

THE LEVELLER TRACTS PROJECT

An Anthology of the Works of Richard Overton (1641-1649)

AN ARROW AGAINST ALL TYRANTS

And Tyranny, shot from the Prison of New-gate
into the Prerogative Bowels of the Arbitrary House
of Lords. and all other Usurpers and Tyrants
Whosoever.

wherein the originall rise, extent, and end of Magi-
steriall power, the naturall and Nationall rights, freedoms and pro-
perties of Mankind are discovered, and undeniably maintained; the
late oppressions and incroachments of the Lords over the Commons
legally (by the fundamentall Lawes and Statutes of this Realme,
as also by a memorable Extract out of the Records of the *Tower of
London*) condemned: The late Presbyterian Ordinance (invented
and contrived by the Diviners, and by the motion of Mr. *Bacon* and
Mr. *Tass* read in the House of Commons) examined, refused, and
exploded, as most inhumaine, tyranicall and Barbarous.

By *RICHARD OVERTON*

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

IMPRIMATÜR
Reclat Justitia.

Printed at the backside of the Cyclopiam Mountains, by *Martin Claw
Clergy*, Printer to the reverend Assembly of Divines, and are to
be sold at the signe of the Subjects Liberty, right oppo-
site to persecuting Court. 1646.

[Created: 21 July, 2024]

[Updated: 26 July, 2024]



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MLA Style

Richard Overton, *An Anthology of the Works of Richard Overton (1641-1649)*. Edited by David M. Hart (The Pittwater Free Press, 2024). 7/26/2024. <<http://davidmhart.com/liberty/Books/1649-OvertonAnthology/Anthology-Overton-ebook.html>>

Richard Overton, *An Anthology of the Works of Richard Overton (1641-1649)*. Edited by David M. Hart (The Pittwater Free Press, 2024).

Note

This pamphlet/tract is part of a collection of [Leveller Tracts](#).

The page numbers refer to the page numbering in the original pamphlet. Sometimes page numbers were missing or there were duplicates. On many occasions the text in the margin notes is unreadable as a result of poor scanning of the original.

Editor's Note

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Editor's Introduction

To make this edition useful to scholars and to make it more readable, I have done the following:

1. inserted and highlighted the page numbers of the original edition
 2. not split a word if it has been hyphenated across a new line or page (this will assist in making word searches)
 3. added unique paragraph IDs (which are used in the "citation tool" which is part of the "enhanced HTML" version of this text)
 4. retained the spaces which separate sections of the text
 5. created a "blocktext" for large quotations
 6. moved the Table of Contents to the beginning of the text
 7. placed the footnotes at the end of the book
 8. reformatted margin notes to float within the paragraph
 9. inserted Greek and Hebrew words as images
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RICHARD OVERTON, *A DREAME: OR NEWES FROM HELL*
(1641) ↪

A
DREAME:
OF NEWES FROM
HELL.

With a Relation of the great God PLUTO, suddenly
falling sicke by reason of this present Parliament.



Printed in Sicily on the back-side of the Cy-
clopean Mountaines. 1641.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.5 [1641.??] [Richard Overton], *A Dreame: or Newes from Hell* (1641).

Estimated Date of Publication: 1641, no month given.

Thomason Tracts Catalog Information: Not listed in TT.

Full Title

[Richard Overton], *A Dreame: or Newes from Hell. With a Relation of the great God Pluto suddenly falling sicke by reason of this present Parliament.*

Printed in Sicilia on the back-side of the Cyclopean Mountaines. 1641

A DREAME OR NEVVES FROM HELL.

[1]

NOT long since an honest Yeoman comming up to *London*, to petition to the most honourable *High Court of Parliament* in his own behalfe, for an especiall wrong he had received from certaine Projectors, who had encroached upon a parcell of his Free-hold, neere to the Common where he dwelt, by direction of some well-minded people, came into *Westminster Hall*, where having walked a long time up and down, & not knowing unto whom to deliver his petition, among so many hundreds that he met withall, at last being desirous to take some repast, wherewith he might revive & comfort himselfe, he came to a place neere adjoining, which was tearmed by the name of Hell, and having well satisfied himselfe with such a portion of meat & drunke as he thought might content his appetite, he demanded what might be to pay, and finding the reckoning [2] to be beyond his expectation, he grew very much discontented at the payment thereof, and repairing presently to his Lodging, being not farre off, and being very much perplexed at his former Reckoning, he resolved at the last to betake himselfe to his Bed, and not long after falling into a slumbring sleepe (divers Whimzies and diversities of Motions, swimming in his braine of the supposed Hell where he had formerly beene) he dream'd he was in the true and locall Hell indeed:

Where being affrighted with the apparitions of divers hideous and ugly deformed diabolicall Fiends, who were by his cogitation numberlesse, he was transported by his fancie to the great Court of *Grand Pluto*, who being attended with a multitude of his blacke Guard, and other his stigmaticall Officers, there was an instant hurly-burly and combustion in the Court, about the suddenesse of *Grand-Pluto* falling into a greevous sicknesse; wherefore all the Court Doctors of Hell being summoned to appeare (with an infinit company of Witches, Conjurers, & Sorcerers, fetcht from all other places, to give their best advice therein, were admitted into his princely Chamber, and having cast his water, and debated the matter a long time about the difficulty of his Disease, at length they all agreed, that he fell sick of a Parliament.

Whereupon Proclamation being made in *Pluto's* name throughout all his Hellish Dominions, to any [3] whatsoever to repaire unto his Court, with promises of great reward and favour from him, that could by any wayes comfort him in this behalfe. Upon a sudden there appeared a multitude in long button'd cassacks, high collars, and square Caps, with small falling bands about their Necks, *who seemed to strive, against all others, to be the first that might be admitted into his presence; and these were reported to be a company of Jesuites, who were the deere children of Pluto, who hearing that their Father was sicke, came in all submissive manner to visit him, and to offer their service unto him,* and withall informed him, that if there were any Designe, Practice, Plot, Device, Study, or other stratagem whatsoever, that could administer him any comfort, or wherein they might any wayes expresse their duty unto him, or further enlarge his Kingdome, they would ride, runne, goe, trot, or what not to performe his pleasure therein, and withall, desired him to be of good cheere, and to be comforted in his Children, who were ready at all times to waite his will and pleasure, and to execute whatsoever he should command.

Hereupon they desired their Father *Pluto* to take notice of the former care they had to enlarge his Kingdome, by animating the great *Metropolitan* to be a meanes to bring in *Popery*, and to doe the best service he could therein.

And withall shewing how they had sowed sedition [4] and discord amongst the *English Hereticks*, and provoked the *Scottish Hereticks* to rebell against their lawfull King, and to intrude into the *Territories* of this Land; and also had animated their beloved Brother

Cardinall de Richlieu to raise a puissant Army for the invasion of this Land in two severall places, (*viz.*) at *Dover and Portsmouth*, at such times as the King was supposed to be most deeply employed in his *Warre* against the *Scots*; and likewise have wee not procured your great *Secretary of State*, *Don Antonio Demonibus* to make an especiall inrolement of all their names in your *Kalendar*, amongst those your deare Servants, *the Plotters of the Gun-powder Treason*, and those renowned *Complotters of the former invasion into this Land in 88.* and have not onely animated many noble personages, and others, to assist vs in our great *Designe of bringing in of Popery into this Land*, but have also procured divers *Popish Books* to be printed openly, thereby the better to encourage your Highnesse, deere Father, and the more to enlarge your *Kingdome*.

And for Courts of Justice, have we not also by our power and authority joyned with our dreadfull and High Commission, brought to passe, that if any Heretike, under the degree of a Lord, should but put on his Hat in the time of Divine Service, we kept him in our Ecclesiasticall clutches fieve or sixe yeares together. And have we not likewise in the Courts of *Chancery, Kings-Beach, or common Pleas*, procured diuers wayes and meanes wherby many men (though their cause were never so just) have beene either by [5] continuall delayes wearied in their Suites, or by extorted *Fees, Bribery, or other Devices*, driven to sell and morgage their lands, goods, and whatsoever they have bin possessed off, that a man might have worne out Buff jerkins in that space, & yet they seldom or never had an end of their suites, but have bin fleeced and jeered out of their demeanes, so long as they could procure either mony or friends, and yet it hath bin carryed so neatly and cunningly, as if the course of Iustice had bin exactly performed.

And for the Court of Exchequer, we are able further to testifie unto you (deare Father) out of our owne knowledge, that it is one of the best Courts belonging to your infernall Kingdome, for if a suite be once commenced there, they have so many delayes by putting in of Pleas, making of Motions, putting off a suite from Terme to Terme, after a verdict given, or framing some excuses to arise from the Bench, when a Cause appointed for the day should be heard, or to cause Motion vpon Motion to be made, whereby so many Orders of the Court must be drawne vp, or pretending the Court not to be full, with other sinister devices and sleights there vsed; that wee have knowne some men to have served an Apprenticeship, and bin made Free-men, and also to have married Wives, and had children, and yet the suit formerly commenced not ended. Therefore, deare Father Pluto, be of good comfort, and take it not so much to heart, so long as you have such dutifull children, and loving subjects; assuring your selfe, that we will doe our best endeavours to recover you of this Disease.

[6]

Presently after this, there came a company of fellowes with broad Seales about their necks, who were nominated to be *Pluto's* Journey-men, and had the title of *Patentees*, who also hearing that their *Grand-Master* was suddenly falne sick, presented themselves in all humble manner, *the further to expresse their duty and obedience vnto him*; Relating unto their hellish Master, that according to their power and his appointment, they had ever bin obedient and faithfull servants unto him, in oppressing and squeezing the *Common-wealth*, and that they intended to continue therein, to the end of their dayes, and by what meanes they could possibly invent or devise, they would shew themselves to be dutifull servants unto him, in racking, poling, and pinching the poore both in city and country, *vnder pretence of doing good in generall to the whole Common-wealth; and further declared vnto their Grand-Master, that in all their projects whatsoever, they had sheltred themselves vnder some great Patron, the better to colour their fraud and deceit*: and likewise, that in case they had any colour of setting the poore on worke, for a generall good, they might with authority and strictnesse the more covertly hide their cunning and knavery, and withall assured their great Master, that they would sit up late, rise early, and spare no paines to encrease his *Kingdome*,

and humbly craved his approbation, *that they might bee further employed either herein, or in what other businesse, in that nature it pleased him to command.*

[7]

Whereunto *Pluto* replied, that they had all done well, and left them at their owne disposing to doe what they found to be convenient, and so they were dispatched for the present.

Not long after, *Cerberus* the Porter of Hell, brought tydings vnto the palace of *Pluto*, that there was a post arrived with a packet of Letters from little *Will*; whereupon *Don Antonio Demonibus*, his chiefe Secretarie of State, was presently sent for to read them vnto *Pluto*, the contents whereof, as farre as could be gathered by those that were neere about him, was to this effect, That the said little *Will*, with divers other great personages of the State, would with all convenient speed that might bee, come in person to visit his greatnesse, and there to remaine with him in his Court. Whereat *Pluto* being very glad, began to be somewhat chearefull at the hearing of this newes, calling him by name the Sonne of his love, and further said, he had not thought to have seene him so soone, as now by his letters directed vnto him he did expect: and thereupon *Pluto's* chiefe Secretarie of state was commanded to send an answer of the said packet of Letters by the same post to little *Will*, and the other great personages of State aforesaid, how glad he would be of their appearance in his Court, and what courteous entertainment they should have when they came there. Then *Pluto* gave command, that the post should be Royally rewarded for his paines, and called the post to him, & asked him what diet little *Will* did delight in, because the place where I keepe Court, is of a hotter Climate then he hath [8] beene in heretofore, the post made answer that little *Will* formerly, did desire tips of eares, but the Cooke dressed them with the blood in them, and so he tooke a surfet; and ever since lived at a sparing diet. And further told his Highnesse that he need not be at too much charge for little *Wills* dyet, he tooke delight but in two dishes especially, and they were Lamb and Duck, and those he meant to bring with him. And suddainly vpon the departure of the post with this answer, *Pluto gave strict charge and command vnto his infernall attendants, that divers faire Roomes should be presently trimmed vp, and hanged round about with Tapistry and Cloth of Arras, for the better entertainment of little Will and his fellowes, or any that came along with him.* Then I was very desirous to know what this little *Will* was, at the first I could by no meanes learne, but at last I asked one that I supposed to be of *Pluto's* neere attendants, if he knew him or no, he informed me, that he did not know him, but surely it was one that as yet had never been in *Pluto's* Court before, and verily beleaved that he had performed some extraordinary businesse in *Pluto's* behalfe, and deserved to be highly advanced in his infernall Court, and also supposed him to be some great personage, otherwise he would never have received the Packet of Letters which he sent him, with such cheerefulnesse, nor have given such a strict command to his chiefe Secretary, and others his infernall servants, for his speedy and present entertainment to his Court.

And notwithstanding the suddain expectation of [9] little *Wills* comming into *Pluto's* Court and the rest of his fellowes, which did not a little comfort and revive him in this his lingring sicknesse, yet *Pluto* found not all to be well in himselfe, but grew more and more to be perplexed and so wonderfully out of patience, that his ordinary attendants could hardly keepe him in his Bed, insomuch, that all his Hellish Doctors were once againe sent for to come with all speed vnto him, who being come there, they found that he was very dangerously sick indeed, and that he was fallen into a grievous relapse, and that there was no meanes left to recover *Pluto's* health, and to restore him to his former strength againe, or to enlarge his infernall Kingdome, but that by some device or other this present Parliament might be dissolved and broken vp, which being fully agreed vpon by all his Doctors they informed his Highnesse. *That if ever he expected to regaine his former estate, or to get any footing in England, he must with all speed call a generall Councill of all his infernall and*

wel-beloved Subjects, that they might advise and consult what way were best that this present Parliament might be dissolved as aforesaid.

Whereupon *Cerberus* by speciall command and appointment of *Grand Pluto*, had authority to set the gates of Hell wide open, and that all passengers whatsoever, (none to be denyed) might freely have accesse to come and heare the will and pleasure of *Pluto*, and also *Charon* was commanded with all possible speed to provide himselfe of as many Boats [10] as he could to ferry them from all parts and places to this purpose, and when there was a huge multitude of all sorts gathered together in a large and spacious place, one of the chiefe Heraulds belonging to the internall court cryed out vnto the assembly with a loud voice, to craue a generall silence, after which, *Pluto* thus began:

My deare children, Servants, Iourneymen, and well approved Subjects, you see into what a low and weake estate I am brought, and as you have beene dutifull and obedient with all diligence hitherto to execute my commands, so my desire is, that you would alwaies continue vnto the end, I cannot forget your care, true love, industry, and paines you have taken in generall, for the enlargement of my Kingdome, and you my beloved Doctors, in endeavouring to performe your best skill, to recover my former health, as also you my dearest children whose Sanctity, we reverence, whose persons we adore, whose policies we wonder at, whose power we muse at, whose invincible Stratagems we stand amazed at, and whose Wisdomes we admire, neither can we but in the first place extoll, applaud, and highly commend you, for your extraordinary care in advancing our infernall Dominions.

And we are also pleased of our infernall grace and favour, to take notice of your great service done, in working the dissolution of the last Parliament, by which meanes nothing was effected for the good of the Hereticks, either concerning the church or common wealth, but thereby the Nobles of *England* were male-content, the Gentry discouraged, the Commons divided, the number of our servants, the *Roman* [11] Catholikes infinitely increased, and the whole Realme of *England* mightily oppressed; so as the successe of our designe was thereby no waies hindered.

Now my wel-beloved children, servants, Iourneymen, subjects, Allies, & all my well-willers whomsoever, if you could by any Device, Stratagem, Policy, Money, Friendship, or any other delusive or sinister means, study to dissolve or break up this present Parliament, w^{ch} would be the onely way, as we conceive in our Diabolicall Princely Wisdome, to breake the bond of peace & vnity amongst them, and thereby to move God to leave them to themselves, you should not onely be enrolled in our everlasting Kalendar for our dearest children and Subjects, but also be placed neere us in our favour for ever; and then also, to our great comfort, our infernall Stratagem might speedily be executed vpon them, & our Kingdome mightily increased and enlarged.

Therefore all you my deare children, subjects, attendants, and Allyes, who are willing to doe your best endeavours for the performing of this Enterprize; we require you to be ready to take the Oath *ex officio*, & to lay your hands vpon the Book. Whereupon with a generall acclumation & consent, they all promised to doe what possible in them lay to performe his request, and affirmed, that they all were willing to conset to his demand, & therepon they layd their hands vpon the Booke. Then *Pluto* causing his principall attendants to raise him a little higher on his Pillow, proceeded on this manner: You my loving Subjects who have stept aside, and made your legges your best protection, you also that are vnder the command of [12] the Black Rod, and you that much feare you shall be questioned this present Parliament, and you my Iourneymen Patentees, and the rest of my loving Subjects here present, are you all willing to take the oath aforesaid for the breaking vp of this Parliament, then they all cryed with one voice; *Willing, most willing, long live your Hellish Majestie*, I beleeeve you (said *Pluto*) take your hands from the Booke, I dare take your bare words. Whereupon *Pluto*'s

great Counsell was called before his infernall Highnesse, and being assembled together, they all cōcluded, that forthwith a Proclamation should be sent abroad into all places in great *Pluto's* name, the tenour whereof followeth.

TO the Pope, our right Trusty and wel-beloved Sonne, and all the Iesuiticall Rabble, our adopted Children, to the *Spaniard, Italian, French, Dutch*, or what Nation people, or in what parts soever this shall come, these are to give notice, that whosoever can by any fraud, friendship, money, or any other means whatsoever, dissolve & breake vp this present Parliament, That thereby great *Pluto* may recover not onely his former health, but that his Kingdomes and Dominions may also be enlarged, he shall for so memorable an Act, be seated inplace of Iudicature with his [13] chiefe Iustice *Rhadamantus*; or next to *Pluto* himselfe, and forth with be made Vice-Roy of Hell, prince of this world, Arch-Duke of *Styx, Acheron; & Phlegeton*; Marquesse of *Cosytus* and *Lethe*; and sole Commander (vnder him) of all Infernall Spirits and Furies.

*And herevnto, we, the sayd Grand Pluto have set our Hand and Seale Royall,
in the presence of all our Children, Friends and servants aforesaid.*

This being proclaimed with thundring Drums, and sound of Trumpets, awaked the honest Country-man, who having seen and observed in his Dreame, all these passages and occurrents, lay for a while as it were in a trance, trembling and in a great extasie, at last recollecting his senses, he arose, and going from his chamber to goe about his businesse, he met by chance with two of his owne Countrey-men, who had beene a long time encombred with Law-suites, vnto whom he related this his Dreame, with all the passages aforesaid, whereat they wondering, and much astonished, desired him to deliver vnto them a Copie thereof in writing, which he promised, and performed the next day following.

FINIS.

RICHARD OVERTON OR JOHN TAYLOR, *OLD NEWES NEWLY REVIVED* (JUNE 1641)↵

OLD NEWVES 22
NEWLY REVIVED:

O R,

The discovery of all occurrences happened since the beginning of the Parliament: As, the confusion of Patents, the Deputies death, Canterburies imprisonment, Secretary *Windbank*, *L. Finch*, Doctor *Rouse*, Sir *Iohn Sucklin* and his associates flight, the fall of Wines, the delolation of Doctors Commons, the misery of the Papists, Iudge *Barkleyes* imprisonment, and the ruine of Alderman *Abels* Monoply.

Most exactly compiled in a short discourse between Mr. Inquisitive, a country Gentleman, and Master Intelligencer, a News-monger.

Fly Finch, Wren Wind ore the *Banko*, *Run Rouse*.



Printed in the year 1641.

[Created: 20 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.8 [1641.06] [Richard Overton or John Taylor], *Old Newes newly Revived* (June 1641).

Estimated Date of Publication: June 1641.

Thomason Tracts Catalog Information: TT1, p. 18; E. 160/22.

Full Title

[Richard Overton or John Taylor], *Old Newes newly Revived: or, The discovery of all occurences happened since the beginning of the Parliament : As the confusion of Patents, the Deputies death, Canterburies imprisonment, secretary Windebank, L. Finch, doctor Roane, Sir Iohn Sucklin and his associates flight, the fall of Wines, the desolation of Doctors Commons, the misery of the Papists, Judge Barckleyes imprisonment, and the ruine of Alderman Abels Monopoly. Most exactly compiled in a short discourse between Mr. Inquisitive, a countrey gentleman, and Master Intelligencer, a Newes monger.*

Printed in the yeare 1641.

[1]

OLD NEVVES Newly Revived.

Inquisitive

Honest *Jack Intelligencer*, th'art welcom home, I woot not lose so much time to aske thee how thou do'st, because thy face has already told me thou wantst money: so do I, tis a generall want, and be fitting a Gentleman; but let that passe, tell me what newes is stirring in or neere London, newes is all that I seeke: you know my humour I hope.

Intelligencer. I doe Sir, and finde it most correspondent to your name; and because I am desirous to satisfie your humour, I leave off and abandon all superfluous salutations, and fall roundly to the matter. The first enormity the Parliament tooke into its hands, was Patents in generall.

Inquis. It was very likely that it would fall to particulars in time: but what befell those Patents?

Intell. Faith though it was in the Winter, yet the owners of them were forced to leave them off, though they hazarded going over shooes, in griefe whereof they were all utterly confounded.

Inquis. What? all Patents, of what nature soever?

Intell. Yes, that were pretended for the common good, but aimed at particular mens profits, as the Patents for Cards, Dice, Pins, Soap, Leather, and such like were utterly damned?

Inquis. I marry Sir, the Parliament began well, heaven blesse their proceedings: how went they forward?

Intell. Then to particular persons. The next that was found a delinquent, was no lesse a man then the Earle of Strafford, he that set three Kingdomes at variance.

Inquis. What, he that as he went through our Towne into *Ireland*, had the streets swept, and made neat for his comming, hee that paid all the Officers so bountifully? By this hand he was a most liberal man, and many say understanding.

[2]

Intell. That's certaine; yet for all his wit he could not easily understand his owne head. Alas! he was intrapt in his policie, and constrained to lay his ambitious necke on the Traytors blocke. On my conscience young *Gregory* is the most famous man in all England.

Inquis. What, he that had the reversion of his fathers place, the young Soule-sender, hee that fild the Dungmans Cart with Dogges which he had headed, the better to enable him to effect the reall matter; why is he so famous?

Intell. Ile tell you Sir, if the glorious acts that *Hector* did, made his conquest the more honourable, and *Achilles* by slaying him ingrost all his heroicke deeds, why should not yong *Brandon* be as famous for the death of him that shak't three Kingdomes?

Inquis. Come, thou art merry: but how scap't his Compeere the Archbishop of Canterbury? it was thought that he was as deep as the other, it would bee a wonder if hee should come off with *as you were*, as they doe in the Artillery Garden.

Intell. Truly Sir, I am of your opinion, take my word if ever hee come into his Metropolitan house againe, and sit there his Majesties high Commissioner, discharging the new Canons, he will goe neere to blow up the little Levite that writ *Lambeth Faire*. But he, good man, being his life was so irregular before has now betaken himselfe to a private lodging, and in a stronger house then that o're the water; hee is not now much troubled with signing paper Petitions, and referring them to Sir *John Lamb*, although he keep house continually, and never stures abroad, not to farre as into Saint *Georges* fields to take the aire.

Inquis. I heard say, he never durst come into those fields since the up-roare at the dissolution of the last Parliament, he was afraid of the Ghost of him hee set upon the Citie gates to keep watch.

Intell. I cannot tell whether that be the reason or no, but on my conscience I thinke that honourable young *Brandon* will have the honour to ship his soule into *Charons* boat for [3] all his father was a Clothier of Reading. As soone as ever this man of Grace was laid in *Limbo Patrum*, his most deare friend, and the Papists most favourable compounder, and his Majesties Secretary Sir *Francis Windebank*, with much providence tooke a voyage into France.

Inquis. Then I hope wee shall pay no more Ship-money: that same Sir *Francis* has been prayd for the wrong way most heartily; the Ship-money was never mentioned, but a devout imprecation was offered up for him, much good doe him with it.

Intell. Alas! he never had hand in it, it was my Lord *Finch*, the Lord Keeper of England, that dealt with Ship-money, and 'twas done with a most provident eye: for hee knew he should have occasion to use ships before hee died, and so he had: for he went after Mr. Secretary. Ile tell you Sir, hee was so weary with determining controversies upon the Bench, that he resolv'd hereafter to end them with the sword: he became a brother of the blade, and with a tilting feather, a flaunting periwig, Buffe doubler, scarlet hose, and sword as broad as a lath, hee looked as like a Dammee newly come out of the North, as could be imagined; and under that disguise fled most swiftly into France.

Inquis. But under your favour, hee was but a Coward to flye as soone as ever he was accouterd in his marshall habiliments.

Intell. But I think him most valiant: for wisdome was ever held the better part of valour; and none but desperate fooles will run themselves upon certaine, death: and though some such there are, yet he is none of those. I am sure, that valiant men and brave Commanders followed his example, and no worse men then Sir *John Sucklin*, the discontented Colonell, and his associates.

Inquis. Sir *John Sucklin*, what hee that writ admired Aglaura? the Blacke Friers Actors have a foule losse of him,

*And lest the Players should grow poore,
Send them Aglauros more and more.*

What he that gave the King a hundred horse against the Scotch Pedlers? is he fled for Religion too?

[4]

Intell. As sure as he fled from the Pedlers, his coat of Male would not keepe out their Bullets, though it would Sir *John Digbies* Rapier in the Playhouse,

Inquis. I heard that he was for Portugall, and to that purpose had two or three hundred Cap and Feather men in pay, did he mistake France for Portugall?

Intell. You may see the fortune of the dice, they run what chance they please, Sir *John* knowes it, but theres a greater man then he gone by faire.

Inquis. None of the other Iudges? Iudge *Barkley* is not gone, is he?

Intell. No faith, hee's safe enough, hee's a most fast and substantiall friend, he and *Davenant* the Queenes Poet doe keepe their chambers, as if they mourned for the iniquity of the times, but he that I meane is greater then any of these in bulke, tis Doctor *Roane*.

Inquis. Why if he be gone, how fares the Civill Law, for he was the body of it.

Intell. In good faith Master *Inquisitive* they droope extreamely, you may walke in the Commons and be offended with no confused noise of the Proctors that prated onely for the tother fee, they will now without grudging take a ten groats fee and thanke you; theyl onely sigh out, *O quantum mutatus ab illo — Termino, &c.* Their Clarkes, although they are not troubled with much imployment, cannot be at leisure to redeem the gownes which they pawned in Lent Vacation: and Doctors Commons himselfe for feare lest hee should dye intestate, has made his will, and bequeath'd all his goods most equally.

Inquis. Then I may presume that the High Commission is downe; the Papists I know rejoyce at it, they have paid many a fat fine, have they not?

Intell. Faith I thinke that they have rather cause to grieve, for their fines were very easie compositions, but now the Parliament has taken them in hand, and useth them far more ruggedly then the chiefe Commissioner would.

Inquis. If the Parliament has taken them in hand, I prognosticate that they weare Lent in their cheekes, their Ave [5] Maries, Creeds, Paternosters, the dropping of their Beads, their sprinkling themselves with Holy water, will scarce bee of force to entreat the Virgin *Mary* to command her Son to pittie them they must visit Rome, must they not?

Intell. Or Tyburne, choose them whether, as the ballad saies, they have a very bad time of it now I can assure you.

Inquis. Well, let them be hang'd and they will, thou and I will goe drinke a pint of Canary.

Intell. As I live, I had almost forgot, Canary is now at sixe pence a pint in London.

Inquis. At sixe pence a pint, how comes that to passe?

Intell. This blessed Parliament has pryed into Alderman *Abels* knavery, and has found his politicke projects out, has made a confusion of his ticket office, and laid him and his brother *Kilvert* in a house of stone, who shall be made exemplary.

Inquis. Why then honest *Jacke Intelligencer* I pronounce thee welcome home, weele to the Tayerne and drink pottles in healths to this most happy Parliament.

*The Deputy is dead, the Archbishop sure,
(I doe not say to dye) Judge Barkleyes cure,
If any be is casting of his coyne,
Abell and Kilvert too, that did purloine
A penny to 'em from each pint of Sacke,
If money helpe them not, their neckes must cracke;
And witty Davenant, their miseries*

*To terminate will write their Elegies,
And so he will his owne; they that fled
Int' other Countries, and so sav'd their heads,
From asore aching cannot merry be,
Whilst thou and I laugh at their misery:
We can be jocound and thinke no man harme,
With joviall Sacke our duller spirits warme.
Away with sorrow, welcome sweet content,
This health Ile drink to'th blessed Parliament.*

FINIS.

RICHARD OVERTON, *THE FROGGES OF EGYPT, OR THE
CATERPILLERS OF THE COMMONWEALTH* (AUGUST, 1641)↵

THE
FROGGES,
OF EGYPT.

OR

The CATERPILLERS of the COMMON
WEALTH truly Dissected and laid open;

With the Subjects *Thankfulness* unto
GOD for their deliverance from that Nest
of VERMINE.



Printed in the yeare 1641

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.9 [1641.08] [Richard Overton], *The Frogges of Egypt, or the Caterpillers of the Commonwealth* (August, 1641).

Estimated Date of Publication: October, 1641.

Thomason Tracts Catalog Information: TT1, p. 26, E. 166/2.

Full Title

[Richard Overton], *The Frogges of Egypt, or the Caterpillers of the Commonwealth. truly dissected and laid open; With the Subjects Thankfulness unto God for thier deliverance from that Nest of Vermine.*

Printed in the yeare 1641.

[1]

THE FROGS OF EGYPT OR THE CATTERPILLERS OF THE COMMON-WEALTH.

MONopolers by their nefarious Projects, and impious exactions, have contaminated the Land with such a contagious exulceration of wicked impositions, that I may with a coequall sympathie, assimilate them to the *Frogs of Ægypt*. First, In regard that those Frogs were the second Plague that was brought upon the *Ægyptians*: So these Monopolers (in respect that Bishops had the priority) were the second Plague, which with disastrous aspersion, did infect our Nation. Secondly, As those Frogs came unto *Pharaoes* Bed-chamber, and upon his Bed: So these Diabolicall *Parasites*, did creep into our Kings bosome, with their Phariticall Calumny. Thirdly, Those Frogs did come upon all the people in *Ægypt*, throughout their Territories: And who is there in all our Kingdom, that have not beene infected by the contagion of their venenosive aspersion: they were a Nest of Wasps, which did Tyrannically sting the Kings loyal Subjects with their exacting impositions: They were a swarme [2] of Vermine, which did pollute sincere purity, and like the *Frogs of Ægypt*, did over-creepe the Land. They warmed themselves at other mens fires, and though the peoples fingers ends were a cold, by regard of their impious Project, yet they would alwayes remember to say with *Mantuan Optimum est alienafrui pecunia*. They sip't of honest mens cups, and did distend their purses in their Bacchanalian ryot, for they drowned themselves in *Bacchus* Fountaine, while other men payd the reckoning. They did alwaies share with the Butler in his Box, yea they grew so fat and plump with damned Projects, that it was easier for *Hercules* to beate the Triple-headed Cerberous out of Hells Seygian Portali, then for us of late, to speake against these cursed Projectors, who abused the Triple Crowne. But (we thank the all-directing providence of the mighty and Almighty *God*) we have found the like successe with *Hercules*, and by the inflexible Justice of the *Parliament*, we shall with him, drag these Hell-hounds upon the earth, who did eradicate the well planted branch of Plenty. They were heretofore so Epidemically strict, that they would not bate us a pin in their exactions; they have worne a Vizard a long time: But a Vizard said I? Their pride was a sufficient Vizard, for it was no marvaile that no man else could know them, when they knew not themselves. But when the *Parliament* shall once unface these, they will prove as bad as any cards in the packe. They were *Janus*-like, and had two Cloakes to hide their knavery; and like the Pythagorean Monster, they did threaten to devoure the whole Commons at a mouth-full. In *Ægypt* the thirsty Dog could never lap of the River *Nilus*, but the Crocodile [3] would assault him immediatly. Neither in our Land could any honest man, whom drie necessitie by compulsive coercion required to allay his sitiating thirst, sip at the odoriferous Spring of *Bacchus*, but incontinently he was assayled by these cursed Crocodiles, the rubbish of Babylon, Honesties Hangman, fomenters of Impietie, Iniquities prodigious Monsters, Plenties execrable Foes, Envyes individuall Companions, detestable Enemies to loyall Subjects; and in a word, that I may fully paint them out, The Devills Journey-men. The *Romans* were never in more danger of the *Sabines*, than wee have beene of these pernicious members: the *Sicilians* never feared the *Basilisk* more, nor the *Cretans* the *Minotaure* neither the *Athenians* that pestiferous Serpent *Epidaurus*, than we have justly feared these wicked Dragons of implety. They are like the *Grecian* Horse, in the midst of *Troy*, under pretence of safety, but at length consumed the whole city: So these firebrands of iniquitie would have extirpated the flourishing plenty of the Land, but (thanks be to God and the righteous Parliament) they are now extinguished. For as a rotten member *Ense recidendum est ne pars sincer a trahatur*, ought to be cut off, least it infect, and contaminate the whole body; so ought these wicked members of the Commonwealth to be executed with the Sword of Iustice, who have already too farre polluted the body of the Realme. Tis a plausible assimulation which *Hippocrates* observeth, that in the

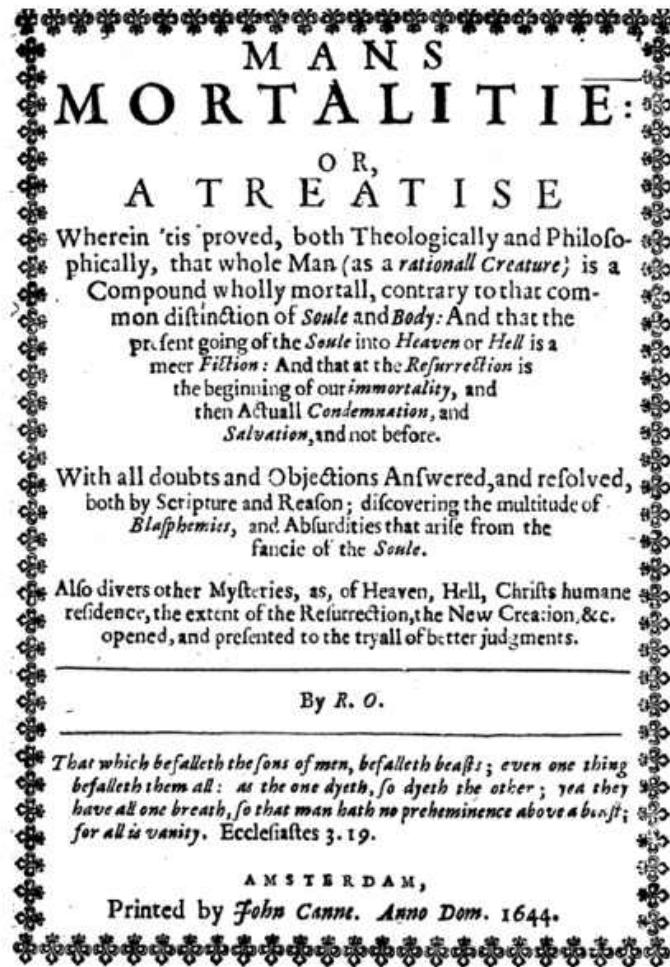
body naturall, as it must be truly purged, before it can be truly sound: so likewise in the body politicke, unlesse these improbous malefactors be purged out, it can never be truly sound. Their very name Monopolers doth stigmatize them under the brand of knavery, which is derived from *monois* [4] which signifies in English, *Onely*: so that Monopolers, are the *Onely Polers* of the people, which have abused them by their Projects: But now (alas poore men!) they are intruss'd and like to be whipp'd. Their very Projects themselves are set against them: Their Coles which they did aggerate are ready to consume them: The Butter, which before greased their pockets, now melts in their mouthes: The Sope scorne to be projected any longer, and will invert its first Letter *S.* into *R.* and become a Rope to them rather. The Salt is ready to powder them to Tiburne: The Cards scorne that they should play the Knave any longer: The Pinnes could pin their Heads to the Gall-house, The Wine threatens to lay them dead—drunke: but hang them they are so crafty, that although they fall downe in a Wine-Seller, yet they know how to rise up agine in a Tobacco-Shop, but I hope before they rise there, they will first rise up at the Gall house: where I'le leave them —By these, and the like enormities have our Land beene too farre overspread, it hath lately flourished too luxuriously in impiety, which did accumulate such insupportable burthens to the weather-beaten Commons of this Realme, that they were almost everted. But thanks be to the all-disposig omnipotence of immortall God, who have alwayes preserved this Kingdome from innumerable evils, and have kept it as the apple of his eye. I say thanks be to his Supremacy, who among other evils have preserved us likewise from the Tyranny of these insulting Projectors. But we now solely depend upon the Parliaments exemplary piety and great Justice, of whom we beg with all humility, and with affectionate servency to the truth, doe supplicate that they would with expedition extinguish these cursed firebrands [5] of the Land, who like *Samsons* Foxes have consumed the Lands and Possions of the Commons. Wherefore let every true hearted Subject enumerate his expresse thankfulnessse to Almighty God for the preservation of this Kingdome, and the multitude of his favours irrigated thereon with all alacritie.

A Thankfullnesse to God for his Mercy towards this KINGDOME:

VVE blesse & magnifie (great God!) thy Name
 Who justly dost exenterate with shame
 All Enemies to Thee, and us who dost
 Preserve this Kingdome with thy favours most.
 By Thee our base Monopolers doe fall
 False Prelates, and false Papists in their Gall.
 By Thee Projectors vanish, and by Thee
 The Church has beene preserv'd from 'Popery.
 By Thee our Canonists requoile, and turne
 Their Innovations to a dolefull Urne.
 By Thee all Pontificians dote deplore
 Their fortune more diastrous and more.
 Thus in our Hemisphere, while the bright Sunne
 Displayes his radiant splendor, and doe runne
 Through the twelve Signes i'th' Zodiacke, and then
 Smileth upon the face of mortall men:
 Thus while the Queene of night doe beautifie
 Her selfe, and gilds the Star-bespangled Sky:
 While liquid rivers doe returne againe
 Wandring abroad into the greedy maine,
 Yea, while our pious hearts remaine to be,
 We yeeld a thankfull sacrifice to Thee.
 And as we thanke Thee for thy Favours past,
 So we doe supplicate a blessings last.
 First, that Thou would'st extenterate all those

That are Monopolers, or other Foes.
And Then (oh!) then conduct the Church aright
For our Salvation and thy Heavenly Right.
That we may serve Thee, serving Thee we may
Rejoyce, rejoycing triumph, in that day:
Triumphing, then exult, exulting raise
Glory to Thee, and serve Thee all our Dayes.

FINIS.



[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: TT1, p. 306, E. 29. (16.).

Estimated Date of Publication: 19 January 1644.

Thomason Tracts Catalog Information: TT1, p. 306, E. 29/16.

Full Title

Richard Overton, Mans Mortalitie: or, A Treatise wherein 'tis proved, both Theologically and Philosophically, that whole Man (as a *rationall Creature*) is a Compound wholly mortall, contrary to that common distinction of *Soule* and *Body*: And that the present going of the *Soule* into *Heaven* or *Hell* is a meer *Fiction*: And that at the *Resurrection* is the beginning of our *immortality*, and then Actuell *Condemnation*, and *Salvation*, and not before.

With all doubts and Objections Answered, and resolved, both by Scripture and Reason; discovering the multitude of *Blasphemies*, and Absurdities that arise from the fancie of the *Soule*.

Also divers other Mysteries, as, of Heaven, Hell, Christs humane residence, the extent of the Resurrection, the New Creation, &c. opened, and presented to the tryall of better judgments.

By *R. O.*

That which befalleth the sons of men, befalleth beasts; even one thing befalleth them all: as the one dyeth, so dyeth the other; yea they have all one breath, so that man hath no preheminance above a beast; for all is vanity.
Ecclesiastes 3. 19.

AMSTERDAM, Printed by *John Canne*. Anno Dom. 1644.

The pamphlet contains the following parts:

1. To his worthy friend the Author upon his Booke (2 poems)
 2. Mans mortalitie
-

To the Reader.

Judicious Reader,

Thy serious perusal, but the scorne and derision of the multitude hereof, is my expectation: Startle not thou, be patient, read, ponder, and *Berean* like try whether these things be so or no: If any thing in it be worth thy owning, take it, it is thine as well as mine, and I have my end, *thy benefit*: I wish it well to all, but I feare it will be a *Parable* to most; however, I have unbosom'd my duty, freely as I have received, I give it freely to the World; it is my faith, as I beleeve, so have I spoken. I expect an *Answer*; if it be such as will not hold tryall, it is likely I shall vindicate my selfe; but if by force of Argument it shall convince, I shall be ready and free thankfully to embrace it, and renounce my error, whether it be in part or in whole, though in the maine I am nothing jealous, had I therein doubted, my weaknesse had not been thus visible to the World. Whereas in severall places scattered through the *Booke*, the use of the word *Soule* may seeme to some, to imply that, which I deny; let such know, it is for Argument sake, not intending in the least any selfe distinct Being by it. Thus desiring my endeavours may have a faire and equall tryall by *Scripture* and sollid *Reason*, I commit thee to the blessing of God in the perusal thereof, and rest

Thine in the love of
the Truth, R. O.

To his worthy friend the Author upon his Booke.

*The Hell-hatch'd Doctrine of th'immortall Soule
Discovered, makes the hungry Furies houle,
And teare their snakey haire with griefe appal'd,
To see their Errour-leading Doctrine quail'd,
Hell undermin'd, and Purgatory blowne
Up in the aire, and all the spirits flowne,
Pluto undone, thus forced for to yeeld
The frightned Soules from the Elizian Field.
And squallid Charon now may leave his Trade,
To see all Soules made subject to the spade,
And Cerberus his dismall fate deplore,
To thinke that he shall scare the Soules no more.
But joy'd at this, Minerva she doth run
T'imbrace her Nurse Child great Apollo's Son:
The Heavens triumph i'th'wane of th'World to see
Such light break out on its Posteritie:
They sue Mnesichole, and so doe I
To register this Mans Mortalitie.*

N.C.

*Would you a young Man see for to controule
The Antient, sure you'd think he had no soul.
But God hath promised, and still reveales
To Babes, what he from prudent men conceales.
Heavens blesse thee Man, for bringing that to light,
Which Envy raked up i'th'dust for spight:
And may thy Booke be as a passing Bell
To dying Man to toll his fatall knell.*

S.R.

MANS MORTALITY. OR, A *TREATISE PROVING MAN*
(QUATENUS ANIMAL RATIONALE) A *COMPOUND WHOLLY MORTALL.*

CHAP. I. *Of Mans Creation, Fall, Restitution, and Resurrection, how they*
disprove the Opinion of the Soul, imagining the better part of Man
immortall: And proveth him (quatenus homo) wholly mortall.

TO omit tedious introductory Circumstances, which are as commonly vsesse as prolix: Observe: That when God had moulded, formed, and compleatly proportionated *Adam of the Dust of the ground, he breathed in his face the breath of Lives*, and *Man Orig. became a living Soul: Gen. 2. 7.* That is, he gave that life-lesse Body a communicative rationally Faculty or property of life, in his kind: And so it became a living Creature, or compleate *ἀνθρώπος*, of whom was the *Woman*, both innocent and free from sin, and so from *Death* and mortality: For *the wages of Sin is Death, Rom. 5. 12. 1 Cor. 15. 56.* Thus *Man* was gloriously immortall, yet no longer a Creature incorruptible, then during innocent: For (*Gen. 2. 17.*) God said, *of the Tree of the knowledge of good and evill thou shalt not eate of it, for in the day thou eatest thereof, thou shalt surely dye:* that is, thy immortality shall be changed for mortality: Immortall *Adam* shall be made mortall, not a part of thee, but *Thou* shalt surely dye, even whole man, without the least exception of any, the worst or noblest part of him, unlesse God had a mentall reservation; but even the same *Thou* that livest, *Thou* shalt surely dye: *that must dye wherein was life:* then surely if he had an immortall Soul, which is the life of the body, that must be made mortall. The result of all which, is this:

That what of Adam was immortall through Innocency, was to be mortalized by Transgression:

But whole Adam (quatenus Animal rationale) was in Innocency immortall:

[2]

Ergo, all, and every part, even whole Man was lyable to Death by Sin: And so consequently, if *Adam* had *then* such an indefinable thing in him, and of him, without which he was not *Man*, (as is vulgarly supposed, but simply maintained by the Church of *Rome, England &c.*) as an Angelical *Spirit*, that neither could, nor can be subject to mortality: Then he had that he had not: which made him be what he was not: he sinned with 1. *Absur.* that, with which he could not; which made him Fall when he did not: which 2. *Absur.* *Bo-peepe* is impossible: For if *Adam* was martalized, and *That* not, *It* was no part of him, this they must confesse, or else the other followes.

This being thus cleared, and proved from *Adams Creation* and *Innocency:* let us proceed to his *Fall, Restitution, and Resurrection*, who eating of the *forbidden fruit*, (whose nature was, as was supposed by *Nemesius the Philosopher*, to mortalize him, as *Mala insana* are to destroy and reduce rationality to madnesse) God fulfilled his threatned *Curse* upon him, saying, (*Gen. 3. 19.*) *In the sweat of thy face shalt thou eate bread, till thou returne unto the Ground; for out of it wast thou taken: for Dust thou art, and unto Dust thou shalt returne.* Here he is plainly disrobed of all his immortality, he must to *Dust*, without the least mention of any *Being* thereafter, either of part or whole; till this *Promise* of Christ, *The seed of the woman shall breake the Serpents Head*, which is not compleated till the *Resurrection:* for then, and not before, Mans immortality is in *Actuall Being*, whose beatitude and infelicity comes through Faith and infidelity. So that *Death* reduceth this *productio Entis ex Non-ente ad Non-entem*, returnes *Man* to what he was before he was; that is, *not to Be: Psal. 115. 47. the Dead prayse not the Lord, neither they that go down into silence:* And *Psal. 116. 4. His breath goeth forth, he returneth to the Earth, in*

Man had died without resurrection, had not Christ redeemed it: therefore, aswel may we say, that all shall not rise, as that Christ died not for all; for if one be, needs must the other. 1 Cor. 15. 21. 22.

that very Day his thoughts perish. (see more pag. 5. 6. 7. 8.) But the *Resurrection* restoreth this nonented Entitie to an everlasting *Being*, 1 Cor. 15. 42. *It is sowne in corruption, it is raised in incorruption.*

Thus *Mortality* is derivated to all *Adams* posterity: *The first Man* (quatenus homo) is of the *Earth earthly*, as is the *earthly*, such are they that are *earth*: (1 Cor. 15. 47. 48.) But the *Earth* of which *Man* is, is corruptible, and shall be *burnt up* with fire: 2 Pet. 3. 10. Therefore whole *Man* is corruptible: for as in *Adam* all dye, (1 Cor. 15. 22) even so in *Christ* shall all be made alive; what fell in *Adam* shall be raised by *Christ*; what was mortalized by the *earthly Man* shall be immortalized by the *Heavenly man*: wherefore *All*, not a part of *Man* was mortalized by *Adam*; or else onely the fallen part must be redeemed, 3. *Absur.* and [[unnumbered]]not the whole man: for no more of man then fell was redeemed, and if the body only fell, and his formall part (his soul) continued immortal, then that part of man (his body only) was purchased, not his constitutive or better part, his *Soul*: So that the bodies only of the *Reprobate* according to this fancy shall be damned: for nothing 4. *Absur.* of *Adam*, but what fell of *Adam*, can be made lyable to condemnation; and what of him stood, shall stand, as well as the *Angels* that never fell: But in *Christ* we are compleate, Coll. 2. 10. Therefore in *Adam* totally fallen.

Further: If *Adams fall* was not a compleate change of his whole man-hood, from immortality to absolute mortality of the whole; then in the day that he did 5. *Absur.* eate (the forbidden Fruit,) *He did not surely dye*; for *He* implyes his *Manhood*; (and my very *Opposites* confesse the *Soul* the very *Essence* and *Being* of *Manhood*;) and [in the Day] and [surely dye] imply, *Execution* as well as *Transgression* to be then; for both have equally relation to the *Day*: In the *Day* that thou eatest thereof thou shalt surely dye: so as well may we say, he did not eat, as did not dye *That Day*.

And if nothing dyed, that is, became mortall, but his *Body*; then that 6. *Absur.* dyed, and his *Soul* lived; that is, must be as it was at first, before *God* breathed life into it; that is, a *dead corps*, and indeed was never other, if the *Soul* were a distinct *Being* of it self, and all life in it self, and the *Body* but an *Instrument* to it, whereby it performeth all motion and action (as *Nemesius* on *Mans Nature* p. 266. with others maintaine:) And thus it must needs follow, that this *Death* threatned was a meer *Scar-crow*, even nothing 7. *Absur.* at all; for *He*, that is, his constitutive part (his *Soul*) continued immortal, and unchanged, and used his body instrumentally, as it did before the *Transgression*: and if it be Answered; it became sinfull and subject to sin, and so of finall *Condemnation* in *Hell* at the length. I Reply; That before he sinned he was subject to sin, or else he could not have sinned, for *quicquid est in actu, prius fuit in potentia*; and if the wages of sin be death, then he must be of necessity subject to death the effect, as well as sin the cause at the same time: And so consequently, the *Souls* possibility of sinning being producted into Actuall sin, the *Soul* must have its wages, Actuall mortality. Further, if the *Soules* *Death* be onely that of *Hell*; then the principall or efficient cause deepest in the *Transgression* was lesse 8. *Absur.* punished, then the instrumentall, the *Body* being but the *Souls* instrument whereby it acts and moves: as if a *Magistrate* should hang the *Hatchet*, and spare the *Man* that beate a mans braines out with it: and so the *Soul* suffer the last death and scapethe first: which is as preposterous, as, if this *Death* [4]should be received before this *Life*. 9. *Absurd.* Moreover: *Condemnation* in *Hell* is not properly, but remotely the reward of *Adams Fall*; For properly *Condemnation* is the wages of* *Infidelity*, or unbeleife in *Christ*, as *Salvation* is of *Beleife*: So that none can be condemned into *Hell*, but such as are actually Joh. 3. 3. 19. 36. guilty of refusing of *Christ*, because immortality or the *Resurrection* cannot be by *Propagation* or *Succession*, as mortality from *Adam* to his Issue; and so the *Child* though temporally, yet shall it not eternally be punished for his *Fathers* sin, but his *Condemnation* shall be of himself.

Having thus from the *Creation, Fall, Restitution, and Resurrection* laid a ground-work for this mortality, let us see how it commensurates with the universality of Scripture and Reason.

CHAP. II. *Scriptures to prove this Mortality.*

Job 4. 19, 21. *How much lesse on them that dwell in houses of clay, whose foundation is in the dust, which are crushed before the moth, doth not their excellencie which is in them goe away? they die even without Wisdome.*

Job 14. 1, 2. *Man that is born of a woman is of few daies, and full of trouble, he commeth up like a flower, and is cut downe; he fleeth also as a shadow, and continueth not: (and ver. 7. 8. 9. 10. 11. & 12.) For there is hope of a Tree, if it be cut downe, that it will sprout againe; and that the under-branch thereof will not cease: though the root thereof wax old in the ground, and the stock thereof drie in the earth; Yet through the sent of water it will bud, and bring forth branches like a plant. But man dieth, and wasteth away: yea man giveth up the ghost, and where is he? As the waters faile from the sea, and the flood decayeth and dryeth up: So man lyeth downe and riseth not, till the heavens be no more, they shall not awake out of their sleep.*

Psal. 103. 15. 16. *As for man, his dayes are as grasse, as a flower of the field, so he flourisheth; for the wind passeth over it, and it is gone, and the place thereof shall know it no more.*

From these two places compared we may see, that man (not his flesh only, for that makes not man; but flesh and spirit *sensu conjuncto* make Man) is not as a Tree, when he is cut downe, whose spirit liveth, and sprouteth forth, and continueth: but as the flowre of the field, (not the stalke, but the bare flowre) which totally fadeth and perisheth: Therefore Man is wholly mortall: *He shall die, and the Son of Man shall be made as grasse, Isa. 51. 12.*

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2 Cor. 5. 1. 2. 3. 4. there our Being after death is called *A building of an house not made with hands, eternall in the heavens*: with this the Apostle desires to be clothed: and what it is he defines, viz. *mortalitie swallowed up of life*: whence it is most evident, that all his hope of future life was grounded upon the Resurrection, and that his hope was altogether grounded thereon, he confirmes, 1 Cor. 15. arguing, *If Christ be not risen, the dead should not rise*: and (ver. 18.) *They which are fallen asleep in Christ are perished*, and (ver. 14.) *Then is our faith also in vaine; whose end* (1 Pet. 1. 9.) *is the salvation of our soules*. How should then all be in vaine, if our *soules* as soone as breath is out of the body enter into glory [10. Abs.](#) and salvation? For by *that*, though there were no *Resurrection* of the flesh, we should receive the end of our *Faith*, the *Salvation of our Soules*: Nay further, he maketh *all our hope to be in this life, if there be no Resurrection*; for ver. 19. having shown the evils that follow the denyall of the Resurrection, saith; *If in this life onely we have hope in Christ, we are of all men most miserable*: whence plainly appeares, that the denyall of the Resurrection confines all our hopes within this life, and so all our sufferings, persecutions, prayers, faith, &c. were to no purpose: which could not be by this *Soulary* fancy of present reward of beatitude after this life.

1 King. 2. 2. *David saith to Solomon, I go the way of all the earth*: that is, as all the earth must see corruption, so must he; and if his Soul were part of him, yea, himself, so must it; else should he not go the way of all the earth. [11. Abs.](#)

And the expression in *Iosh. 2. 13. Deliver our lives from death*, importeth absolute mortality: for if Death be not dissolution of life, or its depravation, how can it be said to suffer death? not by a bodily separation, for that is but as the laying down of a burthen, wherewith it was clogged and tyred, whereby it is made more lively ten thousand times; (as my Opposites confesse;) and so, can no more be said to be dead, then a *12. Abs. Porter* when he is disburthened of his Load.

Job. 34. 15. All flesh shall perish together, and man shall turne again unto dust.

Eccl. 3. 19. That which befalleth the Sons of Men befalleth Beasts; even one thing befalleth them; as one dyeth, so dyeth the other: they have all one breath, so that they have no preheminance above a Beast: for all is vanity.

Wherefore if their Breath be all one, then God breathed no other Breath, (that is, life or soul,) into Man, then he gave to Beasts: So[6]that if Man be Fallen, and the Beasts be cursed for his sake, Man must be equally mortall with them.

1 Tim. 4. 8. I have fought a good fight, I have finisht my course, I have kept the faith, henceforth there is laid up for me a Crown of Righteousnesse which the Lord the righteous Iudge shall give me at THAT DAY, and not to me only, but to all them that love his love his appearing. Here from the finishing of his course a Crown being laid up, (which is even the same which *Peter Epist. 1. cap. 1. 9.* maketh the end of our faith, *the Salvation of our soules*) to be given at *THAT DAY*, concludes an intermission to him and us till then.

1 Tim. 6. 14. 16. Keep this Commandement untill the appearing of our Lord Iesus Christ, who only hath immortality dwelling in light, which no man can approach unto, whom no man hath seen, nor can see.

Whence appeareth, that none ever entred into Heaven since the Creation: And it is in vaine for my Opposites to say it is meant of the corpulent matter only, for they make the Soul the *very manhood*: and none that enter therein, enter by halfe and peecemeal: and this is confirmed by *Ioh. 3. 13. And no man hath ascended into Heaven, but he that came down from Heaven, even the Son of man, which is in Heaven.*

Psal. 6. 5. For in death there is no remembrance of thee, in the grave who shall give thee thanks?

Psal. 89. 11. 12. Shall thy loving kindnesse be declared in the grave? or thy faithfulness in destruction? shall thy wonders be known in the dark? and thy righteousnesse in the Land of forget fullnesse:

Isa. 38. 18. 19. For the grave cannot praise thee: death cannot celebrate thee: they that go down into the pit cannot hope for thy truth. The living, the living, he shall praise thee, as I do this day: the Father to the Children shall make known thy truth.

Hence it is plain that during this Death Man is voyd of actual Being: for had he then an incorruptible or present actual Being in glory; he should be more capable of the praise and remembrance of the Lord, then he was before he died.

Job. 3. from the 11. to 20. Why died I not from the wombe? &c. for now should I have lyen still, and been quiet, I should have slept, and then I should have been at rest; as a hidden untimely birth, I had not been; as Infants that never saw light: there the Prisoners rest together, they heare not the voyce of the Oppressour.

Hence followeth, that during this Death there is no more present Being to man, then to an hidden abortive Embrio in this life; and no[7]more capability, then light to unborne Infants; nor more oppression or torment, then where there is none to oppresse: which is to say, He absolutely *IS NOT*: Answerable to that of *Iacob, me have ye bereaved of my children: Ioseph is not, and Simeon is not, Gen. 42. 36.*

Iob. 4. 17. 19. 20. 21. Whose foundation is in the dust, they perish for ever: that is, cease to Be till the Resurrection.

Luke 20. 37. 38. Now that the dead are raised &c. relating to Exod. 3. 6. I am the God of Abraham, &c. From whence Christ proveth the resurrection: But if Abraham, Isaac, &c. had then lived in their soules, it had been no Argument to prove the resurrection; for he had been the God of living soules Abraham, Isaac, and Iacob, though there had been no resurrection. Besides, he saith all live unto him: and this saying is ascribed unto the dead: therefore, as well may we argue from thence, that they lived in their bodies, as say, they were dead in body, but alive in soul unto God: for it is impossible to be potentially and actually living at the same time.

Psal. 89. 48. What man is he that liveth, and shall not see death? shall he deliver his soul from the hand of the grave? Selah.

Act. 1. 31. He seeing this before, spake of the Resurrection of Christ, that his soul was not left in Hell, neither his flesh did see corruption: whence is cleare, that spirit, life, breath, or soul are subject to the grave, as well as body or flesh; for Christs soul as well as his flesh was in Hel, that is, the grave or bonds of death: so that he wholly and thoroughly died for us.

Eccl. 4. 1. 2. 3. doth shew, that the living suffer oppression, but to the dead is none: and cap. 9. 45. they know not any thing; for a living Dog is better then a dead Lion: therefore, Psal. 146. 2. David saith, I will sing prayes unto my God while I have any being; implying that in death is there is none: And I am. 4. 14. Our life is even a vapour that appeareth for a little time, and then vanisheth away. And Rev. 16. 3. every living soul in the Sea dyed: and cap. 30. 4. 5. dead soules lived again. And Psal. 39. 5. man at his best estate is altogether vanity; compared with Rom. 8. 19. the creature was made subject to vanity; that is corruption, all which declare mans totall death. And Act. 23. 6. & 24. 21. & 26. 6. 7. most clearly shew that all hope of future life and Being is in the Resurrection.

Thus much of Scripture, now to Naturall Reason.

[8]

CHAP. III. *Naturall Reasons to prove it: with Objections Answered.*

IF we will rationally argue concerning the Soul, it is necessary to define *what that is*, to which *it* is ascribed: But since it is defined by some one way, by some another way, I shall produce some Opinions about it; and then bring the most rationally to tryall, omitting the more frivolous: *viz.*

The *Stoicks* held it *A certaine blast hot and fierie: or the vitall spirit of the blood: The Cretians, Blood: Gallen, a certaine exhalation of the purest blood: Zeno, Cleanthes, Antipater, and Possiodonius, a hot complexion, or corporeall quality diffused through the whole body: Democritus, Fire, and his opinion was, the round Attomes being incorporated by aire and fire doe make up the Soule: Pythagoras, opinionated it a Number moving of it selfe: Plato, a substance to be conceived in the mind, that received motion from it selfe, according to number and Harmonie: Aristotle, the first continuall motion of a body naturall, having in it those instrumentall parts, wherein was possibility of life: Dinarchus, an Harmonie of the four Elements: Nemesius divides it into Phantasie, Iudgment, Memorie: Aristotle in his*

Physicks, into vegetative, sensitive, motive, appetitive, intellective: And Ambrose Parey, pag. 895. saith, the soule is the inward Entelechia, or the primitive cause of all motions and functions both naturall and animall, and the true Forme of a man: It seeth, heareth, smelleth, toucheth, tasteth, imagineth, judgeth, &c. And more exactly pag. 83. lib. 3. cap. 1. he saith, the soule is commonly distinguished into three Faculties: Animall, Vitall, Naturall: The Animall, into Principall, Sensetive, Motive: The Principall, into Imaginative, (seated in the upper part of the braine) Reasonable, (the middle part of the braine.) Memorative, (Cerebellum) or after-braine. The Sensetive, into Seeing, (the eyes) Hearing, (the eares) Smelling, (the nose) Tasting, (the tongue, pallat) Touching, (the body) The Motive, into Progressive, (legs) Apprehensive, (hands.)

The Vitall, into Dilative, or parts for respiration, (weason, lungs) Concoctive, or parts for vitall motion, (heart and arteries, understood by the Pulsificke Facultie.

The Naturall, into Nutrative, Active, Generative: which three are performed by the help of the Attractive, (the gullet) Retentive, (lower passage or the stomach) Concoctive, (body of the ventricle) Assimulative, (three small guts) Expulsive, (three great guts.)

[9]

Augustine and Athanasius say, it is a substance created, a spirit intelligent, invisible, immortall, incorporeall like the Angels.

And there be severall Opinions of its Body: Lucippus and Hipparchus say, it hath a fierie Body: Critias and Anaxemines, Woolnor and others an aeriall body: Hesiod, an earthly: Epicurius, fierie and airie: Zenophon, watry and earthly: Drone, a middle betwixt the spirit and the body: Didimus and Origen, a third substance.

Divers other conceptions and fancies there be, to uphold this ridiculous invention of the Soule traducted from the Heathens, who by the Book of Nature understood an immortality after Death; but through their ignorance how, or which way; this invention (reported to be Platoes) was occasioned, and begat a generall believe: and so they, and after them the Christians have thus strained their wits to such miserable shifts, to define *what it is*, but neither conclude any certainty, or give satisfaction therein. Yet since it is generally concluded to be in man, and of man; but what, where, or how no man knowes, though such severall opinions be, if but examined: Ile pitch upon those which afford most conceptory definition: that is, that of Aristotle, Nemesius, or Ambrose Parey, which make the Soule to be all the internall and externall Faculties of Man joyntly considered: or *Man Anatomized*: and thereto Reply thus.

All the Faculties of Man (*sensu diviso or conjuncto*) are all, and each of them mortall; as well those that are peculiar to man, as those that are common to *Beasts*: and if all those, with his corpulent matter compleating Man, be proved mortall; then the invention of the Soule upon that ground vanisheth: which I thus prove.

All elementary compositions or Temperatures are mortall, and transitory:

But Mans Faculties à *minore ad majus* are Temperatures:

Ergo, Mortall.

The *Minor* is thus proved.

That which is subject to *intention* and *remission* is a Temperature:

But all Mans Faculties, yea those of *Reason, Consideration, Science, &c.* all that distinguish Man from a Beast, are augmented by Learning, Education, &c. lessened by Negligence, Idleness, &c. and quite nullified by Madnesse: *Ergo*.

That those Faculties are Temperatures, I further prove thus:

A Temperature is a Quality; and a Quality may be in the Subject, or absent from it, without the destruction of the same subject.

But Reason, Understanding, &c. may be absent from the Body their[10]Subject, and yet the Body living: as, in mad men, and persons in the *Falling-sickness*; and none will deny they are men at that same time: *Ergo*.

Object. Qualities of the Body are subject to sense: But Understanding, &c. subject to none: *Ergo*.

Ans. A hot and drie braine is quick-witted, which by moisture and coldnesse is altered: and so we are disposed according to the present constitution of our Bodies.

If this suffice not, I adde: that, an effect is by passion from the cause, as motion cannot be without passion from that which moveth: for take away the cause, and the motion ceaseth: *tolle causam tollitur effectus*: Therefore quicknesse of wit cannot be without passion from heat and drynesse: for over-power that hot and dry braine with moisture and coldnesse, as may be with *Opium*, and the hotnesse and drynesse thereof ceaseth, and dulnesse followeth.

Further, even from my Opposites Assertions I prove this Soul they so talk on, to be elementall, as *Woolnor* and others, who ascribe unto it an *Aeriall Body*: For whatsoever is *Aeriall* is elementall, else could it not be *Aeriall*:

Ergo, this Soule is elementall, and so finite.

If this immortall spirit have an *Aeriall Body*; I wonder what would become of it, if a living man were closed up in a Vessell, which were so sollid every where, that the Aire could not possibly evacuate, and there the man dye; either it must perish with the man, or else remaine there, through which there is no passage for its *Aeriall Body*: So that he so martyred hath an ill-favoured *Paradice* for his Soul. 13. *Abs.*

And further, experience tels us, If the former *Brain-pan* be hurt, the *Senses* are hindred, but the *Cogitation* remaineth found.

If onely the *Middle-pan* be harmed, the *Cogitation* is maimed; but the *Seat of Sense* keeps all the *five Senses* whole: If any hurt befall both to the *Former* and *Middle-pan*, both *Sense* and *Cogitation* decay.

If the *Hinder-pan* be disordered only, the *Memorie* alone, and neither *Sense* nor *Cogitation* receive harme.

So that in veritie, Man is but a creature whose severall parts and members are endowed with proper natures of Faculties, each subservient to other, to make him a living Rationall Creature; whose degrees or excellencies of naturall Faculties make him in his kind more excellent then the Beasts: So that though *Parey* and others doe so excellently set forth his severall endowments or properties of his severall members, it doth not follow, that those Faculties together are a Being of[11]themselves immortall: For as the members cannot be perfect members without them, so they cannot be faculties without their members; and separation cannot be without destruction of both: As attraction or heat is the property of fire, which cannot be, if fire cease; nor fire be, if it cease: and as well may we say the heat of the fire continueth, after the fire is dead out, as those Faculties when their Body 14. *Absur.*

is dead: for spoyle one, spoyle both; kill one, kill both; this is in that, and that is in this: The *Forme* is so in the *Matter*, and the *Matter* so in the *Forme*; as thereby, and not else, is an *Existence*, or *Humane Entity*: And their *Being* is in this *Vnion*, and their *Vnion* is in this *Being*: So that, take away *Forme*, and *Matter* ceaseth; take away *Matter* and *Forme* ceaseth: *destructio vnus est interritum alterius*. The *Forme* is the *Forme* of the *Matter*, and the *Matter* the *Matter* of the *Forme*; neither of themselves but each by other, and *both* together make *one Being*: therefore if *one Be* by the *other*, and thereby *Both* together; then *one* cannot consist with the *other*, but must *Both* perish together: For nothing can consist without that by which it is.

But suppose on the contrary, *one* could consist without the *other*, as they say the *Soul* can without the *Body*; then *one* may be generated without the *other*, *Soul* without *Body*, and so according to their preposterous precepts, it is not unnaturall for a Woman to bring forth a *Spirit*, that hath neither flesh, blood nor bones, instead of a Child. 15. *Abs.*

Or if *one Be* without the *other*, as *Forme* without *Matter*: *Masse* concepted, without the *Facultie* *conceptive*: then should all corpulent Substances be as infinite as God, without beginning, and *Be* of themselves, and themselves Gods: But I hope all grant 16. *Abs.*

both impossible: Therefore they must as well end together as *begin* together; and *begin* together as *end* together. Moreover, experience further tells us, that they neither can *Be*, nor consist without other: For if Nature be deprived more, or lesse in her work of conception of her due, (her *Formes* or conceptions being by her powers *Formative* or *conceptive*, or her Formed *Faculties* by her *Facultive Formes*) her Effect is accordingly: If membrally impeded, a membrall impediment; if totally impeded, a totall frustration; of *Matter* and *Forme*, in *Both*: For he that is born without any member, hath neither *Forme* nor *Faculty* thereof at all: or with any membrall imperfection, that part hath not its perfection either of *Forme* or *Faculty*: so commeth it that some are *borne Fooles*, and never can be wise: Therefore their originall *Being* must be together. And that their ultimate end is together, we see, that the *Eye* is no *Eye* without the *Sight*: and *Sight* no *Sight* without the *Eye*: and so of all[12]the other *Senses* and *Faculties* *è minore admajus*. Wherefore, membral perfection is not so much in *shape* as in *virtue*; and *virtuall perfection* not so much in *Masse* as in due *proportion*, and both joyntly make *naturall perfection*, which is the gift of *God*, or natures generall *instinct*: So, as one can by no meanes *be* without the other, so one cannot *subsist* without the other: For could there be a *Facultive substance* (as that of the *Soul* is made) without its body; then a man might live when his head were cut off; yea, 16. *Abs.* were his whole body quite burnt and consumed away, except his *GREAT TOE*; he, even his *Soul* might as well live in his *GREAT TOE*, as before in his whole *Masse*; yea, better in that, then without all, as they childishly suppose.

Therefore, they may as well say, the *Popes* *Soul* is in his *GREAT TOE* when men kisse it, as say, the *Soul* liveth, when the *Body* dieth. 17. *Abs.*

Further, this *Facultive* Gift, or Natures endowment can no more be said to be a subsistent living *Spirit*, without its *Receptacle*, then the *Sun-beames* without the *Sun*, which are the gift or property of the *Sun*, But the *Being* of this communication must be in the *Subject*, as *levitie* in the *Fire*, *ponderositie* in the *Earth*: And though the natures of things be immediate communications of *Gods Power* to Nature, yet dis junctively those communications are no *Entities*, without *God* be so many severall *Beings*; for in that sence they are not communications but absolute *Beings of themselves*; for betwixt *Faculty* and *Subject* is a *Relation* to communication, as betwixt *Father* and *Son* to *Fatherhood*; neither without other, nor it without both: and to say notwithstanding, as this fancy of the *Soul* importeth, that there may be a *Facultive Substance* without its *Subject*; then Natures severall *Faculties* must not be the severall communications of *One Being*, but so many absolute irrelative *Beings of themselves*: So that this *Doctrine* of the *Soul* implyeth, no 19. *Abs.* 18. *Abs.*

God; if a God, so many severall Gods as *Faculties*: and if but *ONE*, then it chops that *ONE* smaller then hearbs to the pot: Therefore *Faculty* ceaseth with its *Subject*, 20. *Abs.*
or with the *Subject* God gathereth to himself the power, and yet his power no more by retraction, then lesse before by communication; and so but *One Being*, in whom all things are, or one *Ens Entium*.

Moreover, those severall *Faculties* cannot be united or comprehended in one *body*, but by the severall members of the same *body*; for we see, if the member decay, the *faculty* decays: Therefore their unite substance must be terminated *membrally* in the *body*: And if it were possible they could subsist seperated from their members; then in that seperation their *Being* could not be conjunct or *unite*, for want of that[13]which tyed them together, *the severall members*: And so, if any *Being*, so many severall *Beings* as severall *Faculties*: if any *Soul*, so many severall *Soules*: a *Phantasticke Soul*, a *Rationall Soul*, a *Memorative* 21. *Abs.*
Soul, a *Seeing Soul*, a *Hearing Soul*, a *Smelling Soul*, a *Tasting Soul*, a *Touching Soul*, with divers other *Souls* of all sorts, and sizes: as, *saving your presence*, an 22. *Abs.*
Evacuating Soul, &c.

And further, that those *Faculties* are thus in their *Subjects*, and are not without them, (as *accidens non est nisi in subjecto*) we see, that they increase and grow with their *Subjects*, and perfect together: For a Child is totally proportionated (as *Adam* when *God* formed him of the Earth) before the *vitall Faculty* be actual, (as *Parey* saith) and the *Rationall* requireth a due processe of time after birth, before it be ripe to bring forth the fruit of *Rationality*, & as its *Subject* groweth and ripeneth, so it increaseth and perfecteth: for it is impossible, that the thing which is not actual in it self, should have a second thing actual in it; and *Rationality* in an Infant, is no more in it, then a *Chickin* in the *egge*, only in *posse*: therefore a Child cannot possibly *ratiocinate*, before it be actually *Rationall*; which cannot be before *Organnicall* perfection: For *Reason* cannot *Be*, and not shew it self; shew it self and not *Be*; for its *Being* is its *Rationality*, and its *Rationality* its *Being*: therefore as its *Organs* are *potentiall*, it is *potentiall*; and as its *Organs* are weake and *imperfect*, it is weak and *imperfect*; and as they are *perfect*, it is *perfect*: Therefore *Faculties* increase with their *Subjects*, and if increase, they must decrease.

Anatomize Man, Take a view of all his *Lineaments* and *Dimensions*, of all his *members* and *Faculties*, and consider their state severally, and all are transitory, even all that goeth to the *Subject* Man is corruptible, and himself but a Bundle of corruption, or curious Masse of vicilitudes. If all of Man that goeth to his *Manhood* be mortall, where then, or what is this immortall thing the *Soul* they talke of? we have examined all his *parts* and *faculties*, and find even all mortall: It is not sure his *prima materia* though *ingenerable*, *incorruptible*, *insensible*, *indefinite*, &c. Nor his *Forma prima*, that principle which first gives *Essence* to a naturall *Body*; the first Active principle, *informing* and figurating the *First Matter*, *sui appetentem*; for both are generall to the *whole Creation*, whose *Efficient Cause* is onely immediately *God* himselfe, by whose power all things that are made shall be returned to that of which they were made, their *Materia prima*, or created matter: So that, (as *Solomon* saith,) *Man hath no preheminnence above a Beast, even one thing befalleth them*.

What Reason is there now, that *Mans Faculties* in a higher Degree,[14]should be an immortall Spirit, more then a *Beasts* in a lower degree? but both elementary and finite.

Further, if it be not unnaturall that *Seeing*, *Hearing*, &c. should be producted by an *Elementary operation*, as none deny in the propagation of *Beasts*: why is not the *rationall facultie* in *Man* as naturall in *Man*, and may as well be producted *elementarily* by *Man*, as the other by *Beasts*, and be as actually mortall? If this suffice not, observe; *Substantia non recipit majus aut minus*, a *Giant* is no more a man then a *Dwarfe*: there may be a graduall distinction, and yet no *Essentiall* difference; Degrees of *Faculties* in severall persons, and yet

the *Faculties* the same, and of one nature, though not equally excellent: and the Degree doth not make a *Facultie* more a *Facultie*, or lesse a *Facultie*: Therefore, if the said *Faculties* in an inferiour Degree be elementary, so must they in a superiour: But in *Brutes*, whom none deny to be wholly mortall, and all their *Faculties* elementary, have our most noble parts and *Faculties* scattered amongst them, though in an inferiour degree: As *Ambrose Parey* saith, (*Lib. 2. cap. 1.*) *If we will diligently search into their nature, we shall observe the impressions of many virtues: as, of Magnanimity, Prudence, Fortitude, Clemency, Docility, Love, Carefulnesse, Providence; yea, Knowledge, Vnderstanding, Memory, &c.* is common to all *Brutes*; the *Affections* and *Passions* of the Mind, all his *Qualities* good and bad, and every *Facultie* he hath is to be found more or lesse amongst them: And *Parey* further saith, *They are of quicke sense, observant of the Rites of Friendship and Chastity, they submit themselves to the Discipline of Man, they have taught Man many things, &c.*

The *Hare* is eminent for *Memory*, the *Dog* for *Apprehension* and *Fidelity*, the *Serpent* for *Wisdome*, the *Fox* for *Subtiltie*, the *Dove* for *Chastity* and *Innocency*, the *Elephant* for *Docility*, *Modesty*, and *Gratitude*. *Plinie* saith, *he commeth neare the understanding of a man, that they worship the Moon and Stars: Plutarch, that they worship the Sunrising.* The *Ape* is eminent for *Imitation* and *Vnderstanding*, the *Turtle* for *Love*, the *Crocodile* for *Deceit*, the *Lambe* for *Patience*, the *Wasp* for *Anger*, &c. and for his *Five Senses* he is by them exceld.

Aper auditu nos vincit, Aranea tactu,
Vultur odoratu, Linx visu, Simia gustu.

Thus *Man in sensu diviso* is to be found amongst the other *Creatures*, and in him alone those severall *Faculties* are eminent *sensu conjuncto*, and so only capable of God: Therefore those *Faculties* being elementary in an inferiour Degree, in an inferiour Creature, why may they not be elementary in a superiour Degree in a superiour Creature?

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Now from all, this followeth, that if in man be an immortall spirit, then divers other *Creatures* have the like, though not in the same Degree; for if Degree therein should make or mar the thing it selfe, then some would have no more *Soules* then *Beasts*, 23. *Abs.* and some lesse: as *Madmen*; and *Fooles* no more; and *Infants* lesse. If it be the *Rationall Facultie*, then all men are borne without *Soules*, and some die before they 24. *Abs.* had *Soules*, as *Infants*; and some after their *Soules* are 26. *Abs.* 25. *Abs.* gone, as *Mad-men* that live and perish in their *madnesse*; and some would 27. *Abs.* be borne, live, and die without *Soules*, as *Fooles*; and some would have 28. *Abs.* *Soules* but by *fits* and *jumps*, as *Drunkards*, persons with the *Fallingsickness*, &c. nay all of us spend a great part of our dayes without our *Soules*, for while we are in sound sleep our *Rationality* ceaseth *pro tempore*: Thus this *Immortall Spirit* goes and comes as occasion serves.

CHAP. III. Objections from Naturall Reasons Answered.

BEcause I have onely met with one or two in this kind, I shall give a glance upon them, and passe to those *Objections* which are extorted from *Scripture*, which are various.

Object. *Wooln. pag. 324.* *If the Soul be compounded of the Elements, it will not follow, that it must needs be mortall; because Corruption and Death comes not onely, nor so much from Propagation or Composition, as from divine Malediction: for the wages of sin is death: Without which even Adams Body should have been immortall as well as his Soul.*

To which I answer. The Soule (by his owne grounds) was chiefly, the body but instrumentally in the Transgression: And so, if the wages of sin be death, the Soule was under the divine Malediction as well as the Body: so that it (if such a thing be) lost its supernaturality and immortality, as well as the body: Therefore, if by this Rule the Soules Immortality may be pleaded, much more may the Bodies. 29. Abs.

I should (according to the import of the Title of this Chapter) have produced more Objections in this kind: but finding Naturall Reason silent therein, I Answer such silent ones with silence. Needs must Reason be silent in the defence of this fancie, since it cannot define what that is, to which this immortality is ascribed: Yet some beyond all Reason to uphold this ignote endlesse entitie, say, that though it cannot be defined what it is, yet it followeth not that it *is* not: as we cannot define what God is, yet it followeth not that there is no God: And so it mattereth not whether it be the *Rationall Facultie*, or no; or what it *is*, so long as it *is*.

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To this I Answer, That this is to make no distinction betwixt Reason and Madnesse; As if we were bound to beleve that, for which there is no sense nor reason; so might we beleve there were ten thousand Gods, yea blocks and stones were Gods sufficient to save: But we find in Scripture and in Nature sufficient to convince our Reasons that there is but one God, and he that one whom we worship, though our Reasons are not able fully to comprehend him; so much of him wee know, as our Reasons is able to containe: whereas for this immortall spirit, there is not so much of it declared as may convince Reason what it *is*, or that it *is*; and to beleve that it *is*, because we cannot know what it *is*, shall be no Article of my Beliefe.

Thus proved from Scripture and Reason, let us proceed to the Resolution of what from Scripture shall be obruded.

CHAP. V. *Objections extorted from Scripture Answered.*

Object. 1. *Therefore we are alwayes confident, knowing that whilst we are at home in the body, we are absent from the Lord: we are confident I say, and willing rather, to be absent from the body, and to be present with the Lord, 2 Cor. 5. 6. 8.*

Whence is inferred a present enjoyment of Glory immediately after death.

I Answer, that both the foregoing and subsequent matter deny such an Interpretation, or Consequence: for before, wishing to be *clothed with our House from Heaven*, on which is this expression of *being present with the Lord*, he expounds, that his meaning is thereby, *that mortality might be swallowed up of life*, or as he saith, 1 Cor. 15. 53. *that this corruptible (man) might put on incorruption, and this mortall put on immortality*: And the following matter of them words, being laid down as the reason or ground why he so spake, prove, that by his [*presence with the Lord,*] he meant nothing else, but his state after the Resurrection: for saith he, *we must all appear before the judgment seat of Christ, that every one, &c. ver. 1.*

Obj. 2. *For I am in a strait betwixt two, having a desire to depart, and to be with Christ, which is far better; neverthelesse, to abide in the flesh is much needfull for you, Phil. 1. 23. 24.*

I Answer: this is of the same nature, therefore must have the same Interpretation: for *Paul* did not preach one thing to the Philippians, and the contrary to the Corinthians. Besides, such manner of expressions[17]are not contradictory to this mortality; for though there be long time to the *Living* till the *Resurrection*, there is none to the *Dead*: for from Psa. 39. 13
Adams death to his *Resurrection* at the end of the World, will be to him, as the twinkling of an eye to the Living; yea, the twinkling of an eye to the living, is more time, then a thousand,

yea ten thousand yeares is to the dead: For *Being* onely commensurates with Time, or length of dayes; *not to Be* cannot possibly be capable thereof: So, that the *Living's* tedious anniversary expectation of the *Resurrection*, and *end of their faith*; is not a *twinkling* to the *grave*: the *Living's Future* is the *Deads Present*: Therefore, it is well figured in Scripture by *sleep*, as *slept with his fathers*, 1 King. 11. 43. *falne asleep in Christ*, 1 Cor. 15. 18. &c. not that it is so long a time to the dead, but that in nature there is nothing so represents death▪ or *non-being*, as *sleep*: So that this may take away all carnall security; for who would not watch and pray over night, that knowes he must die in the morning? live well and be wary to day, that must *rise* and *answer* to morrow; beleeve to day, that would not be *damned*, but *saved* to morrow: This administers comfort to the righteous, but terrour to the wicked.

Object. 3. *And it came to passe as her soule was in departing*, Gen. 35. 18. Ergo, there is such a thing as the Soule, which continueth its Being after death.

Answ. No such matter; for the sense of the words is, *as she was dying*, or *life a departing*, for the following words say *she dyed*; which could not be, if her soule (her constitutive part) lived still, no more then a man can be said to lose his hand, when he loses a finger.

Object. 4. *And he stretched himselfe upon the Child three times, and cryed unto the Lord, and said, O Lord my God, pray thee, let this Childs soule come into him againe: And the Lord heard his voice, and the soule of the Child came into him again, and he revived.* 1 King. 17. 21. 22. And *Pro.* 14. 22. it is said, *his flesh upon him shall have pain, and his soule within him shall mourne.*

Ergo, there is such a thing as the soule.

Ans. If it be meant *life* or *breath*, whose *Being* is consistent and terminated in a corpulent union: For, by that of the *Child*, is meant his breath or life, the thing that his corpulent matter wanted; as *ver.* 17. implyeth, which saith, *his sicknesse was so sore, that there was no breath left in him*: Therefore, that which was gone, was prayed for, his *breath* or *life*, as his Answer further proveth, which was, *and it revived.*

And by *Soul* in that of *Iob* is meant, his *conscience*; whose seat is in the *reasonable* and *memorative Faculties*. Therefore, the use of the word[18] *Soule* in those places, doe not prove such a thing in man as is supposed: For in Scripture it is variously used upon various occasions. It is put for the *stomack*, *Prov.* 27. 4. for the *eyes*, *Ier.* 13: 17. for the *heart*, 1 *Sam.* 18. for *God*, *Prov.* 9. 16. *Heb.* 10. 38. *Ier.* 14. 17. for the *dead body*, *Psal.* 16. 10. for the *whole man*, *Levit.* 7. 19. & 4. 1. *Acts* 7. 14. *Num.* 15. 39. *Rom.* 13. 1. *Gen.* 12. 5. & 46. *Act.* 2. 41. 1 *Pet.* 3. 20. for *breath*, *Act.* 20. 10. for *life*, *Isa.* 53. 17.

Therefore, from those places those parts may as well be proved so many Soules, or Spirits of Immortality, as from those where it is put for *Breath* or *Life*, its *Being* be proved, or such an immortall existence to be in the body.

Object. 5. *For which cause we faint not; for though our outward man perish, yet the inward is renewed day by day.*

Ergo, there is soule and body in man.

Answ. It is not said, *Though our flesh perish, yet our soules is renewed*; then 'twere something to little purpose, but it is said, *our outward man*, which compared with what is meant by *inward man*, must needs be whole man; for by *inward man* is meant faith or work of grace, (*Rom.* 1. 17. & 14. 8. & 8. 1. 2 *Cor.* 5. 17.) which is no part of naturall man: so that without it or its renewing we are men perfect, as well as with it.

Object. 6. *Who knoweth the spirit of man, that goeth upward; and the spirit of a beast that goeth downward to the earth? Wherefore man hath a soule that goeth presently to Heaven, but the beasts to the earth.*

Answ. It cannot beare that sense; for immediatly before he saith, *their breath is all one, there is no difference, as the one dyeth so dyeth the other, and goeth to one place, the dust:* Therefore, if the beasts be reversed into the elements, so must mans. The meaning I take to be thus, that such a wonderfull thing is the breath of a man, that breatheth upward, and the breath of a beast that breatheth downward, (for *Spirit* signifieth breath) according to that of *Ovid*:

*Pronaque cum spectent animalia caetera terram,
Os Homini sublime dedit, coelumque videre
Iussit, & erectos ad sidera tollere vultus.*

that its Faculty how it is, is past finding out: for Art in all her imitations could never touch that secret with her pensill.

Object. 7. *Feare not them which kill the body, but are not able to kill the soule, but rather feare him, who is able to destroy both soule and body in hell.*

Answ. This carries the face indeed of the soules immortality: but^[19]if the interpretation must be confined to that sence, it overthrowes the current of the whole *Scriptures*: Wherefore, my opinion of it is, that by [not able to kill the soul] is meant, (as *Luke* hath it, c. 12. 4) *have no more that they can do*: that is, though they have power over this life, which is sowed in corruption, they have none over that which is rayseed in incorruption, *But rather feare him which is able to destroy both soul and body in Hell*; that, (as *Luke* hath it,) *after he hath killed, hath power to cast into Hell*. This doth not set forth any immortality before the *Resurrection*, but shewes, that onely that is in Gods hand, and he onely able to touch it, that is, *cast it into Hell*. That this must be so expounded, I further prove from the *non-entitty* of Hell; for there can be no casting into Hell, before Hell be, which though it be *ordained of old*, *Isa.* 30. 33. it is but in *posse*, not in *esse* till the *Resurrection*: For [No Hell till the Resurrection.](#) satisfaction, it is convenient to declare what we mean by Hell: for Hell is diversly used in Scripture: It is put for the *grave*, *Psal.* 16. 10. & 55. 15. *Isa.* 14. 15. for the *Whale* in which *Jonah* was, *Ion.* 2. 2. for *Sathans* Kingdom leading to Hell, *Mat.* 16. 18. for *Satan*, or his malignant spirits, *Iam.* 3. 6. for the place of the damned, *Mat.* 5. 29. & 10. 28. *Luke* 12. 5. & 16. 23. 2 *Pet.* 2. 4. and this last, [the place of the damned] is that which we meane by Hell: and it is likewise variously called: as, *outer darknesse*, *Mat.* 22. 13. & 23. 33. *wrath to come*, 1 *Thes.* 1. 10. & 5. 9. *Chaines of darknesse*, 2 *Pet.* 2. 4. *Iude* 6. *eternall fire*, *Iude* 23. *second death*, *Rev.* 20. 16. *bottomlesse pit*, *Rev.* 9. 2. *the place of torment*, *Rev.* 14. 10. & 20. 10. *Lake of fire*, *Rev.* 29. 20. & 21. 8. *everlasting punishment*, *Mat.* 25. 41. 46. *blacknesse and darknesse for ever*, *Iude* 13. Those severall expressions are generally taken to set forth the end of the *Reprobate*, or the execution of Gods wrath upon them: Therefore, if none of the formentioned places that Hell is put for, save that of the place of the damned, be taken for Hell, then most of those severall expressions suite with it: but the expressions in generall grant no immediate execution after this death, but imply the contrary, as we may see, if we examine them.

First, in *Mat.* 22. 13. where it is called *outer darknesse*, and 23. v. 33. *damnation of Hell*, compared with *cap.* 25. 41. where it is said, *Then shall he say unto them on the left hand, depart from me yee cursed into everlasting fire prepared for the Divil and his Angels*: to this adde 2 *Cor.* 5. 10. *For we must all appeare before the Iudgment Seate of Christ, that every one may receive the things done in the flesh, whether good or evil*: and to these adde 1 *Thes.* 1. 10. & 5. 9. where it is called, *wrath to come*: which thus compared shew plainly, it is to

come; else execution must go before Judgment, which in a Common-wealth would be ridiculous injustice,[20] as first to hang men, and then judge them. At the 29. Abs. day of Judgment we all must receive our reward according to our deeds good or bad, *THEN shall he say unto them on his left hand &c.* and not before *THEN*: for it cannot be twice received: therefore, it is fitly called *wrath to come*; and the very *divels* confirme this themselves, *Mat. 8. 25. art thou come to torment us before the time?* which proveth plainly, that the time of their torment was not come: and if the *Divel* cannot be believed, *God* further cleares it, *2 Pet. 2. 4. For if he spared not the Angels that sinned, but cast them down to Hell, and delivered them into Chaines of darkenesse, to be reserved unto Iudgment.* And *Iude 6. The Angels which kept not their first estate, but left their own habitation, he hath reserved in everlasting Chaines, unto the Iudgment of the great day:* In both which places it is said, they are *reserved unto Iudgment*: and *Iude ver. 7. to the Reprobate is reserved the blackenesse for ever*: and to this adde *Rev. 20. 10. 11. 12. 13. 14. 15.* which clearly shew, that at the day of Judgment both *Divels* and *Reprobate* together shall be cast into the *Lake of fire*: Therefore, if reserved for both till then, Ile be bold to say, it shall not be till, nor before *then*.

Moreover, *Rev. 19. 20.* it is said, *the beast and the false Prophet and them that worshipped his image were cast alive into the lake of fire and brimstone*: and *c. 20. 10. And the Devil that deceived them, was cast into the Lake*: and this *v. 6. & 14.* is called *the second death*: therefore, this casting into the Lake must be after the *Fall of Antichrist*, and after he hath done *deceiving*; and not before; for if he be there now, he hath done *deceiving*; for once there, it is impossible he should *deceive*: but that he hath not, there is more witnesses, then stars in the Skie, or sands in the Sea; *our innumerable sinnes*, whose just reward is the *second death*.

If it be Questioned, where then the *Divels* are?

Observe, they are but *Creatures*, and such as are fallen from their *Heavenly mansions*; therefore, within the *Sublunary* compasse, so that as the Earth is the proper place for ponderous and grosse bodies: and the *Devils* being more subtile and aiereal may be referred to the air; and not without ground from *Scripture*: for *Ephes. 2. 2.* the Devil is called *the Prince of the power of the aire*: so that their casting into Hell, must be the aire: and Hell may as well be put for the aire in those places, as in other for the grave, &c. their *prison*, or place of custody, as the grave to the dead. And *Rev. 12. 9.* tis said, *he was cast into the earth, and his Angels &c.*

This premised, *Hell* and *Damnation* not yet; well might ignorance straine it self into such uncertaine conceits about the place of it's Being,[21]and it not as yet: Some have feigned it in *Mount Aetna*, some in the *Element of Fire*, which is betwixt the *upper region* of the *Aire* and the *Globe of the Moon*; some to be in the *Caves of the Earth*, and *Conduits of the Sea*; some only in the *Sea*, as *Archer* in his *Personall raigne of Christ* mentions, because the *Divels* were cast into the *Swine*, which *ran violently down a steoplace into the Sea. Mar. 5. 3.* surely, they might as wel say, they have *Milstones* about their necks, 30. Abs. because it is also said, *better a milstone were tyed about his neck, and he cast into the bottome of the Sea*: for the one followeth no more then the other: Some say, it is in the earth equally so far distant from the surface, as *Heaven* is above it: as *Phillips*, &c. and this he labours to confirme with *Scripture*: as, *Pro. 15. 4. The way of life is above to the wise, that he may depart from Hell beneath.* and *Phil. 2. 10. That in the name of Iesus every knee should bow, of things in Heaven, and things in Earth, and things under the Earth: i. e.* in *Hell* saith he. And *Luke 16. The rich man saw Abraham a far off, and Lazarus in his bosome*: And *Ezek. 31. 18. Yet shalt thou be brought down with the Trees of Eden unto the nether parts of the Earth.*

But those and such like places which literally seem to import Hell, conclude the thing no more, then other literall expressions prove God to have corpulent eyes, eares, hands, &c. but are expressions after the manner of men, to shew the gradation of condition betwixt the wicked and the righteous, the one the extreamest debasement, the other the extreamest exaltation, which could not be better figurated to sence, then by Heaven and Earth.

And in particular thus: The first, as *Pro.* 15. 24. is litterall or figurative, which interpretation can neither be *canonicall* nor *rationall*; for thereby wise men must not tread upon the ground, but must walk upon the *Aire*, or upon the *water*, as *Christ* 31. *Abs.* and *Peter* upon the *Sea*, (*Mat.* 14. 25. 29.) and there only the way of life: for it saith, *their way is above*, For the second; as, *Phil.* 2. 10. that is both *propheticall* and *figurative*, to shew how in processe of time all Degrees shall subject to *Christ: Angels, Men, Beasts, Devils*, and *Death*, whose Degrees is thus literally expressed to sence by *Heaven, Earth, under the Earth*; or *Angels* that are highest in dignity, and so coelestiall; *Men* and *sublunars* the midle, and so terrestriall; *Divels* and *Death* the lowest, and so subterrestriall.

The third, as *Luke* 16. is *parabolicall*: (of which more anon) and it seemes by this, if Hell be so deep in the Earth, the *Damned* have wonderfull good eyes, to see 32. *Abs.* through the earths grosse body, and the Heavens 12. Spheares into the Coelum Empyreum, to spy *Lazarus* in *Abrahams* [22]bosome; or else Heaven must be there too, even in the centre of the Earth: this is the consequence of such *parabollicall* Arguments. And the 4th. or last, as *Ezek.* 31. 18. is a kin to those: for it is but to shew, how that *Pharaoh* in the height of his pride and fury was brought to confusion, which in the 15. v. is expressed by, *In the day when he went down into the grave*, and v. 14. *unto death to the nether parts of the earth, to the pit*; and v. 17. *into Hell*: all which shew but the sudden death, and utter confusion of *Pharaoh* and his Army: and at the utmost, Hell here can be but put for death, or the grave, and not for any such place of torment.

There is yet an other Opinion of the place of Hell, which is the best that ever I heard or read of, and that is (according to *Archers* judgment) the Earth reduced to its *prima materia* or *created matter*, which he saith cannot be consumed, and there shall the *Damned* be cast: But least I should dive further in the inquisition of the place then my Commission will reach, Ile leave it to the wofull experience of the *damned* at the day of Judgment.

Object. 8. *such a one caught up into the third Heavens: how that he was caught up into Paradiſe*, 2 *Cor.* 12. 2. 4. *there Paradiſe is put for the third Heavens: And to this compare Christs Answer to the theife upon the Crosse: This day thou shalt be with me in Paradiſe: Therefore, Paradiſe is the third Heavens, the place for the souls of the righteous, whither the Theifes soul went that day.*

Answ. First, Christ was not there that day himself; for his humanity was three dayes and three nights in the grave after his death.

2ly, His whole humanity (soul and body as 'tis called) suffered death, as it was necessary, for if his body only suffered, what should our souls have done for a Redeemer? (of this more hereafter) so that the saying of the prophet is fulfilled: *Psal.* 16. 10. *For thou wilt not leave my soul in Hell*, (i. e. his manhood in the grave) *nor suffer thine holy One to see corruption*: i. e. or there to putrifie.

3ly, If so; then the souls of the righteous have an earthly fading habitation, for the 12. Spheares are as the earth is a meer elementall condensation; and *at the Day of the Lord the Heavens shall passe away with a great noyse, and the elements shall melt with fervent heat*: 2 *Pet.* 3. 10. But their habitation is of a *better and enduring substance*, *Heb.* 10. 13. *eternall*, 2 *Cor.* 5. 1. *an inheritance incorruptible, and undefiled, and that fadeth not away*, 1 *Pet.* 1. 4. whereas, this makes it mortall, corruptible, and fading: so that, the soul changeth but one

corruptible earthly mansion for an other, that shall fleet away, and *no more place shall be found for it*, Rev. 10. 20. and 21. 1.

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4^{ly}, *Christ* was the first fruits of them that slept, and thereby (as he tould his Disciples) he went to prepare a place for them in his Fathers house.

Therefore if it were then to *prepare*, it was not then in *esse*, there could be none in, before it self was in *Being*: so that if *Abraham, Isaac, &c.* as soon as they died, entred presently therein, it is as if we should be actually in a House before the House be built, or enjoy the Purchase before the Price be paid, or Possession had.

