, after the expulsion of the Rump, "moved that a few persons not exceeding the number of ten or twelve might be trusted with the supreme power."

^c MS. "to Agreement in itt that they."

from men to oppresse the people, and nott leaving power hereditarie in men is some meanes of settlement. Butt if wee thinke meerly that burthens to the Nation are beginners and are the continuers of unsettlement, or to thinke to take away burthens without somethinge of settlement of another nature that is of clearing of thinges that are in controversie—Wee cannott limitt God to this, or that, or other way; butt certainly if wee take the most probable way according to the light wee have, God gives those thinges [their success]. That if itt please God these thinges should take, and bee received in the Kingdome—Thinges that doe tend to these effects, to the clearing of the controversies that have bin about power and the like, are [things] tending to settlement, and this is a probable way to bringe itt to that. Whether God will bringe itt to passe that or the other way is a secrett in his will, and is further then what is revealed to him, lett him [to whom it has been revealed] speake itt.

Mr. Spencer.

Mr. Erbury speake[s] of taking off burthens. This Agreement doth tend to the power, either the power that is now in the Parliament or the Army, and this Agreement doth leade us to that power to take away that.

Mr. Erbury.

There is as just a power now [in this Army] by which you may act in appearance, as in other following Representatives. This [Army] is call'd now from a just power to remove oppressions. I doe nott speake of Armies and such thinges, butt there are oppressions hidden in and corrupt thinges that may bee removed [by] the power of God if itt appeare in them.*

Sir Hardr. Waller.

That all that putt itt off to your hand does a great [dis]service.

* Erbury's argument is that the Army is as lawfull an authority as any of the Parliaments to be called under the Agreement.

Sure there is att this time a very great disagreement in the world and in this Kingdome, and if there bee nott neede of an Agreement now, there never was since the sons of men were uppon earth. If all of them^a bee like't except some particulars, and if they are nott like't the whole must bee left out, I thinke itt will bee hard. Itt hath bin already said itt must bee offer'd to the House before itt comes from them as their act. I am sure there needes somethinge to goe out from you. You promised itt in your Remonstrance. Wee are now gott into the midst of January. Whether every man does nott see that thousands and tenn thousands of men are sencelesse? You have lost two monthes. Itt is nott only necessary that you passe this from you in regard of time, butt that the Agreement—I shall desire itt may bee putt to the Question whether itt shall goe out or noe.

Capt. Joyce.

I desire a worde or two for satisfaction, having bin att a distance for 3 monthes, because itt is desired itt may bee putt to the Question. I begge [to be heard] concerning two thinges which are very much debated in the Agreement: concerning the Magistrates power over men conscientiously fearing God, whether or noe they ought to have any thinge to doe in that thinge: and the other, whether the Magistrate shall have power to punish any man contrary to a law, or without a law.

I have somethinge to speake further: concerning the contending about the power which was the cause of the controversie. I beleive itt is so still, and I am sure itt is the [cause of the] jealousy that is begotten in God's people. God's people they are that have jealousy now att this time over the other. Some say the power is in your Excellencie and the Councill; and some in the Councill when they are there goe to putt itt off to others, namely the men att Westminster, or the Parliament soe called; which for my parte I can

^a "All of them," i.e. all the articles of the Agreement.

hardlie soe call itt. Therefore I must intreate your Excellencie, whome the Lord hath clearlie called unto the greatest worke of righteousness that ever was amongst men, that your Excellencie and the Councill goe nott to shifte off that [work] which the Lord hath called you to. For my parte I doe verily believe, that if there were nott a spiritt of feare uppon your Excellency and the Councill, that hee would make you instruments to the people, of the thinges that hee hath sett before you. Itt is that confidence I have, and itt is uppon sufficient ground ; because God hath said hee will doe those thinges by his people, when they beleive in him. They by beleif [shall] remove Mountaines, [and do] such thinges as were never yett done by men on earth ; and certainly if I mistake nott, the spiritt is now to break forth, soe if itt were nott feare in us, wee should nott bee disputing amonge ourselves. Some are, studying to please men, I shall instance that partie of men called Presbyterians.* I dare nott lay itt as a charge, wee doe nott soe much study to feare the Lord our God who is able to satisfie them, and God hath soe farre satisfied some better than wee can. Wee hold forth the lives of Christians as being fill'd with the spiritt of Jesus Christ—Soe I say that all that wee now seeme to bee jealous over each other is about power, and truly itt is for want of the power of God that wee are jealous over one another.

* "The Lords met this day in Court, and adjourned till to-morrow morning.

"Some of the most rigid Presbyterian Ministers desired (in respect some Officers of the Army had formerly desired a meeting with them, to dispute the Legality of their present proceedings, and having failed the said Officers at that time) that his Excellency would be pleased to give Order for some Officers to give them a meeting this Afternoon, at three of the clock at his Excellencies own house ; which granted, they met accordingly, none being admitted to come into the Room, but such as were appointed to dispute the business. Some general Arguments were then insisted on for about two or three hours. The Officers of the Army prest for particulars to be insisted on, to the end they might come to the depth of the Arguments, and a clear satisfaction therein : the Ministers desired another time for that business, which was granted accordingly. The Officers desiring a day weekly to argue particulars with them." *The Moderate*, Jan. 2-16, 1649.

For the other [thing as to which] I have nott received satisfaction (as Mr. Sprigge said once att this Question ^a) iff wee should nott out of goodwill tell the Magistrate plainly that hee had noe power in the thinges of God either compulsive or restrictive. I beleive that God will yett visitt you once more, though I beleive that shall nott keepe itt away, butt lett us bee children unto God, shewing our love unto the Father. I begge that in the name of him I doe nott begge this in my owne name, and in my owne strength. Nott butt that I can trust the Lord. I beleive hee is about to turne some of our swordes into ploughsheares, and to [bid us] sitt still and behold his workes amongst men, and this is the day wherein hee is answering unto that great worke, and that wee should nott soe much indeavour to give away a power that God hath called us unto, or to contend about itt, butt to putt that into your hearts which is in our hearts.

Col. Harrison.

I thinke that it would bee in order to the Gentleman's satisfaction that spoke last, that this [letter] that is in Question before your Excellency bee read; because there are many that have nott read itt since some alterations bee made in itt.

That I doe beleive there are few heere can say that it is in every particular to the satisfaction of their heart, that itt is as they would have itt; butt yett that there are few heere butt can say there is much in one or other kinde [is so]. I thinke that Gentleman that spoke last speakes the minde of others, butt wee finde Jesus Christ himself spoke as men were able to beare. Itt is nott a giving power to men, only while wee are pleading [for] a libertie of conscience there is a libertie [to be] given to other men. This is all the libertie that is given. That if the best Magistrate were that ever were from the worde of God gives the ground of, or the most able men that wee can expect, itt is butt such a libertie given that such a Magistrate can give libertie to one to dispense the

things of God. Itt is feared, that wee may nott have such Magistrates because wee have nott had them, nor have them now,^a nor the men to preach. Now if the Magistrates bee nott such as wee have dispensing the thinges of edification[?] which should bee true. Though I looke uppon itt to bee the truth of God and itt is nott to mee to bee [proved] that the Magistrate should nott have power in these cases, butt since itt is my liberty, itt is my libertie to parte with that which is my right for a weake Brother, and I can beare itt^b as my owne.

For the Agreement in the whole. I thinke itt hath bin acting uppon the hearts of many of us, that itt is nott an Agreement amongst men that must overcome the hearts of men; itt shall nott bee by might, nor by strength, butt by his spiritt. Now this Agreement doth seeme to mee to bee a fruite of that spiritt.^c That since God hath cast very much uppon your Excellency and those that waited uppon you in the Army, that wee would hold forth those thinges (a settling of that or any thinge which might bee of concerne to others) that wee would nott make use of any opportunity of this kinde—That wee would nott serve them as they have bin served, or as they would serve us, butt that there might bee some conviction that God is in us—For itt is nott a principle of man, when wee have brought downe such men that would have kept us under, to give them a libertie, butt itt is more of God, to putt them into such a condition especially as to thinges of civill concernement

^a MS. "nott."

^b "itt," i.e. the weaker brother's burden.

^c Harrison's speech should be read with the address prefixed to the Agreement of the People, which he paraphrases in parts. *Old Parliamentary History*, xviii., 516-9. "We resolved," he says, "that since God had put this power in our hands we would put on record our views of what the terms of the settlement of the nation should be, but that we would not attempt to impose our private views, and 'settle this or that or anything which might be of concernment to others;' nor would we make use of the opportunity to perpetuate our own dominion and keep power in our own hands. On the contrary we resolved to resign power as soon as possible into the hands of the people and their representatives in parliament, and content ourselves with merely recommending our scheme of settlement."

that wee neede nott seeke ourselves, that wee will trust God and give them uppe in a common current againe. That hath bin an Argument [of] very much [weight] with many why thinges of this kinde might bee proposed. Though this hath stucke, that the Worde of God doth take notice, that the powers of this world shall bee given into the hands of the Lord and his Saints, that this is the day, Gods owne day, wherin hee is coming forth in glory in the world, and hee doth putt forth himself very much by his people, and hee sayes in that day wherin hee will thresh the Mountaines hee will make use of Jacob as that threshing instrument. Now by this wee seeme to putt power into the hands of the men of the world when God doth wrest itt out of their hands ; butt that having bin my owne objection as well as [the objection of] others, itt had this answer in my heart.

1. That when that time shall bee the spiritt of God will bee working to itt, and hee will worke on us soe farre that wee are [to be] made able in wisdom and power to carry through thinges in a way extraordinarie,* that the workes^b of men shall bee answerable to his workes; and finding that there is nott such a spiritt in men, "Itt is only to gett power into our owne hands," "that wee may raigne over them," "itt is to satisfie our lusts," "to answer the lusts within" us,^c butt rather that itt was in our hearts to hold forth something that may bee suitable to [the minds of] men. That present reproach uppon us doth call uppon us to hold forth somethinge to the Kingdome, and this was all of Argument that did come downe to itt, soe that that objection was answer'd. First to answer that objection, and secondly to take away that reproach. Some that feare God and are against us uppon other grounds. They thinke, that our businesse is to establish ourselves. Now hoping there will appeare much of God in this. That by this wee

* The position of this clause has been altered.

^b MS. "wordes."

^c These words given in inverted commas represent the opinion of worldlings on the motives which had led the Army to seize power.

doe very much hold forth a libertie to all the people of God, though yett itt may soe fall out that itt may goe hardly with the people of God. I judge itt will doe soe, and that this Agreement will fall short. I thinke that God doth purposely designe itt shall fall short of that end wee looke for, because hee would have us know our peace. Our Agreement shall bee from God, and nott from men ; and yett I thinke the hand of God doth call for us to hold forth [something] to this Nation, and to all the world to vindicate that profession that wee have all alonge made to God, [and] that wee should lett them know that wee seeke nott for ourselves butt for men.*

[Orders to the Army during the King's trial.]

Yow are upon sight hereof, to give strict command to the severall Troopes of your Regiment, in or about London, that the officers doe keepe close to their charges, and the souldyers to their duties respectively, and that none of the officers or souldyers doe come to Westminster hall, or any the Courts adioyneing thereto, untill the tryall of the Kinge bee fully finished, save at, and for such time, as they shall by order bee upon duty there, under payne that every officer offending contrary thereunto shall loose his place, and every souldyer soe offending shall bee otherwise severely punished by a Councell of Warre. And every officer in his place is lawfully to see to the observance hereof as hee will answer the neglect at his perill. Given under my hand January the 20th 1648.

To Majour Blackmore or the chiefe officer present with the Lt. Generalls Regiment.

* The *Perfect Diurnal* says, under 13 Jan. : "This day the General Councell of the Army met at Whitehall, with an intention to have subscribed the Agreement, but (some other affairs intervening) it was put off till Monday, against which time a Declaration to be published with the Agreement then read, was ordered to be in readiness." The Declaration was passed on Jan. 15 and the Agreement presented on Jan. 20. Rushworth, vii., 1391, 1392.

The like order to every Regiment of horse or foote now in or about the Towne. And to Cap^t. Allen or the Cheife officer of Col. Inglesbyes 3 companies.

With this postscript to the severall Regimentes of horse, (viz^t.) Yow are to give strict orders, that the officers of your respective troopes dureing the said tryall, doe cause all the horses belonging to the troopes, while they are in their quarters, to bee saddled all the daie time, and the souldyers to bee in readinesse with their pistols and armes, suddenly to mount if there shalbee occasion, and all to bee in like readinesse in the night tyme alsoe, save such as shalbee come off the garde but the day before, and that a speciall watch bee kept upon the horses in the respective quarters.

And this postscript to Col. Dean's, Majour Generall Skippon's, Col. Cookes, and the Lord Generall's Regiments of foote, (viz^t.):

Notwithstanding any thinge in the late orders for the putting out of new men entertayned since their comeing to London, yow may retayne soe many of them as to make up your Regiment to that establishment, (viz^t.) 800 men besides officers, if it were not soe many at your comeing to the Towne.

*The Declaration of the Officers belonging to the Garrison of
Lancaster Castle &c.*

To prevent misunderstanding of, concerning the imprisoning
of Tho: Smith Minister upon 2 sermons preached at
Lancaster Church, being an eare wittnesse to the same.
Feb: the 8th 1648.

To remove the evill thoughts and pernicious opinions that some
may have of us, and to give satisfaction to every impartiall spirit,
that what we have done to him was not done as to a preacher of
the Gospell, but to an incendiary of the people to new commocions
tending to the disturbance of the peace of the Kingdome, as it may

appeare that it was not intended out of malice, or out of any intentions of ours to stopp or silence the mouthes of the publique ministers for preaching the Gospell of Jesus Christ, nor would usurpe that tyranicall authority which they themselves desires to imprison, banish, or brand any in the cheek with the letter B, upon those who out of conscience cannot submitt to the forme of doctrine, to which we reffer you to a catichisme or pamphlett latly sett forth by some of their owne freinds, and presented to the Honorable House of Commons by Mr. Bacon and Mr. Tate, both of them Members of the House. And also we doe declare, that it was soe farr from any intentions or intrest that we had of our owne that we should have been silent, had we not had reall desires of peace towards the Kingdome, and that formerly we have found many Ministers of this County too active in stirring the people both in and since the late warr, and railing against the army which God hath soe often crowned with deliverances, insisting [*i.e.* inciting] people against that army of sectaries as they are called, and now against both Parliament and Army.

And that Mr. Tho: Smith hath some times said that we should have noe peace till the Scotts came to suppress that army of Sectaries, and being asked what he intended to doe if they came, he replied that he would ioine with them; soe that we could be noe longer silent spectatours of perpeatuall ruine and destruction intended to the peace and settlement of this poore Kingdome, which we have soe long endeavoured with the loss of soe much precious time and blood in hazarding our lives and fortunes for the same, and indeed thinking nothing too deare soe that we might purchase peace, truth, and justice, which we hope God will crowne us at last withall.

But finding the people in this country like tinder ready to receive every sparke of discention sowed or cast amongst them, we conceive it our duty in discharging of that trust comitted or reposed in us, to labour by all possible meanes to suppress or crush the cockatrice egg least it break forth into a serpent.

And least it should begett a predgedist opinion of any for what wee have done, we doe realy declare, that it was out of our reall and good intentions to the Kingdomes peace and happinesse, and the love that we beare to the truth, and humbly conceives that we were in duty bound to doe no less then what we did.

And had it not happned in such a nick of time, we conceive it had not ben soe dangerous, being done as we conceive nearly in affront to the authoritie which God hath sett up in this Kingdome, and hath made them instruments of, or displayers of the scepter of justice and righteousnesse in our Kingdome, which we have soe much longed and desired after.

And we humbly conceive, that such doctrine or such matter contained in his sermon was neither pertinent nor fitt to be delivered to such people or at such a time, unlesse it were for the elivating or kindling of the fire which formerly was scarcely put forth.

And likewise the said Mr. Smith hath said in his discourse, being asked what he thought of those that he did so much raile against as hereticks, or whether they were deare in the sight of God or noe, to which he replied he thought noe, for neither Independants nor Anabaptists or Brownists or Seekers are deare in the sight of God; contrary to Paul's opinion against those that did eate herbes and those that did not eate, for he did not say to the eaters of hearbes. that they were not precious in the sight of God, and to those who out of conscience could not eate, that they were precious, or likewise in observing of dayes, but if ye eate, eate to the praise and glory of God, and if you observe a day, keep it unto the Lord, and not for debate or strife as many doe. For as Mr. Smith confesseth himselfe that hee had often preached these sermons, though not withstanding he had bin often admonished by honest and godly men, which would gladly doe him what lawfull favour they could, and is of his parishoners, and they say also that it is noe lesse then what they expected long or this to befall him.

And thus presenting these few lines with the matter containned in his sermons to be annexed to this, and desires that every

unpredgided or impartiall spiritts to iudge of, and desire not to iudge any thinge till all things be waied in the balance of equitie, and soe knowing and finding truth, you may the better be inabled to stopp the mouth of all gainesayers.

Signed by us the Officers of Lancaster Castle.

THO: RIPPON.
WM. WARNOLL.
JOH: METCALFE.
ROBTE. GOLLIE.
FRAN: ANGLEBY.
GEORGE SMITH.

[*General Council of Officers at Whitehall. 22 Feb., 1648.*]

The first thinge in debate att this Councill was the removing the present burthen of free quarter in many places in this Kingdome, and the prevention of itt for the time to come, uppon which the Generall produced a petition lately presented to him from the officers and souldiers of his Excellencies Regiment of Horse, which was read and approved of by the whole Councill; and it was further agreed, that

Sir Hardresse Waller.
Comptroller of the Ordnance.
Col. Hewson.
Col. Cooke.
Col. Lilburne.
Col. Goffe.
Major Coleman.

Major Barton.
Major Creede.
„ Abbott.
Capt. Packer.
„ Zanchy.
„ Browne.
„ Gladman.

or any three of them, should bee a committee to consider of the particulars of the said petition, and to prepare a draught against the next Councill of such thinges as might bee presented from them to the Parliament, both for the easing the burthens of the

Commonwealth as to free quarter, &c., and for provision of such things as are due to the army, the committee to meet to morrow morning in the chamber where the Councill now sitt.

They are alsoe in particular to minde the committee for the army to make uppe the accounts of the army since the 15th of January, 1647.

A printed petition was alsoe now produced, which is dispersed in the severall Regiments of the army; uppon perusal wherof itt was urged by some of the Councill, that divers persons nott of the army did indeavour to seduce and divide the souldiers by such petitions and other wayes; wheruppon after debate itt was agreed [that] Col. Cooke, Col. Goffe, Capt. Browne should goe to Mr. Rushworth, and that by them a proclamation should bee drawne uppe to issue out in his Excellencies name, and by his command to bee read in each regiment att the head of each troope and company; and these following heads are agreed to bee inserted, as:

That there bee noe clandestine contrivances or private meetings held by any officers or souldiers of the army to the disturbance therof by promoting petitions or otherwise.

The reason to bee given, that some evill, scandalous, and cashiered persons are found out to bee privily working some discontent in the army; to assure them that things are now in consideration in relation to the Commonwealth and army, and that the right of petitioning is nott, nor shall bee att all hindred or disturbed; and therefore if any troope or company doe finde themselves any way aggrieved they may petition, butt they are to observe these rules:

That every regiment petition distinctly.