I may (and not without ground) positively affirme, that the place of Glory for the dead Saints is not yet: and shall not actually *Be* till the dissolution of those Heavens and this earth, according to that of *Isaiah* 65. 15. *For behold I create New Heavens and a New Earth, and the former shall not be remembered, nor come into mind.* Chap. 66. *the New Heavens and the New earth shall remaine before me saith the Lord.* And 2 Pet. 3. 12. tis said, *we look for New Heavens and a New Earth*, (after the dissolution of the old ver. 12.) *wherein dwelleth righteousness.* And *Iohn* after he had revealed the end and finall dissolution of the world, and the Judgment of the quick and dead; saith, *And I saw a New Heaven, and a New Earth; for the first Heaven and the first Earth were passed away, and there was no more Sea.* And ver. 2. 3. &c. *And I saw the holy City, &c.* Whence is observable, that *Isaiah, Peter, and Iohn* with one consent in probation that they did not meane any state in this world, expresly conclude the dissolution of those Heavens & this earth, before their prophesie be fulfilled. 2^{ly}, that they are not the same with those, they stile them *New*, to distinguish them from the old. 3^{ly}, that they intend no renovation of the old, *Isaiah* maketh them a work of *Creation*: [*I create New Heavens &c.*] 4^{ly}, to confirme it further, *Isaiah* declareth their eternity, [*the New Heavens and the New Earth shall continue before me saith the Lord*] 5^{ly}, *Peter* maketh them pure and undefiled: [*wherein dwelleth righteousness*] And into this *New Earth Iohn* saw the holy City, *New Ierusalem* comming down from God out of Heaven, (ver. 2.) *and heard a voyce out of Heaven, saying, Behold, the Tabernacle of God with men, and he will dwell with them.* ver. 3. and ver. 27. *there shall in no wise enter into it any thing that defileth*: whence it is most certaine, that it shall never be defiled with sin, *for the glory of God shall lighten it, and the Lamb is the light thereof,* ver. 23. *and they shall raigne for ever and ever.* cap. 22. 5. 6^{ly}, there shall be no *teares, no death, nor sorrow, nor any more paine*: *for the former things are passed away.* cap. 21. 4. none of all which is computable with the state of this world: but if compared with those places which speake of the state of glory or habitation[24]for the Saints that *sleep in Christ*, after this life: as, 1 Pet. 1. 4. where it is made *an inheritance incorruptible, and undefiled, and that fadeth not away.* and Heb. 10. 34. it is called *an enduring substance*: and cap. 11. 14. it is called a *Countrey*, and ver. 15. *an heavenly Countrey*: which so answer and correspond with this *New Creation*, that thereto only it is computable: therefore, they must needs be one and the same; and that they are, the prophesies themselves do witness, as, Rev. 21. 24. *the Nations of them that are saved shall walk in the light of it*: and cap. 22. 5. *there they shall raigne for ever and for ever*: and *Peter* makes it the end of their faith, saying, *we according to his promise look for new Heavens &c.* and further to confirme it, compare Rev. 7. 14. 15. 16. 17. with cap. 20. 1. 2. 3 4. and you shall find, that it shall be the reward of those that *come out of tribulation &c.* Therefore, this is *the inheritance incorruptible, and undefiled &c. the purchased possession,* Ephe. 1. 14. the *World to come*, ver. 21. the *reward and end of our faith*. This being thus, it is impossible, that any should injoy that for the present, which is yet to create: So that the *Thiefe* is found a *World* too short of this *Paradise*.

Heaven or the
place of glory
for the Saints
not till the
Resurrection.

Object. Peter saith, it is reserved in Heaven.

To that and such like expressions I Answer, that the word *Heaven* being fittest to expresse the highnesse of its degree, and exaltation of its glory to sence, is used for no other end: so that the meaning is, *reserved in highest dignity*: for *Heaven* in Scripture is oftentimes used, to expresse the height and dignity of a thing, as, *Isa. 14. 12.*

Object. Isaiah, there shall be no more thence an Infant of dayes, nor an old man that hath filled his dayes: for the Child shall dye an hundred yeares old, &c.

Answ. That, if this be expounded by *Iohns Revelation*, it cannot admit of an interpretation sutable to the state of this world: for he saith, there shall be no *death* there, *cap. 21. 4.* and before he sheweth, that *Death (the last enemy that shall be destroyed) was cast into the Lake*: Therefore, it is impossible there should be any *death there*. So that those expressions of *Isaiah* are *metaphoricall*, to expresse the durance of their state, which *Iohn* revealeth, to be for *ever and ever*, *cap. 22. 5.* Some indeed attribute this of *Isaiah* to the *Thousand years of Christs Raigne* in the Gospels glory, which commeth betwixt *the Fall of the Beast* and *the wars of Gog and Magog*; to which though it should relate, yet that *double cord* of *Peter* and *Iohn* is sufficient to confirm the thing, both without contradiction plainly and expressly affirming this *New Creation* to be after the destruction of the *old*.

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Object. *For Christ is not entred into the holy places made with hands, which are the figures of the true, but into heaven it selfe, now to appeare in the presence of God for us, Heb. 9. 24.*

Answ. If the subject or matter in hand of that place be observed, the obscurity or seeming contradiction hereto will vanish: the subject thereof is, the state of the two *Covenants* or *Testaments*; the *Old* and the *New*: the first worldly and carnall, the other heavenly and spiritual; the first the shadow, the second the substance; the first had a *worldly Sanctuary*, a *Tabernacle made, with carnall Ordinances, patterns of heavenly things to come*; which in this very place is called *holy places made with hands, which were figures of the true, into which Christ entred not, but into heaven it selfe*; that is, *the Holyest of all, which was not made manifest while the first Tabernacle was standing, Ver. 8. 12.* which in this place is expressed by the title of *heaven it selfe*, not intending the place of glory for the dead Saints, or his locall ascension into any superiour materiall place, but respecting his *Mediation* or *Offering of himselfe*, whereby *now* (and for ever) *to appeare in the presence of God for us*: as ver. 25. & 26. further evidence.

Fiftly, by the *third heavens and Paradise* in *2 Cor. 12. 2. 4.* is meant nothing else but such a *rapture* as *Daniel, Paul, Iohn, &c.* were in, when the Lord appeared to them in *Visions*, to declare wonderfull things unto them; for he that was thus *caught up, heard unspeakable words, which was not lawfull for man to utter*; *Ver. 14.* And for *Paradise* in the other place, [*To day shalt thou be with me in Paradise*] If it be taken of any condition to be in that present day, it must be the same he was in himselfe; for he was to be *with him*, and that was *at rest, where the wicked cease from troubling, Job 4. 17. where the prisoners rest together, and hear not the voice of the oppressour, Ver. 18.* If not to respect the present day, or any condition therein, (as is most probable) then it must be meant, (as the *Malefactour* desired) when he was in his *Kingdome*, which could not be before his Resurrection: therefore, the *Malefactour* could enjoy no such *soulary* beatitude, as from hence is supposed, and that before he had received this *Kingdome* himselfe; but must receive the *Paradise* as Christ did, by a totall Resurrection: wherefore it may well be he was one of the Saints that rose again soone after Christs Resurrection, *Mat. 28. 53.*

Object. 9. By faith Enoch was translated, &c. Heb. 11. 5. And Elijah went up by a whirlwind into heauen, 2 King. 2. 11. 12.

Ans. This no way helpeth the fancie of the soule to a Paradise, but rather wholly confounds the conceit; for *Elijah* left his *mantle*, not his[26]body behind, when he ascended the fierie charriot, and *Enoch* was wholly taken up by God, both translated or changed, and therefore, said, not to see death, because they did not *sleep* in their *change*: for in Scripture we reade of a threefold gradation in death; the one sleeping in corruption, which is generall, another sleeping but not seeing corruption, as Christs, the last a sudden change, as *Paul* saith, *Behold, I shew you a mysterie, we shall not all sleep, but we shall all be changed, in a moment, in the twinkling of an eye, &c.* and such as this, was that of *Enoch* and *Elijah*; and this may beare the title of death too, for as the other is a mediate, this is an immediate change, both end, and meet in one period, *mortality swallowed up of life*. And whereas before I affirme, that none ever except Christ ascended into heaven since the Creation, I mean of those that *slept*, of whom he was the *first fruits*, 1. *Cor.* 15. 20.

Now that I may not seem to any, to contradict what before I affirmed concerning the *New Heuens* and the *New Earth*, as if I should make this place into which they ascended, to be the place intended for the Saints generally at the Resurrection, and so overthrow my former assertions, I shall shew the difference, which if considered, will remove the obscurity: For before, the place intended for the Saints, was cleerly proved *incorruptible*, and *euerlasting*, whereas the place into which they ascended, is corruptible, and shall passe away, and its place no more be found; for the Scripture is plaine, they ascended into Heaven, and as plaine the Heavens shall be consumed with fire: But may be, it is supposed, that Christ and the rest passed the limits of the Creation, or that the Heavens, except that where he is, shall be dissolved.

To wich I Answer, that the Scripture makes no such distinction or difference, but saith, the Heavens shall melt away; or import any thing by Heaven in those places which speak even of Christs Ascension, then the same, or part of the same meant by Heavens in other places which speak of the dissolution.

Further, Reason tels us, that he must be within the compasse of the Creation, for there is no *beyond*, without it *place* or *being* is impossible; Humanity though glorified is but a Creature, and why not then within the Creation as well as the Angels, creatures as glorious as glorified humanity? (*Luke* 20. 36.) if a Creature, therefore within the Creation, else could it not be a Creature, his glorification alters not his Creatureship; and the Scripture saith, *Heauen must contain him till the restitution of all things, Act.* 3. 31: and every *Continent* implyeth a certaine place, and every place must be materiall, for *non datur vacuum*, and every matter must imply creation, else it could not be: therefore he is[27]within the Creation. Moreover, his Humanity not being *ubiquitorie*, that is, every where at once, he must be in the creation, and in some certaine place of the creation.

Now seeing *Heaven* in Scripture is frequently used, to expresse height or excellencie of degree or dignity of a thing, (as *Isa.* 14. 12. *Heb.* 6. 4. *Mat.* 6. 32. *Iohn* 3. 12. *Ephes.* 2. & 3. 10.) and he ascended upward from the Earth into some part of the coelestiall bodies above, *Act.* 1. 10. therefore, without doubt he must be in the most excellent, glorious, and heavenly part thereof, which is the SUN, the most excellent piece of the whole Creation, the Epitome of Gods power, conveyour of life, growth, strength, and being to every Creature under Heaven, it may be with other things, but nothing without it, the brightnesse whereof we are not able to behold at the farthest distance, and according to the famous *Copernichus* and *Tycho Braheus*, it is highest in station to the whole Creation: And it is called by the Learned, *Cor Coeli, Anima & Oculus mundi, Planetarum & Fixarum Chorasus, Author generationis*: Fitly therefore may it be called the *Right hand of God*, by

Christs
Ascension into
the Sun.

which through Christ *in him we liue, moue, and haue our being*; for it is that which reflecteth the brightnesse, glory, and power of the Creatour upon the Creatures mortall; his glory must of necessity be the light, else light could not be, therefore it must be by reflection, else would it be too glorious for mortall eyes, we could not see it and live: hee hath drawne a veile (the body of the Sun) before our eyes, that we may stand in his shadow and live; for this light is but his shadow, which the Sun as a glasse casteth upon the Creatures, it fills the Moon, Stars, and all Sublunars with as much of his glory as they are able to contain: *Therefore the children of men put their trust under the shadow of his wings: for with him is the fountaine of life, and in his light we shall see light, Ioh. 36. 7. 9.* yea, such glory is he of, that his shadow is our light, we can see him but in part, a glimpse of his glory filleth our eyes, yea the whole world with light, *he is light, and in him is no darknesse*: therefore light must come from him, or else all would be darke, nay were he not, there never could be Hell, or *outer darknesse*; for its being commeth by withdrawing both of shadow and substance of his glory, a *great gulfe* shall be betwixt it and the place of the Saints, that is, there shall be such a condense interposition, as nothing shall be to reflect the brightnesse of his glory upon it, so that it is impossible for them to find the light, and for the Saints to fall into the dark. If Gods glory be not light, but true light a created matter, then at the dissolution true light shall be dissolved for ever, and *no more place found for it*: so[28]in the *New Ierusalem* there shall be no light, but the Saints as well as the Diuels shall be in continuall darknesse: for there shall be no new light created for it, implied in these words, *it shall have no need of the Sun nor Moon, but the glory of God shall inlighten it*, (and that which inlightneth must needs be light) *and the Lamb is the light thereof*; and he shall be the same he is now, *yesterday and to day the same for ever, Heb. 14. 8.* Therefore this inlightning glory, or glorious light that he dwelleth in now, shall be the light then, discovered naked without reflection, they being enabled to receive it, their corruption having put on incorruption. If God be not true light, the Creation could not be consumed with fire; for if fire be matter created, fire must be burnt with fire, but that is impossible: therefore, Gods glory or light must be this consuming fire, and not without reason, for hold a *Burning-glasse* against the light of the Sun, and the contracted light meeting with a grosse body, causeth it to burne: the reason why any thing burneth, is by the combustable grossenes of the body the which contracted light meeteth with, whereon it feeds, the corruption whereof consumeth or vanisheth before the purity of the light; for that which we call by the word, *fire*, is nothing but contradicted light, whose nature is not to burne, but the heat and burning commeth from the grossenes of the matter it meets, therefore is it, that a *Sea-cole* fire is hotter then one of *wood*, the *coale* hotter then the *flame*: So when the true light is displayed, or light appeareth naked, that is, when Christ appeareth naked, that is, when Christ commeth to Judgment, *clothed with honour and majesty, covered with light as with a garment, Psal. 104. 1. 2* (inlightned with the glory of the Deity,) it will be to the Creation a *consuming fire*; else might we behold him and live: but our corruption is not able to stand in his light; for no sooner shall we behold it, but we shall be changed in the twinkling of an eye: and then shall we be enabled, as *Iob* hath it, *in his light to see light*, Therefore was it, that the *Lord put Moses in the clift of a rocke while his glory passed by*; because *his face* (or naked glory) was not to be *seen*, but his *back parts* (or glory through a vaile) *no man being able to see it naked and live, Exod 33. 20. 21. 22. 23.* If God were not light, there could be neither Sun, Moon, nor Stars to give light, or any light be in the world; yea the world could never have been, or could there be any God, or any thing: for if God be not light, he must be darknesse: now darknesse is no *being*, or can give *being* to any thing, its but a depravation of light: *is not* cannot *be*, or give *being*: Therefore, to say God is not *light*, is to say, he *is not*, or any Creation ever was or is: so that *light* is from everlasting to everlasting: As this formed light, or inlightning shaddow is[29]now the Authour of motion, generation, and subsistance; so in the beginning the substance or *true light* was the beginner, and by it all *beings* had their beginnings: Wherefore, God being true light, it followeth, true light is no creature, or could be created, except God did create himself. And further, that he is

light, the miraculous discovery of himself in visions by *light* doth evidence: as, his appearance to *Moses* in a *flame of fire*, *Exod.* 3. 2. and *Ezek.* 10. 4. his *filling the Court with the brightness of his glory*, his appearance to *Peter* in a *light*, which *shined in the prison*, *Act.* 12. 7. and to *Paul* in a *great light*, which *shone round about him*. Further, *day after day*, and *night after night* declare that he is *light*, for what is *outer darknesse* but deprivation of his *presence*? so the absence of the Sun light manifests it a deprivation in some measure of his *presence*, the shadow of his glory, or reflected light; because then is the fittest time for conjuration or dealing with Divels, *raising of spirits*, or the like, according to *Cornelius Agrippa*; their power being greatest at the farthest distance of his glory, *Diabolically apparitions*, or *Walkes of Devils* in divers places, are then only frequent, and the greater this deprivation is, the more formidable, uncough, and terrible it is, as a dayly shadow, or type of eternall night, or *outer darknes*. And when Christ both God and Man was in the depth of his passion, the Sun was darkened, that he cried out, *my God, my God, why hast thou forsaken me?* as if his presence in that *Eclipse* had quite left him: which plainly implies, that *God is light*, and *darknesse* the absence of his glory, the which the more it is, the greater is the darknesse.

Object. *God said, let there be light, and there was light: Ergo, light was created.*

Answ. If that place be compared to what is ascribed to the fourth dayes work, and it will be found no other, as the body of the Sun, which was to cast the shadow of his brightness for light upon the earth, and so time distinguished into day and night by its presence and absence: in which sence light may be said to be made, and so shall have an end, this shadow or his *back parts* we behold, but not the substance, *his face*, or true light, which by mortality cannot be *seen*, *Exod.* 33. 20. that is impossible. Now seeing it is cleare, that God is the true light which lightneth the world, and every one that commeth therein, and this glory chiefly in the Sun, the Moderatour and upholder of the whole Creation. Therefore, there must Christ be, or else he fitteth not at the *right hand of God* in all things, or *hath immortality dwelling in light, the which no man can approach*. As for the *Coelum Empyreum* which the *Astronomers* have invented for his residence, I know no better ground they have for it, then [30] such as *Dromodotus* the Philosopher in *Pedantius* had to prove there was Divels: *Sunt Antipodes: Ergo Daemones. Sunt Coeli: Ergo Coelum Empyreum.*

Object. 10. *Then shall the dust returne to the earth, as it was, and the spirit shall returne to God who gave it. Eccles.* 12. 7.

Answ. By spirit cannot be meant such a thing as the soul, except all soules go to God, and none to the Devil: for it is indifferently spoken of all: but by *spirit* is meant life, which hath various expressions in Scripture: it is the will of God, that dust shall be made man, and live, and it is done, and he liveth; and his will that it shall dye, and it dyeth, or returneth to what it was: he withdraweth his communicated power, and man ceaseth, [*the spirit shall returne*] the communication, power, or faculty of life shall cease, [*to God that gave it*] in him that communicated, or gave it, *in whom we live, move and have our being*: no otherwise mans *spirit* (or life) *returneth to God that gave it: he taketh away the breath and the creatures dye, and returne to their dust, Psal.* 104. 29. for the *life of man is even a vapour that appeareth for a little time, and then vanisheth away. Iam.* 4. 14.

Object. 11. *And they stoned Steven, calling upon God, and saying, Lord Iesus receive my spirit. Act.* 7. 59.

Answ. This is a commendation of his life or being into the hands of God, *in whom with Christ our lives are hid, Col.* 3. 3. as a full assurance of his hope and faith in the Resurrection, *that when Christ who is our life, should appeare, he also might appeare with him in glory: For God is not the God of the dead, but of the living: for all live unto him,*

Luke. 20. 38. And thus, and no otherwise, was his spirit commended, or returned to him that gave it, whose spirit goeth forth, and we are renewed, Psal. 104. 30. answerable to that of the two Witnesses, into whom the spirit of life from God, after they had lien dead three dayes and an halfe, entered into them, and they stood upon their feet.

Object. 12. God breathed into his nostrils the breath of life. Gen. 2. 7. Ergo man hath an immortall soul.

Answ. Then so is the foul of a Beast; for Solomon saith, their breath is all one Eccl. 3. 19. and David reckoning up the creatures, and man amongst them, saith indifferently of them all, God hideth his face, and they are troubled, he taketh away their breath, they dye, and returne to their dust, Psal. 104. 29. and this is further amplified in Gen. 1. 33. to every thing in the Earth wherein there is a living soul &c. and cap. 7. 21. 22. all flesh dyed, in whose nostrils was the breath of life: and Num. 31. 28. all which make no difference betwixt them, but as the one dyeth, so dyeth the [31] other, and man hath no preheminece above a beast: For what man is he that liveth, and shall not see death, or deliver his soul from the hand of the grave? Selah. Psal. 89. 48.

Object. 13. And it came to passe the Beggar dyed, and was carried by Angels into Abrahams bosome &c. Luke 16. from the 22. to the end.

Answ. There was never such a man as Dives or Lazarus, or ever such a thing happened, no more then Iothams Trees did walke and talke. Iud. 9. 8. but was a Parable, to prove, that nothing is more effectuall for conversion then the ordinary preaching of the Word by the ministration of the servants of God: Further, the consequence concerning the soul is but drawn from the literall sence, in which sence I shall deny it canonicall Scripture; for it makes in that sence more for bodies then the souls present being in Heaven or Hell, ver. 23. 24. and maketh Abraham the Father of the Damned, ver. 24. 25. 27. 30. and ver. 22. Dives dyed and was buried; and yet v. 23. he lift up his eyes being in torment, and seeth Abraham &c. and v. 25. he cryed for Lazarus to dip the tip of his finger to coole his tongue; which in the literall sence thus applicated, must needs be contradictory, unlesse his eyes, tongue, and Lazarus finger was not buried, or their souls had corporeall corpulent members, which to conceit is ridiculous: Therefore, from this place the Resurrection of the body before the day of Judgment (even as soon as a man is buried) may better be proved, then such a present soularie entrance into Heaven or Hell.

Object. 14. By which also he went, and preached to them in prison.

Answ. [By which] that is, by that whereby he was quickened, or raised from the dead; his divine nature, the God-head; as the foregoing words (whereon the sence of those depend) doth evidence, ver. 18. Christ once suffered &c. death in the flesh, but quickened by the spirit, (ver. 19.) by which also he went &c. So that he went and preached by that, whereby he was quickened or raised: Therefore, the preaching, here meant, was not by that which was raised: but by that which did raise; which was ministerially, as the following words further evidence, shewing to whom he preached, even those which were disobedient in the dayes of Noah, on whom the long suffering of God waited while the Arke was a preparing: those were the spirits here meant, the wicked of those dayes, which are now in prison, that is, dead or imprisoned in the Elements. Here the grave or death is called a prison, as indeed it is, for therein all that dye are reserved in the chaines of death (the Elements) not to be delivered till Judgement, Rev. 20. 13. according to Job. 3. 18. there the prisoners rest together.

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Object. 15. Therefore gloryfie God in your body, and in your spirit. 1 Cor. 6. 20.

Ans. Before, he calleth the body *the Temple of the holy Ghost*, ver. 29. and ver. 15. *the members of Christ*; which needs must be the whole man, and not his bare carcase, for *in death who can praise the Lord?* in it can be no habitation for the *holy Ghost*, and therein were they to *glorifie God*: to make *Christ* the *head* of such *members*, were *Absurd.* to make God, *the God of the dead and not of the living*: therefore, by *body* and *spirit*, is meant whole man, aiming at a thorough and perfect *sanctification*, as well in that which respecteth thought, [*the spirit*] as in that which respecteth action, [*the body*:] inwardly to glorifie God, as well as outwardly *to flee fornication, &c.*

Object. 16. *I saw under the Altar the soules of them that were slaine for the word of God, &c. and they cried with a loud voyce, &c. Revel. 6. 10. 11.*

Ans. They were such *soules as lay under the Altar flaine*, or sacrificed, or as ver. 11. *hath it, were killed*; these therefore being *dead soules*, or martyred Saints, their *cry* must be as the *cry of the blood of Abel*: And the like *vision* of dead Saints confirms it, as *cap. 20. v. 4. 5. And I saw the soules of them that were beheaded for the witness of Iesus, and they lived, and reigned with Christ a thousand yeares: but the rest of the dead lived not again till &c.* whence it is plaine, that he beheld the Resurrection, or restoration of life unto *dead soules*, even of *them that were beheaded*, but the *rest* lay dead, or *lived not again till &c.*

Thus much of illegitimate *Objections* from Scripture: Now to the probation hereof from *Procreation* or *Generation*, and as near as I can to resolve all occurrent *Objections* thereon, that shall confront.

CHAP. VI. *Of procreation, how from thence this Mortality is proved.*

IT is supposed (as I conceive) by none, that what naturally proceedeth from Man simply by the course of nature, can be immortall, but must first tast of mortality: And therefore there are two sorts of *Opinions* to maintaine this Heathenish Invention about the soul, whereon its immortality is grounded, which I shall chiefly encounter: the one, that it is created, and infused at the conception, and so only Gods work. The other, that it is conceived by the woman through the concurrence of the seed of both sexes, but not simply by the course of nature, but by the supernaturall and extraordinary assistance or efficacy of God in conception[33]more then in other creatures: and so partly mans, and partly Gods work. But that I may utterly demolish the structure of this Invention, I shall turne up the foundation of each kind in its place: But first I shall speak a word or two in generall of *Procreation* it self.

That whole man is generated by man, observe: That as the whole Tree is potentially in the seed, and actually in time springeth from it: or as many graines of wheat are in one graine virtually, and perfectly actuall in time: so in the seed of mankind, is whole man potentially, and wholly actuall in time; or all *Adams* succession, which in time are propagated, were wholly in him, life and limbs, or as it is more common, soule and body. So that whatsoever in time is actuall by procreation, it was at first potentially wholly in its originall.

Further, *Generatum sequitur naturam generantis* (*He begat a sonne in his owne image*, *Gen. 5. 3.*) is not onely philosophically, but Theologically true, *Mat. 7. 16. Iob 4. 14.* Therefore, mortall *Adam* must beget mortall children in his owne likenesse, soule and body, except the soule was no part of his likenesse: For that which is immortall cannot generatively proceed from that which is mortall, as *Christ* saith, *that which is borne of the flesh is* (as it selfe is, corruptible, mutable) *flesh*, *Iohn 3. 6.* so then by this mortall flesh, cannot be generated an immortall spirit, or soule that can subsist by it selfe dissolved from the flesh; for if it should, in that act it should goe beyond it selfe, which is impossible; *32. Abs.* and thereby more should be done by man and woman in generation, then *33. Abs.* God did or could doe in the Creation; for he neither did, or could create any thing greater, purer, or more excellent of nature then himselfe, and such as could subsist without him: But

if this doctrine be true, (as *Woolner* in his *Originall of the soule* averreth) fleshly man by a fleshly generation, or mixture of the seed of both Sexes doth beget or conceive something greater, purer, and more excellent then himselfe, an immortall substance, an Angelicall entitie, *the Soule*, that can subsist without the flesh by which it is; which is as fire without light, earth without heavinesse, grosnesse, &c. should be, by which they [34. Abs.](#) are: and further, the *Effect* to be *prior dignitate*, precedent to the *Cause*, as if a man because a creature, should be before his Creator: But if it be Replyed, that the soule is [35. Abs.](#) generated by the soule, as the body by the body. I Answer, then there must be *He* soules and *She* soules: for without Sexes is no generation. [36. Abs.](#)

But now to the first sort, who say it is by infusion, or as the saying is, *Creando infunditur, & infundendo creatur.*

[34]

To which I Answer, that in conception there is corruption or marring, according to the proverb, *corruptio unius est generatio alterius*: so that if it be by conceiving or creating infused, and by infusion concepted or created, that is as much to say, it is [37 Abs.](#) made in the marring, and mard in the making: or, infused in the marring, and mard in the infusion: whence followeth, that it is neither conceived, created, nor infused; neither made, nor mard: but must be, if it be, no man knowes what, or how; whether an [38 Abs.](#) Angel, a Beast, or a Monster, any thing, or nothing: Riddle me, riddle me what's this? a Soule, a Soule! *Creando infunditur, & infundendo creatur!*

Secondly, if the Soule be a creature infused, then Christ did not take the whole manhood from the seed of the woman, but worse then a bare brutish body, a dead [39 Abs.](#) carcase: But Christ was made of the seed of the woman according to the flesh, *Rom.* 1. 3. *Act.* 2. 30. and was as we are, sinne excepted, *Heb.* 14. 15. and this our Image he received wholly from the woman: Therefore receiving his whole humanitie from her, the soule can be no infused creature.

3. That which brake the Serpents head was Christs humanity: But the seed of the woman brake the Serpents head: *Ergo.*

4. If we consist of soule and body, and are not men without both, and receive not our soules from him, but are daily created: Then *Adam* is the father of no man. [40 Abs.](#)
 2. Christ cannot be the *Son of man*, and so no Saviour, because thereby his [41 Abs.](#) manhood, constitutive part, even that which should make him man, could not be by the seed of the woman. 4. So a man is as much a father of *fleas* and *lice*, which [42 Abs.](#) receive their matter from him, as of his children. 5. Whereas God blessed man, and bid him, as the rest of the creatures in their kind, fill the Earth in his kind with men: then he commanded him to doe more then he had given him power for: And so to [43 Abs.](#) content nature, end supply her imbecility to obey, is forced to a daily creation. 6. Then God finished not the Creation in sixe dayes, but rested before hee had done [Absurd.](#) creating.

Fourthly, If the soule be infused, it must be at the conception, or after the conception: If at the conception, then every abortive conception hath an immortall spirit in [45 Abs.](#) it, and must rise againe: If after, then there is growth before there is life, [46 Abs.](#) which is impossible; for the soule is made the vegetive as well as the motive, sensitive or rationally part: and if this immortall spirit be something else, then we are not conceived perfect men, and as we are conceived, so are we borne, [49 Abs.](#) [47 Abs.](#) *trees, brutes*, [35] or I know not what, and afterwards are made men, if we be men at all: and so Infants that dye in the wombe, or in the birth are little better then trees, [49 Abs.](#) and worse then beasts.

Fiftly, if the soule be not generated with the body, but a creature infused into a dead body, for they say, the soule is *forma formans*, that giveth life, and motion to the body: Then it is lawfull to be a *Nigromancer*: for *Nigromancie* is nothing but putting a spirit [Absurd.](#) into a dead body, and so it is but an imitation of God, and God the onely *Nigromancer*, and all the men in the world but *Nigromantick Apparitions*, whose spirits when [50. Abs.](#) they have done the work for which they were put into the bodies, desert them, as other conjured Ghosts doe.

Sixtly, It is granted that the body considered meerly sensitive cannot sinne, and that the body is but an instrument, or as the pen in the hand of a Writer, to the Soule, whereby it acts and moves: Therefore, if the Soule come immediately from God, or there be an immediate work of his in its production; then of necessity, that immortall thing, and not our mortall flesh, is Author of all sinne, and it onely prone to all sinne, and not the flesh, no more then a conduite though a meet instrument to convey water is the author; or fount of water, or prone to spring: And so Gods immediate hand is the cause of all sin, that man had [51. Abs.](#) better been without this soul; for it must needs be some damnable wicked spirit, or some Devil that God puts in him; for such as the fruit is, such must the tree be: [52. Abs.](#) but the fruit is damnably wicked: Therefore, the Soul must be some damnable wicked thing: No marvell then if Reprobates must needs sin and be damned, since God *infuses* such a *malignant Soul*, that counceles them with *Iobs* wife to *curse God and dye*, yea such a one as wholly works out their condemnation: This is as if a man should break his [53. Abs](#) horses legs and then knocke out his brains for halting. If it be said the soul comes pure from God, and it is the body that corrupteth it. I Answer, that this to excuse God one way, makes him like the tyrant *Mezentius*, that bound living men to dead bodyes, till the putrefaction and corruption of the stinking corps had killed them. Besides, the mind may sin [Vir. Aen. Absurd.](#) without the Action of the body, but not the body without the mind, for a man may covet in his mind, and not act with his body, and yet sin; but if he do with his body, and not consent with his mind, he sinneth not: as for example, a man may accidentally and ignorantly kill a man by a blow, which was never intended or aimed at him, and yet he not guilty of murther: but if he intend it in his mind, though he never do it, he is guilty: Therefore the body may be made sinfull by the soul, but not the soul by the body.

[36]

Now to the other kind, who say, that this supernaturall work by nature, is effected by Gods speciall supernaturall assistance, operating or applicated to this naturall aptitude, in whose mutuall concurrence this immortall substance is conceived, and in conception united to the flesh, the whole in the whole, and the whole in every part.

To which I Answer, that there is no more speciall supernaturall efficiency from God in mans procreation then in other creatures, but that speciall gift or naturall instinct to every kind of creature given in the Creation to produce its kind, whether vegetative, sensitive, or rationally, *Gen.* 1. 25. *1 Cor.* 15. 38. for the gift or blessing is all one and the same, and alike unto all according to their kinds, as appears, *Gen.* 1. 22. God blessed the *Fowles* and *Fish*, saying, *Be fruitfull and multiply, and fill the waters in the Seas, and let the Fowles multiply in the earth:* And verse 28. the selfe same he speaks of man and woman, *And God blessed them, and said unto them, Be fruitfull, and replenish the earth:* and by this blessing, or Natures generall instinct equally unto all, men and all other creatures continue their multiplications and procreations: So that the *Fowles*, *Fish*, &c. have as great and speciall assistance as Man in their conceptions and procreations, equally mediate and naturall: Therefore, if by Mans conception an Angelicall immortall Soul is producted, so likewise is there the like in other creatures. The result of all which is this, that as Fish, Birds, and Beasts each [54. Abs.](#) in their kind procreate their kind without any transcendency of nature: So man in his kind begets man, corruptible man begets nothing but what is corruptible, not halfe mortall, halfe

immortall, halfe Angel, halfe man; but compleat man totally mortall: for through mortall organs immortality cannot be conveyed, or therein possibly reside.

If it be scrupled, that this destroyeth the hope of our faith. I Answer, It doth but remove it from a false principle to a true, from a deceitfull fancie to an infallible object, the Resurrection: For though I ascribe nothing actually to nature, but corruption; yet potentially I ascribe incorruption: as to the kernill of an Apple a Tree may not actually, yet potentially be ascribed: So I grant, that Nature produceth the *Seed*, to which when she hath done her elementary work, even all that shee can doe, and in all things transient finished her course, even from that corrupted seed Christ supernaturally raiseth an incortuptible body, 1 *Cor.* 15. 36. *Thou foole, that which thou sowest is not quickned, except it die; it is sowne in corruption, it is raised in incorruption; it is sowne a naturall body, it is raised a spirituall body:* Therefore nothing of Man can be immortall, but what first hath seen corruption. So that, if that which[37]is made the better and most excellent part of Man, without which he is NO MAN (as is held) titled the *Soul*, shall not see corruption, it shall not 55. *Abs.* participate of the immortality purchased by Christ, but must needs perish except there be *Ens extra Deum*, as that strange invented *Entitie* must needs be, and so consequently, NO MAN shall be saved: And as before it incur'd this Absurdity, that the *Soules* 56. *Abs.* of the damned shall not perish, but stand as well as the *Stative Angels*: So by this, the *Soules* both of the *righteous* and *wicked* shall for ever cease, and never be immortallized at the *Resurrection*: And thence the denyall both of *Resurrection*, *Condemnation*, and *Salvation*, *Heaven* and *Hell*, *God* and *Christ* is inavoydable: After rusheth in the 57. *Abs.* *Epicurean Blasphemy*, *Let us eat, and drinke, for to morrow we die:* And 58. *Abs.* so, *so many bellies, so many Gods, and no other.* 59. *Abs.*

It is objected, *That the rarenesse of conception argues a supernaturall immediate assistance essentiall, without which the soul cannot be.*

Answ. That commeth by a naturall defect, and not by the withholding of Gods immediate hand, else he should have a speciall and immediate hand in Adultery: And so Whoremongers and Adulterers sets God a work to create *Soules* for their *Bastards*, which is 61. *Abs.* to make God a slave to their lusts.

Further, it is objected, *That God hath from eternity decreed concerning man above all creatures, both who should come into the world, and at what time: Therefore, accordingly he must have a work in mans conception above other creatures.*

Answ. No such thing followeth, for *time* and *number* may be appoynted, and yet the due course of nature proceed, as well without as with an immediate assistance, towards man in his kind, as in Beasts in their kind.

Moreover, *Woolner* in his Treatise on the *Soul* pag. 115. saith, *That the more spirituall parts, and chiefly the Soul is* (but partly mediately, partly immediately) *conceived at the first instant, or union of the seed of both Sexes: For by it* (pag. 127. he saith,) *the corporeall parts are prepared and perfected:* Therefore, it must of necessity be at the *first instant, or else no conception:* And pag. 129. *That all Soules, as well of Beasts, as of men are essentially as perfect at the first instant of conception as ever afterwards,* And pag. 97. he saith, *The Soul can live without the body, and cannot be corrupted by it.*

Answ. That then it followeth, If a woman miscarry immediately after that very instant, that the *Soul* of that *Effluction* or unshapen deformed peece of *congealed* 35. *Abs.* *blood* being immortal, must needs continue its[38]immortality, and that *Effluction* as well as perfect bodies, shall be raised againe; for if degrees of corporall perfection hinder, then those that are borne imperfect, as without legs, arms, or hands, or any other member, as divers are, they shall never be raised againe, and so out of the compasse of Christs 63 *Abs.*

death: and though it should be granted, that Christs death is denied an *Embrio*, yet that soules immortality cannot be nullified, for immortality once begun, must never have an end, and he saith, *it cannot suffer with the flesh*: therefore, if not with the whole masse of mans corpulency growne to its full perfection, much lesse with an *Embrio*, that is ten times lesse imperfect and invalid; for he saith, *it is as perfect at the first instant as ever afterwards*: therefore, it must be saved or damned (if there be any for others) but no man knowes how or which way, except it can be proved, Christ dyed for bare soules, soules [Absurd.](#) without bodies, which will puzzle the cunningest soule that ever was made in the marring, and mard in the making.

Further it is objected, *Creatures propagated out of kind, as by buggery; as, Apes, Satyres, &c. are supposed, are not endowed with reasonable soules*: Ergo, *soules are created immediatly, or however of necessity, Gods superfluous power is joynd to the propagation thereof.*

Ans. As I will not altogether confidently affirme they have *rationall soules*, so will I not altogether deny it: For in Man it is some *organicall* deficiency more or lesse, that is the cause, that some men are lesse *rationall* then others; for some have abundance of wisdome, and some are meere fooles: and in children, whose *Organs* are not come to perfection, there is not so much as there is in an *Ape*: This premised, why in some measure as far as by those improper *Organs* can be expressed, may they not be *rationall*, though not in the same degree as is capable of God, as well as Infants who are as incapable *pro tempore* as *Apes*? But perchance, it will be replied, that then *Christ dyed for Apes, as well as for Infants*. I Answer, Christ dyed not for the rationall part separated from the materiall, nor the materiall from the rationall, if there should be such *buggery births*, or if by that unnaturall course they should meet in one, (which is impossible, for the blessing of procreating any thing in its kind, is to the kind) for that neither, but for the naturall production by the conjunction of both Sexes legitimate from *Adam*, and not such unnaturall by-blows: As for births out of kind, they come within the compasse of the *Curse*, and cannot any wayes claim priviledge in the *Restoration*, but must expect with *Thornes, Bryars*, and all manner of *Vermin*, and *Filth* which breedeth on corruption, to be done away, when *mortality is swallowed up of life*. For all other *Creatures* as[39]well as Man shall be raised and delivered from death at the Resurrection: my Reasons and grounds for it be these. First, that otherwise the curse in *Adam* would extend further then the blessing in Christ, contrary to the Scriptures: [The Resurrection of Beasts &c.](#) *For as in Adam all dye, even so in Christ shall all be made alive.* 1 Cor. 15. 22. *For the wages of sinne is death, but the gift of God is eternall life through Iesus Christ our Lord,* Rom. 23. Therefore, *Death* comming upon all the *Creatures* by the sinne of *Adam*, no death being before sinne, life shall come upon all by *Christ*. Secondly, the beasts were not given Man to eate in the *Innocencie*, but to all flesh wherein was *the breath of life, was given the greene herbe for meat*: Therefore, the death of the beasts, &c. was part of the *Curse*, and so to be done away by Christ. Thirdly, if the other *Creatures* doe not rise againe, then Christ shall not *conquer Death*, but when it is said, *O Death where is thy sting, O grave where is thy victory?* it will be answered in Beasts, because they are still captivated under its bondage: But *as by one man death entered into the world, Ro. 5. 12. and by man came death, by man shall come resurrection from death, and the last Enemy that shall be destroyed is death, and death shall be swallowed up in victory,* 1 Cor. 15. 21. 54. Therefore death shall not retaine them, but they must be delivered out of its Jawes. Fourthly, those ensuing Scriptures doe clearly prove it: *Col. 1. 15. to the 23. All things were created by him and for him, whether they be things in Earth, or things in Heaven: and be not removed away from the hope of the Gospel, which ye have heard, and which was preached to every creature under heaven:* And *Mar. 16. 15. Go ye into all the world, & preach the Gospel to every creature:* that is, *Glad tydings*, life and Resurrection from the bondage of corruption to every *Creature* by Christ: therefore, is he said to be the *First borne of every Creature*, the *First* that's borne, or raised

from the Dead: so that those whereof he is the First, must follow, that is every creature, else could he not be the *First borne from the Dead* of them all. And Rev. 21. 5. after the dissolution of all things he saith, *Behold, I make all things New*: And *Psa.* 104. *David reckoning up Men, Cattel &c.* saith, *thou takest away their breath, and they dye, thou sendest forth thy spirit, and renewest the face of the earth*: and *Psal.* 102. speaking of the *Heavens*, saith, *as a vesture shalt thou change them, and they shall be changed*: and *Isa.* saith, in the *New earth the Wolf and the Lamb shall feed together, and the Lion shall eat straw like a Bullock*: and *Paul* saith, *Rom.* 8. 19. 20. 21. *The expectation of the creature waiteth for the manifestation of the sons of God: for the creature was made subject to vanity, not willingly, but by reason of him who hath subjected the same in hope: because the Creature it selfe also shall be delivered from the bondage of corruption, [40] into the glorious liberty of the children of God: for we know that the whole Creation groaneth, and traveleth in paine till now.* Therefore the *Gospel* or *Glad Tydings* is unto all, all are under hope, and all things, *men, beasts, &c.* shall be made new, or restored at the Resurrection, and so *Death shall be swallowed up in victory, and mortality of life, or Death having given up her dead, shall be cast into the Lake, Rev.* 20. 13. 15. Thus much by the *by*: Now to our matter in hand.

But be it granted, that those births are not endowed with *reasonable soules*, yet doth it not follow, that *God createth immediately the soule, or immediately assisteth nature in its production more then the body*: for this is an instance out of kind, therefore cannot expect the blessing of the kind, but be as it selfe is, *unnaturall and cursed*: for to the kind is required Sexes of the kind, and thereto God hath given the blessing to beget its kind, as well for man to beget perfect man, as for the beasts to beget perfect beasts; so that whatsoever is borne of man naturally, is man, though one be ennobled with more excellencies then another. A *borne Foole* would have been a better instance; for if to them *rationall Soules* were denied, it might be thought, Nature naturally begetteth meere irrational, brutish, inhumane bodies, and rationality, or humanity is a meer supernaturall work. To prevent such a cavill, I Answer, that by the *Soularies* ground there can be no *borne fooles*, Infants new borne, 64. *Abs.*

yea an *Embrio* should be as actually *rationall* as men of ripenesse of yeares; for they say, the *soul* is rationality it self, and that rationality is no more of the body, then inke is from the pen, and the soul is absolutely perfect at the first instant, yea it is *forma formans*: therefore, *naturam expellas, furca licet usque recurret*; it is made action, which cannot but appeare, for all action is apparant, and they say it is an immortal spirit, therefore cannot cease, and if not cease, it must shew it self: Now why are not Infants then as rationall as others? nay, let me ask one *Question*, If this endlessse soul be *forma formans*, the maker of our bodyes, why have we not endlessse bodyes? for *omne tale generat tale*, every like brings forth 65. *Abs.*

its like; so then, if one be immortal the other must be immortal. Secondly, I Answer, that though some are fooles from their birth, yet it doth not follow, that Gods immediate hand is required to mans procreation, but rather the contrary: for imperfections in a thing argue the mediate generation thereof; because no imperfection of any kind can come immediately from the hand of God: imperfections are accidentall, or from the curse: therefore not of creation, but of procreation.

Now seeing all this while we have had to do with this immortal[41]Soul, we cannot find, or the *Soularies* tell what it is, such likewise is its residence; for if we ask where it it? they *flap us i'th mouth* with a *Ridle, tota in toto, & tota in qualibet parte*, the whole in the whole, and the whole in every part: that is, the whole immortal Soul in the whole body, and the whole Soul wholly in every part of the body. To which I Answer, that this *Absurd.* extends immortality or impossibility of death to the body: for if immortality be in every part, then no part of man from the crown of the head to the sole of the foot can be excepted; so we are all Soul all over, and every part a whole Soul immortal: So that it must 66 *Absurd.* either be held to be *ubiquitory*, which is an *Attribute* peculiar to God; or 67 *Absurd.*

else multiplicable by a corpulent division: and so, were a man minced into *Atomes*, cut into innumerable bits, there would be so many innumerable whole Souls, else [68 Absurd.](#)
could it not be wholly in every part. [69 Absurd.](#)

*Monstrum horrendum, ingens; cui quot sunt corpore crines,
Tot vigiles Animae supter, mirabile dictu!*

And thus the *Riddle* is unfolded.

CHAP. VII. Testimonies of Scripture to prove that whole man is generated, and propagated by Nature.

THat this is true *secundum actum naturae*, observe the sence of those ensewing Scriptures: *viz.*

Gen. 1. 17. 18. compared with the 22. *ver.* where man and beast have an equall blessing and charge to propagate their like.

Eccl. 3. 19. There is no distinction betwixt them, &c.

Gen. 17. 7. I will be thy God, and the God of thy seed after thee. Here by *seed* must be meant persons and not bare carcasses: else he had been *the God of dead clots, and not of living soules.*

Gen. 46. 26. All the souls that came with Iacob into Egypt which came out of his loynes, &c.

Job. 31. 15. Did not he that made me in the wombe make him? and did not one fashion us in the wombe? Ergo, if his soul were immediately created, so was his body; for he, that is, his *Entite*, person, even all that went to make him man was formed and shapen in the womb, both *Epithites* for procreation and not for creation.

Job. 20. 10. 11. 22. Hast thou not poured me out as milke, and curdled me like cheese? thou hast clothed me with skin and flesh, and hast fenced me with bones and sinnues, thou hast granted me life and favour, and thy visitation hath preserved my spirit. Here *Iob* sets forth exactly the manner^[42]of mans procreation, from the act of generation even to his breathing: First, *poured out as milke*, that is, the seminary evacuation of both Sexes in conjunction: then *curdled me like cheese*; that is the changing of that to a grosser matter, *congealed blood*: then *clothed me with flesh and skin*: that is, the incarnation of that condensed *blood*: then *fenced me with bones and sinnues*; that is, that carnate matter was *formed* into humane shape, and grew into members: then *grantedst me life*: that is, began to breath: whence observe, that in ascribing the whole work to God, he doth ascribe it to one kind only, and not partly mediate, partly immediate; for he ascribeth even the evacuation of seed in carnall copulation, and the conception of flesh and bones in as high a measure, (yea, to take away all cavil rather a greater,) as he doth his life; *poured, clothed, and fenced* imply a more absolute act then *granting*, which is but a sufferance, permission, or assenting: therefore, his conception was meerly and wholly naturall: according to that of *David, Psal. 51. 5. Behold, I was shapen in iniquity, and in sin did my mother conceive me.* And to this adde that of *Zach. 12. 1. The Lord formeth the spirit of man within him.* Whence it is clear, that whole man *flesh and spirit* is a second act, formed in the wombe; otherwise flesh as well as spirit must be created, which all deny.

Gen. 5. 3. Adam begat a son in his own likeness.

Psal. 139. 15. 16. My substance was not hid from thee, when I was made in a secret place, and curiously wrought in the lowest parts of the Earth: thine eyes did see my masse: yet being imperfect, and in thy book all my members were written, which in continuance were fashioned, when as yet was none of them: whence is evident, that his whole Person was an act of nature in his mothers wombe or *secret place*; what of him was in the Book of Gods providence, he declareth, was *made* (not created) *in a secret place*, to wit, his substance or *Masse*, all that went to the subject *man*, and I hope the *Soularies* will not blot his Soul out of the Book of Gods providence, or say it was no part of him.

Luke 1. 31. Thou shalt conceive in thy wombe and bring forth a son: whence observe, that what she was to bring forth, she was to conceive, to wit a son; and none will deny, Christ was borne compleat man, in all things as we are, sin excepted: And if any scruple arise from *Rom. 1. 3. He was made of the seed of David according to the flesh*, I Answer. That it is a distinction of his manhood from his godhead, as all Interpreters agree.

Gen. 4. 1. She conceived and bare Cain: see the like *cap. 38. 3. 4. 5. Judg. 13. 3. 5. 7.* And *Job 3. 3. There is a man child conceived.* And *Gen. 17. 6.[43] And Kings shall come out of thee. ver. 17. twelve Princes shall he beget.* And *Judg. 8. 30. Gideon had 70. Sons out of his body begotten.* And *Num. 5. Then she shall be free, and shall conceive seed.* and *Heb. 11. 11. compared with Gen. 17. 8. and such like,* plainly shew mans *procreation* wholly *naturall*.

Ioh. 3. 6. That which is borne of the flesh, is flesh; and that which is borne of the spirit, is spirit: Here is the naturall birth by nature, and the spirituall birth by grace declared each in his kind, the one a meer naturall, the other a supernaturall work: It is therefore inavoydably true, otherwise the Soul cannot be saved; for what is not borne again cannot be saved, as the immediate words testifie, *except a man be borne again, he cannot enter into the Kingdom of God:* So then, the soul as well as the body is *born*, that is, proceeds from the flesh, except we be born without it: Wherefore, they are no more *twaine, but one flesh*.

Thus having found Mans Foundation to be wholly in the *Dust*, from thence taken, and thither to returne: Let this then be the use of all: That man hath not wherewith at all to boast no more then of dirt under his feet, but is provoked wholly out of himself, to cast himself wholly on *Jesus Christ* with whom in God *our lives are hid*, that when he *who is our life* shall appeare, he might also with him appeare in glory, to whom be the honour of our immortality for ever, and for ever. *Amen*.

FINIS.

RICHARD OVERTON, *THE ARAIGNMENT OF MR. PERSECUTION* (8
APRIL 1645) ↩

THE
Araignment
OF Mr.
PERSECUTION

Presented to the
CONSIDERATION OF THE HOUSE OF COMMONS,
and to all the COMMON PEOPLE of England.

WHEREIN HE IS INDICTED, ARAIGNED, CONVICTED, AND
Condemned of *enmity against God, and all Goodnesse, of Treasons, Rebellion,
Bloodyhed, &c.* and sent to the place of Execution.

In the prosecution whereof, the Iesuiticall Designes, and secret Encroachments of his Defen-
dants, Sir SYMON SYNOD and the IOHN of all Sir IOHN S,
Sir IOHN PRESBITER, upon the Liberty of the
Subject is deteked, and laid open.

By Yongue MARTIN MAR-PREIST, Son
to old MARTIN the Métropolitane.

This is Licenced, and printed according to Holy Order, but not Entred into the Statutes
Monopole.

Anglia MARTINIS disce favere tui.

EVROPE.

Printed by MARTIN CLAV CLERGIE, Printer to the Reverend
Assembly of Divines, and are to be shoud at his Shop in Tolma-
tion Street, at the Signe of the Subjects Liberty, right
opposite to Persecuting Court. 1645.

[Created: 19 Oct. 2020]

[Updated: 26 July, 2024]

Title ID: T.044 [1645.04.08] Richard Overton, *The Araignment of Mr. Persecution* (8 April 1645).

Estimated Date of Publication: 8 April 1645.

Thomason Tracts Catalog Information: TT1, p. 371, E. 276/23.

Full Title

[Richard Overton], *The Araignment of Mr. Persecution. Presented to the Consideration of the House of Commons, and to all the Common People of England. Wherein he is Indicted, Araigned, Convicted, and Condemned of enmity against God, and all Goodness, of Treasons, Rebellion, Bloodshed, etc. and sent to the place of Execution, In the prosecution whereof, the Jesuiticall Designes, and secret Encroachments of his Defendants, Sir Symon Synod and the John of all Sir Johns, Sir John Presbiter, upon the Liberty of the Subject is detected and laid open. By Yongue Martin Mar-Priest, Son to old Martin the Metropolitane.*

This is Licenced, and printed according to Holy Order, but not Entered into the Stationers Monopole.

ANGLIAE MARTINIS disce favere tuis.

Europe. Printed by Martin Claw Clergie, Printer to the Reverend Assembly of Divines and are to be should at his Shop in Toleration Street, at the Signe of the Subjects Liberty, right opposite to Persecuting Court. 1645.

The pamphlet contains the following parts:

1. Yongue MARTIN MARPREIST, TO THE REVEREND LEARNED THE PROLOcutor, Assessors, the Commissioners of the Church of Scotland
 2. To his Freind the Authour upon his Booke (a poem)
 3. THE ARAIGNEMENT OF PERSECUTION
-

**TO THE REVEREND LEARNED THE PROLOCutor, Assessors, the
Commissioners of the Church of Scotland, and the rest of the venerable
Assembly of Divines, now sitting in holy Convocation at Westminster.**

Reverend Sirs,

According to my duty at your divine entreaty, I have reduced those pious instructions received from you, into such a pleasing forme, as I hope, shall not only affect, but abundantly edefie the people of this Kingdome under your holy Iurisdiction; for considering your spirituall care over them, and how your time hath been taken up wholly in the procurement of that sacred Ordinance for Tythes, wysely thought on before the Directory, for he is an Infidell and denyeth the faith, that doth not provide for his family: your late humble Advice digested into severall Assertions: your sore travill and paine you have daly ever since your holy Convocation undergon, to bring to birth his Holynesse, Sir IOHN PRESBYTER; and other your toylesome endeavours for the Honour of your holy cloth, I have therefore more willingly become your Iovrneman to ease your Burthen in this your toylesome time of Deformation; and having thus prepared my endeavoures, fit for the publike vew, I am emboldned to Dedicate them unto your divine protection, not doubting of the sacred imposition of your hands upon them, to sanctifie them unto the people, as, truly Presbytereian, that comeing forth with your Classicall Authority, they may obtaine a reverent estimation with them. And seeing I have made such a happy beginning, I doubt not of an answerable encouragement from you to proceed as I have begun, but a small matter will please MARTIN, if you sanctifie him with the Benedicite of a Cornelian Benefice of 400. l. per annum, to knocke downe the Anabaptists, Brownists, &c. with your thumping, humping, Presbytereian, Classicall CLUB, that shall suffice pro tempore, and withall to gratifie him with the Deane of Pauls House that's but a sinall matter, it will become his worship very well for the present, and afterwards you may doe, as it shall seem best to your divine wisdomes according to his best deservings therein; he is a singular man in such a busines, and wants nothing but preferment; you doe not thinke, neither doth it enter into your hearts, how reverend Yongue MARTIN can thunder-thump the Pulpit, O, he can staer most devoutly, raile and bawle most fervently, storme most tempestiously even till he foame at mouth most precisely; Oh how he can spetter't out! O these cursed Anabaptists, these wicked Brownists, these Heretickes, these Scismatickes, these Sectaries; O MARTIN hath it at his fingers end, he's an University man, skild in the Tongues and Sciences, and can sophisticate any Text, O he is excellent at false Glosses, and Scholastike Interpretations, he can wrest the Scriptures most neatly, tell the people it is thus and thus in the Originall, an excellent man to make a Presbyter! and O Bretheren, if MARTIN thus delude the people & [page] thrash those Hereticks in hope sure MARTIN shall be partaker of his hope, you will not muzle the oxe that treadeth out your corne; no, MARTIN hath better esteeme of the Assembly, he doth not once suppose, that like Bell's Assembly of Preists they'l devoure all themselves, and leave nothing for MARTIN, but it is no matter, MARTIN will be content with hard meats rather then desert the service of such an holy, such a reverend Assembly, such a Quagmire of croaking skip-jacke Presbyters, such is his zeale and pious affection to the Cause, he is resolved to worke with his owne hands rather then be troublesome: Thus committing his endeavoures to your learned Consultations, pious Debates, and sacred Conclusions, he rests in expectation of his Reward,

*Yours humbly devoted in all Synoddicall,
Classicall, Consistoreall, or Predicatory
Function, till death us depart,*

Yongue MARTIN MARPREIST, Son to old MARTIN the Metropolitane.

To his Freind the Authour upon his Booke.

'T was boldly ventured to set upon
 This foule blacke Feind, mad *PERSECVTION*,
Pluto's Grand Agent, whom the world beside,
 Durst not but fawne upon, thou'st tane, and try'd:
 Thy paines sure have been great, to seeke him out,
 Thou hast encompass *Europe* all about,
 The *Sottish, English, Irish* Climates too,
 Thou hast trac'd'ore, to see what things they doe:
 What was the cause that so much blood was shed
 In all those places? Why rents and sad divisions
 In Kingdomes once made happy? now the visions
 Of woefull ruine; Spectacles for time,
 To write destructions everlasting line.
 Thanke then Yongue *MARTIN* for his love and care,
 T'impart to thee, who these proud actours are,
 And let him have thy prayers, so thou shalt be,
 As much below'd of virteous men as he.

A. B.

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Die Saturni, Apr. 6. 1645.

It is *Decreed*, and *Ordained* by the reverend *Assembly of Divines* now assembled in *holy Convocation*, that Dr. *Burgesse*, and Mr. *Edwards* doe returne thanks unto the worthy Authour of this *Treatise*, intituled, *The Araignment of Persecution*, for his pious endeoures, and vigilant care he hath taken therein, at the intreaty of this *Synod*: And it is further *Ordained*, that they doe desire him to print and publish the said *Treatise* forthwith, and that it be commended to the people, as a *divine Hand-Maide* to the right understanding of the *Directory*: And it is yet further *Decreed* and *Ordained*, that none shall presume to print or reprint the said *Treatise*, but whome he shall authorize under his own hand writing till this most *Holy Synod* shall take fururther Order.

Henry Roborough, {*Scribes*.

Adoniran Byfeild, {*Scribes*.

I appoynt my Cozen *MARTIN CLAW-CLERGIE*,
Printer to the *reverend Assembly of Divines*, and none else
 to *Print this Treatise*.

Yongue *MARTIN MAR-PREIST*.

[1]

THE ARAIGNEMENT OF PERSECUTION.

A Certaine dreadfull, and severe Gentleman by name, *Gods-vengeance*, of the Towne of *Impartiality*, in the County of *Iust-judgment*, having a long time through the daily perswations of his Kinsman, Mr. *Long-sufferance* (an honest peaceable Gentleman, unwilling his enimie should perish) forborne to proceed against the great Enemie and Incendiary of mankind, Mr. *Persecation*, according to his iniquity, at length taking occasion at his Kinsmans abused patience, forthwith procures a warrant from the Lord Cheife Iustice, *Peace-with-all-men*, for the Constable, Mr. *Reward-of-tyranny*, to attach him; who takes with him two approved men of the Parish, old Mr. *Woefull-experience*, and honest Mr. *Sound-judgment*; and making strict search and inquiry after him from Religion to Religion, found him at length amongst the Papists, under the name of Mr. *Spanish-Inquisition*; but the subtile

Fox no sooner perceived their *Authority*, but shrunke out of his Roman Papall Robe, and presently turned *Protestant*, clad with an English Episcopall habit, under the name of Mr. *High-Commission*, but Constable *Reward-of-Tyranny*, with old *Woefull-Experience*, and honest *Sound-Iudgement* being acquainted with his trikes, made after him, whereat he cast of his *Laune sleeves, Hoode, Typpit, &c.* and forthwith, least all Trades should saile, became a zealous *Covenanter*, in the godly shape of a *Presbyter*, changing his name into *Classicall Presbytrie* (a new cheat to cosen the world,) and then Scholer like, as if it had been for a goodly fat Benefice, in the twinkling of an eye jumpt out of *Scotland* into *England*, and turn'd a reverend *Synodian*, disguis'd with a Sylogisticall pair of Britches (saving your presence) in *Bocardo*, and snatching a Rhetoricall Cassok he girt up his loynes with a Sophisticall Girdle, and ran into the wilderness of *Tropes*, and *Figures*, and there they had lost him, had it not been for the *Spirits Teaching*, by whose direction they trac'd him through the various windings, subtile by-Pathes, secret tracts, and cunning Meanders the evening wolves, [2] wild Boares and Beasts of the Forrest in the briery thickets of Rhetoricall Glosses, Sophistications, and scholastick Interpretations had made, but being fit to lay hands on him, the cunning *Hocus Pocus* vanish'd out of their sight, and presently *takes Sanctuary*, for lookeing about for him, Behold, he was *doing his busines* (Sr. *Reverence*) in the *Pulpit*, thumping it devoutly, and most furiously like the *Son of Thunder* he *ratlid* the *Anabaptists, Brouwnists, &c.* letting his *bolts* (which according to the *Proverbe* were *soone shot*) fly at randome against them: but thinking to apprehend him, he skipt from them, from *Pulpit* to *Pulpit*, from *Vniversity* to *Vniversity*, from *Colledge* to *Colledge*, even through all the *Pulpits, Vniversities, and Colledges* in *Christendome*, and then he hied him from *Parsonage* to *Parsonage*, where the *Parsons Wifes* had thought to have hid him amongst the *Heards* of *Tyth Piggess*, flockes of chickings geese, &c. but that failing, he ran as if he had been wild through the *Gleabe Land*, and skipt over into a *Tyth Cocke*, and thought all had been *cocke sure*; but perceiving they espy'd him, up starts the Fox, and presently fast by the *Synod* he caught hold on the *Altar*, but fearing least he should be made a burnt Offering he vanished into 12. *Articles*, but that businesse not thriving, the next sight that was made of him, was in a petitionary garbe in the behalfe of the *London Ministers*: And a thousand other trickes, that I cannot reckon, he had; but one above all the rest I must not forget, which was the *master peece* of all the rest; for to bloke up all passages, stop all mouthes, and fortifie himselfe round, he turn'd *reverend Imprimatur*: and here the *pursuers* were at a stand, for all was as fast as the *Divel* and the *Presbyters* could make it, they sought to Authority to open the *Presse*, and still the *Pres-byters* (as their custome is) were in the way, that nothing could be done: Well, no good was to be done in publike, they then goe to it privately, and to worke a deliverance, fell into dangrous labour, and at length brought forth the villaine into publike vew, and notwithstanding all his trickes detected, apprehended, and caried him to Iustice *Reason*, who having examined the Malefactour, sets downe his *Examination*, and binds over *Gods-vengeance* to prosecute the *Malefactour* at the next *Assizes*, and finding him not baylable, makes his *Mittimus* for the Constable to commit him to the Goale, there to be kept in safe custody without *Bayle* or *Manuprise* till the next *Goale delivery*.

Now for the better understanding of this *Araignment* this ensuing Catalogue of the names of the severall Officers of the Court is here annexed.

The Court of Assizes held at the *Araignment* of *Persecution*. 1645.

Lord Parliament	The Iudge
	{ <i>Reason</i>
Iustice { <i>Humanity</i>	} Iustices the Peace.
	{ <i>Conformity</i>

[3]

Sir *Charles-Royall-Prerogative*. { The Kings Sergeant.
 Sir *Peter-protestant*. { The Kings Arturney.
 Sir *Iohn-Equity* { High-Sherriffe.
 Mr. *Obedience*. { Under Sherriffe.

Clarke. Cryer.

{ *Soveraingnty-of-Christ*.
 { *Power-of-Parliaments*.
 { *Vnity-of-Kingdomes*.
 { *Nationall Strength*.
 { *Setled-Peace*.
 { *Humaine-Society*.
 Mr. { *Vnited-Provinces*. { Grand Inquest.
 { *Desolate-Germany*.
 { *Blood-of-Princes*.
 { *Publike-Good*.
 { *Nationall-Wealth*.
 { *Civill-Government*.
 { *Domesticke-Miseries*.

{ *Creation*. { *Innocent-blood*.
 { *Gospel*. { *Good-samaritane*.
 Mr. { *Politique-power*. { *Trueth-and-peace*. { Iury of life and death.
 { *State-pollicy*. { *Orphan*.
 { *National-loyalty*. { *Light-of-nature*.
 { *Liberty-of-Subject*. { *Day-of-judgement*.

Mr. PERSECUTION. { *Prisoner*.
Mr. Gods-Vengeance. { *Prosecutour*.

{ *Christian*
 Gaffar { *Martyrs* { *Evidences*.
 { *Liberty-of-Conscience*.

Sir *Symon Synod* and Sir *Iohn Presbyter*. Defendants.

A new Iury for Life and Death endeavoured by Sir *Symon Synod*.

{ *Satan*. { *Rude-multitude*.
 { *Antichrist*. { *Sr. Iohn Presbiter*.
 Mr. { *Spanish-Inquisition*. { *Scotch-government*. { *Sir Symons Iury men*.
 { *Counsell-of-Trent*. { *False-prophets*.
 { *High-commission*. { *Eccles-Supremacy*.
 { *Assembly-of-Divines*. { *Pontificall-Revenue*.

[4]

THus (Reader) the *Court* being compleat, for thy more speedy progression through the matter intended, suppose the transaction of many passages in these *Assizes* here in this *Relation* omitted, as needlesse the repetition; the *Essentials* thereof being so tedious (to the impatient Reader, yet not unnecessary and uselesse (I hope) to the diligent peruser) for wherein without prejudice to our present matter, an omission may be, my silence for formality sake gives place to a supposition thereof, otherwise I shall transgresse upon the Readers Patience. Thus then the *Grand Inquest* (the matter being thus far brought) fall into debate.

1. Mr. *Sovereignty of Christ* Gentlemen, our Lord of Lords, and King of Kings, whose Image and expresse prerogative I am, hath by the price of his blood, constituted himselfe sole *Head* and *King* for ever over the *Conscienc*es of men, and therefore he chargeth his Housholders, the *Kings* of the *Earth*, to let the *Tares* and the *Wheat* grow together in the *Field* of the *World* untill the *Harvest* the *Day of judgement*, therefore this Malefactour *Persecution*, in my Iudgement, being in his *Inclinations* and *Actions* altogether averse thereto, is an *Arch-traitour* to the *Prerogative Royall* of *Jesus Christ* over the *Conscienc*es of men, and therefore Lawfully and Iustly charged with this *Byll*.

2. Mr. *Power of Parliaments*. My verdict (Mr. *Foreman*) is, that *Persecution* for *Conscience* is Inconsistant with the *Sovereignty* of *Kingdomes*, for it divideth their *Powers* one against another, and in themselves occasioneth murmurings, grutchings, and repinings, which in time breake forth into *Conspiracies*, *Rebellions*, *Insurrections*, &c. as well to the prejudice of *Sovereignty*, as to the ruine of the *Subject*; and which is more, the tendency, operation, and end of *Persecution*, is to reduce the *Power* of *Kingdomes* and *Parliaments* from themselves into the hands and disposall of the *Pontificall Clergie*, according to the divilish Decree of *Pope Paul 4. con. Trent. lib. 5. p. 409*. So that there can be no security for the *Power* of *Majestarcy*, where *Ecclesiasticke* usurpation is predominant; for the greater their *Power* is, the lesse powerfull is *Majestarcy*: wherefore I must needs consent to the equity of this *Byll*.

3. Mr. *Vnity-of-Kingdomes*. Mr. *Foreman*, should I relate how through the divilish polecy and cruelty of this *Persecution for conscience* I have been banished from betwixt *Kingdomes*, *States*, and *Provinces* to their utter destruction in one an others ruine, I should be unhappily too troublesome: wherefore in short, my *verdict* is concurrant with yours.

4. Mr. *Nationall-strength*. Mr. *Foreman*, I conceive that you cannot be unsensible that the *Nationall strength* of *Kingdomes* & *People* consists in the generall peace, as severall members wisely compacted in the naturall skin of one politike body: wherefore, to foster this *Malefactor* amongst a people, is to render the strength of a *Kingdome* to ruine, for he is a constant sower of division, [5] emulation, hatred, &c. amongst them: So that my *verdict* is not any wayes dissenting from your judgment.

Mr. *Setled-Peace*. Mr. *Foreman*, By reason of *Persecution for conscience*, I can find no absolute acceptance in any *Kingdome* or *Nation* troughout *Christendome*. For he so poysoneth all *Nationall Pacifications*, *Leagues* and *Covenants*, that their peace changeth with their *Religion*; so that their peace cannot be truly settled wherefore my *verdict* is concurrant.

6. Mr. *Humaine Society*. Mr. *Foreman*, My *verdict* is, what by experience you have all found, that he hath not only set *Kingdomes* at variance, but even father against son, and son against father, one friend against an other, and embrewes them in one an others blood, to the destruction of all *humaine society*: wherefore, I conceive this *Charge* against him is according to equity.

7. Mr. *Blood-of-Princes*. Mr. *Foreman*, The blood of *Kings*, *Rulers*, and *Governours*; the *Treasons*, *Designes*, and *Conspiracies* against their persons, whereof *History* is full, and whereto our *Age* is not wanting, occasioned by *Persecution*, enforces my *verdict* in approbation of the *Byll* against him.

7. Mr. *Vnited-Provinces*. Mr. *Foreman*, Whosoever readeth the *History* of the *Vnited Provinces*, and considereth their wonderfull preservation, flourishing state and prosperity they enjoy, notwithstanding their waging of continuall warre with a forraigne *Enemie*, may clearly perceive, the great mercy of *God* upon a *Nation* and *people*, that in tender to the consciences one of an other, exclude, banish, and extirpate *Persecution* out of their *Territories*: wherefore I likewise consent to the equity of the *Byll* given in against him.

8. Mr. *Desolate-Germany*. Mr. *Foreman*, Those that doubt of the truth of this *Byll*, let them but looke upon the Germaine desolations, depopulations, warre, famine, and pestilence occasioned through papall supremacy over our consciences, & he may receive full satisfaction of the equity of this *Byll*.

9. Mr. *Publique-good*. Mr. *Foreman*, that which is destructive to the publique good is *Treasonable*, and not to be suffered in a *Common-wealth*, because it striketh at the *Root* and *Foundation* of *Magistracy*, whose proper end is, that all may lead a *Quiet* and *Peaceable* life under the publique *Protection*. But this Fellow, *Pesecution*, diverteth the publique good from the *Generality* to this or that *Sort*, to this or that *prevailing Faction*: so that where, or in what *State* soever he is *Predominate*, there is an impossibility of an equall enjoyment of the publique good, but even the better sort, such as stand for the good of others as well as their owne, and have hazarded their lives for the publique good against the common *Enemy*, as *Anabaptists*, *Brownists*, &c. are by him deprived of the publique *Liberty* and *Freedome* of the *Subject*, for which they have engaged *Estate* and *Life*. Therefore Mr. *Foreman*, my *Verdict* upon the *Bill* is *BILLA VERA*.

10. Mr. *Nationall-wealth*. Mr. *Foreman*, that which is the Ruine of Nationall [6] *Wealth* is destructive to the very *Being* and continuance of *Nations*, *Kingdomes*, and *States*: for it bringeth *Devastation* and *Depopulation* thereof, and so not to be suffered. But this *Persecution* for Conscience stirreth up *Wares* and *Bloodshed*, in *Nations*, *Kingdomes*, and *States*, which consumeth their *Wealth*, devoureth their *Fruit*, burneth and destroyeth their *Cities*, *Townes*, and *Villages*, and throweth all into a *Wildernesse*. Therefore Mr. *Foreman* you have my consent to the verity of this *Byll*.

Foreman.

Gentlemen, we have spent much time, and our *verdict* is expected, if you (12.) Mr. *Civill-Government*, and Mr. (13.) *Domesticke-Miseries*, be agreed with us in your *verdict*, there remaineth nothing, but the endorsment hereof with *Billa-Vera*.

Ambo.

Wee are agreed with you.

This past, the *Grand Jury* give in their *verdict* or *Inditement* endorsed with *Billa Vera*, whereby the Malefactor *Persecution* is made a lawfull prisoner, to be brought forth to the *Barre*, and to be put upon the *Jury* of life and death.

Whereupon the *Clarcke* (the mouth of the Court) commands the *Goaler* to set forth *Persecution* to the *Barre*.

The Goaler sets forth Persecution to the Barre.

The Indictment

Clar.

Persecution, Hold up thy Hand, and heare thy Indictment. Persecution, Thou standest Indicted in this County of Iust-Iudgment by the name of Persecution, late of the Towne of Tyranny, in the County of Martyrdome, by Gods-Vengance, of the Towne of Impartiality, in the County of Iust-Iudgment, That thou art an enemy to God and all goodnesse, a Traytor to Kings and Princes, their persons, Crownes and Dignities divider of them one against an other, and of Kingdomes and people in themselves, and that thou art guilty of the warre and bloodshed at present in this Land, yea almost of all the blood of the whole earth from the blood of righteous Abell unto the blood of these present times, contrary to the peace of our Sovereaign Lord the King, his crowne and dignity: How saist thou Persecution, art thou

guilty of this Treason, Rebellion and bloodshed in manner and forme is thou standest Indicted, or not guilty?

Pris.

Not guitly.

Clar.

By whom wilt thou be tryed?

Pris.

By God and my Countrey.

Then an *Impanell* being returned, the Clarke saith,

You good men that are Impanneled between our Sovereigne Lord the King, and the prisoner at the Barre, answer to your names at the first call upon paine and perill that may fall thereon.

They all answer to their names.

Clar.

Cryer, make Proclamation. Cryer o— — —yes— — —If any man can informe my Lord the Kings Iustices, the Kings Sergeant, or the Kings [7] Attorney before this Inquest be taken, between our Sovereigne Lord the King, and the prisoner at the Barre, let them come forth and they shalbe heard; for the prisoner stands at the Barre upon his deliverance.

Clar.

You the prisoner that is called to the Bar, these men which you have heard called, and personally appeare, shall passe between our Sovereigne Lord the King and you, upon tryall of your life and death, if you will *challenge* them, or any of them, you must speake unto them or any of them as they come to the Booke to be sworne, before they be sworne.

Prisoner.

My Lord, let me humbly crave liberty to *Challenge* this Iury, who though my Lord in all probability they be honest Gentlemen, yet my breeding, education, nature and course of life is not so well known unto them, as unto divers other Gentlemen (of worth and quality) here present, indifferent men, of far more esteem in the world, more able to discerne my cause, & the evidence mine accusars shall bring: Besides my Lord, these men of the *Iury* are men possest with an inveterate hatred and malice against me, and are parties in my *Indictment*; for together with the Grand Inquest they conspired together against me, and provoaked *Gods-Vengeance* to prosecute against me: now for me to be tryed by mine accusars and mortall enemies, I hope your Lordship cannot conceive it equall or legall: wherefore my Lord, I beseech you have mercy upon me, consider the blood of the innocent, least it be a prey to the malice of envy, and let more indifferent men be chosen.

Judge.

Persecution, I much wonder at thy impudence in excepting against such a *Iury*, yet so far as in equity I may I am willing for justice sake, to grant the utmost the Law affords.

Prisoner.

I humbly thanke your Lordship, the Lord blesse your Honour, and I beseech your Honour for the assistance of Sir *Symon Synod*.

Judge.

Well then let Sir *Symon* be cal'd into the Court.

Clarke.

Call Sir *Symon Synod*.

Crier.

Sir Symon Synod, come into the Court.

Judge.

Sir *Symon*, if you can further his Majesties service, in the proposall of others in the roome of those Persecution doth except against to Mr. Sherriffe to be impanneled, you are commanded.

Sir Symon Synod.

My Lord, since it is your Lordships pleasure with the consent of this Honourable Bench, that I shall be serviceable to him [8] I shall most willingly propose to his consideration persons of sufficient worth and estimation in the World, that are not prejudiciall to the Person of the Prisoner, neither are parties in his accusation, indifferent men, acquainted with his life and conversation, able to discern the evidence, that shall be brought in against him, men whom I shall commend unto your Lordships acceptance for soundnesse of judgement, and singular Piety in the cause of the Clergy, this being a matter which concernes them in an high nature wherefore by your Lordships favour *I* shall propose those if no better can be procured) to wit, Mr. *Satan*, Mr. *Antichrist*, Mr. *Spanish Inquisition* Mr. *Councell-of-Trent*, Mr. *High-Commission*, Mr. *Assembly of Divines*, Mr. *Rude Multitude*, Sr. *Iohn Presbyter*, mine only son, Mr. *Scotch Government*, Mr. *False-Prophets*, Mr. *Ecclesiasticall-Supremacy*, Mr. *Pontificall Revenue*: These never failed the designs of the *Clergy*, who in all Ages have endeavoured the Advancement of the Church of God, the *Tribe of Levi*: wherefore this being a Case that concernes their Advancement, which above all things in the world is to be endeavoured, I am emboldned to propound them unto Mr. *Sheriffe*, for the *Triall* of this *Prisoner*.

Judge.

Sr. *Simon*, this is a strange *Iury* you propose.

Justice Reason.

My *Lord*; it is according to the nature of the *Clergy*, can you expect Grapes of Thornes, or Figges of Thistles? if you shall but according to Reason consider of their *Waies* and *Pretences*, which indeed beare a specious shew, you shall find them no better then ravening *Woolves* in *Sheepes* Cloathing.

Iustice Humanity.

My *Lord*, it cannot stand with Humanity, much lesse with *Legall Equity*, that a Case which concernes the generall good of mankind should be refer'd to the *Verdict* of such an humane *Iury*.

Kings Ser.

My *Lord* there be divers of them whom *Royall Prerogative* hath called in to his Assistance, and at this day I conceive maketh use of them for the Establishing the Liberty of the Subject and the *Protestant Religion*, so that for my part I cannot see how all of them can be condemned.

Kings Attorn.

My Lord, a great part of them are Props to the *Protestant Religion*.

Justice Reason.

My Lord, what though *Royall Prerogative* and the *Protestant Religion* should be founded upon them? must they therefore be concluded Authentick? *non sequitur*: and for the Liberty of the Subject, though they may be used as a Glosse; yet Reason will tell you, that they are as directly opposite to it, as the *Zenith* is to the *Antipodes*.

Judge.

Sr. *Simon*, I cannot in Equity permit such unworthy Persons to be on the *Jury* only Mr. *Assembly of Divines*, Sr. *John Presbyter* and Mr. *Schotch governement* are commanded to attend the *Court*, for the service of the *King*, if occasion be.

[9]

Then the former *Jury* being sworne, &c. the *Goaler* is commanded to set forth PERSECUTION to the *Barre*.

Clar.

PERSECUTION, hold up thy hand: Looke upon him Masters of the *Jury*, hearken to his cause, You shall understand, that he stands indicted in this County of *Iust judgment*, by the name of PERSECUTION, &c. Upon this Indictment he hath beene Arraigned, and thereto hath pleaded *not guilty*, and for his tryall hath put himselfe upon God and the Countrey, which Countrey are you: your *Charge* is to enquire whether he be guilty of this Treason, murder, &c. in manner and forme as he stands Indicted, or not guilty: And heare your Evidence.

Crier.

If any man can give Evidence, or can say any thing against the Prisoner, let him come forth, for the Prisoner stands upon his deliverance.

	{ <i>Gods-Vengance.</i>	{ <i>Gods-Vengance.</i>	{ here.
	{ <i>Gaffar. Christian.</i>	{ <i>Gaffar Christian</i>	{ here.
Clar. call.	{ <i>Gaffar. Martyrs.</i>	Crier { <i>Gaffar Martyrs.</i>	{ here.
	{ <i>Gaffar. Lib. Cons.</i>	{ <i>Gaffar Lib. Cons.</i>	

come forth & prosecute, or you forfeite your *Recognisance*. { I cannot get in my Lord *Sir Symon* keeps me out. O! murder, murther, my Lord.

Judge.

What is the matter?

Lib. Cons.

My Lord, *Sir Symon Synod* is like to pull out my troate with the revenous Clawes of an *Assembly*, and Mr. *Scotch-Government* was fit to stab me with his *Scotch dagger*, and the *Iohn* of all Sr. *Iohns*, Sr. *John Presbyter* with his *Classicall Club* would beat out my braines: For my Lord, they are affraid I should come into your Honours presence, least I should find entertainment in this Kingdome, and so Mr. *Pontificall-Revenue* turne Seperate from the Church of *Engeland*.

Crier.

Peace there, every man keep silence upon paine of imprisonment: make way there for Liberty-of-Conscience; Jemmy put up thy dagger; Sir Symon goe parre your nalles; Sir Iohn, away with your Club, that Liberty-of-Conscience may come into the Court.

The Witnesses being come in, they are sworne every one according to their knowledge to give in a true Evidence for the King against the Prisoner at the Barre.

Clar.

Gods-Vengeance, stand up, what can you say for the King against the Prisoner at the Bar?

GODS-VENGANCE

My Lord, I have from the beginning diligently observed the *Nature* and *inclinations* of this *Prisoner*, ever to have been so averse to God and all goodnesse, that his Action in all *Nations, Kingdomes* and *States*, [10] amongst *Societyes* and people, have been in direct Enmity to the end of Christs comming: for *he came not to destroy mens Lives, but to save them, Luk. 19. 56. Ioh. 3. 17.* But this fellow *PERSECVTION*, destroyeth both Life Temporall and Spirituall: he wasteth mens *Estates*, the more Godly and upright they are, the more *cruell, raging* and *hatefull* he is against them, he bringeth *Misery, Poverty* and *Beggery* on their Wives and Children: yea my Lord, this *Savage Blood thirsty Wretch Hangeth, Burneth, Stoneth, Tortureth, Saweth a sunder, Casteth into the fiery Fornace, into the Lions Denne, Teareth in peeces with Wild Horses, Plucketh out the eyes, Roasteth quicke, Bureth alive, Plucketh out the Tongues, Imprisoneth, Scourgeth, Revileth, Curseth, yea, with Bell, Booke and Candle, Belyeth, Cutteth the Eares, Slitteh the Nose, Manacles the Hands, Gaggeth the Mouthes, Whippeth, Pilloreth, Banisheth into remote Islands, makes them fly by whole Shipfulls into Wild Desarts, Stigmatizeth some, and sometimes maketh such (so Stigmatized) when the wind turnes, to Stigmatize their freinds with Reproaches, Calumnies, Oppression of Conscience, &c. Deprives them of the Communication of their Freinds, of all Releife, of Pen, Inke and Paper, Seperates Man and Wife, Deprives Parents of their Children and Children of their Parents, Imprisoneth men only for the discharge of a good Conscience, Stoppeth Presses, whereby men cannot make their just defence, Suffers nothing to be *Licensed, Printed, Preached*, or otherwise published, but what himselfe alloweth, and having thus bound the hands and stopt the mouthes of all good men, then he comes forth in *Print* against them like an Armed man, and furiously assalts them, Exults and Exalts himselfe over them, *Feigneth* Arguments for them, and then like a Valiant Champion gives them a conquering Answer, and thus puts them to flight, and pursues them with Revilings, Scandalls, Forgeries, and Opprobrious Nick-names, as *Antinomians, Anabaptists, Brownists, Independents, Scismaticques, Herctiques &c.* Thus he dealeth with the Godly party: Yea, he forceth Millions to make *Shipwracke of a good Conscience*, who for feare of such inhumanity *deny the Lord that bought them*, to their finall condemnation. Oh! therefore (my Lord) if there be any Bowells of Mercy, any tender Compassion in you! pittie the destitute, the Afflicted, the tormented, who wander about in Sheepskinnes and in Goateskinnes in desarts and in mountaines, in Dens and in Caves of the Earth, of whom the World is not worthy.*

Secondly, my Lord, he maketh a Nation guilty of all the righteous blood spilt upon the Earth, from the blood of *Abel* to the blood of *Zacharias*, and of all that are slayen upon the Earth; for it is all innocent blood that is shed in that case, purchased by the blood of Iesus Christ, who *came not to destroy, but to save mens lives*; and therefore would have all taught in all Nations, that all might be perswaded to the obedience of the truth, that [11] all might be saved: Therefore to kill the unbeleever, as, *Turke, Pagan, Iew, &c.* is to slay such as *Christ would have to live to repent*, which must needs be *Murder* in the highest *Nature: And cursed is he that shall slay an Innocent Person, and all the people shall say, Amen, Deut. 29. 25. The Land that sheddeth Innocent Blood, Innocent blood shall be upon it. Deut. 19. 10. and Innocent Blood the Lord will not pardon. 2 Kings 24. 4.*

Thirdly, my Lord, he occasioneth Treasons, Conspiracies, Rebellions, Warres, Forreigne and Domesticke, in all *Nations* and *Kingdomes* in the Earth, He divideth *Prince* against *Prince*, *Kingdome* against *Kingdome*, & *Kingdomes* in themselves, Breedeth and begetteth a Nationall hatred betwixt *Prince* and *People*, and amongst themselves: he setteth Neighbour against Neighbour, Yea Father against Sonne, and Sonne against Father, he breaketh the bonds of Peace and Freindship Nationall and Domesticke, Inrageth and Filleth the wholl Earth with blood and Violence: for what at this day is the Reason the Protestants seeke the Blood of the Papists? but because the Papists seeke theirs? they hate & persecute the Papists, because the Papists hate and persecute them: they would extirpate and roote out the Papists, because the Papists would doe the like to them. And on the other side, the Papists plot and conspire against the Protestants, because the Protestants will not suffer them to live amongst them, but *Banish, Imprison, Hang, Draw, Quarter, and set up the Limbs of some of them* (in open defiance to the God of heaven and earth) *upon the Gates of the City*, who though unhappily they be found *Traitors* to the *Publique Peace and Politique Government*, yet Nature might teach them to bury their Limbs, *An Eye for an Eye, a Tooth for a Tooth, Blood for Blood*, saith God: but now Blood cannot satisfie Inhumane cruelty: If this be *Canonicall*, Let me have old *Tobits Apocripha*, who hazarded his life to bury the dead.

Where two stand at Enmity, there must needs be Mastery, or else no safety: When one knoweth the other is his mortall Enemy, he will use all the Means, Strenght and Pollicy that he can to subdue him. This enrageth to all manner of Tyranny and bloodshed, setteth one *Kingdome* against another, because each knoweth and taketh each other for his deadly Enemy: Their faith being built upon this *rotten & devouring* principle of *forcing the consciences one of another*. But if the Papist knew the Protestant, the Protestant the papist to love another: & would not molest or in the least injure one another for their *Conscience*, but live peaceably & quietly one by another; bearing one with another, and so of all Religions: What man would lift up his hand against his Neighbour? This could not but conduce to a generall true settled Peace, to the wholl World. And in a short time, the Enmity of Heart betweene the Papist & Protestant &c. would be quite worne out: Why should we hate and destroy one another? are we not all the Creatures [12] of one God? redeemed by one Lord *Jesus Christ*? this should provoke us to Love and peace one towards another. If God have revealed more Light of the Gospell to one then to another, shall the more knowing trample the ignorant under his feet? we should carry our selves loving and meeke one towards another, with *Patience perswading and exhorting the contrary minded, proving if at any time God will turne their bearts*, by this meanes the great *Incendiary* of the World, *an inforced enraged Conscience*, would be at rest. What is more neere and deere then our *Consciences*? if that be enraged who can appease it? if that be satisfied, what Content, Joy or Peace like unto it? or what more mild more Gentle or Loving? Therefore how render ought we to be in Cases of Conscience? it is a *Lion* if enraged, a *Lamb* if appeased: it is all *Honey* or all *Gall*, enraged it is like the *Wild Bore* of the *Forrest*, pleased, it is like the *Dove* from the *Arcke*: no greater Freind, no greater Foe.

It is beter therefore for *Kingdomes* to set the *Conscience* free as in *Holland, Polonia, Transylvania, &c.* and be at Peace in themselves, the to bind and enforce it and be Rent in themselves with *Emulations, Heart burnings, Conspiracies, Rebellions, &c.* If this *Fiery Spirit* were alliaied, *This ignorant Zeall of forcing all to believe as we believe, extinct: Nationall Feares, Ielousies, and Hatred* would cease betwix. *Nation and Nation, people and people*: for as *this violent Implacable Spirit* suggesteth *Feares* and *Ielousies* betwixt one *Conscience-forcing King* and an other: *Kingdome* and *Kingdome: Nation* and *Nation*: so it forceth them to draw their swords, and stand in continuall *Defiance* and *Defence* for feare of *mutuall Invasion*. Yea under a false *Opinion of advancing Gods glory*: by forcing others to their faith, they *invade, assault and murther* one an other, and yet both (deluded by this Seducer) thinke they doe God good servicee, when alas it is all innocent blood that is shed:

What was the maine cause so many Nations have been rent and divided in themselves, and one against an other, and in their divisions devoured one another of late dayes? What occasioned the *revolt* of the *Germaine Princes*, from the *House of Austrea*, of the *Neitherlanders* from the King of *Spaine*, the *bloody Missery* in *France*? And amongst our selves, what occasioned the *rising* of the *Scots*, the *Rebellion* in *Ireland*, and those *bloody divisions* in *England*, but this divelish Spirit of binding the conscience? One would compell the other to their faith, and force them from their owne, and that will not be borne, they had rather dye, then deny their faith; and therefore is it, that a considerable party rebelleth, and in that Rebellion wallow in one another's blood, burne and destroy all before them, and yet both (as they suppose) *fight the Lords battell*, while indeed the *Divell* beareth the greatest share, whose servants they are in that Quarrell one as well as the other. Doth not the Holy Ghost make it a speciall Marke of Antichrist to force *all both great and small*, &c. and is it not the cause of the *Womans flight* into the [13] *Wildernes from the presence of the Dragon*; the scattering of the Church into Desarts and secret places; the Death of the *two Witnesses*, and *wearing out of the Saints of the most High*? How cometh the *Woman on the scarlet coloured Beast drunke with the blood of the Saints, and with the blood of the Martyrs of Iesus, and all the blood of the Earth to be found in her*, but by this divelish Spirit, even the *Spirit of Divels, which goeth forth unto the Kings of the Earth, and of the whole world to provoke them to warre against the Saints*; I meane, this *binding of conscience*, and forceing conformity, though never so much against knowledge and perswation of heart, which at this day is so hotly endeavoured preached, and pleaded for by the *proud, Prelaticall Presbytrie* of this Land, who by their subtile insinuations and secret delusions endeavour the infusion thereof into the hearts of their Rulers, and to beget it as a principle of faith in the multitude: Should they possesse a Parliament and Kingdome with this Spirit, that Parliament and Kingdom cannot expect peace and safety to continue; the fire may be smothered for a time, but it will breake out at last, as this Kingdome hath already found by woefull experience, the blood of its Nobles and Commons, &c. whereof *my Lord*, this *infernall Feind* (here arraigned before your *Honor*, a Traitor to his Majesties Crown and Dignity, the priviledges of Parliament, Rights, and Lib. of the Subject) is the cause: Yea *my Lord*, he is *Iakce on both sides*, it was he that occasioned the feares and jealousies betwixt his Majesty and the two Houses of Parliament, and unhappily drew them into the Feild of Blood, neither party would be oppressed in Conscience, or deprived of their Religion; this was one halfe of the Quarrell, and publikely prosessed the main, though it may be *Monarchie* was the other halfe; and *my Lord*, he seduced the King into the *North*, and provoaked your *Lordship* unto *Armes*, and hath continued to this day firmly on both sides, so that fall which side it will, he concludes to be *Conquerer*, and be established absolute *Monarke*, for he so deports himselfe betwixt you both, that both may persecute, and hitherto he hath too much prevailed with your *Lordship*: Therefore *my Lord*, if this *vile Incendiary* (here happily detected and *arraigned*) be not cut off from betwixt you, there is no hopes of peace, till the sword (and it may be famine, and pestilence too) wrestle it out to a *Conquest* on one side; and when all is done, yet peace will not, nor can possibly long endure; for where *Persecution* is, there will be *heart burnings, envyings emulations, and murmurings*, which at length will breake out into *Commotions, Conspiracies, Insurrections and Rebellions*. And thus *my Lord*, I give place to what shall be further evidenced by the *Witnesses*.

Clar.

GAFFAR CHRISTIAN stand up, what can you say for the King against the Prisoner at the Barre?

[14]

CHRISTIAN.

My Lord, I have knowne this man by woofull Experience, well nigh 1644 yeares: and my brethren of old, the *Prophets*, bare witness against him unto the day of my *Nativity*, that he was in their times the most *Pestilent Enemy* to *Mankind*, to *God and all Goodnesse*, that ever was borne into the *World*: and my Lord, I am able to prove his continuance in that cursed *Condition* even unto this day: so that he hath lived and scaped the hands of Justice above 5660. yeares, and all his dayes hath been a *Murderer and Butcher* of good men, yet scarce any consider it.

Secondly, my Lord, this *Prisoner*, PERSECUTION for *Conscience*, maketh the *Gospel of none effect*, instead of *Sincerity* he setteth up *Hypocrisy*, instead of the *Feare of God*, he setteth up the *Terrour of men*: instead of the *Simplicity of the Word*, he setteth up the *Vsurpation of the Sword*: for my Lord, the compelling of men against their *Consciences*, enforceth such *Inconveniencies* and *Impieties* inevitably: Yea my Lord, of such a *Divelish Spirit* is this *Enemy* of, as he exalteth himselfe against the *Mercy of God in Christ toward the sonnes of men*, to the very prevention thereof to *Multitudes*, and the tumbling of them headlong without remorse to the *Divell*: for they that are blind, they that are *Tares*, who knowes but they may see, may become *Wheate* heereafter: but if they be cut off, (as this merciless *Inhumane Mescreant useth*) for their blindness, how shall they see? for (*Isa. 38. 19.*) *The Grave cannot praise thee, they that goe down into the Pit cannot hope for thy Truth.* *Blasphemers* may hereafter become faithfull *Witnesses* of Christ, *Act. 3. 3. & 9. 5. 6. Idolaters*, true *Worshippers*, no people of God, the people of God, as the *Corinthians*, *1. Cor. 6. 9. & some come at the first, third, sixth, & some not till the eleventh houre*, *Mat. 20. 6.* but should those that are in their sins till the 11. houre be cut off because *they came no sooner: they should have been prevented from conversion, or coming at all*, as godly King *Edward* moved by his *bloody Bishops*, to the burning of a godly *Woman* called *Ioan Butcher* (*Fox Act. Mon. p. 148. 4.*) answered, *will you have me send her quicke to the Divell in her errors.* This is the service this *PERSECVTION* doth, instead of building he destroyeth, instead of saving he damneth, under the colours of Christ he fighteth for the *Divell* his Master.

Thirdly my Lord, his nature is at direct enmity against the very command Christ gave unto the *Apostles* in the *Generall Commission: Goe teach all Nations, &c. Mat. 28. 19.* where *teaching*, not *violent compulsion* is constituted, and *once for ever ordained* the meanes and only way for *conversion* to the *faith of Iesus* in *all Nations*: Now *compulsion* and *perswation* all know are directly opposite, as much as to *will* and to *null*; So that the command of the one by the Authority of the *Father, the Son, and the Spirit*, is a flat denyall of the [15] other by the same Authority: For here (*ver. 19. 20.*) by full power of that Authority, *Teaching* is commanded; as, *teach all Nations, &c. teaching them to observe all things, what ever I have commanded, &c.* Therefore, *all violence*, as by *menaces. threats, imprisonments, bodily punishments, spoyling of goods*, and such like *cruelties* of this tyrant, is condemned in *all Nations* as a *meanes for no Nation* in the administration of the *Gospell*.

Fourthly, my Lord, this *Adversaries* practice, and the *Discipline* of this *old, envious, malignant wretch* here justly *araigned* before your *Honour*, is quite contrary to the *Apostles* in their Administration of the *Gospell*; for they did never suggest, or stirre up any *Prince*, or *Majestrate*, (in whose hand is the *compulsive civill power*;) to force such by violence of penall *Lawes, Edicts, Ordinances, Imprisonments, or the like*, as would not subject unto their *Gospel*: but on the contrary, gave up themselves to *scorgins, imprisonments, stoning, &c.* which this *Enemie* occasioned against them, for the promulgation thereof: And the worst that they did, or were commanded to doe, to such as would not receive the *Gospell*, was but to *shake of the dust from their feete*, *Mat. 10. 14. Luke 10. 11. Acts 13. 51.* which was nothing so ill, as this *Feind's* fire and faggot, burning, hanging, stoning, scorging, imprisoning, &c. whose nature hath ever been & is alwayes versant in such cruelties; and yet my Lord, *this spawnne of Satan, this malicious Hypocrite*, doth all under the vizour of *Religion*, his

woolfeish nature is never seen abroad, but in *sheeps clothing, in nomine Domini* he perpetrates all his villany: So that *my Lord*, he is a most dangerous inveterate *Antichrist*, and Arch-traytour to his Majesty (the *King of Kings*) his royall Crowne and Dignity, and an invadour and destroyer of the just Liberties, the lives and fortunes of his Majesties leige people.

Fiftly, *my Lord*, it is against the Law of Charity, *not to doe as we would be done unto*: He that hangs a *Jew*, because he will not be a *Christian*, would be loath a *Jew* should reward him in the same kind, because he will not be a *Jew*, though in equity he deserve it, for *innocent blood* requireth *blood*. Yea *my Lord*, to force men and women against their consciences is worse then to ravish the bodies of women and Maides against their wills: Yea, it is beyond the *Turkish* cruelty, for though the *Turkes* force the bodies of Christians and Strangers to slavery, yet they let their conscience goe free: But our late Idol blood-sucking Bishops, and after them our ravenous *Presbiters*, as towardly *younge Cubbes* forbear not to force the consciences of their friends and neighbours, and imprison them for walking after the light God hath given them; And *my Lord*, it is this *Malefactour* which rendereth them so guilty: Yea *my Lord*, this *Foule Spirit* breathed into them at their *Consacration* is not yet cast out of them, *which like a roaring Lion seeketh whome it may devoure*: So that if your *Lordships* justice doe not speedely interpose the *bloody resolves* and [16] *villanous intents* of our new upstart *frisking Presbyters*, we shall be all devoured by those greedy *Synodian Cormorants*, which if you suffer, *Woe* then to your *Lordship* in the *latter Day*, for be assured, that all the miseries, tortures, and torments they inflict upon us, will not only rise up in judgment against them, but even against your *Lordship*.

Sixtly *my Lord*, he usurpeth that to himselfe, which Christ hath referred to the *Last Day*, to wit, to judge them that reject him, for *Iohn* 12. 47. 48. *If any man hear my words and before not, I judge him not, for I came not to judge the World, but to save the World: he that rejecteth me and receiveth not my words, hath one that judgeth him, the word that I have spoken, the same shall judge him at the last day.* And *1. Cor.* 4. 5. *Iudge nothing before the time untill the Lord come.* And *Mat.* 7. 1. 2. *Iudge not least yee be judged, for with what judgement yee judge, yee shall be judged &c.* and to these adde *Isa.* 11. 4. Therefore no man upon paine of judgement, must presume to judge any in respect of Christ or his words, but must referre it to the last day, whose word shall judge him, and not *Fire and Faggot, Hanging and Quartering, Imprisoning &c.* such are incompetent Iudges, for to this end Christ both died and revived, that he might be Lord both of the dead and the living. *Let us not therefore judge one another any more, but judge this rather, that no man put a stumbling Blocke as an occasion of fall in his brothers way: for, Who art thou that judgest another mans servant? to his owne master he standeth or falleth.* *Rom.* 14. 4. We are not equall Iudges one over another in matters of Faith, *Who is it that shall condemne? it is Christ that dyed*: What is he that shall dare to execute Vengeance for unbeliefe? *He that is innocent let him throw the first stone.* The Assembly (surely) will not plead Innocence, and if not, why are they so hasty to throw? *Surely, Great is Diana of the Ephesians.* Yet Mr. *Calamy* a man but newly *Metamorphosed* by a figure which we Rhetoricians call METONOMIA BENEFICII from *Episcopallity* to *Presbytery*: upon demand what they would doe with Anabaptists, Antinomians &c. tells us, *That they will not meddle with their Consciences, but with their Bodyes and Estates.* Truly if this be the drift, they are even *leapt out of the Frying pan into the Fire*. If they be fallen, this is not to restore them with the Spirit of meeknes. But *my Lord*, Iustice upon this Malefactour would cure the Synodians of that Disease, for *Patience per force is a Medicine for a madde Dogge.* And thus *my Lord*, your Honour hath my Testimony of this Malefactour.

Clar.

GAFFAR MARTYRS, What can you say for the King against the *Prisoner* at the Barre?

MARTYRS.

My Lord, Had not my life been hid in Iesus Christ, who is God of the living, [17] and not of the dead, for though dead in the grave, yet I live unto him, to be raised and revived at the last day; or could the arme of flesh supresse the cry of blood, my witness would have beene disabled: for this Malefactor PERSECUTION persecuted me even to the death; so that my voyce is no other then the cry of blood, even of the Prophets and Martyrs of Iesus, that you heare; for my Lord, such hath been his cruelty to me to suppress my Testimony against him while I was living, that all the tortures and torment wit and malice could invent, he with his blood-thirsty Clergy devised against, and executed upon me, whereby I was most barbarously murdered; so that my Lord, I have no other voyce left me, then that of blood, spilt for the Word of God and the testimony of Iesus, crying with a loud voyce, how long O Lord holy and true dost thou not avenge our blood? I could enlarge my selfe into a Sea of blood against him, discover him drunken with the blood of the Saints and Martyres of Iesus: yea my Lord, Articles of all manner of impiety against God, and all goodnesse, Treasons, Rebellions, &c. I could exhibite against him, but my faithfull brother, that pore despised CHRISTIAN, hath most justly witnessed abundantly against him: And there is yet an other faithfull Witness to give in his Evidence, Gaffar LIBERTY-OF-CONSCIENCE, who I know, is thoroughly furnished with matters of highest concernement against him, to whose just Evidence I shall give place.

Clar.

Gaffar LIBERTY-OF-CONSCIENCE, what can you say for the King against the Prisoner at the Barre?

Prisoner.

My Lord, before he proceed, be pleased to heare the just exceptions, Sir Symon Synod and Sir John Presbyter after their so long and serious consultation have devised and contrived, why his Testimony should not be heard, as an unfit Witness in such a case as this.

Iustice Reas.

My Lord, if Baal be God, let him plead for himselfe.

Iudge.

And reason good: For the judgment of this Court is not to be swayed by favour, affection, humour of multitudes, or the like, but by Reason and equity it selfe: Wherefore for the more free and just proceeding herein this Court Ordaineth and Proclameth freedome for both sides, one as well as the other, whether Presbyterian Tormentours or Independant Sufferers to give in their groundes and reasons to the Sentence of this Court, whether LIBERTY-OF-CONSCIENCE be tollerable, and his Evidence to be received. Wherefore Sir Symon, if you have any thing why this mans witness may be disabled, you have liberty to speake.

Sir SYMON SYNOD.

My Lord, this fellow LIBERTY-OF-CONSCIENCE, is a Free-willer, a loose Libertine, one that opens a gate to all manner of prophanes, in what [18] Countrey or State soever he gets entertainment, a man of all Religions and of no Religion, a compound of all heresies, scisme, and faction; a pestilent enemy to Nationall Conformity, our late Solemne League and Covenant, a Tradour to your late sacred and blessed Ordinance for Tythes, a worke of Superarrogation, a Confuter of our mighty Champions Mr. Prinne, Edwards, &c. He is for no Reformation, but strives to frustrate all my endeavours, and the pious ends of the rest of my holy brethren of the Tribe of Levi, for the advancement of the Church of God, the Clergie of the Land, with ecclesiasticall Revenue, and power coercive to curbe opposition, and force

Reformation to Presbyterian Government: *yea my Lord, this is he that would reduce the Nationall Reformation of this Kingdome, so much endeavoured by your ne Lordship, even to open loosensse, every man to be of what Religion he list, every mecannicke illiterate fellow to turne Preacher, and be as good as their Minister, no distinction made betwixt the Clergie and the Laity, our Canonically Coates, Girdle: long Cloakes and Blacke Gownes made a dirision, a taunt, and a curse, as ominous as Lawne sleeves and as hatefull as a Miter, our holy Tythes, as of Lambe, Pigge, Goose, &c. be turned unto voluntary Contribution, oh insufferable sacraledge!* from the good will of the people good Lord preserve us *yea my Lord the upper hand in publike places, (the Clergies delight) as, in streets, at feasts, &c. be deny'd us, the reverent estimation of our Coate be past either Cap, Congue, Cur'tsey, no difference betwixt the Black Cassaocke and the Louthren Iacket, and all our goodly fat Benefices turnd to the labour of our hands (alas my Lord, we were never brought up to labour, we cannot digge, and to begge we are asham'd) our delusions, false Glosses, Sophistications, and godly prerences be detected, and divulged, and so all things that are dainty and goodly to depart from us: alas, alas my Lord! this will undoe the Clergie quite, we may leave our Callings, and learne new Trades, if we turne Coblers, Tinckers, and Weavers we may chance get constant worke, is not, now and then a job of preaching amongst the people; Consider my Lord, it will put out the two eyes of the Kingdome: Much more I could say, but I shall give way to my Son Sir Iohn, who by your Lordships favour shall further informe this Court in the defence of this Prisoner.*

Judge.

Well Sir Symon, this being a busines of high concernment, either what you or your Sir Iohn, or what any man else can say in the behalfe of his Majesty concerning the Prisoner, this Court freely permitteth, yea commandeth Information thereof.

Clar.

Call Sir Iohn Presbyter, sonne to Sir Symon.

I. Reas.

Magus.

Crier.

Sir Iohn Presbyter sonne to Sir Symon come into the Court.

Judge.

Sir Iohn your Father hath informed us, that you have, matter of exception against LIBERTY-OF-CONSCIENCE, if you have, the mercy of the Court permitteth the Prisoner the benefit thereof.

[19]

Sir IOHN PRESBYTER.

My Lord, My Reasons against LIBERTY-OF-CONSCIENCE, why both himselfe and his Evidence is to be rejected, are these.

1. Because I suppose it must needs be granted, that the Majestrate is *Edwards Antipol. pag. 280.* *custos ac vindex utruisque Tabulae*, (as is confessed by all Orthodox Divines) that the care of Religion belongs to him: And because *Austin* and other Divines on *Psal. 2. 10. 11.* and on *Deut. 17. 19.* give unto Magestrates that power. Ergo.

[*I. Reas. States-men must weare Bells about their neckes, because antient Divines say, Kings are but Packe-horses to the Clergie.*]

2. Because in this Kingdome the Reformation in Worship, Government, *pag.281.* &c. which shalbe settled and established by your Lordship is judged and taken for granted by you to be according to the mind of Christ; else why hath your Lordship called so many able, godly, and learned Divines (of us) to consult with for that purpose? and why else will you establish it, if there be any other more agreeable to the Word? Ergo.

[*I Reas. The Synod is guided by the Holy Ghost sent in a Cloake-bag from Scotland, as of old from Rome to the Councill of Trent, Concil. Trent. lib. 6. p. 497.*

3. Because it is against the solemne League and Covenant for Reformation, taken by the Parliament and Kingdome of *England* and *Scotland*, and so cannot be *pag.282. & 283.* condescended to in *England* without the breach of that Oath and Covenant: So that all *Apollogie* and motion for Toleration comes too late, the dore is *shut* against it, the Kingdomes hands are bound, so that if a Toleration were not in it selfe unlawfull, and against the duty of the Majestrate, yet now because of the Oath and Covenant 'tis unlawfull; so that whatsoever might have been granted before, cannot be now, least the Kingdome should be guilty before God of Covenant breaking. Ergo.

[*I. Reas. Because the Assembly hath saddled the Parliament, it is unlawfull for the Presbyters to goe a foote. Ergo, Persecution was unlawfull when the Priests were persecuted, but now it is lawfull they persecute. Ergo, Toleration was lawfull, and the duty of the Majestrate when the power was in the hands of the Bishops, but now the Presbyters are crowding into S. Peters Chaire, the Parliament is bound to compell all men to the Decrees of the Assembly, as that impudent, and desperate Incendiary Mr. Edwards boldly and openly affirmeth, an Assertion able to divide the Kingdome in twenty peeces.*]

4. Because it is against the greatest lights in the Church both antient and moderne, as *Augustine, Ambrose, Calvine, Phillip Melancton, Zinchius, Musculus, pag.281.* *Bullinger*, likewise the judgement of the Devines of *New England* are [20] against the Toleration of any Church Governement and way but one, they will not suffer *Brownists, Anabaptists, &c.* Mr. *Cotton* the greatest Divine in *New England*, and a pretious man, is against Toleration, and holds that men may be punished for their Consciences, as will appeare by his Letter to Mr. *Williams*. Ergo.

[*I. Reas. Presbyterian Governement is unlawfull, because Mr. Cotton condemnes it in his Booke intituled, The Keyes of the Kingdome of Heaven.*]

5. Because at this time for want of settled Governement, people being *pag.289.* left to so great liberty, multitudes are fallen, and doe daily to *Antinomianisme, Anabaptisme, Independancy*, yea to deny the *Immortality of the soule*: Ergo,

[*I. Reas. One Anabaptist, Independant, or the like, that can render a Reason for what he holds, is better then seaven Presbyters that conclude from such bald Promises., Prov. 26. 16.*] [Here the Authour of that Booke, instituted *Mans Mortality*, desires Mr. *Edwards* with those that are so invective against it in their Pulpits that they would cease their railing at it there, and come forth in Print against it; for the thing being so rare, so litle questioned, and the contrary so generally concluded as a principle of faith, any *bumbast stufte* will passe there for authentike with the people without tryall, but if it be put forth to publike vew, it must expect an encounter by one or other, and therein the Authour of that Booke observeth the policie of his Presbyterian Adversaries to maintaine their repute with the people, in being so hasty in the Pulpit and so slow to the Presse]

6. *Independants*, and all kind of *Sectaries* as long as they have their *pag. ibid.* liberty, snuffe up the wind, and will not hearken to any way whereby they may receive satisfaction, but if once the Majestrate declares, and by Lawes concludes one way of Church

Worship, it may be they will heare reason. Ergo,

[I. Reas. *It seemes the Presbyters till then can rendor them none, for the reason and force of that Argument lies in take him Goaler. Ergo, If once the Majestrate declares, and by Lawes concludes all the fat Benefices of the Kingdome upon Independencie, then it may be the Presbyters will heare reason and turne Independants.*]

7. *Independencie* hath ever been from the first to the last, a Fountaine of [pag. 294.](#) evill, roote of bitternes, divisions, &c. as the Histories of the Anabaptists (the highest forme of *Independancy*, and Church way) declare, in respect of the evils they fell into, and the mischeifes they brought upon *Germany*, and how God cursed and scattered them. Ergo,

[I. Reas. *If the King conquer, the Parliament wilbe Traytours to posterity by Cronicle; for who writ the Histories of the Anabaptists but their Enemies?*]

8. *My Lord*, because the Presbyterian way hath been countenanced from [pag. 297.](#) Heaven, and blessed from sorts of sects, &c. and that for almost an hundered yeares: Ergo,

[21]

[I. Reas. *Both Papall and Episcopall is better then Presbyterian, for they are, and have been more uniforme, and have continued many hundred yeares longer then Presbyterian, and were long before Presbytrie was thought on: for alas, it was but a shift at a pinch the Divell made, when neither of the other would serve his turne; and so came up Presbytrie, but what good the Divell will have out I know not; for who knowes the lucke of a lousie Curre, he may prove a good Dog?*]

9. *My Lord*, If Toleration of Government though not of Doctrine should [Pag. 302.](#) be granted, then the simple Anabaptists, and that simple sort called *Dippers* will come in too, saying, that Baptisme at such an age, and Baptizing in Rivers by *Dipping* are but matters of order and time: Ergo,

[I. Reas. *He that desembleth hatred with lying lips, and he that inventeth slander is a foole, Pro. 10. 18.*]

Wherefore I humbly beseech your *Lordship*, seriously to consider the [pag. 303.](#) depth of Satan in this Designe, of Toleration, how this is now his last Plot and Designe, and by it would undermine and frustrate the whole worke of Reformation, 'tis his Master peece for *England*. I am confident if the Divell had his choyce, whether the Hierarche, Ceremonies, and Liturgie should be established in this Kingdome, or a Toleration [pag. 304.](#) granted, he would chuse and preferre a Toleration before them.

[I. Human. *That is of Presbyterian Compulsion, because Episcopall in England is worne out of Date: Mr. Edwards knowes the Divell is not so simple, to chuse Hierarchie, Ceremonies, &c. where their deceit is detected, hated, and rejected, it seemes has better acquainted with him then so, the next time he writes, we shall have more of the Divels mind, but it is likely he'll have finished his Designe first, and then it may be, Mr. Edwards will tell us, that the Divell is better perswaded of Presbytrie (his last shift) then ever he was of Episcopacie, he will be so serviceable to him therein, for if Mr. Edwards and the Divell be not deceived, he intends with it to devoure, breake in peeces, and stampe the residue the Hierarchie hath left under his feete, so to weare out the Saints of the most High.*]

And thus *my Lord*, you have my Reasons, why this fellow *LIBERTY-OF-CONSCIENCE* is not to have admittance within the verge of this Kingdom, much lesse to enter thus into the bowels of this Court to give in Evidence, to be proceeded on upon the life and death of this holy man, Mr. *PERSECVTION*.

My Lord, *Sir Iohn's* a pritty forward child, that can prattle thus before he have his teeth; thy say he hath been breeding of teeth ever since the the *Assembly* were in consulation; surely they'll be huge, long, boarish tuskes when they come out; should your Lordship but cause his mouth to be opened, you might see *great iron teeth* lie in his gummes, ready to *cut*, he wants nothing but a *Parliament Corall* to whet them with all: [22] but *my Lord*, were he mine, I would knock out his braines with an *Independant Hammer*, to prevent the groweth of such teeth, for *Daniell* tells us the nature of *great iron teeth*. Nou whereas *my Lord*, he excepteth against my wnesse, I humbly conceive, the equity of this Cours cannot receive his exception against me in the justification of this Butcher and murtherer of good men, seeing himselfe is a mercilesse in humane Butcher, the son of a Butcher, yea *my Lord*, his Grand-father and Great-Grand-father were Butchers; for whereas *my Lord*, he hath acquired the name of *Sir Iohn Presbyter*, in truth he is a Priest, the son of a Bishop, Grand-child to the Pope, and the Divell is his Great-Grand-father, all murtherers and Butchers of Gods people. Therefore *good my Lord* let not mine *Evidence* be thus unjustly disenabled.

Judge.

LIBERTY-OF-CONSCIENCE, you are sworne for the King, to give in your *Evidence* in his Majesties behalfe against the Prisoner at the Bar; and the *challenge* against you being such as may be dispenc'd with, you are to proceed in your *Evidence*.

LIBERTY-OF-CONSCIENCE.

My Lord, To what the former *Evidence* have testified I shall with brevity adde, that this Malefactour PERSECUTION destroyeth the Innocent with the wicked, contrary to the command of Christ, *Mat. 13. 30. let the tares and the wheat grow together untill the harvest*, from which *Parable* appeareth, that the *Kingdome of heaven* or *Christs Government* over the whole world doth strictly charge his *servants*, the Kings and Rulers of the Earth (for *by him Kings raigne*) to suffer *tares*; Turckes, Jewes, Pagans, and Infidels, as wel as Christians to grow or live together in the *Feild of the World*, their Dominions untill the *Day of harvest*, or desolution of all things, and not plucke them up, because they are *Tares, Turckes, Iewes, Pagans, &c.* least they plucke up such as may become as the *Pillars of Solomon* in the House of God, even glorious witnesses of Jesus Christ: What greater Rebellion therefore can there be by those *Servants* to the *Housholder*, then to *plucke up the tares from the wheat*? As their office brings all under their Dominions, so it is to preserve all in their Dominions, that *tares* and *wheate*, Infidell and Beleever may grow and live peaceably together in civill cohaboration, commerce, &c. in their Dominions untill the *Harvest*, or end of all things, when the *Lord of the Harvest* shal *seperate the tares from the wheat*, with *come yee blessed, goe yee cursed, &c.*

Secondly *my Lord*, he depriveth the *Iewes* (as much as in him lieth) of their deliverance according to the Covenant God made with their Fathers from this their Captivity, notwithstanding the wrath of the Lord threatned against them, that shall evill entreat them therein, *Zach. 2. 8. Esa. 54. 15. 17. [23] cap. 15. 22. 23.* for *my Lord*, he hath made the name of a *Iew* as hatefull as *Iudas*; yea, his nature is not to leave a man of them to pisse against the wall. Now *my Lord*, though the *Iewes* are led captive by the *Gentiles* under the time of the *Gospell*, and though the *naturall branches are broaken off*, and the Heathen *grafted in*, yet still *they are beloved for their Fathers sakes Rom. 11. 28.* and are not to be persecuted for their infidelity, for *he that toucheth them, toucheth the apple of Gods eye*: What though they are *stumbled? shall we boast our selves against them?* God forbid; for *if wee that are wild by nature be grafted contrary to nature into the good Olive Tree, how much more shall they which are naturall branches be grafted into their owne Olive Tree againe?* Therefore the Apostle would not have us ignorant of this Mystery, that *blindnesse in part is hapned to*

Israel untill the fulnesse of the Gentiles be come in, and all Israel shalbe saved, Rom. 11. 25. 26. compared to Isa. 49. 22. 23. Deut. 30. 1. 2. 4. 5. Amos 9. 14. 15. Now what hindereth their salvation and deliverance so much as persecution, for they are even led captive by PERSECUTION, and made slaves to him even to this day? And how shal they beleive, if they shal have no time given them to beleive? this divelish Spirit gives them not a minute, he will not suffer a Jew to live amongst the Christians, or come neare him: what hopes then is there the Jewes should be converted, where this Tyrant is in force? Shall we that have receive vantage by their rejection, thus recompence them with tyranny? our Lord whome they slew, would not have them slayen, but they are beloved of him, and himselfe will be their Deliverer, Rom. 11. 26. 27. 28. yet this Incendiary hath caused our Kings, and our Rulers, our Bishops and our preists not to suffer a Jew by authority to live amongst them; how then can we complaine of the vengance that is at this time upon us & our children, that have been so cruel, so hatefull, so bloody minded to them and their children? we have given them the cup of Trembling, surely we must tast of the dregges: Hearken therefore no longer to those which teach this bloody doctrine of persecution, for neither they, their preachings, fastings, weepings, long prayers, &c. can deliver in the day of distresse, as long as ye persecute Behold, yee fast for strife and debate, and to smite with the Presbyterian fist of wickednesse; but this is the Fast which the Lord hath chosen, to undoe the heavy burthen, and to let the oppressed goo free, and that yee breake every yoake.

Thirdly my Lord, He is a murtherer of Kings and Princes, &c. for the murthering of heriticke Princes is the naturall brat of this divelish Spirit; for from this ground, *that the contrary minded are to be forced*, the Papists justifie the murthering of Hereticks, making all Hereticke which seperate from them; for that Religion that is bottomed on this principle that *all must be forced, will they, nill they*, where it cannot force, must murther: so cometh it to passe, so many Kings have been murthered, by the Papists, because casting of the Romish yoake, they free themselves from their power of forcing, therefore the [24] Papists to make good their courcive principle, betake themselves *privately to murther such Princes*, to prevent a countermanding power, and keep all in their *catholicke subjection*; so that such as would have *all forced*, where they cannot force, is to be feared, will *privately murther*: Therefore it is dangerous for a King, *to trust his person with such men*, for if the King should change his Religion, to one opposite to theirs, who knowes, those men will not doe as their principle leads them, even *murther their Prince*; but on the contrary, that Religion that is grounded on the principle of *meekenesse, patience, and long sufferance, instructing the contrary minded*, and utterly contesting against all *compulsion*, cannot in the least measure administer any feare or danger unto *Princes of their persons*, be of what Religion they will, for be they of any Religion or of no Religion, for *matter of violence* it is *all one* to the Spirit of meekenesse, for its nature is only to perswade, not to compell; if by faire meanes it cannot prevaile, it hath done, committing the issue to God.

Fourthly my Lord, He is an utter enemy to all spirituall knowledge, a hinderer of its encrease and groweth; for no man knoweth but in part, and what wee know, we receive it by degrees, now a litle, and then a litle; he that knowes the most, was once as ignorant as he that knowes the least; nay, is it not frequent amongst us, that the thing that we judged heresie we now beleive is orthodox; now can such thinke themselves were worthy to beene persecuted in, and for that their ignorance? they cannot sure be of that mind; such therefore cannot condemne, imprison, or hang the ignorant, or such as discover or oppose their ignorance, but in that they condemne themselves, sinne against nature and their own knowledge: The *twelve at Ephesus* that had not so much as heard *whether there were a Holy Ghost or no*, if they had been so evilly used by Paul when he heard it, how should they spake with tongues, and prophesied? yet we see how common a thing it is, if we know not, nor beleive so much as the multitude knoweth or beleiveth, or the Doctrine of the *Presbyterean Church* requireth, we must be persecuted; and if our knowledge goe beyond them, that we protest against their

errors, and labour to informe them better, we must tast of the same sauce too, so that wee must know nor beleive neither more nor lesse then they, but must beleive just as they beleive, or else be persecuted; as if a Statute should be enacted, that an *Image* should be made, and all that were higher or lower then the *Image* should be hanged: By this we may see, what an unreasonable thing it is evilly to entreat such as we judge ignorant and erroneous, or all to be erroneous and heriticall that we understand not our selves: What shall we say then of such *Ministers*, that of rationally creatures would teach us to be thus unreasonable? *their end is destruction, their belly their God, they serve the Parliament but for their owne bellies, and by good words and faire speeches deceive the simple*: These uphold the accursed Doctrine of *Persecution*, least liberty of [25] *printing, writing, teaching*, should discover their deceits, and they be dis-inherited of their *Fathers Inheritance*; their intents are plaine to him that hath but halfe an eye to see, they'l not doe much, only change the title, before it was *Episcopal Prelacy*, it shall be now but *Preistly* or *Presbyterian Prelacy*, so that, he that lives but a small time shall surely see a *Presbyter* as fat as ever was a *Bishop*; those are enemies to all knowledge, that is either too short or beyond their bellies, therefore is it, that all heads must be made even with the *Presbyters*, none *higher* nor none *lower*, just as *tall*, and no *taller*, *he that is too short must be stretched out, and he that is too long must be pared even*, least they should misse of their Prayers, *give us this day our dayly tythes*, that the *Germane proverbe* might be fulfilled, *phophen geizegkete, Gottes barmhartzegkete, were bis in ebekeite*, the coveteousnesse of the Preists and the mercy of God endure for ever; I would exhort them to be otherwise minded, but that I know, *venter non habet aures*, the belly hath no cares.

Pris.

My Lord, *I beseech you heare me after this tedious Accusation, it is false and malicious, as by sound reason, and Personages of Honour I shall clearly evidence: First my Lord, as for GODS VENGEANCE my Prosecutour, both the Iuries, with divers others, together with the witnesses, enforced him to prosecute me, and I know not by what pretence they procured GODS VENGEANCE against me; for my Lord, I am innocent, and ever have been from my Cradle from such and so hainous accusation, as is laid to my charge: And for that fellow, that pretends he hath knowne me since the comeing of Christ, he is a man of no reputation, without habitation, a beggerly fellow, a runagate, a loose fellow, he staves in no place, keeps no hospitallity, blasphemeth that most divine, Liviticall, ever to adored Ordinance for Tythes, and counteth it as an unholy thing, paies none where he lives, but sharkes here and there, where he can shuffle in his head, runnes from house to house, to delude simple women, who are ever learning, and never learned; and where as he saith, his name is CHRISTIAN, his name is not CHRISTIAN, neither is he of the generation of Christianity, but a most factious dissembling Anabaptist, a Tubpreacher, and no Christian, as Sir Symon, Sir Iohn, and divers other reverend, and honourable persons here present can witness: As for Gaffar Martyrs, he is as a sounding brasse and tinkling Cymball, who though he giveth up his body to be burnt, himselfe is but a castaway, and this I am able to make good unto your Honour, by the most grave, and solid judgment of all the reverend Divines, the Clergie of Christendome: Therefore my Lord, it much mattereth not, what his Evidence is, it being but the malice of an Hereticke: And as for LIBERTY OF CONSCIENCE, Sir Symon, and that blessed babe, his Sonne Sir Iohn, (sanctified from his mothers wombe, the Synodian Whore of Babylon,) hath informed your Honour of the unworthynesse of his witness. My Lord, I desire Sir Symon may speake in my defence.*

Sir Symon.

My Lord, this Gentleman here arraigned, is altogether innocent [26] from this accusation, I have had antient familiarity with him, a dayly society hath past betwixt us, and I never could find any such thing in him, and my Lord, here is Mr. *Pontificall Revenue*, Mr. *Ecclesiasticall Supremacy*, Mr. *Nationall Confirmity*, Mr. *Rude Multitude*, Mr. *Scotch*

Government, and mine only *Sonne*, *Sir Iohn Presbyter*, all to witnes his innocency from this *Accusation*: And if your *Lordship* make any scruple hereof, that learned Gentleman, *Iustas Conformity*, of *Lincolns Inne Esq.* can thoroughly resolve you, *both by Scripture Texts, Presidents of all sorts, and the constant interrupted practises, examples, of the most eminent Emperours, Princes, Councels, Parliaments, &c.*

Lib. Cons.

My Lord, the *Defendant* smels of a *fat benefice*; see, see, his pockets are full of *Presbyterian Steeples*, the *Spires* sticke under his *Girdle*: *ha, ha, hah*; instead of *Weather-cocks*, every *Spire* hath got a *Blacke Boxe* upon it, and in it the pure and immaculate *Ordinance for Tythes, Oblations, &c.* Sure shortly, instead of *Moses* and *Aaron*, and the *Two Tables*, we shall have *Sir Symon*, and *Sir Iohn* holding the *late solempne League and Covenant*, and that demure, spotlesse, pritty, lovely, sacred, divine, devout, and holy *Ordinance for Tythes* (the *Two Tables* of our new *Presbyterian Gospell*) painted upon all the Churches in *England*. Oh brave *Sir Symon*, the *Bels* in your pocket chime *all in* while ours chime *all-out*: I pray you give us a *Funerall Homile* for your friend here before he *depart*, here's *twenty shillings* for your paines, you know't is sacraledge to bring downe the price, *As it was in the beginning, is now, and ever shall be, world without end. Amen.*

Crier.

Make way there for the Iurie.

The Iurie withdraw, and thus fall into debate about their verdict.

Creation. Gentlemen, from the *Evidence* of the *Witnesses* against *PERSECUTION*, I clearely perceive, that he is of so divelish and unnaturall disposition, as is not compatible with the workes of the *Creation*, all creaturs of a kind associate, feed, and converse together, there is a publicke freedome of all kinds amongst themselves, the *Oxe*, the *Asse*, the *Sheep*, and all sorts of *Cattell*; the *Dove*, the *Sparrow*, and all kinds of *Birds* have a State harmony, a publicke Toleration, generall Concord and unity among themselves in their severall kinds: but this *Malefactour* as from the *Witnesses* is evident, unnaturallizes *man-kind* above all kinds of Creatures, that where he rules, no peace publicke, or private; no freedome, rights, or liberty either civil or spirituall; no society, cohabitation, or concord Nationall nor Domesticke can possibly be amongst men, but *envying, hatred, emulation, banishment, &c.* Wherefore, from the consideration hereof, and of what the *Witnesses* have given in, to me he appeareth *guilty*, what say you Mr. *Gospell*?

Gosp.

Mr. *Foreman*, Whereas it is by *Sir Iohn* and such like urged, that the Kings of the *Gentiles* have equall power with the Kings of *Israel* of old: understand, that their supremacy was but for a time, *untill Shiloh came*, and no [27] longer, *to whome then the gathering of the people should be; he came to take away the First, that he might establish the Second, being made Mediatour of a better Covenant, established on better promises*, the forgivenessse of sinnes, and the guift of eternall life: *But he that despised Moses Laws, dyed without mercy under two or three witnesses.* The old Covenant was over the *Old man*, and its Condemnation or punishment was over the *Old man*, to wit, this corruptable fallen State of Mortallity, and therefore they executed death upon the transgressors thereof. The *New Covenant* is over the *New man*, to wit, the *Spirit* that shall be raised out of this corruptable at the *Resurrection*; therefore hath it the promise of *forgivinesse of sins*, and *eternall life*; the penalty of that, temporall death, the death of the *Old* or *earthly man* in this life; the penalty of this, *everlasting death*, the death of the *New* or *spirituall man* in the life to come; wee are *New Creatures* or *New men* now but by faith, not actuall till the *Resurrection*, we are to live as if we were raised againe, for the condition of the *Gospell* is not to us, as the Condition of

Innocency was to *Adam*, a Condition in this present State of this present State, as his was to him, to wit, the Condition of immortality in immortality; but ours a condition in present mortality of future immortality: so is it, that *mortality being swallowed up of life*, we are presently under the end of its Condition, *Salvation*, or *Condemnation*. Therefore as the Resurrection cannot possibly be but by Christ, so the penalty cannot possibly be by other; it is out of the Spear of this world, therefore out of the power of the Princes of this world, as they cannot be *Mediatours of the New Testament*, so they cannot be *punishers* therein; Therefore to punish the Offenders therein, is to attempt the *Throne of Christ*, and usurpe (as much as in them lieth) his *Mediatourship*: Therefore hath he referred the contemners of his Gospell untill the *Judgment of the Last Day*. And for that in *Isaiah 49. 23. And Kings shall be thy nursing Fathers, and Queens thy nursing Mothers*: it is a Prophesie of the deliverance of the *Jewes* from their *Captivity*, to whom *Kings* and *Queens* shall be assistant in their returne to the *Land of their Forefathers*, as *ver. 19. 22. 23. 26. &c.* witnessse.

Politicke Power.

Mr. Foreman, *Salvus populi*, the safety of the people, is the *Soveraigne Law*, or fundamentall constitution of Civill Government: therefore though Majestracy hath been corrupted and abused, (as appeareth by our *Evidence*) to the terrour of the most virteous, conscientious, well-minded men, and the maintenance and protection of the wicked; so that it hath been perverted from the generall good if all *sorts, sects, and societies* of people, unto this or that *sort or sect*; yet this evill in Majestracy is to be cut off, *ne pars sincera trahatur*. And Mr. Foreman, it appears by our *Evidence*, that PERSECUTION is the originall of the disease, therefore to be cut off, least the whole *politique body* perish: For where *Persecution* is, what *dissentions, mutinies, tumults, insurrections, uproares, and divisions*; what [28] *conspiracies, Treasons and Rebellions*; what *bloodshed, cruelty, and inhumanity* hath been by our *Evidence* declared, the which by our owne experience we find verified in divers *Kingdomes, States, and Provinces*: for doe we not see, betwixt the *Catholicke Cause* and the *True Protestant Religion* (so cal') the *Christian world* is *embrewed with blood*, destroying and devouring one an other: the dashing of those two imperious, ambitious, insolent Religions, the *Papall* and *Protestant* together besides what it hath done to the *House of Austrea*, &c. hath split the *Dominions* of this *politique body* asunder, that they wallow in one an others vitall blood, *burning, destroying, and ruining* all before them; how many *Townes, Villages, and sumptuous buildings* have been burnt? what *Tillage and Meddowes* laid wast, and how many *thousands of innocent soules* have been *slayen in Ireland* contrary to the end and foundation of *politique Government*? and doth not *England* tast *even the dregges of this Cup*, *yea swallow it downe with greedynes, that we are even drunke with one an others blood, enraged with madnesse, cruelties, &c.* without all hopes of peace till one of these *persecuting Religions* have devoured the other.

Mr. State-policie.

Mr. Foreman, though from *Rome*, the spirit of *Persecution* is conveyed into most sects of *Religion*, and is dayly found to the shame of *Religion* among such as are or would be counted *religious*, and most *States, and Kingdomes* being rent with such *persecuting Religions*, therefore the *Kingdoms of Christendome* have judged the Toleration of divers *Sects* inconsistent with *State policy*; yet *Politicians* would they consider, need not in curing one mischiefe run upon a greater; for such good and wholesome meanes might be provided, as in a small time this *violent spirit* might be worne out, the next *generation* be of a better temper, and length *Persecution* to be as rare as now common, and a more placable peaceable spirit consiliated among the generality of men: And seeing this impatient, violent, ambitious spirit is so dangerous to Civill Societies, their freindship & unity, so destructive to publike peace and safety: It is therefore necessary, that *Kings* and all Governours, whose Office is, *that all may lead a peaceable and quiet life under them*, should in policy to the generall good, see to

the securing of their *Dominions* from this factious spirit, by such whole some strict Lawes as may best conduce to the suppression thereof, as of *Treason, Rebellion*, or the like; for all are *Traytours and Rebels* in their hearts to the publike peace, and generall good of humaine societies, *salut populi, the peoples safety*, (which our State counteth the *supream Law*) which are of a persecuting spirit; for it is in direct opposition to that Law; And who more guilty then the *Papist* and the *Protestant*, when one is too mighty for the other, the *Papist* stronger then the *Protestant*, the *Protestans* stronger then the *Papist*, the stronger is so ambitious and fiery zealous for his owne cause, especially the *Papist*, that one place is too hot for them both, and the *Protestant* as he is a persecutour of the *Papist*, so as well as the *Papist*, is he a [29] Persecutour of *Anabaptists, Brownists, Antinomians, Independants, &c.* but they persecute none, but seeke the generall good, peace, and safety of all *Sorts, Sects*, and *Societies* of people, yea even of their Enemies; so that as *Papists* are Enemies and *Traytours* to the safety of all *Sorts, Sects*, and *Societies*, so are the *Protestants*, considered in this persecuting capacity, both persecuting; therefore in this sense their *Religions* are both *trayterous, desperate*, and *dangerous* to the *Publike Good*: Therefore it ought to be the care of those Kingdomes and States where those persecuting Religions are, to purge those Religions of this *malignant persecuting spirit*, this *trayterous-disposition*, for Religions may be absolute, yea the *Protestant* more truley *Protestant*, if cured of this *pestilentiaall disease of persecution*, for indeed *persecution is no part of Religion*, but a meer spirit of *Treason* insensibly insinuated, and distill'd into Religions by *Popes, Bishops and Preists*; so that ignorantly the members of those Religions are made *Traytours* to their *owne Rights and Liberties*, and so enslaved to the *trayterous designes of the Clergie*, the very roote of *Treason*; for indeed the Teachers of *Persecution* are the *Archeest Iesuiticall Traytours of all*, whether *Papist, Protestant &c.* such as Mr. *Edwards*, who most impudently and trayterously saith in his *Antipologie, that the Parliament is bound in duty, to compell all men to the Decrees of the Assembly*.

Mr. Polit. Power.

Mr. *State-policy*, I commend your policy herein, for indeed Mr. *Edwards* in so saying, is a *Traytour to politique power: But I pray you proceed*.

Mr. State-Policie.

Well then, as all are borne subjects to their Kings, so are Kings to see, that all may have their Birthright, Liberty, and Priviledge of Subjects, that all may be kept in the generall Bond of peace, of what sort of sect soever, for as Lucius Lavinius said to King Iames, all the different members being wrapt up in the skine of one constitution, need no stronger obligation, to uphold the whole then their owne interest: Therefore, were the devouring principle of persecution weeded out from betwixt all Religion, they might all enjoy their publike safety to the generall enlargement and strengthening of politike power, for the strength of the King lies in the multitude of people, so that it is most consonant to State policy to include all, rather then deprive any of publike protection.

M. Nationall-Loyalty.

Mr. *Foreman*, this is a matter of great weight, that we have in hand, therefore *not sleightly, but seriously to be weighed, and deliberately examined* both from our owne knowledge and experience, as from the just Evidence given in by the Witnesses, (for I conceive, this prisoner is antiently knowne to us all) that wee may be better enabled [30] to give in our *verdict*, wherefore having something to say of antient experience, I shall first desire Mr. *State-Policie*, since he hath given us an hint of wholesome meanes that might be

used, to prevent and suppress this turbulent rebellious Spirit of *Persecution*, that he would declare what further he hath in his thoughts thereon.

Mr. State-Polic.

That which in it selfe is wicked, neither honourable to God, allowed by him, nor profitable to man, but dangerous and destructive to common safety and peace, falleth under the *Sword* of the Majestracy, and the Majestrate may lawfully use such meanes as shall best secure the publike peace from the evill thereof: Now since the generality of the people are possessed with this *Evill Spirit*, infused, nourished, and preserved in their hearts by *Popes, Bishops, Preists*, and (at present in the Land) by the *trayterous Synod*, called the *Assembly of Divines*, who labour with might and maine to establish and setle this trayterous *spirit* in the Land; and further, since all by compulsion are to be forced to the Civill peace and publike unity, and all are to be defended and preserved under the publike freedome, one as well as an other; therefore to this end the Majestrate ought to bind all Religions, that no Religion have power over other, that all in the Generall have Toleration, and none in particular be offensive; for the *Papist* may be a *Papist*, the *Protestant* a *Protestant* without the power of Compulsion, the deprivation thereof is no wayes injurious to their Religion; as a man that hath a when, or a bunch that growes upon any member, may be a perfect man, and that a perfect member without it: Therefore to this end a Nationall Covenant would not be inconsiderable, to engage all in this publike freedome, that as all should be sharers in it, so all should be defenders of it. That no *Protestant Minister* or others should teach privately or publicly, either by *preaching, writing, or conference* any thing contradictory or distructive thereto. That no man upbraid, reproach, scoffe, deride, threaten, or doe any violence to any for his Religion, *and such like*: And that this be continued from *Generation to Generation* under such and such penalties as the State shall thinke fit; so that in a small time, if the Governours would hearken to the feare of the Lord, this oppression of conscience, which is now made *State-Policie* (condemned by the God of mercy and all mercifull men) would waxe out of date, and be cast out as abominable to God, and destructive to mankind: Then their feares and jealousies one of an other, which puts them in a continuall posture of war both offensive and defensive would be at an end; their Controversies would be of an other kind, faire and equall Disputes, and it is better and farre cheaper to provide words for Argumentation, then instruments of war for blowes and bloodshed, and would conduce I am sure more to the common good and safety; the one doth encrease knowledge, the other nothing but rage and revenge: by reasoning those that are ignorant would shortly see, how they and [31] their *Fore-fathers* have been cheated of the *Tenth* of their encrease, fool'd, and nurs'd up in blindness by *Bishops, Priests, &c.* meerly to uphold their greatnesse, stuffe and cram their ungodly guts, that it is become a Proverbe, *as fat as a Bishop*, and how soone, if PERSECUTION be acquitted, it may be verified on the *Presbyters*, I leave that to the issue, only I wish the people to try things themselves, and not trust too much to their *Lippes*, for their *Lippes* are *Cozen Germaine* to their *Teeth*, and this is most certain, they all *speake through the Teeth*.

Mr. Nation. Loyal.

Mr. *Foreman*, according to the *Evidence* we have received, and result of our consultation hitherto, he is guilty *ipso facto* of what is laid to his charge; and for mine owne part, I know that *Toleration* is not against *Nationall Loyalty*, but my well stand with *Nationall peace*, as by divers antient and moderne Examples I can make it appeare. *Abraham* lived among the *Canaanites* and *Perizzites*, *Gen. 13. 7. & 16. 3.* againe he sojourned in *Egypt*, *Gen. 12. 10.* after in *Gerar*, where King *Abimelech* bid him dwell where it pleased him, *cap. 20. &c. 21. 23. 24.* afterwards among the *Hittites*, *cap. 23.* *Lot* lived in *Sodom*, *Isaack* also dwelt in *Gerar*, yet contrary to the King and his Subjects, *cap. 20.* *Jacob* lived 20. yeares with his Uncle *Laban* in one house, yet different in Religion, *Gen. 31. 30. 33.* the Children of *Israell* lived 430. yeares in *Egypt*, *Exod. 12. 40.* afterwards were caried away to *Babylon*, where they

remained 70. yeares, all which times they differed in Religion, yet no danger to the State: *Sampson* lived among the *Philistines*, *Lot* in the Land of *Vz*, yet their Religion though different was not disturbant to the State: And in the time of Christ, when *Israell* was captive to the *Romans*, lived divers *Sects* of Religions, *Herodians*, *Scribes*, and *Pharises*, *Sadduces* and *Libertines* such as denyed the Resurrection, and *Samaritanes* the common Religion of the *Iewes*, the *Christian* and *Apostolick* Religion, all which differed from the common Religion of the State; which in all probability was the *worship of Diana*, whome all the world almost then worshipped, Act. 19. 20. yet all these lived under the Government of *Cæsar*, not any wayes injurious to his Crowne and Dignity, or disturbant to the peace of his Government: but when *Persecution* arose, then the State was troubled by *tumults*, *uproares*, &c. And how doth *Toleration* injure the State of *Holland*, *Poland*, *Trasylvania*, &c. their *Weales*, *States*, and *Citties* are well and peaceably governed, divers Religions are in their Provinces, yet all have one harmony in matters of State, all united and engaged in the generall safety, peace, and tranquillity of their severall Kingdoms, States, and Provinces, wherein they so freely enjoy their severall safeties, protection and freedoms.

Mr. Liberty-of-Subject.

Mr. *Foreman*, besides what I have received from the Witnesses, of my own experience I know, that if PERSECUTION be not executed, the *Liberty of the Subject* (now in controversie) cannot be settled in this Land; for the *Anabaptists*, *Brownists*, *Independants*, &c. true and faithfull [32] Subjects to the State, that stood to the *publike cause*, when the *Priests* & such like *scurrelous vermine*, durst scarce be seen in it, but *Iesuitically* caried themselves in an equall ballance betwixt both, that though the King had conquered, yet most of them would have kept their *Benefices*, a *wise generation!* I say, these more *noble spirited men*, that freely spend their lives, fortunes, and estates for the *Liberty of the Subject*, and that from the most noble and rationally principle, *the Common Good* and not for *selfe respect*, neither those of them which survive, nor the succeders in their faith shall enjoy this *Liberty*, their just *Birth-right*, but be wholly deprived thereof, and the purchase of their *Blood* be ceas'd and devoured by those *Presbyterian Horse leeches*, and confined to such *blood-thirsty Cattle*, which is directly opposite to the *just Liberty of the Subject*.

Mr. Compas. Sam.

Mr. *Foreman*, I have beheld the *innocency of their intentions*, and *honesty of their lives*, (to wit of *Anabaptists*, *Brownists*, &c.) *their affections to the Common-wealth*, *their forwardnes of assistance in purse and person*, *knowing their Meetings to be so innocent*, *so far from confederacy or counterplots* (pag. 3.) *and yet their persons so hated, contemned, and belyed, such wounds made upon their consciences, that my heart aboundeth with greife, that their miserie should be thus passed by, their wounds so wide and deepe, and no oyle of mercy powred in: so that me thinkes, everie man is bound in conscience, to speake and doe what he can in the behalfe of such an harmeles people as these.* (pag. 4.) Therefore, Mr. *Foreman*, being privy to the truth of the Evidence against PERSECUTION, the sole causer of their wounds and miserie, I conclude him, *an enemie against God and all goodnesse*, &c. and that he is guilty of the *Indictment*.

Mr. Truth-&-Peace.

Mr. *Foreman*, much I could say against the Prisoner, to witness the verity of the *Indictment*, but for brevity sake I shall referre you to the discovery I have made of his *Impiety*, *Treason*, *Blood-shed*, &c. in that Booke intituled, *The Bloody Tenent*, and I commend unto you, and to the necessary perusall of the *COMMONNS* and *nobles of England*, that most famous peece, called, *The Compassionate Samaritane*, as a most exact modell of rationality.

Mr. Light-of-Nature.

Mr. *Foreman*, whereas Sir *Symon* in the defence of PERSECUTION saith, that LIBERTY-OF-CONSCIENCE *opens a gate to all manner of prophanesse, loosenesse, &c.* the *Light of Nature* might teach him, that Toleration is no Approbation, or the suffering of Religions a warrant to be of no Religion, much lesse to publike prophanesse; for this comes within the compasse of that which Nature teaches the most ignorant, therefore within the reach of publike restraint, according to the Lawes of common modesty and civility, which Nature hath written in the hearts of all men naturally: Such publike Transgressions that are uncivill, unnaturall, and unbecomeing humane society, as *open prophanesse* and *loosenesse* fall under the restraint, and correction of the Magestrate, whose power is over the things of Nature, those [33] being offences of that kind: As the Magestrate is to maintaine the publicke peace, and all civill societies therein, so is it preserve publike modesty, comelines, and civility, that there may be a generall comely demeanour as rationall creatures, so their carriage and publicke demeanours are to be rationall regular, and comely, and not openly licentious, prophane, and blasphemous, contrary to common sense, reason, and humanity.

Mr. Creation.

Gentlemen, we have spent much time, and our *Verdict* is expected, and the case is so evident and plaine, that I thinke what is done may suffice, if you Mr. *Orphan*, and Mr. *Day of Iudgement* be agreed with us in your *Verdict*, let us give it in: what say you?

Ambo.

We are agreed; *guilty, guilty.*

Crier.

A *Verdict: Make way there for the Iurie.*

Iudge.

PERSECUTION, hold up thy hand: Masters of the Iurie, looke upon the Prisoner, is he guilty of this *Treason, Rebellion, Bloodshed, &c.* in manner and forme as he stands *indicted*, or not guilty.

Foreman.

GUILTY *my Lord.*

Iudge.

PERSECUTION, thou hast heard the hainous Accusation, that hath been proved against thee, and the *verdict* the *Iurie* have given in upon thee, what canst thou say for thy selfe, to *award* the sence of death from passing against thee?

Pers.

My Lord, the *Iurie* have not dealt honestly in their *verdict*, wherefore I appeale from them to the *Assembly of Divines*, for a tryall of their honesty in this *verdict*.

Iudge.

PERSECUTION, indeed thou stand'est need of a *Long Cloak to cover thy knaverie*; but there is no *appeale* from this Court, they are no *Sanctuary of refuge* in this case, neither can I conceive such worthy Gentlemen should perjure themselves, yet if thou hast any thing else to say, to *award* the *Sentence of death*, speake for thy selfe.

Pers.

I thanke your Honour, the Lord blesse your Honour: My Lord, I am so terrified in my selfe at the apprehension of death that I am not in case to speake for my selfe: I beseech your Lordship, that Sir *Symon* may speake in my behalfe.

Sir Sym.

My Lord, The enemies of our peace in this matter have dealt very subtilly, and most trayterously against the reverend Assembly of the faithfull, the Clergie, to divide them from your Lordships protection, to destroy and hinder the worke of Reformation, &c. for my Lord, this man here indicted by the name of PERSECUTION, is none of the man; for here is Mr. Nationall Conformity, Mr. Pontificall Revenue, Mr. Ecclesiasticall Supremacy, Personages of Honour, and eminencie through out whole Christendome, to testifie with me, that this Prisoner hath ever endeavoured to purge the Church of God from Heresie, Scisme, and all manner of irregular exorbitant courses, and laboured for the peace of the Church, [34] that we may lead, a lazie and an easie life without God, and the people in the feare of the Clergie. Indeed my Lord, he was once of the Church of Rome, and thereupon generally branded by the name of PERSECUTION; but my Lord, for the hundred yeares and upward he hath been of the true Protestant Religion, even from the time of Luthar, and at this present en-devoureth with us the good of the Church in its restitution to Prelaticall Presbytrie: And upon his seperation from Rome with Luthar, he utterly renounced the nicke-name of PERSECUTION, and though unhappily through Jesuiticall suggestions & delusions he was too frequent in the Spanish Inquisition, and of late by Episcopall sophistications intised to officiate in the High Commission; yet my Lord, he was ever in himselfe an honest Reformer, and indeed his true name is Present Reformation, he was borne not long after the Primative times, but his nature and inclinations by evill Instruments have been so much abus'd, that he had even lost his name, and being nicke-named when he was yongue, and through long continuance of time, forgot his name, that indeed he answerd a long time to the name of PERSECUTION, but his true and proper name is Persent Reformation, which by Interpretation, is, Presbyterian Government: Wherefore my Lord, I beseech you consider the subtilty of this malignant hereticall faction, who have procured the apprehension and indictment of this Present Reformation under the odious name of PERSECUTION, thereby at once to make your Honor both ruine your selfe, and the Presbytrie of the Kingdom: therefore my Lord, whether the Iurie have dealt honestly in their Verdict, your Honour by this may esily discerne.

Judge.

PERSECUTION, what sayest thou to this? Is thy name *Present Reformation*?

Pers.

Yes *my Lord*, and my name is according to my naturall disposition.

Judge.

Who gave you that name?

I. Reas.

My Lord, his God-fathers and God-mothers in his Baptisme, wherein he was made a member of the Assembly, and an Inheritor of the Kingdome of *Antichrist*.

Judge.

His God-fathers, and God-mothers? who are your God-fathers, and your God-mothers?

Pers.

My Lord, Mr. *Ecclesiasticall-Supremacy*, and Mr. *Scotch-Government* are my God-fathers, Mr. *State-Ambition*, and Mr. *Church-Revenue* are my God-mothers, and I was sprinkled into the *Assembly of Divines* at the taking of the late *solemn-League and Covenant*.

I. Reas.

My Lord, he is at this time *Primate* and *Metropolitane* over all the *Ecclesiast Courts* of Tyranny in the world, the *Spanish Inquisition*, the *High Commission* and now our Divines have *sprinkled* his *federall Holynesse* into their Assembly, and hereupon chang'd his name from PERSECUTION, and *Anabaptis'd* him *Present Reformation*.

[35]

Iudg.

'Tis strange, that at the making of the late *solemne League and Covenant* bloodthirsty PERSECUTION should be *Anabaptized Present Reformation*; then here's a *Designe* of blood in the *Covenant*, if under the name of *Reformation* the *Clergie* have infused the *trayterous* bloodthirsty spirit of *Persecution* into it.

I. Human.

My Lord, there was never any Nationall or Provinciaall Synod, but strengthned the hands of PERSECVTION, and that under the vizor of Religion.

I. Reas.

And my Lord, Sir *Symon*, and Sir *Iohn's* agitation for PERSECUTION, is on purpose, to save this *villaine*, to cut their throats, that hazard, and spend their lives and fortunes for Us, and for the State of the Kingdome, such as have *been faithfull in the publike Service, never tainted with Treason, or doubledealing*, though the *Kings negotiation* with large promises have attempted it, even such chiefly, as they brand with the names of *Anabaptists, Brownists, &c.* those notwithstanding, they would have depriv'd of the *liberty of the subject, yea of the liberty of their lives*; and the sole cause hereof is, *because they labour to informe your L. with rationally principles, and are zealous inquirers into the Gospel, from thence discovering the iniquity of the pontificall Clergie, and (labouring for the common good) communicate their understandings to the benefit of others*, which proving prejudiciall to the *wicked ends of the Clergy*, they labour with opprobrious names, lyes and slanders to make such odious, the better accomplish their ends, and in this *Designe* they *have plaid their parts*, for should PERSECUTION be *put to death*, the *whole Clergy* feare to be *undone*, as their *exceptions* against LIBERTY-OF-CONSCIENCE did manifest; they are afraid of the *mercy of the people*, they cannot endure *to serve only for Conscience*, their *tongues are even with their bellies, pinch their guts, and spoyle the Preists, shut your hand, and there is a generall silence*, you may be *Anabaptist, Brouwnist*, or what you will, if the matter be brought to that passe: This is that they feare my Lord, Therefore, would they have their hands strengthned with PERSECVTION, to prevent it let who will perish, if they stand. Moreover, my Lord, those very men which plead for PERSECUTION, are the same, even this man, Sir *Iohn*, is the very man, that in the dayes of the Bishops complained, and contested against PERSECUTION, used all possible meanes to be delivered out of his *Episcopall Pawes*, endeavoured to cast him out of the *High Commission*; but as soone as these *underling Divines* are from under their *Episcopall Task-masters*, and beginning to encroach upon your Lordships power, presently take this notorious bloody *Traitour, PERSECUTION*, stript by your Lordship of his *High Commission* habit, and out of their zeale dresse him in a *divine Synodicallgarbe*, and chang his name from PERSECUTION, and *cristen* him *Reformation*; so to engage your Lordship, and the Kingdomes of *England* and *Scotland* in blood, to settle and establish bloody *Persecution by Covenant* over the *Consciencs* of [36] honest and

faithfull men unto the State, under the speacious and godly pretence of *Reformation*, as Mr. *Edwards* one of their Champions manifests, who is so impudent, as to assert, *that your Lordship is bound to compell all men to the Decrees of the Synod*, (ascribing to them, as the Papists to the Pope) *an infallible unerring spirit*, 2nd openly proclaimes, that Toleration of such honest faithfull Subjects, as *Anabaptists, Brownists, Independants, Antinomians, &c. to be indirect opposition to the Covenant, and though before they might have beene lawfully tolerated, yet now they cannot under breach of the Covenant*: Consider *My Lord*, is not this Jesuiticall subtilty, most desperate and secret delusion, that by this Covenant they would engage your Lordship, either to be a Covenant breaker, or else infringe the Liberty of the Subject entrusted by the *Common people* in your hands, one of these is inavoydable, and yet all under the coulour of *Reformation, the true Protestant Religion, the cause of God*, and I know not what; what *in nomine Domini perpetrant omni malum*; so that it is most certaine, that this fellow, whose name Sir *Symon* feigneth to be *Reformation*, is absolute *PERSECVTION*, so that had these Reformers but as much power as *Queen Maryes* Clergie, their *Reformation* would conclude in fire and faggot.

Judge.

Oh insufferable Assembly! I see 'tis dangerous for a State to pin their faith upon the sleive of the Clergie.

I. Reas.

Further *my Lord*, whereas others are impoverished, spend their estates, engage and loose their lives in this Quarrell, they are enriched, and advanced by it, save their purses and persons, cram and fill their greedy guts too filthy to be caried to a *Beare*, heape up wealth to themselves, and give not a penny, while others (against whom they exclaime) venture and expend all, yea my Lord, this great gorbelly'd Idoll, called the *Assembly of Divines*, is not ashamed in this time of State necessity, to guzle up and devoure dayly more at an ordinary meale, then would make a Feast for *Bell and the Dragon*, for besides all their *fat Benefices*, forsooth they must have their foure shillings a peece by the day, for sitting in constollidation; and poore men when they had fil'd all *Benefices* with good Trencher-men of their owne Presbyterean Tribe, they move your Lordship, that all Ministers may be wholly freed from all manner of Taxations, that now the Trade of a Presbyter is the best Trade in *England*, all are taxed, and it goes free; poore men that have not bread to still the cry of their children, must either pay or goe in person to the wars, while those devouring Church-lubbers live at case, feed on dainties, neither pay nor goe themselves but preach out our very hearts, they make it a case of conscience to give all, but wise men the'l give none: let the sicke, the lame and maimed Souldiers, and those that that have lost their limbs, and beg in the streets, let women that have lost their husbands, let parents that have lost their children, let children that have lost their parents, and let all that have or suffer oppression and misery, in and for the publike cause consider this, and be no longer [37] riden and jayded by Clergy Masters; but to give the Divell his due, one thing to their commendations I have observed, that they are so zealously affected with the honour of their cloth, that 't were pittie to disroabe them of their Cassoke garbe to be led in a string from Westminster to Allgate in Leatherne Jackets, and Mattokes on their shoulders; and my Lord, though some thinke they would do the State more good in Leatheren Jackets and Mattokes then in long Cloakes and Cassokes, yet me thinks, they would doe the State better service with their Canonick Girdles, were the knot ty'd in the right place.

Iudge.

Sir *Symon*, we convocated the Assembly to consult with about matters of Religion, not arrogating to our selves, or ascribing to them a Spirit of infallability, considering that we are but Parliament men, not Gods, therefore we made tryall of their advice, but for them

hereupon to arrogate Supremacy over the State and people, lay claime to an unerring spirit, and perswade us, (*as Edwards in his Antipol. saith*) that we take it for granted, that the conclusions of their Debates, Controversies, and Consulations are according to the mind of Christ, because We cal'd them together, and hereupon to compell all men to their Decrees, is most impudent presumption, and popish arrogance; We did not suppress the *High Commission*, to subject Our Selves to an *Assembly*, race out *Episcopall* to set up *Presbyterian Prelacy*, for what more *Prelaticall*, what more *exorbitant* then such presumption, tis a meere *Monopole of the Spirit* Sir Symon: you have so plaid the *Iesuites*, as it seemes, We have only put downe the *men*, not the *Function*; caught the shaddow, and let goe the substance: while We were suppressing *Primates, Metrapalitanes, Arch-Bishops, Bishops, Ecclesiasticall Courts, Canons, Injunctions, Decrees, &c.* you have so subtilly carried the businesse, as it seemes, *Primacy, Metrapolitanisme, Prelacy, &c.* shrunke into the *Presbytry*, and our *High Commission* turn'd into an *Assembly of Divines*; We out of Our good intentions *cast out this Evill Spirit* thence, and it entred it seemes, into these *Swine*, who thus headlong run upon their own destruction, (*the Divell hath brought his hogges to a faire Market*) arrogating an *infallibility*, and a *supremacy* over Us, and the people, condemning PERSECUTION, when, they were persecuted, but commending & approving it, if they may persecute: Truly Sir Symon, you have out run the Constable, your ambition is a little too swift for your policie: What breath out threatnings, menaces, and persecutions openly, before you have power to persecute! sure you were not in your wits; when they were vented.

I. Human.

My Lord, they have *set* even till they'r run mad, you might do well to adjorne them to *Bedlam*; for my Lord, they are raging mad; to have the innocent blood of the Anabaptists, Brownists, Independants, &c.

I. Reas.

My Lord, they have over studied themselves, and crack'd their wits in finding out a Religion for us; poore men they have been mightily puzzled about it, it hath cost them the consumption of many fat *Pigge, Chicken, [38] capon, &c.* the *infusion* of many *a cup of sacke*, to bring it to birth, and after such *dolerous pangs*, and *bitter throwes* for almost these two yeares, who would have thought, they should be delivered of such a *ridiculous vermine*, called, a *Presbyter; parturiunt montes, nascitur ridiculus mus*. And now my Lord, after this *mountanous delivery*, they are at their wits end, what dressing to put it out in, all the Taylours in the Kingdome are not able to content them, what to doe they know not, and now the matters worse then ever it was, they had thought to have shewne the world it in the godly shape of *Reformation*, but upon examination, 'tis found to be *PERSECVTION*, a sad event! there is no way now, but *Bedlam* for our Doctours, it may chance to chastize them into their wits againe, and then upon their second thoughts, it may be, they'l be thinke themselves, to put a *Blew Bonnet* upon 't, and then 't will passe from *England to Scotland*, and from *Scotland to England* againe without Question or controule.

Iudge.

Sir Symon, We blesse God, that hath put it into the hearts of those honest godly people, (though publicly despised and hated) those faithfull freinds and lovers of the *Parliament* and *Kingdome*, whome you *nicke-name* *Anabaptists, Brownists, Independants, &c.* to discover and detect unto us the *Iesuitticall* and *Trayterous Designes* of the *Synod* with the hazard of their Libertis, and for ought they know of their lives and fortunes; for should they not ventured themselves in the discovery of such a subtile generation, Who should have been kept ignorant through their zealous pretences, and had there been a mountaine more of their villany, it seemes they would have covered it with a *vaile of teares, Fastings, affected prayers*, and the like, from Our discerning.

I. Reas.

It is an approved truth, that such as are called Anabaptists, Brownists, &c. have in all Ages ventured, yea given up their lives, to enforme Kings, Kingdomes, Parliaments, and States in things that concerne their peace, and the glory of God, which though condemned at first, afterwards have proved no other; yea such as your Lordships Predecessours have condemned by penall Lawes, Statutes, &c. which now your Lordship through the mercy of God find otherwise, and it is we that reape the benefit of their blood in the suppression of Episcopall Iurisdiction, High Commission, &c. not they; for their sufferings, and their testimony have detected and informed us of their unlawnesse, it being their custome my Lord, to weare out the Mysterie of Iniquity with their blood: And now my Lord, we that have received vantage by their bitter sufferings, shall we baost our selves against them? it were ungratitude to God, and inhumanity to them.

Judge.

True: We find by dayly experience, that the *Seperates* are not such as ground their religion on selfe ends, for like *Salamanders in the fire*, they live in the heare of *Persecution*, they spare not their lives, to witnesse the innocencie of their Cause, the fire of *Persecution* cannot consume, but enflames them towards their God and the Truth; the menacing of Kings and Governours, [39] and cruelties of their greatest Adversaries hinders not their testimony; this we find, when ever they are convented before Us, even to our astonishment; and we further find, it is not their owne good alone that they aime at, but the generall good of all men, that all (one as well as an other) may lead an honest and a quiet life under Our Protection, and We have (to our benefit) found the blessing of God upon their endeavours, as the hopefull and glorious successe in the Conquest of *Yorke*, which envie and malice it selfe cannot deny, was instrumentally archeived by their valour and fidelity: Wherefore in justice to their uprightnesse, and faithfulness to that trust reposed in Us for the publike Good; the Liberty and property of the Subject, We may not deny them the benefit of Subjects, but as they are faithfull parties in the generall venture, so to be heriditary to the generall purchase, having as just a Right thereto by the price of their blood as Our Selves, for that which is purchased by blood, all the purchasers have an equall right to the thing purchased.

I. Reas.

My Lord, but our *Dessembly Doctours* teach otherwise, yet I think if your Lordship should settle *Anabaptistrie* or the like, even that which they now persecute and threaten, preach and pray against, and forewarne the people off, as hereticall and damnable, provided you should endow it with *goodly fat Benefices*, and *sanctifie* it with the *hallowed Ordinance for Tythes, Offerings, Oblations, &c.* questionlesse the generallity of those Persecutours of *Anabaptists* would have the wit to turne *Anabaptists*, for their Religion is moved upon the Wheele of the State; when the State was for *Bishops*, then they were for *Bishops*, and were very *Canonically Surplisse men, Altar bewers*, and the like, (and the precisest sort those that are now our most zealous *Presbyters*) did then so comply and conforme to *Episcopall superstition*, is they kept their *Benefices*, (except here and there one of the honest sort,) while the *honest Separate* (counting nothing too deare for his God) did openly resist and witnesse against it, even to imprisonments, deprivation of goods, &c. But our temporizing Doctours, our *State Protestant Ministers* are not so simple to swime against the streame, they are *wiser in their generation*, for they know most wealth goes that way, as long as your *Ordinance* is *laden* with *Tythes, Offerings* and *Oblations*, they'l be sure to *give fire*; but should the State deprive their Religion of all *Ecclesiasticall Revenue*, of *Personages, Tythes, &c.* yea, should it be their very *Presbyterie* they so aime at that they should so impoverish, certainly we should have *more Parishes* then *Presbyters*, *more Steeples* then *Doctours*; then they would no be so hot for *Presbytry*, so zealous to persecute its opposers, I would your Lordship would make tryall, call in but your *Ordinance for Tythes*, and turne them to *the*

good will of people, and then — a tythe Pigge will be sold for a penny.

Judge.

Well notwithstanding the Doctrine and subtilty our Divines we cannot deale so unworthely with those honest men, but must by the *grace of God*, being by them better in formed, proceed to *Sentence* against this *Malefactour* according to the just *Verdict* of the *Iurie*.

[40]

PERSECUTION *fals upon his knees.*

Pers. Good my Lord, have mercy upon me, I beseech your Honour even for the *Clergies sake*, have mercy upon me; consider my Lord, that in my death is their ruine, it will be the greatest inroad upon the Divines of Christendome, that ever was made. Oh!

I beseech you my Lord, by the Mysterie of their holy Convocation, by their agony, and bloody sweate, by their Crosse and Passion at my shamefull approaching death and buriall, Good Lord deliver me.

By their glorious Resurrection, and Ascention from the Pulpit above the State: By the coming of the Holy Ghost to them in Cloake Bagge from Scotland, Good Lord deliver me.

By the late solemne League and Covenant: By the 400. and 50. l. for the Copy of their Directory: By all the fat Benefices, and goodly Revenues of the Clergie, Good Lord deliver me.

By the Apocripha writings and non sense Arguments of Mr. Edwards: By the distracted thoughts and subitaine apprehensions of Mr. Prinne: By the Designes of the Clergie: By their fained teares: By their hypocrisie: By their false Glosses, Interpretations, and Sophistications, Good Lord deliver me.

By the Advance of the mickle Armie into the South: By the late innocent and undefiled Ordinance for Tythes: By all that is neare and deare unto the Clergie, the pompe and glorie of this world, Good Lord deliver me.

Judge.

PERSECUTION, what would'st thou have? here's no place of mercy for thee, the Vengance of God cannot be dispens'd with, thou art not in the *High Commission*, nor before the *Assembly*, this is a Court where justice must take place.

Pers.

Oh my Lord, I beseech your Lordship for the mercy of this honourable Bench: My Lord, I am a Clergie man, and beseech your Honour for the benefit of my Clergie: I have been of all the Universities of Christendom, have taken all their Degrees, proceeded through all Ecclesiasticall Orders and Functions, and my Lord, at present am under the Holy Order of Presbytrie, and I hope a Presbyter shall find favour in your eyes: Wherefore I beseech you my Lord, that I may have the benefit of Degradation.

Judge.

PERSECUTION, be contented, you shall be sent to the place of Degradation.

Pers.

Oh Good my Lord, let not a Presbyter come to so shamefull an end, I beseech this Honourable Bench, that I may be repreeved but as long as the Synod and Presbytrie endure.

Judge.

No PERSECUTION, such is thy Treason, Rebellion, &c. as cannot be dispensed with.

Pers.

Oh my Lord, a psalme of mercy, I beseech your Honour, a psalme of mercy.

[41]

Judge.

No PERSECUTION, no; prepare to heare thy Sentence. *Hereupon this ensuinge Letter was privately conveyed to Justice Conformity.*

**To the right worshipfull *Iustice Conformity*, all blessing and benediction
from his *Holynesse* Sir SYMON, and his Son Sir IOHN.**

Right worshipfull,

These are to adjure you, as you will Answer it before US, at the great and dreadfull DAY of OUR Classicall exaltation above all persons in the Kingdome, that you forthwith sollicite my Lord, to suspend his Sentence but till the advance of the mickle Armie into the South, for then we feare not the procurement of his plenary pardon; and for your encouragement herein last night my Son Iacke and I went into our Presbyterian ware-house, and have taken a list of all the Instruments of torture and torment already prepared for our Designe: to wit, triple knotty corded whips, Gagges, Pillories, Stockes Sharpe Knifes, Pincers, hot burning Irons, Halters, Gallowes, Gybbets, Rackes, Spits, Fire-forkes, Gridirons, Axes, Sawes Fleshhookes, firery Furnaces, hot Ovens, boyling Caldrons, Fire and Faggot, close Prisons, darke and noysome Dungeons, Fetters, Manacles, all in abundance, most bloody and cruell Executioners, terrible and divilish Tormentours as, Presbyterian Hangmen, Goalers, &c. besides multitudes of Synodean Tyranies newly invented, not yet discovered to the people, such as never either by Pope, Bishop, or their adherents were devised: and though we have prepared those Divelish Instruments, yet we shall not be so indiscreet, to rush them in all on a suddaine; no we shall observe the temper of the people, the course of times, make a graduall progression, now a little, and then a little, and alwayes a most godly and holy pretence to usher in a damnable and wicked designe; if in the poising a businesse wee find it so heavy, that neither Synod, Divill, nor Presbyter can lift, we'll suspend the matter, and insensibly prepare the people for the entertainment thereof, which by our vaine-glorious fasting, hypocriticall teares, prayers, and sophisticall Sermons we shall easily doe: And for your further encouragement understand; there are of certaine, from a late Consistorie of Divels dispatched seaven soule Spirits a peece for every Presbyter throughout England, to attend them in their Parochiall Iurisdiction: so that a Presbyter shall be seaven times worse then a Bishop, for it is intended, he shall be more fearece and cruell then his fellowes, therefore Woe, Woe unto those Anabaptists, Brownists, &c. those cursed Heretickes, for those presbyterian Feinds expect but the word of command, to devoure them up: But Mr. William, all this will come to nothing, if this Prisoner be put to death, you see those Sectaries have had such freedome of speech that my Son Iacke and I can doe no good; now, there being not such a considerable person in this County as your self to prevaile, WEE therefore charge you, as you hope to be a Iudge, faile not at this dead lift for your Eires; indeed he's in your debt, but he vowes by your fiat justitia, that if you prevaile, he'll provide you a paire of better and longer, then ever you had: [42] Hereof faile not, and we shall not be backward to answer your deserts, when, WE and the parliament, shall be Commenced by

Your intire Freinds, Sir SYMON SYNOD, and Sir IOHN PRESBYTER.

I. Conformity. My Lord, were your Lordship but rightly informed concerning this Prisoner under the name of Mr. PERSECUTION, what he is, and from whence he came, your Honour would lesse wonder at his severall evasions and dilatory pleaes, to award the Sentence of death, for were he guilty, what would not a man doe for his life? *skin for skin, and all that a man hath will be give for his life*, but such is his innocency, that the proceedings against him have been altogether upon false grounds; for whereas by the *Evidence* he is asserted to be born soon after the *time of Innocency*, and by them standeth charged with all the Innocent blood spilt upon the whole earth: I shall by your Lordships favour upon good grounds make it apeare, to be otherwise, for my Lord, this prisoner is not yet above an 100 yeares of age, being borne in *Geneva*, of very good *Lutheran* and *Calvenish* parentage, about the yeare 1544. where he was very well educated and instructed both in the Tongues and Liberall Sciences; and upon a certaine time going to Sea, he was by a great wind raised by *Belzebub* the Prince of Divels blowne into *Scotland*: And being so neare us, forth of his zeale and pious affection to reforme the Church of the *Episcopall Prelacy* to *Presbyterian*, he occasioned the *rising of the Scots* as *one man* to oppose that power, against which ever since he hath contested, and he lately advanced with their *mickle Armie* to the Leagure before *Yorke*, and for all this, he received many an affront by *Cromwels* scismaticall *Brigade*, and from thence taking his journey through *Derby*, *Stafferd*, *Coventry*, and *Cambridge*, where performing much good service he came to *London*, since whose coming, old Grand Mr. PERSECUTION, charged in the Indictment and convicted by the Iurie, was happily and timely executed uppon *Tower Hill*, by all which it appeareth, that the Witnesses that have given in Testimony against this prisoner, the Gentleman at the Bar, have greatly abused him, your Lordship, and the Iurie, he not being the person charged, and consequently innocent of the crimes laid to his charge, he being indeed as reall an adversary to Old Mr. *PERSECVTION*, as any Gentleman of this whole County; hereof if your Lordship make any doubt, I beseech you; that a *Farrier* may be called into the Court, who may make a perfect discovery to your Lordship of his age, by opening his mouth and vewing his Teeth, whose *yongue*, *small*, *Presbyterean Pegges* have no proportion betwixt the *Great Twangs*, and *Boarish Tuskes* of Old Mr. *PERSECVTION*: And besides this my Lord, to testifie what I have said, to be authenticke, there are hundreds in the *mickle Arnue*, whose absence have occasioned this his inability to justifie [43] and cleare himselfe; but if your Lordship please but to adjourne the busines but till their *mickle Advance* into the South, the matter shall be made cleare unto your Honour, for then we make no question to awe and crush those Hereticall false witnesses, and advance Presbytry to its super Prelaticall Throne of *CLASSICALL SVPREMACY*, and though at first it be but *jure Humane*, a little fire and faggot will quickly Commence it *jure divino*.

I. Reas. My Lord, I am much afraid of a Conspiracy betwixt Sir *Symon*, and Sir *Iohn Presbyter* with Iustice *Conformity*, whome like an Ignoramus they have perswaded into their Combination, how to delude your Lordship, thereby to deliver *PERSECVTION* from the justice of this Court; You may easily perceave, how they would pinch your Lordships Nose with a paire of *Scotch-Spectacles*, and fixe a paire of *long Synodian Eares* unto your Lordships head, that your Lordship might see nothing but *Blew Caps*, heare nothing but *Synodian Thunder*; but I hope your Honour is throughly sensible hereof; yet least your Lordships Innocency, and honest endeavoures for the generall and equall Rights and Liberties of the Common People, should be circumvented and perverted by their policie, I shall (hoping my plaine dealing meerly (I call God to wnesse) out of unfeigned love unto your Honour, and the common Good of all the Common People shall not be recompensed with your High Displeasure) present the cunning insinuations and subtile fictions of Iustas *Conformity* in their true shape; for whereas he saith, that this present Prisoner is not the person indicted, and convicted of Treason, Rebellion &c. this being but a yongue man, the

other very old, I can assure your Lordship, that he is herein meerly delusive, for the man is the very same, only through the advise of Sir IOHN he hath made use of a Presbyterian Barber, who hath shaven from his head, his old deformed Tresses, cropt of his haire above the eares after the halfe moon fashion, taught him the Presbyterian posture of his eyes, plaistered up the wrinkles of his bended brow with *Scotch mortar*, whereby he hath acquired a more smooth Synodian countenance, but in a small time if he be let alone, he'l be as terrible and frighfull as ever; for his pritty small Pegges that he speakes off, your L. is therein mis-informed; for the *Farrier* that searched his mouth, was a *Presbyterean Horse Doctour*, prepared on purpose by yongue Sir IOHN for that very end, who discovered to your L. only the upper part of his fore teeth, whereas were his mouth but searched by an *Independant Farrier*, he would discover besides those in the hinderpart of his Classicall Iawes, his Great Iron Fangs, as great and terrible as there in spoaken of by *Daniell cap. 7. 7.* And as for the good service in those *Enmity* mentioned that he performed in his Roade from *Scotland*, seemes it was soo good, that the Prisoners there care for no more of his prison: [44] for if he *mumble* us thus with his *yongue small Presbyterian Pegges*, what bloody massacie, what cruell crushing of bones, rending tearing and devouring of flesh, must we expect, if your Lordship permit him the use of his dreadfull devouring *Tuskes*, his huge monstrous *iron Fangs*, but I hope your Lordship will first grant him the favour of an *Independant Tooth-drawer*, and then wee shall not greatly feare his *Gummes*: And concerning the *Mickle Armie*, my Lord, you may perceive how they would bind your hands from the execution of justice by the force of Armes, as though the wisdom of this Court were to be enslaved to such sinister respects; my Lord, it is highly derogatory to your Honour, and here are sufficient *English Evidence*, to prove this old seducer, to be PERSECUTION himselfe, as hath been manifest before your Honour; let not the people be thus deprived of justice, they did not in chusing your Lordship to this place, wherein you are, intend the makeing of themselves slaves in any the least kind, to *Synods, Sir Iohns, force of armes*, or the like, or to put themselves at so vast a distance, as to make their addresses to you, as to some *Dietie*, but in their chusing of you, authorised and entrusted you, to vindicate and preserve their native and just Liberties in generall, yea, and common to them with your selfe: therefore you cannot without betraying this Trust, by any *coersive power* subject any of their consciences, persons, or estates to any *Ecclesiasticall Iurisdiction* whatsoever: And now seeing this *vile person* at the *Barre* hath been legally *indicted, araigned, and convicted*, and thereby found an Arch-enemie and Traytour to the peoples common Liberty and Safety, *Iudgement* and *Execution* ought forthwith to passe upon him accordingly, that this *Hypocriticall Pharisie*, this *blood-thirsty Catisse*, this *long Gown'd Mountebanke* with his spirituall delusions may no longer cheate the world, as he hath done.

Hereupon the Court preceedeth to Iudgment.

Judge.

Make Proclamation.

Crier.

O—yes, every man keep silence, &c.

Judge.

With much patience this Court hath heard the severall pleaes betwixt PERSECUTION, and LIBERTY-OF-CONSCIENCE urged on both sides; having seriously weighed the same in the Ballance of equity, hath found PERSECUTION and his Abettours with all their *Pleas*

too light, even meere subtile, airie, and empty delusions: It is therefore the Sentence of this Court concerning Sir *Symon*, and Sir *Iohn Presbyter*, who have thus *Iesuitically* endeavoured to pervert the justice of this *Court* by their false, their subtile, and *Trayterous* suggestions in the behalf of this notorious bloody *Malefactour* PERSECUTION, that Sir *SIMON* be committed *close Prisoner* to King *Henry the eight*, is *Chappell*, there to be kept in *Parliamentary safe* [45]custody, till the *GREAT ASSISES*, held in the first yeare of the *RAIGNE* of our *Soveraigne Lord CHRIST*, (*when the Kingdom, and the greatnes of the Kingdome under the whole Heaven shallbe given to the Saints of the most High*) there, and then to be *Araigned* with the rest of his *Holy Tribe*, whether *Vniversall, Nationall, Provinciall, or Consistoriall Counsels*, or *Synods* whatsoever, before his *Highnesse the KING OF KINGS*, and *LORD OF LORDS*.

I. Reas.

And my Lord, in the meane time to keep his *Holinesse* in action, I beseech your Honour, that he may *Synodicate* a full Resolution to these ensuing *Queries*.

1. Whether it doth not as much conduce to the *Subjects Liberty* still to be subjected to *Episcopall usurpation*, as to be given over to *Presbyterian cruelty*?

2. Whether it would not been more profitable for the Kingdome of *England*, to have forthwith hired a *Coach and twelve Horses* to have set a *Directory* from *Scotland*, then to have spent the *learned consultations, pious debates, and sacred conclusions* of such an *holy*, such a *reverend*, such an *heavenly*, such a *godly*, such a *learned*, such a *pious*, such a *grave*, such a *wise*, such a *sollid*, such a *discreete*, such a *spirituall*, such an *evangelicall*, such an *infallible*, such a *venerable*, such a *super celestiall Quire of Angels*, such a *superlative Assembly of Divines* for almost these two yeares space, after the profuse and vast expence of above *fourty thousand pounds*, besides their *goodly fat Benefices*, upon their devouring *Guts*, for an *English DIRECTORY* of worship equivalent to the *Scotch DIRECTORY*?

3. Whether this *Directory* standing in so many thousands to fumble it together, and the Copy sould at 400. and 50. *l.* be not of more value then the *Writings of the Prophets and Apostles*.

4. Whether *St. Peters Chaire* doth not become a *Presbyter*, as well as a *Bishop*?

5. Whether the late divine Ordinance for Tythes, Offerings, Oblations, and Conventions be not better Gospell, and in all *Presbyterian wisdom* to be preferred and provided before the *Directory for the worship of God*?

*O Cives, Cives, quærenda pecunia primum,
Virtus post nummos.*

Judge.

And as for Sir *JOHN PRESBYTER*, this Court hath *Voted* him to the uncleane, filthy, impious, unholy, darke, and worldly *Dungeon*, called, *IVRE HVMANO* there with *Arch-Bishops, Bishops, &c.* the *Grand-Presbyters*, his *Fore-fathers*, to be fast bound with the *Majesteriall Chaines* of humane *Lawes, Ordinances, Edicts, &c.* and in them to be kept in safe custody till the aforesaid great *Assises*, in the *Raigne* of our *Soveraigne Lord Christ*, there, and then to be brought forth to the *Tyrall* of that *Great and terrible DAY. Now to the Prisoner.*

PERSECUTION, hould up thy hand: Thou hast been Indicted, [46] and Araigned of emnity against God and all goodnes, of Treasons, Rebellion, Bloodshed, &c. and for thy tryall hast put thy selfe upon thy Countrey, which Countrey have found thee guilty, and to

award the Sentence of death, from passing upon thee, thou hast had the liberty this Court in justice could permit, to make thy defence: we have heard thine allegations, evasions, the Reasons and Pleaes of thy Defendants, to whom was given all freedome of Defence could be desired, also We have heard the distracted jubitaine mediation of J. *Conformity* in thy behalfe, yet notwithstanding all that can be made for thee, thy guilt is so palpably apparant and grosse, that all the subtilty, craft, and policy thou and thy Consederates can devise, cannot obscure thee from the eye of justice: for this Court upon thy tryall, hath found out thy villany, Treason, and Bloodshed, and how thou art guilty of all that is laid to thy charge: Therefore the Sentence of this Court is, that thou shalt returne to the place from whence thou camest, to wit, the noysome, and filthy CAGE of every uncleane and hatefull Bird, the CLERGIE of Christendome, there to be fast bound with *Inquisition, Synoddicall, Classicall, Preist bitter-all Chaines* untill the Appearing of that Great and terrible Iudge of the whole Earth, who shall take thee alive, with Sir SYMON, and his Son Sir IOHN, and cast thee with them and their Confederates into the LAKE of fire and brimstone, where the Beast and the False Prophet are, there to be tormented day and night for ever, and ever.

Rev. 19. 1. 2. 3. And after these things I heard a great voyce of much people in Heaven, saying, Allelujah: salvation and glory, honour and power, unto the Lord our God:

For true and righteous are his judgments, for he hath judged the Great Whore, which did corrupt the Earth with her Fornication, and avenged the blood of his servants at her hand. Again they said, Allelujah: And her smoak rose up for ever and ever.

The POSTSCRIPT.

Least the honest innocent Intentions of Yongue MARTIN should receive some Synoddicall misconstruction, he desires to be his owne Interpreter concerning some passages, and for the rest he leaves to the fate of the publicke censure. Now whereas his Licence may seem to be an immitation of an Order of Parliament, it is only to shew the ostentation, pride, and vaine glory of the boasting Presbyters. And where he ascribeth many Epithites, as, divine, holy, &c. to the Ordinance for Tythes, they are not intended in derision to the Parliament, or to any of their Lawes, Statutes, or Ordinances whatsoever, but are used in the sense of Presbyterian acceptation, and of the reverend estimation they would perswade us of that above any other whatsoever. And the use of the late League and Covenant, is likewise only in the Presbyterian sense, simply respecting that Tribe, according to Edwards Interpretation thereof. Honest MARTIN would not be mistaken, he is no enemie to the unity of the two Kingdomes in Civill League and peace, but it is his hearts desire and prayers that not only they, but that all the Nations of the Earth were so in themselves and one with another. And for the Advance of the Scots, that is used only to shew, how those Presbyterian Iesuites would make that, which the two Kingdomes intend for the common good, to be perverted only to the Advance of their Persecuting Faction: And this MARTIN proclaimes to be his own genuine meaning.

FINIS.

RICHARD OVERTON, *THE ORDINANCE FOR TYTHES DISMOUNTED*
(29 DECEMBER 1645) ↩

27

THE
ORDINANCE
FOR
TYTHES
DISMOUNTED,

From all Mosaicall, Evangelicall, and true Magisteriall Right.

*By that Valliant and most Victorious Champion, the great Anti-Clergy
of our Times, his Superlative Holynels, Reverend Toung MARTIN
MAR-PRIEST, sonne to Old MARTIN the
Metropolitane.*

Commended and Presented to the Petitioners of Hertford-shire, for
their further encouragement, and for Provocation of other
Counties to become Petitionary with them against the
unhallowed illegall Exaction of Tythes.

*They are greedy Dogges, which never can have enough, they all look to
their own wayes, every one for his gaine. Iſai. 56. 11.
They eat the fat, they cloath themselves with the Wooll, they kill them
that are fed. Ezech. 34. 2.
They bite with their teeth, and cry peace: and hee that putteth not into
their mouth, they even prepare warre against him. Mic. 3. 5.*

Septemb. 29 EUROPE,

Printed by Martin Clow-Clergy, Printer to the Reverend Assembly of
Divines, for Bartholomew Bang-Priest, and are to be sold at his shop
in Toleration-Street, at the signe of the Subjects Liberty; right op-
posite to Persecuting-Court. 1646. 1675

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.52 [1645.12.29] [Richard Overton], *The Ordinance for Tythes Dismounted, from all Mosaicall, Evangelicall, and true Magesteriall Right* (29 December 1645).

Estimated Date of Publication: 29 December 1645.

Thomason Tracts Catalog Information: TT1, p. 411, E.313/27.

Full Title

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They eat the fat, they cloath themselves with the Wooll, they kill them that are fed. Ezek. 34.2.

They bite with their teeth, and cry peace: and hee that putteth not into their mouth, they even prepare warre against him. Mic. 3.5.

Europe, Printed by Martin Claw-Clergy, Printer to the Reverend Assembly of Divines, for Bartholomew Bang-Priest, and are to be sold at his shop in Toleration-street, at the signe of the Subjects Liberty, right opposite to Persecution-Court, 1646.

The pamphlet contains the following parts:

1. Reverend Young MARTIN MAR-PRIEST, To the Reader
 2. The Ordinance for Tythes Dismounted
-

To the Reader

*To the Reverend Assembly of DIVINES, Assembled in Holy Convocation at Westminster;
Blessing and Benediction from our Superlative Holiness, Reverend Young MARTIN MAR-
PRIEST.*

Dearly beloved Brethren,

Hearken with fear and reverence, unto the Words of His Holiness, Reverend Young *Martin Mar-Priest*, as you shall find them written in the fourth Book of his venerable Sanctity, *The Ordinance for Tythes dismantled*. But Beloved, the Glasse hasteneth, and it is not seasonable now this *Good Time* to detain you too long, for I know, though out of your *Reformed Piety*, you dislike the Papall Sanctity thereof, yet out of the Presbyterian accuteness of your Stomakes, you would willingly consecrate your Reverend Intrailes with the delicate, belly-timber solemnities thereof; for I know, Plum-Pottage Minc'd Pyes and other such toothsome toys have ever been very naturall & pleasing to the men of our Cloth: Wherefore, Dearly Beloved, least I should transgresse too much upon the fervent Zeal of our Appitites, I shall leave the *division* of the *matter* to your selves, as able proficients therein, after a most Scholastick method; onely I shall Devote those my Pious Observations upon the Divinity, of your Title of the *Exaction of Tythes*, unto your most Sacred Protection and Perusall, as a *Christmas Charoll*, or pastime for those Holy-dayes, for your better concoction, not doubting, but even your selves will also shortly be thoroughly digested, and be cast out as the *Excrements* of the Land, if you doe not put a swift period to your *Tythe plundering Divinity*. And to that end I have in some measure discouered the iniquity and vanity of your pretended *Jure Divino* to the *Exaction of Tythes*; dispers'd and clear'd up your mysty fogges, wherewith you have besotted, corrupted and infattuated the peoples understandings into a blind zeal thereof, whereby (if they please) they may now see, that [page] the privileged and property thereof is their owne, both by *Divine and Humane Right* : and I have therefore the more endeavoured it this time, that now through information thereof, the whole kingdom might become assistant to those famous *Beginners of Episcopall extirpation*, the ever to be Honoured Petitioners of *Hertfordshire*, who now have *broke the tie* of this grand Oppression, even pluck out the main Pillar of *Popedome*, Petitioning against the insufferable, unjust imposition of *Tythes*, that the rest of the Counties may follow them, as they did against the Bishops, and the Lord stir them up, and give them good successe, that our Children after us may reap the benefit of their happy beginnings.

Thus (*grave and Reverend ASSEMBLY*.) in testimony that our *Holynesse* is abundantly inspir'd for, *Presbyter*, with all your Predicatory Fragments, I shall not further detain your *Sanctities* from the *zeal of the season*, but end our *Dedicatory Sermon*, and commit my *Reverend Auditors* to the *peace of God, which passeth all mens understandings*, and rest, *yours no longer*, because you are so ungratefull, not to grattify my former demerits with a *Bouncing Parsonage*. Our *Holynesse* is thereat incens'd, and proclaimes *open Warre against you* and your *Sonne Jack* (*Arme, Arme, Arme, yee Tyth mongers*, or else your Cloth's undone) MARTIN is resolv'd to enter your *Main Fort*, to try your *Great Hallowed Ordinance*, though in the Firing, it singe his *Feathers*, burne his *Wings*, and blow his *soul unto Tyburne*. I'le doe't, though I perish. And let this Subscription be your Allarme.

*Reverend Young MARTIN MAR-PRIEST,
that scornes your mercey, and bids defynace to
your malice. Tan, tara, ra-ra, tan tara.*

[1]

THE ORDINANCE FOR TYTHES DISMOUNTED,

From all Mosaicall, Evangelicall, and true Magisteriall Right.

OR,

The Clergy utterly untitled of their JURE DIVINO, for their Exaction of TYTHES.

The Introduction.

WHEREAS under the late Regall and Episcopall exorbitancy, the *Exaction of Tythes* hath for a long time been coersively imposed upon the People of this Kingdome, for the advance and magnificence of one sort thereof, entitled the *Clergy*, who (out of their divine Providence) have very prudently ever pretended and pleaded their *Title* thereto, to be, *JURE DIVINO*, whereby both Magestrate and People have ever been perswaded, as their duties, the one to command, the other to obey the *exaction* thereof, thorough [2] the mysterious subtilty & specious pretences of that *Chemarin Sect*, that Canniball litter of Tyth-mongring *Negroes*: And now that we might have a *thorough Reformation* (both in and person, I should say) in Church and State, under the Parliamentary and Presbyterian Authority, the same is very wisely and discreetly continued and reconfirmed: O Reader, here with *Reverend MARTIN*, stand amazed at their wit! down upon thy knees, up with thy hands, and gloor (*Presbyter-like*,) with thine eyes, admiring and adoring this *happy Reformation*, and sing *Hallelujah* for ever, and for ever, that we are blest with such a *Parliament*, such a *Synod*, such a *Presbytery*, such a *bomination bundance of Ordinances; Ordinances upon Ordinances*, even whole *Cart-loades of contradicting Ordinances, Beloved Brethren* to establish such a croaking gender of frisking froggy *Presbyters*, bred in, and skipt from the myery Bogges of Episcopacy, thus to enrich them with the Tenths of the Kingdome, by a more powerfull and obligatory Authority then before: *Let all the land feare them let all the Inhabitants thereof stand in awe of them, for they but speake, and it is done*, out of their *primative Zeal*, they doe but claime them of *Divine Right*, and the godly *Parliament* forthwith most prudently invest their *Sanctities*, (to confirme *as infallible* the *Divinity* of their *Title*) with a most judicious elaborate Act, the *Hallowed Ordinance for Tythes*, (O the purity of our Times!) dignity'd and enrich'd with power coercive to plunder the Goods, and imprison the Persons of such as shall refuse the paiment thereof; whereby the generallity of the people are awed, and dare not pry, or once glance into the Arke of their *sacred Title*, least they be smit with a *Confiscation*, &c. that the *Divinity* of their *Title* goes now as currant for *Tith-mate* amongst the vulgarity, as if it had the Gospel, Image and Superscription upon it, that now the silly soules, even in the middest of their millitary taxations, *Issachur-like*, humbly couch under the burthen of their *Exaction*, when as indeed, in equity they had more need to substract then to adde, to shake off, rather then to contract an unnecessary Burthen to their over-burthened shoulders. But the *Presbyters* doe not greatly care, considering the *breadth of their backs*.

Wherefore out of duty unto God, and love unto my Country in this time of publick necessity; I shall, as neere as I can, discover the vanity of their *Title*, that the oppressed may see it, and something [3] ease themselves of their Burthen. But that I may the better evince it to every rationall and ordinary capacity, and stop the mouth of the most materiall opposition, I shall make triall of their *divine Title* in their most fundamentall pretences, which may naturally be digested into their deductions from three heads, to wit, *Mosaicall, Evangelicall*, and *Humane*; and so answerable reduce my matter into three Sections.

For on these 3 Pillars the Clergy would erect the cock-loft of their *Jure Divino*, even from thence hold and maintaine their *Tenure of Divine Right* unto the exaction of *Tythes*; but I shall Impartially examine the divinity of their *Title* deducted from these severall Heads, as being the most rationall and satisfactory way of tryall, to lay the Axe unto the root of the Tree, to unbottome their building, for if I pluck from them their *main Pillars*, their Cathedrall props, downe tumbles the great Goddess, *Jure Divino*, Pulpits, Priests, Tythe-pigges, Pullen

and all; and what a fray then there will be, judge yee. And first concerning the Authority of their *Mosaicall Title*.

SECTION I: *Of the Clergies Mosaicall Title of Jure Divino unto the exaction of TYTHES.*

That wee may the better make tryall hereof, it is to be considered, that the Clergy of this Kingdome doe Parochially Officiate therein as the Ministers of JESUS CHRIST (*as they pretend themselves to be*) and yet for their Ministry require the truth of all our Substance, by vertue of a *Mosaicall Authority*, the which how in equity they can doe, in case they should be such, they must evidence how Gospel Ordinances, such as are proper to the Church of Christ, are to be practised, and to receive their authority from a *Mosaicall Institution*? If they may not, that is, if nothing can give priviledge or right to an [4] Evangelicall property, but an *Evangelicall Authority*; then why doe you for your Ministry of the Gospel (as you would make us beleeve it is) impose upon us the bondage of a *Mosaicall Institution*, to wit, the *Exaction of Tythes*, whose Authority, Institution and Beeing was from the Law of *Moses*, and therein for that service terminated for the Ministers of his House?

If they be to be practised from *Mosaicall Institutions*; then, Is not that to make the *Gospel of none effect*, of lesse authority then the Law, and so CHRIST inferiour to *Moses*, his Ordinances insufficient, and not binding, himself necessitated to be beholden to *Moses* for Authority to strengthen his *Institutions, Ordnances, &c.* and to make them obligatory, undervalue his Mediatorship, make himself insufficient for a *Saviour*? for should he not have Authority of himself for his own Institutions, Ordinances, &c, then would hee be farre lesse sufficient to be the *Redeemer of the World*; for the worke of *Resurrection, Salvation, &c.* is of greater Power, then to make a Law Obligatory, for if he be not able for the lesse, it is impossible hee should doe the greater: And so this is no other, then to denie his MEDIATOURSHIP, his *Redemption, the Resurrection, &c.*

Therefore to practise *Evangelicall Ordinances*, to build the House of Christ with the mouldred rubbidge and ruines of the Law, to invest Christs Ministers, with a bare *Mosaicall Authority*, to claime an *Evangelicall Title* from a *Judaicall Institution*, to take *Tythes* under the *Gospel*, by vertue of *Moses his Commission*, cannot possibly be without those horrible absurdities, destructive to all Religion and Morallity.

Wherefore (*venerable Brethren,*) you must, if you will have such a manner of Maintenance to be yours of *Divine Right*, prove your Authority from the *Commission of Christ*, have a *Gospel Ordinance* for it: but let me tell you by the way, when you have done that, to wit, *proved the exaction of Tythes from the Gospel, for the Ministers of the Gospel*, yet it remaineth for you, *to prove your selves to be such Ministers*, or else wee shall neither esteem you for the one, or give you the other, for if of *Evangelicall Right* they be due, and the men of your cloth [5] the Persons to whom they are due, then from an *Evangelicall Authority*, you must prove both the one and the other, your selves the very men, and this that you require, to be the same that CHRIST allotteth his Servants, for their Ministeriall, Evangelicall Function: For if He be your WORK-MASTER, and you doe His WORKE, all Authority being His, and onely derivative from him, He must set the Wages, and the wages hee setteth, you must therewith only be contented: If you doe the WORKE, you must have the Wages of the WORKE, otherwise not: if his Wages doe not content you, then you are none of His *Servants, for you are his servants whose wages you receive; and if you receive Moses his Wages, then you are Moses his servants, and so must doe his WORKE, as offer Sacrifice and the like, which were to repaire and rear up the Partition Wall againe, which CHRIST hath broake downe betwixt JEW and GENTILE, to denie him come in the flesh, &c.*

Therefore (*Reverend Brethren*,) you must not thinke to doe CHRIST'S WORKE, and exact *Moses* his Wages; if out of your Piety you thinke good of the Worke; out of your honesty you must be content with the Wages belonging to the Worke.

And truly (*Pious Sirs*,) till such time as you give us an expresse Commandement out of the *Gospel* for this Legall, Levitticall exaction of *Tythes*, for your service, which you pretend is the Service of the Gospel, till then wee shall be bold to forbear the paiement thereof; but no sooner shall you have proved your selves the Ministers of the Gospel, from a Gospel Authority, and *Tythes* the wages of the Gospel, from a Gospel Ordinance, and your service which you performe, to be the service for which such wages is allowed by the Gospel; I say, no sooner shall you make these 3. appeare, but I shall yeeld you your Right, grant your Title to be *Jure Divino*, and perswade all my Independant *Brethren* to doe the like to the men of your Order; Then will wee pay you your Arreares, fill your Barnes with Tyth-Cocks, both of Hay, and all manner of graine, enrich you with Heardes of Tyth-Pigges, flocks of Lambes, of Chickens, Geese, &c.

[4]

Then will wee make a Presbyter as glorious, as Pontificall; yea, feed him as fat as a Bishop: Her's newes for the men of your cloath; goe, proclame a yeere of Jubilee, get an Ordinance for it, or at least some directions from both Houses to keep their Worships in action; for you know their Historicall Directions are mystical Ordinances, witnesse their late Directions for their Congregationall, Classicall, Provinciall and Nationall High Commission-Courts, which at their comming out were under the notion of Directions, to feel the pulse and temper of the people, to try whether either they could beare them, or were afraid to reject them, and now finding them either grosly ignorant, carelesse, or else cowardly and degenerate, that they neither doe nor dare oppose them, though it be to enslave themselves and their Posterity in a worse then an Arbitrary, Regall, or Episcopall servitude, to wit, in endles suites and appeales from Court unto Court; hereunto they are concluded in that most Religious and spirituall Ordinance for the *Supper*, as absolute Ordinances, as unalterable as the *Directory*; for indeed, at the first onset, it was not policy, to rush such a diabollicall and villanous invention point blance upon us, with an, *It is Decreed and Ordained by the Lords and Commons Assembled in Parliament*. But after a more mysterious manner of Ordination, they intrude it upon us unawares in the godly and specious vizer of *Rules and Directions*, as if our Religious Parliament-men had such a spirituall and holy care over us, to give us such wholesome and Pious *Directions*, while indeed under this innocent apparition, in the shape of Lambes, they are no other then ravening Wolves, rending and tearing us in pieces for did they not pretend the spirituall welfare of the Kingdom in those *Directions*, seem to give them, out of a godly care and pious Providence over us, for our more spirituall Peace and well-beeing, but what they are, let all the people judge, let them consider whether there can be the least dramme of honesty or Religion in them, or of respect to the Liberty of this free-borne Nation therein, seeing they lay upon us a hardier yoake then ever was laid upon us in the dayes of the Bishops. Now we shall be so intangled and enthrall'd to endlesse suites and Controversies from Court unto Court, that if wee once fall into the all-ravenous powers of those spirituall Courtiers, wee must scarce expect to finish a suit in 7. yeeres, and what cheating and cozening, what pilling and polling, raking and exacting of fees will [7] there be amongst the severall Officers of those severall Courts, every ordinary capacity is able to judge of; it will be the greatest thraldome and bondage that ever the Kingdome was involved into, and by this Ordinance of the *Supper*, I am afraid we shall all goe Supportlesse to bed, for there are such baits and entanglements laid for the people, to catch and intrap them, as multitudes must needs daily fall into their hands, and when they are fallen into the ravenous jawes of this *Hydra-headed High-Commission*, they must needs be devoured, there is no way to helpe themselves; if they be offended, at the *Congregationall High-Commission*, they may

appeale to the *Classicall High-Commission*, if they cannot be righted there, then to appeale to the *Provinciall High-Commission*, and from the *Provinciall* to the *Nationall High-Commission*, and from thence forsooth, if wee can finde no Justice in our tedious expensive traverse through these *Spirituall HIGH-PLACES*, after wee have trudg'd from *High-Commission* to *High-Commission*, removed our suits from Court unto Court, been at vast and unreasonable expenses in Fees from Officer to Officer, we may appeale (forsooth) to our GODS themselves, the PARLIAMENT (*life-Ever-lasting, world without end, AMEN.*) Of whom, how may wee expect Mercy or Justice then, that thus before-hand *whip us with the stings of Scorpions, and grinde us between the devouring JAWES of such devilish Tyrannicall Courts, which will even crush our bones in pieces, and squeeze out our very marrow and juice, suck out our very hearts-blood, like so many greedy salvage Canniballs, and devour our flesh, and swallow it down into the filthy consuming panches of the barbarous blood-thirsty Clergy*: For what Ecclesiasticall Court ever was there in any Nation of the World, managed by the Clergy, which was not improved to wicked, bloody and Tyrannicall ends? Have they not proved (where ever they have been) the most insufferable burthen and Bondage the *Common-wealth* ever sustained, or groaned under the most destructive to the *Peoples Liberty, Peace, and well-being*? Consider but the *Spannish Inquisition*, and our late *High-Commission*, of what desperate and destructive consequence they have been to the Peoples weal, which after long processe of time proved so intollerable to the people, that they have, and daily spend their lives and fortunes to free them and their Posterities from such spirituall slavery, and usurpation of their Liberties, which they so long had [8] sustained by such Ecclesiasticall *Courts*, which very *Courts* were Voted and put downe, as Tyrannicall, and destructive to a *Commonwealth* by this very *Parliament*, which thus would intrude upon us far more and worse then ever we had, or heard of before: It seems when our old Fathers the Bishops grew decreped and unable, struggling and gasping for life, their young, briske and spermatick Sonnes the *Presbyters* committed incest with their old Boldam Mother *High-Commission*, and after her long *Synodean* travell, by the skilfull subtile powerfull hand of a *Parliamentary Midwife*, is delivered of a litter of ugly Kubbs, every one more barbarous, cruell, bloody and Tyrannicall then their Mother. For the Kingdom must be divided into severall *Provinces* (not *Diocesses* forsooth, that's an Episcopall terme,) and every Parish throughout all the *Provinces* in the whole Kingdom must have a bloody *Inquisition Court* founded in it, which *High-Commission*-like shall have power to give and examine upon Oath, and such and such Parishes in each Province shall make a *Classis*, so that in one Province shall be severall *Classes*, and every *Classis* shall be constituted and founded into another *Inquisition*, which shall have Power over so many particular Parishes of such a Province, and over that *Classicall Inquisition*, there must be a *Provinciall Inquisition*, and over the *Provinciall* there must be a *Nationall Inquisition*: Here's like to be *Inquisition* after *Inquisition*, worse then the *Spannish*, after the blood of the people; wee thought our selves at the worst when we knew none but the *High-Commission*, but what shall we thinke now, that are like to be ten thousand times worse?