That they bee first offer'd to the Captaine of the troope or company, and then to the chief officer in the regiment, and from him to the Generall to bee presented to the Parliament, and in case the officers should refuse them, to present itt to the Generall themselves, &c.

Especiall care to bee had in drawing uppe this proclamation.

And because there is nott in the Articles of Warre any direct or positive power given to punish such persons as breede division in the army, and yett are nott of itt, itt was agreed that Col. Whalley and Col. Hewson should goe to the Lieut. Generall and Commissary Generall to morrow morning, and in the name of the Councill desire them to move the Parliament for some expedient in this case, and that some severe punishment (such as they shall thinke fitt) may bee inflicted uppon any that shall dare to indeavour to breede any discontent in the army, and (if itt bee approved) that they may bee subject and liable to such punishment as a souldier of the army should bee in the like case. And because the first head in the petition from His Excellencies regiment is that all persons may be called to an account for publique monie, itt was agreed on by the Councell, that the two Colonells above-mencioned, and Col. Scrope and Capt. Zanchy, doe to morrow morning alsoe attend the Lieutenant Generall and Commissary Generall, and in the name of this Councill desire them to present to the Parliament an Act which is drawne for taking the accounts of the Commonwealth, and hath bin severall times perused by some eminent Members of Parliament and approved of, and that itt may passe the Parliament as soone as may bee in respect of the great consequence of itt, and the many expectations that are uppon itt, and besides that itt will raise good summes of money hitherto concealed and nott accounted for.*

Itt was now alsoe reported to this Councill, that divers souldiers in their march through severall Counties towards Ireland doe much harasse and plunder the Country, soe much that the inhabitants are forced to forsake their dwelling houses, and some almost undone by them. Heeruppon itt was agreed that a speedy order bee issued out in his Excellencies name, to require the officers and souldiers of his army that quarter in or neere such place, to be assisting to the people of the Country

* See *Commons' Journals*, vi., 148.

for their relief against the outrages and violence of any souldiers in their march or otherwayes.^a

Agreed alsoe, That a generall Councill shall bee held uppon Thursday next the 29th instant, and soe every Thursday following, whilst the army is in this Towne, or soe often of the Generall shall thinke fitt.

Whitehall, March 1, 1648. Att the Committee of Officers for forces & garrisons.

Nothing done but a consideration of the Petition for the Generall Councell.

* A Proclamation by his Excellency the Lord General for the regulating of souldiers in their march to Ireland.

Whereas it is credibly reported, that divers souldiers in their march through severall countyes towards Ireland have and do still harrass, plunder, and act great violences and insolences in the countrey, to the great injury of the people and dishonour to the army, notwithstanding the power by a former proclamation given to the countrey to suppress and secure them so doing: I do therefore hereby require all officers and souldiers of the army under my command, that do quarter in or near such places, to be ayding and assisting to the people of the countrey, for their relief against the outrages and violences of any such souldiers, in their march or otherwise. Provided that it is not intended hereby, that those engaged for the Irish Service be discouraged, disturbed, or interrupted in their march and orderly quartering. Given under my hand and seal in Queen Street this 17 day of March, 1648.

T. FAIRFAX.

The Moderate, March 13-20, 1648.

^b In the Clarke MSS. here follows a copy of the petition presented to the general and council of the officers by certain soldiers demanding the re-establishment of the representative council of agitators which had existed in 1647. It is printed in *The Hunting of the Foxes from New-Market and Triplos Heaths to Whitehall by five small Beagles (late of the Armie); or the Grandee-Deceivers unmashed, that you may know them. Directed to all the Free-Commons of England, but in especiall to all that have and are still engaged in the Military Service of the Commonwealth. . . . Printed in a Corner of Freedome right opposite to the Councell of Warre, Anno Domini 1649.* This pamphlet is reprinted in the *Somers Tracts*, ed. Scott, vol. vi., p. 44. The petition is there (p. 54) signed by five soldiers, viz., Robert Ward, Thomas Watson, William Sawyer, Simon Graunt, George Jellis.

Whitehall, 8 March, 1648. Att the Committee of Officers for forces &c.

The businesse of Duke Hamilton &c. debated.

Three others have their names appended to the Petition as given in the Clarke MSS. viz. Richard Rumball, John Benger, Thomas Harbye. The examinations of Graut, Ward, Watson, and Jellis are printed in the *Hunting of the Foxes*. Richard Rumball, or Rumbald, rose later, obtained a commission in the army. In the summer of 1659 he was lieutenant in Col. Packer's regiment of horse. After the Restoration he became a maltster, and occupied Bye House in Hertfordshire. He took a prominent part in the Rye House Plot, was to have led the attack on the King's person, and was finally executed at Edinburgh in 1685 for his share in Argyle's rebellion. Rumbald had only one eye. "Him, therefore," says Sprat, in his *History of the Rye House Plot*, "as their most daring captain, and by reason of a blemish in one of his eyes, they [the conspirators] were wont in common discourse to call Hannibal." (*A true account and Declaration of the horrid conspiracy to assassinate the late King, Charles II.*, ed. 1696, 8vo, part i., p. 69; part ii., p. 53.) On his death see Burnet's *Own Time*, iii., 32, ed. 1833.

The *Perfect Diurnal*, under Thursday, March 1, gives the following account of the proceedings of the Council of Officers: "This day the General Councell of the Army sate in Whitehall where they past a petition to present to the House. . . ."

[The petition was presented March 2; the heads are printed by Whitelocke, *Memorials*, iii., and in the *Old Parliamentary History*, xix., 53].

"His Excellency produced at this councell a letter delivered to him that day, subscribed by 8 troopers of severall regiments, the effect of it was to assert the souldiers' right to petition without their officers' consent, expressing much against the Councell of State and High Court of Justice, which was ill resented by the officers, and each officer present being called per poll, declared their disfavouiring and disapproving of the said letter, as tending to divide and disunite the Army. And 5 of the 8 troopers ordered to be committed to custody till they were cleared by Court Martiall."

The five soldiers were tried on March 3, 1649 "and after a long debate they were found guilty upon the Fifth Article of War, concerning duties morall, viz. : "That no man shall use reproachfull nor provoking words or act to any, upon paine of imprisonment and further punishment as shall be thought fit to be inflicted upon enemies to discipline and service." And foure of them sentenced to ride the horse, with their faces to the tails, their swords broke over their heads, and to be cashiered the Army. . . . The fifth taken was discharged upon confession of his being misled, and to return to the regiment."—*Perfect Diurnal*.

Major Blackmore.

That the High Court of Justice had taken itt into consideration, and had examined the businesse fully, and that itt was nott proper for the Councill of Warre to consider of itt, and to take notice of itt.

Col. Scrope.

That Civill Warres were nott of the same nature with other warres.

M. Disbrow.

That wee had acted in obedience to the Parliament, and if wee doe act onely as souldiers why doe wee give them into their hands?^a Our Engagements were to serve the visible power of this Commonwealth, nott to serve our owne wills or our owne judgements to spare any.

When the publique enemy had a publique force in the Kingdome wee were winck't att by the Parliament in the marching by such townes, butt when that was done our worke was to take them. As for Goring and Capell and those, wee were putt uppon itt. Goring and Capell were left to mercy.

Major Blackmore.

That the Parliament had approved of the manner of my Lord Graye's taking of him, and that notwithstanding the Articles with Major Generall Lambert hee should bee tryed.^b

^a i.e. the hands of the Parliament.

^b A full account of the trials of Hamilton, Holland, Capel, Norwich, and Sir John Owen is given in a volume amongst the Clarke MSS. (Worcester College MSS., vol 70.) Clarke was one of the witnesses, and probably took down the proceedings himself. Major Blackmore, of Cromwell's regiment, and Captain Spencer, of Harrison's, were amongst the witnesses. The question now discussed in the Army Council was whether the Council should mediate with the Parliament for the lives of all or any of the persons condemned. It was specially urged that the articles given by Lambert to Hamilton involved an assurance of life to Hamilton, and should be made good by the Army.

Capt. Chillendon.

That itt hath bin pleaded this 5 weekes day, and that wee must lett itt alone, and whether itt would nott bee dishonourable to try them?

Sir Hardresse Waller.

'Tis true you went to take delinquents and when you could take them itt was well, butt when you give them conditions [you ought to see that the conditions are observed]. Did Lambert send worde to him that hee had noe power to give him his life? Would any man give uppe 2,000 Horse without some assurance?

Col. Barkestead.

That there could bee noe proceedinges without evidence.

Capt. Pitson.^a

The Articles are made good. I alsoe broke prison out of Oxford. I went out of the prison, butt did nott breake prison.^b

Capt. Spencer.

That hee was confident hee had Articles. That when the Generall had vile persons in his hands, hee conveyed them to Oxford, and other places out of the power of the Parliament.

Lt. Byfeild.

That hee^c tooke Capt. Blackwell's Lieutenant, and did freely release him without any ransome, and to shew his cause was nott against Englishmen, butt according to the ends of the Declaration. That if itt had bin declared to him that his life should nott have

^a Pitson seems to refer to the fact that Hamilton had escaped from prison at Windsor. He was recaptured in a few hours, and it was alleged against him that he had broken his parole to the governor, Col. Whichcote.

^b Parole?

^c i.e. Duke Hamilton.

bin assured itt had bin more for his advantage [to have fought it out to the death] ; hee had nott bin tainted in his bloud and his estate sequestred.

Major White.

That wee did nott mediate before wee knew hee would bee sentenc't to death, butt now wee know itt wee doe mediate for itt.

Lt. Col. Goffe.

The consideration of the providence of God that hath appeared to us for the bringing of us thus farre. These men have all of them past the triall of such as wee have cause to judge are godly and conscientious men. They are satisfied in judgement and conscience that these men ought to die as such as are guilty of that innocent bloud that hath defiled this land.

Capt. Merriman.

That the Articles of Pembroke give them Quarter, leaving them to the mercy of the Parliament. This gives them quarter without any reservation.

Capt. Clarke.

That the faith and honour of the Army was engaged,

Col. Whalley.

That Major Generall Lambert writt, that hee did nott intend hee should bee reserved from the power of the Civill Magistrate. They finde itt cleare that the Generall was nott impowred to give him life against the Civill authority.

Col. Barkstead.

That Col. Lilburne had declar'd in Court upon oath, that they did nott intend to keepe him from the justice of the Parliament.

Hamilton himself said, that hee thought his clothes would serve him as longe as hee lived.

Major Carter.

That hee was sorry in the first steppe to justice they should have soe many blockes in their way.

That God never afforded us an opportunity for us to doe justice till now. The Declarations did manifest [that the war] was against sectaries, which was godly men. That many thousands had bin slaine, wee lost as much precious bloud the last summer as in many years^a before. Lett us looke [to it that] soe much blood bee nott spilt as water uppon the ground. That godly men were their judges; [they were judged] by men meetest to judge them. Since wee shall goe quarrell att all the passages of providence. That I doe nott know a companie of men living that should keepe closer to itt, if wee should nott.

Capt. Baynes.

That hee did wonder they should call this businesse in Question. They have pleaded itt in severall places.

They have pass'd their judgement uppon those Articles. I doe wonder that Col. Hewson (who was one of the Commissioners) should debate itt againe.

Capt. Tomlins.

That which the High Court hath done is either just or unjust. If wee must debate what is just, then lett us goe to Question for all the rest as well as for him.

Capt. Spencer.

The Generall hath written a lettire for two of them.

After the two Questions putt Mr. Peter moved, that the Generall might have a meeting on Sunday next in this roome, to have itt further debated.

^a MS. "dayes."

[*Lord Fairfax to the Speaker.*]

Right Honorable.

Upon credible informacion [that] William Thompson pretending^a himselfe a Captain, and to have authorety from mee and the Councell of the army, hath with a party of men, by that pretended power, comitted severall misdemeanours of high nature and dangerous consequence, in breaking open the dores of the dwelling house of one Mr. Littleton att North Okendon in the County of Essex, in the night tyme, fyreing a pistoll, and drawing their swordes upon the servants and people there, thrust them out of dores, carried them away prisoners, and tooke away some goods; the particulars of all which passages I suppose yow will bee fully acquainted with by Mr. Littleton. For which being apprehended upon examinacion founde to bee noe souldyer, itt was thought fitt not to proceede against him at a Court Marshall, and therefore hee was delivered over to the Civill Magistreate, who as I understand hath bound him with suretyes to answer the same at the next Assizes to be hould[en] for the said County; and hath since his inlargment inveagled divers souldyers of the army who attempted to comitt the like misdemeanours at the same place. My Lord, both I, the Councell, and all others of the army, doe disavow and detest, the giving of any such authority or power to the said Thompson, or any other person whomsoever, for acting any thinges of such nature, and therefore desire that something exemplary may bee done, not onely to deterr others from comitting any thinge of the like nature upon any such pretence, but alsoe for vindicacion of the armye.

[T. FAIRFAX.]^b

[March 1644.]

^a MS. "pretended."

^b The *Perfect Diurnall*, under March 15, 1649, reporting the proceedings of the Council of the Army which met on that day, says: "Report was made from the Court Marshall by the Judge Advocate concerning the miscarriages of Mr. Thompson

Generall Councill. Whitehall, 23 March, 1648.

Itt being for the businesse of Ireland itt was propounded by Col. Whalley, Sir Hardresse Waller, and other officers, that the Lt. Generall would declare himself, whether hee would goe or noe?

The Lieutenant Generall answer'd: That as to will he was uppon the appointment of the Parliament ready to submitt.

That the worke was a greate worke, and would require more of the will and mindes of men to carry itt on, necessary and convenient supplies.

8 Regimentes of Foote and 3000 Horse.

The Councill of State hath by these Gentlemen returned this answer, which in effect was to represent mee Commander in Cheif.*

in Essex, and of his putting a man out of possession by a company of disguised persons with false haire and beards, that he was turned over to the Civill Magistrate, and Leintenant Colonel Lilburne and one Harris offered to be his bayle." William Thompson had been originally a corporal in Col. Whalley's regiment, but was cashiered for his scandalous and disorderly conduct in autumn, 1647, and was for a time imprisoned at Windsor. He then published, possibly with help from John Lilburne, a pamphlet called *England's Freedom Souldiers Rights, or the just declaration, plea, and protestation of William Thompson, a free Commoner of England unjustly imprisoned at Windsor, 14, Dec., 1647*. Allowed to go to London on parole he was found stirring up sedition, and was arrested by Cromwell, and sent back. See *The Kingdom's Weekly Post*, March 2-3, 1647; and also a pamphlet called *A Vindication of Lieut.-Gen. Cromwell and Comm. Gen. Ireton against a libel signed by one Thompson*, by A. C., dated March 7, 1647, E 431-16. Other notices of Thompson are contained in *The Discoverer*, 4to, 1649, pt. ii., pp. 7, 19; *England's New Chains*, 1649, p. 8; *The Prisoners Mourneful Cry*, 1648; and *The Justice of the Army vindicated*, 1648. Thompson was killed in May, 1649, having headed the rising of the Levellers which was suppressed at Burford. See Whitelocke's *Memorials*, iii., 37.

* See *Cl. State Papers Dom.* 1649-50, pp. 39, 41, 43, and *Commons' Journals*, vi., 163, 174.

I told them alsoe my will could nott butt bee subject to those that were over mee, barely consider'd as matter of will; yett inasmuch as this businesse is of soe great importance as itt is, itt was fitt for mee in the first place to consider, how God would incline my heart to itt, how I might by seeking of him receive satisfaccion in my owne spiritt, as to my owne particuler. Nott that I would putt any termes uppon the State in relation to myself, butt that I would bee glad to see a freenesse and a clearnesse in my spiritt to the worke. And a second consideration was, that if their Lordshippes did thinke, that the naming of a Commander in Cheif might bee some satisfaction to persons, to Officers and souldiers to goe, that itt was very fitt for mee to have a little consideration to that in relation to them, that I might nott bee an occasion by any interest of mine to improve that interest to draw men over and nott to bee well satisfied concerning a just and fitting provision for them before they went. And in the last place, the worke being soe weighty, I did thinke that itt would require many thinges. I had had noe serious thoughts of the businesse, and therfore for mee to give an answer, that they might give the Councill an answer, that they had nott only made a Commander in Cheif, and that itt was accepted by him, I did thinke fitt that they should returne back to them [to ask that I might have time to consider of the matter].

That I having taken time till the beginning of next weeke, I hope noe resolution will bee expected from mee before that time. I doe confesse, my Lord, I should desire, that this businesse of Ireland I might nott goe uppon itt out of any personall respects whatsoever; and I would have personall respects farre from this Army. I doe nott thinke that God hath blest this Army for the sake of any one man, nor has his presence bin with itt uppon any such ground; butt that presence and blessing that God hath afforded this Army, itt hath bin of his owne good pleasure, and to serve his owne turne. That presence and blessing that hee hath

afforded us has bin for his owne name sake, because hee would doe amongst the sons of men what seemed good in his eyes for the bringing of his glory and purpose to passe; and uppon this score has this Army undertaken all that itt hath undertaken in the presence of God.

Itt matters nott who is our Commander in Cheif if God bee soe; and if God bee amongst us, and his presence bee with us, itt matters nott who is our Commander in Cheif. Truly I doe beleive that God hath soe principled this Army that there is none amongst us that if God should sett us out any man wee should come to this, to [refuse to] submitt to one another in this for the worke's sake. Therefore I would that I might thinke of this: what is this businesse of Ireland, what are our considerations in relation to England, to Scotland, to freinds heere or there, or enemies any where? And if wee, taking considerations of that kinde and seeking directions from his guidance, answer the best guide that hee shall give to us—And therefore I shall bee bold to offer to you some thoughts of mine, and some considerations which perhaps will best serve to ripen your resolutions as to this undertaking, that soe you may undertake it* from the Lord.

You know how itt hath pleased God to beate downe all your enemies under your feete, both in this Kingdome and the Kingdome of Scotland; and you have with simplicitie of heart made this opposition to those enemies uppon those honest and religious grounds that itt is fitt for godly and honest and religious men to propose to themselves; and God hath brought the warre to an issue heere, and given you a greate fruite of that warre, to witt: the execution of exemplary justice uppon the prime leader of all this quarrell into the three Kingdomes, and of divers persons of very great quality who did co-operate with him in the destruction of this Kingdome. Truly, notwithstanding you have brought this worke to this issue, yett itt seemes your worke is nott att an end. You have yett another enemy to incounter with, and freinds to stand by, [and] the interest you have fought for yett further to make

* MS. "undertaking."

good ; to the end you may bee able to resist those that have bin heertofore your enemies, and are still your enemies, and are more enrag'd, and are not only nott warn'd by those examples and those witnesses that God hath witnessed for you, butt they are ^a removed at a further distance, [and are] joyn'd together in stronge combination to revive the worke heere againe—that is certainly in the Kingdome of Scotland, [and] in the Kingdome of Ireland. In the Kingdome of Scotland, you cannott soe well take notice of what is done, nor of this that there is a very angry hatefull spiritt there against this Army, as an Army of Sectaries, which you see all their papers doe declare their quarrell to bee against. And although God hath used us as instruments for their good, yett hitherto they are nott sensible of itt; butt they are angry that God brought them his mercy att such an hand; and this their anger (though without any quarrelling of ours with them) will returne into their owne bosomes; for God did doe the worke without us, and they that are displeas'd with the instruments, their anger reaches to God and nott to [his instruments.] ^b You see they have declared the Prince of Wales their Kinge; and indeavours are both heere and there with that partie to doe what they can to co-operate with them to cause all this worke to returne againe, and to seeke the ruine and destruction of those that God hath ordain'd to bee instrumentall for their good.