The Bishops Courts stript us of our clothes, but the Presbyters Courts will strip us of coates, skines, lives and all, for any thing that I can discern, For how have these men, before they be invested with this Power, before these Courts be settled, both in their Writings and Preachings suggested, sollicit and moved the Parliament to cut off the contrary-minded to them; *Byfeild* in his Sermon, *desired that their Houses might be pull'd downe, and Gibbets made of the Timber to hang them*, and to that end all of them have endeavoured to get this bloody Power into their hands, to that end that they might persecute them from Court to Court, even unto death, for if they meant freindly towards them, they would never endeavour [9] after such Courts of *torture and torment, were it not to confound them with cruelty, they never intend to deale with them by love, but by Terror and Violence. But what kinds of successe this Kingdome and people may expect thereby, they may easily discern, if they reflect but their eyes upon the woefull Issues of our former Ecclesiasticall Courts, and for*

better successe by them, I dare be bold to Prophesse they shall never obtaine.

1. But to returne from this too tedious digression, to our matter, or present Controversie in hand, be pleased (*Venerable Brethren,*) to consider, that if you will have *Tythes* still to remaine, and to be yours of *Divine Right*, from a *Mosaicall Authority*, then you must be the Persons to whom *Tythes were commanded to be paid*, for they were nor could be of *Divine Right* due to none other, then such to whom they were commanded to be paid, for it is the command of God that gives a *Divine Right* unto a thing commanded; But they were commanded to be paid to the *Levites* for their service; therefore if for your *Ministeriall Function* you will have the *Levites wage*, then you must every man of you prove your selves lineally descended from the loynes of *Levi*, and so none but such that are of that Tribe, to be Ministers of the Gospel, and *Tythes* to be paid to none other: Therefore till you shew us a perfect Geneallogie of your descent legitimately from the loynes of *Levi*, wee shall not give you *the Wages of the sonnes of Levi*: Goe search your *Genealogies*, turne over your numerous Volumes; you may finde it cock-sure amongst some of the Old *Fathers*, for they afford matter for all your necessities.

2. These *Tenths* were ordained to be of the encrease of the *Eleven Tribes*, from their severall portions in the Land of *Canaan*, and not in other nations or people. Therefore if you will have the *Levites portion*, you must goe to the Land of *Canaan*, and receive it of the *Seven Tribes*, or else you must prove *England* to be *Canaan*, your selves the *Levites*, and as the *Eleven Tribes*, which for University men such exact *Logitians* as your selves, is nothing to doe, goe sophisticate it into a *Syllogisme*, and you need not doubt of an *Ergo*, infallible as the Empyrick's *Probation est*: in the meane time, wee'l lay up your *Tythes* for you, and gather them very safe into our *Barnes*.

[10]

Methinks (*Right Venerable BRETHREN,*) you have committed a great over-sight of late, to suffer your Journey-men *The two Houses of PARLIAMENT*, to put out such inconsiderate *Directions* for the *Division of the Kingdome into Provinces, Classes, &c.* and not to parallell them (considering it's a time of settling this *Levitticall Order*) with the division of the Land of *Canaan*, had you but consulted with *MARTIN*, and made him your *Directory* Journey-man, he would have reduced the people into *Twelve Tribes*, divided the Kingdome into *answerable Portions* and your selves then might easily have proved your lineall legitimate descent from the Loynes of *Levi*, for it had been nothing then from thence to have drawne an *Argument* as good as an *ORDINANCE of the Lords and Commons for the true payment of TYTHES*, or the like; but to returne to our matter.

Beloved *Brethren*, I would have you consider, that the very *Jewes* themselves to this day have determined the *equity* of their *Tythes* to their owne Land, for their Doctors conclude, that regularly no Inhabitants but of the Land of *Israel* were to pay any, and even to this day by their Law, (being despersed, and sojourning in strange lands,) no *Tythes* of their encrease in such Lands, is either paid, demanded or held equall amongst themselves to be paid; yea, by their Law, they are to pay none. And those that live in the Land of *Canaan* now pay none for want of their Temple and *PRIESTHOOD*, for their second Temple no sooner was destroyed, but with it their Law of *First-fruits, Therumah, and Tythes* ceased, and those that live dispersed, pay none, both for want of their Temple, &c. as also for the restraintment thereof to the Land of *Canaan*; but you are neither *Jewes, Levites, in the land of Canaan, have the Temple, Priesthood*, or any thing appertaining thereto, and yet you require them by that Law, and claime them of *Divine Right*, no commandement or *Divine Right* being given to any other but the Sons of *Levi* to receive them, therefore how equall your claime is, let those that pay them judge: for if they themselves, that had the commandement yeeld up for those considerations, their right and equity in them, and may not of *Divine Right* require

them, much lesse may you that are neither JEWES, LEVITES, or ever had a Commandement from God for them.

[11]

3. If you were *Levites*, yet were it unreasonable and unjust for you to exact above the *Levites* portion, a Levitticall right it bounded precisely within a Levitticall Compasse; if you will be numbred amongst the *Levites* for your Divine Title, you must be numbred with them in the nature of their revenue, and thereto precisely confined, and if of their Order for their revenue, then must you not disdain to be ranked in the number whereto that Revenue was ordained, and be content with the allowance that shall come to your share from that Ordination, now the *Levites* for their maintenance were ranked amongst *the Fatherlesse, Widdowes and Strangers, Deutr. 14. 29. and 26.12.*

Such therefore must be your Companions, (thinke it no disparagement to your cloath,) and you must be content with your division, and with what falls to your share; *The Fatherlesse, the Widdow, stranger, &c.* was to have a share, and subsistance, to eat and to be satisfied out of the *Tythe*, as well as the *Levite*, therefore for the *Levite* to exact all the *Tythes*, were to eat the bread out of the mouthes of the *Fatherlesse, the Widdows, and the Srangers, &c.*

So then, the encroaching and usurping the whole *Tenthes*, yea, all things considered, even the sixth or seventh part of the whole Kingdome into the hands of the *Clergy*, under this Levitticall pretence, is no other then such oppression to the *Fatherlesse, Widdow, &c.* But wee see our Clergie under this pretence exact all, and more then the *Tenthes*, and spend it all upon themselves, and turne *the Fatherlesse, the Widdow and the Stranger*, to the wide world; and though every Parish thus largely give their Almes for the generall supply of the poore, these men get all into their hands, and cause the *Fatherlesse* to goe naked without clothing, *and they take sway the sheafe from the hungry.* Job 24.10. but cloath themselves in costly array, feed on dainties, live at ease, and take their pleasure, that they are more like Lords then Almes-men; while the other Almes-people, *the Fatherlesse, Widdow, &c.* are ready to perish for food, cloathed in ragges, and forc'd to begge, and would perish quite, should not the Parish take further compassion over them.

[12]

Therefore MARTIN would advise the *Fatherlesse, the Widdow, and the Stranger*, since this *Levitticall* Order of *Tything* must still be retained on foot, to come in and claime their right, for if the *Inheritance* must be granted the *Inheritours* must be thereto entitled so long as the *Possession* endureth, so long their Interest does continue, as long as they will have the one, so long they must grant the other: and let not those greedy *Cormorants* devour up their portion, that there may be a more competent answerable equality amongst these *Almes People, the Levite, the Fatherlesse, the Widdow and the Stranger, that all may have a competency, the Fatherlesse, Widdow and Stranger, as well as the Levite; that this rich and fruitfull Nation may not longer be branded with the infamy of such multitudes of Beggers, such miserable forlorne Objects of Compassion, left destitute in a Land where there is such a redundancy of Provision: for were the Tythes, which are a vast, and almost unvaluable wealth, but proportionably divided amongst the Poore throughout every Parish in the Kingdome, all would have sufficient, and none would want, only our proud frisking Levites would be a little abated in their Pride; Their great Buttons would neatly fashion forth their shoulders, no more then the loops their necks: their Wives would scarce have Fannes to coole their beauties, or such like pretty toyes to humour their amorous nicer fancies with, which trivials may very well be spar'd, better then suffer the Fatherlesse to goe naked, lowsy, tatter'd and torne, begge, and ready to perish in the streets: for it is a most unreasonable*

wicked unconscionable thing, that one sort of Almes-men, which would be counted (forsooth) the Ministers of Jesus Christ, should devoure up the rest, or that any sort should be richer then their Almes-Masters, for there is above a Thousand Lay-persons (as they call them,) men, women and Children to one Clergy-man throughout the Kingdome, in some Parishes there are above ten thousand to one, and yet this handfull of Venerable vermine must have the Tenth of the encrease of the whole Kingdome, besides their Gleah-land, Oblations, &c. Which betrayes their unsatiabie Covetousnesse to take it, and the grosse simplicity of the People to give it, their Benefactors must be glad of brown-bread and sottage to feed their hungry bellies, of leathern Jackets or any thing to cover their nakedness, and rejoyce and blesse God they can have it by their sore travell and pains, by their industry and sweat of their browes; they must cap and congue, and these Almes-men, this Leviticall Clergy, [13] deport themselves, and live like Lords in Pompe, Honour and Magnificence, for who more honoured, who more stately proud, or delitious then they?

Oh, MARTIN cannot forget the Germane Proverbe, The covetousnesse of the Priests, and the Mercy of God endure for ever.

But that we may the more cleerly discover their deceit, wherewith they have bewitched the people under this *Leviticall Pretence*, let us a little further descant upon *the Right of the Levite*, that every ordinary capacity may receive more full and ample satisfaction concerning the equity of their *claime*, and that those counterfeit Levites, (*our present Presbyters,*) may cover their heads, and hide their faces for shame.

Now for out further inquisition therein, and inquiry thereof, let us consider, that though the *Sonnes of Levi* had a commandement to receive *Tythes of the People*, according to the Law, Heb. 7.5. and though that commandement was onely for the Levites, so that neither any other was to receive them from the People, *but the Levites*, nor the people to pay them to any other, *but to the Levites according to the Law*, which both did designe their Tythes, and bind them to their payment, yet could their service for this rich Prerogative, this large Revenue, bring no perfection: All Offerings, Sacrifices and Services unto God for *the sonnes of the People*, was committed to that Priesthood, and administred by them, and yet as touching the Conscience, could not purify, or ever take away sinnes; therefore there was a necessity that one of another Tribe, that should not be called after the *Order of Aaron* should arise, otherwise there could never have been Salvation, *for it could not be by any thing that did or could proceed, or was administred by the Tribe of Levi, for could it, what further need was there that another Priest should arise*, Hebr. 7.11. *therefore the Priesthood, and commandement thereof was disannulled for the weaknesse and unprofitableness thereof*, vers.18 *and hee of whom better things were spoken, forgiveness of sinnes, and eternall life, commeth of another Tribe, of whom no men gave attendance at the Altar, even of the Tribe of Judah, of which Moses spake nothing concerning the Priesthood*, No, not so much as of a *Tyth-pigge*, vers. 13,14 *so that this Man being come, the Priesthood changeth, and that changing, there is made, of necessity, a change also of the Law*.

[14]

These things premised, the Levites therfore themselves have no longer Authority or *Divine Right* unto *Tythes*, according to the Law, a period being put to their Office, their Priest-hood ceasing, and the Law according to which they received the wages of their Priesthood ceasing, neither are the people longer bound to pay them by vertue of that command, seeing both the Law which bound them to it, and the Priesthood for which it was, are both disannulled, abrogated, and ceased quite, and a more excellent Ministry obtained, established upon better Promises, by one of whom *Moses* spake nothing of that Priesthood, so that he being of another *Order*, and of another Tribe, being Mediatour of a better Covenant, established upon better Promises, neither Service, nor any thing which pertained

to that Tribe, according to the Law, whereof *Tythes* was one, can be transplanted and grafted into that Stock under destruction thereof, for if we will have it to beare the fruit of the Levitticall Priesthood, wee cannot be made perfect, receiving the Promise of *Eternall life*.

Therefore to ascribe that which belonged to the Levitticall Priesthood, to the Ministry of our Lord, which sprang from *Judith*, is to introduce and recall the Legall Sacrifices and Services, to denie Christ, destroy his Genealogie, and disannull his *Covenant*; for whatsoever appertained to the Priesthood, was proper and essentiall to the Tribe of *Levi*, so that whosoever did officiate therein, or receive any thing belonging to the Office, was one of that Tribe, therefore to ascribe *Tythes* to this *Order*, whereof Christ is, is to make him of the Tribe and Order of *Aaron*, and so destroyes his Mediatourship, and denyes salvation by him, for of his Order *Moses* spake nothing concerning the Priesthood, now *Tythes* belonged and was ordained to the Priesthood, (which Priesthood was not able to cleanse the Conscience from sinne, and so not sufficient for salvation) therefore not at all doe they belong unto his Priesthood, or Ministry arising from another Tribe, from whence commeth *forgivenessse of sinnes, and eternall life*.

4. If you will have *Tythes*, you must have it of your owne brethren, for verily, they that were of the Sonnes of *Levi*, who receive the Office of the Priesthood, have a Commandement to take *Tythes* of the people, according to the Law, that is *of their brethren, &c.* [15] Heb. 7.5. Wherefore we of the Independant Congregations, being not of your Members, and so none of your brethren, you have not any authority to demand or receive them of us, the flock which you feed (if you feed any) *is the flock of whose milke you must eat.* 1 Cor. 9.7. Now we being not of your flock, you must not thinke to eat of our milke, but you must be content with the milke of your owne flock: when you are our Pastors, and wee your sheep, you shall have the *Tyth* of our Milke, but in the meane time, MARTIN would advise you to be content with your owne.

5. If you denie to receive *Tythes* as *Levites*, and claime them as you are Priests, then you must have no other then what was due to the Priests, and in *Deut.* 18.3. &c. it is said, *and this shall be the Priests due, from the People, from them that offer a Sacrifice, whether it be Oxe or Sheep, and they shall give unto the Priest the shoulder, and the two cheeks, and the maw, &c.* and truly, when MARTIN doth offer an Oxe or a Sheep, hee will freely give you the shoulder, the two Cheeks and the Maw, and hee cares not greatly, if you thinke that Oxe-cheekes are too course Diet, for the Priests of our dayes, to gratify your dainty diviner Pallates, with the great Begge, with all its venerable appurtenances. But though this were the Priests due, yet for this were they to stay the Offering, a worke too butcherly for Priests nowadays; yea, they were, if there were any warre in the Land, to goe against the enemy, *and blow an alarum with their Trumpets*, and this was an Ordinance for ever amongst the Priests, *throughout their Generations, and they shall be saved from their enemies*, Numb 10.8,9. Therefore if you will have our Oxe-cheekes, our Oxe-mawes, you must all turne Trumpetters now there is warre in the Land, and sound an *Allarme*; If you be Priests, you have not done well to forbear all this while, for the Text saith, *Yee shall be saved from your enemies*. O Pious and Venerable Brethren, for so I am emboldened to style you; I beseech you be encouraged, and stirre up one another to this good *Works*, if you be Priests, *sound an allarme*, that wee may be saved from the Cavaliers, and then you shall have all our Oxe-cheekes, our Oxe-mawes, Bagges and Baggage; for wee are weary of the warres.

[16]

Further, if you claime them as Priests, then are you to require none of the People, for the *Levite* paid only *First-fruits*, not *Tythes* immediately to the Priests, but *onely to the Levites, Singers, and other such Ministers: And the Levites paid the Tythe of their Tythe to the Priests*, Numb. 18.26.28. *Who so through the Levites received Tythes from the Possessions of the*

Laiety, for the Posterity of Aaron, that had the Priesthood, received none from the people immediately, but mediately from the band of the Levite, and that was but a Tythe of their Tythe.

Therefore, if you will be Priests, (as you all stand Priests by your *Episcopall Ordination*, witness the late Ordinance for the Lords Supper, where it is granted,) then all the Tythe that you can any wayes exact, is but the Tythe of the Tythe, the rest, is *first-fruits* and the like, were left unto the good will of the People, for seeing you will be the Priests successors for their maintenance, but not for their Worke, being more lazie in your generation; I tell you, though your succession were good, yet could you be hereditary to nothing then wherein those Priests had a right; their patterne can extend no further then their own priviledge, though you and your Fathers have set it upon the Tentures, and stretch'd it unto the portion of the *Fatherlesse*, the *Widow*, and the *Stranger*, and have rack'd and scrap'd all into your Compasse.

Now the *First-fruits* of the forwardest were offered to the Priests in Eares of Wheat and Barly, Grapes, Figges, Olives, Pomegranats and Dates, and of these the *First-fruits* were paid, in what quantity the owner would, *Exod* 23.19. *Numb* 18.12. likewise their *Therumach*, or *Heave-Offering*, or *First-Fruits* of Wine, Oyle, Fleece, and the like, were also given to the Priests, *Deut.* 18.4. but not determined by *Moses* of what Quantity: therefore from their example, you cannot tye us to the tenth of those things, but though you were such Priests, yet must you be content with such as wee out of our own freedom: shall give you thereof. Indeed wee read in *Ezekiel* 45.13. that the *Theramih*, or *Oblation*, was the best part of an *Ephah* of an *Homer* of Wheat, and the like of Barly, and an *Homer*, which was above with a Bath, was neer our common *Bushell*, & an *Epak* was the tenth part of an *Homer*. v.II. So that all the *Obligation* for this or that quantitie, that you can impose upon us, is at the most, but what [17] *Ezekiell* describeth, and that was but the fortyeth part of an *Homer*, which after our account, is the fortyeth part of a *Bushell* of Wheate or Barly, for the *Ephah* was but the tenth part of the *Bushell*, and but the sixt part of the *Tenth* was to be offered: so that, if the confining of us to this indifferent portion will not content you, you must even be contented with the good will of the VULGAR, that Clergy Bugg-bare, for there is no president from any command for any more; or can wee read that *Moses* his Priests ever exacted more; or indeed that they ever exacted any quantity, but wholly left it to the disposition of the People, which, it compared with our Priests, their practise will be found much derregatory thereto; for though they have no right at all to the sixtyeth part, or indeed to any such *voluntary Offerings* (being not the persons to whom the benefit of *Church-contributions* were ordained) yet such is their *Avarice*, that though they plead for the due of the *Mosaicall Priests*, yet that will not content them; for neither will they stand to the good will of the People, as *Moses* his Priests did, nor yet be content with the sixtyeth part, as they were, but they will have the *Tenth*; yea, above the *Tenth*, and that by compulsion, whether the People will or no: therefore let the people judge of their greedynesse, of their jugling and deceit, who under the pretence of a thing whereto they have no right, require not only the thing it self, to wit, the sixtyeth part, but even fifty times more, and that by compulsion.

6. The Officers of the *Ministry of the Gospel*, are to be chosen by the members thereof out from amongst themselves, and their Function is not (as under the Law) confin'd to this or that *Tribe*, this or that Generation, but is generall to any *Tribe* or Generation whatsoever; and so as the service is ceased, the persons officiating are ceased, and both ceasing, the wages must needs cease, neither worke for which, nor persons to whom, according to the Law, remaining: For notwithstanding his abolishment, hither you fly to consecrate your Ordinance for *Tythes*, with a *Jure Divino*, as if with work-men and worke, the wages were not vanished, but still retained their *divine Beeing* by vertue of that Law, and your selves hereditary thereto, but not unto the Worke.

Truly (*Pious Brethren,*) I commend your venerable Sanctities, that are so provident, both for your profit and ease, you are very wise in your Generation, indeed it is the profit that fills your spitts [18] with Piggess, Capons, &c. But (*holy Brethren,*) it is against all equity and justice, *to require the wages of a Worke, and not to doe the Worke; If a man offer such wages for such a Worke, hee that will justly claime the one, must doe the other, for his equity to the Title of the one, is founded in the labour of the other, and not doe another kind of worke, the wages whereof he supposeth is not so profitable, and exact the wages of the former, which he conceiveth is more profitable, that is, Doe the Worke of the Gospel for the wages of the Law; this will not serve, there is neither equity in the one, nor Conscience in the other; If you will have Law-wages, you must doe Law worke; If you will have Gospel-worke, which you deem to be more easy, then you must be content with Gospel-wages, though not so profitable, if therewith you will not be content, you must leave the Worke.*

Thus having tryed your *Mosaicall Title* from the Levitticall Priesthood for your *Divine Right*, to the *Exaction of Tythes*, and finding all your reasonings from thence empty and ayerie delusions, wherewith you have overshadowed your Pollicy and Deceit from the Peoples discerning, bearing them in hand with their *Divine Institution*, but not telling them for what, and to whom they were ordained: now let us trace you a little further, and try your *Gospel Title*, and see what divine Influence it doth communicate to your *Humane Title*; it may be, you will be found as delusive there, as you were under your Legall Pretences; which done, I shall adventure upon your last and maine Battery it self, *The Ordinance for Tythes*: and if I dismount you there, your best shift will be, *The good will of the Vulgar*, and glad you can have that at a pinch, to piece out your *Jure Divino*, and preserve your SANCTITIES from *Mechanick Druggery*: I will not too much (if you will but please mine *Holyness*, and beare with the contrary-minded) make tryall of your Right unto that Title, for should I, you might rue the day that ever MARTIN was borne; though I confesse, you have little cause to celebrate his Nativity with rejoycing; for it is to be feared, from what he hath already done, Sir JOHN will have much adoe to get Possession of his FATHERS *Inheritance* with Peace. But to omit trifling, and to returne to our intended purpose, and try what the *Apostolicall Writings* afford either, *pro* or *con*.

[19]

SECTION II.: *Of the Clergies EVANGELICALL TITLE of Jure Divino to their Exaction of TYTHES.*

Wee read, *Acts* 20.16.20,27,28,29.

THAT *Paul* having sent to *Ephesus* for the Elders of the *Church*, told them, that he had kept nothing back that was profitable to them, teaching from house to house, and that he had not shunned, to declare unto them all the COUNCELL of GOD; and therefore bid them, *Take heed, for after him would come grievous Wolves among them, not sparing the Flock*: And to the *Galathians*, cap 1.8. hee saith, *Though wee, or an Angel from heaven preach any other Gospel unto you, then that which wee have preached unto you, let him be accursed.*

Now in all his Writings, and in the whole Book of the Gospel, wee doe not find any Declaration of his for supplying any necessities of the Churches, whether of Elders, or any other Members, by the *Exaction of Tythes*, but his ORDER for such supply is otherwise, for to the *Corinthians*, *Epist.* 1. cap 16.1,2. hee saith, *Now concerning the Collection for the Saints, as I have given Order to the Churches of Galatia, even so doe yee, upon the first day of the Week, let every one of you lay by him in store, as God hath prospered him*; and in the 2. *Epist.* cap. 9.1.5.7. *For as touching the Ministring to the SAINTS, I thought it necessary to exhort the Brethren, that they would goe before unto you, and make up before-hand your bounty, whereof wee had notice before, that the same might be ready, as a matter of bounty,*

not of covetousnesse: Every man according as hee purposeth in his heart, so let him give, not grudgingly, or of necessity, for GOD loveth a cheerfull giver.

[20]

And this was Gods ORDINANCE, for the supply of the Saints, declared and delivered by *Paul* unto the Churches; therefore he that preacheth any other manner of *supply*, then what is *voluntary*, or *matter of bounty*, as of *necessity*, such as the *Exaction of Tythes*, or the like, is to be *accursed*; *If any man shall adde unto these things, God shall adde unto him the Plagues that are written in this booke, Deut.4.2. Prov. 30.6. Rev. 22.18.* So that the taking away this *Ordinance of Voluntary contribution*, and in the room thereof, violently intruding the *compulsive Exaction of Tythes*, is guilty of this curse *Paul* pronounceth, and of all the *plagues that are written in the book of GOD*: for no other *Ordinance*, then that of *Voluntary contribution* was *committed* by him for *supply* of any of the *Saints* unto the *Churches*, and he (as he told them) *kept nothing back, but declared unto them the whole Councell of God*, so that no place is left of *Divine Right*, for any other *supply*, then what hee hath already declared: Therefore what will become of our Clergy *Tythe-mongers*, that tell us, *Tythes is an Ordinance of the Gospel*, and not *Pauls Ordinance of Contribution*, when God calls them to an account? I am afraid they will be found such as *Paul* foretold the *Elders of Ephesus* would come in amongst them, even *greedy Wolves, not sparing the flock*, such as will not leave them to their bounty, to the purpose of their heart, but count that too beggarly and base for their *Pontificall cloath*, scorning such a supply as contemptible and dishonourable to their breeding and Places, and therefore answerable to their ambitious *University Spirits*, must kick *Pauls* out of place, and countenance, and introduce, and constitute a more stately, authorative, commanding Ordinance of their owne, exacting, and extorting their supply by compulsion, not sparing *the flock*.

But (dear *Brethren*) take the wholesome and Pious advice of Reverend *MARTIN*; If you be *Saints* (as you pretend your selves to be) and as it is essentiall to a *Presbyter* or *Elder* of a *Church*) doe no longer adde or diminish from the pure *unalterable Ordinances* of God, and be content with what *Paul* ordained for the *Saints*, to *supply the Saints Necessities*; I desire your *Sanctities*, as you tender the Piety of your cloth, the reverend estimate of your *Name*, and reputation of *Saints*, for I know you would be so entred into the *Rubricks* of our estimation, *even Saints by calling*, or Trade approve your selves to be *Saints* indeed, and be content, as the *Saints* ever were and are, with [21] *the portion of the Saints, in all their necessities*, which is evident, was and is unalterable to this day, *the Voluntary contribution of the people, by Collection every first day of the Week*, and to this, and to no other manner of supply from the Churches, can the *Saints* lay any claim of *Divine Right*. Therefore if you will challenge any portion from them, *jure Divino*, it must be no other, then the result of their *bounties*.

Now this *Primitive Institution* and Practice, *of the First Day Collection for the generall necessities of the Saints*, was continued amongst the *Evangelicall Churches*, till about 200 yeeres after *Christ*, about which time it degenerated from *weekly* to *monthly*, but not from the nature of the thing, as from *free bounty*, to *coercive exaction*; for *Tertullian*, who lived about that time, *Apologetic.39.&42.* saith, *Modicam unus quisque stipem menstruas die, vel cum velit, & si modo possit, apponit: nam nemo compellitur, sed sponte confert, &c.* Every one *monthly*, or when he would, provided he were able, gave a *competent portion*; for no man was compelled to this or that *quantity, but gave of his own accord*; And such their *Contributions* or *Offerings* were devoted to the *Necessities of the Poore SAINTS in generall*; *For the goods and Revenues of the Church were anciently reputed and stiled*, The Provision of the *POORE*, *even till about 800 yeeres after CHRIST*; and till then, *no payment of Tythes in the Christian Churches can be proved; but indeed, about that time, Christians degenerating from their Primitive Purity, growing more carelesse, ignorant, and remissee, and*

their leaders, more covetous and ambitious, it intruded it self through their Policy here and there amongst some Societies, professing themselves Christian, but was not generall, but at length, through the bewitching subtilty of their Priests, the people were infatuated into such a blinde zeal thereof, that it became in such an high adoration, that men of great Possessions would give unto such a Priest, such an Abbot, &c. the Tenths of such and such a Possession, for his soul, the soul of his Wife, the souls of his Children, or the souls of such and such freinds, and after this manner Tythes crept in, and overspread most parts of this Kingdome of England, having their rise, custome and practise first from poore depraved seduced ignorant Soules, through the sorceries of their Politick Leaders, and by them were thus conferr'd upon the Churches by their voluntary Act: which Donations, at length were confirmed by the Cannon-Law, and a generall exaction thereof through the whole Kingdome, [22] established upon the Clergy, to be theirs *Jure Divino*, whereby they no longer held, or claim'd them by vertue of Donation, but by *Divine Right*, and thus by degrees they patch'd up their Goddess *Jure Divino*, unto their unjust Exaction of TYTHES, concerning which the Reader may receive further satisfaction in the perusal of Mr. *Seldens* History of TYTHES.

Whence by the way may be observed, what a ravening greedy generation our Priests ever have been, and this present Generation is as like them, as *if they were spit out of their mouthes*, that wee have cause verily to beleve, that at their Ordination, in stead of that ridiculous foppery, and mocking of Christ, in *breathing on them the holy Spirit*, they breath'd into them their own spirit of covetousnes, which makes the children so like their fathers, so expert at this godly *Legerdemaine*, this Pious *Theft*, as ever their Predecessors were, and can as neatly challenge it of Divine Right, as ever either the Papall or Episcopall *Vermine* before them could; indeed, it is essentiall to their colour, they'l never leave their spirituall thievery, as long as their coats are *black*, or their girdles be worne about their midles, a cubite below their deserts; for why should not *black Thieves*, as well as other coloured Thieves, have the recompence of their reward?

But that we might the more admire their greedinesse, let us look back, and recall to our memories the *Primitive time*, where (as wee have given a touch,) we shall see, that all the goods of the Church were devoted to the use and supply of the poore, and generall necessities of the Church, and were so improved, which if we paralell with our times, we shall finde a direct Antipathy, a vast disparity betwixt them, as betwixt light and darknesse: We shall finde amongst its greater Ecclesiasticall Donations, larger revenues, and wealth bestowed (though out of an ignorant blinde zeal for sinister ends) upon Churches (whose proper end being voluntary *Contribution*, is of Primitive Institution unto such pious ends, as the relief of the poor, and the like,) and amongst us an abundance of Poore, Fatherlesse, Widdowes, &c. in every Parochiall Church, even ready to perish for want of *supply*, and yet through the mercilesse covetousnesse of the Priests, notwithstanding such large provision for them, they can never once taste the sweetnesse of such charitable Church-Donations, wherein they have a proper Interest of livelyhood, being members of such Churches, for such is the avarice and greedinesse of the Priests, [23] that they are become sole Treasurers thereof, and cram all into the vast store-house of their ungodly dirty Panches, and devoure up the *Right* of the POORE, the Fatherlesse, Widdows, Strangers, &c. only, sometimes at their venerable Doores, forsooth, sanctify their Pitchers with a Reverend Messe of Pottage, to evidence their liberallity, how they are given to Hospitallity, and send not the hungry and needy empty away; my blessing and benediction be upon you all, my dear Birds all, but I hope I shall never trouble your doores.

Further, they are not herewith content, thus to rob the Poore of their Right, but from those their miserable poor members, they extort even the Tenth of their penurious increase: Here for instance, I could fix a second Century of Cormorant Priests in this kind, collected out of the heard of *Presbyters*, since the *edition* of the *Ordinance* for TYTHES; A poor man cannot

have 2. or 3. hens and a *cock*, but they will have the tenth *tread*, to be *jure divino*, at least they will have 2. egges for a hen, 3. for a cock, 2. for a duck, 3. for a drake, &c.

But to omit this, let us a little further examine the Evangelicall Authority and Injunctions concerning the maintenance of the Evancall Ministry: and for this, let us returne unto the second of the *Acts*, comparing *vers.17.* with *vers.33,34,35.* Which declareth, that *Paul* having sent for the *Elders* of the Church of *Ephesus*, hee told them saying, I have coveted no mans silver or gold, or apparrell, yea your selves know, that these hands have ministred unto my necessities, and to them that were with me, I have shewed you all things, how that so labouring (to wit, with your hands) yea, (namely the *Elders*,) ought to support the weak, and to remember the words of our Lord Jesus, how he said, It is more blessed to give, then to receive: and to this adde, 1 *Thes.2.9.* Ye remember our labouring night and day, because we would not be chargeable, &c. and 2 *Thes.3.8,10.* We did not eat any mans bread for nought, but wrought with labour and travell night and day, that we might not be chargeable to any of you; for even when we were with you, this wee commanded you, that if any would not work, he should not eat. From whence is evident, that he laid a necessity of working upon them, for declaring to the *Elders* of *Ephesus*, how he supplied the necessities of them that were with him, by the labour of his hands, sets himself forth as a Patterne to the very *Elders* themselves therein, and thereupon puts them in minde of his former Precepts in that kind, saying, [24] *I have shewed you all things, how that so labouring, yee ought to support the weak; and the equity of this Ordinance unto them, bee groundeth upon the saying of CHRIST; It is more blessed to give, then to receive: from whence is undenyable, that the Elders or Presbyters were bound to take him for a Patterne in that practice, and that from him they had received Order for it, in their duties, because it was a more blessed thing to give then to receive, and this was given to the Presbyters of Ephesus, that they should endeavour after the more blessed thing, that their hands, as Paul did, should administer to their necessities, and to them that were with them; and this was an Ordinance grounded upon the equity of CHRIST'S saying; not to be repealed, altered, added or deminished under the penalty of all the Plagues that are written in the Book of GOD: for as he had received from the Lord, so declared he unto them, and kept nothing back from them, that was profitable, but delivered to them the whole Councell of God: Therefore, whatsoever bee delivered unto them, was the Councell of God, and he delivered this ORDER to the Elders for the ministration to their necessities, it must needs be from the Councell of God: so that this must either be granted to be Gods Ordinance, or else Paul did not declare the Will of God, or at least, not the whole Councell of God: But if Tythes were ordained by God for them, then he kept back somewhat of the Councell of God from them; for neither to them, nor to any other of the Churches did he declare any Ordinance for the true payment of TYTHES, like that of the LORDS and COMMONS Assembled in Parliament.*

Therefore, this Ordinance of working with their hands, is in force to Elders, or Presbyters of Churches. But indeed, I cannot much blame our Presbyters, considering their breeding, that they so much abominate this primitive Ordinance, is too inferiour, mechanick and dishonourable to their Calling; for we must consider our Presbyters are University-men, not like the mechanick Primitive Presbyters, like Fishermen, Tent-makers, or such inferiour fellowes or Paul, the scumme or offscouring of the World, ours are of a more venerable honourable Order, and therefore it highly concernes them to insense their bearers against all mechanick Preachers, as Coblers, Tinkers, Chimney-sweepers, Bellows-menders, and the like, for should such Preachers, (as after Pauls example, worke for their livings, with their own hands) come into credit and reputation, and gaine acceptance amongst the [25] People, our lazie Preachers, that live upon the sweat of other mens browes, notwithstanding God hath enabled them to worke with their own hands, must conclude to give place unto such; for if the people did not so much dote upon their Spiritualities, as if the Word of God came only to them, and onely from them, and were not as ever communicative to Tradesmen, but should

indifferently entertain the Communications of God in any sort of People, though *Fishermen, Tent-makers, Cobblers, Weavers* or the like, then the adoration of their Order and Cloth, would grow out of date, their Reverend esteem among the People vanish *like a mist before their rising Sunne* for truly a leathern Jacket, a blue Apron, or such other Ensigne of labour, would better become a Pulpit, then a black Cassock, a payre of Lilly-white Hands, or such like badges of Idlenesse, for that would import the Preaching of the Gospel *freely*, without charge unto any, meerly out of Conscience, and not for *filthy lucre*, whereas this can evidence nothing but the direct contrary; for who can judge that such a one workes with his owne hands that he might be chargeable to none? And thus much by the way, onely to let the People understand their drift in railing against Tradesmen that communicate (like good disposers *of the manifold graces of God,*) of the ability that God hath given them, to others.

But least I should appeare in this Injunction of *working*, to wrest *Pauls* intent beyond its proper extent, I also affirme, that hee hath not so given it in charge, and impos'd it so upon the *Elders* or *Presbyters* of Churches, as in no case to admit of a mittigation thereof, as if there were no right of supply upon any occasion or condition, but what they acquired by their owne hands, at all unto them; but he enjoyneth this Ordinance of *working* upon them, but in case of possibility thereof, not in case of defection of nature, lamenesse, sicknesse, imprisonment, or the like, even as hee ordaineth for the rest of the poore; for all are commanded to *worke*, none exempted, and for such causes of imbecility and misery, or for want of *worke*, and the like, the contribution of the Churches was ordained; and one as well as another, Elders as well as People, all are to endeavour, that they may not be chargeable, for it is a *more blessed thing to give then to receive*, and this they are to aime at with *Paul*, though it be with travell and labour, night and day; no labour or paines, early or late, is to be shunned, that this may be attained; and none [26] are to receive the *supply* of *Bounty*, neither in equity is it due unto any, but in case of *necessity*, it was never ordained for redundancy and superfluity, and to make one sort more Wealthy, Lordly, and better arraied and fed then the rest, but to *supply* the extremities of miserie; or that there might be a moderate competency of subsistance amongst the meanest, that none might want that which is necessary for their naturall subsistance.

Therefore *Paul* giveth this *Ordinance of working*, and proposeth himself as an example therein unto the *Elders*, for their imitation, as the more excellent way, by how much the more better it is to give then to receive; for to the *Thessalonians* in the like case he saith, 2 *Thes.3.8,9*.

Neither did wee eat any mans bread for naught, but wrought with labour and travell night and day, that we might not be chargeable unto any of you, not because we have not Power, but to make our selves an ensample unto you to follow us.

Whence it is evident, That though they had a POWER, yet this was the most excellent patterne for them to follow, and they were to make him their ensample, which hee proposed to them as a *precept* for their imitation; Now what this *Power* was, remaineth upon inquiry, and that it could extend it self no further then is discovered in the *Word*, is undeniable, and for any other *power* extant in the Writings of the Apostles, then to *receive supply as poore Saints*, we doe not read of, therefore it could be no other *power* he meant of, and the poor *Saints* have no other power, or can lay claime of *Divine Right* unto any such *supply*, but in *cases of necessity*, and *Pauls* walking was answerable hereto; for he never received any thing of them, but in such cases, *Phil.4.16,17. For even in Thessalonica he sent once and againe unto my necessities, not because I desire a gift, &c. 2 Cor.11.9. For that which was lacking to me, the Brethren which came from Macedonia supplied:* which compared with other places, declaring *his working night and day with his own hands*, 1 *Thess.2.9.1 Cor.1 1.12* is very evident, that his *power of receiving other supply* then such as was by his own hands, was in cases of such *necessities*, as he could not supply himself, and that was not [27] the *supply* of

Exaction or force, like this of Tythes, but of Free-gift, Phil.4.15,16,17. No Church communicated with me, as concerning giving and receiving, but ye only, &c. and he endeavoured to the utmost of his power, not to be burthensome. 2 Cor.11.7,8,9,10. and cap.12,13,14,16,17,18. 1 Thess.2.9. and cap.3.8,10. From all which places it is undenyable, that his utmost endeavour was, not to be burthensome; for he saith, it were better for him to die, then that any man should make his glorying therein void, that where hee preach'd the Gospel, there he might make the Gospel of Christ without charge, 1 Cor.9.15.

All which considered together, it plainly appeareth; that his *power* was but in *cases of necessity*, when he could not helpe it; for *woe* was unto him, *if he did not make the Gospel free, if possibly he could, though with his own hands he wrought night and day*, vers. 18. hee saith.

What is my reward then? Verily, that when I preach the Gospel, I may make the Gospel of Christ without charge, that I abuse not my power in the Gospels whence observe, *That if hee should not have endeavoured to have made the Gospel free, he should have abused his power; so that his power could onely lie in cases of necessity*; for otherwise he should not have endeavoured to *make it free*, and so should have abused his *power*, that is, *stretch'd it beyond its bounds*. For if this *power* were wholly to rely upon them for maintenance, like this *power* that our *Presbyters* enforce upon us, then if he should in all places where he preached the Gospel, have relyed wholly upon them for his *supply*, and not at all endeavoured with the labour of his owne hands to have made it without *charge*, when hee could for preaching tended thereon, he had not in so doing abused his *power*; but kept himself within the warrant, authority & property thereof; for that which is done by the proper Right and Authority of a Power, cannot be an Abuse of the *power*, but an absolute execution and fulfilling thereof, and to an abuse of a Power, must either be a Transgression beyond it, that is, doing more then it authorizes, or else a neglect, or comming short of it; and one of these two must of necessity be, or else the POWER cannot possibly be abused.

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Now the abuse of a *Power*, (whether in either of the extreames,) is not the *Power* it self, but the *power* is precisely confined to its Authority or warrant, for the authority gives beeing to the *power*, and the *power*, as it cannot come short, neither can it goe beyond its *authority*, for so should it misse of its Beeing; for in the *authority* or *command*, the *power* liveth, moveth, and hath its beeing: Therefore as *Paul* was not to come short, so was he not to goe beyond his *power*, for in so doing, he should have abused it, so that his *power* could only be in cases of necessity; if he had refused supply in case of necessity, or taken it when by his industry he could have prevented it without dammage to his Preaching, hee had abused his *power*, therefore his *power* of *Divine Right*, of living on the *Gospel*, was but when otherwise he could not acquire it with prejudice to his preaching: He was to have his *support* and *livelyhood* by it, when as without it, he could not procure it. So that the Patrimony of the *Gospel* is onely of *Divine Right* due unto necessity, and therein onely have the Ministers thereof *power* to live on it, like as the rest of the *Saints* had; and thought they were better abilify'd with Spirituall gifts from God; they were not therefore to be paid for them, to live lazily and idly, but as they had *freely received from the Lord*, so were they *freely to Administer thereof unto the People*, for *God loveth a cheerfull giver*, let it be in what kind of duty soever; they were not to make a *gaine of the Gospel*, to make a Trade of it, like as our *Presbyters* doe, and sell it out by Penny-worths, or enter into the Office thereof, for their own advantage, or livelyhood-sake, but to Preach it *freely*, out of Conscience, with sincere hearts, *not looking upon the loaves, but of gaining fruits unto God*, not abusing of their *power*. And *Paul* further confirmeth this, saying, *and this I doe, for the Gospels sake, that I might be partaker thereof with you*; which plainly implyeth, That if he had not endeavoured to make the *Gospel free*, but abused his *power*, in relying wholly upon it, that then he should not have

been partaker of the Gospel with them, but should have lost the benefit of the Gospel, and himself *become a cast-away*, therefore woe was unto him, if he did not so endeavour to make it without *charge*: Now two things are to be considered.

1. That his *power* could not extend to his woe and condemnation, but for him not to endeavour to make the Gospel without *charge*, was woe, was condemnation to him; Therefore his *Power* could [29] not extend thereto, that is, *To live wholly upon the charge of the Gospel*, not (when it lay in his *power*, without prejudice to his preaching) endeavouring the contrary, under penalty of his Condemnation

2. That our *Presbyters* now have not a greater *power*, or *Divine Right* unto supply, then *Paul* had: But wee see his *power* extended no further then in *cases of necessity*, for then only he could claime it out of a good Conscience, and of *Divine Right*: Therefore our *Presbyters* can claime no other to themselves *Jure Divino*.

This Premised, it followeth then, that the *supply* whereto the *Elders* had *power*, was not as they were *Elders* or *Presbyters*, but as they were *poore Saints*; my Reasons are.

1. There is no other *supply* extant in the Scriptures, then such as is in common to the *poore*.

2. There was never any *portion* set out for them, as thus, and thus much shall be for the *Elders*, in such and such a condition, so that one as an *Elder* might have challenged the *portion of an Elder*.

3. They had no right to *supply*, but *in case of necessity*, which plainly implyes, That it was onely as they were *poore men*, not as they were *Elders*, for so their right thereto had been at all times, in fulnesse as well as in want, when they could work, as well as when they could not; for they are *Elders* in one condition, as well as in the other, *plenty* no more then *want* could alter their *Eldership*; and what is due unto *Eldership*, is due at one time as well as another, by vertue thereof at all times having a power thereto.

But wee see, they never had *power* in this kinde, but in *cases of necessity*: Therefore not as *Elders*, but as *poore Saints*.

4. A necessity was laid upon them *to Preach the Gospel, under the penalty of a Woe and a Curse, whether they were paid or no*: therefore the payment was not essentiall to the *Office*, for the *Office* was to be executed without it. Further, if it were essentially the wages of the Worke, the Worke could not be required under such a penalty, and of necessity, without the wages thereof, for in *equity* there is as much necessity of the wages of a Worke, as of the Worke; But wages, or not Wages, there was a necessity of the Worke: As they were *Elders*, there was a necessity of Preaching, but not as *Elders of exacting a maintenance*; Therefore this *Power* was not as they were *Elders* or *Preachers*, but as they were *poore Elders* or *Preachers*: [30] their *Church Portion* lay in the *Poor-mans Boxe*, having no *Right* or *Title* thereto, but as *Poore-men*.

5. That though this *provision* be for the *poore Saints*, yet all the *Saints*, *Elders* as well as others, are commanded to worke, and *Elders in speciall*; for, *Act.20. Paul* saith to the *ELDERS, I have shewed you all things; how that so labouring, (to wit, after his example,) yee ought to support the weake*: as if he should have said, Even ye, that are *Elders*, as well as wee that are *Apostles*, or as any others: And to all the *Brethren of Thessalonica*, none exempted, he saith: *This we commanded you, That if any man would not worke, neither should he eat, 2 Thess.3.10*. But were a *full Supply* due unto *Elders*, as they were *Elders*; then, there were no need of laying upon them the *duty of working* with their hands, after *Pauls* example; for, to provide all things to their hands, for their full *Supply*, and yet

command them to worke with their hands for it, were a flat contradiction.

6. As well might the *Saints* lay claim to it, *as they are Saints*, as those to lay claim to it, *as they are Elders*, to wit, barely because they are *Elders*, that therefore they must have it; yea, better might the *Saints* claim it as *Saints*, for it was never termed, the *portion for Elders*, but *Collection for the Saints*, or the like: but, it is neither due to the *one*, nor to the *other* in *that kinde*, but to *both*, (*Elders and People*.) as they are *poore Saints*.

Alas *poore-men*, this is a pittifull case for our *Presbyters*; I am afraid, they will rather all *un-Saint* themselves, then suffer such a miserable beggarly disaster: But we must consider, it was not *Parliament-time* in Pauls dayes, when the *Saints portion* was set out; but it is otherwise now; *Ergo*, of necessity now an Ordinance for *Tythes* must be theirs *Jure Divino*.

If therefore their *Title* be but as *poor Saint-Elders*, *poor Saint-Presbyters*, or the like, then *Presbyters* must be content to be esteemed (as indeed they be) the *Almes-people* of the Church, and for administration to their nessessities, no other then the *Almes of the people*, is the *patrimony*, that they can claime right of inheritance unto; they may not in the least extort from, or exact upon their *Almes-Masters*, more then shall seem good unto their charitable dispositions; they must not goe to *Law* with them, send Officers to *plunder their Goods*, rifle their houses, imprison their Persons or the like, in case they cannot have their desires fulfill'd: for my part, I shall [31] count such an *Almes-man*, let it be *Almes-Presbyter*, or what he will, no better then a *Thiefe by the Highway-side*, and that in equity hee hath more *Title* to the Galldwes, then to the *Almes* of the People, or one penny out of the *Pooremans-box*.

Objection.

1 Cor.9.4.6,7,9,14. *Have wee not power to eat and to drinke? or I only, and Barnabas, have not we power to forbear working? who feedeth a flock, and eateth not of the milke of the flock? for it is written in the Law of Moses, Thou shalt not muzzle the mouth of the Oxe that treadeth at the Corne: Doth God take care for Oxen? even so the Lord hath ordained, That they which preach the Gospel, should live on the Gospel.* From hence the Clergy justify the whitenesse and softnesse of their hands, as if from thence they had an utter dispensation from working, and an absolute *divine Title* to a redundancy of Provision.

Solution.

1. Though he saith, *have not we power to forbear working?* we must not think that it was an exorbitant unlimited power, extending to the transgression of *the rule of equity*, for so it should have been a sinfull *power*; and to have such an opinion of any power that is from God, such as this was, is no lesse then *blasphemy*, for as he is a God of equity and justice, so are all his wayes *equall and just*; and that onely sinfull which is not bounded within the compasse of equity, which is not any wayes computable with him or his *wayes*: therefore it cannot reasonably be imagined, that his power of *forbearance of worke* could be an *unlimited power*, transgressing the *bounds of equity*: and the *Rule of equity* concerning working, is, *If any man will not worke, neither should he eat*, the equity of which rule is, That none should be idle and lazie, and eat the *bread of idlenesse*, and to such a *forbearance* as this, like that of our belly-god Lordain Priests, wee cannot in reason conceive their *power extended*, for so it should have transgressed the *Rule of Equity*, and had been an *unjust power*: but they must be laborious in their kind, for *the duty of working* gives title in equity to eating: it doth not in the least give them a dispensation to idlenesse: as, because they were Ministers of the Word, that therefore they were utterly exempted from Working, and might lawfully *eat the bread of idlenesse*.

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No, *Dear Brethren*: In *equity and duty*, all are, and ever were bound to *get their bread by industry, the Apostles as well as others, else they had no divine Right to eat, so that no man that will eat, can further be excused from the duty of working, then necessity enforces; and over necessities God is compassionate, not requiring impossibilities, but in such cases hath provided a mitigation, according to mercy and equity: For necessity only can excuse, and further then necessity the excuse cannot extend. Therefore they could no further be excused from working, that is, have further Power to forbear working with their hands, which was a duty, then by their Preaching they were hindred thereof; and so they were onely subject to necessity, not avoiding such working, but when they were thereto necessitated through Preaching the Gospel, and so were in equity excuseable, and had a lawfull Power to forbear for the Gospel sake; for the more noble must take place of the lesse, as of two evils, the lesse is to be chosen, but both to be avoided if possible; so of two goods, the best is to be preferr'd, but both to be chosen, if possible; and where both cannot be, the greater in equity doth excuse the lesse: and so they had a just power to forbear; look how much in the discharge of the greater duty, they were deprived of executing the lesse, even so much were they excusable, and free; for the equity of their forbearing hand-labour, had its beeing from their Preaching; their Preaching being in it self more excellent, made such their forbearance equall, by reason it was a hinderance therof, so that the equity of forbearance lay in the necessity of hindrance, and therein was bounded & confined precisely; for their forbearance of the one could not justly extend further then the hinderance by the other; for where there is no impediment of working, there can be no excuse of working for ministration to necessities; but so farre as a man is free from impediment, so farre he is bound in duty of working, to supply his necessities: So that though Paul and Barnabas had power to forbear working, that they ought Preach the Gospel, that is, improve time in Preaching which otherwise, (or in such eminent necessity) they were bound to work in with their hands, to supply their necessities, yet for all this, they were bound to work, even with their hands, when possibly they could for Preaching, that they might make the Gospel without charge, so that an utter forbearance, or total dispensation from working was not in their power without limitation: though to Preach they might forbear, yet when for preaching they could worke, they might not forbear: and when their preaching occasioned their forbearance, then they were to live on the [33] Gospel, then were not their mouthes to be muzled, then were they to feed on the milke of the flock; for living on the Gospel is entayl'd on preaching of the Gospel; the living extends no further then preaching; for preaching gives power and Title thereto, its essence and beeing is in preaching, so that it cannot extend beyond that by which it hath power and beeing, for should it, it should goe beyond its power and beeing, and beyond its beeing, it can have no Title, or be longer deemed that power: so that look how farre they were deprived of ministring to their necessities through Preaching, even so farre they had a right to the Peoples Administration, so farre they had power to eate and to drinke, and no farther; they were not to be idle six dayes, and Preach on the seventh, and rely wholly upon the People, it was not in their power, nor yet in their practise; but when they had spare time from Preaching, they improv'd it in labouring for their bread, and at other times, when they were busied in Preaching, were content with what was given them, receiving no more, but for their present necessities; they never had, or were to have any more then a bare livelyhood; It is enough that the Disciple be as his Master, and the servant as his Lord Matth 10.25. Now their Master lived in great humility, hee had never a Living of 4 or 5 hundred a yeere; never had a House (like the Dean of Pauls) confirmed upon him by an Ordinance of PARL *The Foxes have bales, and the Birds of the Aire have nests, but the Sonne of Man had not whereon to lay his head*, he lived in mean condition, was lowly and meek, hee never was trundled up and down (*Presbyter-like*) in a Coach, he sate meekly upon an Asse, and a colt the foale of an Asse, Marth.21.5. and his Disciples lived the like life of humility; they made no further use of the World, then for their necessities, giving up themselves wholly to the Gospel, and were onely servants unto JESUS CHRIST, according to their duties; *for no man can serve two Masters*;*

for either hee must hate the one, or love the other; or else, he will hold to the one, and despise the other: yee cannot serve God and Mammon, Mat.6.24. therefore his Preachers must not be addicted to the world; be such as plunder mens goods, and rifle their houses to spend upon their lusts and pleasures, or to be such lazie idle Drones (*like our Priests.*) who take their pleasure and ease all the week, onely give us an houre or two of *Hodgpodge delusion* the First Day, No, such come not within the mile of his acceptance, but such rather that will both Preach and [34] worke, that after their Preaching, will fall to mending old Bellowes, sweeping of Chimneys, crying of Brooms, or Small-coale, or taking any such-like honest course of livelyhood; such are most fit to be the Ministers of Jesus Christ; yea, indeed it is from such, that wee receive the greatest information in the mysteries of Jesus Christ, in the dayes; for indeed, they are in his Ordinance, follow his Pattern and example of his Apostles; Not Preaching for *filthy lucre*, but out of Conscience.

2. I desire may be observed, that whereas he saith, *Even so the Lord hath ordained that they which Preach the Gospel, should live on the Gospel;* that from thence no other livelyhood may be concluded, then such as the Lord himself had ordained for his Preachers, or that *Paul* himself, that had as great a *power* as ever any of them had, did in them words, intend a *power* further then the Lords own Ordination. Now the Lords Ordination concerning those that hee send forth into the world to Preach the Gospel, both to the Twelve Apostles, and after them the 70. Disciples, was, *Luk.10.7,8.* to eate and to drinke such things as were given, *for the labourer is worthy of his hire and into what City soever they entred, to eat such things as were set before them by those that did receive them,* and *Matth.10.10,11.* they have the same Injunction, *That in the City or house that was worthy there they were to abide till they went thence, for the labourer is worthy of his meat.* And this was all that ever the Lords Ordination provided for their *living on the Gospel*, a power barely for their Victualls or present necessities; even such as was given them, was their hire and no more, they had *power* given them *to eate of their meat, for the Labourer was worthy of his meat;* that was all that the Lords Labourers were to require for their hire, or to account themselves worthy of: and those that would not give this, they were but *to shake off the dust from their feet in testimony against them;* farre different from the *Plundering Ordinance for Tythes.* And no other *power* then this *Paul* pleadeth for to the *Corinthians*, for whereas he saith, *Have wee not power to eate and to drinke?* hee pleadeth it, as one sent from the Lord, *to Preach unto the world,* as vers 1. and 10. declareth; Now it is evident what *power* such had to *eating*, and *drinking*, that is, of such as was given them, of such as was set before them; therefore no other can be concluded of *Paul*, but even as the Lord had ordained; and so, and no otherwise they that *Preached the Gospel, were to [35] live on the Gospel:* their necessities were to be looked upon, and for necessity sake, they were meerly to be relieved; for the *Lords Provision* was for no more, and therewith his *Servants* were to be content. Therefore, their *Title to it*, was not simply as they were Apostles or Preachers, but as Apostles and Preachers *in necessity.*

And thus it is clear, that all the *Divine Right* they had to other *supply*, then what they acquired by their hands, was but in *cases of necessity*, and that was but to matters of *bounty:* So that it is most certaine, that the Preachers of our Lord, in their *supply*, are but as *Almes-men*, and so they are to live, and to be esteemed, and esteem themselves to be no other, then the *Almes-men* of the *Gospel.*

Objection.

Tythes were paid unto Melchisedec, after whose Order was Christ our High-Priest for ever. Therefore, due unto the Evangelicall Order, as well as to the Levitticall.

Solution.

If Tythes, which *Abraham* paid unto *Melchizedec*, were paid unto him, as he was of that *Everlasting Order*; it could be at the most that as he was Typically thereof; for he was no more than Typicall himself, shadowing out the Eternall High-Priest, CHRIST JESUS, for Christ was not that *Melchizedec*, but after the similitude of that *Melchizedec*, therefore, if after that, similitude, that is, after that *Shaddow* or *Type*; then *Melchizedec's* could not be the substance; for the thing simulating, cannot possibly be the thing simulated; so that the Priesthood of CHRIST must needs be the *substance* of that *shadow*, which *Substance* being come, the *shadow*, with all its Appurtenances, must vanish and be of no longer force; So that whereas it is said, *Abraham paid Tythes unto Melchizedec*, it could be at most, that unto a *Typicall Priesthood*, unto a Priesthood *which was but the shadow of good things to come*; and so, and no otherwise was it due to the *Levitticall Priesthood*, all whose services were but *Types* and *Shaddows*, serving unto the example and shadow of heavenly things; and to such Ministers, for such *services*, was a commandement to receive TYTHES according to the Law:

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Whereto Tythes were due, and which had a Commandement to receive them, therefore there is made of necessity a change also of the Law, and an utter disannulling of the Commandement going before; which Commandement brought within its authority, the imposition of TYTHES upon the People, for the Text saith, *the sonnes of Levi, who received the Priesthood, had a Commandement to take Tythes*, now the Commandement ceasing, the equity of their Exaction must needs cease, so that now they cannot by *Levite* or any other, be challenged of *Divine Right*, for the challenging them now by *Divine Right*, is not onely a reduction to the Levitticall Priesthood, but a denyall of this Jesus to be an High-Priest *for ever, after the Order of Melchizedec*; implying, that the *substance* of that *shadow* is not come, for the paying of that which was proper to the similitude or *Type*, sheweth that the *similitude* or *Type* is still in force, and so the Substance not come; for while the *shadow* is in force, there is no place for the *Substance*. Therefore the *Exaction of Tythes* for the Ministeriall Function of this *Everlasting Priesthood*, is an absolute deniall of *Christ come in the flesh*, and of his *everlasting Priesthood*.

Further, it may be considered, concerning those *Tythes* unto *Melchizedec*, that though they were paid to him, and so to the Order whereof Christ should be our *High-Priest for ever*, yet they were a voluntary *gift*, for *Abraham* had no Commandement from God to bind him precisely to that quantity, though the equity of the gift might be granted, yet a necessity of the quantity cannot be enforced, though in equity for his own part he was bound to a *gift*, for his owne discharge, yet not of necessity to a *Tenth*, as if hee might not have given more or lesse, or that the other had a Commandement to receive it, but the one left at liberty to *give*, and the other to receive; for *Melchizedec* would not have received them; which plainly proves, he never *extorted them*, but that they were a voluntary *Offering*, and for Voluntary Offerings we doe not deny; for if any be pleased to give the *Tenth of their increase*, or more then the *Tenth*, they may doe as it seemeth good in their eyes: So that if from the gift of *Abraham* to *Melchizedec*, you will enforce any thing unto that Order, it can be but *free-gift*, which we grant to be due, so that your Antiquity of *Tythes* to this *Priesthood* is vanished into the *free gift of the People*, and from thence you can onely conclude, That *Abraham* of his owne *free-will* gave the *Tenth*, but not that the *Tenth* was ever commanded or exacted.

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Thus if we grant you, That *Abrahams TYTHES at that time were given to that Order, whereof Christ is our High-Priest for ever*, yet you see, instead of *gaining*, you have lost the vantage of your *Antiquity*, and it is transacted to *voluntary gift*, so that from thence you can never prove other then *voluntary gift to be given to that Order*. But if we compare the place in

Genes.14. with that of *Hebr.7.* we shall find that those *Tythes, this Gift,* was no other then *Melchezedec's* proper goods, which *Abraham* had rescued from *Chederlaomer*: For *Heb.7.1.* it is said, *For this Melchezedec King of Salem, Priest of the Most High God, who met Abraham returning from the slaughter, &c.* From whence it is cleer, that he who went to meet *Abraham,* after his returne from the slaughter, was *Melchesedec,* and that it was the Priest of the most High God that met him, and that this Priest was *King of Salem*; So that *he that went out to meet him, and was this Priest, and King, must needs be this Melchesedec,* and in *vers.1.2.* it is further said, *That to Melchezedec, Abraham offered that tenth, so that hee to whom Abraham offered his tenth, was that Melchezedec, and that Melchezedec was that Priest, and that Priest was that King, and that King be that went out to meet Abraham, to whom Abraham gave a tenth of his Spoiles;* now these things premised, and compared to the place in *Genes.14.9,10,11.* Where it is said, *That Chederlaomer, and the Kings with him, conquered the King of Sodom, &c. and took all the goods of Sodome, &c. and vers.15,16. Abraham persued them unto Hoba, and brought back all the goods, &c. and vers.17. The King of Sodome went out to meet him, after his return from the slaughter, &c. and vers.20. He gave him Tythes of all;* and *vers.21,22,23. The King of Sodom said unto Abram, Give me the Persons, (to wit the Captives) and take the goods to thy self; and Abram said to the King of Sodom, I will not take from a thread even to a shoe-latchet, and that I will not take any thing that is thine, &c.* From whence it is most evident, *That this King of Sodom, that was thus plundered, whose goods Abram rescued, and who went out to meet Abram, was this Melchezedec, the Priest of the Most High GOD, and that the goods that Abram gave, was Melchezedec's owne goods, which Chedorlaomer had taken from him, from Sodom, whereof Abram would not take from a thred to a shoe-latchet, hee would not take any thing that was his, so that it seems, that Melchezedec's goods, rescued from Chedorlaomar, were the Tenth of Abrams spoiles; and thus to this Melchezedec, the Priest [38] of the Most High GOD, Abraham gave the Tythes of all;* So that here is a vast disproportion betwixt those *Tythes,* and the *Tythes* which you exact; for those were not the *Tenthes* of *Abrahams* encrease, but onely a returne of *Melchezedec's* proper goods; which example affordeth but a sandy foundation for your practise; your *Ordinance for Tythes,* that *Roaring-Meg,* must be better planted, or else you'l misse your Marke.

SECT. III.: Of the Clergies HUMANE TITLE, the Ordinance for TYTHES

OF all the *Scriptures,* whether *Propheticall* or *Apostolicall* that ever I read, none are so positive, none so point-blank to the purpose, as *those* of the *Lords* and *Commons,* for the *Ordinance for Tythes* is a Text beyond them all, its *Divinity* is Incomprehensible to them, beyond the *Speare* of their *Sanction*: But not to detract from its *PARLIAMENTARY WORTH,* I shall not adjudge it so farre, as wholly to bannish its *Divinity* the *Precincts* of the *Bible;* neither may I, or dare I so *Deifie* its *Sanctity,* to equalize it with the *Sacred;* onely I shall presume, (because I would not too much offend my *BRETHREN*) to ranck it for the present amongst the *Apocrypha Writings,* as *A Divine Appendix to the Famous HISTORY of BELL and the DRAGON,* for greater Honour then this I cannot deem to be within the compasse of its deserts; and it is fitt the *TWO HOUSES* should have all due Praise and Honour, their *Ordinances* demerit; they may become *Canonicall* in time.

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This might serve to Answer their Presumption, and though to little, yet to as good purpose as that *ORDINANCE* it selfe; without *plundering Divinity* be most Infallible; yet that *Divinity* which is not founded and derivitive from the *Writings* of the *PROPHETS* and *APOSTLES,* must give up its *Hallowed Ghost,* expire its *Sanctity,* and be content with more interior Reputation, such as it self is, even *Carnall* and *Diabollicall,* and may not be admitted in, but utterly abominated from the Verge of *TRUE MAGISTERIALL RIGHT,* for its *Bounds* is precisely confined within the *Sacred Line* of the *WORD,* designing its proper *Dimensions,*

how farre, and beyond which it may not passe: So that, whatsoever is *Transgressant*, that is not *truly* MAGESTERIALL, and cannot in *equity engage* either in *Divine* or *Humane obligation*.

Now to intrude upon CHRIST'S PREROGATIVE, to *usurpe his Royalty*, is beyond the Line and authority of the WORD, and so not within the compasse of *Magesteriall Right*: But this *Ordinance for Tythes* doth so; Therefore *not Magesteriall or binding*. That it doth so, I thus Reason.

To renounce any Ordinance of Christ for his Church, over which hee is King, Priest, and Prophet, and introduce a contrary, is an encroachment upon his Prerogative, and usurpation of his Royalty: But in the room of Christs Ordinance of Contribution, this Act of the Lords and Commons hath introduced another of a contrary nature, to wit, Compulsive Exaction: Therefore, this Ordinance for Tythes, is no other then an encroachment upon his Royalty, a deniall of him to be Law-giver to his Church, and a setting the Parliament in his stead, as if they were so many GODS, coeternall, essentiall with the Father, for that prerogative, that Legislativ Power, is onely proper to the Deity, when as wee know these are but mortall men, such as our selves; they are but Powers of this World, worldly and humane; and such as their Powers are, such are their Ordinances, such are their Ministers, even earthly and humane. So that if you will have Churches, Ordinances &c. by their power they can be but Politicall Churches, Politicall Ordinances &c. not Spirituall. Therefore if you will be Ministers in that kind, such as your Churches and Ordinances are, such must be your Preachings, even Politicall, Oeconomicall, teach the Husband-man how to Plow, the Citizens how to Trade, the Butchers how to kill Calves, the Women to wash their dishes, &c.

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One Passage in this Ordinance, I desire may be laid to heart of the People, to wit, *pag. 5. And in case no sufficient Distresse can be found, that then the said Justices of Peace, or any other Justices of Peace in the same county aforesaid, shall and may commit all and every such person so resisting, to the next common Gaole of the said County, there to remain in safe custody without Bayle or Mainprize, untill he or that respectively shall make full satisfaction, according to the said Judgement.* Had not such a Passage gone under the Title of *The LORDS and COMMONS*, who are chosen for the *Weal* of the *People*, I should not have judg'd it an Act of *Humanity*, but rather the result of an Hell-bred Conspiracy by the Devill & his Angells, to confound us with their unreasonable malice; for what greater Act of Inhumanity can there be, then to cast a poor man, that hath nothing, into a loathsome stinking Gaole, without Bayle or Main-prize, there to lie, for those Cannibal devouring *Church lubbers*, to ceaze upon (*without Redemption*) untill he *have made full satisfaction*, when as before he was cast in, he had nothing to satisfy; and this was the first Stone these *Master-Builders* laid in their blessed *Reformation*; This is the Conscience of our godly *Divines*, even to swallow us up quick, Persons, Goods and all. But I commend the *Impropriateurs* of the Two Houses, for their godly Providence over themselves, and the weal of the People: Yet I am afraid; their wit and Pollicy in this, out-stript their honesty.

FINIS

ERRATA

Pag. 2 line 3 for both in Person, r. hath in Purse and Person p.6.1.31. for Religion in them, r. Religion in those Directions. p.16.1.11. for Ordinance for the Supper, r. Ordinance for Ordination of Ministers.

RICHARD OVERTON, *DIVINE OBSERVATIONS UPON THE LONDON
MINISTERS LETTER AGAINST TOLERATION* (24 JANUARY, 1646) ↪

DIVINE
OBSERVATIONS
Upon the London-Ministers Letter against
TOLERATION:

By his Synoddicall, Priest-byter-all, Nationall, Provinciaall, Clasticall,
Congregationall, Superlative, Un-erring, Clericall, Accademically
Holyneffe, Reverend Fongue *MARTIN MAR-PRÏEST*,
Sonne, and Heire to Old Martin the
Metropolitane.

*Wherin the Toleration of His Sacred Person with the whole Independent
Fraternity, (by what Name or Title soever dignify'd or distinguished,
whether Anabaptists, Brownists, or the like,) is justified by the Reason-
s of the London-Ministers, which they urge against Toleration; and
themselves, by their own Reasoning, condemned.*



Psal. 7. 15.

*They have made a pit, and digged it, and are fallen into the ditch that they
have made.*

1 Cor. 1. 20.

*Where is the Wise? Where is the Scribe? Where is the Disputer of this world?
Hath not God made foolish the wisdom of this world?*



The Reverend Author desires such as have received offence at the 6, 7, and
8 Pages in his Ordinance for *TTT H E S* Dismounted, to repair for
satisfaction to the last Clause hercof.

Jan: 24/4
EUROPE,
Printed by *Martin Clow-Clergy*, Printer to the Reverend Assembly of Di-
vines, and are to be sold by *Bartholmew Bang-Prest*, at his shop in *Tol-
eration-street*, at the signe of the *Subjects Liberty*, right opposite
to *Perfection-Court*. 1646. 1 U 4. 5

[Created: 19 July, 2024]
[Updated: 26 July, 2024]

Title ID: .054 (1646.01.24) Richard Overton, *Divine Observations upon the London Ministers Letter against Toleration* (24 January, 1646).

Estimated Date of Publication: 24 January, 1646.

Thomason Tracts Catalog Information: TT1, p. 416, E.317/15.

Full Title

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Wherein the Toleration of His Sacred Person with the whole Independent Fraternity, (by what Name or Title soever dignify'd or distinguished, whether *Anabaptists, Brownists*, or the like,) is justified by the Reasons of the *London-Ministers*, which they urge against *Toleration*; and themselves, by their own Reasoning, condemned.

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Hath not God made foolishnesse the wisdom of this world?

The Reverend Authour desires such as have received offence at the 6, 7, and 8. Pages in his *Ordinance for TYTHES Dismounted*, to repaire for satisfaction to the last Clause hereof.

EUROPE, Printed by *Martin Claw-Clergy*, Printer to the Reverend Assembly of *Divines*, and are to be sold by *Bartholmew Bang-Priest*, at his shop in *Toleration-street*, at the signe of the *Subjects Liberty*, right opposite to *Persecution-Court*. 1646.

[3]

To Our Reverend, Learned and Religious Brethren, the Prolocutour and the rest of the Assembly of Divines, now sitting in holy Conspiracy at King Henry the Seventh's Chappell, at Westminster, Cheek by Jowl to the Two Houses of Parliament; These present.

REverend and Beloved BRETHREN, (for so I have Authority from your own sacred President.) I cannot but take notice of your indefatigable vigilancy, and incessant endeavors after this endless worke of Uniformity; that rather than you will loose the vantage of an opportunity, out of your supercelestiall Providence, you can even create Opportunity it self, and then like the Godly, able, Orthodox of the Land indeed, most Prudently, in all Presbyterian Piety, lay hold on the advantage, to consummate your endeavoured Uniformity: for after your so many spirituall, mysticall Conspiracies, the miraculous result of your most Seraphicke late Consultations for its present settlement, hath struck my Piety into an holy Admiration, that now I confesse your Policy high surpass'd my Sanctity; for upon the first of *January*, when the *Injunctions* from the Generall Assembly in *Scotland* came into your grave and Learned Assembly, against Toleration of *Independency* in this Kingdom, & was read in your Reverend Audience, you had so ordered Superior Providence, that even in that very instant of time, (just as if it had been predestinated,) this Most judicious argumentative *Letter* of the *London Ministers*, (from that *Syon-Colledge-conspiracy*;) should present it self; whereat the Learned Mr. *Hinderson*, forthwith in a *Scotch Rapture*, cryed out of the great Providence of GOD: saying, *Doubtlesse no other but God was the Father of Two such Blessed Twins! that at one instant of time, so many godly, Learned and Orthodox of the 2. Kingdoms, should so happily concurre and meet with their desires, and advice for this generall Uniformity:* Indeed it was a Providence neatly and plausibly contrived, and doubtlesse would have done the deed, but that there is one thing that spoiles all, *The Lord frustrateth the Tokens of Lyars, and maketh Diviners mad, turneth wise men backwards, and maketh their knowledge foolishnesse:* But here's not all: The Assembly's Anathema against *Toleration*, at that instant of time, is given into the HOUSE. O, there's a *Divine Providence* indeed: Sure, our *Syon Colledge* is even Presbyterianiz'd into the *primum Mobile*, or else that supercelestiall Assembly at *Westminster*, [4] is REFORM'D into the Emperiall Heaven, that even *Divine Providence* it self is thus in their dispose; an exaltation even into the Throne of God! Where are our *Presbyters* now? *They even are set as gods in the Temple of God, shewing themselves that they are gods indeed, by the working of Sathan, with all power, and signes, and lying wonders:* Providence after Providence, &c. to deceive: All which I have here discovered, and in all Dedicatory humility represent vnto your venerable perusal those my Observations upon this Letter; that happily you may take notice therein of a real Providence of God indeed, that such Godly, Learned, Orthodox Divines, as the Ministers of the City of *London*, should be so infatuated in their wisdom, that their reasons against *Toleration* should inevitably conclude *Toleration*, condemne themselves, and their Presbytry, which I have endeavoured to evidence to the whole world, and leave it to the publike Tryall, either to stand or to fall by such their Reasoning, and against this faire proffer, to haue our mettall tryed by their own touch-stone, the *Presbyters* themselues cannot except: If I fayl, then let me weare your *Churches Livery*, which themselues are pleased to put upon it, a *Coat of divers Colours*, pag. 1. *Thus then for the prize.*

LONDON MINISTERS.

When all things are examined by the Word, then that which is best may be heldfast.

Martin. This plainly grants an equity to the holding fast, or practising that with all freedome, which every man in his own understanding, by such examination shall so discover; or otherwise, Wherefore shall any have liberty of Examination after their understandings,

setting otherwise they cannot examine, if after their understandings, they may not practise, for what is written, is written for our learning, and consequently for our Practise; So that your Monopolizing all Liberty and Judgement into your own hands, is condemned by the equity of your owne Argument; If you will be sole Judges, you may be sole Examiners [5] too, for after wee have examined, if your judgement restraine us the practise, wee are never the neere, for Faith without Workes is dead. Wee may be sure, what ever our Examination discoveret, which entrencheth upon your Lordliness over your Brethren, your Pompe and Preheminence, your Ordinance for Tythes, your Congregationall, Classicall, Provinciaall, Nationall Courts, &c. to expect determination concerning the same, to be of like effect, with that of the Lord Bishops, when it was put to Vote in the Lords House, whether the Bishops had a Right by Law to Vote therein; Or like into your Answer given by your Committee, to Mr. *Tombes* 1 2. Arguments against Infants Baptisme, specified in his Examen. pag. 2. Or rather more like unto the Answer which *Ananias* the High-Priest gave unto *Paul*, when he had declared, that he had lived in all good Conscience unto that day: *Smite him on the mouth*, (*Acts* 23. 1, 2.) with the Presbyterian clutter-fist of iniquity.

Lond. Min. *The desires and endeavours of the Independents Toleration, at this time extreamly it unseasonable and præproperous: for, 1. The Reformation of Religion is not yet perfected and settled among us, according to our Couenant. And why may not the Reformation be raised up at last to such purity and perfection, that truly tender Consciences may receiue abundant Satisfaction, for ought that yet appeares?*

Martin. But what Reformation is that, according to the *Couenant*, that you intend, till which our *endeavours* are *extreamly unseasonable and præproperous*? Sure wee must accept it in your owne Presbyterian sense, and what that is, is evident to the whole world, by your Politick endeavours, both private and publick, to be no other, but an absolute enslaving both of Parliament and People unto your Presbyterian Dictates, in all matters Evangelicall and Spirituall; which is no other, but the very Spirit, Marrow, root, and Quinticence of Popery, against which, that very *Couenant*, in its genuine intent, expresly doth engage us and our Posterity in the fundamentall Extirpation thereof out of the Three Kingdomes; for indeed that preheminance is no other but an absolute Arrogation of Popish Supremacy, and spirit of Infallibility, for plurallity of Persons in that arrogation, doth not alter the nature and essence of the thing arrogated; it is as well Popish Supremacy in a Synod, Classis, or the like, as in one man.

So that our *Couenant* doth engage us in the totall Extirpation of LORD PRESBYTERS, their Classes, Ordinances, &c. [6] as well as of their Grandfather the *Pope*, their Fathers the Lord *bishops*, their Courts, Cannons, &c. before them: Will, but it seems till this Popish Prelaticall Prerogative (the perfection of your *Reformation*, after your sense of the *Couenant*) be absolutely *Presbyteriziz'd*; you judge it *unseasonable and præproperous*: Truly, (*Reverend and beloved Brethren*,) I submit unto your judgements herein, for to nip it in the Bud, to crush the *Cockatrice* in the shell, to prevent this approaching Papall Episcopall Tyranny and usurpation of our Birthrights by the Independents indeavours for a timely Toleration, before it be absolutely Presbyterian, will utterly annihilate and frustrate your designe, so that in your sense, it must needs be extreamly unseasonable indeed, when our mouthes are sowed up, our hands tyed behind us, our feet fettered, then in your Presbyterian sense, comes in *Our Season*; for if before it be unseasonable and preproperous, that implyes, that then it will be seasonable; when *the Steed is stollen, you will give as leave to shut the Stable doore*; Indeed we are obliged to your venerable *Sanctities* in the Superlative degree, that you will be but pleased to *stop me i'th mouth with a Fox-tayle*: Before, it is too soon, and after, it will be too late: And thus the truly tender Consciences may receive abundant satisfaction for ought that yet appeares, have their Persons banish'd or imprisoned, their goods Plundered and confiscate, their houses pull'd downe, and Gibbets made of the Timber

to hang their tender Consciences out, to take the Presbyterian Ayre; for no better as yet appeareth, and this is already evident both in their Writings and Sermons: (See *Byseild*; Sermon before the House, latter end of his Book.) And if they thus shew their teeth before they have full power to bite, what will they doe, when their power is *absolute*; their mercies will be cruelty, if the future may be judged by the present, as all the *mercies of the Wicked are*. Prov. 12. 10. And then wee shall be sure (they having all Judgement in their hands) none shall be judged to be of *truly under Consciences*, but such as are Presbyterially, such as will be awed by their Power and Tyranny; the rest must stand upon their Perill. Well, wee must stay till *Reformation*, according to the *Covenant*, be fully settled, and what your sense is, is evident; but what *Reformation* is that the *Covenant* it self doth intend? Is it not a Reformation (after the expresse Letter of it) *according to the Word of God*? As for your Presbytery, though by your selves, in your late Petition for it's establishment, you urge and avow it to be the Ordinance of Jesus Christ, yet in the [7] Judgement of the Parliament, it was Voted false and scandalous, and the highest title they ever voted upon it, was but *jure Humano*; therefore, not *jure Divino*: and if not *jure Divino*, then our *Covenant* which doth engage us in a *Reformation, according to the Word of God*, which is such an one, as is absolutely *jure Divino*, doth not engage us at all unto Presbytrie, which by the Parliaments own confession, is but *jure Humano*, but rather to its suppression; and the Parliament themselves, if they will but practise according to their owne Votes, cannot engage us thereto by vertue of our *Covenant*, but are to Protect us and our Posterity from it; not suffering Presbytery no more then Papistry and Prelacy, which are but *jure Humano*, to insult and tyrannize over us, our Consciences, Persons or Estates; for if by our *Covenant* they be bound to safe-guard Us from the incursions of Papistry and Prelacy, (the Two first divisions of the great City *Babylon*,) because they are but *jure Humano*, then they are equally thereby bound to Protect us from the Tyranny and Oppression of Presbyters, (the third Division,) for themselves say, it is but *jure humano*. And yet, forsooth, you challenge the Precedency, your turnes must be served first, as though you were the *Children*, and the Independents the *Dogges*; The Independents might rather urge, that the endeavours of the Presbyters are *unreasonable and præproperous*, till Independency be settled; for the Parliament never yet Voted Independency to be *jure Humano*, neither are your selves able to prove it so to be.

Lon. Min. 2. *It is not yet knowne, what the Government of the Independents is, neither would they ever vouchsafe to let the world know what they hold in that point, &c.*

Martin. If it be unseasonable (according to your reasoning,) for such Independents, whose Government is not made known to the World; (for that is the reason of your Argument, for you state the unseasonableness in the non-knowledge, &c.) then for such whose Government is made knowne, must needs be seasonable, after the same reasoning.

But Reverend MARTIN, with his Brethren, whom you dignify and distinguish by the names of Anabaptists, Brownists, &c. have declared their Discipline to the whole World, both by their Preachings, Writings, and continued practise, even unto this day: See the Confession of the 7· Churches. See Mr. *Turners* model, intituled, *An Heavenly Conference for Syon· Saints*. Therefore the endeavours of Reverend MARTIN, [8] and his Independent Brethren, must now be seasonable, even from your own reasoning.

But I must needs tell you by the way, you need not much urge the only seasonableness of yours from the *knowledge* thereof: I pray you, what is it? can you tell your selves? You tell the Independents of their *reserves*, but what may they say of yours? for wee have yours but in part, and that neither presented, but by Peece-meals; now a little, and then a little, and still *reserves* in the rear, yea innumerable still, for any thing we can perceive, which are but yet hammaring out to the temper of the People; what they are, is best known to your selves: what is knowne, is not so beautifull, as to make all others *unseasonable and præproperous*: If drawn into a Modell, I think it will rather affright then allure; for in the Bulke, it is no other

then a Bundle of *Tyrannicall Ordinances*, and wicked Lawes over our Consciences, Persons, and Estates, to torment us in endlesse Suits and Appeales from Court unto Court, Congregationall, Classicall, Provinciall, Nationall, &c. with mercilesse Mulcts and Penalties upon our Persons, as your Thundering Ordinance for the *Covenant*, your Plundering Ordinance for *Tythes*, your Monopolizing Ordinance for *Preaching*, your Romish Episcopall Ordinance for *Ordaining of Ministers*, your devouring Ordinance for *the better establishment of your Directory*, your High-Commission, Star-chamber Ordinance for *the Lords Supper*, &c. witnesse to the whole World: and truly, whether this Presbyterian Modell of your Government be so honourable, to make allothers *unseasonable*, I leave to the woefull experience of those against whom this *Modell of Ordinances* is in force, yea, even to the whole World, to judge.

But not to detract from the integrity of those Independents, you here intend; it is evident, that hitherto the Assembly have suppress'd the bringing in of their *Modell*, that they (by all their unwearied endeavours, could never attain an equall and just liberty thereunto, either by dispute or otherwise, as the copy of their *Remonstrance* touching that businesse doth declare. Now let the World judge, whether this be fair and reasonable dealing, such as becomes the Ministers of the City of *London*. First to suppress the delivery, and then like Scholast Synodicall Disputants, to urge the non-delivery, as an Argument against their *Toleration*. 'Tis a stout Argument, if but followed; If it be in force to any, it is to the *suppressors* not the *suppressed*.

Lon. Min. *Secondly, their desires and endeavours are unreasonable, and unequall, [9] in divers regards. 1. Because no such Toleration hath been established (so farre as we know,) in any Christian state, by the Civill Magestrate.*

Martin. It seems *Holland, Poland, Transilvania, &c.* where free Toleration of all sorts of Independents is established by Civill Magestrates, are not Christian States, because they are not wholly Presbyterianiz'd, Toleration none but Presbyterian. So that in your sense, they are no further Christian then they are Presbyterian: So that if this Parliament should tolerate any other but your selves, it seems you make account to Unchristen them all, your Bull is prepared against them, you have told them what they must expect, the censure of Infidells, Heathens and Hereticks, an Excommunication *ipso facto*, for they must not be Christian. But in case there were no such Toleration in any State professing Christianity, yet that were no Argument against Toleration, for Evangelicall Precept is not derivative from Humane President: The practise of Emperours, Kings, States or the like, is no Evangelicall Rule; for *Evangelicall Right*, must have *Evangelicall Authority*, which one would have thought had been known to *Evangelicall Ministers*, such as you stile your selves.

Lon. Min. *2. Because some of them have solemnly profest, that they cannot suffer Presbytry, and answerable hereto is their practise in those places where Independency prevailes; Therefore their Toleration is unreasonable and unequall.*

Martin. If their Toleration be *unreasonable and unequall*, because some of them *solemnly professe*, (which I scarce beleeve,) *that they cannot suffer Presbytry*; then by the same reason, the Toleration of *Presbytry* is much more *unreasonable, and unequall*, because all of them doe solemnly professe, that they cannot, neither will they suffer *Independency*; though Independents could suffer them, would but the Parliament, according to their own *Covenant* and *Lawes*, knock off their Horns, pluck out their Tusks, break their Jaws, pare their Nailles, that they neither Push, goar, crush, bite, scratch or devour any more: for if it be in force *to all*, for that deny all by some, it is much more forceable to all, where all deny: So that, if they deny all of Toleration be a sufficient Argument, (as it seems according to the Reason of the *Lon. Min.*) against the Toleration of such denyers, then what must become of the *Presbyters*? *The same pit that they have digged for others, they must be content to fall into it themselves.*

Lon. Min. *Many mischiefs will inevitably follow upon this Toleration, and that both upon Church and Common-wealth. First to the Church.*

Bitten heart-burnings among Brethren, will be fomented and perpetuated to Posterity.

[10]

Mar. The reason of this Argument is this; That *which will occasion heart-burnings, foment and perpetuate them to posterity, is not to be tollerated in a Common-wealth.* Therefore, if I prove an *Universall Toleration* will be an occasion of allaying of *heart-burnings to posterity*, Persecution the contrary, then by the Argument of the *Lon. Min.* such Toleration is lawfull, and that which they so ignorantly prosecute, unlawfull.

That *which occasioneth murmurings, repinings, fears, jealousies, conspiracies, insurrections, rebellions, &c.* begetteth *heart-burnings, and perpetuates them to Posterity;* and so by your Argument, not to be Tollerated: And on the contrary, *That which doth not beget murmurings, &c. doth not beget heart-burnings, or perpetuate them to Posterity, but tendeth to allay them, and prevent them, and so by your own reasoning to be tollerated.*

But *Persecution, or Non-Toleration* which you plead for, occasioneth and *begetteth murmurings, repinings, &c.* for it enrageth the *Conscience*, then which, nothing is more neere and dear unto us, *and a wounded Conscience, (saith Solomon,) who is able to bear it?* Wee had rather loose our lives then deny our Faith; and what will not men doe *for their lives?* this suggesteth and provoketh to *Conspiracies, Insurrections, Rebellions, &c.* as *Holland, France, Germany, Ireland, Scotland and England, &c.* have felt by woefull experience: Nothing is more desperate and resolute, then an *enraged Conscience,* it is of a Lyon-like nature in its fury, it beareth on a man, *even to the shedding and laying down of his life; no dangers, no attempts, though never so difficult, never so desperate, can beare it down; it will venture, though it perish;* and on the contrary, (to use mine own words in the *Arraignment*, pag. 12.) *it is a Lambe, if appeased, and nothing more mild, more gentle and loving then it. Enraged, it is like the wild Bore out of the Forrest; pleased, it is like the Dove from the Arke; no greater freind, no greater foe; Oppression (saith the Wise man) will make a wise man mad; a very worme will turne again, if troad upon; It may beget wrath, but never can beget Love, and that which doth so, must needs beget heartheart-burnings and perpetuate them to posterity;* Therefore by your owne grant, not to be Tollerated: *Thus the Fowlers are caught in their owne snare.*

Lond. Min. *The life and power of godlinesse, will be eaten out by frivolous Disputes, and vaine janglings.*

Mart. The Reason of this Argument, is this, That which *eateth out the life and power of godlinesse, in the judgement of the Lon. Min. is not to be tollerated.* Whence I Reason.

[11]

That which preventeth the breaking and spreading forth of *Knowledge in the Word of God, eateth up the life and power of godliness.*

But Non-tolleratition, your silensing all Disputes, tryall of Doctrines, and confining unto all your Dictates, preventeth & suppresseth *the breaking forth, encrease and growth of knowledge;* for by faire and equall Reasonings, and tryall of Doctrine, *light would daily break forth and encrease;* as common experience doth witness.

How could you have been converted to Presbytry? How could the Rottenness of Popery, Episcopacy, &c. have been discovered, and spread through the Kingdome, had it not been for *Preachings, Writings, Disputations, tryall of Doctrine, &c.*

Therefore your Non-Tolleration, and suppressing of all Disputes, &c. *eateth up the life and Power of Godlinesse*; and therefore not to be settled.

Thus farre the *London-Ministers* and MARTIN are agreed: Surely their Letter is a close couched *Presbyterian Designe* of *comming over to Independency*; Ile promise you, this is a faire step at the first, and pretty cunningly carried: we gratulate our so happy concurrence; Sirs, *You are all heartily welcome to our Sanctnary in TOLERATION-STREET*, and we acknowledge our selves deeply engaged to the *London Ministers*, for their good service to our cause: Be therefore encouraged, Reverend & beloved Brethren, goe on and prosper, wee are not offended at your Policy, to Reason thus covertly for us; wee well know, *that Rome was not built in a day.*

But let us proceed, and see what further Assistance your Reasons affords.

Lond. Min. *The whole course of Religion in private Families will be interrupted and undermined.*

The Reason of which Argument is this.

Martin. That which *interrupteth and undermineth the course of Religion, in private Families*, is not to be settled.

The edge of which Reason, I thus turne against you.

That which tendeth to the making of Hypocrites, Fearers, and pleasers of men more then of God, must needs interrupt and undermine the purity of Religion in private Families.

[12]

But the coercive Power, which you so plead for, doth so; for it maketh multitudes, (as common experience doth too much witness,) for fear of bodily punishment, deprivation of their goods, losse of their Places, Trading, &c. to dissemble with their Consciences, even practise contrary thereto, and temporize with the Time, which is an absolute perversion of the *power of Godliness* in them: Therefore.

Lon. Min. *Reciprocall duties between Persons of nearest and dearest relation, will be extreemly violated.*

Mar. The reason hereof is, That which is destructive to *reciprocall duties*, is to be abominated; the which I thus retort upon your owne heads. That *which setteth Father against Sonne, sonne against Father, one freind against another, King against Parliament, Parliament against King, Kingdom against Kingdome, and divideth Nations and People amongst themselves, and enrageth them one against another*, extreemly violateth *Reciprocall Duties* betweene Persons of nearest and dearest relation.

But so doth *Persecution*; For where this principle is, *of forcing the contrary-minded, will they, nill they*, it engendereth and begetteth *feares and jealousies* one of another; and when one knoweth the other is his mortall enemy, it maketh each other to stand in defiance and defence one against the other, even to the drawing of the sword, especially when one thinks he can conquer the other, which makes them *lie in wait for blood*, witness our Armies of this Kingdome; and hereupon they wallow in one anothers blood: Yea, what will not the oppressed doe against the oppressour; Tyranny is the mother of Conspiracies, Murmurings, Repinings, &c, which at length break forth (after they have gotten strength,) into open

Rebellions, Insurrections, &c. Therefore Non-Toleration extreamly violateth *reciprocall dueties* between Persons of nearest and dearest Relation.

Lon. Min. 9. 10. *All other Sects &c. (See the Letter.)*

Mar. The marrow of these two is this, *That Independency is not to be Tolerated, because other Sects and Heresies, under that notion, will seek to be tollerated:* But in case they should not, then by the vertue of your Argument, it should be tollerated: So that, by your own grant, its Toleration is only accidentally unequal; not absolutly in respect of it self; but casually in respect of others. Therefore, why are you so hott against the equity of its Toleration, seeing from your own Argument, it is equall. If it be good to tolerate that, and evill to tolerate Heresies, &c. you must [13] not forbear the good, to avoid the evill, *doe evill, that good may come of it,* but must doe the thing that is just and equall in it self; that is, tolerate the Independents, whom you title *Brethren*, godly and learned, and doe to them, as you say of them, what ever becomes of us; wee neither expect nor crave your mercy: If we cannot have Justice on earth, wee appeal unto the God of heaven, and meekly and freely submit, to suffer for his Name, with our hearts rejoycing, that wee can be counted worthy so to doe.

L. Min. *Secondly, (mischiefs) to the Common-wealth; for thereby the Kingdome will be weakned by Scandalls and Divisions, &c.*

Mart. The reason of this Argument is, That which tendeth not to keep all in Peace and Civill Society, but reduceth them to Divisions and scandals, that is not to be established by your thus reasoning: But Nontoleration keepeth not all, but one predominant Sect in Unity, dividing all others from it; persecuting, reviling, upbraiding, and reproaching them, though never so honest, godly, consciencious, sober, meek, and neighbourly, with lyes, scandalls, nick-names, as *Anabaptists, Brownists, Schismaticks, Hereticks, prodigious new wandering Blazing-Starres & Firebrands, pernicious mutiners, waspish Generation, schismaticall, Anti-Parliamentary, infamous, mutinous, daring, presumptuous, scurrilous, libellous, scandalous, seditious, insolent, blasphemous, seditious Trumpeters, revilers of God, despisers of Government, resisters of Higher power, stirrers up of Sedition and insurrection, Anabaptisticall Sectaries, New furious Sectaries, avowed conspiratours, contemners of Parl. Anti-covenanters, audacious, contemptuous Libellers, New furious Ringleaders of Sedition, House-creepers, Incendiaries, Rayling Rabshakeh's, publick contemners, Affronters of Parl. *blasphemers against the Assembly of Divines, &c.* (*See Pryn's *Fresh Discovery*. pag. 17. *Contents of the 4. Sect.*) which are no other then termes of provocation and wrath, of vengeance and ignomy, tending to the breach of the generall *Bond of Unity, Peace, and Civill Society*, which must needs extreamly weaken the Kingdom, for the Kingdome lies in he Unity of the People. Therefore your *Non-Toleration* ought in no wise to be established.

L. Min. *It is much to be doubted, least the power of the Magestrate, &c. See Letter.*

Martin. The reason hereof is, Those that are Anti-Magisteriall, or weaken the Magisteriall Power, are not to be tollerated: But your intended Prelaticall Presbytry is Anti Magisteriall: *Ergo*, you have brought [14] *your Hogges to a faire market*, held in *Toleration-street*, at the signe of the *Subjects Liberty, &c.*

Minor proved

Those that would not have all coercive Power in the Magestrates hands, are Anti-Magisteriall, and weakners of the Magestrates Power.

But Presbytry would not have all coercive Power onely in the hands of the Magestracy, but laboureth to encroach, as much as possibly it can into its own hands, as continued practise doth evidence. Therefore, by the *London Ministers* own reasoning, Presbytry is Anti-Magesteriall, and not to be settled.

On the contrary. Those that would have all *Civill Power*, preserved intire in its own proper Magesteriall compasse, are not in the least Anti-Magesteriall.

But Reverend MARTIN, with his Independent Brethren, would have it intirely preserved in its own Magesteriall compasse; they would not have it wrested or perverted to this or that Sect, to this or that Religion, but would have it, yea, expose their lives to have it preserved precisely in its own property.

Therefore, Reverend MARTIN, and his Brethren are not Anti-Magesteriall: But in all faithfulness, acknowledge themselves not onely ly bound to pray for all in lawfull Authority, but even to spend their Lives and Estates in their Just Defence, against all opposition, encroachment and usurpation thereof, whatsoever: And to this our practise, hath given Witness, even when Magestracy was in greatest danger of subvertion; for when the Parliament had no other helpe under God, then we stuck closest to them; even, when the King came in a Hostile manner for the 6. MEMBERS in the House; while the degenerate *Temporizing Presbyters*, stood as farre off, as from *Scotland to Westminster*; and have continued unspotted in our Fidelity to them, even unto this very day.

And this I dare be bold to affirme, That if the King should conquer and confound the Parliament, the now Parliamentized-Presbyters, even the Clergy in generall, would therewith be Royalized, rather then loose their severall Parsonages; and that which is now Antichristian, Episcopacy, would then be as Christian as ever it was in their esteemes; for they'l tell you *That they must submit unto the Higher Powers, and the Powers that are, are of God*; and that cures all.

If you doe but consider, they have even reserv'd *an help at a dead lift*, [15] they tell us now, *That a Bishop and a Presbyter is all one*, and thereupon retaine their old *Ordination*, derived from a forraign Power, and so goe forth, and ordaine other *young Bishops*; So that if the King should subdue us, they are still in their Episcopall Ministry, and a little *Royall Reformation* would continue their places. Then they would *take Covenants, Preach and pray against the Parliament, as much as ever they did against the King*: Thus, rather then they would be confounded themselves, they would let true *Magesteriall Parliamentary Government* goe to confusion; and in that *Day of Tryall*, scarce any would be found to witnesse against Him, except the now despised handfull of Separates.

And yet wee must be cast out of the Parliaments Protection, by this *Temporizing Faction* of Presbyters: Ingratefull inhumanity! *Heare O Heavens! and judge O Earth!*

BUt whereas his Holiness, out of a late spirituall Rapture, at that *Inquisition Ordinance of the Supper*, hath in the 6. 7. and 8. pages of the *Ord. for Tythes Dismounted*, even spurn'd at Synodean prodigy in the Highest Orbe; whereupon, through the weaknesse of some, and malice of others, I am misconstructured to be *Anti-Parliamentory*: I would have such, the Two Honourable Houses of Parliament, and the whole World know, That there was not, nor is to this day, the least thought, or intent in my heart against *Magesteriall Government*, either therein, or in any thing else that I have written; And of this I take God to Record, as I shall answer it at the great and *Dreadfull Day of Judgement, when the secrets of all hearts shall be disclosed*; Onely respecting Presbyterian deprivation, or corruption too much diffused (to my hearts grief) into the Two Houses, by the bewitching subtilty, and over-powering Policy of that prevalent, deceitfull, Synodean Faction; and so my writing there, is not against that High and Honourable Court, or any thing in their Magesteriall capacity, but simply against the

Presbyterian Exorbitancy, in the Names of the LORDS and COMMONS stretched beyond the limits and Precincts of their *Magisteriall Function*. As for the Congregational, Classicall, Provincially, Nationall Courts and grievances, there mentioned, I was forced, in Equity and Justice, to use them in their Names, in whose they were owned and published, else how could I have discharged my Duty in the reproofe of the one, or discovery of the other; so that my virulency and bitterings there, is onely against *Presbyterian Competitors*, and *Intruders* into the Office and Royalty of my most Sovereigne Lord, *the King of Kings*, CHRIST JESUS; against all [16] tyrannicall encroachers, and usurpers of our Birth-rights, Liberties, and freedoms in Persons and Estates, under what pretence, notion or Title soever.

So that in plain English, the proper morrall and genuine intent of those 3. pages, is a meer contestation and defyançe of your Presbyterian Tyranny, whether in the name of the *two Houses*, or otherwise gloss'd or presented; labouring thereby only to brush off the superiour Title of the Two Houses from it, that it might be cleerly discovered in its proper ugly Presbyterian shape, unto the Kingdome; only to pluck off its Parliamentary cloak, that we might the better discern that Synodean, Presbyteran Monster. That the People, under that specious Magisteriall vizor, may not entertaine that deadly venomous *Presbyterian Serpent* into their bosomes, and be destroyed unawares.

Thus I am resolved to oppose *Tyranny* it selfe, where ever I find it, maugre the malice of Devils, *and terroure of the mighty Rulers of this Earth*, yea, even of the sturdy *Presbyters* themselves; though I, and all that's mine perish, Ile doe it: were there a Parliament of no lesse then Emperours, Kings and Princes competitours with it, I would spare them in my just testimony against it, no more then I would so many beggers upon a dunghill; for I have not the truth of my *GOD*, nor the love of my *Country* in respect of Persons.

And this my contestation and defyançe of Presbytry, is no otherwise against it, but onely as it is Exorbitant, Tyrannicall, Prelatticall, Cruell and Ambitious; as for honest, meek, *Evangelicall Presbytry*, I am ready, through the Power of my God, to seal it with my blood, even out of an unfained love thereunto. So that in brief, my emnity is onely against *Tyranny*, where ever I find it, whether in Emperour, King, Prince, Parliament, Presbyters, or People.

Thus Reader, thou hast my own proper sense, as being best expounder of my own words, *for no man knoweth the heart of man, but himself*: All other I utterly disclaime, and onely own that fore-mentioned Sense, and thereto subscribe.

MARTIN MAR-PRIEST.

DOUBT.

Who hath wonne the Coat of Divers Colours, MARTIN, or the *London-Ministers*?

FINIS.

**RICHARD OVERTON, A REMONSTRANCE OF MANY THOUSAND
CITIZENS, AND OTHER FREE-BORN PEOPLE OF ENGLAND, TO THEIR
OWNE HOUSE OF COMMONS (17 JULY 1646)** ↩

**A
REMONSTRANCE**

O F

Many Thousand Citizens, and other Free-born

PEOPLE of ENGLAND,

To their owne House of

COMMONS.

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

JOHN LILBURNE.

*Wherein their just Demands in behalfe of themselves and the whole
Kingdome, concerning their Publikg Safety, Peace and Freedome, is
Expressed, calling those their Commissioners in Parliament to an Ac-
count, how they (since the beginning of their Session, to this present)
have discharged their Duties to the Univerſallity of the People, their
Soveraigne L O R D, from whom their Power and Strength is deri-
ved, and by whom (ad bene placitum,) it is continued.*



Printed in the Year. 1646.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.70 [1646.07.17] [Richard Overton], *A Remonstrance of Many Thousand Citizens, and other Free-born People of England, To their owne House of Commons* (17 July 1646).

Estimated Date of Publication: 7 July 1646.

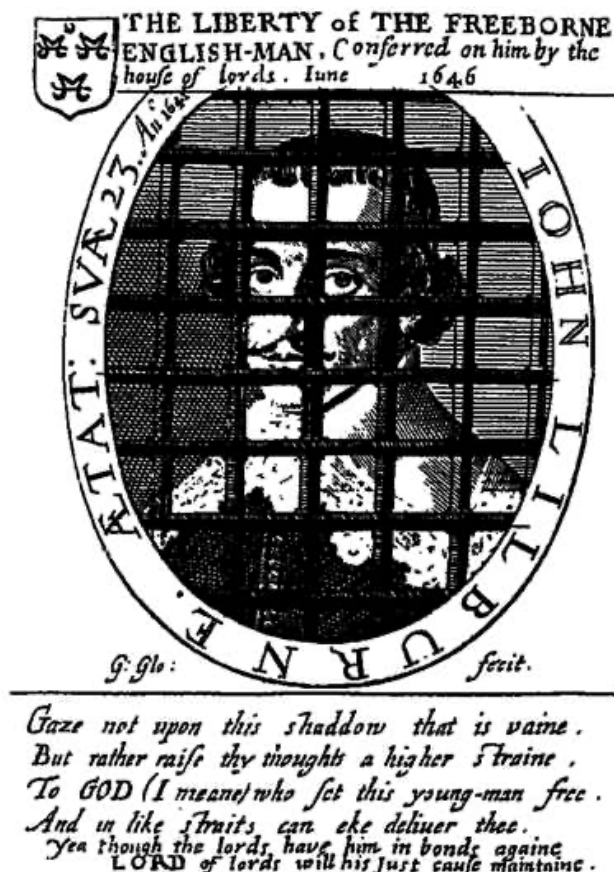
Thomason Tracts Catalog Information: TT1, p. 450; E. 343/11.

Full Title

[Richard Overton], *A Remonstrance of Many Thousand Citizens, and other Free-born People of England, To their owne House of Commons. Occasioned through the Illegall and barbarous Imprisonment of that Famous and Worthy Sufferer for his Countries Freedoms, Lieutenant Col. John Lilburne. Wherein their just Demands in behalfe of themselves and the whole Kingdome, concerning their Publick Safety, Peace and Freedome, is Express'd; calling thiose their Commissioners in Parliament to an Account, how they (since the beginning of their Session, to this present) have discharged their Duties to the Universallity of the People, their Sovereign Lord, from whom their Power and Strength is derived, and by whom (ad bene placitum) it is continued.*

Printed in the Yeer. 1646.

Note: This pamphlet has an engraving of John Lilburne behind prison-bars which we have used as the title image of this collection.



The Liberty of the Freeborne Englishman (John Lilburne in Gaol)



[3]

A Remonstrance of Many Thousand Citizens, and other Free-born People of England, to their owne House of COMMONS

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

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

[4]

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

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

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

But in conclusion, longer they would not beare, and then yee were chosen to worke our deliverance, and to Estate us in naturall and just libertie agreeable to *Reason* and common *equitie*; for whatever [5] our Fore-fathers were; or whatever they did or suffered, or were enforced to yeeld unto; we are the men of the present age, and ought to be absolutely free from all kindes of exorbitancies, molestations or *Arbitrary Power*, and you wee choose to free us from all without exception or limitation, either in respect of Persons, Officers, Degrees, or things; and we were full of confidence, that ye also would have dealt impartially on our behalf, and made us the most absolute free People in the world.

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

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

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

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

You cannot fight for *our Liberties*, but it must be in the Name of *King and Parliament*; he that speakes of his cruelties, must be thrust out of your House and society; your Preachers must pray [6] for him, as if he had not deserved to be excommunicated all Christian Society, or as if yee or they thought God were a respecter of the Persons of Kings in judgement.

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

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

hand, and untill this be done, wee shall not thinke our selves well dealt withall in this originall of all Oppressions, to wit *Kings*.

Yee must also deal better with us concerning the Lords, then you have done? Yee only are chosen by Us the People; and therefore in you onely is the Power of binding the whole Nation, by making, altering, or abolishing of Lawes; Yee have therefore prejudiced Us, in acting so, as if ye could not make a Law without both the Royall assent of the King (so ye are pleased to expresse your selves,) and the assent of the Lords; yet when either King or Lords assent not to what you approve, yee have so much sense of your owne Power, as to assent what yee thinke good by an Order of your owne House.

[7]

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

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

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

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

Wee desire you to free us from these abuses, and their negative Voices, or else tell us, that it is reasonable wee should be slaves, this being a perpetuall prejudice in our Government, neither consulting with *Freedome* nor *Safety*: with *Freedome* it cannot; for in this way of Voting in all Affaires of the *Common-wealth*, being not Chosen thereunto by the People, they are therein Masters & Lords of the People, which necessarily implyes the People to be their servants and vassalls, and they have used many of us accordingly, by committing divers to Prison upon their owne Authority, [8] namely *William Larnier*, Liev. Col. *John Lilburne*, and other worthy Sufferers, who upon Appeale unto you, have not beene relieved.

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

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

Which they suffered till the King increasing his Oppressions in both Nations, gave them opportunity to reveale themselves, and then they resolve to bring the King to their bow and regulation, and to exclude all those from managing State-affaires that hee had advanced thereunto, and who were growne so insolent and presumptuous, as these discontented ones were lyable to continuall molestations from them, either by practices at Counsel-table, High-Commission, or Starre-chamber.

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

[9]

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

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

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

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

In Scotland it will be easie to establish the Presbyterianall Government in the Church, and that being once effected, it will not be much difficult in England, upon a pretence of uniformity in both Nations, and the like, unto which there will be found a Clergy as willing as

wee, it giving them as absolute a Ministry over the Consciences of the People, over the Persons and Purses, as wee our selves aime at, or desire.

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

[10]

Well (saies some) all this may be done, but wee, without abundance of travell to our selves, and wounding our owne Consciences, for wee must grosly dissemble before God, and all the world will see it in time; for wee can never doe all this that yee aime at, but by the very same oppressions as wee practised by the King, the Bishops, and all those his tyranicall Instruments, both in Religion, and Civill Government.

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

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

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

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

That the King gained time to raise an Army, and the Queene to furnish Ammunition; that our first and second Army was so ill formed, and as ill managed; Sherburn, Brainford, Exeter, the slender use of the Associate Counties, the slight garding of the sea, Oxford, Dennington, the [11] West Defeate, did all proceed from (and upon) the Mystery of Iniquity.

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

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

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

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

Whilst those that ventured their lives for your establishment, are many of them vexed and molested, and impoverished by them; Yee have entertained to be your Committees servants, those very [12] prowling Varlets that were employed by those unjust Courts, who took pleasure to torment honest conscionable People; yet vex and molest honest men for matters of Religion, and difference with you and your *Synod in judgement*, and take upon you to determine of Doctrine and Discipline, approving this, and reproaching that, just like unto former ignorant pollitick. and superstitious Parliaments and Convocations: And thereby have divided honest People amongst themselves, by countenancing only those of the *Presbitry*, and discountenancing all the Separation, *Anabaptists* and *Independents*.

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

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

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

And therefore We could not referre our selves to you in things of this Nature; and surely, if We could not conferre this Power upon you, yee cannot have it, and so not exercise it justly; Nay, as we ought not to revile or reproach any man for his differing with [13] us in judgement, more then wee would be reviled or reproached for ours; even so yee ought not to

countenance any Reproachers or revilers, or molesters for matters of Conscience.

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

But if you lock up your selves from hearing all voices; how is it possible you should *try all things*. It is not for you to assume a Power to controule and force Religion, or a way of *Church Government*, upon the People, because former Parliaments have so done; yee are first to prove that yee could have such a Power justly entrusted unto you by the People that trusted you, (which you see you have not,) we may happily be answered, that the Kings Writt that summons a Parliament, and directs the People to choose Knights and *Burgesses*, implies the Establishment of Religion.

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

But ye have listned to any Counsells, rather then to the voice of us that trusted you: Why is it that you have stopt the Presse; but that you would have nothing but pleasing flattering Discourses, and go on to make your selves partakers of the *Lordship over us*, without hearing any thing to the contrary: yea, your *Lords* and *Clergy* long to have us in the same condition with our deluded brethren, the *Commons of Scotland*, where their understandings are so captivated with a Reverend opinion of their *Presbytry*, that they [14] really beleieve them to be by *Divine Authority*, and are as zealous therein, as ever the poore deceived Papists were.

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

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

— — ***Friends, these are known Truths.*** — —

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

It is from the mystery of iniquity, that yee have never made that use of the People of this Nation, in your warre, as you might have done, but have chosen rather to hazard their coming in, then to Arme your owne native undoubted friends; by which meanes they are

possessed of too many considerable strengths of this Nation and speak such language in their late published papers, as if they were not payed for their slow assistance.

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

But the truth is, wee finde none are so much hated by you, as those you thinke doe discerne those your purposes, or that apply themselves unto you, with motions tending to divert you from proceeding therein: for some yeers now, no condition of men can prevaile with you, to ammend any thing that is amisse in the Common-wealth.

The exorbitances in the *Cities Government*, and the strivings about *Prerogatives* in the *Major* and *Aldermen*, against the *Freedoms* [15] of the *Commons*, (and to their extreme prejudice,) are returned to the same point they were at in *Garrawayes* time, which you observe, and move not, nor assist the *Commons*; Nay, worse then in his time, they are justified by the *Major*, in a book published, and sent by him to every *Common-Counsell-man*.

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

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

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

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

Yee know also, Imprisonment for Debt, is not from the beginning; Yet yee thinke not of these many Thousand Persons and Families that are destroyed thereby, *yee are Rich, and abound in goods, and have need of nothing; but the afflictions of the poore; your hunger-starved brethren, ye have no compassion of;* Your zeal makes a noise as farre as *Argiere*, to deliver those captived Christians at the charge of others, but those whom your owne unjust Lawes hold captive in your owne Prisons; these are too neere you to thinke of; Nay, [16] yee suffer poor Christians, for whom Christ died to kneel before you in the streets, aged, sick and cripled, begging your halfe-penny Charities, and yee rustle by them in your Coaches and silkes daily, without regard, or taking any course for their constant reliefe, their sight would melt the heart of any Christian, and yet it moves not you nor your *Clergy*.

Wee intreat you to consider what difference there is, between binding a man to an Oare, as a *Gally-slave* in *Turkie* or *Argiere*, and Pressing of men to serve in your Warre; to surprize a man on the sudden, force him from his Calling, where he lived comfortably, from a good

trade; from his dear Parents, Wife or Children, against inclination, disposition to fight for a Cause hee understands not, and in Company of such, as he hath no comfort to be withall; for Pay, that will scarce give him sustenance; and if he live, to returne to a lost trade, or beggery, or not much better: If any Tyranny or cruelty exceed this; it must be worse then that of a *Turkish Gally-slave*.

But yee are apt to say, What remedy, men wee must have? To which we answer, in behalfe of ourselves, and our too much injured Brethren, that are Pressed; That the *Hollanders* our provident Neighbours have no such cruelties, esteeming nothing more unjust, or unreasonable, yet they want no men; and if ye would take care, that all sorts of men might find comfort and contentment in your Government, yee would not need to enforce men to serve your Warres.

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

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

Yee kept your Committee doores open, all might heare & judge [17] of your dealings, hardly ye would permit men to stand bareheaded before you, some of you telling them, ye more regarded their health, and that they should not deem of you, as of other domineering Courts, yee and they were one, all *Commons of England*; and the like ingenious carriage, by which ye wanne our affections to that height, that ye no sooner demanded any thing but it was effected; yee did well then, who did hinder you? *the mystery of iniquity*, that was it that perverted your course.

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

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

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

Ye have now sate full five yeeres, which is foure yeeres longer then wee intended, for wee could choose you but for (at most) one yeere; and now we wish ye would publish to all the world, the good that you have done for us, the *liberty* ye have brought us unto: if yee could excuse your selves, as ye use to doe; by saying it hath been a time of warre; that will not doe: for when the warre might in the beginning have been prevented, if yee had drawn a little more blood [18] from the right veine, and might often (ere this) have been ended.

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

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

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

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

But henceforth joyn'd all in one will be able to doe and carry on whatsoever is just and good for the Common-wealth, the more just and good, the more easily effected, for such things are easily to be [19] made evident to all men, and can never faile of the uttermost assistance of all well-minded People.

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

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

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

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

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

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

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

[20]

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

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

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

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

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

POSTSCRIPT.

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

FINIS.

RICHARD OVERTON, *AN ALARUM TO THE HOUSE OF LORDS:*
AGAINST THEIR INSOLENT USURPATION OF THE COMMON
LIBERTIES, AND RIGHTS OF THIS NATION (1 AUGUST 1646) ↩

AN ALARVM *8*

To the House of

L O R D S :

Against their insolent Usurpation of the

COMMON LIBERTIES,

AND

Rights of this Nation.

Manifested by them, in their present Tyrannicall Attempts
against that Worthy COMMONER,
Lieutenant Col.

JOHN LILBURNE,

Defendour of the Faith,

And of his *Countries Freedoms*, both by his Words, Deeds and
Sufferings, against all Tyrants in the Kingdome; Whether
Black-coats, Papiſts, Kings, Lords, &c.

London
July 31 Printed in the Year. 1646.

[Created: 19 Oct. 2020]

[Updated: 26 July, 2024]

Title ID: T.71 [1646.08.01] [Richard Overton], *An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation* (1 August 1646).

Estimated Date of Publication: 31 July 1646.

Thomason Tracts Catalog Information: TT1, p. 454, E. 346/8.

Full Title

[Richard Overton], *An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation. Manifested by them, in their present Tyrannicall Attempts against that Worthy Commoner, Lieutenant Col. John Lilburne, Defendour of the Faith, And of his Countries Freedoms, both by his Words, Deeds and Sufferings, against all Tyrants in the Kingdome; Whether Black-coats, Papists, Kings, Lords, etc.* Printed in the Yeer. 1646.

The pamphlet contains the following parts:

1. An Alarum
 2. Postscript
-

[3]

An Alarum to the House of Lords: Against their insolent Usurpation of the Common Liberties, and Rights of this Nation

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

Wee cannot suppose you doe it because you know him to be a true and Reall Christian: with whom the vanity of Titles and Honours, are not regarded: No certainly, Wee have no such Pious thoughts of you, Wee suppose you esteeme those markes of the *Gentiles* too much, to do it out of that true respect; We may be bold to stile them Markes of *Gentiles*, Wee have our Saviours own Warrant for it, who saith, *The Kings of the Gentiles exercise Lordship over them, &c. But it shall not be so among you: Whosoever will be chief among you, (Christians,) let him be your servant: Gracious LORDS, or Favourable LORDS, titles that could not be propper amongst Christians; with whom there was no Ruler, nor Government, but by common Election and consent, agreeable to Our House of Commons; every Ruler had his Rule; Which he was [4] to observe out of duty: and could not be gracious or favourable, which necessarily implyes a Power assumed above the Rule, and denominates those that exercise such a Power, to be Lords in an overruling sense, a thing which stands neither with Justice nor Christianity.*

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

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

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

[5]

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

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

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

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

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

[6]

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

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

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

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

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

A most high Charge, and pretended to be proved out of two Pamphlets, one whereof is intituled, *The Just mans Justification*: and this Treatise affords, (for a great part of it,) onely a Relation of Colonell King abuse of his trait, and that a Charge depended against him for the same, unto which Mr. *Lilburne* was a materiall Witnessse: by Occasion whereof King Arrests, and sues him upon pretence of being called *Traytor* by him this first occasions Mr. *Lilburne*, to looke into the Proceedings of the Law: findes it full of tricks and quillets, snares, formes and puntillians, Irrationall, and tending to his Ruine, and the perpetuall vexation of the People: and for safeguard of himself, Petitions the Honourable House of *Commons*: that the Charge, and Articles [7] against King, might be tryed by a *Counsell of Warre*, before King should be permitted to proceed against him, as being confident, King would be proved a Traytor thereby: This Petition hee could never get delivered, or read in the House: then, to save himself, hee writes this discourse to Judge *Reeves*; and therein laies open the unreasonablenesse of the *Lawes*, and Proceedings in *Law*, now in force in this Nation: And in true Love and Zeal to his abused Country; falls afterwards upon the extreame want of publick Justice, complains of partiallity, and *respect of Persons*, shewes it to be against the minde and will of God, in whose sight there is no difference at all; but hee *that sheddeth, (or causeth to be shed,) mans blood, by man shall his blood be shed*, wherein hee useth a comparison, which to squeamish stomacks is somewhat offensive, but true enough; for God judgeth *not as man judgeth*: the poor Tradesman, and the Rich; the Noble and Ignoble, are all one in his sight: that soule that sinneth, it shall die.

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

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

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

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

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

[8]

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

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

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

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

Doth not every one see the unreasonablenesse of our Laws and Government? and doth the Parliament sit for Remedy of the Grievances of the People, and for their safety and weale in all things? and is it now *seditious* and *dangerous* for any man to publish his minde concerning the same? rends it to the subverting of the *Fundamentall Lawes* and Government, for any to appeale to the House of *Commons* for altering of Lawes or Government evidently appearing prejudiciall to the safety and weale of the People, the end of all Lawes and *Government*? certainly they sit [9] not to confirm this Kingdomes long contracted bondage; and that wee trust your Lordships and all the rest will finde.

Doth Mr. *Lilburne* endeavour to bring in any *Arbitrary* or *Tyrannical Power*? Doth hee allow, or argue it to be lawfull for men to be put to Oathes *Ex Officio*, or to be examined upon *Interrogatories against themselves or others*, against their wills, in *Criminall Causes*? Doth hee justifie Imprisonment for refusall to Answer? Doth hee acknowledge your Lordships Authority over the *Commons*? If he doth any of these or the like things, then indeed hee is guilty of the Charge you lay against him: for this were indeed to subvert the very *Fundamentall Governments, which is Right Reason; and to destroy the end of Government; the safety and weale of the People;* and therefore it will be good for your Lordships in this Charge to reflect upon your selves; the People are now quick-sighted, and not easily deluded: If it were not so, Mr. *Lilburne* were in a sad Case, for here is no lesse then the whole *House of Peers his Accusers*, provoked and set against him by all the Judges, Lawyers, Clergy, and great men of the City, and the Case standing thus on his day of Tryall; What hope can hee have when these, besides all those of the *Presbyterian* judgement are his resolved Adversaries, who in their Common *Discourses* openly condemne him, and wish him worse then hanged, and so do all *Royalists*: and doubtlesse those that shall be trusted with manageing the businesse, and such as know well how to forme a Jury for the purpose: Where then is hope? In God, in the Parliament in the People? God will provide, above hope: out of the thicket shall come a Ransome for this his beloved *Isaac*: The House of *Commons* have not their Trust and Power in vaine, but will use it in so urgent a necessity; If they now deferre, their Account with God will be heavy; and deliverance will yet come; for God cannot suffer so abominable wickednesse: He can turne the hearts of a whole *Presbyterian Jury*, (if it should come to that,) in an Instant, and make them to see their owne *Liberties* burning at the stake in him; That his Sufferings are but a *Preface* to their *Tragedy*, when your Lordships please, if they in any thing oppose your Wills: but the House of *Commons* is wise, and God is just; and wee cannot feare the safety of this our Brother.

[10]

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

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

[11]

POSTSCRIPT.

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

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

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

Which in our [Editor: illegible word], what Wee [Editor: illegible word] to the Queen of Heaven, Wee altogether mocked and scorned you, and still did pass the evill day farre off; but as the wilde Asse, whilst free is [12] light and speedy to run, masketh it all the assaults of

the hunters, who pursue for her life, yet when shee is heavy with young, and not so able to flee, shee is easily caught; so is this sinfull and idolatrous Nation, now in the midst of her sinnes and abominations, who because shee would not, nor will not heare the cryes of the Poore, the Widow, the Fatherlesse, the Prisoners, shee shall cry, and not be heard.

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

RICHARD OVERTON, *A DEFIANCE AGAINST ALL ARBITRARY
USURPATIONS OR ENCROACHMENTS* (9 SEPTEMBER 1646) ↩

A D E F I A N C E

AGAINST ALL
ARBITRARY USURPATIONS
Or Encroachments, either of the House
of LORDS, or any other, upon the Sovereignty
of the Supreme House of COMMONS,
(the High Court of Judicature of the Land) or
upon the Rights, Properties and Freedoms
of the people in generall.

Whereunto is annexed,

**A Relation of the unjust and barbarous
proceedings of the House of LORDS, against that
worthy Commoner, Mr. Overton, who standeth by them
committed to the most contemptuous Goal of Newgate,
for refusing to Answer to Interrogatories, and Appeal-
ing from that Court to the Honourable House of
Commons (as by the great Charter of Eng-
land he was bound) for the triall
of his Cause.**

**Howsoever the House of LORDS do suggest in their
Commitment of him, that it was for his contemptuous
words and gesture, refusing to answer unto
their Speaker.**

Which being every mans case, is published by his friends for
the publick benefite of all the Free-born people of England, as
it was enclosed in a Letter to one of his Friends.

S. J. H. Deo, Patrie, tibi.

Printed in the Year 1646.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.75 [1646.09.09] [Richard Overton], *A Defiance against all Arbitrary Usurpations Or Encroachments* (9 September 1646).

Estimated Date of Publication: 9 September 1646.

Thomason Tracts Catalog Information: TT1, p. 462, E. 353/17.

Full Title

[Richard Overton], *A Defiance against all Arbitrary Usurpations Or Encroachments, either of the House of Lords, or any other, upon the Sovereignty of the Supreme House of Commons, (the High Court of Judicature of the Land) or upon the Rights, Properties and Freedoms of the people in generall. Whereunto is annexed, A Relation of the unjust and barbarous proceedings of the House of Lords, against that worthy Commoner, Mr. Overton, who standeth by them committed to the most contemptuous Goal of Newgate, for refusing to Answer to Interrogatories, and Appealing from that Court to the Honourable House of Commons (as by the great Charter of England he was bound) for the triall of his cause. Howsoever the House of Lords do suggest in their Commitment of him, that it was for his contemptuous words and gesture, refusing to answer unto their Speaker. Which being every mans case, is published by his friends for the publick benefit of all the Free-born people of England, as it was enclosed in a Letter to one of his friends.*

Deo, Partiae, tibi.

Printed in the yeer 1646.

A Defiance against all Arbitrary Usurpations Or Encroachments

[1]

Worthy Friend,

The great and continued experience of your endeared affections towards me, of your uprightnesse, valour, and fidelity through manifold afflictions both ancient and present, for the publick weal, and safety of all men in generall, and of the honest and godley in speciall, hath so emboldned me with you, as not to count it presumption to single you out from the rest of my friends in this time of my bonds to unbosome my imprisoned thoughts unto you, as knowing you to be a man much sensible and grieved at the oppressions, miseries, and calamities of the people; which if not narrowly and wisely observed, and discovered by the more consciencious and knowing, will prove for ever incorrigible, and helplesse. But for me to undertake the cure of this Nationall Disease, were justly to incur the censure of ignorant presumption, by reason of my own known insufficiency; yet into the Treasure of your private consideration I shall be so bold as to cast in my mite, not doubting of your friendly construction, presenting you for your better information and satisfaction, with a narrative of the illegall and barbarous proceedings of the House of Lords against me, concerning this their most unjust Commitment of my person to the Goal of Newgate, the which you may communicate to whom you shall have occasion.

But first be pleased with me to consider, that such and so long hath been the Arbitrary encroachments, usurpations, and invasions of the naturall Rights, properties, and freedoms of the people of this Nation, through the abused power, and machivilian policy of the Kings, Lords, and Clergy-men thereof, that the spirits of this people (naturally of themselves noble and free) are even vassalaged, and drawn into an inconsiderate dislike of their own primitive, naturall, and Nationall Rights, Freedoms, & Immunities, insomuch that they persecute, and condemne all such amongst them (as Traytors, Rebels, and Enemies to all Government) that are more conscious, and carefull of their own naturall properties, and shall but endeavour to pluck off the Clergy-scales of insinuation, flattery, and [2] adulation, from their darkned eyes, endeavour to discover & break the *Norman* yoke of cruelty, oppression, and tyranny from off their necks, and set their heels at liberty from the Prerogative fetters of the House of Lords, (by opening the Cabinet of their machivilian policy, against the peoples Liberties, that those Usurpers might be discovered in their deceit, as their Masters were in their King-craft, and the peoples deluded understandings be undeceived) these instead of gratitude, shall be rewarded with hatred, and the malefactors portions for their faithfull endeavours, and good intentions.

Yea, such hath been the misterious mischievous subtilty from generation to generation of those cunning Usurpers, whereby they have driven on their wicked designs of tyranny and Arbitrary domination, under the fair, specious, and deceitfull pretences of Liberty and Freedom, that the poore deceived people are even (in a manner) bestialized in their understandings, become so stupid, and grosly ignorant of themselves, and of their own naturall immunities, and strength too, wherewith God by nature hath enrich'd them, that they are even degenerated from being men, and (as it were) unman'd, not able to define themselves by birth or nature, more then what they have by wealth, stature, or shape, and as bruits they'l live and die for want of knowledge, being void of the use of Reason for want of capacitie to discerne, whereof, and how far God by nature hath made them free, if none have so much magnanimity as to ingage betwixt them and their deceivers, as not onely Religion, and Reason, but even Nature it self doth bind every man to do according to his power, whom God hath inabled, and honoured with any talent or measure of abilities to that end, whatever

perill or danger shall ensue, though of liberty, estate, or life, *Quia nemo sibi nascitur*, Because no man is born for himself.

But the task will be no lesse difficult to effect, then perillous to attempt, for through this long continued flattery under those Prerogative Task-masters, the usurping Lords, they are now so besotted therewith, that they even esteeme sowre sweet, and sweet sowre; usurpation, and tyranny, better then naturall freedom and property; and so are become *contented slaves* to those insolent, Arbitrary, tyrannicall Usurpers; accounting it their honour to rob themselves, and their posterities, of their just Birth-rights and Freedoms, to make those domineering Insulters magnificent and mighty, and themselves and posterities miserable. So that he whosoever [3] he is, or shall be their Informer, must not look to conquer all where he may at first seem to prevail, yet that may not excuse his endeavours, which are the discharge of his duty: feeling the blessing comes in the use of the means, and it is impossible that so great stupiditie should be either removed from this generation, or prevented in the next, except there be diligent, faithfull, continued, and powerfull endeavours used.

And how dangerous and perillous the cure is to the Physitian of this Disease, may easily be imagined, when *Free-men by Nature* are even so unnaturall, and inhumane to themselves and their own posterities, that they are so ready with hazard of their lives and estates to purchase power even for their Usurpers, to be trampled under foot like mire in the street: and if they be thus unnaturall and inhumane to themselves, much more to others whom they ignorantly and fondly not onely suppose to be, but persecute them as their enemies, when as indeed they are their best and most reall friends. And this disposition and temper I have observed to be common, especially where the dregs of Regality, Peerage, Episcopacy, or Presbytery remain, for there, there appeareth nothing but wrath, anger, and revenge against the opposers of usurpation, tyranny, and cruelty; if they be but guilded and furbish'd over with those formall titles of honour obtained through their great policie, craft, and deceit.

Thus the people being cast into this temper of ignorance and vassalage (the one by them esteemed, and fancied for wisdom, the other for freedom) they are even fitted for their Arbitrary designes, by and through whose strength and power, those Machavilians do act, and without which they could not move or ever prosecute or accomplish their politick designes of oppression and cruelty upon them: never could the Arbitrary domination of Kings, Lords, Bishops, or of our new upstart Presbyters (newly re-royalliz'd) have win to such an exorbitant height in this Nation, it would never have been thus puft up, thus exalted with their Arbitrary venome, to have burst asunder in wars, emulations, and divisions, had it not been for the sottish and fond ignorance wherewith they have thus bestially besotted the people of this Nation, for the spirit of emulation (striving who should be greatest) being cast in amongst those usurpers, the people are by those fore-mentioned means fitted on both sides, *pro* or *con*, for their purpose to fight, and destroy one [4] an other for the advancement of these Arbitrary Lords and usurpers, if they do but tell them of Reformation in Religion, the Liberty and property of the people, when as indeed and in truth nothing lesse is intended.

Yet do those ignorant deceived souls run on, and, like horses, furiously rush into the battell whether right or wrong, though all (God knows) under a fond imagination of their own weal, the publick property, safety, liberty, and tranquillity, but how for the publick-weal, and safety, the removall of oppressions, and tyrannies, oppressors and tyrants old or new, either Royall, Lordly, or Clericall in this Nation, the late great miraculous conversion (of the King, the Lords, Presbyters, and others) shew clearly, whatever was, and is still, intended for the people, even meer oppression, tyranny, slavery, that's their doom, except they look better about them, and stick closer to their own representative Body the Commons assembled in Parliament; yea, and they to them too, for love cannot stand on one side.

And the occurrences of these heavie times do clearly prognosticate, that except the people of this Nation with their hearts, hands, lives, and estates, stand close to their own House of Commons, yea, and they to them, and do justice, and relieve prisoners, and all that are oppressed, especially by the Lords, with resolution and fidelity, in despite of the malice, power, policy, and force of Kings, Lords, and Presbyters, they themselves will be reduced to their old bondage, slavery, and oppression, if not to far worse; even more cruell, Lordly, and tyrannicall then ever before: yea, and this very House of Commons (the most supream Court of Judicature in the Land) will be swallowed up, consum'd, and confounded, and the severall Members thereof proceeded against as Traytors, and Rebels to the King his Crown, and Dignity: yea and that cruell late Proclamation renewed, that a Parliament shall be no more mentioned, as we have both dolefull experience at the untimely breaking up of former Parliaments, and dreadfull prognosticks in this already, to wit, the Inditement of his victorious Excellency Sir *Thomas Fairfax*, with other gallant Patriots and Contestors for their Countrys Liberties and freedoms, at the Assizes of *Chester*, as also Mr. *Crab*, and severall others though of meaner rank and quality, yet men of approved honesty, valour and fidelity to the State; who have notwithstanding (or rather for their reality and fidelity, been Indited, arraigned, [5] condemned, and fined 500 l. a piece, and imprisonment till it be paid, for nothing but for uttering their indignation and anguish of mind against the cruelties, bloodshed, and oppressions of the King nefariously perpetrated upon the people) in form or phrase of words which was displeasing to their Caveleerships: these are but the beginnings of wo, which portend and threaten a generall and irrecoverable destruction, if the Scotch Miracle of the *Kings Conversion* take but its proper effect, as God forbid, for nothing is betwixt it and them, but a *readvancement on the Royal Throne*, and then farewell Parliaments, Laws, Priviledges, Freedoms, Liberties, and all.

Therefore, see Englishmen, that have true hearts, and love to the House of Commons, ye that desire the safety and preservation thereof, the peace, weal, rights, liberties and freedoms of this Nation, ye that would do as you would be done unto, that would have your neighbour enjoy the fruit of his own labour, industry, and sweat of his brow, the freedom of his Conscience and estate, his own naturall right, and property, and have none to invade or intrench upon the same, more then you would have upon your own.

Ye in speciall be encouraged against all opposition and encroachment of Kings, Lords, or others upon the House of *Commons* their rights and properties derived from the people, and save them, or else ye will all speedily fall. Keep up their names, titles, honours, and priviledges above all usurpations whatsoever, either of Lords, or others. And acknowledge none other to be the Supreme Court of Judicature of this Land but the House of *Commons*, and in this gallant resolution live and die, and acquit your selves like men: for my part I'll tread upon the hottest coals of fire and vengeance that, that parcell of men, intituled, *The House of Lords*, can blow upon me for it.

And though I be in their Prerogative clutches, and by them unjustly cast into the prison of Newgate for standing for my own, and my Countrys rights and freedoms, I care not who lets them know that I acknowledge none other to be the supream Court of Judicature of this Land, but the House of Commons, the Knights and Burgesses assembled in Parliament by the voluntary choice, and free election of the people thereof; with whom, and in whose just defence I'll live and die, maugre the malice of the House of Lords. For I acknowledge that I was not born for my self alone, but for my neighbour as well as for my self; and I am resolv'd to discharge the trust which God hath repos'd in me for the good of others, with all diligence [6] and fidelity, as I will answer it at Gods great Tribunall, though for my pains I forfeit the life and earthly being of this my little thimble full of mortality.

And these are further to let them know, that I bid defiance to their injustice, usurpation and tyranny, and scorn even the least connivance, glimpse, jot, or tittle of their favour: let them do as much against me by the Rule of Equity, Reason, and Justice for my Testimony and Protestation against them in this thing as possibly they can, and I shall be content and rest: for, *Nihil quod est contra rationem est licitum*; Nothing which is against reason is lawfull, it is a sure maxime in Law, for Reason is the life of the Law. But if they transgresse, and go beyond the bounds of rationality, justice, and equity, I shall to the utmost of my power make opposition and contestation to the last gaspe of vitall breath; and I will not beg their favour, nor lie at their feet for mercy; let me have justice, or let me perish. I'le not sell my birth-right for a mess of pottage, for Justice is my naturall right, my heirdome, my inheritance by lineall descent from the loins of *Adam*, and so to all the sons of men as their proper right without respect of persons. The crooked course of Favour, greatnesse, or the like, is not the proper channell of Justice; it is pure, and individuall, equally and alike proper unto all, descending and running in that pure line streaming and issuing out unto all, though grievously corrupted, vitiated, and adulterated from generation to generation.

Why therefore shall I crave my own, or beg my right? to turn supplicant in such a case is a disfranchising of my self, and an acknowledgement that the thing is not my own, but at another mans pleasure; so that I forsake and cast off my property, and am inslav'd to his arbitrary pleasure: if the other will, I may have possession, otherwise not. Which indignity to my own, or to my Countreys rights, their Lordships shall never enforce me; for it is no better then a branch of tyranny to force a man to turn supplicant for his own, and of self-robbery to submit thereto. Though this inslaved Nation be most deeply and miserably involved in that intolerable condition, so that indeed we cannot have our own naturall rights and immunities, but we must be either patient sufferers, or actuall Petitioners, as if our own were not our own of right, but of favour.

What is this other but an utter disfranchisement of the people, and a meer vassalage of this Nation, as if the Nation could have [7] nothing by right, but all by favour, this cannot hold with the rule of *Mine and thine*, one to have all, and another nothing: one's a gentleman, th'other a begger; so that the birth-rights, freedoms, and properties of this Nation are thereby made these *great Mens Alms*; and we must come with *hat in hand, with good your worships, May it please your Honors my Lords*, and with such like terms of vassalage and slavery for our own rights, as if we ought them *Villein-Service*, and held all the rights and properties we have, but by *Tenure in Villonage*, and so were their slaves for ever.

Indeed, if this Petitionary way be lawfull and expedient, onely in testimony of respect, loyalty and obedience unto that Sovereigne power which all of us the Commons have chosen out from among us, and set up for the mutuall good both of us and themselves (wherunto out of a good conscience we are bound in duty to submit in all things just, lawfull, honest and reasonable) and not out of any Arbitrary respect, homage, or reverence which is not due; as if the Commoners just liberties and freedoms were not their own of right, but of favour and grace. I shall freely and willingly walk in that petitionary way, and make presentation of my just suits, as I shall have occasion. And I hope the Honourable House of Commons (to whom that Power is convey'd, and in whom it onely and truly resideth) doth require it from their fellow Commoners (the free people of *England*) in no other respect, but in testimony of loyalty to them.

But those Lords do challenge the Supremacy to themselves, which I shall make appear by this ensuing Relation to you as one of my dearest friends, of their illegall practises, and unjust proceedings against me a *Free Commoner of England*.

Sir, it is not unknown to me how various and different the reports have been about this businesse, especially concerning my words and gesture when I was brought before the House of Lords: But though divers will account it to be vain-glory, pride, ambition, folly, and what not, for me to make a narration of mine own speech and behaviour; yet of you, and the better sort, with whom I may be bold, it is presumed that even my own recapitulation or rehearsall thereof, will be taken in the best sense, especially now when necessity hath no *Law*, both my just cause lying (as it were) at the stake and my self being in prison, and therefore as if I were presently to suffer, what those unjust troublers of my peace, and infringers of my [8] liberty would inflict, if their power were as large as their will, I will present you with a full relation of the very truth of all that hath yet past between them and me, both that you may be rightly informed thereof, and others also by your means; if it can no otherwise be conveniently divulged to the whole Commons of *England* for their information and satisfaction, as a businesse no lesse belonging unto them, alwayes to weigh and consider, then it is troublesome at this time for me to undergo.

Upon Tuesday, *August 11, 1646* one *Robert Eeles*, a Journeyman Printer, commonly known by the name of *Robin the Divell*, and one *Abraham Eveling* (dweller at the Green Dragon in the Strand) entred into my house betwixt 5. and 6. a clock in the morning, and this *Eeles* at his first entrance into my house, said with a loud menacing voice, W—w—w— we will have him in his bed; then forthwith the said *Eeles* ran up the stairs into my Bed-chamber with his drawn sword brandashed in his hand, and after him hurries the said *Eveling* with a Pistoll in his hand ready cock'd, to the great affrightment, terrour and amazement of my wife lying sick in Child-bed; and as soon as they had made this *forceable entrie* into my Chamber in this *Hostile manner*, the said *Eeles* with bended brows, and irefull look with his naked sword against me, said to me lying in my bed, *Tut, tut, tut, rise up and put on your clothes:* whereupon I arose out of my bed, (espying my wife as I came near her ready to swoond at that sudden affright) and taking my garments to put on, this *Eeles* pick'd my pockets, taking what he pleased out of them, for which, and for the rest of his barbarous, tyrannicall, and illegall dealings with me he may expect Justice; and then he ransaked a Trunk, and taking out a pair of Britches feloniously pick'd the pockets thereof. In the mean time I slipt on my clothes, and went down the stairs, and looking out at my doore, I espied certain Musketeers at my Gate; then those Armed men above cried, *Stop him, stop him:* whereat I withdrew my self. And behind my house were other Musketeers, who presently ran with violence towards me, threatening to knock me down with their Muskets, and to shoot me; one saying, if I had been so near him as I was others, he would have run me through with his sword: and from this *Hostile pursuit* I fled, but was surprised by them; and I was no sooner captivated, but these men also nimbly slipt their fingers into my pockets.

Thus in this hostile manner my person being surprised, these [9] armed men drag'd me away violently; And as they went, I demanded of them, *What they were that thus by violence and force of Arms did assault me? and what was their intent? and whether they had any Authority for what they did?* Not one of them all this while in the least mentioning or producing any Authority or Warrant for what they did, but all of them (when I was in my own yard) encompassing me round in that armed posture, did vilifie and abuse me with divers scurrulous and scandalous reproaches; divers of them griping me in their clutches, and threatening to lay me neck and heels together, which was a most insufferable affront, and invasion upon the rights, properties, and immunities of the free-born *Commoners of England*.

For by the great Charter of the Laws, freedoms, and properties of the people thereof in such cases no mans property, person, house, &c. may be assaulted, entred, much lesse by force of Arms in warlike posture invaded, or seized upon, without Warrant first shewed or declared; and no violence, especially by force of Arms, may be offered or committed against any of the free Dennisons thereof, but in cases of violence, opposition, and contempt of

Authority truly Magisteriall: for the Law brings none under penalty, deprives no man of his liberty, person, or estate, looks upon none as its captive, before its Authority first shewed or declared to the party intended, and that by proper denomination or name, or else no man could be safe at home or abroad, or have any certainty of his own liberty or property, either in person, goods, or estate; but daily subject to the robberies and murders of rebellious and wicked men.

For as upon this ground the Kings appearing in hostility, and leavying of war against the Parliament and people is adjudged unnatural, barbarous and illegall, being, he never yet hath produced any Legall Authority or true Magisteriall Warrant for what he did; so that during his time of the none appearance or inspection thereof, the Parliament and people have stood in their own defence, and the same both in point of Law and Conscience is truly adjudged both reasonable, equall and just. Therefore by the same rule, that the whole State may oppose the King their Generall Man in this his hostility for their necessary defence and their Action justifiable by Law, as equall, reasonable and just and the King condemned as illegall, unnaturall and barbarous. Even so upon the same ground, and by the same rule, that opposition which is made by a particular man in his own necessary defence, against the assault or sudden hostility [10] of certain other particular men upon his person, or house, without any Warrant or Magisteriall Authority for that their hostilitie, is by the Law of the Land lawfull, justifiable and equall; and the others condemned, as illegall, unjust, unnaturall and barbarous. So that my case (for that time being) is of the same nature with that of the Parliament against the King. If I must be condemned for denying to subject my self to that their hostile assault, and proffering to stand in the just and necessary defence of my self, my wife and family, till these men had produced a Magisteriall Warrant for that their hostility; the so must the Parlaments practises against the King.

Thus it will necessarily follow, that as my half houres resistance of those men is as justifiable as the Parliaments four yeers resistance of the King, and of these who have leaved these wars against the Parliament, and must be proceeded against as Delinquents, traytors, and Enemies to the State: then those which made this violent hostile invasion upon me deserve little lesse. For though that be not of the same degree, yet is it of the same kind and nature. So till their production and discovery of a Magisteriall Warrant, these Armed men thus assaulting my person, and invading my house by force of Arms, appeared not to me for that time being in any magisteriall capacity, neither indeed could they be so accepted, by reason they made no appearance of distinction of themselves from common men; so that I could not in the least take them for Magisteriall persons (no Magisteriall Authority appearing) but for Murtherers, Theeves, and Robbers. For if assaulting of mens persons, invading and entring their houses, and taking what of their goods such men please, and that all by force of Arms, be simply a Magisteriall Act, then All theeves and murtherers are justified thereby; for their violence is without any Magisteriall Authority appearing: but by the Law it is therefore adjudged theft, murther, &c.

Wherefore I hope the free Commoners of England, as they tender themselves and their posterities, their severall weals, safeties, and well-being, will now seek for the suppression and future prevention of such outrages, and incursions upon their rights, freedoms and liberties, though such insolent usurpations and tyrannies should be driven on by the men of the *highest Arbitrary titles in the Land*; against whose injustice, tyrannies, usurpations, and encroachments upon the Commoners of England their rights and properties, I have engagd my life for the delivery and freedom thereof: for better is it [11] that one or some few should perish, then a multitude.

But to proceed with our former Relation. After I was in this hostile manner surprised, some of them did vilifie me for flying from them, to whom I replied:

Gentlemen, I did not flie from Authority, but from violence, hostile invasion, and pursuit, for my house being in this hostile manner invaded, and looking out of my doores, and espying Musketeers at my gate, I was struck into a sudden fear of my life: and hearing of no Magisteriall Authority, nor seeing the least appearance thereof from them, but of hostile invasion and assault, menacing nothing but death in my appearance: I therefore (as by nature I was bound) attempted to make an escape for the present preservation of my life. And this I repeated divers times over to them, with some circumstantiall variations in phrase, but not in matter. Then in most promiscuous manner they uttered many reproachfull and menacing words and speeches which I cannot well remember, by reason of the great confusion thereof, and mine own distemper with my wife and childrens lamentable case, and therefore I shall omit them, untill I can better recapitulate my thoughts. Wherupon I bade them take notice how they had invaded and assaulted my person with Muskets, sword and Pistols: and how with drawn Sword and Pistol ready cock'd, by force of Arms had entred my house, and therefore if they had no Magisteriall Warrant to shew for their Authority, I would not submit unto them, but would stand in the legall defence of my self, my own right and property, which thus by drawn sword and force of Arms they had assaulted and invaded: Adding this as a Reason; That my House is my Castle, my right and property, over which none hath power but my self, excepting lawfull Authority.

And espying my neighbours gazing upon me, I desired them to take notice how those men had assaulted my person in this hostile manner, contrary to the rights, freedoms and immunities of the free-born people of this Nation; and how they had beset and surrounded my house with divers men armed in warlike manner. And further, I desired them to take notice, how those armed men had entred and invaded my house in this hostile manner (which is my Castle, my own present right and freedom) by force of Arms, even with drawn swords, and pistols ready cock'd, to surprise or kill me in my bed, and all without any Magisteriall Authority, none of them producing, mentioning, or so much as confessing hitherto any Magisteriall Warrant for such kinde of practises and proceedings.

Then after some confusion and reiteration of their words, and austere gesture towards me, I applied my self unto them in this wise.

[12]

Gentlemen, if you have any legall Authority, or Magisteriall Warrant for what you do, then produce it, and I shall freely submit, otherwise I will not obey you: for so far as you have Authority, and no farther will I yeeld my self. At which time they began to tell me they had a Warrant: And the foresaid Eveling pluck'd a paper out of his pocket, and began to read; whereupon I desired, that I might see what was read, lest they should cheat me; but they grapl'd me so violently, that I could not: but by the sound of it I understood, that it was an Order from a Committee of Lords, to apprehend suspicious persons for Printing of seditious and scandalous books, and to bring them before the said Committee of Lords; Subscribed by the Earl of Essex, and the Lord Hunsden.

To which I answered; *Gentlemen, this is no Warrant Magisteriall for the apprehension of me, for my name is not so much as mentioned therein to be a suspitious or seditious person, or to be apprehended at such an one. And therefore I not being taken notice of by the Law as a seditious or suspitious person, or by it nominated for such an one, I would not obey them: And therefore (said I) that was no Authority for me, and I would not obey it.*

Then attempting to go into my house, they held me by force, and would not suffer me, but assayed forthwith to drag me away, threatening to lay me neck and heels together: Whereat I answered; *Gentlemen, you may drag me away by violence, but I will not voluntarily submit; which if you do, my going with you is not my own Act, but yours; not the*

Act of my submission, but of your violence; for I for my part am resolved by my own proper Act to stand for my own Rights, that is, as much as in me lies to defend my person, house, property, and freedom against all hostile and violent opposition that is not by Magisteriall Authority, and so consequently the rights, properties, and freedoms of this Nation in generall.

Then with a File of Musketeers they drag'd me away, and by force of Arms brought me to the Bull-Tavern at St. Margarets Hill in Southwarke, where they kept me prisoner. And when I was there, I demanded so much my liberty as that I might send for a friend; But the said *Eveling* denyed me of that benefit, which is my due by birth. Then I demanded of him, *If he had any Authority to inhibit me of that liberty?* And he told me *he had no Order to permit it:* To whom I replyed, *Sir, you can not authoritatively infringe me of any of my Liberty without a Magisteriall Inhibition, and no more may you deprive me of any thing more then you have Authority or Warrant to do.* Yet notwithstanding he still denied me of that my just liberty: whereupon I knock'd for the *Drawer*, and told him that *I would try what I could do, for I would not [13] voluntarily suffer them to take from me so much as any breadth of my liberty, that I would not onely stand for my own rights, the common rights and immunities of this Nation; but even for the naturall Rights of themselves in particular, and of their posterities, though themselves had dealt so unfriendly and barbarously with me as mortall enemies, thus not onely pleading, but working, yea and fighting for their own bondage.*

Then being urged by some of their frivolous speeches, that my carriage would make worse both for me, and others: I affirmed on the contrary, my carriage was such that it would go well with me so long as I stood to the Law, and such like discourse; and thus I addressed my self unto them.

Gentlemen, I am resolved by the grace of God, that whatsoever either you, or any man, or men shall do against me, I will not let go (by my own or proper consent) the [Editor: illegible word], jot, title, or bare-breadth of the just Rights, freedoms, or liberties either of my self, or of any other individuall, or of this Nation in generall: stand or fall, live or die, come what come will, on this I am resolved, hoping so to deport my self according to the Rule of Reason, equity and justice, that if I suffer, it shall not be for evill, but for well-doing, and righteousnesse sake, for which is promised a blessing. And adding this further, *that in case, through the tyranny and injustice of some, I should suffer, that notwithstanding that I did not doubt, but in my sufferings it should appear unto them, that it was a friend of theirs, and of this Common-wealth, which by them was thus violently and illegally assaulted, and kept by force of Arms.*

Now during a great part of this time, the said *Eeles* with some Musketeers went out of the Tavern, and staying a great while, at length they returned, and as soon as they came in, they would have needs perswaded me that they had taken a Printing Presse, and Printing Materials of mine. But I answered, their bare affirmation was no sufficient proof, and it was necessarie first to prove before they did affirm it: Then this *Eeles* commanded me to go along with them; But I told him I was resolved not to stir a foot with them, except it were by violence; and if by violence, then it were not mine (as I said before) but their own act. Then the said *Eeles* took me by the hand, and drew me along out of the house, and so led me through the streets in that contemptuous and disgracefull manner amongst my neighbours, being strongly guarded with armed men, as if I had been a Traytor, or a Fellow, so that the streets were filld with people, of whom I was abused in a most scandalous, scurrulous manner, by base and evill language.

[14]

Whereas for my own reputation, I was forced to declare unto the people as I went along the streets, that I was not apprehended by any Magisteriall Authority or Warrant, but by violence, and force of Arms. Then the said *Eeles* call'd me Tub-preacher, and told me that I preached in the streets; and did this on purpose to raise a mutiny: and if I would not be ruled, he would tye me neck and heels together. Then I bade him do his worst, for I defyed his cruelty, and scorn'd his mercy. Then coming to *St Mary Overies* stairs, they forc'd me into a Boat, and brought me to *Westminster*-stairs; and when we were landed, this *Eeles* took me by the hand, and the said *Eveling* with his Pistoll ready cock'd on the other side, with the Musketeers for their guard, I was by them contemptuously led through *Westminster Hall*, and so unto the Lords House. And coming to a private Chamber, where (as it seems) sate a Committee of Lords, as they so styled themselves, whereof the Earl of *Essex*, and Lord *Hunsden*, and others were.

Then the Earl of *Essex* demanded of me whether I were a Printer, or no? To whom I answered, Sir, I will not Answer to any Questions or Interrogatories whatsoever, which may infringe either my own liberty, or the properties, rights and freedoms of this Nation. Whereat this *Eeles* standing by, said in a most scornfull deriding manner, that I was one of *Lilburns* Bastards. To whom I replied, that I was free-born; and demanded of him wherefore he call'd me Bastard? But the Earl of *Essex* commanded his silence; and askt me the second time if I were a Printer? To whom I answered again, that I was resolved to stand to the rights, and properties of the people of this Nation, and therefore I would not Answer to Interrogatories. Then they speaking nothing to me, I desired of them to know where, or before whom I was. Then the Lord *Hunsden* said thus, You are before a Committee of Lords which is the most Supream Court of Judicature in the Land. Then I answered, What! is a Committee of Lords the most Supream Court of Judicature in the Land? Then the Lord *Hunsden* said, You'l make what you list of it; I say not so. To whom I retorted thus: You say that I am before a Committee of Lords, which (Committee of Lords) is the most Supream Court of Judicature in the Land. Then the Lord *Hunsden* answered again, that he did not say that, that Committee of Lords was the most Supreme Court of Judicature in the Land; but that the House of Lords was the most Supreme Court of Judicature in the Land.

[15]

Here by the way may be observed, the most insufferable encroachment, and usurpation of those Lords over the priviledge, supremacy, and sovereignty of the House of Commons. For be it granted that the Lord *Hunsden* did not intend in his minde, that *the Committee of Lords was the highest Court of Judicature of the Land*; yet he both said it, and meant it of the House of Lords. Now then whether the House of Lords be the Supreme Court of Judicature in the Land, may be easily known, if it be but considered by whom they were chosen to sit in Parliament: and if not by the Cities, Counties and Burroughs of the Land, then are these Lords neither Lords, nor Representers of the people. And if they be neither Lords, or Representers, then at most they cannot be Representers of so much as their own Tenants, but rather Presenters of themselves in the Land, and therefore must of necessitie be subordinate to those who represent the whole Nation; for by the rule of right reason, the lesser must needs be subject to the GREATER.

And therefore it was wisely and rationally provided by our predecessors, in the Great Charter of England, that the represented should be tried by the Representers, the Commons by the Commons in criminall cases. For indeed the peoples sovereignty and power is onely in that their great and Supreme Court resident and forceable onely, whereunto it is conveyed by their election, consent, and approbation: so that these Lords are not Lords of the Commons, nor so much as of their own Tenants, save onely in exacting of their Rents (though thus unjustly they do usurp it) but are Lords onely in or among the Commons, and so is every man Lord of his own property, how little or great soever it be; And therefore these Lords and the

whole people must all be subordinate and subject to the *Great Representors* of the Land: But it is strongly reported, and much suspected by some, that these Lords (as their late exorbitant Actions and sayings give too great cause of surmise) would if they could paramont the House of Commons in an absolute soveraigntie of power, and so subject both them and the whole Commons of England, whom they represent, to their own Lordly, as well as to their Master the Kings DOMINATION.

For indeed were they the supreme Court of Judicature in the [16] Land, then by vertue of that Judicative power, they might (in cases of the Commons non-concurrence) act and move alone by themselves, make Laws, Edicts, Statutes, &c. without the House of Commons, at their own Arbitrary pleasures [which usurpation would prove most desperate, and dangerous, and destructive: and therefore it behoves us to be wary and wise, for such men have ever been too subject to be puffed up with ambition and pride.] But the Power Legislative is onely resident in the House of Commons, originally derived, and legitimately issued to them from the Commoners; so that the King himself, and Lords together, cannot devise, make or establish, abolish or reverse any Law without the Commons But in cases of their non-appearance or departure, the Commons ever might do all those things. In probation whereof, I will annex the Reasons of Master *John Vomel*, printed *Cum Privilegio*, and made use of by Mr: *Pryn* in his *Soveraigne Power of Parliaments*, pag 43

When Parliaments were first begun, and ordained, there were no Prelates or Barons of the Parliament; and the Temporal Lords were very few or none: and then the King and his Commons did make a full Parliament, which Authority was never hitherto abridged: [else how could the Commons have cast the Lords Spirituall from the House?]

Again, every Baron in Parliament doth represent but his own person, & speaketh in the behalf of himself alone: But in the Knights Citizens and Burgesses are represented the Commons of the whole Realme, and every of these giveth not consent onely for himself, but for all those also for whom he is sent. And the King with the consent of the Commons had ever a sufficient and full Authority to make, ordain, and establish good and wholesome Laws for the Commonwealth. Wherefore the Lords, being lawfully summoned, and yet refusing to come, sit, or consent in Parliament, cannot by their folly abridge the King and Commons of their lawfull proceedings in Parliament: Nor yet the King in his absence abridge them, as Mr. *Prin* bath largely proved it in his *Soveraigne Power of Parliaments*. Which therefore is the Supreme or Upper, the House of Commons, or the House of Lords, I think may by this very easily be resolv'd. But to return to the Relation.

When the Lord *Hunsden* had call'd back his words, a Journeyman Printer began to prate against me. Then I askt him, *whether he were a Lord or no? and who call'd him to speak?* But the Earl of *Essex* [17] commanded him to hold his peace. Then I told them, that *in my proper place I would make my defence*. Then the Earl askt me where was that? I answered, *Gentlemen, if you be a Committee of Lords, then I appeal from you* (and so consequently from the whole House of Lords) to the Commons, I mean the Knights and Burgesses assembled in Parliament, by the free Election of the people. Then the Lord *Hunsden* laughed at me, and in a most scornfull deriding manner (as if it were such a ridiculous thing to appeal to the Commons) he tauntingly said, *What? will you Appeal to the House of Commons!*) This is *Lilburn*-like, he must appeal to the House of Commons indeed; but when he came into Westminster-Hall, to whom then would be appeal?

Then I was commanded forthwith out of their presence into the next Roome; where standing till that *most supreme Court of Judicature in the Kingdom was risen*, and as the Earl of *Essex* passed by me, I gave him an humble salute; and that done, I put on my hat, the which the Earl espying, said, *Look he stands with his hat on*. Then I putting off my hat, and in a most courteous lowe manner gave him an other salute, saying, *I would give unto him, as*

he was a Gentleman, all courteous and civill respect: that done, I put on my hat again. Then the Earl commanded my hat to be pluck'd off: whereat a Gentleman said to me, Sirra, pluck off your hat, and presently he snatch'd it off.

By this we may see what State those Lords (which in no wise doth personate or represent the Land) usurp over the Commons, as if by them they should be adorn'd as Gods; being not sufficient that persons should stand bare to them when they are in Court of Judicature, but at other times also: it is more then any one of the Upper House (to wit, of the Knights and Burgesses Assembled, both their Judges and mine) would have exacted or required.

Then some certain space after I was brought before the House of Lords; and coming to their Bar, I gave them most humble and lowe obeysance: which I mention by reason it was otherwise reported: Then the Speaker demanded of me, *whether I were a Printer, or no?* To whom I answered: *Gentlemen, I am resolved not to make answer to any Interrogatories that shall infringe my own property, right or freedome in particular, or the rights, freedoms and properties of the Nation in generall.* Whereat the whole House of Lords in a most scornfull deriding manner laughed at me, as I then conceived on purpose to dash me out of countenance, and so to hinder or weaken my just defence: but I [18] replied: *Gentlemen, it doth not become you thus to deride me that am a prisoner at your Barre.*

Whereat I was forthwith commanded out of their presence. Thus we may see to what a heavie case, and sad condition, all of us are come, that a free Commoners challenging of his own properties, rights and freedoms, must be had in derision thus openly amongst the House of Lords: and that whilst they even sit in their *Supreme Court of Judicature*, as they call it: as if the Seat of Justice were a place of derision, mockerie, laughter and sports; and not of Judgement, gravitie and justice: except it should be said, *Such carriage, such Court.* For indeed Comedies, Tragedies, Masks and Playes are far more fit for such idle kind of men. Besides it is not onely rude, uncivill, and dishonourable to those who hunt after honourable titles, and the highest places of Magistracie, but even to Magistracie it self, and therefore intolerable; for it is such an occasion of discouragement to the party arraigned, and so of disabling him in his legall and just defence against both those and other their illegall proceedings, as will scarce ever be obliterated or forgotten.

And therefore these Lords in this transcendent manner passing the bounds of that Magisteriall gravitie, [22] discretion, modestie, and civilitie, which becometh Judges, I might well tell them that such behaviour did not become them, far lesse to me a free Commoner, with whom they had nothing to do. And being carried back to the place where I was first examined after the *Superlative House* arose, the Earl of *Essex* passing by asked me, If I had not been a Souldier, saying, it was no question which would infringe my liberty. To whom I answered: Sir, be pleased to forbear Questions, for I am resolved to answer to no Interrogatories at all. Then a little after they made my *Mittimus*, and sent me to Newgate Goal, a Copie whereof is as followeth.

Die Mortis 11. Augusti. 1646.

It is this day Ordered by the Lords in Parliament assembled, That *Overton* brought before a Committee of this House for Printing of scandalous things against this House, is hereby committed to the prison of Newgate for his high contempt offered to this House, and to the said Committee by his contemptuous words and gesture, and refusing to answer unto the Speaker. And that the said [19] *Overton* shall be kept in safe custodie by the Keeper of Newgate, or his Deputie, untill the pleasure of this House be further signified.

Jo: Brown

Cler:
Parliam.

To the Gentleman Usher attending this House, or his Deputie, to
be delivered to the Keeper of Newgate, or his Deputie

Examinat:
per Ra:
Brisco

Clericum de
Newgate.

Thus (Sir) I have given you a full view of the most materiall proceedings, whereby you may perceive the illegality, injustice, and tyrannie of the House of Lords (vulgarly so styled) against me; the which were it simply against me in particular, it were of lesse moment; but insomuch as these Lords have intrinched actually upon the rights and properties of one Commoner in particular, they have done it virtually unto all, for by the same rule they have made this inroad upon mine, they may do it unto all: and indeed answerably they act, proceeding from one Commoner to an other, as the now depending case of these worthy and famous sufferers for their Countreys rights and freedoms in conscience, person, and estate. Liv: Coll: *John Lilburne*, and Mr. *William Larnar* with his two Servants doth evidence to the world; so that if I should not have made opposition to this their violent progression and inroad upon us, I should not onely have betrayed my *own Right*, but (as much as in me lieth) *my Countreys*; with which infamy, basenesse, and infidelity I hope I shall never be stained.

But (Sir) if I may further trouble your patience, I desire you to observe the nature of this my *Commitment*; First, it pretends a *Criminall Fact* against me, to wit, the *printing of scandalous things*; but in case I were as criminall as is by them pretended, and it could legally be proved against me, yet they well know (however they presume) that they have no power of themselves over *Commoners* to passe upon them try, sentence, fine, or imprison any of them in criminall offences, and that this their presumption upon the Commoners is a *Breach of the Priviledge of the House of Commons*, to wit, as if the *Soveraigne power* were not in the Body Representative, but in themselves originall, and from them derivative, and not from the people. For the *Soveraigne power* to passe upon, try, sentence, fine or imprison, can extend no further then whereto it is conveyed, but from the Representers [20] to the Represented, if the *Soveraigne power* is onely conveyed, and no further: Therefore these Lords being none of the peoples Vicegerents, Deputies, or Representors, cannot legally passe upon any of the Represented, to try, sentence, fine, or imprison; but such their actions (exceeding the *Soveraigne compasse*) must needs be illegall, and Anti-magisteriall.

Read the 5. E. 3
c. 9 & E. 3. c.
4. Ma. Chat. c.
29. • Ror. Par
nu. 60. 1 H 8. c
• Cook 2. p. ...
Instic. fol. 5 •
See 18 E. 3. • 3.
& 37 E. 3. 18.

And therefore as by that *Soveraigne power* conferr'd from the people upon the House of Commons (as I was bound) I made my Appeal unto the said House, refuting altogether to submit unto that usurpation of the Lords over the peoples properties, and *Soveraignty* of the House of Commons, the Body Representative, to which all Appeals are finally to be made from all other Courts and Judges whatsoever; yea from the Kings own personall resolution, in or out of any other his Courts, yea such a transcendent Tribunall it is, as from thence there Is no Appeal to any other Court, person, or persons, no not to the King himself, but onely to another Parliament: and therefore much more may our Appeals be made thereunto from the Lords.

Secondly, it declares the reason of my *Commitments*, to wit, for contempt against the House of Lords, and Committee of the said House both in words and gesture: but how contemptuous I was in either, by this Relation you may judge; for my gesture both before the Committee, and the whole House, was with all humble, lowly, bended obeysance, standing bare-headed before them. And if this gesture were of a contemptuous nature, let the world judge: for the other gestures and motions of my body, indeed they were according to the

ordinary course of nature, I went *with my face forward, set one leg before another*, and the like; and if that were *contemptuous*, it is more then ever I was taught. Their Lordships might do well to send me to Dr: *Bastwicks School of Complements*, that I might have a little more *venerable Courtship* against the next time I appear in their presence.

For my words either before that House, or the Committee thereof, I cannot see how they can be contemptuous, except the manifestation of fidelity and resolution for the property, freedome, and liberty of the people, or indeed the making of *Appeal* to the House of Commons is become a *contemptuous thing* amongst them.

For both the one and the other was made a derision amongst them. Which gesture of theirs, might there be one impartiall judgement without respect of persons, would justly incur the censure of a [21] more dishonourable and *contemptuous nature*, even to the *People in generall*, and to their *Soveraigne Court*, their own *House of Commons in particular*: for in the judgement of equity, the Greatnesse of men doth rather adde then diminishe, aggravate then detract from their evill. But it may be they took it in foul scorn and contempt, in that I gave them the Appellation of, *Gentlemen*, and of, *Sir*, to the Earl of *Essex*; But how such titles or terms could be taken in contempt, except by the spirit of pride and ambition I know not, I am sure not by the spirit of meeknesse and humility, (*with which I think their Honours are not very much acquainted*) for after the use and culture of the Nation they are termes of *reverence, civility, and respect*; but it may be, they expected more lofty, arrogant, ambitious titles of *Lordship over the people*, the which I forbearing, must therefore be censured, a *contemptuous fellow*, and be answerably rewarded with a *take him Gaoler*: But first they must prove themselves *Lords of the Commons*, before the forbearance of such titles to them be accounted and condemned as contemptuous, and legally worthy of imprisonment: Indeed they are Lords over their estates, Lands, Goods, Servants, and the like; but blessed be God, as yet they are not such Lords over the Commons, and people in general; neither yet have they legally Lordship in matter of judging, to passe upon them, condemne them, fine, censure, or imprison them in criminall things. But if for their vertues, gravity, judgement, and fidelity for the *common-good* they will stand to the election of the people to their Parliamentary honour, then such of them (for their virtues so chosen) may have the Title thereto, as well as the rest of the House of Commons.

Sir, this might be sufficient for this matter, yet I shall trouble you with one consideration more about it.

All contempt, opposition, or disobedience of Magistrates can be no other but such as respecteth the Statutes, Laws, and Ordinances Magisteriall, for it is the Laws onely which dignifie and distinguish them from common men and indeed such disobedience or contempt is properly against the Law, and so such contempt can at the most be but by imputation from the Law to those that are the Ministers thereof, and where there is no Law, there is no transgression.

But there is no Law, Statute, or Ordinance to binde the people of this Nation to any certain and precise form of *Titles* to be given to these Lords, to this or that supplicatory phrase, as, *Right Honourable, may it please your Honours, my Lords*, and the like; but it is left to the disposition, discretion, choice and freedome of the people, to give them what titles and terms of civility, reverence, honour and respect as seemeth good unto them; and so answerably I did. So that wherein, or how I am guilty of any *legall contempt*, as yet I am ignorant: If they have any Law, Statute or Ordinance to binde us in this case, then let them produce it, and let me suffer the penalty thereof.

Indeed, it is confess'd, that all Acts, Statutes and Ordinances Parliamentary do run in the name of *Lords Temporall*, as well as of the Commons Assembled in Parliament. But I answer. So have they done in the name of the *Lords Spirituall*, and when these *Lords Spirituall* were in their full power and pomp, was it transgression of any Law to forbear them the Titles, of *My Lords Grace*, *William Lord Archbishop of Canterbury his Grace*, *Primate*, and *Metropolitane of all England*, and the like; yea, we have manifold proofs, examples and instances that it was no transgression at all. And so the same I demand concerning these *Temporall Lords*; Is it any sin, any breach of the Law now, to forbear them their tawring, lofty, high-flowne titles of illegitimate honour, which are like steeples above the Commons, and instead thereof to give them good honest titles, and terms of civility and respect when we have to do with them, more then of old to forbear the *Lords Spirituall* their forementioned titles; when as those Bishops were every wayes more potent and powerfull then these *Lords Temporall* are now, or ever were.

But for the seasonable reproof which I gave them, sure they will be ashamed to account that as contemptuous, for it is the highest degree of Infamy for any man high or low, rich or poore, King or beggar, to be so indulgent to vanity and folly, as to be scornfull of a deserved reproof, and account it as a contemptuous thing, for of such an one there is no hope. So that I suppose (in the judgement of equity) I shall no more deserve to be adjudged contemptuous, for telling these *Lords*, *That it did not become them* to mock and scorn a prisoner, whom they had unjustly at their Bar, then *Samuel* and *Himani* were for telling King *Saul* and *Asa*, *that they had done foolishly*. 1 *Sam.* 13.3. 2 *Chron.* 15.9.

Lastly, this Order of the *Lords* pretends yet an other reason or ground of their imprisonment of me, namely, *For refusing to Answer unto the Speaker*: which by interpretation is as much as to say, Because I would not be again intangled with the late High-Commission bondage of Interrogatories (from which the Act for the Abolishment [23] of the Star-Chamber hath made us free) therefore I must go to prison. Surely these *Lords* are very rash and inconsiderate, or else extreemly forgetfull of their late Votes and concurrence (however they were in their hearts I know not) with the House of Commons, against the illegality, injustice and tyrannie of such Interrogatory proceedings, that still upon such illegal grounds they should imprison the free Commoners of the Land, who by the fundamentall Laws thereof, and by this present Parliament are all legally freed from that bondage forasmuch as it is extreemly opposite, and destructive to their Great Charter of Freedoms; and so of themselves severally, their persons, estates and liberties: For thereby the Innocent are made lyable to the circumventing querks, and subtle devises, gins and traps of the crafty, secretly and insensibly couch'd to destroy the Innocent with the guilty, even to make them a prey to the malice and tyranny of the wicked; for by such their winding, turning, over-reaching Interrogatories, the simple plain-hearted, and ignorant, bring unacquainted therewith, are unawares, enforced to some inconsiderate Answer, whereby such an one is made an Offender for a word, yea guilty of that whereof he is innocent, and so accordingly unjustly proceeded against: whereas Religion, Reason, yea Nature it self doth abhor, that a man should betray, spoyl or destroy himself either of life, limbe, or liberty; for it is a principle in Nature, implanted by the finger of God, for every living moving thing defend and preserve it self from all things hurtfull, destructive, or obnoxious thereto; and this we see by daily experience is [Editor: illegible word] bruit beasts of the field; and shall then be worse then beasts? Oh ineffable, unreasonable, and inhumane! It is against flesh and blood, it is against the kind, yea against the Law of God, for a man to destroy himself; one that so doth, is guilty of no lesse then murder; and if so, then what are those, which force him to it?

Moreover, the very Law of the Land, (which of it self is a Law of Mercy, and respect in those things) bindeth no man to betray himself, for it saith, *Nemo tenetur prodere seipsum*; no man is bound to betray himself. I by the witness of honest and lawfull men of *his equals*

(not of infamous persons) he be found guilty, then the sentence and censure of the Law must passe upon him according to his guilt, otherwise he in the *eye of the Law* is free, and at liberty: And therefore this present Parliament hath abolished the Star-Chamber, and High-Commission Courts.

[24]

And for these considerations I would not subject my self to those exploded, abolished, illegall, High-Commission, Interrogatory practises, refusing to answer unto any Interrogatories whatsoever, whether with me or against me, putting my self upon the legall course of the Law, not because I could not have clear'd mine innocence before them, but because I would not let go my own right and property in the equity of the Law, or be an evill president or pattern unto others, whereby they might again be entangled with this old, barbarous, illegall, Episcopall bondage by my example; rather subjecting my self to imprisonment, or to what else may unjustly be inflicted upon me or mine for my so doing, then to save my self, and my own in particular, and betray my Countrey, and Countreys in generall.

And for this I must be thrown and lie in the most contemptuous Goal of Newgate, to the undoing of my self, my wife, and children, *untill the pleasure of these Lords* (not the equity of the Law) *be further signified*: And thus to *their pleasures*, not to the mercy and benefit of the Law, the *Free Commoners of England* must be made subject: So that who can judge otherwise, but that their Laws, lives, liberties and estates are hereby made a prey to their *Arbitrary pleasures*? But I hope the House of Commons will no longer sit still, and behold their Lordships thus to devour up the Commoners of the Land one after an other, as if it were a far off thing, and did not so neerly concern both themselves and the whole Commons of England, who are present, and are bound to defend; for you see these Lords have got Liu: Coll: *John Lilburn*, Mr. *William Larnier*, and my self ([Editor: illegible word]) into their Jaws; and for ought I see, such is their greedinesse, that we are all likely to be swallowed down quick, except the House of Commons step in with a present delivery: but however their Lordships may pray that *Little Martin* come not into the number, for he'l serve their *Arbitrary pleasures*, their Prerogatives, and all such other their toyes and trinkets which are not for the weal of the people, little better then the Presbyters Tyth-cocks, milk pails, bowls and cream pots, &c. See *Mar. Eccho*, and *Arraignment of Persecution*

Thus (Sir) I have presumed upon your patience to empty my self of those present conceptions, which (though tedious) I suppose of your self will be taken in good part, and therefore I have the more emboldned my self to open my mind freely unto you, being strongly assured of your good construction. But lest through some [25] accidentall means these my papers should become publick, I would have the world know, that the premises, words or sentences therein contained, are not intended against any person, or persons, to wit, of Kings, Lords, or others therein mentioned, or for the Alteration of Government, by the fundamentall Laws of this Realm established, or for the depressing of any Magisteriall officers from their true Magisteriall Functions and Offices, as may unhappily by some evill minded men be concluded; but the whole matter both for word and circumstance of the premises aforesaid (to you directed) is simply and onely against illegality, injustice, oppression and tyranny over the free people of England, their rights, properties and freedoms; whether by Kings, Lords, or any other unjustly and illegally exercised upon them, and this and no other meaning, sense, or signification of the foresaid matter, words or sentences either in part, or in whole is intended or meant; and therefore in that sense onely, and no other whatsoever, I present them unto you, or to whomsoever they may come, to be accepted and construed: for indeed I do professe my self an absolute enemy to all injustice, tyranny and cruelty whatsoever, or in whomsoever, and no otherwise.

Thus, Sir, with the remembrance of my love, and kinde respects unto your wife and children, and to all other our Christian friends and brethren, I rest

From the most infamous
Goal of Newgate.

Mine own no longer, but yours, and my
Countreys, till death separate us.

August, 17. 1646.

R. Overton.

The Publishers to the Reader.

Courteous Reader, we have been demanded of many, whether or no this our worthy friend, be that reverend peece of sanctity, usually dignified or distinguished by the name of *Young Martin Mar-Priest*? Unto whom we have given the same answer, that was given by the parents of that blind man mentioned in the Gospel, when the Scribes and Pharisees asked them, by what means he received his sight? *He is old enough* (said they) *ask him, he will answer for himself*: But here's the mischief, that this our honoured friend, *will not answer to Interrogatories*, as we our selves have refused to do in this [26] matter, and so they not a whit the nearer to be resolved.

But howsoever, whether he be that young *Martin*, or some other bird of that feather or no, it is no disparagement to his worth; for although some neutrals (that are neither hot nor cold) are far readier with their railing words (then good deeds to any in distresse) to endeavour rather to blaze the infirmities, then expresse the vertues of all such as do surpass themselves in any publick good, yet both this our loving friend, and some other worthies, chiefly those in bonds, have not onely laboured more abundantly, but stood more constantly then thousands of such self-lovers and temporizers; the one in truly informing the free Commons of England (both by word and writing) of their just freedoms as well spirituall as temporall; and the other so valiantly opposing all sorts of Arbitrary usurpers whosoever, whether Kings, Lords, Commons, or Clergie, without respect of persons, and that in defence of those freedoms, not onely in the behalf of themselves and posterities, but likewise of all the Commons of England in generall, whether friends or enemies.

In which doing & opposing, if this rare man, or such as he be either neglected or traduced, by those of whom they ought to be maintained, encouraged and advanced, chiefly now in their suffering condition, for the just common cause, as thus standing in the gap for them and all the free Commoners of England (even as well their mortall enemies as dearest friends) whereof too many are not indued with such fidelity, magnanimity nor ingenuity, if they were or had been so tried and winnowed as these, will it not be very just with God, that he permit such ingrate, double minded, time-serving, and self-seeking men to be intangled again with the yoke both of spirituall and temporall bondage, wherewith both God and man have made them free, that will not so much as speak a good word, far lesse do a good deed, to those that stand thus fast for them, who have not spirit nor courage to stand for themselves; and that now after the loosing of so many thousands of lives, and multitudes of estates, both in defence and recovery of these our just freedoms? Yea, and this persecuted means of unlicenced Printing hath done more good to the people, then all the bloodie wars, the one tending to rid us quite of all slavery; but the other onely to rid us of one, and involve us into another. Farewell.

FINIS

RICHARD OVERTON, *AN ARROW AGAINST ALL TYRANTS AND TYRANY* (12 OCTOBER, 1646) ↵

AN
A R R O W
AGAINST ALL TYRANTS
And Tyrany, shot from the Prison of New-gate
into the Prerogative Bowels of the Arbitrary House
of Lords. and all other Usurpers and Tyrants
Whatever.

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

By *RICHARD OVERTON*

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

IMPRIMATÜR
Relat Justitia.

Printed at the backside of the Cyclopiam Mountains, by *Martin Clow* Clergy, Printer to the reverend Assembly of Divines, and are to be sold at the signe of the Subjects Liberty, right opposite to persecuting Court. 1646.

[Created: 7 Feb. 2022]
[Updated: 26 July, 2024]

Title ID: T.78 [1646.10.12] Richard Overton, *An Arrow against all Tyrants and Tyranny* (12 October 1646).

Estimated Date of Publication: 12 October, 1646.

Thomason Tracts Catalog Information: TT1, p. 469, E. 356/14.

Full Title

Richard Overton, AN ARROW AGAINST ALL TYRANTS And Tyranny, shot from the Prison of New-gate into the Prerogative Bowels of the Arbitrary House of Lords and all other Usurpers and Tyrants Whatsoever. Wherein the originall rise, extent, and end of Magisteriall power, the naturall and Nationall rights, freedomes and properties of Mankind are discovered, and undeniably maintained; the late oppressions and incroachments of the Lords over the Commons legally (by the fundamentall Lawes and Statutes of this Realme, as also by a memorable Extract out of the Records of the Tower of London) condemned; The late Presbyterian Ordinance (invented and contrived by the Diviners, and by the motion of Mr. Bacon and Mr. Taet read in the House of Commons) examined, refuted, and exploded, as most inhumaine, tyranicall and Barbarous.

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The pamphlet contains the following parts:

- An Arrow against all Tyrants and Tyranny
 - To the high and mighty states, the knights, citizens and burgesses in parliament assembled (England's legal sovereign power). The humble appeal and supplication of Richard Overton
 - Postscript
-

AN ARROVV AGAINST ALL TYRANTS

*And Tyrany, shot from the prison of New-gate
into the Prerogative bowels of the Arbitrary
House of Lords, and all other Usurpers and Tyrants
whatsoever.*

Sir,

TO every Individuall in nature, is given an individuall property by nature, not to be invaded or usurped by any: for every one as he is himselfe, so he hath a selfe propriety, else could he not be himselfe, and on this no second may presume to deprive any of, without manifest violation and affront to the very principles of nature, and of the Rules of equity and justice between man and man; mine and thine cannot be, except this be: No man hath power over my rights and liberties, and I over no mans; I may be but an Individuall, enjoy *my selfe* and my selfe propriety, and may write my selfe no more then my selfe, or presume any further; if I doe, I am an encroacher & an invader upon an other mans Right, to which I have no *Right*. For by naturall birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into this world, every one with a naturall, innate freedome and propriety (as it were writ in the table of every mans heart, never to be obliterated) even so are we to live, every one equally and alike to enjoy his Birth-right and priviledge; even all whereof God by nature hath made him free.

And this by nature every one desires aimes at, and requires, for no man naturally would be befooled of his liberty by his neighbours craft, or inslaved by his neighbours might, for it is natures instinct to preserve it selfe, from all things hurtfull and obnoxious, and this in [4] nature is granted of all to be most reasonable, equall and just; not to be rooted out of the kind, even of equall duration with the creature: And from this fountain or root, all just humain powers take their original; not immediatly from God (as Kings usually plead their prerogative) but mediatly by the hand of nature, as from the represented to the representors; for originally; God hath implanted them in the creature, and from the creature those powers immediatly proceed; and no further: and no more may be communicated then stands for the better being, weale, or safety thereof: and this is mans prerogative and no further, so much and no more may be given or received thereof: even so much as is conducent to a better being, more safety and freedome, and no more; he that gives more, sins against his owne flesh; and he that takes more, is a Theife and Robber to his kind: Every man by nature being a King, Priest and Prophet in his owne naturall circuite and compasse, whereof no second may partake, but by deputation, commission, and free consent from him, whose naturall right and freedome it is.

And thus Sir, and no otherwise are you instated into your sovereign capacity, for the free people of this Nation, for their better being, discipline, government, propriety and safety, have each of them communicated so much unto you (their *Chosen Ones*) of their naturall rights and powers, that you might thereby become their absolute Commissioners, and lawfull Deputies, but no more; and that by contraction of those their severall Individuall Communications confer'd upon, and united in you, you alone might become their own naturall proper, sovereign power, therewith singly and only impowred for their severall weales, safeties and freedomes, and no otherwise: for as by nature, no man may abuse, beat, torment, or afflict himselfe, so by nature, no man may give that power to an other, seeing he may not doe it himselfe, for no more can be communicated from the generall then is included in the particulars, whereof the generall is compounded.

So that such so deputed, are to the *Generall* no otherwise, then as a Schoole-master to a particular, to this or that mans familie, for as such an ones Mastership, ordering and regulating power, is but by deputation, and that *ad bene placitum*, and may be removed at the parents or Head masters pleasure, upon neglect or abuse thereof, and be confer'd upon another (no parents ever giving such an absolute unlimited [5] power to such over their children, as to doe to them as they list, and not to be retracted, controuled, or restrained in their exorbitances) Even so and no otherwise is it, with you our Deputies in respect of the Generall, it is in vaine for you to thinke you have power over us, to save us or destroy us at your pleasure, to doe with us as you list, be it for our weale, or be it for our wo, and not to be enjoyed in mercy to the one, or questioned in justice for the other, for the edge of your own arguments against the King in this kind, may be turned upon your selves, for if for the safety of the people, he might in equity be opposed by you in his tyranies oppressions & cruelties, even so may you by the same rule of right reason, be opposed by the people in generall, in the like cases of distruction and ruine by you upon them, for the safety of the people is the Sovereigne Law, to which all must become subject, and for the which all powers humane are ordained by them, for tyranny, oppression and cruelty whatsoever, and in whomsoever, is in it selfe unnaturall, illegall, yea absolutly anti magisteriall, for it is even destructive to all humane civill society, and therefore resistable.

Now Sir the Commons of this Nation, having impowred their Body Representative, wherof you are one, with their own absolute Sovereignty, thereby Authoritively and legally to remove from amongst them all oppressions and tyranies, oppressors and tyrants, how great soever in name, place or dignity, and to protect, safegard, and defend them from all such unnaturall monsters, vipers and pests, bred of corruption or which are intrusted amongst them & as much as in them lies, to prevent all such for the future. And to that end, you have been assisted with our lives and fortunes, most liberally and freely, with most victorious and happy successe, whereby your Armes are strengthened with our might, that now you may make us all happy within the confines of this Nation, if you please; and therefore Sir, in reason, equity and justice, we deserve no lesse at your hands, and (Sir) let it not seem strange unto you, that we are thus bold with you for our own.

For by nature we are the sons of *Adam*, and from him have legitimatly derived a naturall propriety, right and freedome, which only we require, and how in equity you can deny us, we cannot see; It is but the just rights and prerogative of mankind (whereunto the people of England, are heires apparent as well as other Nations) which we [6] desire: and sure you will not deny it us, that we may be men, and live like men; if you doe it will be as little safe for your selves and posterity, as for us and our posterity, for Sir, look what bondage, thraldome, or tyranny soever you settle upon us, you certainly, or your posterity will tast of the dregs: if by your present policy and (abused) might, you chance toward it from your selves in particular, yet your posterity doe what you can, will be liable to the hazard thereof.

And therefore Sir, we desire you help for your own sakes, as well as for our selves, chiefly for the removall of two most insufferable evils, daylie encroaching and encreasing upon us, portending and threatning inevitable destruction, and confusion of your selves, of us, and of all our posterities, namely, *the encroachments and usurpations of the House of LORDS, over the Commons liberties, and freedoms, together with the barbarous, inhumaine, blood-thirsty desires and endeavours of the Presbyterian Clergy.*

For the first, namely, *the exorbitances of the LORDS*, they are to such an hight aspired that contrary to all presidents the free Comoners of *England* are imprisoned, fined & condemned by them (*their incomputent illegall, unequall, improper judges*) against the expresse letter of *Magna char.* chap. 29. (so often urged and used) that no free man of *England shall be passed upon, tryed, or condemned, but by the lawfull judgement of his equals, or by the Law of the Land,* wth as saith Sir *Edw. Cooke* in his exposition of *Mag.*

chap. 28. last li. is *Per pares*, by his peeres, that is, by his equals. And page 46. branch 1. 2. 5. in these words;

1. *That no man be taken or imprisoned, but per legem terræ, that is, by the common Law, Statute Law or custome of England: For these words, per legem terræ being towards the end of this chapter, doe referre to all the pretended matters in this chapter, and this hath the first place, because the liberty of a mans person is more precious to him then all the rest that follow, and therefore it is great reason, that he should by law be relieved therein, if he be wronged, as hereafter shall be shewed.*

2. *No man shall be disseised, that is, put out of seison, or dispossessed of his free-hold, that is, lands or livelyhood, or if his liberties or free customes, that is, of such franchises and freedoms, and free customes, as belong to him by his free birthright; unlesse it be by the lawfull judgement, that is verdict of his equals (that is of men of his own condition) or by the Law of the Land (that is to speak it once for all) by the due course and processes of Law.*

3. *No man shall be in any sorts destroyed (destruere, 1. quod prius [7] structum & sactum suit; ponitus evertere & dimere) unlesse it be by the verdict of his equals, or according to the Law of the land.*

And chapter 29. of *Magna Charta*, it is said *secundum legem & consuetudinem Anglia*, after the Law and custome of *England, non Regis Anglia*, not of the King of *England*, lest it might be thought to bind the King only, *nec populi Anglia*, nor of the People of *England*, but that the Law might tend to all, it is said, *per legem terræ*, by the Law of the Land. *Magna chapta, 29.*

Against this ancient and fundamentall Law, and in the very face thereof (saith Sir *Edward Cooke*) he found an Act of the Parliament made in the 11. of *Hen.* the 7. chap. 3. that as well justices of Peace without any finding or presentment by the verdict of 12. men, upon the bare information for the King before them, should have full power and authority, by their discretions to hear and determine all offences and contempts committed or done by any person or persons against the forme, ordinance, and effect of any Statute made and not repealed: by colour of which Act, shaking this fundamentall Law, (it is not credible) saith he what horrible oppressions and exactions (to the undoing of infinite numbers of people) were committed by Sir *Richard Empson* Knight, and *Edmund Dudley*, being Justices of the Peace through *England*, and upon this unjust and injurious act, (as commonly in the like cases it falleth out) a new Office was erected, and they made masters of the Kings Forfitures.

But at the Parliament holden in the 1. of *Hen.* 8. chap. 6. this Act of *Hen.* 7. is receited, made void and Repealed, and the reason thereof is yeilded, for that by force of the said Act, it was manifestly known that many sinister, crafty, and forged informations had been pursued against divers of the Kings Subjects, to their great damage and unspeakable vexation: (a thing most frequent and usuall at this day and in these times) the ill successe whereof, together with the most fearfull end of these great Oppressors should deterre others from committing the like, and should admonish Parliaments in the future, that in stead of this ordinary and precious tryall *Per legem Terræ* they bring not in an absolute and parciall tryall by discretion, *Cooke 2. institute folio. 51.*

And to this and the Judgement upon *Symon de Bereford*, a Commoner, in the 4. yeare of *Edw.* 3. is an excellent precedent for these times (as is to be seen upon record in the *Tower*, in the second Roll of [8] Parliament held the same yeare of the said King, and delivered into the *Chancery* by *Henry de Edenston* Clerk of the Parliament) for that the said *Simon de Bereford* having counselled, aided and assisted *Roger de Mortimer* to the murther of the Father of the said King; the King commanded the Earles and Barons in the said Parliament Assembled, to give right and lawfull judgement unto the said *Symon de Bereford*; But the Earles, Barons

and Peers came before the Lord the King in the same Parliament, and said with one voice; that the aforesaid *Simon*, was not their Peer or equall, wherefore, they were not bound to judge him as a Peer of the Land: Yet notwithstanding all this, the Earles, Barons and Peers (being over swaid by the King) did award and adjudge (as judges of Parliament, by the assent of the King in the said Parliament) that the said *Simon* as a traitor & enemy of the Realm, should be hanged & drawn, and execution accordingly was done: But as by the said *Roll* appeareth, it was by full Parliament condemned and adjudged as illegall, and as a precedent not to be drawn into example; the words of the said *Roll* are these, viz.

And it is assented and agreed by our Lord the King, and all the Grandees in full Parliament, that albeit the said Peers as judges in full Parliament took upon them in presence of our Lord the King, to make and give the said Judgement by the assent of the King, upon some of them that were not their Peers, (to wit Commoners) & by reason of the murther of the Leige Lord, and destruction of him, which was so neer of the blood royall and the Kings Father, that therefore the said Peers which now are, or the Peers which shall be for the time to come, be not bound or charged to give judgement upon others then upon their Peers, nor shall doe it; but of that for ever be discharged, and acquit, and that the aforesaid Judgement now given be not drawn into example or consequent for the time to come, by which the said Peers may be charged hereafter to Judge others then their Peers, being against the Law of the Land, if any such case happen, which God defend.

Agreeth with the Record.

William Collet.

But notwithstanding all this, our Lords in Parliament take upon them as Judges in Parliament to passe judgement and sentence (even of themselves) upon the Commoners which are not their Peeres, and [9] that to fining, imprisonment, &c. And this doth not only content them, but they even send forth their armed men, and beset, invade, assault their houses and persons in a warlike manner, and take what plunder they please, before so much as any of their pretended, illegall warrants be shewed, as was lately upon the eleventh of August 1646. perpetrated against mee and mine, which was more then the King himselfe by his legall Prerogative ever could doe, for neither by verball commands or commissions under the Great Seale of *England*, he could ever give any lawfull authority to any Generall, Captaine, or person whatsoever without legall triall and conviction, forcibly to assault, rob, spoile or imprison any of the free Commoners of *England*: and in case any free Commoner by such his illegall Commissions, Orders or warrants before they be lawfully convicted, should be assaulted, spoiled, plundered, imprisoned, &c. in such cases his agents and ministers ought to be proceeded against, resisted, apprehended, indicted and condemned (notwithstanding such commissions) as Trespassers, Theeves, Burglarers, Felons, Murderers both by Statute and common Law, as is enacted and resolvd by *Magna Charta*, cap. 29. 15. *Eliz.* 3. stat. 1. cap. 1, 2, 3, 42. *Eliz.* 5. cap. 13. 28. *Eliz.* 1. Artic. sup. chartas, cap. 2. 4. *Eliz.* 3. cap. 4. 5. *Eliz.* 3. cap. 2. 24. *Eliz.* 3. cap. 1. 2. *Rich.* 2. cap. 7. 5. *Rich.* 2. cap. 5. 1. *Hen.* 5. cap. 6. 11. *Hen.* 2. cap. 1. 106. 24. *Hen.* 8. cap. 5. 21. *Jacob.* cap. 3.

And if the King himselfe have not this Arbitrary power, much lesse may his Peeres or Companions, the Lords over the free Commons of *England*. And therefore notwithstanding such illegall censures and warrants either of King or of Lords (no legall conviction being made) the persons invaded and assaulted by such open force of Armes may lawfully arme themselves, fortifie their Houses (which are their Castles in the judgement of the Law) against them, yea, disarme, beat, wound, repress and kill them in their just necessary defence of their own persons, houses, goods wives and families, and not be guilty of the least offence, as is expresly resolved by the Statute of 21. *Edw. de male factoribus in partibus*, by 24. *Hen.* 8. cap. 5. 12. *Hen.* 6. 16. 14. *Hen.* 6. 24. 35. *Hen.* 6. 12. *E.* 4. 6.

And therefore (Sir) as even by nature and by the Law of the Land I was bound, I denied subjection to these Lords and their arbitrary creatures; thus by open force invading and assaulting my house person, &c. no legall conviction preceding, or warrant then shewen; but [10] and if they had brought and shewen a thousand such warrants, they had all been illegall antimagisteriall & void in this case, for they have no legal power in that kind, no more then the King, but such their actions are utterly condemned, and expresly forbidden by the Law: Why therefore should you of the Representative Body sit still, and suffer these Lords thus to devour both us and our Lawes?

Be awakned, arise and consider their oppressions and encroachments, and stop their Lord-ships in their ambitious carere, for they do not cease only here, but they soar higher & higher, & now they are become arrogators to themselves, of the natural Sovereignty the Represented have conveyed and issued to their proper Representors, even challenge to themselves the tittle of the *Supreamest Court of Judecature in the Land*, as was claimed by the Lord *Hounsden*, when I was before them, which you may see more at large in a printed letter published under my name, intituled, *A Defiance &c.* which challenge of his (I think I may be bold to assert) was a most illegall, Anti-parliamentary, audacious presumption, and might better be pleaded and challenged by the King singly, then by all those Lords in a distinction from the Commons: but it is more then may be granted to the King himselfe, for the Parliament & whole Kingdom whom it represents is truly and properly the highest Supream power of all others, yea above the King himselfe:

And therefore much more above the Lords, for they can question, Cancell, disanull and utterly revoake the Kings own Royall Charters, Writs, Commissions, Pattents, &c. Though ratified with the Great Seale, even against his personal wil, as is evident by their late abrogation of sundry, Patents, Cōmissions, writs, Charters, Lone, Shipmony &c. yea the body Representative have power to enlarge or retract the very prerogative of the King, as the Statute *de prærog. Reg.* and the Parliament Roll of 1. *Hen.* 4. num. 18, doth evidence, and therefore their power is larger and higher then the Kings, and if above the Kings, much more above the Lords, who are subordinate to the King, and if the Kings Writs, Charters &c. which intrench upon the weale of the People, may be abrogated, nul'd and made voide by the Parliament, the Representateve body of the Land, and his very prerogatives bounded, restrained & limited by them, much more may the Orders, Warrants, Commitments &c. of the Lords, with their usurped prerogatives over the commons and People of *England* be [11] restrained, nul'd and made void by them, and therefore these Lord must needs be inferiour to them.

Further the Legislative power is not in the King himselfe, but only in the Kingdome and body Representative, who hath power to make or to abrogate Lawes, Statutes &c. even without the Kings consent, for by law he hath not a negative voyce either in making or reversing, but by his own Coronation Oath, he is sworne, *to grant fulfill and defend all rightfull Lawes, which the COMMONS of the Realme shall chuse, and to strengthen and maintain them after his power*; by w^{ch} clause of the oath, is evident, that the Cōmons not the King or Lords) have power to chuse what Lawes themselves shall judge meetest, and thereto of necessity the King must assent, and this is evident by most of our former Kings and Parliaments, and especially by the Raignes *Edw.* 1. 2. 3. 4. *Rich* 2 *Hen.* 4. 5. & 6. So that it cannot be denied, but that the King is subordinate and inferiour to the whole Kingdome and body Representative: Therefore if the King, much more must the Lords vaile their Bonets to the Commons and may not be esteemed the upper House, *or Supream Court of Judicature of the Land.*

So that seeing the Sovereigne power is not originally in the King, or personally terminated in him, then the King at most can be but chief Officer, or supream executioner of the Lawes, under whom all other legall executioners, their severall executions, functions and

offices are subordinate; for indeed the Representatives (in whom that power is inherent, and from whence it takes its originall) can only make conveyance thereof to their Representors, vicegerents or Deputies, and cannot possibly further extend it, for so they should go beyond themselves, w^{ch} is impossible, for *ultra posse non est esse*, there is no being beyond the power of being: That which goes beyond the substance and shaddow of a thing, cannot possibly be the thing it selfe, either substantially or v^{rtually}, for that which is beyond the Representors, is not representative, and so not the Kingdomes or peoples, either so much as in shaddow or substance,

Therefore the Sovereigne power (extending no further then from the Represented to the Representors) all this kind of Soveraynity challenged by any (whither of King Lords or others) is usurpation, illegitimate and illegall, and none of the Kingdomes or Peoples, neither are the People thereto obliged: Thus (Sir) seing the Sovereigne [12] or legislative power is only from the Represented, to the Representors and cannot possibly legally further extend: the power of the King cannot be *Legislative*, but only *executive*, and he can communicate no more then he hath himselfe; and the Sovereigne power not being inherent in him, it cannot be conveyed by, or derived from him to any, for could he, he would have carried it away with him, when he left the Parliament: So that his *meere prerogative creatures*, cannot have that which their *Lord and creator* never had, hath, or can have; namely, the *Legislative power*: For it is a standing rule in nature, *omne simile generat simile* every like begetteth its like; and indeed they are as like him, *as if they were spit out of his mouth*.