And I thinke you are nott ignorant that a great partie heere does co-operate in the worke, and [that] their spiritts are imbitter'd against us, though they might know that if God had nott used this poore Army instrumentally to doe what they have done, they ^c had nott had a being att this time. Butt such is the good pleasure of God as to leave them to the blindness of their mindes.

I must needes say I doe more feare—nott that I doe thinke there is a ground to feare itt will bee—but as a poore man that desires to see the worke of God to prosper in our hands, I thinke there is more

^a Position of words altered.

^b MS. "him."

^c they, i.e. the English Presbyterians.

cause of danger from dissunion amongst ourselves then by any thinge from our enemies; and I doe nott know anythinge [that is a] greater [danger] then that, and I believe and I may speake with confidence, till wee admire God and give him Glory for what hee has done. For all the rest of the world, Ministers and profane persons, all robbe God of all the Glory, and reckon itt to bee a thinge of chance that has befallne them. Now if wee doe nott depart from God, and disunite by that departure, and fall into dissunion amongst ourselves, I am confident, wee doing our duty and waiting uppon the Lord, wee shall finde hee will bee as a wall of brasse round about us till wee have finished that worke that hee has for us to doe. And yett nott to bee sensible that this [is God's work] is the [cause of the] rage and malice of our enemies. . . .

I wish that they may see their error (those that are good amongst them), and repent; butt certainly this wrath of theirs shall turne to their hurt, and God will restraîne the remainder that itt shall nott hurt us.

In the next place wee are to consider Ireland. All the Papists and the Kinges partie—I cannott say all the Papists, butt the greatest partie of them—are in a very stronge combination against you, and they have made an union with those Apostate forces that were under Insiquene, and the Confederate Catholiques of Ireland, and all that partie are in a very stronge combination against you. The last letters that the Councill of State had from thence doe plainly import, that Preston has 8,000 Foote and 800 Horse, that Taaf has as many, that my Lord Clanrikard has the same proportion, that my Lord Insiquene and my Lord Ormond has a matter of 3,000 Foote and 800 Horse, that these are all agreed and ready in conjunction to roote out the English interest in Ireland, and to sett uppe the Prince of Wales his interest there likewise, and to indeavour as soone as they can to attempt uppon our interest in Leinster and Ulster and Conaught. In all which provinces wee have an interest, butt in Munster [we have] none

att all; and though that interest wee have in these three provinces itt is nott soe [in]considerable, [yet]^a if these Confederate forces shall come uppon them, itt is more than probable, without a miracle from heaven, [that]^a our interest will easily bee eradicated out of those parts. And truly, this is really believed: if wee doe nott indeavour to make good our interest there, and that timely, wee shall nott only have (as I said before) our interest rooted out there, butt they will in a very short time bee able to land forces in England, and to putt us to trouble heere. I confesse I have had these thoughts with myself that perhaps may bee carnall and foolish. I had rather bee overrun with a Cavalerish interest [than] of a Scotch interest; I had rather bee overrun with a Scotch interest then an Irish interest; and I thinke of all this is most dangerous. If they shall bee able to carry on their worke they will make this the most miserable people in the earth, for all the world knowes their barbarisme—nott of any religion, almost any of them, butt in a manner as bad as papists—and you see how considerable therin they are att this time. Truly itt is [come] thus farre, that the quarrell is brought to this state, that wee can hardly returne unto that tyranny that formerly wee were under the yoake of, which through the mercy of God hath bin lately broken, butt wee must att the same time bee subject to the Kingdome of Scotland, or the Kingdome of Ireland, for the bringing in of the Kinge. Now itt should awaken all Englishmen, who perhaps are willing enough bee should have come in uppon an accomodation, but [see] now [that] hee must come from Ireland or Scotland. This being soe, I would nott have this Army now soe much [as] to looke att considerations that are personall—whether or noe wee shall goe if such a Commander goe, or such a Commander [do not go], and make that any parte of our measure or foundation—butt lett us goe if God goe. If wee bee still in our calling, prosecuting that cause that hitherto wee have engag'd in, and [if] the opposing those enemies bee a

^a MS. in each case reads "butt."

parte of that cause (wherein we desire that there may be noe personal respects in it), and if wee bee satisfied in our judgements and consciences that Hee is in itt, that you would lett this bee your motive. And I doe professe itt as before the Lord of Heaven, and as in his presence, I doe nott speake this to you that I would shifte att all from the command, or in any sneaking way or in any politique [way] lead you to an Engagement before I declare my thoughts in the thinge. Whether I goe or stay [is] as God shall incline my heart to. And if you undertake itt upon these grounds, I am confident there will nott bee soe much dispute amongst us,^a who shall goe as who shall stay. My meaning is, you will—every honest heart that sees a freedome of their wayes will rather bee whetted on, out of love to God and duty to God, to goe where hee may doe him most service, rather then stay. I say except itt bee that God doe cast [hindrances] in men's wayes by necessity of relations, or laying any law upon mens hearts, and [other obligations] besides that may otherwise hinder them. I doe nott speake this as thinking butt that hee may bee as honest a man that does desire [to stay as he that desires to go],^b [but as thinking that] doing service to God, and giving Glory to God will bee the best motive to this worke. Aye, itt will bee much better to have considerations of this kinde then to lay this as the foundation, who shall command in cheif. For my owne parte, though the Councill of State hath putt that upon mee, yett I have desir'd them to give mee till Tuesday to give in my answer. [I desire you therefore now] to give your resolutions as to the particular Regiments that are to goe, and to state what other demands in that kinde you will make for your going, that may inable those to goe, and to have a subsistence when they goe.

8,000 Foote, 3,000 Horse, and 1,200 Dragoones.

Sir Hardresse Waller.

Made some Objections. That hee thought the worke would nott

^a MS. those.

^b MS. to goe or stay.

goe forward till itt bee knowne whether the Commander in Cheif named will goe or nott.

Cromwell.

I offer this: That the Army doe move for such provisions as may bee fitt for honest men to aske ; and if you goe uppon that account, I thinke my resolution will bee knowne before yours, and that will bee properly in the nature of thinges ; itt will bee best and fittest for you to consider of that first, if there bee a designed parte of the Army to goe as ther will probably.

I hope wee are such a Generation of men, I am sure God soe bindes us about as with a garment—therefore wee are to looke one uppon another as if itt were our owne case, all of us being readie to doe itt ; and therefore I thinke in order to your proceedinges itt will bee better to consider who shall goe, and what is due to him, and to provide for him as to the point of Arreares, and of provision what will serve for honest men to carry on the worke.

And truly this will spend as much time as Tuesday next comes to.^a

Col. Hewson made a learned speech, and instead of addressing himself to his Excellency ^b said, An't please your Majestie.

*Committee of Officers appointed by the General Councill.
Whitehall, 24 March, 1648.*

After God had bin earnestly sought all the day by fasting and prayer, lettres to the Lieutenant Generall were first read.

^a "March 23. This day the Councel of the Army met again and named two officers of every regiment of horse and foot of the Army, and divers garrisons of the Kingdom to meet the next morning, to seek God, together with what advice to offer to the General concerning the expedition for Ireland, and to make a report to the Councel Monday next by three of the clock in the afternoon. The Lieutenant General is to give in his answer to the Councel of State on Tuesday next, whether he will go for Ireland or not.—*The Moderate*, March 20-27, 1642.

^b *Gen. Fairfax.*

Heads of the Lettres to Col. Jones.*

Noe Declaration to bee made; itt were to redargute the Parliament.

Col. Whalley.

That these thinges bee offer'd :

1. That their accounts bee stated, Debentures given, and a sufficient security given.

The impowering the Commander in Cheif that goes over soe to capitulate with the Enemy as to conclude a peace; and that noe ill termes bee impos'd uppon him, as either to eradicate the Natives, or to divest them of their estates.

The consideration of those. The names that you would propose in relation to the Army.

To desire Sir Robert Kinge or such other Gentlemen as they shall please to call to them to their assistance in the modelling of the propositions.

To

Sir Hardresse Waller.
Major Generall Mitton.
Col. Coke.
Col. Harrison.

Adj. Stubber.
Col. Reynolds.
Col. Rich.
Lt. Elsyng.

As to the stating of provision, and all those encouragements to make them fitt to goe, the having of Magazines on the English side, the naming of the Navy att whose dispose that shall bee.

8 Regiments of Foote.
6 Regiments of Horse, and
A Regiment of Dragoones.

* Here follow extracts from Ormond's letter of March 9, 1648, to Col. Michael Jones, and fragments of Jones's answer of March 19. Both letters having been printed in full these summaries are omitted. For the letters, see *Milton's Prose Works*, ed. Bohn, vol. II., 170-174.

A great Debate in relation to lotts. Urg'd by Sir Hardresse Waller, that a lott was nott to bee us'd unlesse where the businessse could nott otherwise bee determined.

Col. Cooke offer'd that some might bee appointed as a Committee to consider of some such men.

Itt was urg'd, that [in the case] of Matthias and Barnabas, that there were butt two men, that the Apostles could have chosen one of them two, yett they chose to cast lotts.*

[*The Council of State to Lord Fairfax.*]

My Lord,

By the narrative inclosed your Lordshippe will bee informed of what relation hath bin made to this Councill of a disorderly and

* March 26 [?] The Councel of the Army sat at Whitehall, and the Committee appointed Saturday last, to propose some particulars for the encouragement of those that shall engage for Ireland made report thereof to the General Councel, upon debate whereof the Councel sate all day and most part of the night. The propositions reported were many.

(1.) That such as shall go shall have three moneth's advance of their pay, and one moneth's advance of their arrear.

(2.) Their accounts to be audited, and security given for them, and to be paid at a certain time, when the Parliament shall appoint.

(3.) That in case they shall be slain in the service, their next kindred or friend may receive the same by will or assignment.

(4.) That shipping may be provided for their transportation, and provisions made ready with expedition.

(5.) That there may be a Court of Admiralty constituted at Dublin, or elsewhere in Ireland, that so the men of war may not be troubled to lose so much time as to their prizes.

These with many other were reported by the said Committee; and if the Councell approve hereof then to be by them transferred to Parliament for their approbation.

The Moderate, March 29-27, 1649.

April 20. This day lots were drawn by the officers of the Army for the service of Ireland; the regiments whose lots did fall to go, were, of horse, Commissary Generall Ireton's, Colonel Scroop's, Colonel Hewson's, and Major General Lambert's; of foot, Colonel Ewer's, Colonel Cook's, Colonel Hewson's, and Colonel Dean's; of Dragoons, Major Abbot's, Capt Mercer's, Capt. Fulcher's, Capt. Garland's, and Capt. Bolton's troops.

The Moderate, April 17-24, 1649.

tumultuous sort of people assembling themselves together nott farre from Oatlands, att a place called St, George's Hill ; and although the pretence of their being there by them avowed may seeme very ridiculous, yett that conflux of people may bee a beginning whence thinges of a greater and more dangerous consequence may grow, to the disturbance of the peace and quiett of the Commonwealth. Wee therefore recommend itt to your Lordshippes care that some force of horse may bee sent to Cobham in Surrey and ther abouts, with order to disperse those people soe mett, and to prevent the like for the future, that a malignant and dissaffected partie may nott under colour of such ridiculous people have any opportunity to rendezvouz themselves in order to a greater mischief.

Signed in the name and by order of the
Councill of State appointed by authority
of Parliament.

JOHN BRADSHAW, President.

Derby House, 16 Aprill,
1649.

For the right honorable Thomas
Lord Fairfax, Lord Generall.

Information of Henry Sanders of Walton uppon Thames.

Informeth, That on Sunday was sennight last, there was one Everard, once of the army butt was cashiered, who termeth himself a prophett, one Stewer and Colten, and two more, all living att Cobham, came to St. George's Hill in Surrey, and began to digge on that side the Hill next to Campe Close, and sowed the ground with parsenipps, and carretts, and beanca. On Munday following they were there, again, being increased in their number, and on the next day being Tuesday, they fired the Heath, and burn't att least 40 roode of Heath, which is a very great prejudice to the Towne. On Friday last they came againe, betweene 20 and 30, and wrought

all day att digging. They did then intend to have two or three ploughes att worke, butt that they had nott furnished themselves with seede corne, which they did on Saturday att Kingston. They invite all to come in and helpe them, and promise them meate, drinke, and clothes. They doe threaten to pull downe and levell all parke pales, and lay open, and intend to plant there very shortly. They give out, they will bee four or five thousand within 10 dayes, and threaten the neighbouring people there, that they will make them all come uppe to the hills and worke, and forwarne them suffering their cattell to come neere the plantation, if they doe they will cutt their legges off. Itt is feared they have some designe in hand.^a

HENRY SANDERS.

16^o. Aprilis, 1649.

[*Captain John Gladman to Lord Fairfax.*]

Sir.^b

According to your order I martched towards St. Georges Hill and sent foure men before to bring certaine intelligence to mee ; as they went they mett with Mr. Winstanlie and Mr. Everard (which are the cheife men that have persuaded those people to doe what they have done). And when I had enquired of them and of the

^a The chief pamphlets on the *Diggers* are (1) "*A Watchword to the City of London and the Armie*" by Jerrard Winstanley, 1649. (2) *A letter to the Lord Fairfax and his Council of War . . . delivered to the General and the chief officers on Saturday, June 9, 1649*. Reprinted in the *Harleian Miscellany*, viii., 586, ed. Park. *The true Leveller's Standard ; or the State of Community opened and presented to the sons of men*, by William Everard, 4to, 1649. On April 20, 1649, Everard and Winstanley had an interview with Fairfax. An account of this interview is given in *Whitlocke's Memorials*, iii., 18, extracted from *The Moderate* or some other newspaper. See also the papers printed on pp. 215-224, *post*.

^b From Mr. Popham's MSS. This letter is slightly abridged.

officers that lie at Kingston, I saw ther was no need to march any further. I cannot heare that there hath beene above twentie of them together since they first undertooke the businesse. Mr. Winstanlie and Mr. Everard have ingaged both to be with you this day: I believe you will be glad to bee rid of them againe, espeshially Everard who is no other then a madd man. Sir, I intend to goe with two or three men to St. Georges hill this day, and perswade these people to leave this employment if I can, and if then I see no more danger then now I doe I shall march back again to London to morrow. . . . Indeed the business is not worth the writing nor yet taking nottis of: I wonder the Council of State should be so abused with informations. . . .

JO. GLADMAN.

April 19, 1649.
Kingston.

The Committee of Wilts to Sir Henry Mildmay.

Winton, 19 April, 1649.

Sir,

Since your being here wee have had many more complaints come unto us of the ill carriage of Coll. Martins Regiment in this County; among others this day divers honest men of Whitchurch and places adjacent by this inclosed peticon express their deepe eence of the greate oppressions and cutrages done upon them very lately by those soldiers; our earnest desire is you would be pleased to communicate their peticon to his Excellencie, it being in reference to our late letter written to the Councell of State on the behalfe of this miserable County. Because you were lately upon the place, and therby an eye and care wittness of the insufferable violences and oppressions this County yett laboureth under, and signed that letter to the Councell of State, wee thinke fitt to intreate your

effectuall and speedy care herein ; wherby you will exceedingly oblige the whole County in generall, and in perticular *

Your humble servants

RO. WALLOP

ROB. REYNOLDS

JO. HILDESLEY

R. _____

WILLIAM WITHER.

Winton, 19 April, 1649.

Col. Monck to Lord Fairfax.

May itt please Your Excellency,

I am soe deeply obliged to your Lordship for your noble favours, and the good opinion that you have bin pleased to conceive of mee, that I am transported with joy that I have the happines to bee intituled one of your Lordships servants, wherby I may have occasion to manifest my affection. I know itt is the least part of my duty and service to give your Lordship an account of affaires heere. The Scots who were lately under my commaund are now involved into very high distempers amongst themselves, occasioned

* This letter, which is accompanied by a petition from the inhabitants of Whitchurch, is from Mr. Popham's MSS. Parliament had voted on 2 Feb., 1649, that the horse under the command of Col. Marten should be made up to a full regiment, but probably in consequence of this and other complaints the vote seems not to have been acted upon. *Commons' Journals*, vi., 129. The officers probably had originally commissions like that of Captain Rice, whose commission from Marten is printed on p. 36. Amongst the Clarke Papers there is a list of officers of this regiment for whom commissions were desired, Feb. 1, 1649, viz.: Capt.-Lient. William Yate, of Marten's own troop; Capt. William Ware (commander of the troop lately Rice's); Capt. Richard Pechell, of the Wilts troop; Capt. Greenwood, of Derbyshire; Capt. Dolphin, of Nottingham; and Arthur Evelyn, for his own troop. The regiment was evidently intended to be made up from what were termed the "loose troops" raised in different counties, and not forming part of any regiment, and Evelyn was probably to be its major.

by their desencion from this service. Sir George Monro is advanced into their quarters, and is sate downe before Colrane with 4 regiments of Irish foote, and 300 horse of Ormond's party, the Lord of Ardes holding compliance with him, butt all the rest of the regiments and troopes of the Scotts forces are marched to oppose Monroe. Sir Robert Steuart hath ben very active since his arivall comaunding the leaguer before Derry, but I receaved intelligence this day that the Scotts have drawen off their siege before Derry, butt uppon what occasion I canot informe you, only I conceive ther is some agreement concluded betweene Sir Cha: Coote and them.^a I understand that the supply intended to bee transmitted hither are ready for transportacion. I hope there is some horse ready amongst them, which is much wanted here. Coll. Jones is drawen into the feild, and I am ioyned with him; wee lye in the way to stoppe Ormond from advancinge towards Dublin. Inchi-quenee is ioyned with him, which makes him too stronge in horse for us, the daily distractions that happen in the North prevents the well affected party there from joyninge with us, or sending horse to aid us, soc that I hope your Lordship will send a supply of horse heare speedily to enable us to cope with them, and then I doubt not but your Lordship will receive a good account of our endeavours, which shall bee wholly imployed to advaunce the service for the interest of England. I desire that your Lordship will honor mee with your comaunds which I will faithfully observe to the utmost power,

My Lord, Your Excellencies

most faithfull and most humble servant

GEORGE MONRO.^b

For his Excellency Lord Fairfax,
Lord Generall of all the forces in the Kingdome
of England.

^a An agreement was concluded between Coote and O'Neill, 22 May, 1649.

^b This letter is not dated, but it is inserted amongst news-letters dated June, 1649, and was probably written either early in June or towards the end of May.

*To his Excellency the Lord Fairfax and the Counsell of Warre
the Brotherly Request of those that are called Diggers
sheweth*

That whereas wee have begun to digg upon the Commons for a livelihood, and have declared to your Excellency and the whole world our reasons, which are four. First, from the righteous law of Creation that gives the earth freely to one as well as to another without respect of persons. Secondly, by vertue of yours and our victory over the King, whereby the enslaved people of England have recovered themselves from under the Norman Conquest; though wee doe not as yet enjoy the benefitt of our victories, nor cannott soe long as the use of the Common land is held from the younger bretheren by the Lords of Mannours, that as yet sitte in the Norman chaire, and upholde that tyranny as if the kingly power were in force still; and a third reason that moved us to digg was the perswasion of our hartes that the Parliament and Army would make good their bargaine with us; for you promised that if wee would adventure person and purse to recover England from under that Norman oppression you would make us a free people, and you have obtained the victory by your owne and our assistance, and there is nothing wanting from you to us but making good your bargaine to us, for by the law of reason and contract wee have bought our freedom of the Parliament and Army, who have the power of the sword in your hands, by our blood, taxes, and free quarter. And wee are perswaded of your faithfulness to us for two reasons. First, your promises, which as you are Gospell professors wee expect you will make good, and soe give us our freedom, which wee have dearely paid for, and you have received our moneys the fruits of our labours. Secondly, your Covenant to God, unto whome first wee kept fasting dayes, and praied him to help and deliver this oppressed Nation, and then after any victory over our oppressour Charles you appointed daies of thanks-giving

unto God. Now in the third place, God expects from you and the Parliament to performe your Covenant in deede and worke as well as in words, and let the oppressed goe free unto whom you promised freedome; and though you have fought for it, yet wee have paid for it, and soe have purchased that same freedome with you, that is that wee may live in the earth without poverty; for (fourthly) wee digg upon the Common to make the earth a common treasury, because our necessity for food and rayment require it.

Now Sirs, divers repulses wee have had from some of the Lords of Mannours and their servants, with whome wee are patient and loveing, not doubting but at last they will grant liberty quietly to live by them; and though your tenderness have moved us to bee requesting your protection against them, yet wee have forborne, and rather waited upon God with patience till hee quell their unruly spirits, and of prosecuting Sauls to make them righteous Pauls; and in regard likewise the souldiers did not molest us, for that you tould us when some of us were before you, that you had given command to your souldiers not to meddle with us, but resolved to leave us to the Gentlemen of the Cuntry and to the law of the Land to deale with us; which wee were satisfied with, and for this halfe year past your souldiers have not meddled with us.

But now Sirs, this last weeke upon the 28th of November, there came a party of souldiers commanded by a cornet, and some of them of your owne Regiment, and by their threating words forced 3 labouring men to helpe them to pull downe our 2 houses, and carried away the wood in a cart to a Gentleman's house who hath bin a Cavaleer all our tyme of warrs, and cast 2 or 3 old people out who lived in those houses to lye in the open feild this cold weather, (an action more becoming the Turks to deale with Christians then for one Christian to deale with another); but if you inquire into the business you will finde that the Gentlemen that sett the souldyers on are enemies to you, for some of the cheife had hands in the

Kentish rising against the Parliament, and wee know, and you will finde it true if you trust them so farr, that [they] love you but from the teeth outward.

Therefore our request to you is this, that you would call your souldiers to accompt for attempting to abuse us without your commission, that the Cuntry may know that you had noe hand in such an unrighteous and cruell act. Likewise wee desire that you would continue your former kindnesse and promise to give commission to your souldiers not to meddle with us without your order, and wee shalbee very thankfull to you and remayne

Yours and England true borne sonnes and frends.

JOHN HEYMAN

AN: WRENN

HEN: BARTON

JO^N COULTON

ROBERT COSLER

JOHN PALMER

JACOB HEARD

in the behalfe of
others called the
Diggers.

To my Lord Generall and his Councell of Warr.

Sir,

I understand that Mr. Parson Platt with some other Gentlemen, have made report to you, and the Councell of State, that wee that are called Diggers are a riotous people, and that wee will not bee ruled by the Justices, and that wee hold a mans house by violence from him, and that wee have 4 guns in it, to secure ourselves, and that wee are drunkards, and Cavaleers waiteing an opportunity to helpe to bringe in the Prince, and such like.

Truely Sir, these are all untrue reports, and as false as those which Haman of old raised against sincere harted Mordecay to

incense Kinge Ahasuerus against him. The conversacion of the diggers is not such as they report, wee are peaceable men, and walke in the light of righteousness to the utmost of our power. Our enemies have sent divers tymes to beate us, and to pull downe our houses, yet wee never gave them bad language, nor resisted againe, but tooke all their abuses patiently, waiteing upon God till hee make their harts quiett, that wee may live in peace by them; but truely the same things which they falsely report of us, wee and all the people round about us, can and would prove to their faces, if yow should call us face to face, some of them were alwayes Cavaleers, and had a hand in the Kentish riseing, and were cheife promoters of the offensive Surry petition; but wee doe not speake this to ripp up old quarrells, neither doe I desire to mencion their names, least yow should thinke wee were enemies; for truely it is our desire to conquer them with love, though they much abuse us that have alwayes bin your freinds, as the enemy themselves, if they were face to face, can say not otherwise.

Now Sir, the end of our digging and ploughing upon the common land is this, that wee and all the impoverisht poore in the land may gett a comfortable livelyhood by our righteous labours thereupon; which wee conceive wee have a true right unto, (I speake in the name of all the poore commoners) by vertue of the conquest over the King, for while hee was in power hee was the successour of^a William the Conquerour, and held the land as a conquerour from us, and all Lords of Mannours held tittle to the common lands from him; but seeing the common people of England by ioynt consent^b of person and purse, have caste out Charles our Norman oppressour, wee have by this victory recovered ourselves from under his Norman yoke, and the land now is to returne into the ioynt hands of those who have conquered, that is the commonours, and the land is to bee held noe longer from the use of them by the hand of anye whose those^c will uphold the Norman and kingly power still; and if soe, then wee that are

^a MS. "over."

^b MS. Possibly "consent" or "concert".

^c *See*.

impoverished by sticking to the Parliament and you, shall loose the benefitt of all our taxes, free quarter; and blood, and remayne slaves still to the kingly power in the hands of Lords of Mannours, which wee have cast out of the hands of Charles.

Therefore wee poore oppressed Commoners claime freedome in the common land, by virtue of the Parliaments promises and ingagement, and of the armies actinge; for wee did beleive and rely thereupon, being as wee conceive it a firme bargain betweene you and us; for you and the Parliament in effect said to us, 'Give us your taxes, free quarter, excise, and adventure your lives with us to cast out the oppressour Charles, and wee will make yow a free people', therefore by the law of contract as wee expected was firmly made and confirmed on our part by performance, wee claime this freedom to enioy the common land for our livelihood, for wee have bought it by our bloud and money.

Secondly, wee claime this freedome by equality in the conquest over the Kinge, for the Parliament told us what they did they did it for the safety and peace of the whole nation, the army told us they fought not for themselves, but for the safety and peace of the whole Nation, and yow and wee ioyned our forces together to procure our freedome, and have obteyned it; therefore if there bee a spoyle of the common land to be gathered, as there is, it is to bee equally devided betweene yow that went to warr, and wee that stay'd at home and paid you, that is, as the Gentry have their inclosure free to themselves, soe wee the poore impoverisht commoners claime freedome in the common land by vertue of this conquest over the Kinge, which is gotten by our ioynt consent.

Thirdly, wee know that England cannott bee a free Commonwealth, unless all the poore commoners have a free use and benefitt of the land; for if this freedome bee not granted, wee that are the poore commoners are in a worse case then we were in the King's dayes, for then wee had some estate about us, though wee were under oppression, but now our estates are spent to purchase free-

dome, and wee are under oppression still of Lords of Mannours tyranny ; therefore [unless] wee that are poore commoners have some part of the land to live upon freely, as well as the Gentry it cannott bee a common wealth, neither can the kingly power bee removed soe longe as this kingly power in the hands of Lords of Mannours rules over us.

Now Sir, if you and the Counsell will quietly grant us this freedome, which is our owne right, and sett us free from the kingly power of Lords of Mannours, that violently now as in the Kings dayes holde the commons from us, (as if wee had obteyned noe conquest at all over the kingly power), then the poore that ly under the great burden of poverty, and are alwayes complayning for want, and their miseries increased because they see noe meanes of releife found out, and therefore cry out continually to you and the Parliament for releife and to make good your promises, wilbe quietted.

Wee desire noe more of yow then freedome to worke, and to enjoy the benefitt of our labours—for here is wast land enough and to spare to supply all our wants—but if yow deny this freedome, then in righteousness wee must raise collections for the poore out of the estates, and a mass of money will not supply their wants ; because many are in want that are ashamed to take collection money, and therefore they are desperate, and will rather robb and steale, and disturb the land, and others that are ashamed to beg would doe any worke for to live, as it is the case of many of our diggers that have bin good housekeepers ; but if this freedome were granted to improve the common lands then there would bee a supply to answer every ones inquire, and the murmurings of the people against yow and the Parliament would cease, and within a few yeares wee should have noe beggers nor idle persons in the land.

Secondly, hereby England would bec enriched with all commodity with in it selfe which they each would afford ; and truly

this is a stayne to Christian religion in England, that wee have soe much land ly wast, and soe many starve for want; and further, if this freedome bee granted, the whole land wilbee united in love and strength, that if a forraigne enemy like an army of ratts and mice come to take our inheritance from us, wee shall all rise as one man to defend it.

Then lastly, if yow will grant the poore comoners this quiett freedome to improve the common land for our livelyhood, wee shall reioyce in yow and the army in protecting our worke, and wee and our worke wilbee ready to secure that, and wee hope there will not bee any kingly power over us, to rule at will and wee to bee slaves, as the power has bin, but that you will rule in love as Moses and Joshua did the Children of Israell before any kingly power came in, and that the Parliament wilbee as the Elders of Israell, chosen freely by the people to advise for and assist both yow and us.

And thus in the name of the rest of these called Diggers and Commonours through the land, I have in short declared our mynde and cause to you in the light of righteousness, which will prove all these reports made against us to bee false and destructive to the uniteing of England into peace.

Per me Gerrard Winstanley for my selfe and in the behalfe of my fellow Commoners.

December the 8th,
1649.

[*The Diggers Song.*]

You noble Diggers all, stand up now, stand up now,
You noble Diggers all, stand up now,
The wast land to maintain, seeing Cavaliers by name
Your digging does disdaine, and persons all defame
Stand up now, stand up now.*

* From vol. xviii. of the Clarke MSS., in Worcester College Library; undated, but, from the accompanying papers and internal evidence, clearly written in 1649.

Your houses they pull down, stand up now, stand up now,

Your houses they pull down, stand up now.

Your houses they pull down to fright poor men in town,

But the gentry must come down, and the poor shall wear the crown.

Stand up now, Diggers all.

With spades and hoes and plowes, stand up now, stand up now,

With spades and hoes and plowes stand up now,

Your freedom to uphold, seeing Cavaliers are bold

To kill you if they could, and rights from you to hold.

Stand up now, Diggers all.

Theire self-will is theire law, stand up now, stand up now,

Theire self-will is theire law, stand up now.

Since tyranny came in they count it now no sin

To make a gaole a gin, to sterve poor men therein.

Stand up now, stand up now.

The gentrye are all round, stand up now, stand up now,

The gentrye are all round, stand up now.

The gentrye are all round, on each side they are found,

Theire wisdom's so profound, to cheat us of our ground.

Stand up now, stand up now.

The lawyers they conjoyne, stand up now, stand up now,

The lawyers they conjoyne, stand up now,

To arrest you they advise, such fury they devise,

The devill in them lies and hath blinded both their eyes.

Stand up now, stand up now.

The clergy they come in, stand up now, stand up now,

The clergy they come in, stand up now.

The clergy they come in, and say it is a sin

That we should now begin, our freedom for to win.

Stand up now, Diggers all.^a

^a Three of the Diggers, Henry Bickerstaffe, Thomas Star, and Jermard Winstanley, were brought before the Court at Kingston for trespass in digging.

The tithe they yet will have, stand up now, stand up now,

The tithes they yet will have, stand up now.

The tithes they yet will have, and lawyers their fees crave,
And this they say is brave, to make the poor their slave.

Stand up now, Diggers all.

'Gainst lawyers and gainst Priests, stand up now, stand up now,

Gainst lawyers and gainst priests stand up now.

For tyrants they are both even flatt against their oath,
To grant us they are loath, free meat, and drink, and cloth

Stand up now, Diggers all.

The club is all their law, stand up now, stand up now,

The club is all their law, stand up now.

The club is all their law to keep men in awe,
But they no vision saw to maintain such a law.

Stand up now, Diggers all.

The Cavaleers are foes, stand up now, stand up now,

The Cavaleers are foes, stand up now;

The Cavaleers are foes, themselves they do disclose
By verses not in prose to please the singing boyes

Stand up now, Diggers all.

upon St. George's Hill, and infringing the rights of Mr. Drake, the Lord of the Manor. Winstanley was sentenced to pay for fine and law costs £11 9s. 1d.; Bickerstaff was imprisoned for three days, and Winstanley's four cows were seized. "They took away," he complains, "the cowes which were my livelyhood, and beat them with their clubs, that the cowes heads and sides did swell, which grieved tender hearts to see: and yet these cowes never were upon George Hill, nor never digged upon that ground, and yet the poore beasts must suffer because they gave milk to feed me." He adds that the "parish priest, and the Surrey ministers, and serry ones too they are, that have set up a lecture at Cobham for a little time, to preach down the Diggers, have bid the people neither to buy nor sell with us, but to be at us imprison us or banish us."—*Watchword to the City of London.*

To conquer them by love, come in now, come in now,
 To conquer them by love, come in now ;
 To conquer them by love, as itt does you behove,
 For hee is King above, noe power is like to love.
 Glory heere Diggers all.*

[*Charles Fleetwood and others to Colonel John Downes.*^b]

Sir,

Wee doe understand, that Capt. Deane is to be employed by the Commissioners appointed by the Parliament for Ireland, and therefore doe recommend to your thoughts for that place Mr. Clarke, who hath long served the Army, and who hath bin longe acquainted with most businesse that hath pass'd betweene your Comittee and this Army, whose diligence and readinesse in that way and faithfulnessse to the publique service wee have had good experience of, and wee doubt nott but many of your selves alsoe ;

* These verses are probably by Winstanley, who inserts similar compositions now and then in his pamphlets. To his *Law of Freedom in a Platform* he prefixes the following lines :

" In thee O England is the Law arising up to shine,
 If thou receive and practise it, the crown it wil be thine,
 If thou reject and stil remain a froward son to be,
 Another land wil it receive, and take the crown from thee."

And on the title-page of his *Watchword to the City of London* he writes :

" When these clay bodies are in grave, and children stand in place,
 This shewes we stood for truth and peace and freedom in our daies ;
 And true born sons we shall appear of England that's our mother
 No Priests nor Lawyers wiles t' embrace, their slavery wee'l discover."

^b This letter and Kympton Hilliard's letter on the next page are from Mr. Popham's MSS.

your kindnesse to him heerin will bee a very good obligacon unto

Your humble servants

CHARLES FLEETWOOD.
EDW. WHALLEY.
MATT. THOMLINSON.
GEORGE MONCKE.
R. OVERTON.
WILL. GOFFE.
HEN. WHALLEY.
C. FAIRFAX.
E. GROSVENOR.
WILLIAM DANIELL.

Edinburgh
19^o octobbris
1650.

For our honoured freind Col. John
Downes, in the chaire of the
Committee for the Army.

[Kimpton Hilliard to Mr. William Clarke].

Deare Brother,

Although I have beene in towne about this sennight, yet I protest I have not had the leisure of writing to you ; the Governor commanded the Major (who hartily desires to be remembered to you) and my selfe hisher about perfecting our muster rowles, which have soe employed mee that it was a burthen is now become facile through much use of it. I showed Major Harding your letter which I received yesterday, wherein you promise to send his commission as captain by the next, for which hee thanks you, and wee have one request more to you, for John Boere, storekeeper and master gunner in Weymouth. I shall take care to gett your

money for them. I am from my hart sorry for Mr. Moss, his wife is rann like a woman distracted, poore hart, she is a miserable wretch, and will not admit any thing that's comfortable to be receaved by her. Men having not higher aymes then themselves, and those too high when they end in earth, bringe desolation. I could wish that wee may yeild ourselves to bee conquered by the spirit of love and humility that will teach us moderation in all our actions, especially in those things that concerne our selves, when nature and flesh onely will bee boundlesse and imoderate; they are blessed that live upon the good testimony of Jesus Christ, waiteing or daily attending how they shall bee guided rather then to seeke to guide our selves. When wee thrust ourselves forth into the world with thoughts wee can never bee satisfied enough with it; if we did but thinke they that trust in it shall perish with it, surely it would make us not to love [?] our owne ruine; every nature desires mixture with its great element, even soe wee with the world, as if wee had not a portion, nor did not desire to partake of the never failing condition of glory; 'tis very comfortable to live humbly prudently, and moderately, and still to waite for a more perfect manifestation, that soe wee may bee acted through all fleshly darke dispensations into the true light that whosoever walkes in it their foote will not stumble. It is noe small joy to us here to heare that you and honest Mr. Hatter (to whom I pray kindly remember mee) escapt a danger soe neare; I hope it wilbee a warneing to you hereafter; you see 'tis ill trusting such cruell men whose desires are after the blood of the righteous, and Kaine like, because their formall sacrifice can not be accepted, know not how to vent that rage which dominates in them, but by killing innocent and harmlesse Abell, but certainly their fall is nigh, their rage and cruelties are soe great.

For newes I shall not undertake to trouble you with, but leave it to my brother Mabbott; onely thus much, being by chance upon the water not knowing it to bee the Lord Mayor's day, I met his Lordshipp and all in companies in severall barges attending him

to Westminster, and on the head of every barge new colors with the commonwealth armes, which now they begin to both see and taste. I profess wee are soe tender of you and the Commonwealth in our parts that a little dogg dare as well pluck a lyon by the jaw as any man in the least to speake in the derogation of you, soe loved are you in any of our spirits that if you are wounded wee are wounded, if you are healed wee partake of it; this sympathye in affection must dwell in the hart of the upright, 'tis a companion to them, and they must delight in it. I am loath to trouble thee in this important affaيرة in which the Lord Almighty guide you, but mythinks I could ever lett forth my soule to thee; thy deare wife was in such an extasie of joy to heare of your escaping that danger that Capt. Pitson^a perisht in shee fell into an extreame passion; shee hopes when it shall please God to send thee home to her againe to prevaile with thee to stay with her. I have noe more but my truest love which shalbee at thy commaund while I am

KYMPTON HILLIARD.

Ax Yard, the 29 October, 1650.

[Addressed] :

For my deare brother Mr. Will^m. Clarke
at the head Quarters in Scotland.

[*William Clarke to the Commissioners of the Great Seale.*]

To the right honourable the Lords Commissioners of the Great Seale
of England.

The humble petition of Wm. Clarke one of his Excellency
the Lord Generall Cromwell's secretaries now in
service with his Excellency in Scotland,

Sheweth,

That your petitioner having purchas'd from the State part of
S. John's Wood parcell of the late King's land, one Mr. John

^a Taken prisoner by the Scots, Whitelock, iii., 255.