For their proper station will not content them, but they must make incursions & inroads upon the Peoples rights and freedoms, and extend their prerogative pattent beyond their Masters compass; Indeed all other Courts might as well challenge that prerogative of Soveraignity, yea better then this Court of Lords. But and if any Court or Courts in this Kingdome, should arrogate to themselves that dignity, to be the supreame Court of Judicatory of the Land, it would be judged no les then high Treason, to wit, for an inferiour subordinate power to advance and exalt it selfe above the power of the Parliament.

And (Sir) the oppressions, usurpations, and miseries, from this prerogative Head, are not the sole cause of our grievance and complaint, but in especiall, the most unnaturall, tyranicall, blood-thirsty desires and continuall endeavours of the Clergy, against the contrary minded in matters of conscience, w^{ch} have been so vailed, guilded and covered over, with such various, faire and specious pretences, that by the common discernings, such wolfeish, canniball, inhumaine intents against their neighbours, kindred, friends and countrymen, as is now clearely discovered, was little suspected (and lesse deserved) at their hands; but now I suppose they will scarce hereafter be so hard of believe, for now in plain termes, and with open face the Clergy here discover themselves in their kind, and shew plainly that inwardly they are no other but *ravening wolves*, even *as roaring Lyons wanting their pray, going up and down, seeking whom they may devour*.

For (Sir) it seems these cruell minded men to their brethren, have by the powerfull agitation of M. *Taet* and M. *Bacon*, two members of the House, procured a most *Romish inquisition Ordinance*, to obtain an [13] admission into the House, there to be twice read, and to be referred to a Committee, which is of such a nature, if it should be but confirmed, enacted, and established, as would draw all the innocent blood of the Saints, from righteous *Abel*, unto this present upon this Nation, and fill the land with more Martyrdomes, tyranies, cruelties and oppressions, then ever was in the bloody dayes of Queen *Mary*, yea or ever before, or since: For I may boldly say that the people of this Nation never heard of such a diabollicall, murthuring, devouring Ordinance, Order, Edict or Law in their Land as is that;

So that it may be truly said unto England, *we to the inhabitants thereof, for the Divell is come down unto you, (in the shape of the letter B.) having great wrath, because he knoweth he hath but a short time, for never before was the like hear'd of in England;* the cruel villanous, barbarous Martyrdomes, murders and butcherys of Gods People, under the papall and Episcopall Clergy, were not perpetated or acted by any Law, so divelish, cruell and inhumain as this, therefore what may the free People of *England* expect at the hands of their Presbyterian Clergy, who thus discover themselves more firme and cruell then their fellowes? Nothing but hanging, burning, branding, imprisoning, &c. is like to be the reward of the most faithfull friends to the Kingdome and Parliament, if the Clergy may be the disposers, notwithstanding their constant magnanimity, fidelity and good service both in the field and at home, for them and the State:

But sure this Ordinance was never intended to pay the Souldiers; their arears if it be, the independents are like to have the best share, let them take that for their comfort: but I believe there was more *Tyth providence*, then *State thrift* in the matter, for if the Independents, Anabaptists, and Brownists, were but sincerely addicted to the *DVE PAYMENT of TYTHES*, it would be better to them in this case then, *two-subsidy men*, to acquit them of *Fellony*.

For were it not for the losse of their *Trade*, and spoyling their *custome*, an Anabaptist, Brownist, Independent and Presbyter were all one to them, then might they without doubt have the *Mercy of the Clergy*, then would they not have been entered into their *Spanish Inquisition Calender for absolute Fellons* or need they have feared the popish soule murthering Antichristian *Oath of Abjuration* or *branding in the left cheeke with the letter B.* the new Presbyterian *Mark of the [14] Beast* for you see the *Devill* is now againe entered amongst us in a new shape, not like an Angell of light, (as both he and his servants can transforme themselves when they please) but even in the shape of the letter B; from the power of which Presbyterian *Belzebub* good Lord deliver us all and let al the People say Amen; Then needed they not to have feared their Prisons, their fire and faggot, their gallows and halters, &c. The strongest *Texts* in all the Presbyterian *new moddle of Clergy divinity*, for the maintenance & reverence of their cloth, and confutation of errours; for he that doth but so much as question that priest fatning-Ordinance for Tythes, Oblations, Obventions, &c. doth flatly deny the *fundamentals of Presbytrie*, for it was the first stone they laid in their building, and the second stone, the prohibition of all to teach Gods word but themselves, and so are *ipso facto* all *Fellons*. &c.

By this (Sir) you may see what bloody minded men those of the black Presbytrie be, what little love, patience, meeknes, long suffering and forbearance they have to their Brethren; neither doe they as they would be done to; or doe to others as is done to them; for they would not be so served themselves, of the Independents, neither have the Independents ever sought or desired any such thing upon them, but would beare with them in all brotherly love; if they would be but contented to live peaceably and neighbourly by them, and not thus to brand, hang, judge and condemne all for *Fellons*, that are not like themselves. Sure (Sir) you cannot take this murthering, bloody disposition of theirs for the Spirit of Christianity, for Christian *chairety suffers long, is kind, envieth not, exalteth not it selfe, seeketh not its own is not easily provoked, thinketh no evill, beareth all things, beleeveth all things, hopeth all things, endureth all things;* but these their desires and endeavours are directly contrary.

Therefore (Sir) if you should suffer this bloody inroad of Martyrdome, cruelties and tyrannies, upon the free Commoners of *England*, with whose weale you are betruusted, if you should be so inhumaine, undutifull, yea and unnaturall unto us, our innocent blood will be upon you, and all the blood of the righteous that shall be shed by this Ordinance, and you will be branded to future generations, for Englands *bloody Parliament*.

If you will not think upon us, think upon your posterities, for I cannot suppose that any one of you would have your children hang'd [15] in case they should prove Independents, Anabaptists, Brownists; I cannot judge you so unnaturall and inhumain to your own children, therefore (Sir) if for our own sakes we shall not be protected, save us for your children sakes, (though you think your selves secure.) for ye may be assured their and our interest is interwowne in one, if wee perish, they must not think to scape. And (Sir) consider, that the cruelties, tyranics and Martyrdomes of the papall and episcopall Clergy, was one of the greatest instigations to this most unnaturall warre; and think you, if you settle a worse foundation of cruelty, that future generations will not tast of the dreags of that bitter cup?

Therefore now step in or never, and discharge your duties to God and to us, and tell us no longer, that such motions are not yet *seasonable*, and *wee must still waite*; for have we not waited on your *pleasures, many faire seasons and precious occasions and opportunities these six yeares. even till the Halters are ready to be tyed to the Gallowes*, and now must wee hold our peace, and waite till wee be all imprisoned, hang'd, burnt and confounded? Blame us not (Sir) if we complain against you, speak, write and plead thus with might and maine, for our lives, lawes and liberties, for they are our earthly *summum bonum* wherewith you are chiefly betruisted; & whereof we desire a faithful discharge at your hands in especiall, therefore be not you the men that shall betray the blood of us and our posterities, into the hands of those bloody black executioners: for God is just, and wil avenge our blood at your hands; and let Heaven and earth bear witness against you, that for this end, that we might be preserved and restored, wee have discharged our duties to you, both of love, fidelity and assistance, and in what else yee could demand or devise in all your severall needs, necessities and extremities, not thinking our lives, estates, nor any thing too precious to sacrifice for you and the Kingdomes safety, and shall wee now be thus unfaithfully, undutifully and ungratfully rewarded? For shame, let never such things be spoken far lesse recorded to future generations.

Thus Sir, I have so farre emboldened my selfe with you (hoping you will let greivances be uttered, that if God see it good they may be redressed, and give losers leave to speake without offence) as I am forced to at this time, not only in the discharge of my duty to my selfe in particular, but to your selves and to our whole Country in generall for the present, and for our severall posterities for the future, and the [16] Lord give you grace to take this timely advice, from so meane and unworthy an instrument.

One thing more (Sir) I shall be bold to crave at your hands, that you would be pleased to present my Appeale here inclosed, to your Honourable House; perchance the manner of it may beget a disaffection in you, or at least a suspition, of disfavour from the House: but howsoever, I beseech you, that you would make presentation thereof, and if any hazard and danger ensue, let it fall upon mee, for I have cast up mine accounts, I know the most that it can cost me, is but the dissolution of this fading mortality, which once must be dissolved; but after (blessed be God) commeth righteous judgement.

Thus (Sir) hoping my earnest and fervent desires after the universall freedoms and properties of this Nation in generall, and especially of the most godly and faithfull, in their consciences, persons and estates, will be a sufficient excuse with you, for this my tedious presumption upon your patience: I shal commit the premisses to your deliberate thoughts, and the issue thereof unto God; expecting and praying for his blessing upon all your faithfull and honest endeavours in the prosecution thereof. And rest;

From the most contemptuous Gaole of New-gate
(*the Lords benediction*) Septem. 25.
1646.

In Bonds for the just rights and freedoms of
the Commons of *England*, theirs and your
faithfull friend and servant,

**To the high and mighty States, the Knights Citizens and Burgesses in
Parliament Assembled;**

*(Englands legall Sovereigne power) The humble Appeale and supplication of RICHARD
OVERTON, Prisoner in the most contemptible Goale of New gate.*

Humbly sheweth;

THAT whereas your Petitioner under the pretence of a Criminall fact, being in a warlike manner brought before the House of Lords to be tried, and by them put to answer to Interogatories concerning himselfe, both which your Petitioner humbly conceiveth to be illegall, and contrary to the naturall rights, freedome and properties of the free Commoners of England (confirmed to thereby Magna Charta, the Petition of Right, and the Act for the abolishment of the Star-chamber) he therefore was emboldened to refuse subjection to the said House, both in the one and the other; expressing his resolution before them, that he would not infringe the private Rights and properties of himselfe, or of any one Commoner in particular, or the common Rights and properties of this Nation in generall: For which your Petitioner was by them adjudged contemptuous, & by an Order from the said House was therefore committed to the Goale of New-gate, where, from the 11. of August 1646, to this present he hath lyen, and there commanded to be kept till their Pleasures shall be further signified (as a copy of the said Order hereunto annexed doth declare) which may be perpetuall if they please, and may have their wils; for your Petitioner humbly conceiveth that thereby he is made a Prisoner to their Wils, not to the Law, except their Wils may be a Law.

Wherefore, your leige Petitioner doth make his humble appeale unto this most Sovereigne House (as to the highest Court of Judicatory in the Land, wherein all the appeales thereof are to censure, & beyond which none can legally be made) humbly craving (both in testimony of his acknowledgment of its legall regality, & of his due submission thereunto) that your Honours therein assembled, would take his cause (and in his, the cause of all the free Commoners of England, whom you represent, & for whom you sit) into your serious consideration and legall determination, that he may either by the mercy of the Law [18] be repossessed of his just liberty and freedome, and thereby the whole Commons of England of theirs, their unjustly (as he humbly conceiveth) usurped & invaded by the House of LORDS, with due reparations of all such damages so sustained, or else that he may undergoe what penalty shall in equity by the impartiall severity of the Law be adjudged against him by this Honourable House, in case by them he shall be legally found a transgressour herein.

*And Your Petitioner (as in duty bound)
shall ever pray, &c.*

Die Martis 11. Augusti. 1646.

It is this day Ordered by the Lords in Parliament assembled, that [] *Overton* brought before a Committee of this House, for printing scandalous things against this House, is hereby committed to the Prison of New-gate, for his high contempt offered to this House, and to the said Committee by his contemptuous words and gesture, and refusing to answer unto the Speaker: And that the said *Overton* shall be kept in safe custody by the Keeper of New-gate or his deputy, *untill the Pleasure of the House be further signified.*

To the Gentleman Usher attending this
House, or his Deputy, to be delivered to the
Keeper of New-gate or his Deputy.

John Brown Cleric. Parl. Examinat. per Ra.
Brisco Clericu de New-gate.

Postscript.

SIR,

YOur unseasonable absence from the House, chiefly while Mistres *Lilborns* Petition should have been read (you having a REPORT to make in her husbands behalfe, whereby the hearing thereof was defer'd and retarded) did possesse my mind with strong jealousies and feares of you, that you either preferred your own pleasure or private interest before the execution of justice and judgement, or else withdrew your selfe, on set purpose (through the strong instigation of the Lords) to evade the discharge of your trust to God and to your Country; but at your returne understanding, that you honestly & faithfully did redeem your absent time, I was dispossessed of those feares and jealousies: So that for my over-hasty censorious esteem of you, I humbly crave your excuse, hoping you will rather impute it to the fervency of my faithfull zeale to the common good, then to any malignant disposition or disaffection in me towards you: Yet (Sir) in this my suspition I was not single, for it was even become a generall surmise.

Wherefore (Sir) for the awarding your innocency for the future, from the tincture of such unjust and calumnious suspitions, be you diligent and faithfull, instant in season and out of season, omit no opportunity, (though with never so much hazard to your person, estate or family) to discharge the great trust (in you reposed with the rest of your fellow members) for the redemption of your *native Country* from the *Arbitrary Domination and usurpations, either of the House of LORDS, or any other.*

And since by the *divine providence of God*, it hath pleased that Honourable Assembly whereof you are a Member, to select and sever you out from amongst themselves, to be of *that Committee* which they have *Ordained to receive the Commoners complaints against the House of LORDS*, granted upon the foresaid most *honourable Petition*: Be you therefore impartiall, and just, active and resolute care neither for favours nor smiles, and be no respector of persons, let not the *greatest Peers* in the Land, be more respected with you, then somany *old Bellowes-menders, Broom men, Coblers, Tinkers or Chimney-sweepers*, [20] who are all equally *Free borne*; with the hudget men, and *loftiest Anachims* in the Land.

Doe nothing for favour of the one, or feare of the other; and have a care of the *temporary Sagacity* of the *new Sect of OPPORTUNITY POLITITIANS*, whereof we have got at least two or three too many; for delays & demurres of Justice are of more deceitfull & dangerous consequence, then the flat & open deniall of its execution, for the one keeps in suspence, makes negligent & remisse, the other provokes to speedy defence, makes active and resolute: Therefore be wise, quick, stout and impartiall: neither spare, favour, or connive at friend or foe, high or low, rich or poore, Lord or Commoner.

And let even the saying of the Lord, with which I will close this present discourse, close with your heart, and be with you to the death. *Leviticus*, 19. 15.

Yee shall doe no unrighteousnesse in judgement; thou shalt not respect the person of the poore, nor honour the person of the mighty, but in righteousness shalt thou judge thy neighbour.

October 12. 1646.

FINIS.

JOHN LILBURNE AND RICHARD OVERTON, AN *UNHAPPY GAME AT
SCOTCH AND ENGLISH* (30 NOVEMBER, 1646) ↩

AN³
UNHAPPY GAME
AT
SCOTCH AND ENGLISH.
OR A
Full Answer from England to the Pa-
pers of Scotland.

Wherein their Scotch Mistis and their Fogs; their sayings and gaine-sayings; their Juglings, their windings and turnings; hither and thither, backwards and forwards, and forwards & backwards again; Their breach of Covenant, Articles, & Treaty, their King-craft present design, against the two houses of Parliament, & People of England, their plots and intents for Usurpation and Government over us and our children detected, discovered, and presented to the view of the World, as a dreadfull Omen, All-arme, and Warning to the Kingdome of England.

Ier. 1. 4. And although they say, the Lord lieth, surely they swear falsely.

Hosa 10. 3. They have spoken words, swearing falsly in making a Covenant: thus judgement springeth up as Hemlocke in the fiercenes of the field.

Nov: 30th EDINBURGH,

Printed (as truly, as the Scotch papers were at London) by *Evan Tyler*, Printer to the Kings most Excellent Majesty, and are to be sold at the most Soleann Signe of the *Blow-Bonnet*, right opposite to the two Houses of Parliament. 1646.

[Created: 19 Oct. 2020]

[Updated: 26 July, 2024]

Title ID: T.083 [1646.11.30] John Lilburne and Richard Overton, *An Unhappy Game at Scotch and English* (30 November, 1646).

Estimated Date of Publication: 30 November, 1646.

Thomason Tracts Catalog Information: TT1, p. 477, E. 364/3.

Full Title

John Lilburne and Richard Overton], *An Unhappy Game at Scotch and English. Or A Full Answer from England to the Papers of Scotland. Wherein their Scotch Mists and their Fogs; their sayings and gaine-sayings; their Juglings, their windings and turnings; hither and thither, backwards and forwards, and forwards & backwards again; Their breach of Covenant, Articles, & Treaty, their King-craft present design, against the two houses of Parliament, & people of England, their plots and intents for Usurpation and Government over us and our children detected, discovered, and presented to the view of the World, as a dreadfull Omen, All-arme, and Warning to the Kingdome of England.*

Ier. 5.4. And although they say, the Lord liveth, surely they sweare falsly.

Hosea 10.3. They have spoken Words, swearing falsely in making a Covenant: thus judgement springeth up as Hemlocke in the furrowes of the field.

Edinburgh, Printed (as truly, as the Scotch papers were at London) by Evan Tyler, Printer to the Kings most Excellent Majestie, and are to be sold at the most Solemn Signe of the Blew-Bonnet, right opposite to the two Houses of Parliament. 1646.

[1]

An VNHAPPIE GAME AT SCOTCH AND ENGLISH.

Scotch Papers. Pag. 2.

The Parliament of *England*, hath no more power to dispose of the *Scotland*. person of the King of *Scotland*, being in *England*, then the Parliament of *Scotland* hath to dispose of the person of the King of *England*, if he were in *Scotland*.

Ans. Brethren, you say very well: But the question is, whether such a *England*. disposing may be either by the one or by the other? Whether the Armies of *Scotland* being in *England*, may dispose of the King of *England* being in *England* or no, And so on the contrary? But indeed it needs not much to be disputed, for in words you deny your selves of that power, when you tell us, (*pag. ibid.*) that the Armies of *Scotland* have nothing to doe in the dispose of the King of *England*, yet for all this, indeeds you do assume as much as that comes to, to your selves; for though you plead your Scottish interest in the King of *Sotland* to countenance the fact, yet behind the shadow of that Curtaine (thus drawn before our eyes) you keep the King of *England* from *England*, & so consequently King it over *England* behind; which we are [2] confident would by your selves be condemned in us, in case you should be so dealt withall by the Armies of *England*, for we cannot judge that the Armies of *Scotland* would count in lawfull for the armies of *England*, if they were in *Scotland*, for their assistance, to deny them the delivery of the King of *Scotland*: Because being in *England* they refuse to deliver him to *England*, according to the votes and desires of the two Houses of *England*. Therefore we judge, that *Scotland* would much more claime that priviledge in him, being in *Scotland*; for if they will claime it out of their bounds where they have no right of authority, they will much more claime it within the bounds of their dominions, where their power is intire to themselves.

Therefore it is not well done of our deare brethren of *Scotland*, thus to cast a Scotch mist before the eyes of their Brethren of *England*: For though (as before) verbally they disclaime all power in their armies, for his disposall without the joynt consent of the two Kingdomes, yet (as deare Brethren) their armies have received, entertained and kept him even in his person, and that before the joynt consent of the two Kingdomes, and absolutely against the will and desires of ours. So that the King of *England*, and the King of *Scotland* is disposed of by the armies of *Scotland*, without the consent or advice of either Kingdome. We hope our deare Brethren will not say, their armies received advice and direction for his entertainment from the Kingdom of *Scotland*, for that were a capitulation with him, without the privity and conjuncture of *England*, which by them pag. 6. is disavowed.

But in case our brethren might receive him without the mutuall consent of both Kingdomes, then why doe they stand for a mutuall consent for his delivery, for by the Lord *Loudon's* own argument (pa. 25.) *contrariorum contraria sunt consequentia*, contraries have contrary consequents.

Therefore it they may not part with him, without the consent and advice of the two Kingdomes, then ought they not to have received him without that consent. If our deare brethren should urge, that parting with him, were a disposing of him, and that they may not do without breach of Covenant [3] and Treaty: the like we retort by their owne rule of contenries, concerning their receiving of him: for receiving is by the said rule as much a disposing as parting with him, so that if our deare brethren be men that are true to their owne rules and principles, we may conclude, that if they will not part with him without the consent of the Kingdome of *Scotland*, that then they had the consent of the Kingdome of *Scotland* to

receive him, before they did receive him, but our deare brethren doe affirme the one, pag. 8. therefore from the truth and fidelity of our brethren, we may well conclude the other.

Oh! what shall we say or think now of our brethren? are they not of divine Covenanters, become cheating Juglers. For let any man judge, whether the keeping the Kings person at *New-Castle* without our consent, be not as absolute a disposall, as afterwards the sending of his person to *White-Hall*, *Richmond-House*, *Hampton-Court*, or else where, by the joynt advice and consent of the two Kingdomes. They would differ in manner indeed, but not in the nature of the thing, and the nature of the thing, is the matter in hand: The difference would be but in an Accident, namely the addition of our consent; it is now without it, it could then be but with it, and both's a disposall: Yea, though it should be without this consent either of yours or ours: For an accident may be wanting and the subject remaine.

But to colour this disposall from the censure of their act, our brethren doe tell us, that

He came voluntarily, and continues voluntarily *Scotland.*

Ans, It seemes, from hence you would inferre, that the Act of that *England*. disposing of his person is by himselfe, and not by you. But for answer thereto, consider your own grounds: By the Covenant and Treaty you urge, that his person is solely and intirely to be disposed of by the parliament of both Kingdomes, and not singly, or by a third, but by the joynt advice and consent of both: Therefore from this grant of yours, your Armie neither had nor hath any power individually to [4] make or medle with his person, or in the least wise to dispose of it, no, not for a minute, in this place or that place, for this or for that, or till things should be so or so, therefore your Act of entertainment of his comming, was (by the just sequell of your owne ground) an actuall disposing of his person, *pro tempore*, even as well, and as really, as if you should dispose of it for ever, for the difference would only be in the protract of time, not in the nature of the thing.

Further, the thing betwixt the two Kingdomes by the Conant and Treaty, is not what he might doe, but what the two Kingdomes thereby are mutually bound to doe, for the Covenant and Treaty was not made with him, but betwixt the two Kingdomes: So that his voluntary Act was nothing to your nationall duty and obligation, for his personall will was no wise included in the condition thereof: Then was neither his personall assent nor dissent required to the making either of the one or the other.

So that his voluntary comming or staying, is neither here nor there to your act: for this receiving and retaining (though voluntary by him) is as well an actuall disposing of yours (though not in that aggravation) as if you had fet him, and continued him by force, or *constraint* as you call it: And therefore the act of your receiving and keeping his person without our consent, is that against which we except: It is not about the manner how, whether by his will, or by your force, that our difference is stated, but about the definitive matter of disposition it selfe; although with your manner how and the like, you would delude us, and divert us from the state of the question, reasoning from the manner, and so concluding against us in the matter, when indeed you should reason from the matter, and then it would be otherwise. Therefore your receiving and continuing, is an absolute possession and disposing thereof, and so it is your act.

Besides, he could neither enter nor continue, without your consent. For can a well fortified City be entered by a single man, without force, or therebe continued, except the Citizens please, and is not your armie equivalent thereto? Therefore it is the act of your pleasure, though his be added therto [5] the addition whereof nothing diminishing therefrom: for by how much the more his pleasure and your pleasure agrees without ours, by so much the more is it dangerous and suspicious; but the concord & conjunction thereof is to

such an high measure aspired, that you are not ashamed to tell us, that you will not have him delivered or disposed of contrary to his will, which must needs be his personall will, for were it his leagall will, he then would be assenting to the Orders and determinations of his great Counsell, the two Houses of Parliament, his legall will, wee are sure it cannot bee, except from the Parliament he carried with him the Sovereign power of the land, & it hath journeyed with him ever since; and now with him he hath brought it to our dear Brethren of *Scotland*: If it be so, then truly our Brethren have (all this while of their concurrence with us against him) been *Traytors* and *Rebels* thereto as well as our selves; yet sure our dear Brethren (if it be but for their credits) will not say so; and if they doe not, then what are our brethren now? It must needs be granted and concluded at first or at last: So that how to award our dear Brethren from *Treason* and *Rebellion* against the Sovereigne *Power* of this Land wee doe not see; therefore our dear Brethren might doe well with their next papers to send us a paire of *Scotish-spectacles* that are fit for our eyes, and their caractar, for by our *English* reading (printed by *Evan Tyler* at *London*) wee can read them no other as yet: Therefore in the meane time in our answer to the *Will* of the King, we must consider that *Will*, as the *Will* of *Charles Steuart*, contrary to whose *Will*, you will not have him disposed; so that in deed and in truth, you place the whole power of the disposall of *Charles Steuart*, in the *Will* of *Charles Steuart*, and make that his personall *Will*, the Essence of that Disposall, for the *Will* of *Charles Steuart* (if he must not be delivered without it) may contradict, null, and make void whatever gainesaies: So that the advice and consent of the two Houses, &c. (which you so oft talke of in your papers) is but a shaddow without a substance cast before our eyes; a Nut without a kernell, that you have given us to crack; a [6] Bone without marrow, that you have thrown in amongst us So that we can judge little better of our brethren in this, then of such as carry water in one hand, and fire in another.

[8]

Scotch Papers page 4.

Our Armies are not tyed to be subject to the resolutions and directions Scotland. of either Kingdome, but of both joyntly.

Answer.

If your Armies be so tyed and obliged, then how came they loose and *England.* obsolved thereof in this your reception, and continuance of his person without their resolutions? For as yet there hath been no joynt resolve of both Kingdomes about it: and thus to put trickes upon us, you play fast and loose at your pleasure.

When you plead for your selves, you say, it is a fundamentall right and *Page 2.* liberty &c. that none can without consent, impede or restraine your King from comming amongst you to performe the duties of a King, and with this you would cover over the act of your admission and reception of his person.

And when you reason against the two Houses, in opposition to their Votes, you tell us it is one thing what the Parliament of *England* might have done in another cause, and warre before their engagements by Covenant, it is another thing what ought to be done after such conditions and tyes imposed &c. whereby you would deprive the two Houses of that which before you urge for your selves; namely, fundamentall Rights &c. and utterly debar them in this difference from all retrogradation beyond the Covenant; yet your selves will run in *infinitum* beyond if you can urge your fundamentall Rights and liberties for you your selves, in your reception of the King of *Scotland*, but will not permit them upon any termes (because of the Covenant) from their fundamentall rights and liberties of the [7] Kingdome of *England*, to Vote the disposing of the King of *England* in *England*.

Therefore by your favour (dear Brethren of *Scotland*) since thus you play at boe-peepe with your Brethen of *England*, we will answer your first reason with your second: It is one thing what you might have done before the Covenant, and another thing what you may doe after; but by the Covenant (even as your selves say) His person must be absolutely, & wholly disposed of by the joynt advicect consent of both Parliaments, so that by your Covenant you are bound not to medle at all singly in his disposall; eitherof so much as receiving or entertaining him.

But let us a little expostulate with our deare brethen of *Scotland*: is this your dealing with us as becomes brethen? Is this your brotherly conference, to condemne that in us which you will allow in your selves, first to plead your fundamentall rights and freedoms &c. And then in the next page to tell us, wee doe not medle with any of our single rights priviledges or Lawes of our Nation, &c. and a little after, unlesse wee lay aside the Covenant, Theaties, Declarations of both Kingdomes; and three yeares conjunction in this warre, neither the one Kingdome nor the other, must now look back what they might have done singly before such a strict union.

What shall wee thinke, or what shall wee esteem of our deare brethren for this? Wee know not how to excuse them of lying; but however this will wee boldly affirme to our Brethren of *Scotland*, that this latter argument utterly cuts off our Brethren from the refuge of what ever our Brethren might have pleaded before the Covenant, and strictly restraines all their arguments, concerning the interest of the Kingdome of *Scotland* in the King of *Scotland*, and about their fundamentall rights and liberties &c. for they all were before the Covenant, and so in this matter are quite out of date, and comes not into the compasse or nature of the dispute, even by your own bounds and limits by your selves thereto affixed: which considerations, may serve as an answer to one great part of the papers: & therefore we may wel wonder at this your manner of reasoning & cannot otherwise reasonably judge, but it is to cast a Scotchmist before the eyes of the free-men of England, on purpose to delude them.

[8]

Scotish Pap. page 4.

Scotland. The ends of the Covenant are not to be prosecuted by the two Kingdomes, as they are two distinct bodies acting singly: but they were united by solemne Covenant made to Almighty God, & by league each to other, as one intire body, to prosecute the cause.

Answer. As by this argument, you were not to meddle at all in the least kind about the disposing of his Person, not so much as to give him entertainment (that being an actuall disposing *pro tempore* as aforesaid) without the mutuall consent and Order of both Kingdomes proceeding: So by this argument also a second is absolutely excluded from this (Covenanted) disposall: for hereby there is an union of two Kingdomes in one for one end; and an vnite admits not of a second or third, for then it is no more one, but two or three: So that it is as cleere as the Sun, that this unity of consent betwixt the two Kingdomes admits of no addition or division whatsoever; for so the property of that Bi-unity were lost: If another were added to thar vnity, then were it a Tri-unity, and not a Bi-unity: and if that unity should be devided, then were it no unity, for *puca unitas est indivisibilis*: Why therefore you should bring in the Kings consent betwixt the two Kingdomes, wee see not; except you meane to play fast and loose, and set open a doore to all forraigne Nations, to have a title to this consent: for as well may you say, that *France, Spaine, &c.* must have their consent in this businesse as well as *Charles Steuart* himselfe; for the Question is not, what Mr. *Steuart* would doe with his person, or what *France* or *Spaine &c.* would doe with it, but what the two Kingdomes by this Covenant are bound to doe; therefore the bringing in the Kings consent

and will into the bargaine, is a meere nullity (as concerning this matter) to the Covenant; So that your repairing to his *Will* and consent, is an absolute departure from the joynt interest of the two Kingdomes, and from the Covenant obliging there to: for you will not deliver him, or doe anything with him without his consent: Therefore why doe you at all talke of the Covenant, or the interest of the two Kingdomes? Tell us no more of such blew shadowes and Sculcaps; but tell us of the *Will* of *Charles Steuart*: And if we must needs dispute, let that be the question, whether the will of *Charles Steuart* be the Law of all Lawes, whereto Parliaments [9] Covenant, and Treates, Kingdoms must be subject? If you will deale with us upon that point, we shall not doubt but to make a reasonable returne.

Scotish Papers, page 6.

Scotland: If the Scotch Army should deliver up his Majesties Person without his owne consent &c. this act of the Army were not agreeable to the Oath of Allegiance, (obleiging them to defend his Majesties Person from all harmes and prejudices) nor to the solemne League and Covenant, which was not intended to weaken but to strengthen our Allegiance &c. ————— Whom therefore our Armies cannot deliver, to be disposed of by any others at pleasure:

Answer.

England: By this it seemes, that the Scotch Army, are absolutely devoted to the *will* of his Person; for except he will, you say, that your Armies cannot (you might as wel have said wil not) deliver him up to be disposed of *by any others*; which saying excludes the whole world, except his *Will*: So that in effect by this you have as well excluded the pleasure of your own Parliament, as the pleasure of ours or any others.

Sure our deare Brethren of *Scotland* are not *themselves*, to speake thus they cannot tell what; one while to urge the consent of their Parliament, and then by and by to deny themselves of it againe.

Well, but you say it is against the Oath of Allegiance, and the Covenant, for the Armies to deliver him up against his *WILL*. And why so (deare Brethren we beseech you) is the Oath of Allegiance and the Covenant confined to the dictates of his Personall *Will*? that what is contrary to his *Will*, is contrary thereto? For here you make his *Will* the very *Axeltree* upon which your argument turnes; and therefore by this your reasoning, both Kingdomes are by the Oath of Allegiance and by the Covenant, obleiged and irrevocably bound (it being made to Almighty God) to be subjected to his *Will*; yea, and as much as in you lyes, you have thereby concluded and conform'd a title upon him, even from Almighty God, to *Rule* by his Arbitrary pleasure; and made both Kingdomes *Vassales* to his *Will*. *Is this the affection and duty which becomes Brethren* that (page 5.) [10] you tell us, *you were put in mind of*; That after you had *espoused your Brethrens quarrell* (page *ibid.*) by that espousall to contract your brethren to his *Arbitrary pleasure*? But as you in another case, so say wee in this *wee cannot but expect better things from our Brethren*. (page *ibid.*) Sure it is not our deare Brethren of *Scotland* that thus write: how shall such a thing (as becommeth Brethren) enter into the hearts of our Brethren of *Scotland*? except since his Majesties arrivall, our deare Brethren are run quite besides themselves, as aforesaid,

Some indeed have strange thoughts of our Brethren, and conclude them *more Knaues then Fooles* and that little better ever was to be expected from them, seeing now they are not ashamed only to tell us (page 7.) that the Scotch Army came not into this Kingdome in the nature of *Auxiliaries* (or helpers) and indeed they have proved as good as their words, for what *Auxiliaries* or helpers have they been unto us, except to carry away our gudes, and to drive away our cattle &c.) but also in plaine termes (to make all the blood that hath been

shead, but as water spilt upon the ground) to capitulate with us, about the Kings personall *Will*, whether his *Will* must rule the roast or no? By our consent he shall first turne the spit, before his *will* shall rule the roast; our Lawes, Lives and Liberlies are more pretious, then to be prostitute to the exorbitant boundlesse *will* of any mortall *Steuart* under the Sun: And therefore both He and your revolted Armies may be content, for we will spend a little more of our blood before that come to passe; you may as well twerle up your Blew caps, and hute them up at the Moone, as to expect *Englands* assent unto that: no, no, Deare Brethren, wee are neither such foolnor such cowards, or yet such Traitors to our selves or to our posterities, to our Lawes or to our Liberties, as after we by the blood of us and our children have gained a conquest over that Arbitrary faction so basely to returne like Sower to the mire, or Dogges to the vomit againe; no sure deare Brethren wee have no: been *thromming of Caps* all this while, and therefore that is not to be expected: wee are content that our Brethren of *Scotland* should be our Brethren, but not our Lords and our Kings, to snatch the Scepter of *England* out of our hands, and to make us their slaves and Uassailes: what care we for *Charles Steuarts* assurance thereof under his Hand and Seale: we will maintaine our just Rights and Freedomes, in despite of Scot, King, or Keysar, though wee welter for it in our bloods; and be it [11] knowne unto you, O yee men of *Scotland*, that the free-men of *England* scorne to be yourselves; and they have yet a reserve of gallant blood in their veines, which they will freely spend for their freedom. But to returne to the Game in hand.

Further. From the words of the forementioned clause of your papers, this you import, that you are by the Oath of Allegiance bound *to keep his person from all harme*, and therefore your Armies will not deliver up his person *to be disposed of, as, the two Houses shall thinke fit*: As if the two Houses by that their vote, had intended mischief to his person, or else why should you urge that in competition with their vote, if thereby you did not plainly conclude that their vote was an absolute intent of harme unto his person: But (good brethren) let us tell you, that though the two Houses of *England* have voted the disposall of the King of England as they shall think fit, it doth not therefore follow, that there is absolute harm to his person thereby intended in their vote, but you make a surmise, then take it for granted, and forthwith thereon build the structure of your defence: But we hope it doth not therefore follow, because our brethren surmise it, except the sence of our Votes, our Orders and Ordinances of Parliament must follow the surmise of our brethren, that what ever their surmise is, that must be their *Sense* and *Intent* and no other. And if as you say; you will not inforce any sence or construction upon their Votes, then why will not your armies deliver him upon their Votes for feare of harme to his person, as if they had plainly intended with *Salomons* sword, by that their voted disposall to have divided the King of England from the King of Scotland, and so give each kingdome their just portion in his person.

But why should our deare brethren treason thus sophistically and deceitfully with us, and conclude thus inconsequently against us? Sure they have better Covenant Logick then this; for the antecedent of that Argument doth nothing at all prove the consequent thereof: Therefore if our deare brethren please (for the better discovery of their falcity) we shall cast that their kind of Argument into a forme after its owne nature and kind, which is thus.

A Scotch Argument. The two Houses of Parliament have voted the disposall of the Kings person as they shall thinke fit.

Ergo. The *Scotch* Armies may not deliver up his person to the said two Houses, for feare of harme to his person.

Truly dear brethren, this *Gear* hangeth together like an old broken [12] Pot-Sheard: And wee deem, that you would be much displeas'd with your deare brethren of *England*, should they returne the like reasoning to their brethren of *Scotland*. But least our deare brethren of *Scotland* should judge us their brethren of *England* ingratefull, their brethren here send them

a *congratulatory* pair of reasons formed after the same or the like kind desiring in their next papers, to be resolved, whether such reasoning with them, be faire dealing or no? to wit.

1. *Argument.* My gude Lord *Lesley*, came to *Montrevill* (Embassador for *France*) residing at *Southwell*, there to commune with the King.

Ergo. My gude Lord *Lesley* fell down on his knees, resigned up his sword, and laid it at the feet of the King, and then received it againe of the King.

2. *Argument.* My Lord of *Northumberland*, and *Sebrant* the *French* Agent looked through an hedge, and the one saw the other.

Ergo. They two are both nigh of a kindred.

Now having sent you a paire of brave Scotified arguments, wee'l throw an English bone after them, for your armies to gnaw upon.

A scandalous person may chance to prove a good man.

But some of your armie, are full of Back-biters.

Ergo, your whole armie are scandalous persons.

But now deare brethren, we cannot thinke that this will be judged faire reasoning in us; but if you condemne it, then why doe you use it? untill you revoke, and renounce your error therein: this our like reasoning must not be condemned by you.

But by this we may plainly see, that you have some mischievious designe against the two Houses of Parliament, that you would insinuate such an opinion into the people of England, against their two Houses of Parliament. And that upon such *high tearmes of contestation*, to wit, that for that reason (to wit, *harme*) you will not deliver them their King upon their Vote, what may we judge by this, but that you intend destruction to them, thus to set the hearts of their people against them by your scandalous and seditious surmises and iealousies sowen amongst the people of England, for absolute truths: for if you give it not forth as a truth, why will you urge an argument from thence? Sure our Holy Brethren of Scotland, are not so voide of Conscience and grace, as to make a Lye a foundation of their practice.

[13]

Scotch Papers. Pag. 8.

We doe assert, that the King comming voluntarily to the Scottish Army, they cannot in duty deliver him against his will, to the two Houses of Parliament, without consent of the Kingdome of Scotland.

Ans. Then it seemes if he had come against his will, you had been bound in duty to have delivered him against the same, to the two houses of Parliament, without the consent of the Kingdome of *Scotland*, for if his voluntary comming be the reason of the one, then his unvoluntary comming must needs be the reason of the other, for as your own paper Champion saith, *contrariorum contraria sunt consequentia*, therefore hereby you have brought the consent of your own Parliament to be inferiour and subject to his will, the which notwithstanding the laid Champion told him, they should be forced to settle things without, in case he should not assent. *pag.* 19. The which reasonings, if they be not pro and con, be you your selves Iudges: and let the world judge, whether it be fair dealing so to reason in a matter so neerely concerning, the weale of the two Kingdomes, the lives and slates of thousands and ten thousands.

The place of the Kings residence is at his own Election in either of the Kingdomes, as the exigency of affaires shall require, and he shall thinke fit, or else must be determined by the mutuall advice and consent of both Kingdomes.

Ans. What, more fast and loose still? Sometimes with your consent, and sometimes without your consent, sometimes with the joynt advice of both Kingdomes, and sometimes without it, sometimes with his personall will, and sometimes without his personall will, and now to make all indifferent! What is the meaning of our brethren in this? are they not in their witts, thus to jumble and jump forward and backward, and backward and forward againe, and then to lye all along betwixt both? For by this clause it seemes, that the disposall of his person is indifferent, *either at his will, or at the ioynt advice of the two Kingdomes. Utrum horum mavis accipe*, one of the twain, chuse you whether, so that if his person be eitherwise disposed, yet by this clause it is justified, the one as well as the other being asserted in that clause: [14] then againe to adde to the number of those juggling Husteron-Proteron trickes, by the position of their order, they make the will of the King predominant to the consent of the two Kingdomes, for if by locall position, we may judge of preheminence, according to our nationall custome, the greater to take the wall of the lesse, then the will of the King is thereby preferred before the consent of the two Kingdomes, for it hath the precedency therein: How ever by that clause they are made of equallity, for they are not urged by the way of disparity, but by the way of equallity therein. Therefore by that clause there is not a pin to chuse betwixt them: So that which is first gone forth, whether his will, or the two Kingdomes consent, that must stand irrevocable, and not to be moved by the other, for could it, then were it as nothing, a meere shadow without substance, for then the absolute disposing were only in one, because if one may depose what the other disposes, then that which disposeth is all in all; and the other hath no will, vote; choice or consent in the thing, but is wholly dependant, and must be subject to the power of the other, which may conclude, order, revoake, and reverse at its pleasure. Therefore from this reasoning of our deare brethren, it followes thus.

1. That this present disposall of his person (being as your selves say *voluntary*) is irrevocable by either or both Kingdomes, because *his will* for that *disposall* was first past forth; which for that matter (as is already proved) by this present ground of yours, is as unalterable as the Lawes of the *Medes* and *Persians*: So that it is in vaine for the two Houses of *England* to expect a delivery of the King of *England* from the *Scotish* Armies.; for by this (to make sure worke of his person) they have put themselves out of a capacitie of his delivery upon any tearmes whatsoever: And therefore we may bid our gude King, gude *morrow my Leige for all the day*, and for ever, Amen Farewell frost, if he never come more, nothing is lost.

2. If by the sentence and judgement of our dear brethren of *Scotland*, the Kings personall disposall be at his owne Election and Will, and so inherent therein, then by the sentence and judgement of our deare brethren of *Scotland*, the dislocation of the Kings person by his personall will all this while from the two Houses of Parliament of *England*, is justified, and our deare Brethren of *Scotland* thereby made confederate with him, in that act, and so consequently guilty of all the rebellion made by his personall will against the two Houses of Parliament and the People of *England*.

[15]

3. If by the Argument of our deare brethren of *Scotland*, the King according to the exegencie of affaires may dispose of his person at his pleasure, then by the Argument of our deare brethren of *Scotland* according to the exegencie of affaires, the King may depart from our deare brethren of *Scotland* at his pleasure, when, or whether he pleaseth, although his

pleasure should be never so pernicious or perilous to our deare brethren of Scotland: for his pleasure may only be knowne to himselfe, and not at all to our deare brethren of Scotland, no moe then it was foreknown (as our deare brethren would make us believe) at his comming to them. Therefore if our deare brethren of Scotland will have him according to the exigency of affaires to be disposed of at his pleasure, then according to the exigency of affaires, our deare brethren of Scotland must run the hazard of his pleasure.

But for be better deciding of the matter about his will, it is to be questioned, 1. Whether since the Covenant and Treaties, either England or Scotland may assert, that the place of the Kings residence is at his owne Election; the which as the case since hath stood, may in no wise be honourably granted, for thereby in all reason it must be concluded, that the two Kingdomes tooke upon them, the sole disposall of his person, without the least relation or respect to his personall wil: For should that not be concluded, then his arbitrary disposal of his person, so many times in open and actuall hostility against the Parliament and people of England were justifiable.

2. It is to be considered, that though before this his hostility against the Parliament and people, he might dispose of his person from *White-Hall*, to *Hampton Court* or the like, without the joynt advice of the two Kingdomes, whether now the case be nor altered or no?

3. In regard he hath most properly leaved and made warre against the Parliament and People of England, and in regard the *Scotch* engagement was but in assistance of their brethren of England, Whether his person thereupon, is not most properly due to the two Houses of Parliament and thereupon they might properly vote the disposall thereof, notwithstanding his King-ship of Scotland, by reason the Offence was properly against them, and a maine end of the war, was to reduce and recover his person unto the Custody and power of the two Houses?

But now whereas you urge his voluntary comming, as if it were only voluntary in him, and not like voluntary in you (which by [16] Covenant, compact and treatie, was not upon any termes or in any wise without our consent to have been by you.) It is a plaine case, that there was a voluntary concurrence betwixt you, even of the Kingdome of Scotland with the King of England, before he had laid downe Arms taken up in Rebellion against the Sovereigne power of his Throne, the two Houses of Parliament, and against the Free People of England, and that absolutely by you, without the joynt advice and consent of the said Houses and Kingdome; for you foreknew of his intent, and were fore acquainted with his comming, before his arrivall at your Armie, and this is not only to be proved from the secret and trayterous Treatie betwixt you and the King, from the latter end of *March* last, 1646. Managed by the intervention of *Montrevill* the *French Ambassador*, and designed in *France*, but also by what was open, manifest and undeniable. For to omit his foot-steps from *Oxford*, he came publickly into *Southwell*, foure miles distant from your Armie, and there was entertained by the said *Montrevill*, who was deputed and provided to receive him, and forthwith he sent unto your Armie, to informe you that he was come thither, then *Lasley* your Generall (*Metrapolitan* over all the Blew-Caps of *Scotland*) repaired unto him and with him entertained a Treatie, and so he came voluntary to your armie, and there voluntarily ever since doth continue, as you your selves doe confesse. Now let any reasonable man judge, whether here were not a mutuall concurrence of voluntary consent, before his enterance into your Armie without all advice and consent of ours. And whether it is reasonable to imagine, that the King should cast his person voluntarily into the hands of those which were the first commoters and raiser of troubles and warres, entring his dominions of England with open Hostillity, for which he proclaimed them Traitors and Rebels, and now again: stand Traytors and Rebels by his Proclamations and Declarations, and which are still in Armes against him; and by solemne League and Covenant contracted and aspoused to the two Houses of England, in their war-fare against him, without the fore knowledge consent, compact &

assurance of your armie and Kingdom; truly for our parts, considering all his politick, subtle, and crafty plots and proceedings, in all his Military designes we cannot imagine him so inconsiderate and mad, as to run his person without all assurance, on such a perillous hazard, or *play such a card as that at a venture* amongst you, without a full fore surety from you, and a compact [17] betwixt you under hand and seale, for his entertainment and successe with you, and if we may judge the tree by its fruits, we are sure it can be no other.

Besides, had you not been concurrent in will with him (contrary to our privitie and consent) he could not have entred, much lesse continued in your armie, without your consent, and whether you would or no. So that indeed and in truth as the matter now stands, betwixt you and us, his comming must needs be reputed and concluded your single act, and neither may we, nor can we esteem it otherwise, for his will or his Action is nothing to the state of the question or difference betwixt *England* and *Scotland* in this matter, for you your selves say, (*pag. 9.*) that, it is cleere from the third Article of the Treaty, that the *Scotish* armie is to receive the directions of both Kingdomes, or of their Committees in *ALL THINGS*, which may concerne the pursuance of the ends of the Covenant and Treaty, whether in relation to *PEACE* or *WARRE*. In the eight Article, no cessation, pacification, or agreement for peace *WHATSOEVER* is to be made by either Kingdom or the armie of either Kingdome, without the advice and consent of both Kingdomes. Now deare brethren, by these very words of the Treaty thus cited by your selves, you are by your selves exempted and denyed of all power of intermedling about any thing whatsoever concerning peace or warre, without the advice and consent of the two Kingdomes: If so, then why have you attempted this act of reception and detaining of his person without the mutuall concurrent advice and consent of the two Kingdomes, which so mightily concerneth our weale or our woe, our peace or our warre, for this your seasure of his person in this manner, is of as high and great concernment about the matter of warre, as can be imagined, for it openly and apparently threatneth division and warre betwixt the two Kingdomes; and thereby you your selves are the deviders and threatners, contrary to your old and present asseverations and abjurations: in your booke of former Intentions, thus you assert of your selves, *we could iudge our selves the unworthiest of all men, and could looke for no lesse then vengeance from the Righteous God, if we should move hand or foot against that Nation, so comfortably represented to us, in that honourable meeting* And *pag. 10. Let them be accursed, that shall not seeke the preservatition of their neighbour Nation: and in your former Informations, Declarations and Remonstrances, you have cursed all Nationall Invasion [18] and Treacherie: And now in these Papers you cry, God forbid, that the wayes of separating interests of the Kingdomes, should now be studied, pag. 5. And in the Lord Loudouns speech in the Painted Chamber. pag. 21. That no man hath conscience and honour, who will not remember our Solemne League and Covenant, as the strongest bond under Heaven, between God and man, and between Nation and Nation, &c. Yet these asseverations and execrations, are now made as nothing, and these your strongest bonds between God and man as you call them, are but as Sampsons cords to be burst a sunder at your pleasure, but God will deliver up your strength, if by your timely repentance you doe not prevent the vengeance of Heaven which hangs over your head. For why will you thus fairly professe with your tongues unto us, and deale so treacherously with us in your hearts, why should you receive and entertaine the King and yet protest against all sole disposall of his person? and why should you tell us, that his Majesties comming to your armie, is a more probable and hopefull way to preserve the union of the two Kingdomes, when as your selves see, that it is the most unluckiest meanes of division, and of somenting a war betwixt the two Nations, as Hell could broach: and though the Lord Loudoun breath out your menaces about that disposall, and openly threatneth us with forces from *Scotland* and *Ireland*, and with the assistance of forraign Princes, yet all this you would make us beleeve, (were we but as the Horse and the Mule, which have no understanding) is for the stricter and firmer union betwixt the two Kingdomes; but deare brethren we are not so undiscerning and sottish, so to be possessed and deluded. But further*

[See intentions of the Armie of Scotland, pag. 3.](#)

in the said *pag.* you say, because you came into England, for prosecuting of the ends of the Covenant, whereof one is to defend His Majesties person, you thinke it a strange thing, that your being in England should be urged as an argument, why you should deliver up the person of the King, to be disposed of, as the two Houses should thinke fit.

Ans. For the matter of your being in England, we shall for the present referre you to Mr. *Chalaners* speech: and only consider the reason of this clause, which we conceive to be on this wise, that because you are by the Covenant bound to defend His Majesties person, that therefore you will not deliver up his person, to be disposed of, as the two Houses shall think fit: which is as much as to say, because you are to defend his person, that therefore the two Houses of Parliament are his [19] enemies: which manner of reasoning is as if we should say, because ther were dayly seecret whisperings and wishings at our Queens Court in *France*, that the King might but get safe to the *Scotts*, and because the day of his setting forth out of *Oxford* towards them was fore-knownn at her Court; That therefore *Sebrant* the *French* agent ran up into the Earle of *Northumberlands* Bed-Chamber, in the morning before he was up, and surreptitiously surprised in his Chamber window; a packet of Letters, (inclosed in a blanke paper superscribed (forsooth for their better conveyance to the Earle) and breake the same open, and said they were his, and so *the one peep'd at the other, and saw one another* and away hied *Sebrant* as fast as he could, and carryed with him the whole plat-forme of your —you know what!

Now Brethren, how like you your owne kind of reasoning? Is not this a prittie, kind of Argument thinke you, neady formed after that most hallowed pattern received from the Angel at *Le font bleu*?

And therefore seeing our Brethren have so far discharged their trust, as (after all their Protestations, Covenants and Oaths to Almighty God, their Solemne League, and Treaty with their Neighbour Nation of *England*) thus in the field to meet us in this *free and brokerly conference* with such Solemn Covenant-Logick, we may have doubtless great boldness & confidence, with our dear brethren of *Scotland*, *to pay them in their owne coyne*, for current and good Silver, especially considering whose Image and superscription it beateth: So that upon the point (we wish it be not of the sword) we are agreed with our gude Lord *Loudoun*, to give unto *Cæsar* the things that are *Cæsars*, &c *pag.* 26.

But now since our brethren take upon them in their armies to defend his person, we desire of our deare brethren to tell us, against whom is this their defence? If against us and our armies, then we reply, that if your Covenant now bind you thereto then why did you not by this Covenant joyne armies with them before, in all his Hostility against the two Houses, for by our hostility his person was endangered and subject to the casuality and execution of warre, himselfe in person and in armes appearing against ours?

Scotch Papers Pag. 9.

And whereas it is affirmed by the Treaty, the Scotch Armie ought to doe nothing without a joynt resolution of both Kingmdomes [20] or their Committees; there is no such clause in the Treaty, but they are to be subject to such resolutions as are and shall be agreed upon, and concluded mutually between the Kingdomes and their Committees.

Ans. By this we may see how willing out brethren are to get a *creep hole*, and how they shuffle and cut to strugle themselves cut of the Bryers: But *gude brother Jockie* be content to stick here a while, for if to their Resolutions (as you say) you must be subject, then you must not be subject to that which is contrary to their resolutions: But your armies retaining of his person is contrary to the joynt advice and consent of both Kingdomes, for as yet both parties are not agreed. Therefore this is a manifest breach of the Treaty; so that (if you wou'd have done as becommeth brethren) you should have stayed first to have heard the joynt advice or

consent of both Kingdomes, before you had given him entertainment. For indeed, had there not been mischief designed in the thing and intended against this Kingdome, the King (knowing the mutuall obligation, and solemne Vnion betwixt the two Kingdomes, and the mutuall relation he had to them both, and each mutually to him) would (if he had intended to lay down armes against this Kingdome) rather (in this emergency of War) have dsiposed of his person (honoured by both Kingdomes with the title of the *King of both Kingdomes*) to the Committee of both Kingdomes, wherein the joynt military interest of both Kingdomes is represented, conferd and united, and both thereby incorporated into one deputative body, and as it were both made flesh of each others flesh, and bone of each others bone, that so in that, one act and at one time both Kingdomes equality and respectively would have received their King of each Kingdome, though presented in one person, even England and Scotland have received and kept the King of England, and the King of Scotland in that their entertainment of his person for the better disposall thereof by the Parliaments and Estates of both Kingdoms (being conquered by the mutuall force & conjunction of their armies) for then neither Parliament, Kingdome nor Armie had acted singly or divided, but it would be absolutely an act of both Kingdomes: This we say, he rather would have done, then in this factious divided nature to have thrown himselfe upon one Kingdome unknown to the other, and without the others advice and consent, had it not [21] been on set purpose to have cast a bone of division betwixt them; that both He and your selves by joynt occasioned faire opportunity might compasse your designes to subjugate the neckes of the Freemen of England to your Scotch Monarchicall *Yoake of Bondage* (in gendering strife.) And you your selves, had your intentions towards us been upright; should rather have referred him to the said Committee of both Kingdomes, then thus to have attempted the receivall of him by your own millitary power, which was a desperate thing; however in case unawares he were received, yet you might ere this, knowing the mutuall and joynt interest of the two Kingdomes so well as you doe, and seeing it raiseth such jealousies, and is likely to occasion such a desperate and bloody division betwixt us, you might ere this have delivered, or at least proposed the resignation of His person, if not to the two Houses, yet to the custody of the said Committee; to whom indeed naturally and properly (as the case now standes betwixt the two Kingdomes, he belongeth) (no joynt power of the two Kingdomes but that being extant) to be by them retained till the joynt consent and determination of both Kingdomes.

You tell us that at the hearing of the martch of Sir *Thomas Fairfax* his Army marching Northward, you removed yours into York-shire, for preventing mistakes or new troubles between the Kingdomes (page 9.) but were you so cautions thereof as you pretend, you would not have thus highly erred in the maine, and then face us with trifles: brethren, we have been a little to much acquainted and cheated with such guilded pretences as to rest content *with a flap in the mouth with a Fox-tayle*: It is not your *candor freedome and plainnesse as becomes brethren which you tell us of* (page 1.) in words what will satisfie us, *if in deeds you deny us*; Wee know you tell us *he came valuntarily and continues vluntarily, and you doe not hinder him from comming to doe the duty of a King amongst you*: which words indeed beare a spetious shew; but Brethren we are not so undecerning and ignorant as to conclude all is gold that glisters; but these your serpentine delusions, puts us in mind of the trick you put upon us about Mr. *Ashburnhams* escape; for in a paper from the Commissioners dated 25, of *May* 1645. the Lords of the Committee of New-Castle tell us, that directly, nor indirectly they had no hand in Mr. *Ashburnhames* escape; which by interpretation is as much as to say, [22] that directly you had no hand in it, but indirectly you had; sot after our English Ottography two negatives make an affirmative, and *Nor* and *No* are two negatives cupled to one verb, and therefore must needs make it affirmative: but we will returne from this quirke to the matter in hand.

Now though you say, there was not any such resolution between the Kingdomes or their Committees, as, *that the Scottish Armie should not receive the King if he came unto them*: Our answer is, that it doth not therefore follow, that therein you may doe singly as you list; for you were obleiged *in all things, whether in relation unto peace, or to warre, not to make any cessation, pacification, or agreement for peace whatsoever, without the advice and consent of both Kingdomes*: And you your selves say, *your Armies are to be subject to such resolutions, as ARE and SHALL BE agreed and concluded upon mutually between the two Kingdomes and their Committees*. So that although neither present or future resolutions concerning unknowne matters to come be expressed (as indeed are impossible) yet therefore you have not the liberty *to doe what you list, or to anticipate their resolutions with yours*, for then *Agreement, compact, and Treaty*, were to no purpose at all; but you were strictly bound upon penalty of breach of *Articles*, first, to have knowne the joynt advice and consent of the two Kingdomes, or their Committees in *all things whatsoever, whether for peoce or for warre*; especially in a thing of so great and so high concernment, as to Treat with, Receive, and entertaine the Kings Person, though notwithstanding he should come voluntarily to you, for the matter is all one in the nature thereof, whether he come to you, or you goe to him: *treating with, recieving and entertaining*, without a joynt advice and consent (let it by what other meanes soever it be) is the maine thing which those Articles respect: for indeed that is, as absolute treating, cessation, and pacification with the King on your behalfe as can possible be: and therefore whereas you say, that you were *not to impede, or restraine the person of the King from comming and doing the duty of a King amongst you*, and thereupon have answerably received him; thereby you hold forth, and confesse a compact and conclusion of peace with him: for if you receive him to doe the duties of a King amongst you, and that without the joynt advice and consent of the two Kingdomes or their Committees; what is this other then to pacificate with him without their joynt advice & consent? but more of this by and by.

[23]

Besides if you will make an exception, because it is un-expressed in the *Treaty* [that you should not receive the Kings Person if he should come voluntarily to you] then may you as well except against all the resolves and results of the two Kingdomes and of their Committees, that therein are not expressed; and so confine all to the very letter of the *Treaty*, and utterly take away all liberty and power from the two Kingdomes and their Committees, of further advising, consenting, o resolving.

Scotch papers page 10.

Scotland: *The Scotch Army neither hath nor will take upon them to dispose of the King, he came unto them without capitulation or Treaty: his residence with them is voluntary and free, and they doe nothing which may hinder him to come to the two Houses of Parliament.*

Answer.

England: Whither now *Jockie*? Hoyt—Hoe—Hause—Ree—Gec—Hoe—*Jockie*: What? neither backwards nor forwards, one filde nor the other! Riddle me, Riddle me, what's this? You'l nether have him, nor be without him; neither keep him, nor deliver him: a pritty *paradox*! for you will not take upon you to dispose of him, and yet you will keep him nor will hinder his comming to the two houses of Parliament, and yet will not deliver Him: for his will in this matter of keeping and delivery is not at all respected in the *Treaty* and compact betwixt the two Kingdomes, but only the *Act* or *Acts* of the two Ringdomes, Therefore, what is this else but to say, you will, and you will not? you will neither receive him, nor will refuse him; you will not deliver him, nor will you keep him.

Now whereas (as you say) you are so willing that he should come of his own accord to the two Houses, and you would not hinder him: Wee pray you tell us whether you would suffer him, provided his intent were unknown unto your Or whether you would judge it sutable to the interest of *Scotland*, that the two Houses or their Armie should receive him upon such termes? Doubtlesse you would hinder the one and condemne the other; for no reasonable man can judge otherwise by your present practice and papers, you have received him without the consent of the two Houses and (as you would make's beleieve) without any fore knowledge of his intent at his comming, therefore are not your selves condemned by your selves? even justifiers of that in your selves, which you would condemne in others?

But you say, he came to you without capitulation: If so deare Brethren, then why did *Montrevill* goe before hand to *Lestey's* Army to take order for his reception there? And how came the King to have the faith and honour of the *Scots engaged* to him in the businesse of the Militia? How came the information of *Thomas Hanmer*, *June 12. 1646.* (at the Committee for the Army, and after reported to the House of Commons) since by experience to have been confirmed in the most perticulers thereof? wee could be much more inquisitive with our Brethren about this matter, but it may be they have learned of Lieutenant Col. *John Lilburne* and Mr. *Overton* the two prerogative *Archers of England*, and of some others, not to [24] answer to interrogatories concerning themselves, and therefore we shall forbear at this time further to question the faith and sincerity of our Brethren in this particular, only wee shall desire (because our Brethren in their papers are verbally so tender over the Harrassed, oppressed, plundered North) wherefore besides the extraordinary losses and charges thereof, their ordinary cessements where the forces are quartered are levied and paid after the care of about 140000 pounds a month upon the whole County, which is twenty times so much as they ought to leavy by the Ordinance of Parliament, as appears by a Letter *June 26. 1646.* from sundry of the Committee of *Torke* to the Commicee of the Lords and Commons? Wee will assure you Brethren, that this dealing together with your severall rapes, murders, oppressions & abuses which hath bin & are dayly acted upon the well affected in those parts, are farre from the first professed intentions of the *Scots* Army at their first comming into *England 1640.* Where page 11. you doe declare *that you would not take from your friends and Brethren of England from a thread even to a shoot latcher*, so that our Brethren are not the same, or else they are much changed, for from the beginning it was not so; however, this will we say of our Brethern, that as (they tell as page 6) that the Oath communicated to them for the disposall of the Kings Person by the two Houses *may suffer a benigne interpretation, and be understood of the disposing of the Kings person favourably and Honourably; yet as the words stands, they are comprehensive and capatious of more then is fit to be expressed;* so answer we our Brethren, that though their unreasonable cessements, their dayly rapes and murders, robberles, oppressions & insufferable abuses upon their dear Brethren and sisters in the North may out of a Brotherly construction receive *a benigne interpretation, and be understood* but as *escapes of their Armie*, yet as the deeds so stand, they are *comprehensive and capatious of more then is fit to be done.*

And therefore deare Brethren, we cannot but justly wonder why you should be so unbrotherly and unkind to your Brethren of *England*, notwithstanding these great oppressions of yours upon them, now to capitulate with them for such vast sommes of money, and that upon such high termes as not to surrender their Garisons and quit their Kingdome of your Armies, without, 100000. pound downe in your hands: Indeed Brethren let us tell you, wee can judge it as yet, little beter then *invasion upon our Land*, to capitulate with us *upon termes*, before you will resigne us possession of our owne Garisons, Forts, Castles Countryes &c. for upon *no termes whatsoever* have you any right or property unto any of the Forts, Castles, Garisons, or Countries of the Kingdome of *England*, or in any wise to attempt possession therof, or upon *any termes to refuse the resignation thereof* for so long and so much are you *invadors of our Land;* for not an hare breadth of *England* nor a Minutes

possession thereof is yours by any legall, equall, or National Right, except you will say, that you our Brethren of *Scotland* are now become Kings of *England*; and indeed your actions and usurpations are equivolent thereto, for as well, as to doe what you doe, you may possesse it for ever, and make invasion upon the rest of our Land, for protraction of time and increase of quantity cannot alter the equity of your title, it being as much to the whole Kingdome as to a part, and as well for ever as for a minute: But indeed and in truth it is neither in the one or yet in the other.

But you tell us, pag. 16. *Reasonable satisfaction must be first given to your Armies for their paines and charges, before you will surrendey*; Why, brethren must you therefore take possession of our Garrisons, Castles, &c. Because in equity wee are bound to give reasonable satisfaction to you, for your mercenary assistance? Our [25] Garrisons, Castles, Forts, Countries, &c. were not put into the bargaine, neither were they ever as yet set over to you, as a pledge for your paiment, but notwithstanding Covenant, Treaty, or any other obligation whatsoever betwixt us, they are still the absolute interest and propertie of *England*, which by this your refusall, *to quit them*, is absolutely invaded and usurped: and your continuance of their possession upon those Tearmes, is a continuance of hostile invasion and incursion upon *England*. And is as much as if you had entred by force, (for *Dolus an virtus quts in hoste requirit?*) it is all one to the nature of the thing, whether by force or by politick deceit, for both can be but possession, so that this your possession of our Countries, Castles, &c. under the colour of expectation of pay before you depart, is in the nature of the thing as absolute invasion and incursion, as if you had entred and over run those places by force of Armes. For though we be bound to give you reasonable satisfaction, yet by that obligation, we are not bound to forfeit our Garrisons, Castles, Countries, &c. into your hands, *till it be given*: We will grant you that *reasonable satisfaction* is due; but what is that? whether a certain summe of money, or else our Garrisons, Castles, Countries, &c? Your selves only make claime to the first, and therefore, and in respect of our owne interest, we will be so bold as not to disdain and yeeld up our right in the second upon any pretence whasoever. And in case *reasonable satisfaction* should be denied, it could be but a falsitie and breach of faith, it would not therefore follow, that our Garrisons, Castles, Countries, &c were become forfeit into the hand of our brethren the *Scotts*: Or because we should doe evill, it doth not therefore follow that they should doe evill for evill againe: for that were contrary to sound doctrine and the power of Godlinesse, a clause of the second Article in the Covenant from which our brethren tell us, *that no perswasion terror, plot, subjection nor combination, shall never directly nor indirectly withdraw them*: and in this Covenant there is no such clause expressed, intended or implied, that in case we should not give them satisfaction according to agreement, that then our Garrisons, Castles and Countries should be forfeit to our brethren of *Scotland*. Therefore if you would but deale friendly and *as becommeth brethren* (whereof you make such profession) with us, you would not take advantage at your brethrens necessitys to deale thus unkindly and unbrotherly with them (as if they had entertained so many *Turkes, Pagans* and *Insidells* into their bosomes in stead of brethren) as to sease upon their possessions, their Garrisons, Forts, Castles, Countries, &c. because this *reasonable satisfaction* cannot he provided as soon as you would have it, and as they desire and endeavour it. This is not a doing as you would be done to, this is no brotherly bearing of one anothers infirmities, or of one anothers burthen; but in stead of a *brotherly casing*, this is an *unfriendly oppressing*, besides the *great Scandall* it casteth upon your brother Nation of *England*, as it the Parliament and People thereof, were so unfaithfull, unnaturall and false hearted, not to be trusted upon their faith and honour with their brethren of *Scotland* (with whom there is such obligations of unity and brother-hood) for the palment of the said sum of money, with their utmost expedition, doubtlesse we should never have been so ungratefull and unfaithfull with our brethren as to have dealt unjustly with them therein.

But we are afraid, that *this money demand*, was but a forraign invention to catch us upon the lurch, supposing by reason of the unreasonableness of the matter, and the invasive manner, thereof, the two Houses would not assent thereunto: and so by such menacing provoking Termes as the detailing of our Garrisons under the pretence of acquiring *reasonable satisfaction*, to pick a quarrel with us, or else you would not thus have demanded the same upon such high provokating Termes, nor detaining of our [26] Garrisons, Castles, Countries, &c. for to deliver them unto us, you will not till you have money.

Yea, you tell us, that if the 5000. l. at *Nottingham* already accounted unto you with some other competent portion of money be not sent unto your Armie, you must be forced (forsooth) to enlarge your Quarters for the ease of the countrie, so that we plainly see by this liberty of *enlargement* which you usurp unto your selves, that you intend that your *inlargement of your Quarters* shall be as large as *our Bounds* in the case of procrastination, and all under the colour (for sooth) of *easing the country* Indeed brethren by that meanes you would *case us of all*. But if in your Hearts you be intended to *case us*, then why doe you not rather tell us that you will enlarge homewards, to your owne native Country, for that were indeed an *Easement*; this is but a further inlargement of our burthen, but *we know your meaning by your gaping*: Gude brethren doe not thus take advantage at your brethrens neecessities *at becometh brethren* we tell you, it doth not become you to deale thus unkindly with your brethren: for it is an unnaturall, unbrotherly part, to make a prey of their extremities. Yet here is not all they say of this matter, for they menacingly tell us, that in case Sir *Thomas Fairfaxs Armie shall march Northwards, that their Scottish Armie shall enlarge their Quarters Southward, whereby* (they say) *it is easily to beseen, that those Kingdomes may unhappily be againe embroyled in new and greater troubles then yet they have been*. Now how can we judge this otherwise, but as a shaking of the sword over our heads? a *dare*, a *threat* even as much as to say to our Armies, *come Norwards you dare*, And if you doe, we will advance *Southward*, and then you may expect greater broyles and troubles then ever: but brethren, for the love of God, and the peace of the Kingdomes, forbear such threatenng language for the future, that wee may live together as brethren in love, peace and tranquillity: For brethren we doe assure you, *that evill words corrupts good manners*, trend on a Worme and it will turn againe, and surely Englishmen have as much courage as Wormes.

And now that you see that the two Houses have conditioned to your demands, you enter into dispute with us about the disposall of the person of the King, in such a manner as is not possible in honour and justice for this Kingdome to accept off and you propose wayes and meanes of delays and protraction of time, at *sending of Commissioners againe unto the King in the name of both Kingdomes, with Power to beare his desires* and the like, when as indeed the matter belongeth to them joyntly to advise determine and conclude how they will dispose of him, and what they will compell him to doe, being conquered and fallen into their hands, therefore sending to, or treating with him now, is beside the matter in hand, so that those various Devices of yours, give us great cause of suspition and jealousies of you, that these, are but wayes to beare us in hand for the better facilitation of your design. But we should be glad to heare of your innocency of those things, and should be willing to judge better of our brethren, but they must excuse us, if we judge the Tree by its Fruit, and may rather blame themselves for bringing forth such fruit, then us, forth judging, when it is brought forth. Therefore to remove all Temple and difference from betwixt us, we desire them to *let their good workes so shine before men* that we may justly say, that God is in them indeed, and that they are our faithfull Brethren and friends who are resolved to live and dye with us in the *better Sense*, though we are now iustly afraid of the *worst*.

FINIS

[Editor: much of the following is illegible.] *Errata, pag. 6.* for you your selves, read your selves, *p. 7. l 8.* for ?? consents *r.* and ousent. *p. 8. l. 10.* for proceeding *r.* preceeding, *p. 9.* for and treaties *r.* treaties and *p. 6?2.* for my Lord of *Northumber land, r. Genney* with the wish, *p. 16.* in some ??, for some of your armie, *r* some Regiments in your armie, Of these and mo?y other ?? the Author desires the Readers favourable correction and construction.

JOHN LILBURNE AND RICHARD OVERTON, *REGALL TYRANNIE
DISCOVERED: OR, A DISCOURSE, SHEWING THAT ALL LAWFULL
(APPROBATIONAL) INSTITUTED POWER BY GOD AMONGST MEN, IS BY
COMMON AGREEMENT, AND MUTUAL CONSENT (6 JANUARY 1647)* ↩

Regall Tyrannie discovered.
by Lilburne OR *12*
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 them, or to suffer such a kind of power to be exercised over them, by any man or
 men, that shal assume it unto himself, either by the sword, or any other kind of way.
In which is also punctually declared,
 The Tyrannie of the Kings of England, from the dayes of *William the Invader* and
 Robber, and Tyrant, *alias the Conqueror*, to this present King *Charles*, Who is
 plainly proved to be worse, and more tyrannicall then any of his Predecessors, and
 deserves a more severe punishment from the hands of this present Parliament, then
 either of the de throne Kings, *Edw. 2. or Rich. 2.* had from former Parliaments;
 which they are bound by duty and oath, without equivocation or colusion to in-
 flict upon him, He being *the greatest Delinquent in the three Kingdoms, and the head*
of all the rest.
 Out of which is drawn a *Discourse*, occasioned by the Tyrannie and Injustice in-
 flicted by the Lords, upon that stout-faithful-lover of his Country, and constant
 Sufferer for the Liberties thereof, *Lient. Col. John Lilburne*, now prisoner in the
 Tower.
In which these 4. following Positions are punctually handled.
 1. *That if it were granted that the Lords were a legall jurisdiction, and had a judica-*
tive power over the Commons; yet the manner of their dealing with Mr. Lilburne
was, and is illegal and unjust. 2. *That the Lords by right are no judicature at all.*
 3. *That by Law and Right they are no Law-makers.* 4. *That by Law and Right*
it is not in the power of the King, nor in the power of the House of Commons it selfe,
to delegate the legislative power, either to the Lords divided, or conjoynd; no, nor to
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 Unto which is annexed a little touch, upon some palpable miscarriages, of some rot-
 ten Members of the House of Commons: which House, is the absolute sole law-
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 Hof. 8. 4. *They have set up Kings, but not by me: They have made them Princes,*
and I know it not.
 Saw: G. H. LONDON, Printed Anno Dom. 1647. 1645

[Created: 19 Oct. 2020]
 [Updated: 26 July, 2024]

Title ID: T.85 [1647.01.06] John Lilburne, *Regall Tyrannie discovered: Or, A Discourse, shewing that all lawfull (approbational) instituted power by God amongst men, is by common agreement, and mutual consent* (6 January 1647).

Estimated Date of Publication: 6 January 1647.

Thomason Tracts Catalog Information: TT1, p. 486, E. 370/12.

Full Title

John Lilburne, *Regall Tyrannie discovered: Or, A Discourse, shewing that all lawfull (approbational) instituted power by God amongst men, is by common agreement, and mutual consent. Which power (in the hands of whomsoever) ought alwayes to be exercised for the good, benefit, and welfare of the Trusters, and never ought other wise to be administered: Which, whensoever it is, it is justly resistable and revokeable; It being against the light of Nature and reason, and the end wherefore God endowed Man with understanding, for any sort or generation of men to give so much power into the hands of any man or men whatsoever, as to enable them to destroy them, or to suffer such a kind of power to be excercised over them, by any man or men, that shal assume it unto himself, either by the sword, or any other kind of way.*

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Hos. 8. 4. *They have set up Kings, but not by me: They have made them Princes, and I know it not.*

London, Printed Anno Dom. 1647.

The tract is made up of the following parts:

1. The Printer to the Reader
 2. A Table of the principall Matters contained in this ensuing Discourse
 3. [Main Document]
 4. Other documents - 11 June 1646; 22 June 1646; 23 June 1646
 5. The Humble Petititon of Elizabeth Lilburne
 6. A Writ of Habeas corpus
 7. [The Lords are no judicature at all]
 8. A further discovery of the evill managing of the affaires of Ireland
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The Printer to the Reader.

IF thou beest courteous, Reader, contribute but thy Clemency in favourable correctiting the Errata's (notwithstanding much due care had in so publike a work as this is) as we must acknowledge Iye dispersed therein. *Pag. 1. line 2. for 32. read 33. p. 4. l. 11. for fifthly r. sixthly. p. 7. 59. r. in the world; see Hof. 8. 4 p. 8. l. 17. for they r. he knowing that when he. p. 10. l. 20. for Rom. r. revelation. l. 29. r. Dan. 43. p. 11. l. 6. for against, r. but by. l. 38. for name, r. hand, p. 12. l. 2. r. and as he. l. 16. for 23. r. 33. l. 38. for his, r. their. p. 13. l. 24 for ver. 11, r chap. 8. ver. 11. p. 15. l. 30. for trivial, r cruel, p. 16. l. 2. for rule r. cover. p. 18. l. 16 for and his, r. and her. p. 19. l. 34. for rerforme, r. performe. p. 21. l. 1. blot out, years of his. l. 27. for this, r. of this King. l. 31. for most &, r. most base &. p. 23. l. 4. for 16. r. 6. p. 24. l. 10. for them, r. him. l. 25. for Realm granted him the ninth peny, r Realm dear, besides the 9. peny they granted formerly at one time for them to his Predecessor. p. 26. l. 20. r have had. l. 31. r. unusuall. l. 35. r. after this. p. 27. l. 2. r. uncounselable. l. 26 r late King. p. 34. l. 3. 457, r 655. l. 6, 264 r 462, p. 39, l. 26, after Charles, r but all his Predecessors received their Crown and Kingdom, conditionally by contract & agreement, I doubt not but the present K. Ch, his &c. p. 40, l. 10. r. by, but a, l 8, after King do, r & that there shold not much more be an account of his Office due to this Kingdom it selfe. p. 45, l. 23 after people, r and comes lineally from no purer a fountain, and well-spring, then from their Predecessors, l 25 blot out Dukes. p, 48. l. 29. that, put in if after. p. 56. l. 8, 404, 406, r. 504, 506, p. 59, l. 34 1641, r. 1646. p. 60, l. 10, 2 Sam: 7: 13, r. 1 King 12: 1. p. 61, l. 17, at the end of justly, r. come by, and. l. 18. at the end of Prophet, r. to K. Rehoboam. (who had assembled 18000. chosen men, which were Warriars to go fight against the house of Israel) p. 72, l. 2, in the margent for 254 r, 264, l. last of the marg, for 4, r. 467, p. 73, l. 15. 16 marg. after 29, insert 46. after Rot. 2, insert 4, p. 75, l. 1, in marg. for 5, r. 9, 4, for 8. r. 18, in marg. for 27. r. 2 part, l. 9. for 58, r. 38. p. 76, l, 19, for own r. other, p. 77, l. 9. in marg, 22 r. 102. p. 79, l. 1. abeas r. Habeas, p. 81, l. 24, r. to deliver to, l. 35, r. at which, p. 84. l. 2, after his honesty, r. his judges cariage, l. 7, for Lordships r. Lobby, p. 86, l. 26 blot out Dukes, p: 87: l: 1: practises r. prises, p. 88, l. 9. King r. Duke, p 91, l. 13. r. and afterwards in England made Odo, p. 92. l. 2. & 3. r. of whose estate l. 36. for unindivalid, r. unvalid, p. 94. l. 21. r. conquirendum, & tenendem sibi & here dibus, adeo libere per gladium sicut ipse rex tenhit Anglia. p. 95. l. 36. r. Comissioners, p. 96. l. 27. for incursion, r. innovation. p. 97. l. 23. r. But in the Knights, p. 97. l. 3. in the marg. for 84, r. 8, 4, 7. p. 98. l. 8. for nor r. for, p. 101, l. 12. for 1646. r. 1645.*

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[1]

IT is the saying of the God of Truth, by the Prophet, Isa: 32. 15, 16. *That he that walketh righteously, and speaketh uprightly, he that despiseth the gain of oppressions, that shaketh his hands from holding of bribes, that stoppeth his eares from hearing of bloud, and shutteth his eyes from seeing of evill; He shall dwell on high, his place of defence shall be the Munition of Rocks, &c.* But on the contrary, he saith; *Woe unto them that decree unrighteous Decrees, and that write grievousnesse which they have prescribed, to turn aside the needy from judgment, and to take away the right from the poore of my people, that widowes may be their prey, and that they may rob the Fatherlesse,* Chap. 10. 1, 2 *Now I,* having read over A BOOK INTITVLED, *The FREEMANS FREEDOME VINDICATED,* being Lieutenant-Colonell *John Lilborns* Narrative of the Lords late dealing with him, in committing him to New-Gate; and seriously considering of his condition, and of the many base aspersions cast upon him, and bitter invectives uttered against him in some late printed Bookes, but especially that of Colonell *John Bellamies*, called, *A Vindication of the City Remonstrance;* which came out, when he was a close prisoner in Newgate, by vertue of as cruell, unjust, and illegal a Warrant as ever was made by those that professe themselves to be conservators of the peoples liberties; yea, and I dare say, that search all the Records of Parliament, since the first day that ever there was any in *England*, and you shall not find the fellow of that which is against him; The Copy [2] of which (as I find it *in that of the JVST MAN IN BONDS*) thus followeth;

Die Martiis, 23. Junii, 1646.

Ordered by the Lords in Parliament assembled, That John Lilburn shall stand committed close prisoner in the Prison of Newgate; and that he be not permitted to have Pen, Inke, or Paper and none shall have accesse unto him in any kind, but onely his Keeper, untill this Court doth take further order.

IOHN BROWN, Cler. Parliamentorum.

To the Keeper of Newgate, his Deputy, or Deputies,
Exam. per Rad. Brisco, Cler. de Newgate.

What can be more fuller of arbytrary Tyrannie, and illegality then this Order expressing no cause, who, nor wherfore; & so not only absolutely against the expresse tenour of the *Petition of Right*, but *contrary* to the very practice of the Heathen Romanes, who it seemes had more morallity, reason, and justice in them, then these (pretended Christian) Lords: see Acts 25-27. For saith *Festus* to *King Agrippa* &c. When he was to send *Paul* a prisoner to *Rome*, *It seemeth to me unreasonable to send a prisoner, and not with all, to Signifie the Crimes laid against him.*

And although that this *Arbitrary & illegal* Order was extraordinary harshly executed upon *Mr. Lilburn*, and thereby *he was* as it were tyed hand and foot; yet then did *Mr. Bellamie* watch his opportunity to insult over him, when he knew that he was not able to answer for himself. O the height of basenesse! for a *Colonell* to be so void of manhood, and to finde no time to beat or insult over a man, but when he is down, and also tyed hand and foot!

One thing in *Mr. Bellamies* Book I cannot but take notice of especially, and that is this; He there cites some things in a Book called *ENGLANDS BIRTH-RIGHT;* and because it hath very high language in it, against divers great, and corrupt [3] Members of *Parliament*, which is sufficient to destroy and crush the Author of it in pieces, if he were known: And therefore that he might load *Mr. Lilburn* to the purpose, he takes it for granted, that Book is his,

although his name be not to it, nor one argument, or circumstance mentioned to prove it his; but the absence of his name, is a sufficient ground to all that knowes him and his resolution, to judge *Mr. Bellamy* a *malitious Lyar* in that particular; it being *Mr. Lilburns* common practice (for any thing I can perceive) to set his name to his Bookes, both in the BBs. days, and since; which Bookes contain the highest language, against the streame of he Times, that I have read, of any mans in *England* that avouch what he writes. As for instance, His Book, called *THE CHRISTIAN MANS TRY ALL*, being a Narrative of the illegality of the Star-Chambers dealing with him, and the barbarous inflicting of their bloody sentence upon him.

Secondly, His Book called, *COME OVT OF HER MY PEOPLE*, written (it seemes) when he was in Chaines, the fullest of resolution that I have read.

Thirdly, *THE AFFLICTED MANS COMPLAINT*, written, when he was sick in his close imprisonmen, by reason of his long lying in Irons.

Fourthly, his Epistle to Sir *MAVRICE ABBOT*, then Lord Major of *London*, called, *A CRY FOR JVSTICE*.

Fifthly, his Epistle to the *PRENTICES OF LONDON*; In both of which, he accuseth the *Bishop of Canterbury*, of High Treason, and offered, upon the losse of his life, to prove it, when *Canterbury* was in the height of his glory.

Sixthly, his Home Epistle to the Wardens of the Fleet, when he was in their own custody, and forced to defend his life, and chamber for divers workes together with a couple of Rapiers, against the Wardens and all his men, who had like, several times, to have murdered *Mr. Lilburn*.

Seventhly, his Answer to the *nine Arguments* of *T. B.* which layes lead enough upon the old and new Clergie, *the rooters up of Kingdomes and States*.

And since the Parliament.

First, *His Epistle to Mr. Pryn*, which both gaules him, and the Assembly, the thunder-bolt of *England*.

[4]

Secondly, *His Reasons against Mr. Pryn*, delivered at the *Committee of Examinations*.

Thirdly, *His Epistle wrote when he was in the custody of the Serjeant at Armes*, of the *House of Commons*, which toucheth not a little the corruptnesse acted in that House.

Fourthly, His Answer to *Mr. Pryn*, in ten sheets of Paper, called *INNOCENCIE AND TRUTH JUSTIFIED*, a notable and unanswerable piece.

Fifthly, His Epistle to *Judge Reeves*, called, *THE JUST MANS JUSTIFICATION*.

Fifthly, His *PROTESTATION AGAINST THE LORDS, AND APPEALE TO THE HOUSE OF COMMONS*.

Seventhly, His *EPISTLE* to the *Keeper of Newgate*, dated *from his Cock-loft in the Presse-yard of Newgate*, the 23. of *June*, 1646.

The next Bookes that I have lately seen against *L. C. Lilburn*, are two rayling ones, made by one *S. Shephard*, a fellow as full of simplicity as malice; In both whose Bookes, there is not one Argument, or one sound reason, to disprove, what he pretends to confute. The first of his Bookes, is called, *The Famers famed*, or an answer to three things written (it seemes) by some of *Mr. Lilburns* friends, called, First, *THE JUST MAN IN BONDS*. The second, *A*

PEARL IN A DVNGHILL. The third, A REMONSTRANCE OF MANY THOUSAND CITIZENS, and other Free-born People of England, to their own House of Commons, &c. The second of Shepherds, is called, *The false Allarme*; or, an Answer to an Allarme, To the House of Lords. The fourth Pamphlet I find against L. C. Lilburn, is called *Plain English*, which last, only gives him two wipes, in his 4. and 12. pages.

Therefore, in regard that the Author of the *City Remonstrance Remonstrated*, hath put Pen to Paper, to answer part of Mr. *Bellamies* Book, but *hath not medled with any thing* of that which doth concern *Lieut. Col. Lilburn*.

And secondly, *Forasmuch*, as none that is yet visible have medled with any of the other.

And thirdly, In regard that the man is full of *Heroicalnesse*, and a *zealous lover of his Country*, to whom all the honest *free-men* of England, are extraordinarily oblieged, for his constant, couragious, [5] and faithfull standing, for their *just liberties*, that both *God, Nature, and the Law of the Land* giveth them.

And partly in regard that by a late published Book, called, *LIBERTY VINDICATED AGAINST SLAVERY*, I understand of the *Lieutenant of the Towers base, unworthy, illegall*, and strict dealing with him, as in many other things, so in keeping him from Pen and Ink; by meanes of which, he is unable to speak publicly for himself, which is a *sad, barbarous, base, and inhumane case*. That a man should be so *illegally* dealt with, as he is, and abused in *print*, and his good name endeavoured *Cum privilegio*, to be taken away by every *Rascall*, and yet the poor man not suffered to speak a word for himself. Oh! horrible and monstrous age, that dare without remorse maintain such horrible *impiety*, and *injustice*: Surely, I may well say of them, with the Prophet *Isa. Isa. 5. 20, 23, 24, Woe unto them that call evill good, and good evill, that put darkness for light, and light for darknesse, that put bitter for sweet, and sweet for bitter, which justify the wicked for reward, and take away the righteousness of the righteous from him. Therefore as the fire devoureth the stubble; and the flame consumeth the chaffe; so their root shall be rottennesse, and their blossome shall go up as dust; because they have cast away the Law of Jehovah of Hosts, and despised the Word of the holy One of Israel: For he that justifieth the wicked, and he that condemneth the just; even they both are an abomination to Jehovah, Prov. 17. 15.*

In consideration of all which, together with many more things I shall endeavour (*according to that insight I have*) in Mr. *Lilburnes* behalf, to make a little more work, for his enemies, the *Lords*, and their Associates; But this (as a faire adversary) I shall advise them, either to get stouter *Champions* that can handle their weapons better then those that have yet appeared, or else their cause will utterly be lost.

I shall not now undertake to answer the particulars in the forementioned Bookes, but leave that to another Pen, and shall give a home provocation, to the best and ablest *Lord* in England, or the choicest *Champion* they have, to produce some sound *arguments* to maintain their jurisdiction, or else their *two stooles* (called *Usurpation* and *custome*) upon which they sit, *will let them fall to the ground*.

And the method that I shall observe, shall be this:

[6]

First, *I will prove, that if it were granted, that the Lords were a legall jurisdiction, and had a judicative power over the Commons, yet the manner of the Lords dealing with him is illegall and unjust.*

Secondly, *I will prove that if the Lords were a Judicature, yet they have no jurisdiction over Commoners.*

Third, *I will give some reasons to manifest, that they are no Juridicative at all.*

Fourthly, *That they by Law and Right, are no Law-makers.*

Fifthly, *That by Law and Right, it lyeth not in the power of the King or the House of Commons to deligate the legislative power, either to the Lords [Editor: illegible word] or conjoynd, nor to any other persons whatever.*

Now for the proove of these; the authority I shall make use of, shall, must be derived from *Scripture.*

Secondly, from the power and strength of *sound reason.*

Thirdly, from the *declared Statute Law of the Kingdome.*

Fourthly, from [Editor: two illegible words] *Parliaments Declarations.*

Fifthly, and lastly, from the Histories of England, licenced by publike Authority.

And that I may not raise a [Editor: Illegible word] brick without laying a good Foundation, I will set down a stong and *undeniable position*, which I find at a Post-script at the latter end of Lieutenant Colonel Lilurnes printed *Protestation* against the *Lords*; which is thus

GOD, the absolute Sovereign Lord and King of all things in heaven and earth, the original fountain and cause of all causes; Who is circumscribed, governed, and limited by no rules, but doth all things merely and only by His sovereign will and unlimited good pleasure; who made the world and all things therein for His own glory; and who by His own will and pleasure, gave him, His mere creature, the sovereignty (under Himself) over all the rest of His creatures (Genesis 1: 26, 28-9) and endued him with a rational soul, or understanding, and thereby created him after His own image (Genesis 1: 26-7; 9: 6). The first of which was Adam, a male, or man, made out of the dust or clay; out of whose side was taken a rib, which by the Sovereign and absolute mighty creating power of God was made a female or woman called Eve: which two are the earthly, original fountain, as begetters and bringers-forth of all [7] and every particular and individual man and woman that ever breathed in the world since; who are, and were by nature all equal and alike in power, dignity, authority, and majesty — none of them having (by nature) any authority, dominion or magisterial power, one over or above another. Neither have they or can they exercise any but merely by institution or donation, that is to say by mutual agreement or consent — given, derived, or assumed by mutual consent and agreement — for the good benefit and comfort each of other, and not for the mischief, hurt, or damage of any: it being unnatural, irrational, sinful, wicked and unjust for any man or men whatsoever to part with so much of their power as shall enable any of their Parliament-men, Commissioners, Trustees, Deputies, Viceroys, Ministers, Officers or Servants to destroy and undo them therewith. And unnatural, irrational, sinful, wicked, unjust, devilish, and tyrannical it is, for any man whatsoever — spiritual or temporal, Clergyman or Layman — to appropriate and assume unto himself a power, authority and jurisdiction to rule, govern or reign over any sort of men in the world without their free consent; and whosoever doth it — whether Clergyman or any other whatsoever — do thereby as much as in them lies endeavour to appropriate and assume unto themselves the Office and Sovereignty of GOD (who alone doth, and is to rule by His will and pleasure), and to be like their Creator, which was the sin of the devils', who, not being content with their first station but would be like GOD; for which sin they were thrown down into Hell, reserved in everlasting chains, under darkness, unto the judgement of the great day (Jude verse 6). And Adam's sin it was, which brought the curse upon him and all his Posterity, that he was not content with the station and condition that God created him in, but did aspire unto a better and more excellent — namely to be like his Creator — which proved his ruin. Yea, and

indeed had been the everlasting ruin and destruction of him and all his, had not GOD been the more merciful unto him in the promised Messiah. Gen. Chap. 3.

Now for the government of *England*; It hath been by *custome* principally and for the most part by the tyrannicall usurpation of a King, and therefore it will be requisite to search into the *Scripture*, and see, whether ever *GOD* approbationally instituted it, or onely permissively suffered it to be, as he doth all the other evils and wickednesse in the world, and for the better understanding of [8] this, It is requisite, to remember that we find in *Scripture*, That GOD was not only Israels husband, and did perform all the offices of a *loving husband* in his sweet and cordiall embracements of her, and loving dispensations to her, but also he was her *KING* himself, to raige and rule over her, and to *protect* and *defend* her, and being the Lord Almighty, and knowing all things past, present and to come, knew well that *Israel* would be forgetfull of all his kindnesse; and though he had chosen them out of all the world in a speciall manner to be his *peculiar ones*; yet they would forsake him, and desire to be like the *World*; And *Moses* declares thus much of them after they had enjoyed the good things of God in abundance: *But Jesurun waxed fat, and kicked: Thou art waxed fat, thou art grown thicke, thou art covered with fatnesse: then he forsook God which made him, and lightly esteemed the Rock of his salvation*, Deut. 32. 15.

And therefore they knowing that when he possessed the Land of *Canaan*, they would reject him, and desire a King (like all the rest of the Heathens, and Pagans) to reign over them: Yet they being dear unto him, he would not wholly reject them, but gave them a *Law* for the chusing of a King, and his behaviour, which we find in Deut. 17. 14, 15, 16, 17, 18, 19, 20. in these words: *When thou art come into the Lands, which Jehovah by God giveth thee, and shalt possesse it, and shalt dwell therein, and shalt say, I will set a King over me, like as all the Nations that are about me. Thou shalt in any wise set him King over thee, whom Jehovah thy God shall chuse, one from among thy Brethren shalt thou set King over thee: Thou mayst not set a stranger over thee, which is not thy brother: But he shall not multiply horses to himself, nor cause the people to return to Egypt, (that is, to bondage or slavery;) to the end, that he should multiply horses: Forasmuch, as Jehovah hath said unto you, Ye shall henceforth return no more that way, (that is to say, ye shall be no more slaves.) Neither shall he multiply wives to himself, that his heart turn not away; neither shall greatly multiply to himself silver and Gold. And it shall be when he sitteth upon the Throne of his Kingdom, that he shall write him a Copy of this Law in a Book, out of that which is before the Priests, the Levites. And it shall be with him, and he shall reade therein all the dayes of his life, that he may learn to feare Jehovah his God, to keepe all the words of this Law, and these Statutes, and do them; That his heart be not lifted up above his [9] Brethren, and that he turn not aside from the Commandement, to the right hand, or to the left; to the end, that he may prolong his dayes in his Kingdome, he and his children in the midst of Israel.* So that to me it is very cleer, that all Government whatsoever ought to be by mutuall consent and agreement; and that no Governour, Officer, King, or Magistrate, ought to be be trusted with such a Power, as inables him when he pleaseth, to destroy those that trust him; And wickedness [in the highest] it is for any King, &c. to raige and govern by his Prerogative; that is to say, by his will and pleasure, and as great wickednesse it is for any sort of men, to suffer him so to do: For the prooffe of this, I lay down my Argument thus, and we will apply it to the King of *England* in perticular.

He that is not GOD, but a *meer man*, cannot make his *will*, a *rule*, and *law*, unto himself and others.

But *Charles Stewart*, (*alias Charles Rex.*) is not God but a *meer man*.

Ergo, he cannot make his *Will* a *rule* and *Law* unto himselfe or to the people, of *England*:

Secondly, He that by *contract* and *agreement* receives a *Crowne* or *Kingdome*; is bound to that *contract* and *agreement* the violating of which, *absolves* and *disingages* those, (that made it) from him,

But *King Charles* received His *Crowne* and *Kingdome* by a *contract*, and *agreement*, and hath broken His *contract* and *agreement*.

Ergo. &c.

Now for the clearing of the first proposition, it is confest by all that are not meer *Athists*, That *GOD* alone rules, and governs by his *Will*, and that therefore things are legall, just, and good: Because *GOD* wills them to be so. And therefore all men whatsoever must, and ought to be ruled by the Law of *GOD*, which in a great part is engraven in *Nature*, and demonstrated by *Reason*: As for instance, It is an instinct in *Nature*, that there is a *GOD*, *Rom. 1.* or a *mighty incomprehensible power*. (And therefore it is *rationall*, that we should not make *Gods* unto our selves,) and this is the *pith* of the *first Commandement*. *Nature* telling me, *There is a God*. And therefore secondly, its *rationall* he only should be worshipped, served, and odored, and that's the *marrow* of the *second Commandement*. [10] And in the third place, seeing *nature* tells me there is a *GOD*, *reason* dictates unto me, that I should speak reverently and honourably of him; And this is the summe of the third *Commandement*. Fourthly *Nature* dictating to me, there is a *GOD*. It is *rationall* I should set some time apart to do him *homage* and *service*;

And seeing the instinct of *Nature* causes me to look upon him as a *Sovereign* over me; is but *rationall* hath he should appoint a *Law* unto me, for the matter manner, and time of his worship and service; and this is the substance of the fourth *Commandement*.

Again, seeing *nature* teacheth me to defend my self, and preserve my life; *Reason* telleth me in the [Editor: 2 illeble words] it is but just that I should not doe that unto another, which I would not have another doe to me; but that in the affirmative, I should do as I would be done unto; And this is the *marrow* of the whole *second Table* of *gods* Law, from whence, all Lawes amongst men ought to have their derivation: And therefore, because by nature no man is *GOD*, or *Sovereign*, one over another; *Reason* tells me, I ought not to have a law imposed upon me, without my consent; the doing of which is meerly tyrannicall, Antichristian, and Diabolicall, *Rom. 13.* Yea *Reason* tells me in this that no *Sovereignty* can justly be exercised, nor no *Law* rightfully imposed, but what is given by common consent, in which, every individuall is included; So this proves the latter part of the Argument.

As for the minor Proposition, I think it will not be denied; for I conceive, none that confesse *Christ* to be come in the fifth will be so *Atheisticall*, as to affirme the *King* to be any more then a *meer man*, subject to the like infirmities with other men; See *Acts 12. 22, 23.* *Dan. 14. 22, 25, 33.* and *5. 18, 20, 23.*

As touching the second Argument, the whole Current of the Scripture proveth it; In all the *Contracts* betwixt *GOD* and his *Creatures*. As for instance:

First, with *Adam*, who by *Gods contract* (being his *Sovereign*) was to enjoy *Paradice*, &c. upon such, and such a condition; but as soon as *Adam* broke the agreement, *GOD* took the forfeiture, see *Gen. 3. 16, 17, 24.* So likewise *GOD* made a *contract* with *Israel* when he gave the Law in *Mount Syna* (as their *LORD* and *KING*) by the hand of *Moses*: But when they broke their [11] *Covenant*, *GOD* took the forfeiture, though he being a *Sovereigne LORD*, and governed by nothing but his own *WILL*, forbore long the finall execution of the forfeiture: So in the same case amongst the *Sons* of *Men*, that live in mutuall society one amongst

another in *nature and reason*, there is none above, or over another, against mutuall consent and agreement, and all the particulars or individuals knit and joynd together by mutuall consent and agreement, becomes a *Sovereign Lord and King*, and may create or set apart, for the execution of their Lawes (flowing from their will and mind founded upon the *Law of God*, ingraven in *nature*, and demonstrated by reason) Officers, which we call *Magistrates*, and limit them by what rules they judge convenient; alwayes provided, they be consonant to the *Law of God, Nature, and Reason*; by the force of which, it is not lawfull for any man to subject himself, to be a slave. For that which is against *Nature*, and the glory of the Image of GOD that he created man in, Gen. 9. 6. and so a dishonour to himself, and to his Maker, his absolute and alone Sovereign, cannot justly be done. But to subject to slavery, or to be a slave, is to degenerate from his Originall, and *Primitive institution* of a *Man* into the habit of a *Beast*, upon whom GOD never bestowed that stile of *honour* of being creatures created in the *Image* of their *Creator*.

And therefore, I am absolutely of *Catoes* mind, to think, that *no man can be an honest man, but he that is a free man, And no man is a free man, but he that is a just man*. And for any man in the world, whatsoever he be, that shal by his *sword*, or any other means thus assume unto himself, and exercise a *power* over any sorts of men, after this kind against their *wills* and *mindes*, is an absolute *Tyrant and Monster*, not of *God*, or mans making, but of the *Divels lineage* and *off-spring*, (who is said to go up and down the world, seeking whom he may devour) who ought to be abhorred of GOD, and all good men, seeing that such *Monsters*, commonly called *Kings or Monarks*, assume unto themselves, the very *Sovereignty, Stile, Office*, and name of GOD himself, whose *Sovereign Prerogative* it is, only, and alone, to *rule and govern by his will*. Therefore when the Sons of men took upon them to execute in this kind, GOD raised up *Moses* his Servant, to deliver those whom he took delight in, from their tyranny, and to be an Instrument in his Name to ruine and destroy that *grand Tyrant Pharoah*, and all his Country, [12] *Exod.* 3. 9, 10. and 5. 5. and 14. 5, 14. 25, 28.

As he journied towards Canaan, God by his Agents destroyed five (Vsurpers or Kings) more, at one bout, Num. 31. 8. and more at the next bout, Num: 32. 33. Deut: 3. 2. 3. And after him, the Lord raised up *Ioshua*, whom he *filled full of the Spirit of Wisdome*, Deut: 34. 9 to be his *executioner* upon *such* his pretending *Competitors, Kings (alias Tyrants.)* And the first that I read of was the *King of Jericho, whom he destroyed Josh* 6. 21. and 10. 28. And the next was the *King of Ave, whose Citie and Inhabitants he utterly destroyed, and hanged their King on a tree, Josh* 8. 26, 28, 29. The next after them was five Kings, with whom he waged battell altogether, *And when he had slain their people, he took the five Kings, and caused his Captains and men of war to tread upon their necks and afterwards he smote them, and slew them, and hanged them on five trees, Iosh* 10. 26. The next he destroyed was the *King of Makkedah, vers. 28. and vers. 29 he destroyed the King of Libnah, vers. 23. he destroyed the King of Gezer; and the next he destroyed was the King of Hebron, vers. 37. And then he utterly destroyed the King of Debir, and his City, vers. 39. and in chap. 11. Hazer sent to abundance of his neighbouring Kings, who assembled much people together, even as the sand that is upon the Sea-shore, (vers. 4) to fight against Ioshua, who utterly destroyed them all vers. 12.—23. which in the next Chapter he enumerates; And after Ioshua, the Lord chose Judah, to be his Executioner, as his Deputy, or Vice-Roy, that being a name and title high enough for any man, and the first piece of justice that Judah doth, is upon Adonibezek, who was a great and cruell King and Tyrant, and his thumbs and his great toes he cut off, who himself confessed it, a just hand of God upon him, himself having served threescore and ten Kings in the same manner, and made them gather their meat under his Table, Iudg. 1. 6, 7. But the children of Israel (the Subjects of GOD not onely by Creation, but also by Contract and Covenant) violating their Covenant with their Sovereigne LORD and KING, in not driving out, and utterly destroying the people of Gods indignation (who had robbed him of his Honour, as their Sovereign by creation in yeelding subjection to the wills and lusts of*

Tyrants, called their *Kings*, who had thereby usurped upon the *peculiar Prerogative Royall* of GOD himself, and so put both *Tyrants (Kings)* and *Slaves (his Subjects)* out of the *protection* of their *Creator*) wherefore *they became unto them as thornes in their sides*, Iudg. 2. 2, 3. and in [13] a little time they began to rebell against their LORD, and his *Lawes*, which incensed his anger against them, and caused him to deliver them into the hands of *Spoylers*, and to *sell them into the hands of their Enemies round about*, Iudg. 2. 14 And in the 9 chapter *Abemilech* sought the *Soveraignty over the people*, and got it with the *bloud and slaughter of threescore and ten of his Brethren*, but GOD requited, with a witness, both on him, and all that had a finger in furthering of his *usurpation*, vers. 23, 24, 45, 53, 54 for afterward the *Tyrant* that they had set up destroyed them all for their pains, and in the end had his *scull broke* to pieces with a piece of a *millstone* thrown from the hand of a *woman*, And after many miseries sustained by the people of *Israel*, for their revolt from their loyalty to GOD, *their LORD and KING*: Yet in their distresse, hee took compassion of them, and sent them *Samuel*, a *just and righteous Judge*, who judged them justly all his dayes.

But the people of *Israel* like *foolishmen*, not being content with the *Government of their Sovereign by Judges* (who out of doubt took such a care of them, that he provided the best in the world for them) would reject their *Liege Lord*, and chuse one of their own; namely, a *King*, that so they might be like the *Pagans and Heathens*, who live without God in the world, which Act of theirs, God plainly declares was a rejection of him, that ^{1 Sam. 8. 7. and 10. 9.} he should not reign over them, 1 Sam. 8 7. and chap. 10. 19. But withal, he defendeth vnto them the behaviour of the *King*, vers. 11, 12, 13, 14, 16. which is, that he will rule and govern them by his own will [just Tyrant like] for saith *Samuel*, he will take your *Sons*, and appoint them for himselfe for his *Chariots*, and to be his *horsemen* and some shall run before his *Chariots*, and he will take (by his *Prerogative*) your *Fields*, and your *Vineyards*, and your *Oliveyards*, even the best of them, and give them to his *Servants*, and he will take your *men-servants*, and your *maid-servants*, and your *goodliest young-men*, and your *Asses*, and put them to his worke, &c. And saith *Samuel*, you shall cry out in that day, because of your *King*, which ye shall have chosen unto you: but the Lord will not hear you in that day: And *Samuel* (in the 12. Chapter.) gives them positively the reason of it, which was, that although GOD in all their straights had taken compassion on them, and sent them *deliveries*, and at the last, had by himself, set them free on every side; so that they dwelt safely: Yet all this [14] would not content them, but they would have a *King to reigne over them*, when (saith *Samuel*) *The Lord your God was your King*: therefore chap. 19. saith *Samuel*, ye have this day rejected your God, who himself saved you out of all your *adversities*, &c. yea, and (in the 19. ver. of the 12. chap.) the People acknowledged that they had added unto all their sins, this evill, even to ask a *King*; Whereby we may evidently perceive, that this office of a *King*, is not in the least of Gods institution; neither is it to be given to any man upon earth: Because none must rule by his will but God alone; And therefore the Scripture saith, He gave them a *King* in his anger, and took him away in his wrath, *Hosa* 13. 11.

In the second place for the prooffe of the minor Proposition, which is, *That Charles R. received his Crown and Kingdome by contract and agreement; and hath broken his contract and agreement*, I thus prove.

And first, for the first part of the position, History makes it clear, that *WILLIAM THE CONQVEROVR, OR TYRANT*, being a *Bastard*, subdued this Kingdome by force of *Armes*. Reade *Speeds Chronicle*, folio 413. *There being slain in the first Battell, betwixt him and the English about sixty thousand men, on the English party*, As *Daniel* records in his History, fol. 25. *And having gained the Country, he ruled it by his sword, as an absolute Conqueror, professing that he was beholding to none for his Kingdome, but God and his sword*, making his power as wide as his will (just Tyrant like) giving away the *Lands of their Nobles* to his

Normans, laying unwonted taxes, and heavie subsidies upon the Commons, insomuch, that many of them; to enjoy a barren liberty, forsook their fruitfull inheritance, and with their wives and children as out-lawes, lived in woods, preferring that naked name of freedome, before a sufficient maintenance possest under the thraldome of a Conquerar, who subverted their Lawes, disweaponed the Commons, prevented their night meetings, with a heavie penalty, that every man at the day closing should cover his fine, and depart to his rest, thereby depriving them of all opportunity to consult together, how to recover their liberties; collating Officers all both of command and judicature, on those who were his, which made, saith Daniel, page 46. his domination such as has he [15] would have it; For whereas the causes of the Kingdome were before determined in every Shire, And by a Law of King Edward Segnier, all matters in question should, upon speciall penalty, without further deferment, be finally decided in the Gemote, or Conventions held monethly in every Hundred: Now he ordained, That four times in the yeare for certain dayes, the same businesse should be determined, in such place as he would appoint, where he constituted Judges, to attend to that purpose; and others from whom as from the bosome of the Prince all litigators should have justice. And to awake them as miserable, as slaves could be made, He ordered that the Laws should he practised in French, all Petitions and businesses of Court in French, that so the poor miserable people might be gulled, and cheated, undone and destroyed; not onely at his will and pleasure, but also at the will and pleasure of his under Tyrants and Officers; For to speak in the words of Martin, in his History, page 4. He enacted and established strict and severe Lawes, and published them in his own language; by meanes whereof, many (who were of great estate, and of much worth) through ignorance did transgresse and their smallest offences were great enough to entitle the CONQVEROR to their lands, to the lands and riches which they did possesse; All which he seized on, and took from them without remorse. And in page 5. he declares, that he erected sundry Courts, for the administration of his new Lawes, and of Justice, and least his Iudges should bear to great a sway by reason of his absence; he caused them all to follow his Court, upon all removes, Whereby he not only curbed their dispensations which incited them to be great, but also tired out the English Nation with extraordinary troubles, and excessive charges, in the prosecution of Suites in Law.

From all which relations we may observe;

First, from how *wicked, bloody, triviall, base, and tyrannicall a Fountain our gracious Sovereignes, and most excellent Majesties of England* have sprung; namely; from the Spring of a *Bastard*, of *poore condition*, by the *Mothers side*, and from the pernicious springs of *Robbery, Pyracie, violence, and Murder, &c.* Howsoever, fabulous Writers, strive (as *Daniel* saith) to abuse the credulity of after Ages, with Heroicall, or mircaulous beginnings, that surely if it be rightly considered, there will none dote upon those kind of Monsters, *Kings*; but *Knaves, Fooles, Tyrants, [16] or Monopolizers, or unjust wretched persons*, that must of necessity have their *Prerogative* to rule over all their *wickednesses*.

Secondly, Observe from hence, from what a pure Fountain our enslaving Lawes, Judges, and Practises in Westminster Hall, had their originall; namely, from the will of a *Conqueror and Tyrant*, for I find no mention in History of such *Judges, Westminster Hall Courts*, and such *French ungodly proceedings* as these, untill his dayes, the burthen of which, in many particulars to this day, lies upon us.

But in the 21. of this Tyrants reigne, After that the *captivated Natives* had made many struglings for their *liberties*, and he having alwayes suppressed them, and made himself absolute, He began (saith *Daniel*, fol. 43.) *to govern all by the customes of Normandy; whereupon the agrieved Lords, and sad People of England tender their humble Petition, beseeching him in regard of his Oath made at his Coronation; and by the soule of St. Edward, from whom he had the Crown and Kingdome, under whose Lawes they were born*

and bred, that he would not adde that misery, to deliver them up to be judged by a strange Law which they understood not. And (saith he) so earnestly they wrought, that he was pleased to confirme that by his Charter, which he had twice fore-promised by his Oath. And gave commandment unto his Iusticiaries to see those Lawes of St. Edward to be inviolably observed throughout the Kingdome. And yet notwithstanding this confirmation, and the Courtiers afterward granted by Henry the second, and King Iohn, to the same effect; There followed a great Innovation both in Lawes and Government in England; so that this seemes rather to have been done to acquit the people, with a shew of the confirmation of their antient Customes and liberties, then that they enjoyed them in effect: For whereas before, those Lawes they had, were written in their tongue intelligible unto all; Now they are translated into Latine and French. And whereas the Causes of the Kingdome were before determined in every Shire, And by a Law of King Edward senior, all matters in question should upon speciall penalty without further deferment, be finally decided in their Gemote or Conventions held monethly in every Hundred (A MOST GALLANT LAW.) But he set up his Judges four times a yeare, where he thought good to be their Causes; Again, before his Conquest, the inheritances descended not alone, but (after the Germane manner) [17] equally divided to all the children which he also altered; And after this King (*alias*, Tyrant) had a cruell and troublesome raign, his own Son Robert rebelling against him (yea, saith *Speed*, fol. 430.) all things degenerated so (in his cruell dayes) that time and domestick fowles, as Hens, Geese, Peacocks, and the like, fled into the Forrests and Woods, and became very wild in imitation of men. But when he was dead, his Favourites would not spend their pains to bury him, and scarce could there be a grave procured to lay him in; See *Speed*, fol. 434. and *Daniel*, fol. 50. and *Martin*, fol. 8.

WILLIAM THE SECOND, to cheat and cosen his eldest brother Robert, of the Crown, granted relaxation of tribute with other releevements of their dolencies, and restored them to the former freedome of hunting in all his Woods and Forrests, *Daniel* fol. 53. And this was all worth the mentioning, which they got in his dayes.

And then comes his brother, Henry the first, to the Crown, and he also stepping in before Robert the eldest brother, and the first actions of his government tended all to bate the people, and suger their subjection, as his Predecessour upon the like imposition had done, but with more moderation and advisednesse; for he not only pleaseth them in their releevement, but in their passion, by punishing the chiefe Ministers of their exactions, and expelling from his Court all dissolute persons, and eased the people of their Impositions, and restored them to their lights in in the night, &c. but having got his ends effected, just tyrant-like, he stands upon his *Prerogative*, that is, his will and lust; but being full of *turmoiles*, as all such men are, his Son the young Prince, the only hope of all the Norman race was at Sea, (with many more great ones) *drowned*, after which, he is said never to have been seen to laugh, and having (besides this great losse) many troubles abroad, and being desirous to settle the Kingdome upon his daughter Maud the Empresse, then the wife of Goffery Plantagines, in the 15. year of his reign he begins to call a Parliament, being the first after the Conquest: for that (saith *Dan. fol. 66.*) he would not wrest any thing by an imperiall power from the Kingdome (which might breed Ulcers of dangerous [18] nature) he took a course to obtain their free consents, to observe his occasion in their generall Assemblies of the three Estates of the Land, which he convocated at Salisbury, and yet notwithstanding by his prerogative, resumed the liberty of hunting in his Forrests, which took up much faire ground in England, and he laid great penalties upon those that should kill his Deere. But in this Henry the first, ended the Norman race, till Henry the second: For although Henry the first had in Parliament caused the Lords of this Land, to swear to his Daughter Maud and her Heires, to acknowledge them as the right Inheritors of the Crown: Yet the State elected, and invested in

the Crown of England (within 30. dayes after the death of Henry) Stephen Earle of Bolloign, and Montague Son of Stephen, Earl of Blois, having no title at all to the Crown, but by meer election was advanced to it, The Choosers being induced to make choice of him, having an opinion that by preferring one, whose title was least, it would make his obligation the more to them, and so, they might stand better secured of their liberties, then under such a one as might presume of a hereditary succession.

And being crowned, and in possession of his Kingdome, hee assembleth a *Parliament at Oxford*, wherein hee restored to the Clergie all their former liberties, and freed the Laity from their tributes, exactions, or whatsoever grievances oppressed them, confirming the same by his Charter, which faithfully to observe, hee took a publike Oath before all the *Assembly*, where likewise the BBs. *swore fealty to him, but with this condition (saith Daniel, folio 69.) SO LONG AS HE OBSERVED THE TENOVOR OF THIS CHARTER*, And *Speed* in his *Chronicle*, fol. 458. saith, *that the Lay-Barons made use also of this policie*, (which I say is *justice and honesty*) as appeareth by *Robert Earl of Glocester*, who swore to be true Liege-man to the King, *AS LONG AS THE KING WOVL D PRESERVE TO HIM HIS DIGNITIES, AND KEEPE ALL COVENANTS*: But little quiet the Kingdome had; for rebellions and troubles dayly arose by the friends of *Maud the Empresse*, who came into *England*, and his Associates pitching a field with him, where he fought most stoutly, but being there taken, hee was [19] sent prisoner to *Bristoll*. And after this Victory thus obtained, (saith *Martin*, fol. 29.) *The Empresse, with many honourable tryumphs and solemnities was received into the Cities of Circester, Oxford, Winchester, and London*; but the *Londoners desiring the restitution of King Edwards Lawes, which she refused*, which proved her ruine, and the restitution of *King Stephen* out of prison, and to the Crown again; and after some fresh bouts, betwixt *King Stephen*, and *Duke Henry (Mauds eldest Son)* a Peace was concluded betwixt them in a *Parliament at Westminster*, and that *Duke Henry* should enjoy the Crown after *King Stephen*. At the receiving of which, *he took the usuall oath*, and being like to have much work in *France*, &c. being held in thereby from all exorbitant courses, *he was therefore wary to observe at first, all meanes to get, and retain the love and good opinion of this Kingdom, by a regular and easie government, and at Waldingford, in Parliament (saith Daniel, fol. 80.) made an act, that both served his own turn, and much eased the stomackes of his people*, which was the expulsion of *strangers*, wherewith the Land was much pestered, but afterwards was more with *Becket* the traytorly Arch-bishop of *Canterbury*, And after him succeeds his Son *Richard* the first. (*At the beginning of this mans Reigne, a miserable massacre was of the Jewes in this Kingdom.*) who went to the holy wars, and was taken prisoner by the Emperour as he came home, of whom (*Daniel saith, fol. 126.*) that he reigned 9 years, and 9 moneths, *wherein he exacted, and consumed more of this Kingdome, then all his Predecessours from the Norman had done before him, and yet lesse deserved then any*. His brother *Duke John* being then beyond Seas with his Army, was by the then *Archbishop of Canterburies* meanes endeavoured to be made *King, who undertooke for him that he should restore unto them their Rights, and govern the Kingdome as he ought with moderation, and was thereupon, (after taking three oathes, which were to The Kings Oath. love holy Church, and preserve it from all Oppressours, to govern the State in justice, and abolish bad Lawes, not to assume this Royall honour, but with full purpose to rerform: that he had sworn, Speed 534.) crowned King*; And because the title was doubtfull, in regard of *Arthur the Posthumus Son of Geffery, Duke of Brittain, King Iohns eldest brother (Speed fol. 532) he receives the Crown and Kingdome by way of election, Daniel fol. 127. [20] the Archbishop that crowned him, in his Oration professing, before the whole Assembly of the State, That by all reason, Divine and Humane, none ought to succeed in the Kingdome, but who should bee for the worthinesse of his vertues, universally chosen by the State, as was this man*. And yet notwithstanding all this, he assumed power by his *will and prerogative*, to

impose three shillings upon every *ploughland*, and also exacted great *Fines* of *Offenders* in his *Forrests*. And afterwards summons the *Earles* and *Barons* of *England* to be presently ready with *Horse* and *Arms* to passe the *Seas* with him. *But they holding a conference together at Lecester, by a generall consent send him word, That unlesse he would render them their rights and liberties, they would not attend him out of the Kingdome.* Which put him into a mighty rage; but yet he went into *France*, and there took his Nephew *Arthur* prisoner, and put him to death, by reason of which the Nobility of *Britaigne*, *Anjou* and *Poictou*, took *Armes* against him, and *summon him to answer at the Court of Justice of the King of France, to whom they appeale.* Which he refusing, is condemned to lose the *Dutchy* of *Normandy*, (which his Ancestors had held 300. yeares) and all other his *Provinces* in *France*, which he was accordingly the next yeare deposed of.

And in this disastrous estate (saith *Daniel fol. 130.*) he *returnes into England, and charges the Earles and Barons with the reproaches of his losses in France; and fines them* (by his Prerogative) *to pay the seventh part of all their goods for refusing his aid.* And after this going over into *France* to wrastle another fall, was forced to a peace for two yeares, and returnes into *England* for more supplies; where, by his will, lust, and prerogative, he layes an imposition of the thirteenth part of all moveables, and other goods, both of the *Clergie* and *Laitie*; who now (saith *Daniel*) seeing their substances consume, and likely ever to be made liable to the Kings desperate courses, began to cast about for the recovery of their ancient immunities, which upon their former sufferance had been usurped by their late Kings. And hence grew the beginning of a miserable breach between the King & his people, Which (saith he) folio 131.) cost more adoe, and more Noble blood, then all the *Warres* forraigne had done since the *Conquest*: For this contention ceased not, though it often had fair intermissions, till the *GREAT CHARTER*, made to keep the Beame right betwixt *SOVERAIGNTY* and *SUBJECTION*, first obtained [21] of this King *JOHN*, in his 15. and 16. yeares of his yeares of his reigne; and after of his sonne *Henry the 3.* in the 3. 8. 21. 36. 42. yeares of his reigne (though observed truly of neither) was in the maturity of a judicciall Prince, *Edward the first*, freely ratified, Anno regni 27. 28. But I am confident, that whosoever seriously and impartially readeth over the lives of *King John*, and his sonne *Henry the third*, will judge them *Monsters* rather then men, *Roaring Lions*, *Ravening Wolves*, and *salvadge Beares* (studying how to destroy and ruine the people) rather then *Magistrates* to govern the people with justice and equity: For, as for *King John*; he ^{Consider, compare, and conclude.} made nothing to take his *Oath*, and immediatly to break it (the common practice of *Kings*) to grant *Charters* and *Freedomes*, and when his turn was served, to annihilate them again; and thereby, and by his tyrannicall *oppressions*, to embroyle the *Kingdome* in *Warres*, *Blood*, and all kind of miseries. In selling and basely delivering up the *Kingdome* (that was none of his own, but the peoples) as was decreed in the next *Parliament* (*Speed fol. 565.* by laying down his *CROWN*, *Scepter*, *Mantle*, *Sword* and *Ring*, the Ensignes of his *Royalty*, at the feet of *Randolphus* the Popes Agent, delivering up therewithall the *Kingdome* of *England* to the Pope. And hearing of the death of *Geffery Fitz Peter*, one of the *Patrons* of the people, rejoyced much, and swore by the *Feet of God*, *That now at length he was King and Lord of England, having a freer power to untie himselfe of those knots which his Oath had made to this great man against his will and to break all the Bonds of the late concluded peace with the people; unto which he repented to have ever condescended.* And (as *Daniel folio 140.* saith) to shew the desperate malice this *King* (and *Tyrant*) (who rather then not to have an absolute domination over his people to doe what he listed, would be any thing himselfe under any other, that would but support him in his violences.) *There is recorded an Ambassage (the most and impious that ever was sent by any Christian Prince) unto Maramumalim the Mover, intituled, The great King of Africa, &c. Wherein he offered to render unto him his Kingdome, and to hold the same by tribute from him, as his Sovereign Lord: to forgoe the Christian faith* (which he held vain) *and receive that of Mahomet.* But leaving him and his people together by the eares (striving with him for their liberties> and

freedomes (as justly they might) which at last brought in the *French* amongst them to [22] the almost utter ruine and destruction of the whole Kingdome, and at last he was poisoned by a Monk.

It was this King (or Tyrant) that enabled the Citizens of London to make their Annuall choyce of a Mayor and two Seriffes, Martaine 59.

The Kingdome being all in broyles by the *French*, who were called in to the aid of the *Barons* against him; and having got footing; plot and endeavour utterly to extinguish the *English Nation*. The States at *Glecester* in a great Assembly, caused *Henry* the third his sonne, to be *Crowned*, who walked in his Fathers steps in subverting the peoples *Liberties and Freedomes*, who had so freely chosen him, and expelled the *French*: yet was hee so led and swayed by evill *Councillors*, putting out the *Natives* out of all the chief places of the *Kingdome*, and preferred strangers only in their places. Which doings made many of the *Nobility* (saith *Daniel* folio 154.) combine themselves for the defence of the publick according to the law of *Nature and Reason*) and boldly doe shew the King his error, and ill-advised course in suffering strangers about him, to the disgrace and oppression of his naturall liege people, contrary to their *Lawes and Liberties*; and that unlesse he would reforme this excesse, whereby his *Crown and Kingdome* was in imminent danger, they would withdraw themselves from his *Councell*. Hereupon the King suddenly sends over for whole *Legions of Poictonions*, and withall summons a *Parliament at Oxford*, whither the *Lords* refuse to come. And after this, the *Lords* were summoned to a *Parliament at Westminster*, whither likewise they refused to come, unlesse the King would remove the *Bishop of Winchester*, and the *Poictonians* from the Court: otherwise by the common Counsell of the Kingdom, they send him expresse word, *They would expell him and his evill Councillors out of the land, and deale for the creation of a new King*. Fifty and six years this King reigned in a manner in his Fathers steps: for many a bloody battell was fought betwixt him and his people for their *Liberties and Freedomes*, and his sonne *Prince Edward* travelled to the warres in *Africa*: The State after his Fathers death in his absence assembles at the *New Temple*, and Proclaim him, King. And having been six years absent, in the the third yeare of his reigne comes home, and [23] being full of action in warres, occasioned many and great *Levies of money from his people*; yet the most of them was given by common consent in *Parliament*; and having been three years out absent of the Kingdom, he comes home in the 16. year of his reign. And generall complaints being made unto him of ill administration of justice in his absence, *And that his Judges like so many Jewes, had eaten his people to the bones, & ruined them with delays in their suits, and enriched themselves with wicked corruption* (too comon a practice amongst that generation) he put all those from their *Offices* who were found guilty (and those were almost all) and punished them otherwise in a grievous manner, being first in open *Parliament* convicted. See *Speed* folio 635. And, saith *Daniel*, folio 189. The fines which these wicked corrupt Judges brought into the Kings *Coffers*, were above one hundred thousand marks; which at the rate (as money goes now) amounts to above three hundred thousand *Markes*; by meanes of which he filled his empty *Coffers*, which was no small cause that made him fall upon them. In the mean time these were true branches of so corrupt a root as they flowed from, namely the *Norman Tyrant*. And in the 25. yeare of his reigne he calles a *Parliament*, without admission of any *Church-man*: he requires certain of the great *Lords* to goe into the warres of *Gascoyne*; but they all making their excuses every man for himselfe: The King in great anger threatned that they should either goe, or he would give their *Lands* to those that should.

Whereupon *Humphry Bohun*, Earle of *Hereford*, High Constable, and *Roger Bigod*, Earle of *Norfolk*, Marshall of *England*, made their Declaration, *That if the King went in person, they would attend him, otherwise not*. Which answer more offends. And being urged again, the Earle Marshall protested, *He would willingly go thither with the King, and march before*

him, in the Vantguard, as by his right of inheritance he ought to doe. But the King told him plainly, he should goe with any other, although himself went not in person. I am not so bound (said the Earle) neither will I take that journey without you. The King swore by God, Sir Earle you shall goe or hang. And I sweare by the same oath, I will neither goe nor hang (said the Earle). And so without leave departed.

Shortly after the two Earles assembled many Noblemen, and others their friends, to the number of thirty Baronets; so that they were fifteen[24] hundred men at Arms, well appointed, and stood upon their own guard: The King having at that time many Irons in the fire of very great consequence, judged it not fit to meddle with them, but prepares to go beyond the Seas, and oppose the King of France; and being ready to take ship, the Archbishops, Bishops, Earles, and Barons, and the Commons send him in a Roll of the generall grievances of his Subjects, concerning his Taxes, Subsidies, and other Impositions, with his seeking to force their services by unlawfull courses, &c. The King sends answer, that he could not alter any thing without the advice of his Councell, which were not now with them; and therefore required them, seeing they would not attend him in this journey (which they absolutely refused to doe, though he went in person, unlesse he had gone into France or Scotland) that they would yet do nothing in his absence prejudiciall to the peace of the Kingdom. And that upon his return, he would set all things in good order as should be fit.

And although he sayled away with 500. sayle of ships, and 18000. men at Armes, yet he was crossed in his undertakings, which forced him (as Daniel saith) to send over for more supply of treasure, and gave order for a Parliament to be held at York by the Prince, and such as had the managing of the State in his absence; wherein, for that he would not be disappointed, he condescends to all such Articles as were demanded concerning the Great Charter, promising from thence-forth never to charge his Subjects, otherwise then by their consents in Parliament, &c. which at large you may reade in the Book of Statutes, for which, the Commons of the Realm granted him the ninth peny: At so deer a rate were they forced to buy their own Rights, at the hands of him that was their servant, and had received his Crown and Dignity from them, and for them: But the People of England not being content with the confirmation of their Liberties, by his Deputies, presse him (at a Parl. at Westminster) the next year to the confirmation of their Charters, he pressing hard to have the Clause, *Salvo Jure Coroæ nostiæ* put in, but the 'People would not endure it should be so: Yet with much adoe he confirms them, according to their mind, and that neither he, nor his heires, shall procure, or do any thing whereby the Liberties of the Great Charter contained, shall be infringed or broken; and if any thing be procured, by any person, contrary to the premises, it shall be held of no force, nor effect, And this cost them dear, as I said before.

[25]

So that here you have a true relation, of the begetting, the conception, and birth of *Magna Charta*, *The English-Mans Inheritance*, And how much blood and money it cost our fore-fathers before they could wring it out of the hands of their tyrannicall Kings; and yet alas, in my judgment, it falls far short of *Edward the Confessors Laws*, (for the ease, good, and quiet of the people) which the Conqueror robbed *England* of, for the *Norman* practises yet in *Westminster-Hall*, by reason of their tediousnesse, ambiguities, uncertainties, the entries in Latine, which is not our own Tongwe, their forcing men to plead by Lawyers, and not permitting themselves to plead their own causes, their compelling of persons to come from all places of the Kingdom, to seek for Justice at *Westminster*, is such an *Iron Norman yoaik*, with fangs and teeth in it (as *Lieutenant Colonell Lilburn* in his late printed Epistle to Judge *Reeves* calls it,) That if we were free in every particular else, that our hearts can think of; yet (as the same Author saith) were we slaves; by this alone; the burthen of which singly will pierce, & gaul our shoulders, & make us bow, & stoop even down to the ground, ready to be made a prey, not only by great men, but even by every cunning sharking knave.

Oh, therefore that our Honourable Parliament, according to their late Declaration, would for ever annihilate this Norman innovation, & reduce us back to that part of the antient frame of government in this Kingdome before the Conquerors dayes, That we may have all cases and differences decided in the County or Hundred where they are committed, or do arise, without any appeale but to a Parliament, And that they may monethly be judged by twelve men, of free, and honest condition, chosen by themselves, with their grave (or chiefe) Officer amongst them, and that they may swear to judge every mans cause aright, without feare, favour, or affection, upon a severe and strict penalty of those that shall do unjustly: And then farewell jangling Lawyers, the wildfire-destroyers, and bane of all just, rationall, and right-governed Common-wealths, And for the facilitating of this work, and the prevention of frauds, I shall onely make use of Mr. *John Cookes* words (a Lawyer in Grays-Inne) in the 66. page of his late published Book, called, *A Vindication of the Professours, and Profession of the Law*, where he prescribes, *A ready remedy against Frauds*, [26] which is, That there might be a publike office in every Countie to register all Leases made for any Land in that County, and also all conveyances whatsoever, and all charges upon the Lands, and all Bonds and Contracts of any value; for (saith he) It is a hard matter to find out Recognizances, Judgments, Extents, and other Charges, (and too chargable for the Subject) that so for 12. d. or some such small matter every man might know in whom the Interest of Land remains, and what incumbrances lie upon it, and every estate, or charge not entered there, to be void in Law. And that the Country have the choosing of the Registers in their respective Counties one a yeare, upon a fixed day, and that they have plaine rules and limitations made by authority of Parliament, and severe penalties enacted for transgressing them.

But after this digression, let us return to *Mag. Charta*, whosoever readeth it (which every men may at large, at the beginning of the book of Statutes) shall find it an absolute Contract betwixt the Kings of *England*, and the People thereof, which, at their Coronations ever since, they take an Oath inviolable to observe; And we shall find in the dayes of his Prince, who is noted for one of the best that we have, that English-men understood themselves so well, that when the Pope endeavoured to meddle in a businesse betwixt the *Scots* and the Crown of *England*, there was letters sent from *Lincoln* at a *Parliament*, which did absolutely tell the Pope, that the King their Lord should in no sort undergo his Holinesse judgement therein: Neither send his Procurators (as was required) about that businesse, whereby it may seeme that doubts were made of their Kings title, to the prejudice of the Crowne, the Royall Dignity, the Liberties, Customes, and Lawes of *England*, which by their oath and duty they were bound to observe, and would defend with their lives. Neither would they permit, (nor could) any usuall, unlawful, and detrimental proceeding (but that which is most observable, is in the next clause, viz.) *nor suffer their King, if he would, to do, or any way to attempt the same, Daniel fol. 199.*

After the warlike King, succeeded his Son *Edward* the second, who was continually at variance with his people, although never any before him was received with greater love of the people then he (as saith *Daniel fol. 204.*) nor over any that sooner left it. [27] *His very first actions discovered a head-strong wilfulnesse that was unconcealable, regarding no other company but the base Parasites of of the times, the head of which was Gaveston, which made his Nobles at Westminster, when he, and his Queen was to be crowned, to assemble together, and require him that Gaveston his darling might be removed from out of the Court and Kingdome, otherwise they purposed to hinder his Coronation at that time. Whereupon the King to avoid so great a disgrace, promises on his faith, to yeeld to what they desired in the next Parliament. And at the next Parliament the whole Assembly humbly besought the King, to advise and treat with his Nobles, (who then (it seemes) were abundantly honester then these are now) concerning the state of the Kingdome, for the avoiding of imminent mischief, likely to ensue through the neglect of Government, and so far urged the matter, as the King consents thereunto, and not only grants them liberty to draw into Articles what was requisite*

for the Kingdome, but takes his Oath to ratifie whatsoever they should conclude. Whereupon they elect certain choice men both of the Clergy, Nobility, and Commons, to compose those Articles: Which done, the Archbishop of Canterbury (lately recalled from exile with the rest of his Suffragans,) solemnly pronounced the Sentence of Excommunication (which then was a fearfull thunder-bolt) against all such who should contradict those Articles, which were there publikely read before the Barons, and Commons of the Realme, in the presence of the King; Amongst which, the observation, and execution of Magna Charta is required, with all other ordinances necessary for the Church and Kingdome, and that as the said King had done, all strangers should be banished the Court, and Kingdome, and all ill Councillors removed. That the businesse of the State should be treated on, by the Councell of the Clergy and the Nobles. That the King should not begin any war, or go any way out of the Kingdom, without the common Councell of the same, *Daniel fol. 205. Speed fol. 652.* But this King, for his evill government breaking his Oaths and Contrasts with his People, was therefore, by common consent in full Parliament, deposed. Which we shall have occasion by and by more fully to speak of, and the Bishop of *Hereford* as the mouth of those Messengers that were sent by the Parliament, the Body of the State, told him, that the Common-wealth had in Parliament elected his eldest Son, the Lord *Edward*, for King, and that he must resigne his [28] Diadem to him, or after the refusall, suffer them to elect such a person as themselves should judge to be most fit, and able to defend the Kingdome.

This Prince being crowned, raigned above 50. years, and hath the best commendation for Manhood and Justice of any Prince that went before him, or that followed after him; who yet notwithstanding, though he came in by election, and took the Oath at his Coronation, which his Father took before him, yet he fayled often in the performance of it; Of which the BBp. of *Canterbury* in an Epistle written to him when hee was in *France*, tells him home of it, in these words, *That it was the safety of Kings, and their Kingdoms, to use grave and wise Councillors, alleadging many examples, out of holy Writ, of the flourishing happinesse of such as took that course, and their infelicity who followed the contrary. Then wills him to remember how his Father (led by evill Councell) vexed the Kingdome, putting to death, contrary to the Law of the Land, divers of the Nobility, and wished him to consider what hapned thereby unto him. Also, to call to mind, how himself at first, through evill Councell about [Editor: illegible word] almost lost the hearts of his people. But afterwards by the great [Editor: illegible word] endeare of his Prelates and Nobles, his affaires were reduced into so good order, as he recovered them, and is reputed the noblest Prince in Christendome; But now again, at present, through the wicked Councell of such as effect their own profit, more then his honour, or the welfare of his People; he had caused Clergy-men, and others, to be arrested and held in prison by undue proceeding, without being indicted or convicted contrary to the Laws of England (which (he saith) he was bound by his Oath at his Coronation to observe, and against Magna Charta, which whosoever shall presume to infringe, are to be by the Prelates excommunicate, so that hereby he incurred no small detriment to his Soule, and to the State, and his Honour, which he doubted (if he proceeded in it) would loose both the hearts of the people, and their ayd, and helpe.* *Daniel Folio 229. 230.* For which the King sharply according to his prerogative power reproveth him; But shortly after, the King found much to doe in the *Parliament* held at *London* being earnestly petitioned by the whole *Assembly*, that the great Charter of Liberties, and the Charter of Forrests might be duly observed, and that whosoever of the Kings Officers infringed the same should loose their place: That the high Officers [29] of the Kingdome should as in former times, [2] be elected by Parliament; But the King stood stiff upon his prerogative, but yet yeelded that these Officers should receive an Oath in Parliament to do justice unto all men in their Offices, and thereupon a Statute was made and confirmed with the Kings Seal; both for that and many other Grants of his, to the Subjects, which notwithstanding were, for the most part, presently after revoked, *Daniel fol. 231.* (But for as much as) About this time (in the *Statute-Bookes* at large, fol. 144. I find) was an excellent *Oath* made in the 18. of *Edw.*

3. Anno 1344. intituled, *The Oath of the Justices.*

I conceive it may be worth the reading, and therefore it is not unnecessary here to insert it, which thus followeth:

YE shall swear that well and lawfully, ye shall serve our Lord the King, and his People in the Office of Iustice, and that lawfully ye shall counsell the King in his businesse, And that ye shall not counsell nor assent to any thing, which may turn him in dammage, or disherison by any manner, way, or colour; And that ye shall not know the dammage, or disherison of him, whereof ye shall not cause him to be warned by your self, or by others and that ye shall do equall Law, and execution of right to all his Subjects rich and poore, without having regard to any person. And that you take not, by your self, or by other, privatly nor apertly, guift nor regard of gold nor silver, nor of any other thing, which may turn to your profit, unlesse it be meat or drinke, and that of small value of any man that shall have any plea, or processe hanging before you, as long as the same processe shall be so hanging, nor after for the same cause, And that ye take no Fee, as long as ye shall be Justice, nor Robes of any man great or small, but of the King himself: And that ye give none advice nor counsell to no man great nor small, in no case where the King is party. And in case that any of what estate or condition they be, come before you in your Sessions, with force and arms, or otherwise against the peace, or against the form of the Statute thereof, made (Stat 2. E. 3. 3.) to disturb execution of the Common-Law, or to menace the people, that they may not pursue the Law; that ye shall cause their bopies to be arrested, and put in prison: And in case they be such, that ye cannot arrest them, that ye certifie the King of their names, and of their misprision hastily, so that he may thereof ordain a conveniable remedy. [30] And that ye by your selfe, nor by others, privily nor apertly maintain any plea or quarrell hanging in the Kings Court, or else-where in the Country. And that ye deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cause: & in case any Letters come to you, contrary to the Law, that ye do nothing by such Letters, but certifie the King thereof, and proceed to execute the Law, notwithstanding the same Letters. And that ye shall do and procure the profit of the King and his Crown, with all things where you may reasonably do the same. And in case ye be from henceforth found in default, in any of the points aforesaid; ye shall be at the Kings will, of Body, Lands, and Goods, thereof to be done, as shall please him: As God you helps, and all Saints.

But now in regard we shall for brevities sake, but only touch at *Richard* the second, who for his evill government was Articled against in Parliament, *Martine* fol. 156, 157, 158, 159, 160. *Speed* fol. 742. The substance of which, in *Speeds* words were: First, in the front was placed his abuse of the publike treasure, and unworthy waste of the Crown-Land, whereby he grew intollerable grievous to the Subjects, The particular causes of the Dukes of *Gloucester* and *Lancaster*, the Arch-Bishop of *Canterbury*, the Earle of *Arundel*, filled sundry Articles: They charged him in the rest with dissimulation, falshood, losse of honour abroad in the world, extortions, rapine, deniall of Justice, erasures and embezelling of records, dishonourable shifts, wicked Axiomes of State, cruelty, covetousnesse, subordinations, lasciviousnesse, reason to the rights of the Crown, perjuries, and briefly, with all sorts of unkingly vices, and with absolute tyrannie. Upon which it was concluded, That he had broken his Contract made with the Kingdome, or the Oath of Empire, taken at his Coronation, and adjudged by all the States in Parliament, *That it was sufficient cause to depose him, and then the diffinitive sentence was passed upon him.* And wee shall wholly passe over *Henry* the 4. 5. and 6. *Edward* 4. and 5. *Richard* 3. *Hen.* 7. and 8. and shall come down to King *Charles*, and not mention the particular miseries, blood-sheds, cruelties, treason, tyrannies, and all manner of miseries that the free-born people of this Kingdome underwent, in all or most of their wicked raings, especially in the Barons warres; In which time, the Inhabitants [31] of *England* had neither life, liberty, nor estates, that they could call their own, there having been ten Battels of note fought in the Bowels of this Kingdome, in

two of their Raignes only, viz. *Hen.* 6. and *Edw.* the 4. In one of which Pauls there was 37. thousand English ships. *Martine* fol. 393, 394, 395.

I say we will passe by all these, and give you the Copy of the Oath, that King *Edward* 2. and King *Edward* the 3. (by authority of Parliament) took, and which *all the Kings and Queens of England since to this day, at their Coronation either took, or ought to have taken,* never having (by authority of *Parliament*, been altered since that I could hear of, by which it will cleerly appeare, that the Kings of *England* receive their Kingdoms conditionally; The true Copy of which, as I find it in this Parliaments Declaration, made in reply to the Kings Declaration, or answer to their Remonstrance, dated 26, *May* 1642. and set down in the Booke of Declarations, page 713.

SIR, Will you grant and keep, and by your Oath confirme unto the People of England, the Lawes and Customes granted to them by antient kings of England, rightfull men, and devout to God, and namely the Lawes and Customes and Franchises granted to the Clergie, and to the People, by the glorious king *Edward* to your power?

Sir, Yee keepe to God, and to Holy Church, to the Clergie, and to the People Peace, and accord wholly after your power?

Sir, Yee do to be kept in all your Domes and Judgments, true and even Righteousnesse, with Mercie and Truth.

The King shall answer. I shall doe it.

Sir, Will you grant, defend, fulfill all rightfull Laws and Customes, the which the COMMONS [32] of your Realme shall choose, and shall strengthen and maintain them to the Worship of GOD, after your power.

The King shall answer, I grant, and behight.

And then the Arch-Bishop of *Canterbury* at the time of the *Coronation* goes, or should goe, to the four sides of the Scaffold, where the King is crowned, and declares, and relates to all the People, how that *Our Lord the King had taken the said Oath, enquiring of the same people, If they would consent to have him their King, and Liege Lord, to obey him as their King and Liege Lord,* who with one accord consented thereunto.

Now, let all the world be judge whether the Kings of England receive their Kingdom's by contract, yea, or no.

And if they do receive them by contract, as is already undeniably proved before; Then what becomes of that wicked and tyrannicall Maxime, avowed by King *Charles* (immediatly after his Answer to the *Petition of Right*, *Book Statutes*, fol. 1434.) viz. That he did owe an account of his actions to none but GOD alone; And of that erroneous Maxime, mentioned in *Book Declaration*, pag. 266. viz. *That Kingdomes are Kings own, and that they may do with them what they will,* as if Kingdomes were for them, and not they for their Kingdomes.

But if any man shall object and say, that King *Henry* the 8. with his own hands altered this Oath; and therefore it is not the same Oath which King *Charles* hath taken.

To which, I answer and say, The Parliament in their Declaration grants that King *Hen.* the 8. &c altered it; but they also say pag. 712. *They do conceive that neither he, nor any other, had power to alter it, without an Act of Parliament.* And in pag. 708. 709. They say, *They well know what Kings have done in this point: But we know also (say they) that what they have done is no good rule alwayes, to interpret what they ought to have done; for, that they are bound to the observation of Lawes by their Oath, is out of question, and yet the contrary*

[33] *practised by them, will appear in all ages, as often.* But to put this out of doubt, whosoever reads the Oath taken by this King, which he himself sets down in his Declaration, (Book Declar. pag. 290, 291.) will find no material difference betwixt that which hee took, and that which he ought to have taken, saving in that clause of passing *New Lawes*: But there is enough in that he tooke to prove my assertion, *viz.* That he received his Crown by a Contract, which further to prove, I alledge the *Petition of Right*, which whosoever seriously readeth with his Answer to it, shall finde it to be a large and absolute Declaration of a contracted duty betwixt him, and his people, *viz. That is was his duty to govern them by Law, and not by his Prerogative Will,* And when his first answer to their Petition did not please the Parliament, they pressed him again, out of *Right*, to give a satisfactory one: Which he, out of *Duty* doth, saying, *Let right be done, as is desired:* So that this is a clear demonstration, and enough to prove that there is not only a bare Contract betwixt the King and the People, but also that he is bound by duty to grant such Lawes, as they shall rationally choose, although there were no such Statute, as the 25. of *Edward* the 3. which they mention in pag. 268, nor no such clauses as they speak of, pag. 706, 707, 714. In the Records of 1 R. 2. *Num:* 44. and R. 2. *Num:* 34. and 40.

Again, it will clearly appear, that there is a contract betwixt the King & his People; yea, and such a one, as ties up all his public official actions to be according unto Law, and not according to the rule of his own Will, if we seriously weigh but the Lawes made, and past this present Parliament; but especially that for abolishing the Star-Chamber, and regulating the Councill-Table, the Act for abolishing the high Commission Court, two Acts for the levying and pressing Souldiers and Marriners; and an Act declaring unlawfull and void the late proceedings touching Ship-money, And an Act for preventing vexatious proceedings, touching the order of Knight-hood. And an Act for the free bringing in, and free making of Gun-powder.

But if all this will not serve, let us a little further consider what the Parliament saith, who are the States representative of all the individuals of the State universall of *England*, Book Declar. pag. 171. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724. 725. 726. 728. 729. 730.

[34]

And therefore are the highest, supreamest, and greatest Court, Councill, and Judge of this Kingdome, pag. 141, 143, 197, 207, 213, 271, 272, 278, 280, 281, 303, 457, 693, 703, 704, 711, 718, 725.

And who may justly be called the legall Conservators of *Englands* Liberties, 281, 277, 282, 264, 496, 587, 588, 617, 693, 698.

Yea the legall and publike eyes and heart of *Englands* Politike Body, pag. 213, 278, 340, 690.

Of whom a dishonourable thing ought not to be conceived of them, pag. 281, 654. much lesse to be acted or done by them, pag. 150.

And they say pag. 266. That the King hath not that right to the Towns and Forts in *England*, which the people in generall have to their estates, the Towns being no more the Kings own, then the Kingdome is his own: And his Kingdome is no more his own, then his people are his own; And if the King had a propriety in all his Towns, what would become of the Subjects propriety in their houses therein! And if he had a propriety in his Kingdom, what would become of the Subjects propriety in their Lands throughout the Kingdom, or of their Liberties, if his Majestie had the same right in their persons, that every Subject hath in their Lands or Goods; and what should become of all the Subjects Interests in the Towns and Forts

in the Kingdome, and in the Kingdom it self, if his Majestie might sell them, or give them away, or dispose of them at pleasure, as a particular man may do with his Lands and his Goods; This erroneous Maxime being infused into Princes, that their Kingdoms are their owne, and that they may do with them what they will (as if their Kingdoms were for them, and not they for their Kingdoms) is the root of all the Subjects misery; and of the invading of their just Rights and Liberties, whereas indeed they are only intrusted with their Kingdoms, and with their Towns, and with their People, and with the publike Treasure of the Commonwealth, and whatsoever is bought therewith; And by the known Law of this Kingdom the very Jewels of the Crown are not the Kings proper Goods, but are only intrusted to him for the use and ornament thereof.

[35]

As the Towns, Forts, Treasure, Magazine, Offices, and the People of the Kingdome; and the whole Kingdome it self is intrusted unto him, for the good, and safety, and best advantage thereof.

And as this Trust is for the use of the Kingdom, so ought it to be managed by the advice of the Houses of Parliament, whom the Kingdom hath trusted for that purpose, *it being their duty to see it discharged, according to the condition and true intent thereof*, and as much as in them lies, by all possible meanes to hinder the contrary; and therefore say they, pag. 276. by the Statute of 25. Ed. 3. *It is a levying of warre against the King, when it is against his Lawes and Authority, though it be not immediatly against his Person, And the levying of Force against his Person all Commands, though accompanied with his presence, if it be not against his Lawes and Authority, but in the maintainance thereof, is no levying of warre against the King, but for him; for there is a great difference betwixt the King, as King, and the King, as Charles Stuart*, And therefore say the Parliament, pag. 279. *That Treason which is against the Kingdome; is more against the King, then that which is against his Person, because he is King: for that very Treason, is not Treason as it is against him as a man, but as a man that is a King, and as he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, discharging that Trust.*

And therefore page 722. that *Alexander* Archbishop of *Yorke*, *Rob. Delleer* Duke of *Ireland*, *Trisillian* L. chief Justice, & the rest in the time of *Richard* the 2. were guilty of Treason, (and so adjudged by two Acts of Parliament, viz. 11. R. 2. 1. 2. and 1. H. 4. 3. and 4. which to this day are both in force) for levying Forces against the Authority of Parliament, and to put to death divers principall members of both Houses, although they had the Kings expresse Command to do it, and the promise of his presence to accompany them; which yet, for all that, neither would, nor did save their lives, in regard, as they say, page 723. It is a known rule in Law, that the Kings illegall Commands, though accompanied with his presence, do not excuse these that obey him; & therefore if the Kingdom be in danger, and the King wil not hearken to the Parliament in those things that are necessary for the preservation of the peace, and safety of the Kingdome: Shall they stand and [36] look on, whilst the Kingdome runs to evident ruine and destruction? No (page 726) for safety and preservation is just in every individuall or particular, page 44. 150. 207. 382. 466. 496. 637. 690. 722. much more in the Parliament, who are the great and supream legall Councell, from whom there is no legall appeale, as is before declared.

Yea, and in their Declaration of the 19. of *May*, 1642. page 27, they tell us, that this Law is as old as the Kingdome, viz. That the Kingdom must not be without a meanes to preserve it selfe, which, that it might be done without confusion (say they) this Nation hath entrusted certain hands with a power, to provide in an orderly and regular way for the good and safety of the whole, which power by the constitution of this Kingdome, is in his Majesty, and in his Parliament together.

Yet since the Prince being but one person, is more subject to accidents of nature and chance, whereby the Common-wealth may be deprived of the fruit of that Trust which was in part reposed in him, in cases of such necessity, that the *Kingdome* may not be enforced presently to return to its first principall, and every man left to do what is aright in his own eyes, without either guide or rule, the wisdom of this State hath intrusted the *Parliament* with a power to supply what shall bee wanting on the part of the Prince, as is evident by the constant custome and practice thereof, in cases of nonage, *naturall disability and captivity*, and the like reason doth and must hold for the exercise of the same power, in such cases where the *Royall Trust* cannot bee, or is not discharged, and that the Kingdome runs an evident and eminent danger thereby; which danger, having been declared by the *Lords and Commons in Parliament*, there needs not the authority of any person or Court to affirme, nor is it in the power of any person or Court to revoke that judgment (for as they well say in their Declaration of the 26. of *May*, 1642. page 281.) it is not agreeable to *reason or conscience*, that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the Judgment of the highest Court should not be a rule and guide to them.

And if the Judgment therefore should be followed, where the question is, *who is King*, (as before in that *Declaration*, they have [37] proved it ought) much more, *what is the best service of the King and Kingdome*, and therefore those that shall guide themselves by the judgment of *Parliament*, ought, what ever happen, to be secure, and free from all account and penalties upon the grounds, and equity of this very Statute of 11. *Hen. 7.* Chap. 1.

And again, page 697. (they say, very rationally,) There must be a Judge of the question wherein the safety of the Kingdome depends (for it must not lie undetermined.) And if then there be not an agreement betwixt his Majesty and the Parliament, either his Majesty must be Judge against his Parliament, or the Parliament without his Majesty: It is unsound and irracionall to give it to his Majestie, who out of the Courts is not Judge of the least dammage, or trespassed done to the least of his Subjects, but the Parliament is the Representative Body of the whole Kingdome, and therefore the absolute proper and legall Judge. Besides, If his Majesty (in the difference of Opinions) should be Judge, he should be Judge in his own case, but the Parliament should be Judges between his Majesty and the Kingdome: And if his Majesty should be Judge, hee should be Judge out of his Courts; yea, and against his highest Court, which he never is (nor can be) but the Parliament should only judge, without his Majesties personall consent, which as a Court of Judicature it alwayes doth, and all other Courts as well as it.

Therefore if the King be for the Kingdome, and not the Kingdome for the King; And if the Kingdome best knowes what is for its own good and preservation, and the Parliament be the Representative Body of the Kingdome; It is easie to judge who in this case should be Judge, And therefore the Parliament are bound in duty to those that trust them, to see that the king dispose aright of his trust, being that right that the King hath as King, in the things he enjoyes, is of a different nature, and for different ends, to the right of propriety which a particular man hath in his Goods and Lands, &c. That of propriety is a right of propriety, which a particular man may dispose of, as hee pleaseth according to his own discretion for his own advantage, so it bee not contrary to the publike good; but the right of the King is only a right of trust, which he is to mannage in such wayes, and by such Councels as the Law doth direct, and only for the publike [38] good, and not to his private advantages, nor to the prejudice of any mans particular Interests, much lesse of the Publike, page 700. And therefore (say they) page 687. *The King hath not the like liberty in disposing of his own person, or of the persons of his children (in respect of the Interest the Kingdome hath in them) as a private man may have.*

But if it shall be objected, that the Parliament, the *representative of the Kingdome*, are not to intermeddle in the managing of his Majesties trust, because of the Oaths that they have taken, wherein they swear, that *His Majesty is supreame Head and Governour over all persons, and over all causes within his Dominions*, to which I shal return partly their own answer, p. 703. That *notwithstanding this, they are bound to see it managed, according to the true intent & condition therof*; (for no man doth nor can give a power to destroy himself) and therefore say they, *If we should say the King hath in the Government of his People, Superiors, to wit, the Law (by which he is made) and his Courts, &c. It were no new Doctrine: We have an ancient Author for it, viz. Fleta Book 1. Chap. 17. of substituting of Iudges.*

If we should say the King is the single greatest, but lesse then the whole, it were no new learning (it being an undeniable rule in reason, that they that make a thing are alwayes greater then the thing made by them) and certainly this of supreame Head and Governour over all persons in all causes, as it is meant singular (or single) persons rather then of Courts, or of the Body collective, of the whole Kingdome, so it is meant (in curia non in camera) in his Courts, that his Majesty is supreame Head and Governour over all persons, in all causes, and not in his private capacity, and to speak properly, It is only in his High Court of Parliament, wherein, and wherewith his Majesty hath absolutely the supream power, and consequently is absolutely supreame Head and Governour, from whom there is no Appeale. And if the High Court of Parliament may take an account of what is done, by his Majesty in his inferiour Courts, much more of what is done by him, without the Authority of any Courts; And for my part, say, that though the *King* be the Supream Officer, which is all, and the most he is; yet he is not the supreame Power: for the absolute Supream Power is the People in generall, made up of every individuall, and the legall and formall supream Power is only [39] their Commissioners, their collective or representative Body, chosen by them, and assembled in Parliament, to whom the *King* is and ought to give an account both of his Office and Actions; yea, and to receive rules, directions, and limitations from them, and by them.

And although *King John* the 7. from *William* the Rogue, alias the chiefe Robber, or Conquerour, was so Atheistically, and impiously wicked, as to give away his kingdome of *England* unto the Pope (as is before declared [31]) which was none of his owne to give, or dispose of, either to him or any other whatsoever, which the people that lived in those dayes very well knew and understood, and therefore (as *Speed* in his Chronicles records, fol. 565. in a generall Parliament held in or about the year, 1214. The Prelates, Lords, and Commons, severally and joyntly enacted, That forsomuch as neither *King John*, nor any other *King*, could bring his Realme and People to such thraldome, but by common consent of Parliament (which was never done) and that in so doing, he did against his Oath at his Coronation; besides many other causes of just exception; If therefore the Pope thence forwards should attempt any thing therein, the *King* with all his Subjects should with all their forces and powers resist the same, and rather hazzard all their lives and livelihood, then endure his usurpations.

But if any man should so dote upon those Pageants, Tyrants, Kings, the supposed and pretended annointed of the Lord, as yet not to think it sufficient to prove that not onely *the present King Charles*, his own acknowledgment and confession will be of force sufficient to pull all Scales of blindness from their eyes, and all hardnesse and unbelievignesse of heart, from their hearts; His own words in his answer to the House of Commons first Remonstrance, Book Declar. pag. 25. are these.

We have thought it very suitable to the duty of Our place, and pag. 29. and We (saith he) doubt not it will be the most acceptable Declaration a King can make to his Subjects, that for Our part We are resolved duly not only to observe the Lawes Our Self, but to maintain them against what opposition soever, though with the hazard of Our Being: and a little below We

acknowledge it a high crime (saith he) against Almighty God, and inexcusable to Our good Subjects of Our three [40] Kingdomes, if We did not to the utmost employ all Our power, and faculties, to the speediest and most effectually assistance and protection of that distressed people of Ireland.

And in his Message, 28. April, 1642. page 157. speaking of the *Militia*, he saith, *We conceive it prejudiciall to Our Self, or inconvenient for Our Subjects, for whom We are trusted*, and page 167. Himself saith, *That if the Prerogative of the King over-whelme the Liberty of the People, it will be turned to tyrannie.* And he himself (page 284.) *defines tyrannie to be nothing else, but to admit no rule to govern by a mans own will.*

But above all the rest, remarkable is his own confession, in his answer to the Parliaments Declaration of the 19. May, 1642. where (in page 152.) He honestly and plainly acknowledgeth that *He is to give an account of his Office, not only to God, but also to his other Kingdoms.*

But as the Parliament saith page 701. *This is a strange Paradox, that his Majesty by his own Confession owes an account to his other Kingdomes of his Office and Dignity of a King in this kingdom it self, where he resides, and hath his being and subsistence.*

And in page 311. *He acknowledgeth God hath entrusted Him with his regallity for the good of his People;* and if it be for their good, then not for their mischief and destruction; but God hath entrusted him, and how is that? The truth is, God is no more the Author of Regall, then of Aristocratical power, nor of Supream, then of Subordinate Command. Nay, that Dominion which is usurped, and not just, whilst it remains Dominion, and till it be legally again divested, refers to God as its Author and Donor, as much as that which is Hereditary (and permissively from God, and not approbationally instituted, or appointed by him.) And that Law which the King mentioneth, is not to be understood to be any speciall Ordinance, sent from Heaven by the Ministry of Angels, or Prophets, (as amongst the Jewes it sometimes was.) It can be nothing else amongst Christians, but the actions and agreements of such and such politike Corporations.

Power is originally inherent in the People, and it is nothing else but that might and vigour, which such and such a Society of men contains in it self, and when by such and such a Law of common consent and agreement, it is derived into such and such [41] hands, God confirms the Law: And so man is the free and voluntary author, the Law is the instrument, and God is the establisher of both (as the observator in the first page of the first part of his most excellent observations, doth observe) And though Kings make a huge matter of that saying of God, by me Kings Raigne: as though there were some superlative naturall, inbred, inherent deity, or excellency in Kings above other men; yet we may say, and that truly: *That by God all mankind lives, moves, and have their being, yea, and raignes, and governs as much by God (in their inferior orbs (of cities, hundreds, wappentakes, and families) as well as Kings in their Kingdoms, yea, though God himselve in an extraordinary, and immediate manner, chose and appointed Saul, David, and Solomon, to be Kings of Israel;*

Yet so just was the righteous God, that he would so impose them upon the people of *Israel* against their own wills and minds, neither did they rule as King, till by the common consent of the people, they chose them, and appointed them to raigne over them. 1 *Sam.* 10. 20. 24. 2. *Sam.* 2. 24. and Chap. 5. 1. 2. and 3. and 1 *Kings* 38. 39. 40. So that heire authority did originally as inherently flow from the people, as well as their speciallassignation from God, and they were to rule and govern them by the Law of God, (and not by the rule and Law of their own will) unto which Law they were to be as obedient and subject, as the meanest of the people: yea, and as lyable to punishment, and to have their transgressions layd to their charge: As Lieutenant Collonel *Lilburne* hath notably and fully proved in his late

printed Epistle to Judge *Reves*, pag.

These things rightly considered doth condemn those two *maxims*, for wicked, ungodly, and tyrannicall which are layd downe so in the booke of Declarations: pag. 199. 3. 4. viz. *That the King can do no wrong*, The second is, *that the King is the fountaine of justice*.

But to returne againe to the *Kings* own word, he saith pag. 313. *We were unworthy the trust reposed in us by the Law and of our descent from so many great and famous Ancestors; if we could be brought to abandon that power, which onely can enable us to performe what we are sworne to in protecting our people and the Lawes. What can be said more plaine then this*, to prove him an Officer of duty & [42] Trust? But seeing he speakes of his Ancestors; Let me tell him, that if he had no better title to his Crown, then to claime it his by a kind of *Divine Right* from his *Progenitors*, and because he is the next Heire to King *James*; It would be by *Scripture* a very weak title.

We find in Scripture, that *Salomon* a younger Son, &c. was made King, principally because of his fitnessse to govern, when divers of his elder brethren went without the Crown, And if any in the world might have pleaded the priviledges of being next heire, *Davids* Sons, and Sons Sons might, in regard of that large promise that was made to *David* that his *Sons* should sit upon the *Regall Throne* for many *Generations*.

Again, the King page 443. *ingages to maintain the Priviledges of Parliament, as far as ever any of his Predecessours did, and as farre as may stand with that Justice which he owes to his Crown, which, what that is, I have before declared, and is very fully declared in that Oath which he himself hath taken, page 291.* although it fall, and is very short of that he ought by law and right to take; so that now I have fully proved, I am confident of it, without any starting hole left for contradiction; *That the King receives his Crown by contract and agreement, unto which by Law and Right he is bound and tied.* I thought to have here inserted some excellent passages for the further illustration of the Position out of the first and second parts of the *Observations*, and a late Book, called *Maximes unfolded*: But in regard I have (I am afraid) been over-tedious already; I will refer you to the bookes themselves, or (in case they be hard to come by) to that *abridgment* of the *marrow* of them, which you shall finde in an excellent and rationall Discourse of Mr. *Lilburns*, against those *Vipers* and grand Enemies to the *Liberties of England*, the *monopolizing Merchants*, in his Book, called *Innocenciẽ and Truth justified*, page 57, 58, 59, 60, 61.

I come now to the last branch of the minor Proposition, which is

THAT KING CHARLES HATH BROKEN HIS CONTRACT AND AGREEMENT.

And for the proofoe of this, I must lay downe this assertion.

[43]

That the *Parliament* is the *only, proper, competent, legall, supream* Judge of this, as well as of all other the *Great Affaires* of the Kingdom, as is before largely proved: And for further illustration, reade Book Declar. pag. 100, 112, 171, 172, 170, 202, 693, 716.

Now in the next place, let us consider what the Parliament in their publike Declaration say of the King, who confesses himself, as well as the Parliament; asserts and proves it, that *his Oath taken at his Coronation* tyes him, to *raigne and govern according to Law*. Yet whosoever seriously reades over the first *Petition*, and *remonstrance* of the *State representative of England*, commonly called the *House of Commons*, who *onely and alone* have and ought to have that title. Pag. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724.

The House of *Peers* being meer usurpers and inchroachers, and were never intrusted by the people, (who under God the fountaine, and Well-spring of all just power) as well legislative as other, with any legislative power, who meerly sit by the Kings prerogative, which is a meer bable, and shaddow, and in truth, in substance is nothing at all, there being no Law-making-power in himselfe, but meerly, and onely at the most, a Law-executing-power, who by his *Coronation Oath*, that he hath taken, or ought to have taken, is bound to passe and assent to all such Lawes, as his people or *Commons* shall chuse, as is largely (by the forecited Declarations of the Parliament) proved. Now if he have not a legislative power in himselfe, as the Lords themselves (by joyning with the *Commons* in their Votes and Declarations) do truly confesse, and notably prove; how is it possible for him to give that to them which is not inherent in himselfe? Or how can they without palpable usurpation, claime and exercise a Law-making-power, derivatively from the King alone when he hath none in himselfe? which they themselves confesse, and prove: wherefore, how can the *House of Commons* the representative body of England, without willfull perjury, having so often sworne to maintaine the Liberties of England, and without being notoriously guilty of Treason to themselves and others, and all those that chuse them, and trusted them; suffer the Lords to continue in their execution of their usurpations? [44] many times to the palpable hazard, yea, almost utter ruin of the Kingdome, by their denial, thwarting and crossing of those things that evidently tends to the preservation of the whole Kingdome, and by their pretended legislative power, destroy whole families, and fill the Jayles of *London* at their pleasure, (contrary to Law and right) with *COMMONS* (with whom they have nothing to do) without being controled by the Trustees of the people, the *HOUSE of COMMONS*, although they be legally appealed to for that end (witness Mr. *Lilburne*) Mr. *Staveley* prisoner in the *Fleete*, Mr. *Learner* for himselfe and servants, Mr. *Overton*, &c.) to their everlasting shame, and disgrace is spoken; Oh therefore awake, awake, and arise with strength and resolution, ye chosen and betruusted ones of *England, the earthly arme & strength thereof*, and free your *Masters* and *betruusters* the whole *State of England* from those *invading, usurping, Tyrannicall Lords, Bondage, and Thraldoms*, left to your shame they do it themselves, and serve them as they did the *Bishops*; for preservation your selves say is just, Pag. 44. 150. 207. 496, 637 [Editor: illegible word] 226.) and is as antient a Law as any is in the Kingdome, Pag. 207. And you have also the 17. *Aprill* last, declared, that you will suffer no arbitrary tyrannicall power to be exercised over the freemen of England, but the Lords do it, therefore if ye be true, and just men, such who would be believed and trusted, do as you say; before the Lords by their plots with the enemies of the freedoms of *England* (such as wicked *English* and *Scots Lords*, and other prerogative *Courtiers*, and corrupt *Clergy*, and patentee *Monopolizers*, and contentious wrangling jangling, and pety fogging *Lawyers*) and by their own impudent and uncontroled injustice; imbroyle this Kingdome in a second warre, they and their associates, and confederates having been the cause of the by-past warres, not for any love to the Liberties of England though that was their pretence, but meerly out of malice to the raigning and ruling party at Court, whose utmost desire was to unhorse them, that so they might get up into the saddle, and ride & raigne, and rule like *Tyrants* themselves, they loving (at this very day) the *King-Prerogative Tyranny*, and *oppression* as dearly as any of these at [45] Court, which they complained of, witness their dayly actions, and the actions of all their fore-mentioned faction, which is lively characterised in a late Discourse, called [*A Remonstrance of many thousand Citizens, and other Free-born People of England, to their owne House of Commons*] and will more fully be laid open shortly in the second part of it.

But if the Lords think they are wronged by this digression, and that their right to their *Legislative power* is better then is here declared;

I desire their Lordships, or any other for them, to let the *Kingdom* know, what better right they have to sit in *Parliament*, then the old *Popish Abbots* had, that are long since, as *Incrochers*, abolished; Or then the *Bishops*, or the *Popish Lords*, that are lately defunct, do. Sure I am, the right they had, was as good as any their *Lordships* have, flowing from one and the same fountain with them; namely the *Kings will and pleasure*, commonly called, *The Kings Prerogative*, demonstrated by his *Letters Pattents*, which in such a case is not worth a button as is clear by the Law, and the very principles of Reason, and that the *Lordly Prerogative* honour it self that they enjoy from the King (which was never given them by *common consent*, as all right, and just honour, and power, ought to be) is a meer boon and gratuity, given them by the *King*, for the helping him to inslave and envassalise the People, and from their Predecessors whom *William the Conqueror*, alias, *the Theefe and Tyrant*; made *Dukes, Earles, and Barons*, for helping him to subdue, and enslave the *free Nation of England*, and gave them by the Law of this own will, the estate of the *Inhabitants* the right owners thereof, to maintain the Grandeur of their *Tyranny, and Prerogative Peerage*; And therefore their Creator the King doth in his *Dce.* p. 324 ingeniously declare, *that their title to their legislative power is only by bloud*, And if so, then not by *common consent* or choyce of the People, the onely and alone Fountain of all *just power on earth*, and therefore void, & null, and at the best but a meer fixion and usurpation, and the greatest or best stile they gave themselves in their joynt Declaration with the House of Commons, page 508 is, That the House of Peers are the Hereditary Councillors of the Kingdome, and what right they have thereby to make the People Lawes, I know not (neither is it declared there, by what right they came by their Hereditary [46] Councillorship: Nor yet is it there declared what it is; So that I understand not what they mean by it, which I desire them to explaine; for sure I am, it is a maxime in Nature and Reason, That no man can be concluded but by his own consent, and that it is absolute Tyranny, for any what (or whom)-soever, to impose a Law upon a People, that were never chosen nor betrusted by them to make them Lawes; But in that *Declaration* in the next line, The chosen and betrusted House of Commons (the only & alone Lawmakers of *England*, the King and Lords consent to their Votes, Lawes and Ordinances, being but in truth a meer Ceremony, and usurped formality, and in the strength of Law, (which justly is nothing else then pure reason, neither addes strength unto them, nor detracts power from them) is *royally, truly, and majesterially stiled and called, the representative Body of the whole Commons of the Kingdome*, and so are in abundance of other places, before cited. Yea and whosoever seriously reades, and considers the third Position, laid down, page 726 and laid down in the name of the *Parliament*; shall see indeed, and in truth, *the power of the Lords wholly cashiered*: their words are these. *That we did, and do say, that a Parliament may dispose of any thing, wherein the King or any Subject hath a right in such a way as that the Kingdome may not be in danger thereby, and that if the King being humbly sought unto by his Parliament, shall refuse to joyn with; them in such cases, the Representative Body of the Kingdome* (that is to say, *the House of Commons alone, the Lords representing no Body, but themselves, and their Ladies, neither challenge they any such title, but call themselves meerly Hereditary Councillours*) *is not to sit still, and see the Kingdome perish before their eyes, and of this danger they are Judges, and Judges superiour to all others* (I beseech you mark it well) *that legally have any power of judicature within this Kingdome*. Where are you my Lords? And what say you to this, *your own ingenious confession*? For yours it is, for any thing I know to the contrary, unlesse you were all asleep when you past it.

Nay, further (*My Lords*) If the *Representative Body* bee the *Parliament*, as is here confessed and averred, and that *Representative Body* be the *House of Commons*, and none else, as before is proved, and *the House of Commons, or Representative Body* be the *Parliament*, as here they are called; then (*My Lords*) what say you [47] to that inference from hence drawn, and naturally flowing and arising from the premises, and proved by your first Position, laid down in the fore-cited page, 726. which is, *That the Parliament hath a power in declaring Law, in particular cases in question before them*, and that which is so declared by

the High Court of Parliament, being the highest Court of Judicature, ought not afterwards to be questioned by his Majesty, or any of his Subjects, for that there lyeth no Appeal from them, to any Person or Court whatsoever; so that the right and safety both of King and People, shal depend upon the *Law*, and the *Law* for its interpretation upon the Courts of Justice, which are the competent Judges thereof, and not upon the pleasure and interpretation of private persons, or of Publike, in a private capacity. *Good-night (my Lords)* unlesse you will make a little more buzzing, and so make the stink a little more hot in the Nostrils of all men that have the use of their sences, before your snuffe go cleer out, the which if you do, it will (I am confident) but cause it to go out with a witsesse.

And therefore look to it, and remember the *Star-Chamber*, the *Councell-Table*, and *High Commission*: Where are they all? but in the *grave of reproach, contumely, disgrace, and shame*. And give me leave to tell you of the *common Proverb* now abroad, of *Canterbury*, and *Strafford*, That if in the dayes of their prosperity (which were as high and great as yours are, or ever were) they had thought they should have beene pulled down by the *common People* (whom they strongly laboured to enslave) and by their unwearied cryes to the eares of *Englands supream Judges* for Justice, were justly by them condemned to the block, and lost their *wicked Lordly Heads*, in the presence of many of those that they had tyrannized over; they would have been more moderate, just, and righteous, in their generations then they were.

Apply it (*my Lords*) and remember Mr. *Lilburn*, &c. and the tyrannie you have exercised upon him, for many weekes together, both in Newgate, and the Tower of *London*, in *locking him up close prisoner*, without the use of Pen, Ink, or Paper, and not suffering his friends, nor wife (that singular comfort and help that the wife *God* provided for poor fraile man) to set her foot within his Chamber door, for about three Weekes together, nor she, nor any of his friends to deliver to his hands (though in the presence of his [48] Keeper) meat, drink, or money, and yet you never allowed him 2. d. to live on, that I could heare of, and then unjustly sentence him 4000. l. and 7 years *Imprisonment in the Tower*. &c. *there to be tyrannized over by one of your own Creatures, Col. West Lieutenant there of, who hath divers weeks divorced him from his wife, and denyed him her society (unlesse she would be a prisonor with him, and then what should become of them both, and of their children (having no Lands to live upon) and tost already from one Jayle to another, for many years together, to his great charge) although he was but onely committed to be kept in safe custody, and from writing scandalous Bookes, which the Lieutenant told him, he could not doe, unlesse hee kept his wife and friends from him, but as well he might have said, I must also lay you in a Dungeon, where you shall neither see day-light nor enjoy a candle, It being almost impossible to keepe a man so strictly, but he will write, if he have day-light, and candle-light, and so accordingly he hath commanded and executed, that neither his wife nor any of his friends should speak with him, but in the presence of his Keeper, And that the Warders at the Gate take the names and places of abode of all those that come to see him, That so the Lords may have them all down in their black and mercillesse book, and know where to find them, when the day of their fierce indignation shall more fully smoke against him and all those that have visited him. Which some of the Warders have told some of his friends (to terrifie them) as not far of: And this cruelty exercised upon him by the Lieutenant, is more then legally can be done to a *Fellon, Murderer, or Traytor*, and yet this is his portion, although hee offered to engage his promise to the Lieutenant, when he first went in before his brother Major *Lilburn*, and another Major, that as hee was a Christian, and a Gentleman, that hee would suffer his wife and friends, according to Law and Right to have free accesse unto him, he would promise him not to write a line, nor reade a line written while he enjoyed that priviledge, which the Lieutenant refused, but executed his pleasure upon him. And then got their Lordships to make a *new illegall Order*, that *he might be kept, as he had kept him*. Now for the Lords to do this to him, seeing some of them were Actors in his bloudy Sentences in *Star-chamber*, for which transcendent injustice and sufferings, he never had a peny recompence asyet though he*

saith in his fore-mentioned answer to Mr. *Pryn*, [49] he hath spent divers hundreds of pounds to procure it, and though he lost not a little that yeere he lay prisoner in *Oxford* for the Parliament: see, *innocency and truth justified*. Pag. 21. 22. And although the Earle of *Manchester* and Collonel *King* detain his pay from him, which he earned with the hazard of his life (Pag. 47. 65. 70.) and besides all this, while he and others have been fighting for liberty and freedom for the whole Kingdome; he hath been robbed and deprived of his trade, by the monopolizing Merchant Adventures, Pag. 462. Whose knavery and illegall practices, he notably anatomizeth, and layeth open in the aforesaid booke from pag. 46. to pag. 63. To the *Parliaments* credit, and reputation be it spoken, to suffer such vipers to eat out the bowels of this poore Kingdome, yea, and to set them in the Custome-house, and Excise Office, to receive the treasure of the Kingdome, whose lives and estates for their illegall and arbitrary practises, are forfeited to the state, as there he proveth it. Now after all this, for the Lords to commit him for 7. yeares to so chargeable a place, as the present *Lieutenant* of the *Tower* makes the *Tower* by his will to bee: and takes no care to allow him one penny of the Kings old allowance (which was, to finde the prisoners their meat, drink, and lodging, and to pay the *Lieutenant*, &c. his fees according to the antient, legall, and just customs of the place. What is it else in their Lordships intentions, but to starve and destroy the honest man, and his wife, and children: for according to the information I have; the fees that have bin demanded there are;

Fifty pounds to the *Lieutenant*.

Five pounds, & a mans upper garment, to the Gentleman-Porter.

Forty shillings to the Warders.

Ten shillings to the Lieutenants Clarke.

Ten shillings to the Minister.

Thirty shillings, per week, for suffering the prisoners to dresse their own diet, and about so much a week for Chamber-rent; besides what it costs them for their diet.

And all this demanded without any coulour of Law, Justice, or right, as is largely proved by a late booke called *Liberty vindicated against Slavery*.

[50]

Oh, ye *Commons of England*, what neede have you to be combined together to maintaine your common interest against these usurping cruel and mercilesse Lords, and to take speciall heede that by their charmes and Syren-like songs; you be not divided about toyes, into factions, to your own destruction, and ruine, that being visibly the game (to the eyes of rationall men) which they and their agents have now to play, and by the foote you may easily judge what the beare is.

But now after this necessitated digression; let us returne back to the King, and to his forfeiting his trust, which is to protect his people from violence, and wrong, and governe them according to law. Let us consider what his, and our supreame legall, and rightfull Judges; *The House of Commons, the State representative of England*; in their Petition, and Remonstrance, presented to him at *Hampton Court* (15. December 1642. and which begins book declaration, pag. 1. and ends pag. 21.) Say: And we shall cleerly finde that they evidently make plaine to the King, and the whole Kingdome; That his 17. yeers raigne was filled up with a constant continued Act of violating the Lawes of the Kingdome, and the Liberties of his people. Yes, in pag. 491. They plainly say that before this Parliament the Lawes were no defence nor protection of any mans right: all was subject to will and power, which imposed what payments they thought fit, to draine the subjects purses, and they who

yeelded and complied; were countenanced, and advanced: and all others, disgraced, and kept under; that so mens minds made poore and base, and their liberties lost and gone; they might be ready to let go their religion; And the rest of the regall tyrannicall designes; there most acutely anatomised, to which I referr the reader, as a peece extraordinary much worth the reading.

And though the King (this Parliament) signed divers good Lawes as though he intended to turne over a new lease; Yet the *Parliament* tell him plainly, that even in or about the time, of passing those bills; some designe or other hath been on foote, which if it had taken effect; would not onely have deprived us of the fruits of those bills; but would have reduced us to a worse condition of confusion then that wherein the *Parliament* found us. [51] see pag. 124. in which the King himselfe was a principall acter. And so they charge him to be pag. 210. 211. 216. 218. 221. 227. 228. 229. 230. 493. 494. 496. 563.

Yea, and they plainly declare, that the King had a finger in the Irish Rebellion: for all his many solemn protestations to the contrary: and that at the very begining, by his immediate warrant; licensed Commanders to go over to them, and hindred supplies from going to suppress them, pag. 70. 98. 116. 567. 568. 569. 622.

Yea, and though he were so quick against the Scots, as immediately (upon their declaring themselves to maintaine their rights) to proclaime them traytors; yet notwithstanding (though the King vowed and protested that his soule abhorred the Irish Rebellion;) it was about three moneths before the *Parliament* could get him to proclaime them traytors: And when he was by them forced to proclaime them traytors; His *Majesty* gave speciall Command, that, but forty of them should be printed, and not one of them published till farther directions given by his *Majesty*, pag. 567.

Yea, and besides all this; contrary to his Oath; he refuseth to passe the bill for the *Militia* although it was often prest upon him by the *Parliament*, as the onely way and meanes to settle and preserve the peace of the Kingdome: and also with drawes himselfe from the *Parliament*; with a designe to levy warre against them, whereupon for the discharge of their duty and trust, and the preservation of the Kingdome, the 20. *May* 1642. book declar. pag. 259. they past three votes, *viz.*

I. Resolved upon the Question.

That it appeares, that the King (seduced by wicked Councel) intends to, make warre against the *Parliament* (who in all their consultations and actions) have proposed no other end unto themselves, but the care of his Kingdome, and performance of all duty and loyalty to his person.

II. Resolved upon the Question.

That whensoever the King maketh warre upon the [52] *Parliament*; It is a breach of the trust reposed in him by his people: contrary to his Oath; and tending to the dissolution of his Government.

III. Resolved upon the Question.

That whosoever shall serve or assist him in these warres; are traytors by the fundamentall Lawes of this Kingdome, and ought to suffer as traytors 11. *Rich.* 2. 1, 2, 3, 4, 5. and 6. 1 *Hen.* 4. 4.

From the two last votes, I will draw some arguments which naturally flow from them. And first for the second Vote, which is, that whensoever the King maketh warre against the Parliament; it is a breach of the trust reposed in him by his people, &c. But the King hath set up his Standard of defiance against that Parliament, (which he summoned to sit at *Westminster*, and had passed an Act of Parliament that there they shoul sit so long as they pleased) yea, and hath actually proclaimed and levyed war against them; therefore he hath broke the trust reposed in him by his people: which was, to protect and defend them: (not to ruine and destroy them) and hath violated his publick Oath, and so is willfully forsworne, and hath also strongly endeavoured the utter dissolution of the Government of this Kingdome, Pag. 248. 503. 508. 509. 576. 580. 584. 617. 665.

For; in fighting against the *Parliament*, and seekeing the utter destruction thereof; (as he hath done) he hath fought against the whole Kingdome, and people, whose betrusted, legall, chosen Commissioners, and representation they are: and who therefore have sufficient cause and ground given them, both in the eyes of God, and all rationall men; ever hereafter to renounce and defie him, &c. as he hath done them.

Now from the 3. Vote which is: That whosoever shall serve or assist him in these warres; are Traytors: and ought to suffer as Traytors: from whence by way of inference I draw this argument.

That. If the *Minor* principall (that is to say the Accessarie or assistant) be guilty of Treason; Then much more is the Major [53] principall (that is to say the chiefe mover, and beginner, or originall actor, and setter on) guilty of treason himselfe.

But by this vote the *Minor* or principall (the assister) is declared and proved guilty of Treason;

Ergo, the *Major* principall, the *King*; who sets all his assistants at worke; is much more guilty of Treason.

Now let us consider of those two Statutes which the *Parliament* alledge; for the proveing of the 3. vote.

That of the 11. R. 2. was the Law by which the five great Traytors (as Speed calles them folio. 732.) were impeached, namely, *Robert de Uere Duke of Ireland*, *Alexander Nevile Arch-Bishop of Yorke*, *Michael de-la-Poole Earle of Suffolke*, *Sir Robert Trisillian* that false Iustitiar, and *Sir Nicholas Brambre*, that false Knight of London: whose crime was, for being the heads with many others; to advise the King, by his regall power to annihilate certaine things passed lately by act of Parliament, and to destroy the chiefe men of both houses, that had been chiefe sticklers for the good of the Common Wealthland by the Kings consent, the Duke of Ireland, did levye forces for that end, But by the Lords that were for the Common Wealth; was soone vanquished, and forced to fly into France where he was slain by a wild Boare, Martine foli.149. *But yet notwithstanding, his associates, and Iudges, viz. Fulthrop, Belknap, Carey, Hott, Burgh, and Lockton, were the first day of the Parliament arrested of treason as they sate in Iudgement on the Bench, and most of them sent to the Tower: for giving it under their hands, that it was lawfull for the King to abrogate that which was lately done in the Parliament: (because as they wickedly said, he was aboute the law, Speed, folio 731.) Trisillian the chiefe Iustice prevented by flight, his apprehension when his fellowes the Iudges were taken; but afterwards was catcht and brought to the Parliament in the fore-noone, where he had sentence to be drawne to Tyburne in the after-noone and there to have his throat cut, which was done accordingly. Sir Nicholas Brambres turne was next. And after him, Sir Iohn, Earle of Sailsbury, and Sir James Barney, Sir Iohn Bouchamp of Holt, Stuart of the Kings Houshold: Iohn Black Esquire: and Simond Burley, who onely, as Speed saith, folio 733. had the worship to have his head struck off. The Duke of Ireland, the Arch Bishop*

of Yorke, the Earle of Suffolke, and others had their [54] Estates confiscated to the Kings use by Act of Parliament. And as Martin saith, folio 149. The rest of the Judges had been served as Robert Trisillian was, if (upon the importunate, and uncessant request of the Queene) their lives had not been redeemed by their banishment; , O gallant and brave Justice.

It is true, and so confessed by the *Parliament*, that these Statutes of 11 R. 2. 1, 2, 3, 4, 5, and 6. were abolished by the 21. R. 2. 12; But it is averred by them that they were revived by 1 H. 4. 3. 4. 5. 9. and still stand in force to this day, which is a reall truth.

And in the 2. place, let us consider well the *Parliaments* publick Declarations, and we shall see they hold it out full enough: We will begin with their *Declaration* to the States of *Holland*, pag. 636. where they plainly affirme, that the *King* (not his evill Councillers) hath now at last resolved to set up his royall Standard, and draw his sword for the destruction and ruine of his most faithfull and obedient people, whom by the lawes and constitutions of this Kingdome he is bound to preserve and protect. Yea, and in their answer (sent to his Messenger from *Nottingham*) August 25. 1642. pag. 580; They tell him plainly, that though they have used all meanes possible to prevent the distractions of this Kingdome, which have been not onely without successe, but there hath followed that which no ill Councell in former times hath produced, or any age hath seene, namely those severall Proclamations and Declarations against both the Houses of Parliament, whereby their actions are declared Treasonable, and their persons Traytors, and thereupon your *Majesty* hath set up your Standard against them, whereby you have put the two Houses of *Parliament*, and in them this whole Kingdome, out of your protection (and as I may truly say, have thereupon virtually ceased to be King) so that untill your Majesty shall recall those Proclamations and Declarations, whereby the Earle of *Essex* and both Houses of *Parliament*, and their adherents and assistants, and such as have obeyed, and executed their commands, and directions, according to their duties; are declared traytors, or otherwise, delinquents; And untill the Standard, set up in the pursuance of the said Proclamations, be taken downe, your *Majesty* hath put us into such a condition, [55] that whil'st we so remaine, we cannot by the fundamentall priviledges of *Parliament*, the publike trust reposed in us, or with the generall good and safety of this Kingdome; give your *Majesty* any other answer to this Message. The same language they speake to him in their Petition, pag. 584. And in their Message, pag. 585. And in their Petition, 587. And in their Declaration, pag. 576; They say plainly that the *King*, seduced by wicked Councell, doth make warre against his *Parliament*, and people. And in their Petition sent by Sir *Philip Stapleton*, to the Earle of *Essex*, to be presented to His *Majesty*, pag. 617. They say positively; His *Majesty* warres against the *Parliament* and subjects of this Kingdome, leading in his own person an Army against them, as if he intended by conquest to establish an absolute and unlimited power over them, and by his power, and the continuance of his presence, have ransacked, spoyled, imprisoned, & murdered divers of his people, yea, and doth endeavour to bring over the Rebels of Ireland, and other forces from beyond the Seas; And in their Declaration, and resolution, after the *King* had proclaimed the *Parliament*, and the Earle of *Essex* Traytors, pag. 508. 509. They call that very Proclamation an attempt so desperate, and so transcendently wicked, that the *Lords* and *Commons* do unanimously publish and declare, that all they who have advised, contrived, abetted, or countenanced, or hereafter shall abett and countenance the said Proclamation; to be Traytors, and enemies to GOD, the King & Kingdome, and to be guilty of the highest degree of Treason that can be comitted against the King and Kingdome, & that they will, by the assistance of Almighty God, and of all honest English Protestants, and lovers of their Country; do their best endeavours (even to the utmost hazard of their lives, and fortunes) to bring all such unparalleled traytors to a speedy and exemplary punishment. Be sure you be as good as your word: for GOD, of all villains; abhors faith-breakers: and take head, by your actions, and treatyes with the unjust and false King *Charles*, one of the *Monsters* of the earth; you do not give a just, and visible cause of ground; not onely to all rationall men in England,

but in the world (that knowes, reades, and understands your often solemn sworne Oathes, vowes, [56] Protestations, and ingagements) to judge you a forsworne, false, and perjured Generation, and fit to be abhorred of GOD, and all good men; for to speake truth, and right: Hath not *Charles Stewart* committed treason against *King Charles*? sure I am he hath done it against the KINGDOME of ENGLAND, and that I prove by your own grounds; thus.

The Proclamation that you so much cry out of; comes out in his name and stile, pag. 503. 404. 406. 507. And therefore his:

Ergo. ----

For he ownes his own Proclamations, and Declarations, and jeeres you for a company of simpletons for declaring it otherwise. His words, (pag. 248.) are; All our answers and Declarations have been and are owned by us, and have been attested under our hands: if any other had been published in our name, and without our authority; It would be easy for both Houses of Parliament to discover and apprehend the Authors: And we wish that whosoever was trusted with the drawing, and penning of that Declaration (namely the *Parliaments*, dated 19. of May 1642.) had not more authority or cunning to impose upon or deceive a major part of those votes by which it passed; then any man hath to prevaile with us to publish in our name any thing but the since and resolution of our own heart. And since this new device is found out in stead of answering our reasons, or satisfying our just demandes, to blast our Declarations, and answers, as if they were not our own; (a bold senselesse imputation) we are sure that every answer and Declaration published by us, is much more our own, then any one of those bold threatning and reproachfull Petitions, and remonstrances are the acts of either or both houses Yea, and as if all this were not enough to be done by a trust sufficiently for ever to declare the forfeiting of his trust and Kingly Office; the King himself hath caused the Jewels of the Crown to be pawned, to buy instruments of warre, to butcher and murder his people; who never gave him any power, and authority, for any other end, but to protect, defend, and preserve them: neither did he ever in his life, enjoy any other power, either from God, or man, but for that end; yet in his speech to the people of SALOP, he declares he [57] *will melt down all his own Plate, and expose all his land to sale, or mortgage*, (though it be none of his, but the Kingdomes) that so he may the faster cut the throats, and shed the innocent blood of those his brethren, that betrusted him with all he had, or hath, for their good and welfare. Yet to fill up the measure of his iniquity; he, (not his evill counsellors) hath given *Commission* to his *Commissioners of Array, Sheriffes, Mayors, Justices, Bailiffes*, or any other whatsoever, to *raise Force*, and to *kill and slay all such as should hinder the EXECVTION of his Royall command, or put the Ordinance of Militia* (though it were for their own preservation) *in Execution*, pag. 581. And the same bloody murdering Commissions he hath given to his Instruments in *Scotland & Ireland*, to *Butcher, destroy, and ruinate* the people there. So that to sum up all, the Parliament told him plainly in their late letter sent to him at *Oxford*, *That he was guilty of all the innocent blood shed in England, Scotland, and Ireland, since these wars*, which is the blood of *thousands of thousands*: For which, if all the sons of men should be so base and wicked, as not to doe their duty, in executing justice upon him (which Legally may and ought to bee done, by those especially who have *Power and Authority* in their hands:) Yet undoubtedly, the righteous God will, and that I am confident in an exemplary manner, in despite of all his bloody and wicked protectors and defenders. *For GOD is a just GOD, and will revenge innocent blood even upon Kings, Judg. 1 6, 7. 1 Kings 21. 19. & 22. 38. Isa. 30. 33. Ezek. 32. 29. --- and will repay wicked and ungodly men, Isai. 59. 18.* Therefore I desire those that shall thinke this a harsh saying; to lay down the definition of a *Tyrant* in the highest degree, and I am confident their own *Consciencs* will tell them it is scarce possible to commit or doe that act of *Tyranny* that *Charles Stewart* is not guilty of; and therefore, *de jure*, hath absolved all his people from their *Allegiance and Obedience* to him, and which, the Parliament are bound in

duty and conscience, De facto, to declare, and not to be unjust to the Kingdome, then their predecessors have been: which, in part, I have already mentioned; and shall, to conclude, onely cite some particulars of the Parliaments just dealing with *Edward* the second (who was not one quarter so bad as *C.R*) who being called to account by “the Parliament for his evil government, and being imprisoned [58] at *Kenelworth-Castle*; the Parliament sent Commissioners to acquaint him with their pleasure, the Bishops of *Winchester, Hereford*, and *Lincoln*, two Earls, two Abbots, foure Barons, two Justices, three Knights for every County; and for *London*, and other principall places (chiefly for the five Ports) a certain number chosen by the Parliament. And when they came to him, they told him, the Common-wealth had conceived so irreconcilable dislikes of his government, the particulars whereof had been opened in the generall Assembly at *London*, that it was resolved never to endure him as King any longer: That, (notwithstanding) those dislikes had not extended so far, as for his sake to exclude his issue; but that with universall applause, and joy, the Common-wealth had in Parliament elected his eldest sonne, the Lord *Edward*, for King. They finally told him, that unlesse he did of himselfe renounce his Crown and Scepter; the people would neither endure him, nor any of his children, as their Sovereigne: but disclaiming all Homage and Fealty, would elect some other for King, not of the Blood.

The King seeing it would be no better; amongst other things told them, “That he sorrowed much, that the people of the Kingdom were so exasperated against him, as that they should utterly abhorre his (any longer) rule and sovereignty; and therefore he besought all there present, to forgive him; and gave them thanks for chusing his eldest sonne to be their King, which was greatly to his good liking, that he was so gracious in their sight.

Whereupon they proceeded to the short Ceremony of his *Resignation*, which principally consisted in the surrender of his *Diadem*, and *Ensignes of Majesty* to the use of his son the new King. Whereupon Sir *William Trussel*, on the behalfe of the whole Realm, renounced all homage and allegiance to the Lord *Edward of Carnarvan*, late King: The words of the definitive Sentence were these:

I William Trussel, in the name of all men of the Land of England and all the Parliament, Procurator resigne to thee Edward the Hamage that was made to thee sometime: and from this time forward now following, I defy thee and deprive [59] thee of all Royall power; and I shall neuer be attendant to thee, as for King, after this time.

But if any object: It is true, Subjects and people have, *de facto*, done this unto their Kings; but they cannot doe it, *de jure*, for that Kings are above their people, & are not punishable by any, but God; I answer, God is the fountain, or efficient cause of all punishment; But, as to man, instrumentally; he inflicts by man: And though he be our supream *Lord* and *Law-Maker*, & hath for *bodily* and *visible transgressions* of his Law, appointed a *visible* and *bodily punishment* in this world, for the transgressors thereof, and man for his instrumentall executioner, and never (ordinarily) doth it immediately by himself, but when his Instrument (Man) failes to doe his duty: and being a God of order; hath appointed a Magistrate, or an impowred man, as his and their executioner, for the doing of justice: and never goeth out of this Road, but in extraordinary cases, (as he doth) when the Magistrate is extraordinarily corrupted in the executing of his duty: and in such cases, God hath raised up particular or extraordinary persons to be his executioners. And therefore God being no respecter of persons, hath by nature created all men alike in power, and not any, lawlesse, and none to bind each other against mutuall agreement and common consent: and hath expresly commanded, Man, his rationall creature, shall not tyrannize one over another, or destroy (by any intrusted power) each other; but that the intrusted, (Kings as well as others) shall improve the utmost of their power and strength, for the good and benefit, protection and preservation of every individuall Trustee.

And whosoever he be, that shall improve his intrusted power, to the destruction of his impowers; forfeits his power. And GOD the *fountain of Reason and Justice*, hath endued man with so much reason, mercy, humanity, and compassion to himself and his own Being, as by the instinct Nature to improve his utmost power for his own preservation and defence: which is a Law above all lawes and compacts in the world. *Declar. April 17. 1641.* And whosoever rejects it, and doth not use it; hath obliterated the Principles of Nature in himselfe, & degenerated into a habit worse then a beast, and becomes felonious to himselfe, and guilty of his [60] own blood. This, Israel of old, (the Lords peculiar people) understood as well as the people of *England*, although they had no expresse positive law, no more then we in *England* have to rebel, or withdraw their obedience & subjection from those Magistrates or Kings that exercise their power and authority contrary to the nature of their trust: which is plain and cleare, without dispute, in the case of *Rehoboam*, who was the son of *Solomon*, who was the sonne of *David*, who was assigned King by GOD, and chosen and made King by the common consent of the people of *Juda* and *Israel*, *2 Sam. 7. 13.* And who by vertue of Gods promise to him and his seed to be Kings over his people; had more to say for his *Title* to his and their Crown, I am confident of it, then *all the Princes in the world have to say for their claim, and childrens, to their Crown.* For *Rehoboam* was not onely the sonne of *Solomon*, who was in a manner intailed by *God himselfe* unto the Crown; but he was also made King at *Shechem* by all *Israel*, *1 King. 12. 1.* And afterwards *Jeroboam the son of Nebat, Solomons servant, and all the congregation of Israel, went to Rehoboam to claim the making good of the GREAT CHARTER of Nature, viz. to claim relaxation of oppression, and protection according to justice, that is to say, that he should doe to them (in governing them justly) as he would have them to doe to him, (in yeelding him subjection and obedience:) this being the whole Law of GOD both Naturall and Morall; and therefore they tell Rehoboam, that the King this Father had broke their Charter, and made their Yoak grievous (which you may read of in Chap. 4.) Now therefore make thou (observe, they doe not say, Most gracious Sovereigne; nor, Most excellent Majesty) the grievous service of thy Father, and his heavy yoak which he put upon us, lighter, and we will serve thee. But the King rejecting the advice and counsell of his old and good Counsellors: which, as we may say, was to govern them according to Law, contained in *Magna Charta*, and the *Petition of Right*, &c. and not to rule and governe them according to his *Prerogative*, or *perverse will*: For they tell him, *If thou wilt be a servant unto this people this day, and wilt serve them, (mark it well) and answer them, and speak good words to them; then they will bee thy servants, for ever. But he forsook the counsell of the old men (which wee may call GOOD [61] COMMONWEALTHS-MEN,) and followed the advice of his youngmen (which we call the Cavaliers, or men for the Prerogative) And (saith the Text) he answered the people roughly, saying, My Father made your yoak heavy, and I will adde to your yoake: My Father also chastised you with whips, but I wil chastise you with Scorpions, 1 Kings 12. 3, 4 5, 6, 7, 8, 14. But (saith the Text, vers. 15) when all Israel saw that the King hearkened not unto them, the people answered the King, saying, What portion have we in David? Neither have we inheritance in the son of Jesse. To your Tents, O Israel. Now see to thine own house, David. So Israel departed to their tents, and revolted, or rebelled against the House of David, and called all the cōgregation of the people together, and (with an unanimous consent) made Jeroboam King over all Israel, as Rehoboam was over Juda; (having both an assignation from GOD, 1 King. 11. 11, 12, 13, 26, 29, 30, 31, 35, 37, 38. and a solemne legall publick (all and Election from the people, 1 Kings 12. 2, 3, 20, 21.) and of his Regality and Kingship, as legally and justly by God himselfe approved, by sending his Prophet to bring the kingdom back to Solomons son) to command him and Juda, &c. (Observe, he calls them not *Rehoboams* people) *not to goe up nor fight against their brethren the children of Israel.* Which command, as most just, they observed, *vers. 21, 22, 23, 24.* Yea, and God himselfe, (in the 14. chapter and 7. verse) beareth witness that he himselfe *exalted Jeroboam from among the people, and made him Prince over his people Israel, and rent the Kingdome from the house of David, and gave it***

unto him. And afterwards, when God upbraids him, it was not because he was an usurper, a traitor, or a rebel against his masters son *King Rehoboam*; but because he had not been as his servant David was, (who followed him with a perfect heart,) but had done evill above all that was before him in making him other Gods, and molten Images, to provoke me (saith God) to anger, and hast cast me behind thy back. So that here is a cleare demonstration, that it is lawfull in the sight of God, as well as in the sight of Man, for a people to with-draw their obedience from that Magistrate, or King, that refuseth to govern them by legall justice; but oppreseth them contrary to the end of the trust reposed in him (which was never for their woe, but for their weale,) and so breakes that tacit contract, that by vertue of his Induction into his Office, is Naturally and Rationally [62] implied to be made, although it never be expressed, It being as the Parliament saith, (Book Declar. Pag. 150.) irracionall to conceive that when the Militia of any is committed to a Generall, although it be not with any expresse condition; that he shall not turne the mouthes of his Cannons against his own Souldiers for, (say they) that is so naturally and necessarily implied, that its needlesse to be expressed, insomuch, as if he did attempt, or confind any such thing against the nature of his trust and place, it did, *Ipsa facto*, estate the Armie in a right of disobedience, except we thinke that obedience binds men to cut their own throates, or at least their Companions.