Collins unjustly claimes some part of that he hath purchased and paid for, and his conveyance sealed and inrolled, and for the same hath proferred a long bill in the Court against your petitioner and James Staesmore, Henry Curtis, and others, freinds and agents of your petitioner's.

That the entrest and title is solely in your petitioner and the other defendants noe wayes at all concerned herin. And your petitioner being so spetiall employed in Scotland with his Excellency in the service of the State, as wilbe made appeare by oath, humbly desires that according to the votes of Parliament, all proceeding in the said suite may be stayed untill your petitioner can attend the same, for that if it should proceed now in your petitioner's absence, the same might be much to his prejudice, none being able to make good his title and intrest to the premises in question.

And your Petitioner shall pray &c.

WM. CLARKE.

2^d Junij 651

[*Kimpton Hilliard to William Clarke.*]^a

Deare Brother,

Colonel Heanes regiment with six companies of Sir Hardress Waller's regiment of foote, two troopes of horse, (vizt.) Capt. West's and Capt. Margerum's,^b being shippt at Weymouth, on Friday

^a This letter is from Mr. Popham's MSS. In *Mercurius Politicus*, Oct. 30-Nov. 6, 1651, p. 1175, is a relation of the taking of Jersey, which is also printed in *Several Proceedings in Parliament for the same date*, p. 1696. Heane's letter, dated 27 Oct., and Blake's letter, dated 26 Oct., are also to be found in the latter newspaper, p. 1700. Heane's correspondence with Philip Carteret about the surrender of Montorgueil Castle is printed in *Several Proceedings*, p. 1731, and *Mercurius Politicus*, p. 1213. See also *Mercurius Politicus*, 1207, 1218, 1256, 2551. Hilliard's letter seems to have been used in compiling the official relation, but contains many additional details.

^b "Margeroy." *Mercurius Politicus*.

the 17th instant at 4 in the afternoone we hoysed sayle, and bended our course towards Guernsey there to take in 200 men more, who were to join with us in the reducing of Jersey Island; but we had not sayled above 5 leagues before the winde rose soe high that our open boats could not live upon the seas, that we were forct to returne again; the 19th in the morneing we agayne set sail, and though the winde was yet high by 12 at night wee cast anchor under Sarke Island near Guernsey; the 20th in the morning we launcht forth and steered directly for Jersey, and about 12 at noone came to an anchor in St. Wons Bay, where we lay all that day, not being able to hoyst our smale boats out of the ships to order our businesse, the winde being soe very high; the 21th wee steered round the shoare and came before St. Brelades Bay, where we droopt anchor; the day before the Eagle Frigate running nere the shoare to fyre upon the enemy received a shott which peirct through her side, and dropped in her howld, but did noe further harm. After we had anchored before St. Brelades Bay we descried several bodies upon the shore, and receaved from them divers shott from a lyne on which they had planted several guns from one end of the Bay to the other. All this while the winde continued soe high that wee were put to a stand, and could not tell what to doe; wee seeing apparent ruin to us all if the winde ceased not. About six at night wee considered that though the weather was not seasonable, and 16 sayle of our fleet left at Guernsey, our horse provisions was quite spent, soe that they must bee lost if wee either lay still or returned; and wee being willing to do the worke wee were sent about resolved to throw ourselves upon the Lord, and to morrow to endeavour to doe it; and it so pleased the Lord that within an hour after we had a calme sea and quiet weather, which gave us opportunity to fit ourselves with such necessaries as our businesse required. The 22nd about three in the morning we held a Councell on board the Admirall, where wee resolved to improve the Lord's goodness to us in that seasonable weather which yet continued, and that morning to goe on; to which purpose

there wee craved a blessing on our undertaking. About 5 that morning wee began to boate our men, and came round the shoare in them to St. Wons Bay, leaveing our shippes to keepe them in alarum at St. Brelades Bay; before our boates could get ashoare the tyde was spent, and wee forct in much danger, without bread or beere, to lic there till the next tyde, and about 11 at night for expedition sake wee cutt our cables and run ashoare, our boates after they were on ground drawing 3, 4, 5, 6, and some 7 feet water, but those that were in those that drew most gott over [to] the rest and run ashore, most middle and some neck high, so willing were they either to live or die together. This day while wee lay in our open boats the Elizabeth friggott came, and rid as nere the shoare as shee could, and let fly at their colours uppon the shore, and killed one horse and 2 men of theirs. We were noe sooner landed but the enemy entertayned us with a desperate charge, they being a body of horse, which our foot withstood as stoutly (our horse not being yet landed), and after halfe an houres dispute (their horse being upp to the muzles of our musquets) the Lord was pleased to give us the victory, and made the enemy fly before us; after which wee drew ourselves into a posture fitt to receive them uppon the sands, where wee continued about an heure, and finding noe enemy to assault us (onely some great shott from the hills) we thus marcht a mile in to the Island, in which time we seized 7 or 8 guns they had planted uppon that shoare. After we had marcht about a mile there wee continued till about 5 the next morneing (being the 23rd October, the same day on which the bataile of Edgehill was), when wee marcht round the shoare towards St. Brelades Bay, and drew uppon a hill before wee came to it, whither our parties aboard brought divers prisoners and colours. Here wee endeavoured to gett in provision for our hungry and tyred soldiers, but before wee could gett any (still keeping ourselves in a fighting posture) wee marcht down to Brelade Bay, where wee found about 12 guns but their men fledd; after which we drew upp uppon a hill on the other side this Bay in sight of Elizabeth Castle, under which hill was a fort

which had in it 2 demi culverins, which they forsook. Upon this hill wee received several great shot from a strong fort of theirs called St. Albans Tower. Here wee understood that the enemy were all fled into their 2 strong Castles, (vizt.) Mount Orguill Castle which they call the Old Castle, and Elizabeth Castle which they call the New Castle ; and my Colonel being unwilling to loose time (notwithstanding his souldiers former hardships) marched that night to their chief towne called St. Hilarys, with his owne regiment and Capt. Wests troope of horse onely, to keepe the enemy into the New Castle, which is within muskett and halfe shott of this towne upon an Island in the sea. While wee were on our march hither the Colonel sent in a summons to St. Albans Tower (which likewise stands upon an Island on the other side of the Harbour), and gave them two houres time to send him an answer, in which time they surrendered it, upon terms to remove from thence to Elizabeth Castle, which that night they did by water. In it wee had 14 guns and a convenient place under which our shipping may ly in despite of their Castle. Our quarters being this night taken upp in St. Hilarys towne, whereby the New Castle was blockt upp. The 24th the Colonel sent Sir George Cartaret a summons, to which he returned but a scurrilous answer. This day the Colonel ordered his own regiment with Capt. Wests troope of horse to march to their Old Castle, and Major Ebzery with his 6 companies and the 3 companies from Guernsey with Capt. Margerum's troope to possess our quarters ; and that night about 9 o'clock wee drew upp on a coney warren before Mount Orguill Castle, after which wee were disposed to keepe guards within muskett shott of the Castle, and the 25th the Colonel sent the Governor thereof (Sir George Carteret's brother) a summons. His answer was that hee had noe power to surrender that place. It is of it selfe very strong, were it not for a hill close by which commands it, from whence our mortar peeces (when wee have them hither) will I hope force him to deliver it. Thus hath the Lord given into your hands this brave Island with the loss of not above

3 or 4 men, and about 24 wounded, of which one is since dead. The enemy carried a cart load of dead in their New Castle, of which one was Colonel Bovill as I am informed. The enemy at our landing are reported to be about 3000, but their numbers 2 daies before were reported to bee twice as many more. Since which the Old Castle called Mount Orguill Castle is surrendered. The conditions were to march away with their swords, which they did, only the Governor had with him 2 horses and the liberty of carrying away some of his goodes. The Islanders are to live peaceably at home, and have protection, and not bee troubled for any thing done during the late warr; the strangers to have passes to go into their own countries. Truly I cannot but wonder to see how the Lord doth strike these people with feare and terror that they should soe suddenly deliver upp such a strong hold. It is seated very high upon a round rock, and many vaults in it cut out of the firme rock, that in my judgment 'tis neither stormable or to bee injured by mortar pieces. This is the Castle in which Mr. Prynn was prisoner. Wee had in it nere 50 guns great and smale, 5 or 6 whereof are brass, one of which is demi cannon. The New Castle is indeed a most invincible place, but the Lord Almighty is able to overcome them. This day we here from St. Malloes in France, that upon notice given them of our fleete coming this way, they turned all the English out of the towne, and planted 50 guns more about the towne than there was before, fearing wee would attempt them. This day I received one from you, I am glad you are well, my true love to you and my dear sister. I am well blessed bee the Lord, onely a litle louzie. I am

thyne while

KYMPION HILLIARD.

Jersey Island, this 30th Octob^r, 1651.

For my deare brother Mr. William Clarke at the
Head Quarters in Scotland there.

[Extracts from News-letters].

Nov. 15, 1651.

All this weeke hath bin spent in debate of the New Representative. The Judges sitting upon the benches, members of Parliament, were called in to give their vote in this greate businesse. Yesterday (after a long speech made by his Excellency to set a time for the sitting of this Parliament) these large debates came to a question, vizt. that it's a convenient time [to declare a certain time] for the continuance of this Parliament beyond which it shall not sit, and this question being put the house was divided and carried in the affirmative by two voyces. Tuesday next is appointed to nominate the time.

Nov. 16.

Yesterday the Parliament came to a conclusion, after 6 dayes debate, to name the time, and on Tuesday they resolved when this Parliament shall end; a dreadfull vote to some who have large accounts or unworthy actions to ans[wer], for the Committees in the country begin to look about them. The House was devided at the putting of this question 49 noes 51 yeas, my Lord Generall and Lord Chief Justice St. John tellers for the yeas, Mr. Bond and Mr. Morley for the noes, and 2 latter being against it. I beleive things will draw to some conclusion and speedy settlement.

*[The trial of Mr. John Erbury.]*Chequer Chamber, 8th Febr. (52).

Committee of Plundred Ministers.

Mr. Millington, Chayreman.

Present.

Maj. Gen: Skippon, Mr. Cawley, Coll: Rich, & divers others
Mr. Phelps Clark. Neere the Barr on the Right hand Capt.
Chillenden & witnesses against Erbery.

• "Yeares" MS.

Spectators.

Coll: Cobbett, myself, & about 4 or 500 more, 2 or 3 files Musqteers
& 2 Officers.

All other Motions layd aside & checkt.

Prisoner call'd.

Then Phelps reade how farr they proceeded last time.

Capt^a Chillenden.

I heard Mr. Erbery say, That these saints are much against the
sinnes of Adultery outwardly, but comitt them wholly inwardly;
also a poore Ranter hes but one night in a moneth with a whore,
but these saints this wel-favor'd harlott can lye with twenty be-
twene this and Westminster.

Maj. Gen. Skippon.

I think hee said Christ was a Beast.

Erbery.

Right Reverend, give mee leave to speake a word for my self.

Mr. Millington.

Stay you a while. Capt. Chillenden declare what hee said con-
cerning Christ being a Beast.

C: Chillenden.

Mr. Phelps hath it already. Butt hee declared all the Prophettes
were Beasts, soe hee came to Christ, & that hee would confound all
formes etc.

Mr. Erbery.

I hope the Lord in you is judge this day.

Chillenden.

Hee said. Don't wee see a morall man hee continues in his morality still, but your Church Members & holy men continue in sin, & the Ranters were the holiest in the nacion but their knowledge came to nothing, & that Christ was a Beast, the apostles & prophetts were Beasts & knew nothing, the Saints or Church Members knew nothing, nor hee knew nothing. God in us knew all, but wee nothing, 65 Isaiah 20 etc. 'There shalbe noe more an infant of daies' etc. That hee knew God was coming to destroy the knowledge of all the Saints as they call themselves.

Mr. Millington.

Mr. Gray what can you say. But why appear'd you not att first sumons?

Grey.

I onely received the last sumons. It was not out of feare, favour, or affeccion.

1. Mr. Erbery called the bread of the Lords Supper uncleane bread, & hee said because it was the bread of mourners, & will yee sitt downe att the Table of whores; yee cannot discerne the Lords body lyes in Babilon.

2. Concerning Baptisme, 9 Proverbs, 17, 'Stolen waters are sweete.' The waters of Babilon are stolen, they are wordes of the whore. 18 Rev. 22, "And the voice of Harpers musick, etc. Yee shall have Baptisme noe more, Lords Supper noe more, preaching noe more.

3. 30 Isaiah. By removing there into Corners is ment pulpitt preachers, such yee shall have noe more; every object shall teach you, your food & rayement shall teach you.

4. That prayer was a work of God, & when the Spiritt of Christ came in the flesh it did consume, 66 Isa. Christ as a worme will consume, corode, & destroy the flesh, faith etc.

5. When Christ was nearest dissolucion of his flesh then the Spiritt of prayer forsook him, hee prayed onely these few words, 'Father lett this Cupp pass,' etc. I tell you this came from the darkness of his Spiritt.

2^d. Article. Mr. Phelps reads:

'That hee blasphemously preached downe the Godhead of Christ.'

Mr. Gray.

That Christ would consume our faith. I wonder what evill men see in the Turkish Alcheron. When Christ comes into your flesh, hee will make you in love with all Religions, yea Papists & all. Hee dyed the just for the unjust is mistaken, for Christ in the Spiritt will destroy your flesh that hee may bring you to God.

Luke saith hee was Crucified in the 9th houre, & John who was onely present att his death the 6th.

That Christ dyed not for pardon of sin, or [to] satisfy the Father, but [to] declare the Father's love.

Those Churches call'd Amabaptists etc. & State governments, all those formes, saith hee, God will destroy.

Mr. Millington.

What can you say Mr. Pemberton?

Mr. Pemberton.

I was att Somersett House & heard Mr. Erbury on the 8th Revelacon 1st, uppon opening the 7th scale, 'and there was silence in heaven for y^e space of half an howre.' Hee said Christ was going out of all formes. 12 Rev: 1st, concerning the woeman clothed with the Sun & the Moone under her feete, [those] were the Ordinances which shold now cease. 18 Rev: [22nd], when the noise of the Harpers shalbe noe

more, which was the comon preaching & singing wee now have. This noise was hee said the musick of Babilon, & further as hee said, as God was going out of all these formes soe that there was a more glorious manifestacon of God coming out this day, viz^t. a 3^d dispensacon never knowne to the Saints of old, diffing from the law & gospell Order. What saies God, remember not former things, I will doe a new thing saith God, soe are wee, as hee was perfectly one with God soe are wee. When Christ came to suffrings the Spiritt of prayer dyed in him, shewing the feebleness & confusion of his Spiritt hereby. It pleased the Lord to bruise him, his understanding was confounded, hee was afraid & knew not what hee said. Hee tooke Peter & James with him because hee was afraid to goe alone; that the darkness then was the confusion of his understanding.

And the Vaile of the Temple was rent fro topp to bottome, hee was onely amased, for what was the Vaile but our pure flesh, our guifts, our graces, our performances. This is the flesh of Christ, all of them shalbe torne from highest attainments to lowest performances.

Mr. Millington.

What have you to say Mr. Erbery?

Mr. Erbery.

I humbly thank this Honorable Committee for having liberty once more to speake heere before you. It is thus, I told you the first time the power of the Lord uppon my Spiritt. I came to London to preach onely the New Jerusalem. I confess most what the last evidence said is true; but because I am charg'd by Capt: Chillington [with saying] that Christ is a Beast, & that the Saints & all men knew nothing, I knew nothing. But had I now withheld my coming Capt. Chillington had slided his necke out of the collar; and for mee to say that hee was worse than a Beast, I onely said hee was worse then a goose.*

* "Hee," i.e. Chillenden.

Mr. Millington then checkt him.

Erbery.

True I said the Churches were a welfavor'd harlott, Ezek. 30. I told the old prelatick Churches they were an old rotten whore, but these a fayre whore, but the Presbytereans call the Independent Churches whore, & the Independent call them whore againe, & I say they are all whores together. Isa. 47, that whore said, I am a Queene, but the Scripture saith shee is a whore, her knowledge hath deceived her. I speake as in the presence of God, I meane nothing against the Saints, but [against] Apostates; nay it hath been preacht publicly in Blackfryers, if men would have good places they must goe into the Independent Churches.

11 Job. 12. Vaine man would bee wise, though born as an Asses Colt. 49 Psal.: 12,^a man being in honor abideth not, but becomes as a Beast that perisheth, & wisest men have proved the greatest foolles.

Moses a Minister of the law, some say his face shined, but the originall renders it horned, beastlike.

As Christ to the theife on the Cross—This day shalt thou bee with mee in Paradice. God onely is wise, & that any man account himself soe He say hee is as the wild Asses Colt. Every man is a Beast. The prophett speaking of Christ, 30 Pro: saith, 'I am more brutish then any man.' Christ is the Glory of the Father. The word wisdom & power of God in the Father. Christ was in God from Eternity, but became man. The words in Hebrew, Adam signifies weakness or dust of the Earth, 2^d Ish: man also but signifies heat. 31 Jer: A woman shall compass a man. All that appeared to Christ was in the power of the Father.

Baptisme & Lords Supper, as in the Anabaptists & Independent Churches, were not Gospell Ordinances. Baptisme of the Spirit was by power from on high, but the apostles could not goe forth till it came, though comaunded.

^a MS. 46 Gal. Several errors in the refs. to chapter and verse have been corrected.

They delude their hearers with this word teach & baptize etc. But they mince & cutt the word in halfs.

As breaking of bread among the Churches is uncleane to them it is the bread of mourners.

There was in Gospell times noe breaking of bread but by a spirituall breaking; there was formerly but one body, one bread, one Church, one Baptisme, but heere all is in a confusion; therefore Christs body is in Babilon, & one clashing against another, & now I waite when the spiritt will appeare to make us all one & convince us of our being yet in Babilon.

Mr. Millington.

Must wee have candles or withdraw ?

Some said noe candles, but deferr it till next Tewesday.

Mr. Millington.

Then lett the Company withdraw.

C. Chillenden (aloud).

He said that Christ in flesh was a Beast, & that I was worse than Balaams ass, for that spoke truth, but I a lye; consider it.

Mr. Millington.

Wee'le withdraw, [and] heare noe more now. *

[*Oliver Cromwell to Lieut.-Col. Wilks.*]

Sir,

I received your lettre, and as to the parte which concernes the colleccion for Marleborough^b I shall speake with Major Haines^c thereabout, by whom I expect to know what Colonell Read hath

* From Mr. Popham's MSS.

^b See Preface.

^c Or "Baynes."

done thereuppon. The other parte of your letter ^a is full of very loving and kind expressions of the heartinesse of your affection to me, and of your tendernes and sensiblenes of the burden of my condition; and truly it was to me very seasonable, because if I mistake not, my exercise of [that] litle faith and patience I haue was neuer greater; and were it not that I know whom I haue beleueed the comforts of all my friends would not support me, noe not one day. I can say this further to you, that if I looked for anything of helpe from men, or yet of kindnes, it would be from such as feare the Lord, for whom I haue been ready to lay downe my life, and I hope still am, but I haue not a few wounds from them; nor are they indeed, in this sad dispensation they are under (being diuided in opinion and too much in affection ready to fall fowle uppon one another, whilst the enemy to be sure unite to purpose to their common destruction), in a capacity to receiue much good or to minister good one to another, through want of communion in loue; soe that whosoever labours to walk with an euen foote between the severall interests of the people of God for healeing and accomodating their differences is sure to have reproaches and anger from some of all soarts. And truly ^b this is much of my portion at the present, soe unwilling are men to bee healed and attoned; and although it be thus with mee, yet the Lord will not let it bee alwayes soe. If I have innocency and integrity the Lord hath mercy and truth, and will owne it. If in these things I have made my selfe my ayme, and designed to bring affaires to this issue for my selfe, the Lord is engaged to disowne mee; but if the worke bee the Lord's, and that they are his purposes which hee hath purposed in his owne wisdom, he will make his owne councils stand; and therefore let men take heed least they bee found feighters against him, especially his owne people. I heare things are very troublesome through the discontent of some amongst you, who will quickly bee made manifest by their fruites. And I am perswaded the

^a "Of your letter" omitted.

^b "Surely."

Lord will not suffer his people alwayes to bee deceived by such pretenders and pretences to Righteousnesse and Justice, and care not how unjustly and unrightiously they walke, not to bring forth Righteousnesse and Justice, as^a they pretend, but most abominable unrighteousnesse, wickednesse, impiety, and confusion upon all the world God hath wrought in the midst of us. I doe veryly suspect most guilty herein, because I finde men acting here vppon the same principles who have conceived to themselves alsoe greate hopes from the devisions and discontents amongst you, who have had such expectacions from some notable designe to bee acted in Scotland from some considerable person there, that they have formed theire worke here of like wickednesse and confusion to bee contemporary here; and truly it is thus they are exciting all discontented humours and persons to stir, and to goe into Armes, haueing framed their declaracions wherin they have a singular compliance with the malignant partie, as theire declaracions will manifest, wherin they gratifie them beyond what euer was done for them, by which the cavalier partie is soe encouraged that they doe accompt this spirit, principle, and motions of these men, as the likeliest way to bring them into their former interest that ever yet they had, and of this we have a very full discouery. Besides we find that divers are very highly acting that interest, and are preparinge great quantities of armes to that purpose, of which through the goodnes of God we haue made a full discouery, and the busines is become soe naked and open, that indeed if all the people of God had one hearte and spirit, yet it would be all litle enough to man's^b iudgment to preserue the interest of the people of God. We have apprehended divers persons of quality who haue comissions from Charles Stuart and are possest of many armes to carry on their work, and in the discouery herof the Lord hath appeered very gracious to us. The Lord stablish, strengthen, and keepe your minds entire,

^a "and us."

^b "Many."

and make his people of one heart, and giue them one lip ; and I pray you shew your fidelitie in standing by and sticking to your honest Generall Geo. Monck, who is a simple hearted man, and as you have opportunity ^a exhort all to doe the same ; ^b and let the honest officers be as diligent to make peace and keepe it there as wicked men who are the instruments of Satan are busie to bring in confusion. I commit you to the Lord and rest,

Your louing friend,
OLIVER P.^c

[*Secretary Thurloe to General Monk.*]

Sir,

I suppose you will heare from other hands of the imprisonment of Major-General Harrison, Mr. John Carew, Mr. Courtney, and Colonel Rich. I will trouble you with the particular reasons and grounds therof, and that truly not knowing how they may be represented by others. About 10 dayes since they with some others came to his Highnesse, (after that Mr. Rogers with very many of his people had been with him concerneing the imprisonment of himselfe and Mr. Feake), and demanded of him that the prisoners of the Lord might be set at liberty. Whereunto his Highnesse answered them, that if they were the prisoners of the Lord they should soone be set at liberty, but that hee was sure there was noe body in England in prison for the Lord or the gospell sake. And these two persons were soe far from being in bonds uppon any such account, that they were in prison as evill doers, as for railing,

^a "At your own opportunitie."

^b "soe."

^c There are two copies of this letter in the Clarke MSS. One is headed "Letter to Lieut.-Col. Wilkes." The variations in the two texts, when of any importance, are given in the notes. From its position amongst the other letters, it should be dated between 14 and 18 January, 1653.

reviling, telling untruthes, stirring up the people to armes, &c., which he said he had already made appeere to Mr. Rogers himselfe, and could alsoe satisfie them when there was time for it; and to that end he told them, hee should desire to speake with them at some more convenient time (it being then too late), when he should deale very plainly with them, and would be content to be soe dealt with by them, and to heare what they had to say against the way that he was now in. And soe they went away. About two daies after his Highnesse sent to them that he would speake with them the next day at 9 of the clocke. Harrison and Courtney promised to come, but after it seemes they repented, for they came not. My Lord thinking there might be some mistake in the message, sent a second time, haveing appointed some Christians to be present, who might heare the discourse. But Major-General Harrison then said, that if he had been required to come he should have been more free, but was not free to come uppon a desire; the rest had all notice but all refused to come. Then his Highnes summoned them by a warrant in writeing, required them to appeare before him or the Councell uppon a certaine day to answer such things as shalbee objected against them concerning the peace of the Nation. When they were served with the warrant Harrison said hee would come, but did not, nor any of the reste. Upon this contempt, and because of the certaine information that my Lord had of their endeavour to stir upp the people against the Government, and to seduce some persons from their trust (and that of the greatest moment) which they held under the State, hee sent for them in safe custody, and they were brought hether upon Friday in the afternoone. And because things might bee carryed on in a Christian manner his Highnesse had present, when they were called in before him and the Councell severall sober Christians and Ministers, as Mr. Carryll, Mr. Brooks, Mr. Cradock, Mr. Recorder, and others, some whereof were the Irish officers, and at the desire of Major Generall Harrison and the others, there were alsoe called in Mr. Sympson, Mr. Bankes, Mr. Pendarvis &c. That which was first asked them

was, why they had in contempt of authoritie refused to come uppon the summons which had bin sent; whereunto, after they had desired to know whether there was any thing against them but their contempt, they plainly answered, that they could not come, because in that act they should acknowledg the Governement, which they could not doe, it being a Governement set up against the will of God, and in opposition to the Kingdome of Christe, and was antechristian and Babilonish, and they did expect that God would power out his wrath uppon it, and those that did adhere to it, and they did not come, least some of the dropps of wrath should fall uppon them, and therein they obeyed the Scripture, which calls to the daughter of Syon to come out of Babylon. Mr. Carew added that My Lord Protector, when the little Parliament was dissolved, tooke the Crowne off from the heade of Christ, and put it uppon his owne. It would be too large to tell all particulars; some of the principalls they layd downe are these. That the present authority is not any authority, nor to bee obeyed, and consequently armes may bee taken upp againste it. That the Magistrate which is carnall hath no right, nor can have; and the greate objection which they made againste this Government was because it had a Parliament in it, whereby power is derived from the people, whereas all power belongs to Christ. And it beeing demaunded of them, whether they would engage to live peaceably and not disturbe the peace of the Nation, the[y] refused to doe it; and it being pressed uppon them to doe it, because of the protection they had, they denyed they received any protection from the present Governement, and that they owed their protection onely to God, and they should expect the same quiet protection from God if the whole army were disbanded to morrow. This was the sume of what they saide, and indeed it seemed strange to all that heard them. Mr. Cradock professed hee would not for any thing he had bin absent, saying hee could not have beleved that their principles were such as they did discover, and soe said every body else. After the company was with drawne the Councill did offer to them, that if they

would retire into their owne Counties, and promise not to come forth without leave, it would bee all that would bee expected, vizt. Major-Generall Harrison into Stafford-shire, John Carew and Courtney into Cornewell, and Rich into Kent; but they utterly refused it. And thereupon they are ordered to stand committed, which I assure yow is done of pittie to them, and some other people who are led by them, as well as for the sake of the Nation, that they may not putt things into blood and confusion, and bee made use of by the Caveliere and vile leavelling party to destroy and utterly roote out all that are good and godly in the land. Before they were committed, his Highnes tould them that they were not onely committed for the contempt, but because they had acted against the Governement and the peace of the Nation, and particularly tould every one of them what hee had against them: Major-General Harrison, that hee had not onely countenanced those who declaymed publicquely against the Governement, but had perswaded some of the lawfullnesse of takeing up armes against it; John Carew, that he had not onely done what Major-General Harison had, but endeavoured to seduce some greate officers from their trust; that Colonel Rich endeavoured to hinder the raising of the tax, and Courtney had bin in Norfolk and there perswaded the Churches to take armes, and in the West hee declaired his opposicion, and saide that at London hee should finde both hands and hearts enow to overthrow this Government. To this they made noe answer at all. Thus you have had a very long account of this businesse, which I was willing to doe to prevent misinterpretacions. And it is certaine their party will endeavour to doe it, as they do heare, and labour to perswade that all Christians are concerned in this imprisonment, when the contrary is true to one of the saints of this nation, [who] doe disowne them, and their courses, and take these things to bee the effect of wrath and envy, and judg them to bee under a greats temptation.

Many, very many of the Churches of Christ, as well those under baptisme as others in Scotland and England, have acknowledged the

Gouvernement in writeing under their hands since the dissolution of the Parliament. I know it is a trouble to my Lord Protectour to have any one who is a sainte in truth to bee greeved or unsatisfied with him; but he is comforted that what hee doth in these cases, hee doth it for God's and the Saints' sake, and opposes therein that spiritt which is of the world, which God in his Providence all along hath borne witnesse against, vizt. that spiritt which would impose upon the consciences of others, and breake all in peeces who will not bear ^a downe to their apprehensions. The Presbyterians ^b speakes as well of the Kingdome of Christe as these men, and many of them as holy, and I am sure much more knowing even in spirituall things.

J. T.^c

^a MS. "beere."

^b MS. "Presbyterrars."

^c Two fragmentary letters from Thurloe's collection of MSS. in the Bodleian, printed at the end of the Preface, further elucidate the opposition of the Fifth-Monarchy men to the Protectorate.

APPENDIX.

APPENDIX A.

TWO LETTERS FROM CLARKE PAPERS IN THE POSSESSION OF
MR. LEYBOURNE POPHAM.

Capt. Lieut. Ingram to Sir Thomas Fairfax.

May it please your Excellency,

It having pleased God lately to send some of his messengers to your Excellency and others in your army to intimate to your Excellency and them that he was departed from your Excellency and the army,^a since which tyme God hath I beleave in some measure possest your Excellency and some of them with the truth thereof, as appears by his inclining your hearts and theirs to seeke him, when providentially I was there and heard him constraine Lt. generall Cromwell to make some ingenuouse acknowledgements to that purpose. I heard also the same God speaking in your Excellency (to which the testimony within you at that tyme will testify) presently after Mr. Knight had done speaking, your expressions tending to set forth your Excellencies delight in waiting upon God in that way (as it is indeed the only way, the wisest and best way), and therefore your Excellency desired some others to continue that duty, which Mr. Allen was constrained to doe, and that sweetly and spiritually; before which day and since having heard many complaine of those messages sent to your Excellency and others, tending to declare God's

^a Cf. Rushworth, vii., 940, 953.

departure from your Excellency and them, but not what he would have you to doe; since which tyme it hath pleased the Father to incline my heart to wayte upon him for a word of wisdom to declare to your Excellency and them (as an answer in parte to your petition then breathed up to him, that soe you might be directed what God would have you doe that he might againe delight to be with you): which having receaved I was constrained (though with much weakenesse) to declare yesterday (according to that little measure of light given to me, out of the abundance of my love to your Excellency and them) at the Councill of Warre, for which I was (though a member of that Councill) commanded to withdraw, and a charge immediately drawne up against me, sentenced, and confined; whereof I thought it my duty to give your Excellency an account, being made willing to give in my reasons in writing why I spake it, my answear to the charge exhibited against me, as also to that Quere then propounded to me, vidt.: Whether I would submit to the justice of the Generall Court Marshall, and unto the whole discipline and government of the Army (according to lawes and ordinances of warre made for this Army) at the tyme appointed by your Excellency and that Court. In the mean tyme I thought fitt to declare to your Excellency (having receaved a commission from your Excellency), as parte of my answear to the aforesaid Quere, vidt.: That so long as your Excellency shall act according to your first principles (manifested in your Excellencies commission given to me), and according to the publique declarations of the whole souldiery at Triplowe Heath for Justice, Justice, (which was my particular answear to the Commissioners before your Excellency), and according to the solemne ingagement of the Army to which your Excellency hath given your assent, soe long I shall manifest my willingnesse to feeld obedience to your Excellency by my future actions and my present subscribing my selfe

A faithfull servant to your

Excellency

JOHN INGRAM.

December 21
1647.

Endorsed: Capt. Lt. Ingram.

Thomas Margetts to William Clarke.

My dearest friend,

I was very short in my last, but I hope I gave you a satisfactory reason, now I shall a little enlarge, being somewhat reconciled, and give a few thoughts in answeare to yours by last post. The relation of Mr. Saltmarsh (which I had more fully by Col. Overtou) is very remarkable, and certainly he saw an evill in the imprisoning and punishing of men for acting not according to other mens lights, or contrary to the wisdom, reason, and policy of flesh and blood; and though I am a little unsatisfied with the keeping on his hatt etc. yet I beleive his appearance in that manner may justly give a checque to all violent proceedings and prosecution against honest men though in some things of other judgment. As I know flesh and bloud is the ground of all difference and contention, as well among the saints as others, so I see flesh and bloud also in their late action, both in the prosecutor and prosecuted; yet I beleive the sufferer shall see more glory then the other because he is nearest humility, the mortification of flesh, and the spirit of meekenes, which if that were predominant then how would the saints agree and trample downe the other powers of the world and flesh! I feare the glory of the flesh in the great saints wilbe a great gaul (and a great while yet) to the little; and though I think the time of Levelling is not come, yet the time will come that all the enemies of Christ (and I think all flesh and bloud wilbe found in that number) shalbe made his footestool. And nothing satisfies mee so much concerning Mr. Saltmarsh as that I know he was a man of a meeke and humble spirit, and I am apt to think it was not pride made him keeps on his hatt, but I conceive to shew how baseley he esteemed even the greatest glory of flesh in that transportation and extasy of spirit, and doth hint on something of prophesy that the despised prosecuted spirit of Christ shall triumph over and not be subject to the glory of the world and flesh, and his dying in this condition gives mee to draw this conclusion, that as the glory of God appeares flesh decayes, the more of glory, the lesse of flesh, and the one (as in him) shall overcome and destroy the other. Mr. Pownell [?] I

perceive had some sight and sence with him, but the bright morning star hath not appeared so glorious on him as yet.

Concerning your prisoners being high spirited and pragmaticall, I know not who they are, nor of what spirit, but conceive they are those that are called Levellers; and if they are of the good spirit no wonder they are high, for that cannot be suppress in a prison, and he that is acted by that cannot be idle; if of the other I pittie their pride, and like not their activity; their new plea I think will not hold water, and for Thompson's conclusion to his Excellency I think it did proceed from an evill spirit such as I would have discouraged and destroyed.

I perceive the heads of the Army are now imployed chiefly about getting security and satisfaction to the souldiery in point of arreares and disbanding supernumeraries. Arreares are good when they can be gott, but I think disbanding is not seasonable; it may doe good in one way in easing the Countries burthen, but more hurt another in giving occasion to great enemies to plott and act (according to their principles of ignorance and malice) the destruction of freedcm and justice. Thers more need of union then the other, and surely could the comon enemy divide he would rule. I am more for strict discepline to prevent oppressions and complaints then disbanding, as affaires stand; and, as I said once before, had wee guided our reynes right wee needed not have feared so sudden a dismounting for another to take the saddle that perhaps may gal'd the horse worse. I received yours yesterday by Mr. Cadwell, for which great paynes I am truly thankfull, and very glad to heare of the great harmony in the Officers at the Castle the late fast. I observe the harmony sprung from humility and yeilding of high spirits; love and agreement must needs followe meekenes and humility. I am glad Col. Rainb[orowe's] former services and late humility have gayned so good an aspect. I received one of the Scotch declarations and cursorily read it over, and shall give thee my present apprehensions. In the generall I think they have proudly and pragmatically medled with what they had nothing to doe; and though they pretend something of joynt interest, yet it is no older then the Treaties, and I think there is nothing there to bind this kingdome to doe nothing without them; though I feare they were a little too

hard for us, and gott ground and advantage upon us by those Treaties. The late vote of the house of Commons hath given them a notable nipp, and they felt it, for you see they winch in the latter end of their declaration. I doe not discomend their policy (though I doe their honesty) in endeavoring to gett a joint interest, no otherwise then I would discomend a beggar from endeavoring to become a Lord, or one that lives upon long cale to gett roste meate, and I beleive they would very gladly fight for it, if they thought they should overcome, but I think this large expression of their anger (though they are very cuning in their anger) will make us a little more to eye them.

In particular—

I value not their reasons for a personall Treaty. And though there be not so much cause to fear the King's power now, as when hee had an Army, yet the kingdome is as farre from settlement, and as free from disturbance as ever, but they would faine have him there to make the other step into Scotland, that they might gett the other £200,000. They are very angry Religion is not made the first proposition to the King, and say wee ought to builde the house of God before our owne. The house of God is like to be well built by such masons and carpenters as they are; they surely will never measure with a straight line and rule, nor lay the stones with faire colours, and the foundation with sapphires etc. Uniformity, discipline, rooting out sects, blasphemy, heresy, destroying all but their owne opinions way and practice is their language; is this the language of the Lamb or the Beast? What a stirre doe they keepe about the Covenant, as if all were lost unless the black tribe be kept up, and how cunningly doe they prosecute the advantage they gott upon this kingdome in its lowe estate? Oh what an eyesore is that Army to their interest and designes, whome they are so angry at, and would so faine have disbanded. You see what names they give; if they can once prevayle to take away your power, have at your coates. Not a bitt of toleration or favour ile warrant you. Doe you see how they jeare the Parliament, saying they tolerate all sects and heresies, and after all protestations &c. give no more then a toleration to the Presbyterian Government, their great Diana. How mightily doe they plead for the King (cuning Karles) for their owne ends more then love. And what have they to doe with the militia

of England or London, they must be judge what it is fitt for us, or what wee must doe, or what have they to doe with titles of honor, Court of Wards &c. At last their desires are so unreasonable that I think they are not fitt to be taken notice of, and I think the Parliament of England need not feare their snappish laying of violation of the Treaty upon their score. I might be very long, and if I thought none would goe about to onfute this booke I would doe it my self, for I think it is a very good and easy work.

The Parliament and Army are now thinking to ease the Kingdome of burthens, as free quarter, supernumeraries &c. there is a close cuning Army or Assembly that march alwaies in black in this Kingdome, which I think may goe under Supernumeraries, I hope they wilbe disbanded too with the rest; I wouder no party hath sett upon them to route them. I think their Arreares will not be much, for their 4s. hath been duly paid them, besides their severall fatt benefices.

I find by the declaration of Parliament you last sent concerning taking off of free quarter &c. a very bad consequence in my judgment. No man must goe into any house except Tavernes &c. without the consent of the owner. Now no man will willingly entertheyne a souldier, so that necessarily the Army must alwaies lye in Innes, Tavernes &c. The souldiers will not be able to live upon Inne and Taverne rates, and my thinkes of all houses in the Kingdome they should be kept out of those, or els wee shall have nothing but a drunken Army, and laid open to all disorders and mischeifs. If the Army must have constant pay and discharge quarters, they might have the liberty to quarter in private houses. I think this is the ready way either quite to destroy, or at least to bring dishonor and disorder upon the Army.

I received the Lawes and Ordinances and also the £4 18s. 4d. of Mr. Cadwell, and perceive I have but £14 of the other money, but did conceive there had been 3 moneths paid since I came away. However if Generall Lambert desire it, I pray make it up £20 for him, and trust mee till you receive more for mee. I perceive Sir William Constable hath Generall Lamberts Regiment given him; though he is willing to submit to it yet he hath now no regiment, nor any other place of benefit, for hee hath received none since hee came into this parts. Wee have

little stirring heere. Some late orders of the Counsell of Warre, are made concerning quartering and regulating the Army heere, and I have sent some by Mr. Cadwell; I could have sent the one last weeke, but thought it not worth the sending. The Commissioners left heere in the Generall's absence are Colonel Bethell, Colonel Bright, Colonel Thornton, Lieutenant-Colonel Goodrick and Major Rookeby, likewise Colonel Lilburne and Colonel Overton are named though not present. Three make a quorum.

Tis time to end, I am

Thine owne

T. M.

York, 29th December, 1647.

Commend my service to Mr. Wragg and bid him take heed of falling into the fire. Cap. Wisdome is now going towards you, he is yet destitute of a place. I pray be his assistant while he stays there as much as you can. Forget mee not to Mr. Hatter and all the rest of my friends.

Endorsed : Mr. Margetts. Dec. 29, 1647.

APPENDIX B.

AN ACCOUNT OF THE ORIGIN OF THE AGREEMENT OF THE PEOPLE AND THE NEGOTIATIONS OF THE OFFICERS OF THE ARMY WITH THE REPRESENTATIVES OF THE LEVELLERS, EXTRACTED FROM JOHN LILBURNÉ'S PAMPHLET, "THE LEGAL FUNDAMENTAL LIBERTIES."

THE LEGAL FUNDAMENTAL LIBERTIES OF THE PEOPLE OF ENGLAND.

Although Oliver had his hands full with Poyer, Goring, Holland, Hamilton, and Langdale the last year ; but especially with the general odium that was then in both houses against him, upon the notable impeachment of his Major Huntingdon, August 2, 1648, and I then by my absolute freedom was a little up, and could have at my pleasure been revenged of him, if I had so pleased either by divisions in his army, which was easily then in my power ; or by joyning in impeaching him with Major Huntingdon ; which I had matter enough to do, and was earnestly solicited to do it again and again, and might have had money enough to boot in my then low and exhausted condition to have done it, yet I scorned it, and rather applied my hand to help him up againe, as not loving a Scotch Interest (then likely to swallow us up) as is very well and fully known to his present darling, Mr. Cornelius Holland, and also to Colonel Ludlow, and Mr. Thomas Challoner, with other Members that I could name ; and which was demonstrated to himself by a Letter I sent him by Mr. Edw. Sexby, whom on purpose I procured to go down to him ; the true copy whereof thus followeth :

Sir,

What my Comrade hath written by our trusty bearer, might be sufficient for us both ; but to demonstrate unto you that I am no staggerer from my first principles that I engaged my life upon, nor from you, if you are what you ought to be, and what you are now strongly reported to be ; although, if I prosecuted or desired

revenge for an hard and almost starving imprisonment, I could have had of late the choice of twenty opportunities to have paid you to the purpose ; but I scorn it, especially when you are low, and this assure yourself, that if ever my hand be upon you, it shall be when you are in your full glory, if then you shall decline from the righteous ways of Truth and Justice : which, if you will fixedly and impartially prosecute, I am

Yours, to the last drop of my heart blond,
(for all your late severe hand towards me),

JOHN LILBURN.

From Westminster this 3 of August
1648, being the second day of
my Freedom.

Which Letter etc. as I have been told by the Bearer, was not a little welcome to him.

But his dealings with me now manifest that Proverb to be very true, viz., Save a thief from the Gallows, and for your requitall he will be the first shall hang you. But to this I shall say no more but what the Spirit of Truth saith in Prov. 17, 18. That he that rewards evil for good, evil shall not depart from his house.

And being at liberty, not liking in the least the several jugglinges I observed in divers great ones in reference to the personal Treaty, and that there was nothing worth praising or liking thought of or presented by the Parliament in reference to the People's Liberties or Freedoms (especially considering their late large expences and hazards for the procurement of the settlement of them) I was compelled in conscience to have a hand in that most excellent of Petitions of the 11 of September, 1648, which (I am sure) was no small piece of service to Cromwel and his great Associates ; though his Church-men now my chiefest Adversaries, durst not joyn with it, nor own it for very fear. And having been in the North about my own business, where I saw Crumwel, and made as diligent scrutinies into things about him, as I could, which I then to myself judged, savoured more of intended self-exalting, then anything really and heartily (of what before I had strongly heard of him) to the through-advancement of those things that were worthy to be accounted indeed the Liberties and Freedoms of the Nation.

And being come to London, my self, and some other of my friends, by two messengers, viz., Mr. Hunt, one of Cromwells creatures, and another sent a message down to him to Pomfret, to be delivered to himself, and to debate it with him, and bring his express answer back again speedily : the effect of which message was,

That to our knowledg God hath caused him to understand the principles of a just Government, under which the glory of God may shine forth by an equall distribution unto all men.

That the obtaining of this was the sole intended end of the Wars : and that the War cannot be justified upon any other account, then the defence of the people's right unto that just Government, and their freedom under it.

His answer to which message by Mr. Hunt was principally directed by the Independents ; some of whom appointed a meeting at the Nags-head Tavern by Blackwell Hall at Mrs. Wilson's, and invited Mr. Wildman and myself, etc., thither, whether we went accordingly, and where we met with Colonel Tichburn, Col. John White, Dr. Parker, Mr. Taylor, John Price, and divers others (where we had a large debate of things, and where the just ends of the War were exactly laid open by Mr. Wildman, as ever I heard in my life). But towards the conclusion, they plainly told us, the chief things first to be done by the Army, was first to cut off the King's Head, &c., and force and thoroughly purge, if not dissolve, the Parliament. All of which we were all against, and pressed to know the bottom of their center, and in what they would absolutely rest for a Future Settlement ; and I plainly told them in those words, or to this effect.

Its true, I look upon the king as an evil man in his actions, and diverse of his party as bad, but the Army had cozened us the last year, and fallen from all their promises and Declarations, and therefore could not rationally any more be trusted by us without good cautions and security : In which regard, although we should judge the king as arrant a tyrant as they supposed him, or could imagine him to be, and the Parliament as bad as they could make them ; yet their being no other ballancing power in the kingdom against the Army, but the king and the Parliament, it was our interest to keep up one Tyrant to balance another, till we

certainly know what that Tyrant that pretended fairest would give us as our Freedoms; that so we might have something to rest upon, and not suffer the Army (so much as in us lay) to devolve all the government of the Kingdom into their wills and swords (which were two things we nor no rationall man could like) and leave no persons nor power to be a counter-balance against them. And if we should do this, our slavery for future (I told them) might probably be greater then ever it was in the Kings time; and so our last error would be greater then our first, and therefore I pressed very hard for an Agreement amongst the People first, for a new Parliament, etc, utterly disclaiming the thoughts of the other till this was done. And this (I told them) was not onely my opinion, but I believe to be the unanimous opinion of all my friends with whom I most constantly conversed.

At which the Gentlemen Independents were some of them most desperately cholerick: but my opinion being backed with the speeches of some others of my friends, we came calmly to chuse out four and four of a side to debate and conclude of some heads towards the accomplishment of an Agreement of the People: and (as I remember) their four were, Colonel Titchburn, Col. White, Dr. Parker, and Jo. Price: and our four were Mr. William Walwyn, Lieut. Col. Wetton, Mr. John Wildman, and myself. But John Price sent some of the company to tell us (after we were parted, and some of us drinking a cup of wine below) he would not make one, if Mr. Walwyn was one, for he had a prejudice against him. Unto which I replied, Mr. Walwyn had more honesty and integrity in his little finger then John Price had in all his body; and therefore no meeting for me, seeing John Price was so base, unless Mr. Walwyn was one, though we had but two of a side: but the business being much debated and expostulated, Mr. Walwyn and John Price both (for peace sake) were at present laid aside: and according to appointment (as I remember) all the other six met the fifteenth of Novemb. 1648, being Wednesday, at the fore-mentioned Nags-head; and there, after some debate, unanimously agreed in those words, viz.: That in our conceptions, the only way of Settlement is:

I. That some persons be chosen by the Army to represent the whole body: And that the well-affected in every County (if it may be) chuse

some persons to represent them : And those to meet at the Head-Quarters.

II. That those persons ought not to exercise any Legislative power, but onely to draw up the foundations of a just Government, and to propound them to the well-affected people in every County to be agreed to : Which Agreement ought to be above Law ; and therefore the bounds, limits, and extent of the peoples Legislative Deputies in Parliament, contained in the Agreement, to be drawn up in a formall contract, to be mutually signed by the well-affected people and their said Deputies upon the dayes of their Election respectively.

III. To prevent present confusion, the Parliament (if it be possible) may not be by force immediately dissolved ; but that the day of its dissolution be inserted in that Agreement, by virtue whereof it shall be dissolved.

IV. That this way of settlement, (if it may be) should be mentioned in the Armies first Remonstrance.

V. That the matter of the Petition of September 11, 1648, be the matter to be settled.

Which agreement of ours (as I remember) was immediately sent away to the Head-Quarters at St. Albans by Mr. Hiland of Southwark, where (as it was afterwards told us) it was very well accepted and approved of by the great ones there ; whose high and mighty Declaration of the 16 Nov. 1648, (drawn by Ireton at Windsor, when he pretended to lay down his Commission) against the King coming to our view, we made divers objections against many passages in it : but especially at divers lashes that tacitely at the beginning of it hinted at us, which we told some of their friends could not be put in with a spirit of peace towards us, or intention of good to the Nation, in those good things we desired and propounded for it : But it was with many fair expressions salved up by them, upon which we judged it requisite for some of us to go to Windsor, to speak with Mr. Ireton the Stear-man himself ; and accordingly (as I remember) Lieut.-Colonel Watton, Mr. Petty, Mr. Wildman, and myself met there, and having drawn up our thoughts in writing, we communicated them to Col. Tychburn, Col. White, Mr. Moyer, and divers others of the Independent Party, who went with us to

the Governors house, where we met with Mr. Peters, the grand Journey—or Hackney-man of the Army; And after we had acquainted him with our mindes, we delivered him a copy of our Paper, containing distinctly the Heads of what we desired, and intreated him to deliver them to Commissary Ireton, with whom we desired to discourse about them; who sent us word, at such an hour he would come to our Inn at the Garter, to speak with us about them; and accordingly he did, accompanied with a whole train of Officers; and a large and sharp discourse we had; our principall difference lying at his desire in the too strict restraining Liberty of Conscience, and in keeping a power in the Parliament to punish where no visible Law is transgressed; the unreasonableness of which was much spoken against by divers of the principall Officers with him, but especially by Col. Harrison, who was then extreme fair and gilded: And so little satisfaction had we at that meeting, from Ireton (the Armie's Alpha and Omega) that we despaired of any good from them, and were in a manner resolved to come away in haste to London, and acquaint our friends with our conceptions, and so improve our interests forcibly, as much as we could, to oppose their intended designs. But Colonel Harrison coming to us again at ten a clock, according to our desire, we had a private and large discourse with him, and fully and effectually acquainted him with the most desperate mischievousness of their attempting to do these things, without giving some good security to the Nation for the future settlement of their Liberties and Freedoms, especially in frequent, free, and successive Representatives, according to their many Promises, Oathes, Covenants and Declarations; or else as soon as they had performed their intentions to destroy the King (which we fully understood they were absolutely resolved to do, yea, as they told us, though they did it by Martiall Law), and also totally to root up the Parliament, and invite so many Members to come to them as would joyn with them, to manage businesses, till a new and equall Representative could by an Agreement be settled; which the chiefest of them protested before God was the ultimate and chiefest of their designs and desires. I say, we pressed hard for security, before they attempted those things in the least, lest when they were done we should be solely left to their wills and swords; by which, we told them, they might rule over us arbitrarily,

without declared Laws, as a conquered people, and so deal with us as the poor slavish peasants in France are dealt with, who enjoy nothing that they can call their own. And besides we plainly told him, we would not trust their bare words in generall onely, for they had broke their promise once already, both with us and the Kingdom; and he that would break once, would make no conscience of breaking twice, if it served for his ends, and therefore they must come to some absolute particular compact with us, or else, some of us told him, we would post away to London, and stir up our interest against them, yea and spend our bloods to oppose them. To which he replied to this effect, It was true in what we said; for he must ingenuously confess, they had once broken with us and the Kingdom, and therefore acknowledged it was dangerous trusting them upon generals again: But, saith he, we cannot stay so long from going to London with the Army as to perfect an Agreement, and without our speedy going we are unavoidably destroyed: For (saith he) we fully understand that the Treaty betwixt the King and Parliament is almost concludud upon; at the conclusion of which, we shall be commanded by King and Parliament to disband, the which if we do, we are unavoidably destroyed for what we have done already: and if we do not disband, they will by Act of Parliament proclaim us Traytors, and declare us to be the only hinderers of settling peace in the Nation; and then (saith he) we shall never be able to fight with both the interest of King and Parliament: So that you will be destroyed as well as we: for we certainly understand that Major Generall Brown, etc. are under hand preparing an Army against us. And therefore I profess, I confessa, I know not well what to say to your reasons, they are so strong; but our necessities are so great, that we must speedily go, or perish; and to go without giving you some content, is hazardable too.

Well Sir, (said we) we have as much cause to distrust the Parliament men, as we have to distrust you; for we know what and how many large promises they have made to the Kingdom, and how little they have performed; and we also know what a temptation Honor, Power, and profit are even to those spirits that were pretty ingenious and honest before; and when you have done your work, and got, as you pretend,

fourty or fifty of the honest members of the House to you; alas, (said we) it will be a mockpower; yet they may finde such sweetness and delight in their pretended power, that they may fly to your swords for their protection, and bid us go shake our ears for our Agreement, and go look for it where we can catch it. And therefore we will trust generals no more to your fourty or fifty Members of Parliament, then to you: for it's possible, if we leave the Agreement to their framing, they may frame us such a one as will do us no good, but rather make us slaves by our own consents, if signed by us: and therefore we pressed him that we might agree upon a finall and absolute Judge of the matter and method of the Agreement, that so we might not spend months and years in dispute about it. And therefore we would propound this unto him, That if their honest friends in the Parliament, as they called them, would chuse four from amongst themselves, and the Army four from amongst themselves, and the Independents four from amongst themselves; we that were nick-named Levellers would choose four from among ourselves; and these sixteen should draw up the Agreement finally, without any more appeal to any other; and we for our parts, so far as all our interest in England extended, would be willing to acquiesce in, and submit to the determinations of these sixteen or the major part of them. And we would be willing the Presbyterian party should be invited, and desired to chuse four more to be of equal authority with the other sixteen; provided, they did it by the first day we should appoint to meet upon.

Which proposition he approved of extraordinary well, and said, It was as just, as rational, and as equitable, as possibly could be; and said, He doubted not but all Interests would center in it, and he ingaged to acquaint them with it; and so we parted, very glad that we were likely to come to some fixed agreement for the future enjoyment of our dear-bought and hard-purchased Freedoms.

And the next morning we went to the Gentlemen Independents, that lay the next door to us, who were almost ready to horse for London, and we acquainted them with it, who liked it very well; and with whom we fixed a night for several distinct meetings in London, to chuse our respective Trustees for this work, and also appointed a day to meet at Windsor again about it, and from them we went to Master Cornelius

Holland, who then was the chief stickler for those they called honest men in the House of Commons; and as I remember we met Colonel Harrison, Master Holland, and Captain Smith, a Member, and his son in law, in the street, and Master Holland seemed exceedingly to rejoyce at the Proposition, Colonel Harrison having told him of it before, which we repeated over again distinctly to him, that so in conclusion we might not be gulled through pretence of mistakes or misunderstanding, which we were continually afraid we should meet with; so we went all together to Commissary General Ireton's Chamber, to have his concurrence, which of all sides was taken for the concurrence of the whole Army, or at least for the powerful and governing part of it; he being in a maner both their eyes and ears. So when we came to his Chamber in the Castle, he was in bed with his wife, but sent us out word by Colonel Harrison, as he averred to us, That he did absolutely and heartily agree to the foresaid Proposition, which to avoid mistakes was again repeated; so we seemed joyful men of all sides, and appointed a day speedily to meet at Windsor about it, Master Holland again and again engaging for four Parliament men, and Colonel Harrison with Commissary Ireton for four of the Army, as we Londoners had done for each of our Tribe; and so to Horse we went, and I overtook upon the Road the whole gang of Independents, with whom I discoursed again, and acquainted them all fully with the absoluteness of our Agreement, which they acquainted their friends with in London, who chose Colonel Tichburn, Colonel John White, Master Daniel Taylor, and Master Price the Scrivener; And for our party, there was by unanimous consent of the Agents from our friends in and about London at a very large meeting chosen Master William Walwyn, Master Maximilian Petty, Master John Wildman, and myself; and for the honest men of the Parliament as they were called, they had severall meetings at the Bell in Kings-Street, and at Somerset house, where, as I was informed, they chose Col. Hen. Martin, Col. Alexander Rigby, Master Thomas Chalenor, and Master Scot, with one or two more, to supply the places of those of them that should be absent at any time about their occasions; so when we came to Windsor, the Army men had chosen Commissary-General Ireton, Sir William Constable, and, as I remember, Colonel Tomlinson, Colonel Baxter, Lieutenant Colonel Kelsey, and Captain

Packer, some two of the which last four should always make up the number ; so we had a meeting in their Council-Chamber at the Castle, where we were all of all sides present, but only the Parliament men, for whom only Col. Martin appeared, and after a large discourse about the foundations of our Agreement, we departed to our lodging, where Colonel Martin and we four nick-named Levellers lockt ourselves up, and went in good earnest to the consideration of our Agreement, but much was not done in it then, because of their haste to London, to force and break up the Parliament (which journey at all was very much opposed by Mr. Walwyn, and many reasons he gave against their march to London at all), the absolute dissolution of which, their friends in the House would no wayes admit of, although Ireton, Harrison, etc , commonly stiled it then a Parliament that had forfeited its trust, a mock-parliament, and that if they did not totally dissolve it but purge it, it would be but a mock-parliament, and a mock-power however ; for where have we, say they, either Law, Warrant or Commission to purge it, or can anything justifie us in the doing it, but the height of necessity to save the Kingdom from a new war, that they, with the conjunction with the King will presently vote and declare for, and to procure a new and free Representative, and so successive and frequent free Representatives? which this present Parliament will never suffer (and without which the freedoms of the Nation are lost and gone, and the doing of which can only justifie before God and man our present and former extraordinary actings with and against legal authority) and so all our fighting will be fruitlesse ; and this was their open and common discourse with more of the like nature ; and to those that objected against their total dissolving or breaking the House (and the illegality of their intended and declared trying of the King, which also was opposed by us, till a new and unquestionable Representative was sitting) as I am able sufficiently, by plurality of witnesses, to prove and justifie, yea when they were come to London, Ireton, etc., and some Members of the House (in a Chamber near the long Gallery in White-hall) had a large conference, where and to whom he stifly maintained the same to their faces, calling this purged Parliament a mock power and a mock-parliament, which Members, I believe, if there were a necessity of it, I

could produce to justify it; for I am sure one of them told me the substance of all the discourse immediately after it happened; so that if it be treason to call this a pretended parliament, a mock-power, a mock-parliament, yea, and to say in plain English, that it is no Parliament at all, then they themselves are the prime, the chief and original traytors; and if this be true, as true it is; then there is neither legal Judges, nor Justices of Peace in England; and if so; then all those that are executed at Tiburn, etc. by their sentences of condemnation given against them are meerly murdered, and the Judges or Justices that condemned them are liable in time to be hanged (and that justly) therefore, for acting without a just and legal commission either from true Regall, or true Parliamentary power; see for this purpose, the notable arguments in the 13, 14, but especially 15 page of the second edition of my late Picture of the Council of State. But to return to our acting to compleat the Agreement, all parties chosen of all sides constantly met at Whitehall after the Army came to Town, saving the Parliament men failed only Master Martin was most commonly there, and a long and tedious tug we had with Commissary Generell Ireton only, yea sometimes whole nights together, principally about Liberty of Conscience, and the Parliaments punishing where no law provides, and very angry and Lordly in his debates many times was he; but to some kinde of an expedient in the first, for peace sake we condescended in to please him, and so came amongst the major part of the 16 commissioners, according to our original agreement, to an absolute and final conclusion; and thinking all had been done, as to any more debate upon it, and that it should without any more ado be promoted for subscriptions, first at the Council of War, and so in the Regiments, and so all over the Nation. But alas, poor fools, we were meerly cheated and cozened (it being the principal unhappiness to some of us (as to the flesh) to have our eyes wide open to see things, long before most honest men come to have their eyes open; and this is that which turns to our smart and reproach, and that which we Commissioners feared at the first (viz. That no tie, promises, or engagements were strong enough to hold the grand Juglers, and Leaders of the Army) was now made clearly manifest, for when it came to the Council there came the General, Cromwel, and the whole gang of

Creature-Colonels, and other Officers, and spent many dayes in taking it all in pieces, and there Ireton himself shewed himself an absolute king, if not an Emperor, against whose will no man must dispute, and then shittlecock Roe their Scout, Okey, and Major Barton (where Sir Hardress Waller sate President) began in their open Council to quarrel with us, by giving some of us base and unworthy language, which procured them from me a sharp retortment of their own basenesse and unworthinesse into their teeth, and a Challenge from myself into the field besides seeing they were like to fight with us in the room, in their own Garrison, which when Sir Hardress in my ear reproved me for it, I justified it, and gave it him again for suffering us to be so affronted. And within a little time after I took my leave of them for a pack of dissembling, juggling Knaves, amongst whom in consultation ever thereafter I should scorn to come (as I told some of them) for there was neither faith, truth, nor common honesty amongst them: and so away I went to those that chose and trusted me, and gave publikely and effectually (at a set meeting appointed on purpose) to diverse of them an exact account how they had dealt with us, and cozened and deceived us; and so absolutely discharged myself for meddling or making any more with so perfidious a generation of men as the great ones of the Army were, but especially the cunningest of Machiavilians, Commissary Henry Ireton; and having an exact copy of what the greatest part of the foresaid sixteen had agreed upon, I only mended a clause in the first Reserve about Religion, to the sense of us all but Ireton, and put an epistle to it, of the fifteenth of December, 1648, and printed it of my own accord, and the next day it came abroad; about which Master Price the Scrivener and myself had a good sharp bout at Colonel Titchburn his house, within two or three days after, where I avowed the publishing of it, and also putting my Epistle to it of my own head and accord. And after that I came no more amongst them, but with other of my friends, prepared a complaint against their dealing with us, and a kinde of Protest against their proceedings; which with my own hand I presented to the Generals own hands at the Mews, the twenty-eight of December, 1648, being accompanied with Major Robert Cobbet, Mr. Thomas Prince, Mr. George Middlemore, Mr. Robert Davies, Mr.

Richard Overton, Mr. Edward Tench, Mr. Daniel Linton, Mr. William Bottom, Mr. John Harris, Mr. Thomas Dafferne, Mr. Tho. Goddard, Mr. Samuel Blaiklock, Mr. Andrew Dednam, Mr. John Walters, and Mr. Richard Pechel; and which was immediately printed by Ja. & Jo. Moxon, for William Larnar, at the sign of the Black-moore near Bishops gate; within two or three days of the delivery of which, I went towards my journey to Newcastle; and about five weeks after my arrivall in those parts I heard that the Generall and his Councel had presented their Agreement to your House: which, when I read the title page of it, I found it to be upon the 20 of Jan. 1648, which is compleat 35 dayes after my publishing of that which is called ours.

APPENDIX C.

A LETTER FROM CAPTAIN ANTHONY MILD MAY, ONE OF THE ATTENDANTS ON THE KING, TO HIS BROTHER, SIR HENRY MILD MAY.

My worthy good Brother,

I am resolved to continue here one month more, to see what that time will produce, but longer I will not stay upon the terms I am now, my danger being very great and certain, and my reward uncertain: for you may very well conceive that the malignant party will be stil practising against me, to make me suspected by the Parliament and their Army, hoping to remove me by that means: all other ways they practised in vain. Many things are omitted in the last declaration which I hope you wil mention in the next. Some little time before the first expedition against the Scots, Ship-money and other taxes coming in slow, it was resolved by the King (at a juncto) that a regiment of horse should be presently raised, the pretence for a guard for the Kings person; but there was no need of that, there being a Band of Pensioners, and the Yeomen of the Gard. The old Countesse of Devonshire paid £2,000 to Marquess Hamilton, which he was to have as a gift when this Lord Wilmot was established Commander in Chief of this regiment. If M. Haughton, an Attourney living in S. James, and one Mrs. Barrow, that lives in Cheney's in Buckinghamshire, Sir Edward Wortley, and Franc Wortley be examined, they will satisfie the Parliament that this horse guard was to be imployed absolutely to force the King's will upon the people. Sir, this day our worthy Governour and the King had some disputes in my hearing and others. In short, the King had very many bitter expressions against your proceedings and said, That any King that should do such abominable things as you did, deserv'd to have his Crown pull'd off his head. I was astonish'd to hear him say so: for formerly his opinion was, that no King could deserve to be deposed: that he was accomptable to none but God: Who then should

pul off his Crown? He said, That the passing the Act to make Strafford a traitor lay heavie upon his conscience: That it was the greatest sin that ever he committed: that he was forced to do it, and if he had power, he would say as much against all the Acts he had passed this Parliament. In some of his Declarations from Oxford he expresseth with what freedome hee passed all the Acts that hee passed this Parliament, and if they were to passe, he would passe them; and now you hear he professed the contrary in the hearing of divers of us. He is the most perfidious man that ever lived; and if ever he gets power, he will make no more difficulty to hang you then I will do to eat my dinner this cold day. Our charge is great and dangerous, our attendance insupportable, did not God enable us. You know what discouragements I have, when strangers are placed before me, and, although they be honest men, yet they have not performed the service to the Parliament that I have. I was servant to King James in an honourable condition, and to this King ever since he was crowned; and your self and all that knew me must affirm, that I was ever a great opposer of tyranny and Popery. Eighteen yeers since I was sworn Gent. of the Privie-Chamber, and so continued; and now I am lesse, and must so continue, or come away. I desire your advice, without which I will do nothing.

Your Brother and Servant,

A. MILDMAI.*

Carisbrook,
29 Feb., 1647.

* Printed in *Mercurius Veridicus*, 27 April-8 May, 1648. How this letter came into the possession of the editor of a royalist newspaper does not appear, but it bears internal marks of genuineness. It is interesting as revealing the manner in which the King was watched by the agents of the Parliament.

APPENDIX D.

APPEN

LIST OF OFFICERS ATTENDING AT COUNCILS

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Abbott, Major . . .					+	+
Allen, Capt. . . .					+	+
Arnold, Capt. . . .						
Ashfield, Lieut.-Col.						
Audley, Major . . .		+				
Axtell, Lieut.-Col. .	+	+				
Babington, Capt. . .						
Baker, Capt. . . .					+	
Barber, Cornet . . .					+	
Barkstead, Col. . . .			+	+	+	+
Barrow, Capt. . . .						
Barton, Major . . .					+	+
Bayley, Capt. . . .						
Baynes, Capt. . . .						
Beale, Capt. . . .			+	+		
Bethell, Major . . .		+				
Billers, Capt. . . .			+			
Blackmore, Major . .						+
Blackwell, Capt. . .		+	+		+	+
Bowen, Lieut.-Col. .						
Bowen, Capt. . . .						
Bradford, Capt. . . .						+
Brayfield, Capt. . .		+				
Bridge, Capt. . . .						
Brown, Capt. . . .	+					

DIX D.

AND COMMITTEES, NOV., 1648—MARCH, 1649.

Dec. 16.	Dec. 18.	Dec. 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
					+	+
+		+			+	
+	+	+		+	+	
+		+		+	+	
	+	+				
+						
	+	+		+	+	+
		+			+	
		+		+	+	+
	+	+			+	
	+	+				
	+			+		
					+	

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Browne, Major . .		+				
Burgess, Capt. . .			+	+		
Bury, Adj.-Gen. . .				+		+
Butler, Capt. . . .				+		
Cadwell, Capt. . .						
Cambridge, Major .						+
Cannon, Capt. . .		+			+	
Carter, Major . . .	+		+		+	
Carter, Lieut. . . .			+	+		
Chamberlaine, Lieut.						
Chandler, Lieut.-Col.						
Chillenden, Lieut. .	+	+	+		+	
Clarke, Capt. M G.S.					+	
Clarke, Capt. S.H.W.					+	
Cobbett, Major . .						
Cobbett, Lieut.-Col.			+			
Coleman, Major . .				+		
Constable, Col. Sir W.		+	+	+		+
Cooke, Col.		+				
Cooke, Lieut.-Col. .	+	+	+		+	+
Creede, Major . . .						+
Cromwell, Lieut. Gen.						+
Cromwell, Capt. . .						+
Dancer, Capt. . . .				+		
Davis, Capt.		+				
Dawes, Capt.-Lieut.			+			
Day, Lieut.						
Deane, Col.					+	+
Deane, Capt.			+	+		
Dennison, Capt. . .						
Disbrowe, Col. . . .		?				

Dec. 16.	Dec. 18.	Dec 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
						+
+	+	+		+	+	
	+	+				
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				+		
		+		+	+	
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		+				+
		+				+
+						
	+					
	+			+		
+		+			+	
+	+	+		+	+	
		+		+		

THE CLARKE PAPERS.

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Disher, Capt. . . .						
Disney, Capt. . . .				+		
Dorney, Capt. . . .						
Ellis, Lieut. . . .				+		
Ely, Capt. . . .		+				
Empson, Lieut. . . .		+				
Evanson, Capt. . . .						
Evelyn, Adj.-Gen. .	+	+	+		+	+
Ewer, Col. . . .		+				
Fairfax, Gen. . . .	+	+	+			
Freeman, Capt. . . .				+	+	
Gladman, Capt. . . .	+				+	
Goffe, Lieut.-Col. .	+					+
Goddard, Capt. . . .					+	+
Grimes, Capt. . . .	+	+				
Groome, Capt. . . .						
Grosvenor, Qr. Mr. Gen.						+
Grove, Capt. . . .		+	+			
Hacker, Col. . . .						+
Hammond, Lieut.-Gen.						+
Harding, Capt. . . .			+	+	+	
Harrison, Col. . . .		+	+	+	+	+
Hawes, Capt. . . .		+				
Heane, Capt. . . .		+				
Hewson, Col. . . .	+	+	+	+	+	+
Heydon, Lieut. . . .			+			
Hodden, Capt. . . .						
Husbands, Major . .					+	
Ingoldsby, Col. . . .		+			+	+
Ireton, Comm. Gen. .	+	+	+	+	+	+

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Dec. 16.	Dec. 18.	Dec. 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
	+			+		+
					+	+
+						+
	+			+		+
		+				+
		+		+		+
+	+	+				+
	+			+	+	+
+	+			+	+	+
+	+	+		+	+	+
+	+	+		+	+	+

THE CLARKE PAPERS.

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Jenkins, Capt . . .						
Jennings, Lieut . . .		+				
Joyce, Capt.	+					
Jubbes, Lieut.					+	+
Judge Advocate, the	+	+				
Kelsey, Lieut.-Col. .	+	+	+	+		+
Kerbey, Capt.						
Lagoe, Major				+		
Lawrance, Capt. . . .						
Lilburne, Col.						
Lloyd, Capt.						
Lydcote, Col.					+	
Malin, Cornet						
Mason, Lieut.-Col. .						
Mercer, Capt.					+	
Merest, Capt.						
Messervy, Capt. . . .	+	+	+		+	+
Moore, Capt.						
Morgan, Capt.		+				
Mosse, Capt.						
Neale, Capt.		+				
Newman, Lieut. . . .		+				
Okey, Col.						
Packer, Capt.				+		+
Parsons, Capt.				+		
Peck, Capt.						
Peverell, Capt.						
Phillips, Cornet . . .						
Pitson, Capt.						
Porter, Cornet						
Pretty, Capt.		+	+			
Pride, Col.		+		+	+	

APPENDIX.

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Dec. 16.	Dec. 18.	Dec. 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
					+	
	+			+		
+					+	
						+
					+	+
+						+
	+					
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					+	
						+
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		+		+	+	
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	+				+	
					+	+
					+	
					+	
	+					
	+				+	

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Rainborowe, Major .						
Rawlins, Capt. . .		+				+
Reade, Lieut.-Col. .						
Reynolds, Capt. . .						+
Rich, Col.		+				
Rippon, Capt. . . .					+	+
Robinson, Capt. . .		+	+	+		
Rogers, Capt. . . .		+				
Rosse, Capt.			+			
Rowe, Sct.-Mr.-Gen.			+			
Sabberton, Lieut. .		+				+
Salmon, Lieut.-Col. .						
Saunders, Col. . . .					+	+
Savage, Cornet . . .		+			+	+
Sedascue, Major . .						
Scotten, Capt. . . .					+	+
Scroope, Col. . . .	+				+	+
Sherer, Lieut. . . .					+	+
Skippon, Maj.-Gen. ^a						+
Smith, Capt.		+				
Southwell, Lieut. .						
Sparrow, Capt. . . .						
Spencer, Capt. . . .						
Spooner, Capt. . . .				+	+	+
Stanlie, Lieut. . . .						
Stiles, Capt.		+	+			+
Strange, Cornet . . .						
Stubber, Adj.-Gen. .	+			+		+
Swallow, Major . . .						+
Symonds, Capt. . . .					+	+
Tichborne, Col. . . .					+	

^a Absent throughout.

Dec. 16.	Dec. 18.	Dec. 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
					+	
+	+	+		+		
	+			+	+	
+		+		+	+	
					+	
	+					
	+	+		+	+	
		+		+		+
		+		+		+
+						
+		+		+	+	+
		+			+	+
					+	
	+	+				
				+		
				+		
+				+		
	+			+	+	
	+			+	+	

	Nov. 7.	Nov. 16.	Nov. 25.	Nov. 28.	Dec. 14.	Dec. 15.
Tomlins, Capt.-Compt.	+	+	+	+	+	+
Tomlinson, Col. . .		+	+		+	+
Tracy, Cornet. . .						
Twisleton, Col. . .						
Venables, Lieut.-Col.						+
Wagstaffe, Capt. . .						+
Waller, Col. Sir H. .					+	+
Wallis, Cornet . . .						
Walton, Col.						+
Ware, Capt.						
Warren, Qrtr.-Mstr.						
Watson, Capt. . . .						
Weekes, Major . . .						
Whalley, Col. . . .	+	+	+	+	+	+
Whichcote, Col. . .		+	+	+		
White, Major						
White, Col.					+	
Whitie, Capt. . . .						
Wilkes, Major . . .					+	
Wilkinson, Lieut. .						
Wilton, Col.					+	
Winthrop, Capt. . .						
Wolfe, Capt.					+	
Woolsey, Cardinal .		+				
Zanchez, Capt. . . .	+	+	+	+		+

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Dec. 16.	Dec. 18.	Dec. 21.	Dec. 23.	Dec. 26.	Dec. 29.	Feb. 22.
	+					
+	+	+				+
					+	+
+		+		+		
+	+				+	+
+	+	+		+	+	
	+	+				+
+	+	+		+		
					+	+
					+	+
					+	+
	+	+		+	+	
		+				+
				+		+
+		+		+	+	+

NOTES ON THE TABLE.

There is no list of attendances for December 23, and that of November 7 is imperfect. The handwriting of some of the lists is very bad, and it is difficult to be sure of the correct reading of all the names. Other persons than officers were occasionally present. On November 16 two chaplains, Mr. Floyd and Mr. Knight, were present. Knight was again present on December 14, when a number of representatives of the Levellers and Presbyterian and Independent clergy also attended, viz. : John Goodwin, Hugh Peter, Brooke, Seaman, Denne, Sprigge, Nye, Bacon, Gilbert, Parker, Collier, Walford, Estwick, Hewitt, Russell, Wollaston, John Wildman, Lieut.-Col. John Lilburne, and Lieut.-Col. Wilton. John Wildman and William Walwyn were present on December 18.

The following notes on individuals will explain the list. Capt.-Lieut. Babington is styled captain on December 21. Capt. Baker in the list of December 14 should possibly be Barker or Barber. Lieut.-Col. Bowen's name is given in the list of November 16, but noted as absent. Adjutant-Gen. Bury is probably Captain James Berry. The two Clarkes are distinguished as of Major-Gen. Skippon's regiment and of Sir Hardress Waller's. A Captain Clarke is mentioned as present on December 15 and December 16, without any note to show which is meant. Captain Cromwell was probably Henry Cromwell, captain in Harrison's regiment of horse. The name of Major Davers or Danvers appears in the list of December 14. Adjt.-Gen. Evelyn is styled major in the list of December 29. Ensign Fairbanke appears in the list of December 21, and Captain Helsum [?]. Col. Lilburne is Robert Lilburne. Lieut. Lloyd is mentioned on February 22, and Ensign Lucas as present on November 16. Captain Merest, whose name is difficult to read, is probably the Captain Richard Merest who was Adjt.-Gen. in 1652. Captain Moore, December 29, should possibly be read Moose. Two lieut.-cols. named Rede, or Rede, are named as present on December 18. The lists of December 18 and December 29 mention Captain Reynolds, that of December 26 Colonel Reynolds. Major Wilkes is styled Lieut.-Col. Wilkes on February 22. Cardinal Woolsey is a joke of Clarke's. A letter dated February 15, 1651, says : "This day Mr. Wolsey, assistant to the Quartermaster-General, died." This is probably the person referred to.—*Letters from Roundhead Officers*, p. 10. Bannatyne Club, 1856.

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