Having laid this foundation, I will come now to speak something of those five particulars, which is before-mentioned and laid down in the sixth page of this Discourse; which are thus expressed.

First, if it were granted, that the Lords were a legall Jurisdiction, and had a judicative power over the Commons; yet, the manner of the Lords dealing with Lieut. Col. *Lilburn*, is illegall and unjust.

Secondly, That if the Lords were a Judicature, yet they have no jurisdiction over Commoners.

Thirdly, That they are no Judicature at all.

Fourthly, That they by Law and Right, are no Law-makers.

Fifthly, That by Law and Right, it lyeth not in the power of the King, nor in the House of Commons it self, to delegate the legislative power, either to the Lords divided or conjoynd, nor to any other persons whatsoever: For the first of these, viz. That the manner of the Lords proceeding with Lieu. Col. *Lilburn*, was, and is illegall, is cleer; and that I prove thus:

The Law requires; that before the body of a Free-man be attached, or summoned to a Bar of Justice, to answer a Chage; that there shall be an originall Declaration, or Charge, filed in the Court, before so much as either the Writ, Attachment, or Warrant go out, to seize upon, or summon the party accused. See Sir *Edw. Cookes 2. part. Institut. f. 46, 50, 51.* Read the Statute, &c. quoted in those Margents; but there was no such matter in Mr. *Lilburns* case: For although, as he declares in his book, called *The Freemans freedome vindicated*, page 3, the Lords (10. June, [63] 1646. sue out a Warrant, to summon him, upon sight thereof, to answer such things, as he stands charged with before their Lordships, concerning a Pamphlet, entituled, *The just mans justification*; or, *A Letter by way of Plea in Barre*. And accordingly, the 11 of June, 1646. he appeared at their Bar, expecting there to have received a written Charge according to Law and Justice, which they both refused to shew him, or let him know, whether they had any such legall Charge, or no, against him; but presse him (contrary to the *Petition of Right*, and the *Law of the Land*) to answer to Interrogatories concerning himself (a practice condemned by themselves in his own case, Feb. 12. 1645.) in the annihilating his unjust Sentence in the Star-Chamber. (Reade his printed Relation thereof page 1, 2, 3, and the last) Which forced him to deliver in at their Bar, his legall and just *Plea* and *Protestation*, against their usurping jurisdiction over Commoners; which you may reade in *The Freemans*

freedome vindicated, page 5. 6. Vpon which they commanded him to withdraw; and then (pag. 7.) make an Order to commit him; in these words.

Die Jovis 11. June 1646.

IT is this day ordered by the Lords in Parliament assembled, That Lieut. Col. John Lilburn, shall stand committed to the Prison of Newgate, for exhibiting to this House, a scandalous and contemptuous Paper, it being delivered by himselfe at the Barre this day; And that the Keeper of the said Prison, shall keepe him safely, untill the pleasure of this House be further signified: and this to be a sufficient Warrant in that behalfe.

John Brown, Cler. Parl.

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

I cannot hear, that he either at this time, misbehaved himself, either in word, or gesture towards them; but gave them as much respect at this time, as if he had been one of their own Creatures.

But away to *Newgate* he goes, and June 16, 1646, directs [64] his appeale to the *Honorable House of Commons*, which you may read in the fore-mentioned booke, pag. 9, 10, 11. “Which appeale the House of Commons read, approved of, and committed to a speciall Committee, which Committee met, and examined his businesse, and as I am informed from very good hands, made a vote to this effect.

“That his proceedings with, and protestations against, the Lords delivered at their barre, and his appeale to the House of Commons, was just, and legall, which they in justice ought to beare him out in: which Report, Collonel *Henry Martin* (that couraragious and faithfull Patriot of his Country) as Chairman of that Committee; is to report to the House:

But immediately after the reading of this Appeale to the House, out comes the fore-mentioned booke in prynt, which it seemes did something startle the Lords, who had let him lie quietly in *Newgate* till then, without so much as sending him the Copy of any charge; But upon this, they send a Warrant againe for him, which, as I finde it in the 4. page of the *Just man in Bonds* thus followeth.

Die Lunæ 22. Junii. 1646,

ORdered by the Lords in Parliament assembled, that Lieutenant Collonel Iohn Lilburne now a prisoner in Newgate, shall be brought before their Lordships (in the High Court of Parliament) to morrow morning by 10. of the clock, and this to be a sufficient Warrant in that behalfe.

Iohn Browne Cler. Parl.

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

And accordingly the next day, Lieutenant Collonel *Lilburne* was brought up to their barre, and being called into the House, was commanded to kneele; which he refused to do, for what reasons; he is best able to declare: which I hope he will not [65] faile to do, as soone as he enjoyes the liberty, and priviledge to have pen, inke, and paper, which by law he cannot be debarred of, neither can it justly be denyed to the greatest Traytor in *England*. And surely the Lords give a cleere demonstration to the whole Kingdome to judge, that their own consciences tell them, that he is an honest, and a just man, and their dealing with him is base, wicked, illegall, and unjust, that they dare not suffer him to enjoy pen, inke, and paper (to declare the truth of his cause to the world) which they have most unjustly, and unrighteously kept from him, by speciall Order, for above three moneths together. So that by the paw, a man may judge of the whole body, that is to say; by their Lordships dealing with him, a wise man may easily see what they would do to all the *Freemen of England*; if their power were answerable to their wills, which would be to make them as great slaves as the *Pesants in Franee* are (who enjoy propriety neither in life, liberty, nor estate) if they did not make us as absolute vassals as the poore *Turks* are to the *Grand Seigneour*, whose lives, and estates he takes away from the greatest of them, when he pleaseth.

Therefore; O all ye *Commons of England* marke well, and eye, with the eye of Jealousie, these Lords the sons of pride, and tyranny: And not onely them, but all their associats, or Creatures, especially in the *House of Commons*: (if any such be there) for, assure your selves, enemies they are, and will be, to your liberties, and freedoms, what ever their specious pretences are to the contrary, it being a *Maxim* in nature, that every like, begets its like; Therefore, trust them not, no more then you would do a *Fox* with a *Goose*, or a *devoureing Wolfe*, with a *harmelesse Lambe*, what ever they say or sweare, having so palpably and visibly, in the case of Mr. *Lilburne*, broken all their *Oathes, Protestations, Vowes, and Declarations* to maintaine the *Lawes of the Land*, and the *Liberties of the People*.

But let us returne to their 2. summoning him to their Barre, who being commanded to kneeles refused: and without any more discourse, or so much as showing him any *legal charge*; they Commanded him to withdraw, and for this cause alone (hhe behaving himselfe this time also respectively enough (saving in [66] the *Ceremony of kneeling*) they commit him close prisoner to *Newgate*.

A true Copy of their Warrant thus followeth.

Die Martis 23. Junii. 1646.

ORdered by the Lords in Parliament assembled, that John Lilburne shall stand Committed close prisoner, in the Prison of Newgate, and that he be not permitted, to have pen, inke, or paper, and none shall have accesse unto him in any kinde, but onely his Keeper, untill this Court do take further Order.

To the Keeper of Newgate his
Deputy, or Deputies.

John Browne Cler. Parl.

*Exam. per Rad. Briscoe
Cler. de Newgate.*

And so from this 23. of June, to the 11. of July then ensuing, he was locked up close, and neither his *Wife, Children, Servants, Friends, Lawyers, or Councillers* permitted to have accesse unto him, nor they never sent him word what they intended to do; And all this while the Lords are picking matter against him, having none it seemes when they first summoned him to their barre, to grownd the least pretence, or shaddow of a Charge against him: and

knowing his resolution to stand to his liberties, they lay provocacions upon him, & cōmit one act of injustice (with a high hand) upon the neck of another, to provoke him to let some words fall, or do some actions to ensnare himselfe, that so they might have some coulour for their future proceedings with him. And divers bookes coming out in his behalfe, by some (as it seemes) who wished him well, which to the purpose nettles the Lords, for their cruelty [67] towards him; Serieant *Finch*, as one of his Majesties Council, preferrs certaine Articles against him, in the House of those Peers by way of Charge, but sends him no Copy of it, although it was impossible for him being so close as he was) to get a Copy of it himselfe: the greatest part of which is taken out of his booke, called *The Freemans Freedome vindicated*, and his Epistle to Mr. *Wolaston* the Jaylor of *Newgate*, both of them made by him in *Newgate*, many dayes after the Lords had Cōmitted him; which letter of his to Mr. *Wollaston*, for the excellent matter therein, we will insert heere *verbatim*.

SIR, I this morning have seen a Warrant from the House of Lords, made yesterday, to Command you to bring me this day at 10. a clocke before them, the Warrant expresseth no cause wherefore I should dance attendance before them; neither do I know any ground or reason wherefore I should, nor any Law that compels mee thereunto; for their Lordships sitting by vertue of Prerogative-parents, and not by election or common consent of the People, haue, as *Magna Charta* (and other good Lawes of the Land) tels me, nothing to do to try me, or any Commoner whatsoever in any criminall case, either for life, limb, liberty, or estate: but, contrary hereunto, as incrochers, and usurpers upon my freedoms and liberties; they lately, and illegally endeavored to try me a Commoner at their Bar, for which I under my hand, and seale, protested to their faces against them, as violent, and illegal incrochers upon the rights, and liberties of me, and all the Commons of *England* (a copy of which &c. I in Print herewith, send you) and at their Bar I openly appealed to my competent, proper, legall Tryers, and Judges, the Commons of *England* assembled in Parliament (for which, their Lordships did illegally, arbitrarily, and tyrannically, commit me to prison into your custody) unto whom divers dayes agoe I sent my Appeale &c. which now remains in the hands [68] of their Speaker, if it be not already read in their house, unto which I do, and will stand, and obey their commands.

Sir. I am a free-man of *England*, and therefore I am not to be used as a slave or Vassall by the Lords, which they have already done, and would further doe. I also am a man of peace, and quietnesse, and desire not to molest any, if I be not forced thereunto: therefore I desire you as you tender my good, and your own, take this for an answer, that I cannot without turning trayter to my liberties; dance attendance to their Lordships Barre: being bound in conscience, duty, to God, my, self, mine, and my Country; to oppose their incroachments to the death: which by the strength of God, I am resolved to do. Sir, you may, or cause to be exercised upon me, some force or violence to pull and drag me out of my chamber, which I am resolved to mantain, as long as I can, before I will be compelled to go before them; and therefore I desire you, in a friendly way, to be wise and considerate before you do that, which it may be, you can never undoe.

*Sir. I am your, true and faire conditioned
prisoner, if you will be so to me,*

*From my Cock-loft in the
Presse yard of Newgate this 13. of June
1646.*

IOHN LILBURN.

And the next day aftere *Serjente Finch* exhibited his *Artiicles*, being the 11, July 1646. Lieutenant Colonell *Lilburne* is, by vertue of a warrant to the *Sheriffe or Sheriffes of London M. Foot, and Mr. Kendrik* (who contrary to Law refused to give him a Coppy of has warrant, although hee sent for it by *Mr. Bisco* the Clerk of Newgate.) brought up to the *Lords barr*, in a most base *Contumelious, and reproachfull maner*, the substance of that Warrant, being to command him to the *Lords Barr* [69] to heare his charge read. But before he was called in; hee, by his Keeper, sent word to the Lords, “That they being not his Peers, and Equals; were none of his LEGALL JUDGES, and so had no jurisdiction over him: and therefore hee would not stoop unto, or acknowledge, their authority and jurisdiction over him in this particular: which he desired a-fore-hand to acquaint them with: And that he must be forced, out of conscience to that duty he owes to Himselfe, his Liberties, and the Liberties of his Country: (seeing their LORDSHIPS would neither be satisfied with his Protestation, nor Appeale to the COMMONS; nor yet with his refusing to kneele at their Bar, nor consult with the House of COMMONS about the legality of their proceedings; but the third time to send for him, who, they knew, could not, in this case, stoop unto them; as though they were resolved to tread the Liberties of all the COMMONS of ENGLAND, under their feet. And therefore seeing that they increased in their illegall an unwarrantable presumptiō) he said, he must increase in his just detestation of their actions, and incroachments. In testimony of which, hee was resolved to come in with his HAT ON, and to STOP his EARES when his charge was offered to be read, which (as I understand) he accordingly did.

And having liberty sometimes to speak to them, being commanded to withdraw three times, and brought in again; he told them to this effect, with a great deal of resolution, “That they were (not onely) not his Judges, but the manner of their proceeding with him, was against all Law and Justice: yea, contrary to their own judgement lately given by themselves in *February* last in his own case, of the *Star-Chamber*, and of the *Petition of Right*. For (said he) My Lords, the warrant that commanded me to your Barre; did summon me up to answer a criminall charge: And being at your Bar, I pressed you, again and again, to see it, and earnestly intreated you, that if you had any legall charge in writing against me, that it might bee produced: But (contrary to Law and Justice) you refused to do it, & contrary to all law (just High Commission-like) pressed me to answer Interrogatories concerning my self, which forced & ensnared me to deliver in my Protestatiō against you. And I have since [70] appealed to my Legall Judges, the COMMONS of ENGLAND, assembled in PARLIAMENT; who have received, accepted, read, and committed my appeale, and promised me justice in it. And, my Lords, I tell you to your faces. These are the MEN that ONELY and ALONE have THE SUPREAM POWER of ENGLAND residing in them; who, when you have done all, and the worst you can, they both must, and will, bee your Judges and mine. But (my Lords) if you will not joyne issue with me there, that you may know I neither feare you nor your Charge, nor decline a legall proceeding about it; preferre your charge against me in any Court of Justice in *Westminster-Hall*, or any other Court in *England*, that hath a legall jurisdiction over me; and I will answer you: The which if you refuse, and will still persevere in your incroachmens upon my Rights and Liberties; know (my Lords) that here to your faces, I bid defiance to you to doe the worst you can to me, being resolved to spend my heart blood against you in this way. My Lords (said he) are not you the men that first engaged this kingdome in this present warre? And you pretended and swore, it was for the maintenance of the lawes and liberties of *England*: But (my Lords) if you dissembled, or were in jest; I am sure (said he) I was reall, and in good earnest. And therefore (my Lords) before you shall wrest out of my hand, my essentiall liberties and freedoms, and that which makes me a man, and to differ from a beast (having already run the hazards of so many deaths for the preservation of them as I have done); I tell you plainly and truly, I will by the strength of GOD, venture my *life* and *blood* as freely and resolutely against you in this particular, as ever I did in the field against any of the *Cavaliers*: (who, you told us, endeavoured and intended to destroy the lawes and liberties of *England*) And some of

your selves know that that was resolutely enough.

And much more, as I understand he told them then, which I leave to the relation of his own pen and hand, which I beleeve the world will shortly see.

But they went on, and sentenced him two thousand pounds to the King for his present contempt at their Barre, and two thousand [71] pounds for his pretended crimes contained in their Articles, which they took *pro confesso*, because he would not heare them read.

But in regard that his wives late petition delivered to the House of COMMONS, *September 23. 1646.* doth notably and excellently set forth the illegality of the manner, &c. of the Lords proceedings with him; we judge it very necessary here to insert it, not only for the proof of the thing in hand, but also for her exceeding commendations in so close following her husbands businesse, in his great captivity, with such resolution, wisdome and courage as she doth, whose practice herein may be a leading, just, and commendable president for all the wives in *England* that love their husbands, and are willing to stand by them in the day of their tryall. Her petition thus followeth.

[72]

**To the Chosen and betruſted Knights Citizens and Burgesses, aſſembled
in the high and ſupream Court of PARLIAMENT.**

The Humble Petition of ELIZABETH LILBURNE, wife to Lieu. Col JOHN LILBURNE, who hath been for above eleven weeks by-paſt, moſt unjuſtly divorced from him, by the Houſe of Lord, and their tyrannicall Officers, againſt the Law of GOD, and (as ſhe conceives) the Law of the Land.

Sheweth,

THat you only and alone are choſen by the *Commons* of *England* to maintain their Laws, and Liberties, and to do them juſtice and right; [4] which you have often befor *God* and the World *ſworn* to do: [5] yea, and in divert of your *Declarations* declared; it is your duty (in regard of the truſt reposed in you) ſo to doe; [6] without any private aimes, perſonall reſpects, or paſſions whatſoever; [7] And that you think nothing too good to be hazarded in the diſcharge of your conſciences for the obtaining of theſe ends: [8] And that you will give up your ſelves to the uttermoſt of your power, and judgement; to maintain truth, and conforme your ſelves to the will of *God*; [9] which is to doe juſtice and [10] right, and ſecure the *Perſons, Eſtates,* and *Liberties* of all that joynd with you; [11] imprecating the *judgments of Heaven* to fall upon you when you decline from theſe ends: [12] you judging. [73] it the greateſt *ſcandal* that can be laid upon you, that you either do or intend to *ſubvert the Lawes, Liberties, & freedoms of the people.* [13] Which *freedoms, &c.* you your ſelves call, *The cōmon birth-right of English-men,* [14] who are born equally free, and to whom the law of the land is an equal inheritance: and therefore you confeſſe in your Declar. of 23. *Octob. 1643.* [15] It is your duty to uſe your beſt endeavours, that the meaneſt of the *Cōmonalty* may enjoy their own *birth-right, freedom & liberty* of the laws of the land, being *equally* (as you ſay) *intitled thereunto with the greateſt ſubject.* The knowledge of which, as coming from your own mouthes, and Pen, imboldned your *Petitioner,* with cōfidence, to make her humble addreſſe to you, & to put you in mind, that her husband above 2 moneths agoe made his formal & legall appeale to you againſt the injuſtice and uſurpation of the *Lords* acted upon him which you received, read cōmitted, and promiſed him juſtice in: But as yet no report is made of his buſines, nor any relief, or actual juſtice holden out unto him; although you have ſince found time to paſſe the *Cōpoſitions & pardons* for the infranchiſing of thoſe that your ſelves have declared *Traytors* and *Enemies* to the Kingdom: which is no ſmall cauſe of ſorrow to your *Petitioner,* and many others, that her husband, who hath

adventured his life, and all that hee had in the World, in your lowest condition for you; should bee so slighted & disregarded by you, as though you had forgot the duty you owe to the *kingdom*, and your many *Oathes, Vowes, and Declarations*: [16] which neglect hath hastened the almost utter ruine of your Petitioner, her husband, and small Children. For the *Lords* in a most tyrannicall and barbarous manner (being encouraged by your neglect) have since committed her husband, for about three weeks, *close prisoner to Newgate*, locked him up in a little room, without the use of pen, ink, or paper (for no other cause but for refusing to kneel at the Bar of those, that by law are none of his Judges.) [17] The cruell Jaylors all that time refusing to let your Petitioner, or any of his friends to set their feet over the threshold of his *chamber door*, or to come into the prison yard to speak with him, or to deliver unto his hands, either meat, drink, money, or any other necessaries. A most barbarous & illegall cruelty! so much cōplained of by your selves in your *Petition & Remonstrance to the King*, 1. Decemb. 1641. [18] and detested & abhorred there, by you, as actions & cruelties being [74] more the proper issues of *Turks, Pagans, Tyrants, and men without any knowledge of God, then of those that have the least spark of Christianity, Honour, or justice in their breasts*. And then while they thus tyrannized over your Petitioners husband; they command (as your Petitioner is informed) Mr. *Sergeant Finch*, Mr. *Hearn*, Mr. *Hale*, and Mr. *Glover*, to draw up a Charge against your Petitioners husband, without giving him the least notice in the world of it, to fit himself against the day of his *tryall*: but contrary to all law, justice, and conscience, dealt worse with him, then ever the *Star-chamber* did; not only in keeping his Lawyers from him, but even all maner of *Councillors & Friends* whatsoever, even at that time when they were about to try him: and then of a sudden send a Warrant for him to come to their Bar (who had no legall authrity over him) to hear his charge read: where he found the Earle of *Manchester* (his professed enemy, and the only party (of a Lord) concerned in the businesse;) to be his chief Judge, contrary to that just Maxime of law, *That no man ought to be both party & judge*; (a practice which the unjust *Star-chamber* it self in the days of its tyranny, did blush at, and refuse to practise, as was often seen in the *Lord Coventries case*, &c.) And without any regard to the Earl of *Manchesters impeachment* (in your House) of treachery to his countrey, by L. *Gen. Cromwel*, which is commonly reported to be punctually and fully proved, & a charge of a higher nature then the Earl of *Straffords*, for which he lost his head: And which also renders him, so long as he stands so impeached; incapable, in any sense, of being a Judge. And a great wrong and injustice it is to the *kingdome*; to permit him; and to himself, if innocent; not to have had a legall tryall ere this, to his justification or condemnation. And besides all this, because your *Petitioners husband* stood to his appeal to your *Honours*, and would not betray *Englands liberties*; which you have, all of you, sworn to preserve, maintain, and defend: they most *arbitrarily, illegally, and tyrannically*, sentenced your Petitioners said husband to pay 4000. l. to the King (not to the State) & *for ever to be incapable to beare any Office in Church or Common-wealth, either Martiall or Civill, and to lie 7. years a prisoner in the extraordinary chargeable prison of the Power*; where he is in many particulars illegallly dealt withall, as he was when he was in *Newgate*.

Now forasmuch as the *Lords*, as they claim themselves to bee a [75] *House of Peers*, have no legall judgement about Commoners, that your Petitioner can heare of, but what is expressed in the Statute of the 14. *Ed.* 3 5. which are *delays of justice, or error in judgement in inferior Courts only*; and that with such limitations and qualifications as are there expressed; which are that there shall be *one Bishop* at least in the judgement, & an expresse *Cōmission from the King*, for their meddling with it. All which was wanting in the case of your Petitioners husband, being begun and ended by themselves alone. And also seeing that by the 29 of *Magna Charta*, your Petitioners husband, or any other Commoner whatsoever; in criminall cases, are not to be tried otherwise then by their Peers: which Sir *Ed: Cook* in his exposition of *Magna Charta*, (which book is printed by your own speciall authority) saith, is meant [equals] *fol. 28. In which* (saith he, *fol. 29.*) *are comprized Knights, Esquires, Gentlemen Citizens, Youngmen, & Burgesses of severall degrees; but no Lords of Parliament*.

And in p. 46. he saith: *No man shall be disseised* [that is, *put out of seison, or dispossessed of his freehold*; that is, saith he, *lands or livelihood, or of his liberties or free customes,*] that is, of such franchises and freedoms, and free customes as belong to him by his free *Birth-right, unlesse it be by the lawfull judgement,* (that is, verdict of his *Equals*; that is, saith he, of men of his own condion:] *or by the law of the land*; that is (to speak it once for all) *By the due course & processe of law.* And, saith he, *no man shall be in any sort destroyed unlesse it be by the verdict and judgement of his Peers, that is, equals, or by the law of the land.* And the Lords themselves in old time did truly confesse: That for them to give judgement of a Commoner in a criminall case is contrary to law; as is clear by the Parliaments record in the case of Sir Simon d' Bereford 4. *Ed.* 3. *Rot.* 2. (the true copy of which is in the hands of M. H. *Martin*) & they there record it, *That his case who was condemned by them for murdering King Edw. 2. shal not be drawn, in future time, into president, because it was contrary to law, they being not his Peers, that is, his Equals.* And forasmuch as the maner of their proceedings was contrary to all the former ways of the law publickly established by Parliament in this kingdom, as appears by severall *Statutes* [19] which expresly say, "That none shall be imprisoned, nor put out of his free-hold, nor of his, franchises, nor free customes, unless it be by the law of the land, and that none shall be taken by Petition, or suggestion [76] made to the King, or to his Council, unlesse it be by indictment, or presentment of good and lawfull people of the same neighborhood, where such deeds be done, in due manner, or by processe made, or by Writ original at the common-law. Which Statutes are nominally and expresly confirmed by the *Petition of Right*, by the *Act made this present Parliament for the abolishing the Star-chamber*; and thereby, all acts repealed that formerly were made in derogation of them. But contrary hereunto, the Lords (like those wicked Justices spoken of by Sir *Ed. Cook* [20] in stead of trying her husband by the law of the land; proceed against him by a partiall tryall, flowing from their arbitrary will, pleasure, and discretion, &c. [21] For, though they summoned him up to their Bar, *June* 10. 1646. to answer a *Charge*; yet they refused to shew it him, or give him a Copy of it, but committed him to *Newgate* *June* 11. 1646, (although he behaved himself then with respect towards them both in word and gesture) meerly for refusing to answer to their *Spanish Inquisition-like Interrogatories*, and for delivering his legall Protestation, Their *Mittimus* being as illegall as their summoning of him, and their own proceedings with him. Their commitment running, *To be kept there: not till he be delivered by due course of Law*; but, *During their pleasure*: which Sir *Edw. Cooke* saith, *is illegall* [22] and then locked up close, that so he might bee in an impossibility to understand how they intended to proceed against him.



Wherefore your Petitioner humbly prayeth, to grant unto her husband the benefit of the law, & to admit him to your Bar himself, to plead his own cause, if you be not satisfied in the māner of his proceedings, or else according to law, justice, & that duty and obligation that lyeth upon you; forthwith to release him from his unjust imprisonment: & to restrain & prohibit the illegal & arbitrary proceedings of the *Lords*, according to that *sufficient power* instated upon you, for the enabling you faithfully to discharge the trust reposed in you, and to vacuate this his *illegall sentence and fine*, and to give him just and honorable reparations from the Lords, and all those that have unjustly executed their unjust *Commands*: It being a *Rule in Law*, and a *Maxime* made use of by your selves in your *Declaration* 2. *November*, 1642. [23] *That the Kings illegall commands, though accompanied with his presence, do not excuse those [77] that obey them*; much lesse the Lords: with which the Law accordeth, and so was resolved by the Judges; 16. *Hen.* 6. [24] And that you will legally and judicially examine the Crimes of the Earle of *Manchester*, and Colonell *King*, (which the Petitioners husband, and others, have so often complained to you of,) and do *exemplary justice* upon them, according to their deserts: or else, according to Law and Justice, punish those (if any) that have falsly complained of them. [25] And that you would, without further delay, give us reliefe by doing us justice. [26] All which, she the rather earnestly desireth, because his imprisonment in the Tower is extraordinary chargeable and insupportable: (although by right,

and the custome of that place, *his fees, chamber, and diet, ought to be allowed him, and paid out of the Treasure of the Crown,*) he having wasted and spent himself with almost *six years attendance*, and expectation upon your Honours for justice and reparations against his barbarous sentence, &c. of the *Star-chamber*, to his extraordinary charge and dammage, and yet never received a penny; and also lost divers hundred pounds, the year he was a prisoner in *Oxford Castle* for you. Neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earl of *Manchester*, although he spent with him much of his own money.

And the last year by the unadvised meanes of some Members of this Honourable House, was committed prisoner for above 3. Moneths, to his extraordinary charges and expences: And yet in conclusion he was releast, and to this day knoweth not wherefore he was imprisoned: For which, according to Law and Justice, hee ought to receive reparations; but yet he never had a peny.

All which particulars considered, doe render the condition of your Petitioner, her husband and children, to be very nigh ruine and destruction, unlesse your speedy and long-expected justice, prevent the same. Which your Petitioner doth earnestly intreat at your hands, as her right, and that which in equity, honour, & conscience, cannot be denied her. [27]

And as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled timely and faithfully to discharge the duty you owe to the Kingdome, according to the [78] Great Trust reposed in you: And so free your selves from giving cause to be judged men that seek your selves more then the publike good.

We will only speak two or three words to one thing, more fully mentioned in her Petition; and to another thing not mentioned at all in her Petition, very requisite to be taken notice of, in the manner of his Tryall; which is, That by Law it ought to have been publike.

Now for the first of these, which is the illegality of all their Warrants, they committed him by; learned and grave Sir *Edward Cooke*, in his most excellent, worthy, and pretious Exposition of the 29. *Chapter of Magna Charta, his 2. Part. Institut. fol. 52.* saith thus;

Now seeing that no man can be taken, arrested, attached or imprisoned, but by due processe of Law, and according to the Law of the Land, these conclusions hereupon do follow,

First, that a commitment by lawfull Warrant, either in deed, or in law, is accounted in law, due processe, or proceeding of Law; and by the Law of the Land, as well as by processe, by force of the Kings Writ.

Secondly, That he, or they, which do commit them, have lawfull authority.

Thirdly, that this *Warrant* or *Mittimus* be lawfull, and that must be in writing, under his hand and seale.

Fourthly, the cause must be contained in the Warrant; as for Treason, Fellony, &c. or for suspition of Treason, or Fellony, &c. Otherwise, if the *Mittimus*, contain no cause at all [*it is illegall*] And if the prisoner escape, it is no offence at all; Whereas, if the *Mittimus* contained the cause; the escape were Treason or Fellony, though he were not guilty of the offence: and therefore, for the Kings benefit, and that the prisoner may be the more safely kept; the *Mittimus* ought to contain the cause.

Fifthly, the *Warrant* or *Mittimus* containing a lawfull cause, ought to have a lawfull conclusion, *viz. and him safely to keep, until he be delivered by Law, &c.* and not untill the party committing doth further order; And this doth evidently appear by the Writs [79] of

Habeas Corpus, both in the Kings-Bench, Common-Pleas, Exchequer, and Chancery. See pag. 52, 53. 2. part. Institut.

REx Vicecom. London. Salutem. Pracipimus vobis quod corpus, A. B. ^{Out of the Kings Bench,} in custodia vestra detent. ut dicitur, una cum causa detentionis suae (quocunq; nomine præd. A. B. censeatur in eisdem,) habeatis coram nobis apud Westm. Die Jovis prox. post, Octab. St. Martini ad submittend. & recipend. ea, quæ curia nostra de eo, ad tunc, & ibidem ordinari contigerit in hac parte, & hoc nullatenus omittatis periculo in cumbente: & habeatis ibi hoc breve. Teste Edw. Cook 20. Novemb. Anno Regni nostri 10.

THE King to the Sheriffs of Lon. greeting. We command you, that you have the body of A. B. (now detained in your custody as is said) together with the cause of this detention by what Name soever the said A. B. be called therein before Vs at Westminster, upon Thursday, Eight dayes after the Feast of St. Martins, to submit, and receive what Our Court shall then and there order concerning him. Faile not hereof, at your perill: and see that you have there this Writ. Witnesse, Edw: Cook, 20. Nov. and the Tenth Yeare of Our Raign.

[56/80]

This is the usuall forme of the Writ of *Habeas Corpus*, in the *Kings-Bench*, vide *Mich. 5. Edw. 4. Rot. 143. Coram Rege*, Kesars Case, under the Test of Sir John Markeham.

REX Vicecom. London. salutem. Præcipimus vobis quod habeatis ^{In the common pleas for any man priviledged in that Court, & the like in the Exchequer.} Coram Justiciariis nostris, apud Westm. Die Jovis prox. post quinque Septiman. Pasche, corpus A. B. quocunque nomine censeatur, in prisona vestra, sub custodia vestra detent. ut dicitur, una cum die. & causa captionis & detentionis ejusdem, ut iidem Justiciar. nostri, visa causa illa, ulterius sieri fac. quod de jure, & secundum legem, & consuetudinem Regni nostri Angliæ for et faciend. & habeatis ibi hoc breve. Test, &c.

THE King to the Sheriffes of London, greeting. We command you, that you have before Our Justices at Westminster, upon Thursday next five weekes after Easter, the Body of A. B. by what Name soever he be called, being detained in your Prison under your custody, together with the day and cause of his Caption, to the end, that Our said Justices having seen the cause, may further doe, that which of right, and according to the Law and Custome of Our Realm [81] of England ought to have done, or have there this Writ: Witnesse, &c.

The like Writ is to be granted out of the Chancery, either in the time of the Terme; (as in the Kings-Bench) or in the vacation: for the Court of Chancery is *officina justitia*, and is ever open and never adjourned; so as the subject being wrongfully imprisoned, may have Justice for the liberty of his person; as well in the Vacation-time, as in the Terme.

By these Writs, it manifestly appeareth, that no man ought to be imprisoned, but for some certain cause; and these words, *Ad subjiciend & recipiend*, &c. prove, that cause must be shewed: for otherwise, how can the Court take order therein, according to Law?

And this is agreeable with that which is said in Holy History, *sine ratione mihi videtur, mittere vinctum in carcerim, & causas eius non signifie* But, since we wrote these things, & parted over too many other *Acts of Parliament*; see now the *Petition of Right, Anno tertio Caroli Regis*: resolved in full Parliament by the King, the Lords Spirituall and Temporall, and the Commons which hath made an end of this question (if any were) Imprisonment doth not only extend to false imprisonment, and unjust; but for detaining of the prisoner longer then hee ought, where hee was at the first lawfully imprisoned.

If the Kings Work come to the city deliver to the prisoner; If he detain him, this detaining is an imprisonment against the law of the land &c.

But look upon all the *Warrants*, (by virtue of which the Lords committed, and committed, close committed Lte. Col. Lilburne) and you all not find one legall one amongst them all.

Now, for the second thing before spoken of, in the manner of his tryall; which is, *That it might by Law to have been publike, in the presence of all that had a mind to have heard it, without any restraint of any.*

This I find to be claimed by Mr. *Pryn*, at the tryall of Colonell *Nat. Fines*, in the 11. page of his relation thereof; which he [82] desired, “That they might have a publike hearing, and that the date might be set open, and none excluded that would come in; the which (he saith) he desired the rather; because, the Parliament, the representative Body of the Kingdome, had ordered a fair and equall tryall; which he conceived (as he told the Councell of Warre) was to be a free and open one, agreeable (as he saith) to the proceedings of Parliament, and all other Courts of Justice in the Realm, which stand open to all; and from whence, no Auditors are, or ought to be excluded.

To which Mr. *Dorisla* answered, that it was *against the stile & conrse of a Court-Marshall to be publike and open; and therefore, it might not be admitted upon any tearmes.*

Unto which Mr. *Will. Pryn* replied; “that hee was a common-Lawyer, and by his profession, his late Protestation, and Covenant, bound to maintain the fundamental laws of the kingdome, and liberty of the Subject, which he told the Councell of Warr, they themselves had taken vp Armes, &c. to defend and maintain; And, *saith he*, by the Lawes and Statutes of the Realm, all Courts of Justice ever have been, are, and ought to be held openly and publicly, not close, like a Cabinet-Councell; Witnesse, all Courts of Justice at Westminster, and else-where; yea, all our Assizes, Sessions, wherein men, though indicted but for a private Fellony, Murder, or trespasse, have alwayes oFpen tryals: He goes on, and in the 12. page thereof, tells him; that not only Courts of common-Law, but the Admiralty, and all-other Courts, proceeding by the Rules of either of the civill, or canon-Law, the proceedings have ever been publike, and the Courts open, and even in late proceedings by Martiall Law, before a Conncell of Warre, at the Guild-Hall of *London*, at the tryall of Mr. *Tompkins*, *Chillenden* and others, it was publike and open in presence of both Houses of Parliament, and the whole City; no comers being thence excluded. And he positively tels the Councell of Warre, a little further; that it was both against the laws, and subjects liberty (as he humbly conceived) to deny any prosecutor, or subject, an open tryall.

And he gives divers reasons there, for it; he goes on, and in the 13. page saith, *That the Parliament when it sits as a Councell, to consult, debate, or deliberate of the great and weighty affaires of the [83] Kingdome, is alwayes private, and none but the Members or Officers of either House admitted to their consultations and debates. But (saith he) as the Parliament is a Court of Justice, to punish Malefactors; so the proceedings of both, or either House are alwayes publike, as appears by the late Tryall of the Earle of Strafford, in Westminster-Hall, and infinite other presidents of antient and present time;*

To which, I may adde, the Tryall of *William Laud*, late *Archbishop of Canterbury*. And this practice is suitable to what we read in Scripture; that among *the Iewes, the Iudges sate openly in the City Gates*, the most publike place of all. And truly, he or they that will not suffer Justice to be executed and administred openly, bewrayes their own guiltinesse; and do thereby acknowledge, that they are ashamed of their cause. For, saith Christ, John 3. 20, 21. *Every one that doth evill, hateth the light, neither cometh to the light, least his deeds should be reproved (or discovered;) but he that doth truth, cometh to the light, that his deeds may be made manifest, that they are wrought in God.*

But so far were the Lords, from this just way, of permitting Lieutenant Col. *Lilburn*, a publike tryall; that the first time hee came before them, *June* 11. 1646. After he was come into the House, some of his friends, and some strangers stept in, as by Law and Justice they might; But the Earl of *Manchester* (as Speaker of that House) commanded them all to withdraw, which they were forced to doe.

And this I averre, not by hear-say, but out of knowledge. And the second time he came before them, which was 23 *June* 1646. It was little otherwise, his friends being turned out of doores, though some of his enemies, scoffers, and deriders, were permitted to stay: And the third time, which was upon the 11. *July*, 1646; as I understand, he had much adoe with the dore-keepers, to get his wife to be admitted in; though a great many of the Sheriffes Sharks and Caterpillars, that accompany the Hang-man to Tyburn, the day he doth execution, were freely admitted; & *Hounscot* the *tyrannicall Prelates old-cruell Catchpole*, and now the *Lords speciall Darling, and Favourite*, a man *transcendent in basenesse, and wickednesse*, and therefore more fit for their Lordships, with some others of their own creatures, were admitted in, as parties fit to [84] *bear false witnessse* against him, and make *false reports of his, and his honesty*.

And Lieutenant-Colonel *Lilburns* friends were so far from being admitted into the *Lords House*, to see and behold the justnesse of their proceedings; that the doore of the *Painted-Chamber* was locked, and strongly guarded against them: and if any of them in the croud got in there, they had a second barre at their Lordships doore; and if by great chance, they at the opening thereof, crowded in; the Officers that stood at the inner doore, took special care to hinder them from admittance there.

Oh the height of *injustice* and *basenesse!* at the doing of which, or hearing of it, the Lords may justly blush for shame; if they had either any honesty, or ingenuity left in them: and thus much for the first Position.

I come now to the second; which is, That *if the Lords were at Iudicature, yet they have no jurisdiction over Commoners*. But this is so fully proved in Mrs. *Lilburns* Petition, that I shall need to say no more to it; but referred the *judicious Reader* thereunto, and to a Printed Letter written by Mr. *R. OVERTON*, a prisoner in *Newgate* (committed thither by the *Lords*) to Colonell *HENRY MARTIN*, a Member of the Honourable House of Commons; which Letter, is a most notable rationall peece, worth the reading.

I passe now to the third, which is to give you some *reasons*, to manifest, that *the LORDS are no Iudicature at all*,

But, [Editor: illegible word] I shall crave leave to informe the Reader that the foregoing discourse, was made and finished above two moneths agoe, and hearing that there was "an Order from the Committee appointed by the House of Commons to consider of the priviledges of the Commons of England, to bring Lieutenant Collonel *Lilburne* up before them; I conceived he would then be at liberty to write himselfe, and his discourse I thought might adde much to strengthen the things I drive at, and desire to declare and prove, and therefore I have sate still without makeing any progresse, to finish this discourse, till this present conclusion of this present moneth of November 1646. And my expectation I have not failed: for he hath [85] published two notable discourses of his own, and some friend of his, a third, and therefore I shall earnestly desire the studious and inquisitive Reader, for the further illustration and prooffe of the first and second positions layd down in pag. 6. and already handled in pag. 63. 64. 65. 78. &c. seriously to read over the 23, 24, 25, 26, 27, 28, 29, 30, 31. pages of his first book called *Londons Liberty in Chaines discovered*, printed Octob. 1646. And the 5. 6. 7. 8. 9. 11. 14. 22. pages of *his speech to the aforesaid Committee* Nov. 6.

1646. and since by him published in print, and called, *An Anatomy of the Lords Tyranny*. And the 23, 24, 37, 38, 39, 40, 41, 42, 43, 44. 46. 47. pages of his friends booke called (*Vox Plebis* a most notable discourse) In the 26, 27, 28. 29. 31. 32. pages of which, you may reade his *Charge* and *sentence* in the House of Lords.

Now having promised this, I returne to the third thing to be handled, which is to give you some reasons, to manifest *that the Lords House are no Judicature at all*.

And for the illustration of this, I shall desire it may be considered, that no judicature can justly be erected, or set up, unlesse it legally derive power from those that have a legall power to erect, constitute, or institute it, and I thinke this will be granted of all sides.

And therefore let us make inquisition, who (according to law and right in *England*) have an originall and true power to erect judicatures, and I say, onely the legall Commissioners of the people, commonly called the *Commons of England Assembled in Parliament*, and not the *King*, who is not to give a law unto his people, but his people unto him, as is before largely proved, pages 37; 38, 39, 40, 41, 42, 43. And as he confessed in his Coronation-Oath, that he hath taken, or ought to have taken, which you may read before, pag. 31. 32. and which is declared by the statute of provisoes of benefices made Anno. 25. Ed. 3. Annodom. 1350. which you may read in the statutes at large, pag. 157. about the midst of which you have these words. “whereupon the said Commons have prayed our said Lord the King, that sith the right of the Crowne of England, and the law of the said Realme is such, that upon the mischiefes, and damages, which happen to his Realme, [86] he ought, and is bound by his oath, with the accord of his people, in his Parliament, thereof to make remedy and law, and in removing the mischiefes and damages which thereof insue, that it may please him thereupon to ordaine remedy, (and it followes in these words.)

“Our Lord the King seeing the mischiefes and damages before mentioned, and having regard to the said statute, made in the time of his said Grandfather, and to the causes contained in the same, which statute holdeth alwayes his force, and was never defeated, repealed, nor adnulled in any point, and by so much he is bounden by his Oath, to cause the same to be kept as the Law of his Realme, though that by sufferance and negligence it hath been sithence attempted to the contrary, &c.

But the House of Peeres neither derive nor challenge their *Judicature*, not in the least, either from *Commons in generall*: or from their *Commissioners, Deputies, Trustees, or Representors* in *Parliament* Assembled, and therefore are *no legall Judicature at all*.

And that they do not derive their power, either from the people (under God the absolute and alone fountaine of all true power) or their Commissioner, read before pag. 45. where you shall finde, that the *King* (their groundlesse creator) *saith, they have their power by blood, and themselves claime it, from no truer fountaine*, then by vertue of their being the Sons of prerogative, *Lords, Earles, Dukes, or Barrons*.

Now if you please to reade the *Chronicles* of this *Kingdome*, you shall find that this thing called *prerogative* flowes meerly from the wills and pleasures of *Robbers, Rogues, and Theeves*, by vertue of which they made *Dukes, Earles, Barrons, and Lords*, of their *fellow Robbers, Rogues, and Theeves*, the line all issue, and progeny of which, the present House of *Peers* are, having no better right nor title, to their present pretended judicature, then meer and absolute usurpation, and the will and pleasures of the potent and enslaving *Tyrants*, alias *Kings*, of this *Kingdome*: for I read in Speeds Chronicle, pag. 413. 416. 417. and in Daniel pag. 27. 28. That, the Normans in France, “came antiently of a mixt people from the Norwegians, [87] Swedens & Danes, & practising practises upon the Coasts of Belgia, Frizia, England, Ireland, and France, and proceeded in their hardy and wicked courses even to the Mediterranean Sea: which drove the French to such extremity, that King *Charles* the bald,

was forced to give unto Hasting a Norman Arch-Pirate, the Earldome of Charters to assuage his fury exercised upon his people, and also King *Charles the Grosse*, granted unto Godfrey the Norman part of Newstria, with his Daughter in Mariage: yet all this sufficed not but that the Normans by force of Armes, seated themselves neere unto the mouth of Sein taking all for their own, that lay comprised betwixt that River, and the River Loyre: which Country afterwards took the name of Normandy, from those Northern guests, at which time King Charles the simple, confirmed it unto Rollo their Captaine, and gave unto him his Daughter Gills in Mariage: which Rollo with divers misdoers and outlawed men were forced to flye out of their own Country : which Rollo of the Danishrace was the first Duke of Normandy, whose Son William was the second Duke of Normandy, and Richard his Sonne was the third Duke of that Country, And his Sonne Richard the second, was the fourth Duke thereof, And Richard the third his Sonne was the fifth Duke of Normandy; And Robert his brother, and Sonne to Richard the second, was the sixth Duke of Normandy, who was Father to our William the Conqueror, who was the seventh Duke of Normandy, whom Duke Robert begat of one Arlet, or Arletice a whore, and a mean woman of Phalisia in Normandy, who was the Daughter of a Skinner, & being resolved to go visite the holy Sepulcher, having no more Sonnes but William his bastard, he calles his Nobility together, and tells them; In case I dy in my journey, (as he did) I have a little Bastard, of whose worthinesse I have great hope, and I doubt not but he is of my begetting: him will I invest in my Dutchie, as mine heire: and from thenceforth I pray you take him for your Lord; which they did. And this Bastard in his youth having many sharp bouts and bickerings, with Roger de Tresny, and William Earle of Arques, brother to Duke Robert, and Sonne to Richard the second, &c. who lay claime to the Dutchie, as right and true heires to it, but William the [88] Bastard, being too hard for them all, and by these wars grew to great experience in feates of Armes which with his marrying of *Matild*, the Daughter of *Baldwin* the fifth, Earle of *Flanders*, a man of great might and power; provoked the French King to fall upon him, to abate his greatnesse, and curbe his pride: but, bastard *William* twice defeating two powerfull Armies of the Kings with great overthrowes, broke the heart of the King of *France*, which gave the bastard Duke of *Normandy*, joyfull peace: in which calme, the King makes a journey over into *England*, to visite King *Edward* the Confessor his kinsman; who had had his breeding in *Normandy*, by Duke *Richard* the second, the bastards Grandfather. And after his returne back againe; St. *Edward* the King of *England* dyeth. Whereupon, *William* the bastard busieth his thoughts how to obtaine the Crowne, and Scepter of *England*, unto which he makes certaine pretended claimes, as being granted unto him by King *Edward*; which was but a weake pretence, as King *Harold* in his answer to him informes him; (Speed. 404.) telling him that *Edward* himselfe coming in by election, and not by any title of inheritance; his promise was of no validity, for how could he give that wherein he was not interested? And though *William* the bastard urgeth to *Harold* his Oath given him in *Normandy*; yet he answered his Embassadour that his Masters demand was unjust, for that an Oath extorted in time of extremity, cannot binde the maker in Conscience to performe it, for that were to joyne one sin to another: and that this Oath, was taken for feare of death, and imprisonment; the Duke himselfe well know: but (said he) admit it was voluntary and without feare; could I then a Subject without the allowance of the King, and the whole State, give away the Crownes successor to the prejudice of both? Speed. fol. 403. 404.

“But although the bastard Duke had no better claime but this, which was worth just nothing at all; (Reade before pag. 20. 21. 24. 27. 28. 39. 60. 61.) Yet notwithstanding *William* the bastard purseveres in his proud, wicked, and bloody intentions: and calles an Assembly of the States of [89] Normandy together, and with importunate solicitations solicits them to supply him with money (the very sinews of war) to carry on his intended invasion of *England*; but they unanimously refuse and decline it. At length seeing this protraction and difficulty in general, he deals with his deerest and most trusty friends in particular, being such as he knew affected the glory of action and would adventure their whole estates with him; As *William Fitz-Auber*, *Count de Bretteville*, *Gualtar Gifford* Earle *Longueville*, *Roger de*

Beaumont, with others, especially his own brothers by the mother, whom he had made great; as *Odo* Bishop of *Baynox*, and *Robert Earle of Mortaign*: and unto these he shewed his pretended right and hope of *England*, (wherein preferment lay) even to the meanest amongst them, onely money was the want, which they might spare neither should that be given nor lent without a plentiful increase. With such faire words he drew them so on, that they strove who should give most. And by this policie he gathered such a masse of money, as was sufficient to defray the warre. And not onely wan he the people of his own Provinces to undertake this action, but drew by his faire perswasions and large promises, most of the greatest Princes and Nobles of *France* to adventure their persons, and much of their estates with him; as *Robert Fitz-Harrays* Duke of *Orleance*, the Earles of *Brittaigne*, *Ponthieu*, *Botogne*, *Poictcu*, *Maine*, *Nevers*, *Hicsins*, *Aumal*, *le Signieur de Tours*, and even his mortall enemy *Martel Earle of Anjou*, became to be as forward as any. Besides, to amuze the Court of *France*, and dazzle a young Prince then King, he promised faithfully if he conquered this Kingdome, to hold it of him, as he did the Dutchy of *Normandy*, and doe him homage for the same. And then to make all sure with Pope *Alexander* (whose thunder-bolts of Excommunication were then of extraordinary dread and terror) he promised him to hold it of the Apostolick See, if hee prevailed in his enterprize. Whereupon the Pope sent him a Banner of the Church, with an *Agrus* of gold, and one of the haire of St. *Peter*, which was no small cause of prevailing, the base Clergy being then at the Popes beck, and more minding their own particular self-interest, then the welfare of their own native Countrey, or [90] the lives, liberties & estates of their brethren according to the flesh; & thereupon were the principall instrumentall cause, that *William the Bastard*, commonly called, *William the Conqueror*, had so easie an entrance to the possession of this kingdome. *Speed fol.* 403. 404. 405. 406. 413. 417. *Daniel fol.* 28, 29, 35, 36. By means of which, the Clergy betrayed their native Countrey to Robbers and Pirats, and left the poore Commons to the mercilesse fury of mercilesse men. And I wish they doe not now again the same with poore *England*, now in her great distractions: for their interest is visible not to be the publickes; but their *pride*, *covetousnesse*, and *greatnesse*. Therefore, O yee Commons of *England*, beware of them, and take heed you trust them not too much, lest you be so deluded by them, to your ruine and destruction.

And when *William* by their means principally, as *Daniel* saith, *fo.* 36. had got possession of the Kingdom, as you may partly before read, p. 14, 15, 16, 17.) how extraordinary tyrannically he dealt with the poor natives and inhabitants, “By changing their laws, and robbing them of their goods, and lands, at his will and pleasure, and gave them away to his *Norman Robbers*. And the poor *Englishmen* having all their livelihoods taken from them, became slaves and vassals unto those Lords to whom the possessions were given. And if by their diligence afterwards, they could attain any portion of ground; they held it but onely so long as it pleased their Lords, without having any estates for themselves, or their children, and were oftentimes violently cast out upon any small displeasure, contrary to all right. *Daniel fo.* 47. *Speed* 421, 423, 425. Insomuch that in those days it was a shame even among *Englishmen*, to be an *Englishman*, *Speed. fol.* 422. 429. By means of all which, he bestowd great rewards upō all those great men that came along with him, and made them by his will the great men of *England* to help him to hold the people in subjection, bondage and slavery: for he made *William Fitz-Auber* the *Norman* (the principall man under him to help for his designe) Earle of *Hartford*, who singly of himselfe took upon him, meerly by the power of his own will, to make Lawes in his own Earldome. And unto *Allayn*, another of his Comrades, or trusty and well-beloved Consins, he gave all the [91] lands of Earle *Edwin*, whereon he built a Castle, and whereof he made the Earldome of *Richmond*. And unto *William of Warren*, another of his *Norman Robbers & Murderers*, he gave the Earldome of *Surrey*. *Speed fol.* 437. And unto *Walter* Bishop of *Durham*, another of his Comrades, he sold the Earldome of *Northumberland*, who there by the law of his owne will, maintained Murderers and Rogues, and there was murdered himselfe.

And unto his Brothers (who came of his mother *Arlet* the Whore, who after *William* the Bastard was borne, was married to *Harlain*, a *Norman*, a Gentleman but of mean substance) *Odo* and *Robert*, he gave the *Earldome of Ewe, and Mortaigne*. *Speed* 417. *Daniel* 32. And afterwards *Odo* Earle of *Kent*, and after that in his absence *Vice-Roy of England*. And how this Beggar (now set on Horse-back) governed this poore distressed kingdome, let the Conquerors own speech declare, recorded by *Speed*, fol. 431. *At the time when William came out of Normandy, & found his brother Odo (a Bishop as well as an Earle) at the Isle of Wight, with divers Noble men and Knights his attendants then going to Rome with an expectation there to be Pope, being grown extraordinary rich with his polling of this poore Kingdome. Vpon which, the King in presence of his Nobles, thus spake:*

Excellent Peeres, I beseech you hearken to my words, and give me your counsell. At my sailing into Normandy, I left England to the government of ODO MY BROTHER, who (a little further in his speech hee saith) hath greatly oppressed England, spoyling the Churches of land and rents, hath made them naked of Ornaments, given by our predecessors, and hath seduced my Knights, with purpose to train them over the Alps, who ought to defend the land against the Nations of Scots, Danes, Irish, and other enemies over-strong for me. And (a little below that) my brother, saith he, to whom I committed the whole kingdom, violently plucketh away their goods, cruelly grindeth the poore; and, with a vain hope, stealeth away my Knights from me, and by oppression hath exasperated the whole land with unjust taxations. Consider therefore, most NOBLE LORDS, and give mee, I pray you, your advice, what is herein to be done: And in conclusion the King adjudged him to prison, yet not as a Bishop, (who then, it seemes, had large [92] exemptions, but as an Earl, subject to the lawes and censure of his King. Which accordingly (saith Speed) was done, upon seizure of estate, this Prelate was whose found so well lined in purse, that his heaps of yellow mettle did move admiration to the beholders.

So that here you have the true story of the subversion of the ancient manner of Parliaments, & the ancient Lawes and Liberties of Government of this Kingdome, and a Law innovated, and introduced, flowing meerly frō the will of a Bastard, Thief, Robber & tirant. You have here also a true Declaration of the original rise of the pretended legislative power of *Earles, Lords, and Barons, the Peers, Competitors, and trusty and wel-beloved Cousins, and Hereditary Counsellors* of our *Kings*, which was meerly and only from the wills and pleasures of this cruell and bloody Tyrant, and his Successors; And no better claime have our present house of Peers either for their legislative power, or judicative power, then this, as is cleerly manifest by their own fore-mentioned Declaration, cited pag. 45. and therefore say I, are no legall Judicature at all, nor have no true legislative, or law-making power at all in them; having never in the least derived it from the people, the true legislators and fountain of power; from whom only, and alone, must be fetched all derivative power, that either will or can be esteemed just: And therefore the Lords challenging all the power they have by their blood, and deriving it from no other fountain but the *Kings Letters-Patents*, flowing meerly from his *will & pleasure*; I groundedly conclude, they have thereby no *judicative power*; no, nor *legislative power* at all in them: for the King cannot give more to them, then he himself hath; and he hath neither of these powers, (*viz. a judicative power, nor a legislative power*) inherent in him; as is strongly, undeniably, and unanswerably proved before, in pag. 43, 44, 46, 47, 60, 61.

And therefore away with the pretended power of the Lords; up with it by the roots, and let them sit no longer as they do, unlesse they will put themselves upon the love of their Country, to be freely therby chosen as their cōmissioners to sit in Parliament (for I am sure, in right, all their actions now, are unbinding, and unindivalid) which becomes you.

O all ye Free-men or Commoners of *England*, out of that duty you ow to your selves, yours, and your native Country, throughly, [93] and home, to set forth, by *Petition* to your own HOVSE of COMMONS, and to desire them speedily to remove them, before the *Kingdome* be destroyed, by their crosse, proud, and inconsistent interest: for little do you know, what *Scotch-ale* divers of them are now a brewing.

Read the Histories of *William* the Conqueror, and you shall easily find, that the pride and contention of those *English-men* that were called Lords amongst themselves, was no small cause of the losing of this Kingdome to that Tyrant: for saith *Speed*, fol. 409. *After the Normans had slain King Harold, and overthrown his Army, the two great Earles of Yorkshire, and Cheshire, Morcar and Edwine coming to London, where the Londoners, &c. would gladly have set up Edgar Atheling the true Heire to the Crown, to have been their Captain Generall, to have defended them from the powerfull Norman Invaders, who now was exceedingly fleshed with his victory, and now likely to over-run the whole Land: yet such was the pride and basenesse of these two great Lords, that the misery, distresse, and fearfull estate of their native Country, could not dissuade from their ambition, plotting secretly to get the Crown to themselvs, which hindered that wise and noble design, and totally lost their native Country.*

O COMMONS OF ENGLAND, therefore beware of them, and have a jealous eye over them; and take heed, that when it comes to the pinch, they serve you not such another trick again.

For I am sure, their interest is not yours, nor the publikes, neither is it consistent with their ends, that you should enjoy Justice, or your undeniable and just rights, liberties, and freedomes.

And well to this purpose, saith *Daniel* (pag. 36.) “That after the Bishops and the Clergy had shewed their aversnesse, to the erecting of that probable meanes that was propounded to hinder the theevish invader) the Nobility, considering they were so born, and must have a King (and therefore considering of his power) made them strive, and run head-long, who should bee the first to pre-occupate the grace of servitude, and intrude them into forraign subjection.

So that the poor Commons (like a strong vessell, that saith hee [94] (*might have been for good use*) were hereby left without a stern, and could not move regularly, trusting and resting it seemes too much upon those Lords; which I call the broken Reeds of *Egypt*, by whom they were undone.

But for the further cleering of the Originall of the House of Peers pretended power, I shall desire the understanding Reader, to read over a little Treatise, printed in *Anno*, 1641. called *The manner of holding of Parliaments in England*, in the 28. pag. hee saith, “King *Harold* being overcome, *William* the 1. King and Conqueror, having obtained the Sovereignty, according to his pleasure bestowed Dignities and Honours upon his companions, and others: Some of them so connext and conjoynd unto the Fees themselves, that yet to this day, the possessors thereof may seem to be inabled, even with the possession of the places only: as our Bishops at this day, by reason of the Baronies joyned unto their Bishopricks, enjoy the title and preheminance of Barons in highest Assemblies of the Kingdome in Parliament: he gave and granted to others Dignities, and Honours, together with the Lands and Fees themselves: hee gave to *Hugh Lupas* his kinsman (a Norman, and sonne to *Emma*, sister to the Conqueror by the Mother) the Earldome of *Chester*, *Ad conquiendum Angliã per Coronam* (that is in English, to conquer and hold to himself and his Heires, as free by the Sword, as the King of *England* held it by his Crown) to HANNVSRVFVS (then Earl of

Britain in France) the Earldome of *Richmond*. *Ita libere & honorifice, ut eundem Edwinus Comes antea tenuerat* (that is, in English) as freely and honourably, as *Edwine Earle* held it before.) And the Earldome of *Arundel* (which Harrold possessed) he granted with a fee unto *Roger of Montgomeny*.

And in page 33. the same Author declares, "That Kings sometimes not regarding the Solemnities of Ceremonies and Charters have only by their becks suffered Dignities and Honours to be transferred.

So that by what I am able to gather out of ancient Histories; *William* the Conquerour absolutely subdued the Rights and Priviledges of Parliaments held in *England* before this time: The [95] manner of holding of which, as the same Author (in his first page) declares, was by the discreet sort of the *Kingdome of England* rehearsed, and shewed unto the *Conquerour*; which (as hee saith) he approved of. And the same doth *John Minshew*; say in his *Dictionary* published and printed at *London*, July 22. 1625. fol. 526. his words are these: *In England the PARLIAMENT is called for the debating of matters touching the Commonwealth, and especially the making and correcting of Lawes: which Assembly, or Court, is of all other the highest, and of greatest authority, as you may read in Sir Thomas Smith, de Re. Angl. lib. 2. cap. 1. & 2. Cambd. Brit. & Compt. Juris. fol. 1.* And see the Institution of this Court, *Polydor Virgil, lib. 1. 1.* of his *Chronicles*, referreth after a sort, to *Henry 1.* yet confessing, *that it was used before, though very seldome. You may find, saith he, in the former Prologue of the grand Customary of Normandy, That the Normans used the same meanes in making their lawes. In a Monument of Antiquity showing the manner of holding this Parliament in the time of King Edward, the sonne of King Etheldred, which (as the Note saith) was delivered by the discreeter sort of the Realm, to William the Conqueror, and allowed by him.* This writing began thus: *Rex est Caput, &c. See more, saith he, of the course and order of this Parliament, in Compt. Juris. fol. 1. &c.* And *VOWEL*, alias *Hooker*, in his Book purposely written of this matter; *Powels* book called the *Attorneys Academy*. Read Mr. *William Prynnes* first part of the *SOVERAIGNE POWER OF PARLIAMENTS AND KINGDOMES*, printed by the authority of this present Parliament, pag, 42, 43, 44.

William the Conqueror havivg (as to me is clearly evident) *subdued Parliaments, their power, authority, priviledges and jurisdiction; did set up by the absolute law of his own will for his Compeeres, Couzens, and Connsellors, such men who had most pleased him in vassalizing and enslaving this kingdom and the people thereof; in whose steps severall of his successors after him did tread*, So that the kingdome was ruled and governed by the King, and his *Prerogative Nobles*, and by lawes flowing from their wils and pleasures, and not made by common consent, by the peoples commissions assembled in Parliament, as it is now at this day; but he and his successors giving such large Charters to their Compeeres and [96] *great Lords*, as to one to be *Lord great Chamberlain of England*, another *Lord Constable of England*; to another, *Lord Admirall of England*, &c. By meanes of which they had such vast power in the kingdome, (having then at their beck all the chiefe Gentlemen and Free-holders of *England*, that used to wait upon them in *blew Jackets*: so that they were upon any discontent able to combine against their Kings, their absolute creators, and hold their noses to the grind-stone, and rather give a Law unto them, then receive a law from them: in which great streits our former Kings, for curbing the greatnesse of these their meere creatures, now grown insolent; were forced to give new Charters, Commissions and Writs unto the Commons (then generally absolute vassals,) to choose so many Knights and Burgesles, as they in their own breasts should think fit to be able, by joyning with them, to curb their potent and insolent Lords, or trusty and well-beloved Cousins, which was all the end they first called the Commons together for; yet this good came out of it, that by degrees the Commons came to understand in a greater measure, their rights, and to know their own power and strength. By means of which, with much struggling, we in this age come to enjoy what wee

have, by *Magna Charta*, the *Petition of Right*, and the good and just Lawes made this present Parliament, &c. which yet is nothing nigh so much as by right we ought to enjoy: For the forementioned Author of the book called, *The manner of holding Parliaments in England*, as 20, 21. pages declares plainly, that *in times by-past, there was neither Bishop, Earle nor Baron; and yet even then Kings kept Parliaments. And though since by incursion, Bishops, Earles and Barons, have been by the Kings prerogative Charters summoned to sit in Parliament; yet notwithstanding the King may hold a Parliament with the Commonalty or Commons of the Kingdome, without Bishops, Earles and Barons.*

And before the Conquest he positively declares, *it was a right, that all things which are to be affirmed or informed, granted or denied, or to be done by the Parliament, must be granted by the Commonalty of the Parliament; who (he affirms) might refuse (though summoned) to come to Parliament, in case the King did not governe them as he ought, unto whom it was lawfull in particular to point out the Articles in which he misgoverned them.*

[97]

And suitable to this purpose, is Mr. *John Vowels* judgment; which Mr. *Pryn* in his above-mentioned book, pag. 43. cites out of *Holinsh. Chro. of Ireland, fol. 127, 128.* His words (as Mr. *Pryn* cites them) are thus: “Yet neverthesse, if the King in due order have summoned all his Lords and Barons, and they wil not come; or if they come, they will not yet appear; or if they come & appear, yet will not do or yeeld to any thing: Then the King with the consent of his Commons, may ordain and establish any Acts or Lawes, which are as good, sufficient, and effectuall, as if the Lords had given their consents; but on the contrary, if the Commons be summoned, and will not come, or coming, will not appear; or appearing, will not consent to do any thing, alleadging some just, weighty, and great cause: The King in those cases [28] cannot with his Lords devise, make or establish any Law. The reasons are, when Parliaments were first begun, and ordained, THERE WERE NO PRELATES OR BARONS OF THE PARLIAMENT, AND THE TEMPORALL LORDS were very few, or none; and then the King, and his Commons did make a full Parliament; which authority was never hitherto abridged.

Again, every Baron in Parliament doth represent *but his owne person*, and speaketh in he behalf of himself alone.

But the *Knights, Citizens, and Burgesses*, are represented in the Commons of the whole Realm; and every of these giveth not consent for himself, but for all those also, for whom he is sent: And the King with the consent of his COMMONS, had ever a sufficient and full authority, to *make, ordain, and establish* good wholesome Lawes for the Common-wealth of his Realm.

Wherefore, the Lords being lawfully summoned, and yet refusing to come, sit, or consent in Parliament, cannot by their folly abridge the King and the Commons, of their lawfull proceedings in Parliament.

Thus, and more, *John Vowel*, alias *Hooker*, in his order & usage how to keep a Parliament (which begins in the foresaid History: pag. 121. and continues to pag. 130. printed *Cum Privilegio.*) And Sir *Edward Cook* in his *Institutes on Magna Charta*, proves, That the Lords and Peers in many Charters and Acts, are included under the name of the Commons or Commonalty of [98] *England*. And in his Exposition of the second Chapter of *Magna Charta. 2. part Institutes. fol. 5.* He declares, that when the *Great Charter* was made, there was not in *England* either Dukes, Marquesse, or Viscounts: So that to be sure, they are all Innovators and Intruders, and can claime no originall or true interest to sit in Parliament, sith they are neither instituted by common consent, nor yet had any being from the first beginings of Parliaments in *England*, either before the Conquest, or since the Conquest; nor the first

Duke (saith Sir *Edward Cook, Ibidem*) that was created since the Conquest, was *Edw.* the black Prince, In the 11. year of *Edw.* the third: and *Rob. de Vere* Earl of *Oxford*, was (in the 8. year of *Richard* the 2.) created Marquesse of *Dublin* in *Ireland*; And he was the first Marquesse that any of our Kings created.

The first Viscount that I find (saith he) of Record, and that sate in Parliament by that name, was *John Beumont*, who in the 8: yeer of *Hen.* the 6. was created Viscount *Beumont*.

And therefore, if Parliaments be the most high and absolute power in the Realm as undeniably they are: for (*Holinshed* in his fore-mentioned Chronicle, in the Description of *England*, speaking of the high Court of Parliament, and authority of the same, saith pag. 173. thereby Kings and mighty Princes, have from time to time, been deposed from their Thrones, lawes either enacted or abrogated, offenders of all sorts punished, &c.)

Then much more may they disthroned or depose, these Lordly prerogative Innovators and Intruders; and for my part, I shall think that the betrusted Commissioners of the Commons of *England, now assembled in Parliament*, have not faithfully discharged their duty to their Lords and Masters, the people, their impowerers, till they have effectually and throughly done it.

And if the Lords would be willing to come, and sit with them as one house, as formerly they have done, (Read the fore-mentioned Discourse of *John Vowel*, printed in *Hollinsheds* Chronicles of *Ireland*, pag. 123: Sir *Edward Cookes* 4. part *Institutes, chap. 1. pag. 2.* and the fore-mentioned book, called *Vox Plebis, pag. 39, 40.*) Yea, though conditionally they might sit as Peers; yet they ought not to do it: for this were for the *Peoples Trustees, the House of Commons*, to give away their true and legislative power; which [99] originally is only inherent in them (THE PEOPLE) which is the next, and the last thing I should prove.

But in regard the *Discourse* is swolne so big already, and the present time being the season for publishing what I have already said, which were impossible to come out this Moneth or sixe Weekes, if I should throughly handle this Proposition, as by Gods assistance. I intend, which will take up a Discourse almost half as big as the fore-going:

For, first, I must shew and prove; *That the people in generall are the originall sole legislators, and the true fountain, and earthly well-spring of all just power; And*

Secondly, *That all the power which the house of Commons hath, is meerly derivative and bounded within this tacit Commission, to act only for the good of those that betrusted them, and not for their mischief, in the least.*

And here I shall propound some Queries.

Whether or not, they have not done and acted some things prejudiciall and mischievous so the generality of the Kingdome, and destructive to the fundamentall Lawes and Liberties thereof? Which in the affirmative, I shall answer; Yea, and prove it in divers particulars, out of their own late published large book, being the second part of the Collection of Ordinances, Declar. &c. where I finde three Ordinances, viz.

That for the Merchant-Adventurers, pag. 361.

That for the Turkie-Merchants, pag. 439.

Thirdly, *That for the Greenland Merchants, pag. 646.*

Of all three, of which I say as Sir *Edward Cooke*, in the second part of his *Institutes*, fol. 51.

And the fourth part *Institutes*, fol. 41. saith, of the Statute of the 11. of *Henry 7. chap. 3.* (for executing of which Justice, *Dudley*, and *Empson* lost their lives) *that they are made in the face of the ancient and fundamentall Law of the 29 and 30. chapters of Magna Charta, &c.*

And that they are unjust and injurious Ordinances, which in duty they are bound to abrogate, and to punish the procurers of them in regard those very Ordinances, if continued, will render the Parliament the (Commissioners of the people, and the great interest of their preservation) odious, abominable, and contemptible [100] in their eyes, and do them more mischief, then an Army of twenty thousand Cavaliers: for such palpable injustice, as in these very Ordinances, is done to the whole Kingdome, will in time destroy the Parliament; though now they had never a professed enemy in the world; and true friends to their professed enemy the King, they are, who put them upon this work: And let them take warning by those that were formerly the setters up of *Pattentees*, (and thereby destroyers of the peoples legal and just liberties) for it was not only that they were set up by an unbinding authority of the Kings which made them illegall, but that they were against & destructive to the fundamentall Lawes and liberties of the Land.

And therefore the house of Commons in its first purity, before any of them was corrupted with assessing, treasuring, and disposing of the Common-wealths money in *Clandestine Wayes*, not in the least allowed by the known and just Law of the Land, and which to the Common-wealth they are not able to give an account of, *as indeed, and in truth they ought*, of all the monies they have raised.

I say the house of Commons, at the first beginning of their straights, when they would render themselves amiable and lovely in the eyes of their Impowers, the people that trusted them; They tell them in their first and most excellent *Declaration*, 1. par. Col. Declar. pag. 14. *That they have suppress all Monopolies, whereof some few did prejudice the Subject, above a Million yearly; the Soap an hundred thousand pounds; the Wine three hundred thousand pounds; the Leather must needs exceed both, and salt could be no lesse then that; besides the inferiour Monopolies.*

Was this an excellency in the peoples Commissioners at the beginning?

And can it be lesse now, then the greatest of basenesse in them, to do the quite contrary: Yea, and that after so much blood hath been shed, and so much money spent, and so many Oaths and Covenants sworn and taken, to preserve the fundamentall Lawes and Liberties of the Kingdom?

And here I must fall extreemly foule upon Sr. WALTER EARLE, GILES GREENE, IOHN ROLL, GEORGE TOMPSON, ALEXANDER BENCE, all Parliament men, for their unjust and illegall Order made at the *Committee of the [101] Navy and Customes*, Novemb. 12. 1646. which is published in print, on purpose to conjure the Officers of the Customs, to take care to put the aforesaid patentee Monopolizing Ordinance of the GREENLAND COMPANY in due execution according to its true intent and meaning, and that before they passe any entry or other warrant for any Fins or gills, wrought or unwrought, or for any sort of Whale Oyle, or other Oyle; to call to their assistance the Officer or the Officers of the *Greenland Company*, if any such be appointed for the place, to view the same, thereby to proceed according to the Ordinance of Parliament, (which Ordinance is dated the 6. of May 1646.) which AVTHORISETH THEM TO CEISE UPON ALL SVCH COMMODITIES, *that are brought in by any other free Merchants that are not of this Company*: by meanes of which they ingrosse all the trade into their own hands, and sell their Commodities for double

the rate, that others (if they might be suffered to bring them in) would sell them;

O brave and gallant slavery and bondage! The dear, but unwelcome purchase of all our blood and money!

The next querie that will arise will be this. *Whether some particular Parliament men have not outscript the bounds of their Commission?*

And here I shall answer affirmatively likewise: or else, as *Samuel* said to *Saul*, *what meanes this bleating of the Sheepe in my eares, and the lowing of the Oxen which I heare?* So say I, if all be right, what meanes MAJOR GEORGE WITHERS Complaint against Sir *Richard Onsley*, and Sir *Poynings Moore*; and Mr. IOHN MVSGRAVES *loud Complaint and impeachment of treason against Mr. Richard Barwis*, which he hath largely published in severall bookes to the view of the world, called A WORD TO THE WISE. ANOTHER WORD TO THE WISE. YET ANOTHER WORD TO THE WISE? In which he also accuseth Mr. *Lisle* the *Chairman* of the Committee, of great injustice for making a false Report to the House. And what meanes the grievous Complaint of divers Gentlemen of the County of *Durham* against OLD SIR HENRY VANE, which is printed in [102] ENGLANDS BIRTHRIGHT. pag. 19. 20. 21? And Lieutenant Collonel *Lilburnes* Complaint against him, in his late booke called LONDONS LIBERTIES IN CHAINES DISCOVERED, pag. 54? And what meanes Lieutenant Collonel *Iohn Lilburnes* pittifull Complaints in divers of his bookes against severall Members of the HOVSE of COMMONS; but especially against Justice LAVRANCE WHITAKER?

(See *Innocency and Truth justified*, pag. 12. 15. 16. 63. 64. And *Londons Liberty in Chaines discovered*.) And what meanes his pittifull Complaints in his Epistle to *Iudge*, REEVE, &c. against the Earle of *Manchester*, and Collonel *Edward King* of *Lincolnshire*, whom he accuseth for being Traytors to the trust reposed by the PARLIAMENT in them? And yet is so farre from obtaining Justice against them, that he is clapt by the heeles in the exceeding chargeable prison of the *Tower of London* by their meanes.

And what meanes that extraordinary Complaint of Mr. ANDREWES BVRRELL, in his printed REMONSTRANCE TO THE PARLIAMENT OF ENGLAND, against the CHIEFE MEN that are mannagers of the NAVIE, viz, THE EARLE of WARWICK, Mr. GILES GREENE *Chairman of the Committee of the Navy*, Mr. SAMVEL VASSALL, and the 2. Mr. *Bencis Members of the same Committee*, &c? To whose charge he layes little lesse then TREACHERY TO THE WHOLE KINGDOME, *and cousening and cheating of the publicks monyes*, yea, such is his CHARGE there against them, that if he be able to make it good; THEY DESERVE NO LESSE THEN HANGING. *And it seemes he is able sufficiently to do it*, for they dare not call him to account, but let him go at Liberty, *which demonstrates to all understanding men*, They know their own guiltinesse.

And a thing of as high a consequence is he lamentable Complaint made against Sir *Iohn Clotworthy* and his friend Mr. *Davis*, &c. about their cousening and cheating poore and bleeding *Ireland*, of much of the monies that should have relieved it, which Complaint is called *The State of the Irish offaires, for the Honourable Members of the Houses of Parliament*, as they lie represented before them, from the Committee of Adventurers [103] in *London*, for lands in *Ireland*, sitting at *Grocers Hall*, for that service, and printed at *London* by G. MILLER dwelling in the *Black-Fryers*. The abstract of which, with some additions, are inserted in a written paper, which I had from a good hand which followeth thus.

A further discovery of the evill managing of the affaires of Ireland, wherein it doth plainly appeare, that above the fourth part of the monies levied for Ireland is pursed by 4. or 5. private men to the value of 97195. l.

THat presently after the trouble did breake forth in *Ireland*, there was one Mr. *John Davis* of the *Irish Nation* came for *England*, who was trusted by the Parliament with 4000. l. worth of Provisions, and appointed Commissary for the disposall of those goods for the *English* and *Scottish Armies* in *Ireland*.

The said Mr. *Davis* using indirect wayes, by feasting and bribing the Officers, having spent 100.l. upon them in a week, as he himselfe hath acknowledged, and by that meanes he obtained his desire, for he valued the goods which he delivered to the Armies at such unreasonable high prizes, that in this employment for the space of 8. or 9. months, he so manageth the businesse, that he makes the parliament indebted unto him 12195. l.

And it will be made manifest by sufficient testimony that before he was put into this employment, he was not worth 200.l. but with feasting and bribing the Commanders of the said Armies;

He obtaines such an accompt in writing, having such friends to assist him, that he procures Generall *Ladyes* letter of recommendation for his good service, setting forth how seasonable the provisions came to the Army: but no mention made that the Parliament sent the goods.

That after the said Mr. *Davis* had procured this letter, he comes for *England*, the troubles here being great, the Parliament had not time to heare him, so he continued in, and about [104] *London* for the space of two yeares or thereabouts.

In which time he was reduced to a meane and low condition, in so much (as he hath acknowledged) he had much a do to get money to buy food for himself & his wife: yet in this low Condition he puts in Propositions to the Committee of Parliament, to deliver 60000. l. in Provisions, Armes, and Cloth, to be paid out of the Ordinance for *Ireland* which was for above three times as much; but he was to have the first mony that came in upon the said Ordinance, onely 20000. l. was allotted otherwise.

The Committee of *Adventurers* for *Ireland* were sent for and treated with all, to know if they would serve in, and deliver those provisions for *Ireland*, who at the first refused to agree by way of bargaine, alledging that they would make use of the said Ordinance to serve it with all expedition, expecting no profit: but the Committee of Parliament said that there was necessity of making agreement by way of contract: whereupon the Committee of *Adventurers* for *Ireland* did give in Propositions that they would serve, and deliver those provisions 7000. l. in 60000. l. under the prizes Mr. *Davis* had given in: notwithstanding M. *Davis* delivered the goods & had his prizes for those goods & provisions, but did fail in all his undertakings both in the time of delivering the goods: and also the goods he served were generally very bad: as doth appeare by the Testimony of one of the Parliaments Commissioners in *Ireland*, which Testimony, and the prizes Mr. *Davis* had, is here inserted, The reasons why M. *Davis* had this employment before those Citizens, are many I shall name one: the cessation of Armes in *Ireland* being ended, divers Commanders came over from thence into this Kingdom, who knowing Mr. *Davis* of old, in respect of his large bribes given them, did desire the Committee of Parliament, that Mr. *Davies* might be the man for the providing and furnishing of provisions for the service of *Ireland*, alledging they knew him well; as for the Citizens, they were more fit to keepe shops, then to take care of a Kingdom.

These Commanders above-mentioned, are those who were for the Parliament one year, and the next year sided and joynd with [105] the Irish Rebels: these are the men who gave this good report of Mr. *Davies*.

That Mr. *Davies* hath made a second bargain with the Committee of Parliament for 45000. *l.* worth of goods, the which mony is fully paid him, and the 60000. *l.* also formerly mentioned, and this Committee have allowed him his pretended Debt of 12195. *l.* out of the money appointed by Ordinance of Parliament only for *Ireland*, and not to pay any debt, although never so reall.

Mr. *Davies* in the moneth of July, 1646. hath made a third agreement for 140000. *l.* to deliver so much in Arms, Provisions, & other necessaries, the money part of it, to be paid out of the Excise and the rest by a new Ordinance of Parliament, for levying of monies for the service of *Ireland*, the *Committe of Adventurers* having formerly declared in their book formerly set forth by them, which was presented to divers Members of Parl. in the Moneth of *Jan.* 1645. wherein the Committee do alleadge, that if they might have had the managing of that service of 60000. *l.* in a Committee-way, they would have saved the State 15000. *l.* in the said sum of 60000. *l.* of the prises allowed Mr. *Davies*, and would have furnished better goods; and Mr. *Davies* after his first agreement, had also allowed him 2500. *l.* to get in the mony: if 15000. *l.* could have been saved in 60000 *l.* what might have been saved in 245000. *l.* by that accompt there might have beene saved above 61000. *l.* and better commodities furnished. There is a Parliament man named Sir *John Clotworthy*, that hath been the said Mr. *John Davies* his chiefe friend, to assist him in all his bargaines aforesaid: this is that Sir *Iohn Clotworthy* against whom the *Committee of Adventurers* for *Ireland*, formerly petitioned the Parliament, that he might give accompt foe 24000. *l.* received by him of the Aduenturers money; for the which, to this very day he hath given no accompt: and the Committee do verily believe, he never will give any accompt for the said money: So what with Mr. *Davies* 12195. *l.* which he so falsely got and the 61000. *l.* formerly mentioned, and the monies Sir *I. Clotworthy* detaines in his hands, being 24000. *l.* as aforesaid, amounts in the whole to 97195. *l.* which is above the fourth part of the money allotted for the service of *Ireland*, for these 2 or 3 years past. This being considered, it is no marvell that the cry of *Ireland* is so loud. That in *Septemb.* and [106] *October*, 1644. there was by order of Parliament three meetings of the *Adventurers of Ireland*, usually sitting at Grocers Hall *London*, four Parliament men then present, sent us a Committee from the Parliament; namely, Sir *I. Clotworthy*, Mr. *Reynalds*, Major *Jepson*,

Sir *I. Clotworthy* moving at all the several meetings for money, it was desired by the *Adventurers*, that there might be a new Committee chosen by the *Adventurers*. Sir *I. Clotworthy* shewed his dislike unto that motion; saying, if they would have a Committee, it should consist of 4 Parliament men, 4 Irish men, and 3 Citizens: the Irishmen were such, who not above 3 weekes before had sided with the Irish Rebels, and these four to three Citizens: this favoured not well. The *Adventurers* much distating this, were all going away: at last it was granted the *Adventurers* to chuse the Committee: whereupon 4 Aldermen and 16 Merchants, very able men, were chosen newly, Sir *I. Clotworthy*, as appears, disliking this Committee, the businesse was managed by a Committee above, and the Committee of Citizens have been as ciphers. At the said meeting, there were two Citizens *Adventurers* did offer unto fit *I. Clotworthy*, and the committee then present, that they would undertake to serve 1500. *l.* worth of cheese and butter, good sound cheese at 2. *d. per l.* and good butter at 4. *d. ob. per l.* and to receive the money out of the Ordinance of Parliament, at sixe moneths, or as it came in: But sir *Iohn* in the audience of all he people then presen, made this answer; that cheese and butter was too saucie for them, and that the souldiers in *Ireland* would be content with bread and water: this did much discourage the *Adventurers* to hear him speak after this manner. But observe, sir *Iohn Clotworthy* did so assist his friend Mr. *Davies*, that hee had 3. *d. ob. per l.* for the same commodity which was offered by the *Adventurers* for 2. *d. per l.* on may judge what that will come to in a quantity: you may observe that Mr. *Davis* and his Partners did buy the goods aforesaid upon the credit of the said Ordinance of Parliament, the which might have been done by some of the *Adventurers* who would have

delivered better Provisions, and have saved the State 61000. l. in the severall parcels aforementioned: all the wivele, eaten, and mustie Corne that could be had, these undertakers did buy up at [107] cheape rates, and so in other Commodities, the basest trumperie that could be had which they delivered for the said service of *Ireland*.

The said Mr. *Davis* had 3. partners which are by their callings *Cheesemongers*, viz. Mr. *Thomas Radberd*, Mr. *John Chesson*, and Mr. *Dennis Gauden*: I shall set forth unto you what these men have been.

First of all in the yeare 1640. they were undertakers and did deliver Provisions for the Bishops Army against the *Scots*, which Provisions being returned, the said undertakers bought most of the same Provisions under the fourth part the King paid for them, yet it hath been observed that this mony hath not thriven with them, for they have had great losses especially one of them by Sea.

That about 3. yeares since, Mr. *Radberd* and his partners having good store of Butter on their hands, procured one to petition a Committee of Parliament: setting forth in his Petition that he was a Merchant, and that he did desire their Order for transportation of 1800. Firkins of Butter for *Ireland*, which being granted by vertue of the said Order; *Radberd* and his partners shipped 1800. Firkins of Butter, and so it passed the River upon the said Order: the Vessell laden with this Butter put into *Dover Peere*, and there continued for 3. or 4. dayes, as the Mr. hath acknowledged: the wind coming fayre, the ship put forth of the Peere at night, and the next morning the Mr. with his Ship and goods came safe before *Dunkirke* upon Order from the said Mr. *Radberd* and his partners, the Mr. hath also acknowledged that the Order for their transporting of the Butter for *Ireland* was onely to coullour the businesse: the Butter was unladen and sould at *Dunkirke*, for the accompt of Mr. *Radberd* and his partners.

That *John Chesson* at the beginning of the troubles of this Kingdome, when the Parliament was lowe, and the Kings party looked very bigg upon us, then he cryes a King, a King; but of late he faced about, cryes a Parliament, a Parliament: that when the King do was brought to a very low condition, the Adventurers for *Ireland* and others well affected did disburse in mony and goods for *Ireland* above 5000000. l. and to this day have not [108] been repaid any part thereof, at that time Mr. *Radberd* & his [Editor: illegible word] partners aforementioned would not trust the State with 5.l.> And yet notwithstanding they with their partner Mr. *Davis* and the men that have the manning, & are undertakers for all the service of *Ireland*, although to the great dammage and losse of this Kingdome, and likewise to the Kingdome of *Ireland*, and a very great discouragement to the Adventurers & all other persons wel affected to the safety of both Kingdomes.

Thus you may perceive that those who have been most affectionate and helpfull to the Parliament and Kingdome, adventuring their lives and Estates for them, having almost disbursed their whole Estates are now scarce looked upon; and those who have not at all assisted the Parliament, but stood as Neuters, & have sought themselves and their own advantages: these are the men who run away with so many thousand pounds while many faithfull friends to the Parliament, and true lovers of their Country fare ready to perish for want of Foode.

Can it be immagined, that the said undertakers for *Ireland*, were more able to provide the goods aforesaid, better and cheaper, or so cheape as the Committee of Adventurers could have done? And is divers Citizens did trust the Parliament upon their bare words in times of distresse with above 5000000. l. what would not these men have trusted the Parliament upon an Ordinance to have their mony paid them within very few months? and it cannot be otherwise immagined.

These things with divers others, as also *the Parliament mens continually fingering great sums of mony out of Goldsmiths-Hall, into their own particular pockets, for this pretended losses, disbursments, and pay, before any of the poor necessitated people of the Kingdome have theirs, abundance of whom stand sometimes more in need of it then they, yea and better deserve it then divers of them, and ought in justice and conscience to go in an equall forvvard proportion vvith them, and their injoying their vast and great places for all the Cloake and maske of their self-deniall Ordinance, and the ingrossing of most of the Lavv practise in the kingdome into the hands of their petty fogging Lavvyers, I saye these things for the more preservation of the kingdom,* deserve seriously to be looked into, and told plainly and honestly unto them, vvith an earnest desire of their reformation, and not of their destruction, that so they, and all that love their just interest may have cause to say. *Faithfull are the wounds (or reproofes) of a freind, but deceitfull are the kisses (or flatterings) of an enemy, vvhich taske shall be the earnest and to cordiall endeavours of him that is a true lover of Englands happinesse and prosperity.* N. B.

FINIS.

Endnotes

- [2] *Read Daniel, fol.* 149.
- [3] *pag.*
- [4] Coll. of decl. pag 254. 336. 382. 508. 613. 705. 711. 716. 721. 724. 716. 721. 724. 730.
- [5] Coll. Decl. page 661, 663. protestation and covenant.
- [6] Coll. decl. pag. 68, 172, 262, 266, 267, 340, 459. 462, 471, 473, 583, 690.
- [7] Col. decl. p. 464, 490, 750.
- [8] Col. decl. p. 214.
- [9] Col. declar. p. 66.
- [10] let., 22. 16. 15. 16. 17.
- [11] Col. declar. 666. 673.
- [12] Col. Declar. 4.
- [13] Col. declar. p. 264. 281. 494. 497. 654. 694. 696.
- [14] Col. declar. p. 738. 140. 845.
- [15] Pag. 660.
- [16] Decl. 460. 498. 666. 673.
- [17] Magna Charta 29. Sir E. Cook. 2 part Instit. fol. 28. 29. Rot. 2. e. 3.
- [18] Col. declar. 6, 7, 8.
- [19] 5. Ed. 3. 5. 25. Ed. 3. 4. 28. E. 3. 3. 37. Ed. 3. 8. 38 Ed. 3. 9. 42 Ed. 3. 3. 17 Ri 2. 6. Rot. Parl. 43. E. 3. Sir Io. Alces case, num. 21, 22, 23, &c. lib. 20. fol. 74. In case declar. Marshales, see Cook, 2. part. Instit. fol. 464
- [20] Pat. Instit. 51.
- [21] Rot. part 2. 1. H. 4. mem. 2. num. 1. 27. Instit. f. 11. Book declar. 58, 39, 278, 845.
- [22] 2 part. instit. fol. 52, 53.
- [23] col. declar. 723.
- [24] See *Cook* 2 part instit. f. 187.
- [25] 3. E. 33. 2. R. 2. 5. 37. E. 3. 18 38 E. 3. 9. 12. R. 2. 11. 17. R. 2. 6. 22. p. & M. 3. 1. El. 6.
- [26] 9. H. 3. 29. 2. E. 3. 8. 5. E. 3. 9. 14. E. 3. 14. 11. E. 2. 10.
- [27] col. declar. 127, 174, 244, 253, 282, 284, 285. 312, 313. 321, 322, 467, 490, 514, 516, 520, 521, 532, 533, 534, 535, 537, 539, 541. 543, 555, 560.
- [28] *Cromptons jurisdictiō of courts, fo.* 84 *Hon.* 7. 18. *H.* 7 14. 1. *H.* 7 27. *Parliament* 42. 76 33. *H.* 6. 17. *d-judged accordingly prerogative.* 134.



RICHARD OVERTON, *THE COMMONERS COMPLAINT: OR, A DREADFUL WARNING FROM NEWGATE, TO THE COMMONS OF ENGLAND* (10 FEBRUARY 1647) ↩

THE
COMMONERS
COMPLAINT:
OR,
A DREADFUL WARNING
FROM
Newgate, to the Commons of England.

PRESENTED
To the Honourable Committee for consideration of the
Commoners Liberties.

Wherein (as in a Glass) every Free-man of *England* may clearly behold his own imminent insufferable bondage and slavery under the *Norman-Prerogative* Men of this Kingdom, represented by the present sufferings of *Richard Overton*; who for his just Vindication of the *Commoners Rights* and Freedoms against the Arbitrary Domination of the House of Lords, hath by them bin imprisoned these 6 Months in the Goal of *Newgate*, his wife and his brother also by them most unjustly cast into *Maidenlace* prison: And from thence, she (with her tender babe of half a years age in her armes) was, for refusing active subjection to their Arbitrary Orders, dragg'd most barbarously and inhumanly, head-long upon the stones through the streets in the dirt and mire (as was her husband formerly (*Novemb. 3. 1646*) for the said cause) worse then Rebels, Traytors, Thieves, or Murthcers, to the place of execution: And in that most contemptible and villainous manner cast into the most reproachful, infamous Goal of *Bridewell*: And their 3 small children (as helpless Orphans bereft of Father and Mother, Sister and Brother) exposed to the mercy of the wide world.

Wherunto is annexed the respective Appeals of his wife, and of his brother, unto the High Court of Parliament, the Commons of *England* assembled at *Westminster*.

Ita. 59. 14. And judgement is turned backward, and justice standeth a farre off: for Truth is fallen into the street, and Equity cannot enter.

J. H. 1647. Printed Anno Dom. 1646.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.90 [1647.02.10] [Richard Overton], *The Commoners Complaint: Or, A Dreadful Warning from Newgate, to the Commons of England* (10 February 1647).

Estimated Date of Publication: 1 February 1647.

Thomason Tracts Catalog Information: TT1, p. 491, E. 375/7.

Full Title

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Wherein (as in a Glasse) every Free-man of England may clearly behold his own immanent insufferable bondage and slavery under the Norman-Prerogative-Men of this Kingdom, represented by the present sufferings of Richard Overton; who for his just Vindication of the Commoners Rights and Freedoms against the Arbitrary Domination of the House of Lords, hath by them bin imprisoned these 6 Months in the Goal of Newgate, his wife and brother also by them most unjustly cast into Maiden Lane prison: And from thence, she (with her tender babe of half a years age in her armes) was, for refusing active subjection to their Arbitrary Orders, dragg'd most barbarously and inhumanely head-long upon the stones through the streets in the dirt and mire (as was her husband formerly (Novemb. 3. 1646) for the said cause) worse then Rebels, Traytors, Thieves, or Murtherers, to the place of execution: And in that most contemptible and villainous manner cast into the most reproachful, infamous Goal of Bride-well: And their 3 small children (as helplesse Orphans bereft of father and Mother, Sister and Brother) exposed to the mercy of the wide world.

Whereunto is annexed the repsective Appeales of his wife, and of his brother, unto the High Court of Parliament, the Commons of England assembled at Westminster.

Isa.59.14. And judgment is turned backward, and justice findeth afarre off:
for truth is fallen in the street, and equity cannot enter.

Printed Ann Dom. 1646.

[1]

To his honoured friend, Col. *Henric*

Martin, a Member of the House of Commons, and Chairman to the honourable Committee, for consideration of the Commoners Liberties, and in him, to all the Members of the said Committee; The Humble Information & Complaint of *Richard Overton*, prisoner in the infamous Goal of New-Gate; concerning the barbarous cruelties, and inhumant practises of the house of Lords (and of their Prerogative-Agents) exercised upon himself, his wife, children, and whole family, since his legall tryall before the said honourable Committee.

Jam. 213. *He shall have judgment without mercy, that hath, shewed no mercy.*

Psalm. 41. 1, 2. *Blessed is he that considereth the poore, the Lord will deliver him in the time of trouble, the Lord will preserve him, and keep him alive, and he shall be blessed upon the Earth.*

Master Chair man,

AS Bondage and Liberty are two contraries, so you cannot truly consider the one, but you must reflect your eye upon the other: For, though one be so destructive to the Being of the other, that, where the one is, the other cannot be; yet, each by other is more eminently distinguished: And looke how much the one is [2] exceeding the other, by so much the other is deficient, & loseth of its property: for, *quorum unum altero latius est, non sunt re unum.*

Therefore, I humbly conceive, that, to the consideration of the Commoners Liberties, the usurpations, encroachments, & destructions thereof, fall inavoydably into like consideration, even so, as the one cannot be truly considered without the other: If you will cast your eye upon the glory and beauty of the one, your eare must be open to the cry and complaint of the other; And therefore, answerably, as you are by the *Sovereign power of the Land* ordained and deputed for the due and grave consideration of the Commoners Liberties, you are by the same Authority also impowred for the reception of all *Petitions, Informations, and Complaints* of the *Afflicted Commoners*, touching their Birth-right, Liberties, and Freedomes, and thereof to judge, and accordingly to make Report unto the House.

Wherefore Sir, I shall presume to present this honourable Committee, with the late most barbarous inhumanities, and Turkish Cruelties, by the most *Arbytrary Tyrannicall House of Lords*, and their *Prerogative-Butchers* perpetrated upon my self, upon my wife, my three smal children, upon my brother, and the rest of my family, in all, consisting of 8 persons, all committed and acted since the late legall consideration and tryal of my cause before you, yet still depending upon the Report of this honourable Committee: As for their former illegal usuapations over me, I shal omit their repetition, they being already made publike unto the world, & only acquaint you with the latter.

But first, I shal present you with those their illegal cruelties which [See the defiance, & the Arrow against tyrannie.](#) concern my self (they falling first in order) together with the mutual passages concerning the same, betwixt their Instruments and me, then answerably I shal descend to their barbarous unheard of inhumanities (such as never were acted by their *Norman Progenitors*, since the *Prerogative-Foundation* of that Norman house was ever laid, or ever since they bore the name of an House of Peers) now lately upon the 6. and 8. of this instant *Ian.* 1646, most villainously perpetrated upon [3] my wife, children, and the rest of my family, and commit the mutual passages on both sides (faithfully pend and presented) unto your grave and judicious consideration, to judge impartially betwixt us: And all that I in

the behalf of my self, & of mine, shall crave from this honourable Committee, is but the *Benefit* of what the Lord himself hath commanded, Lev. 19. 15. *Ye shall do no unrighteousnesse in judgment, thou shalt not respect the person of the poor, nor honour the person of the mighty, but in righteousness shalt thou judge thy neighbour.*

If I be found a transgressour, then let me speedily suffer my doome; but if I be found none, then let me have speedy reliefe: I crave no favour, nor boon at your hands; it is onely justice which I desire, and thats but a reasonable suit; a suit, which of Pagans, Turks, & Infidels would not be condemned, and therefore justly may be expected from you.

Thus, then Sir, give me leave to acquaint you, that after my last departure from you in the Palace yard (*Novemb. 3. 1646.*) and that I was cleared from your presence, and the presence of my friends, and was only left in the hands of my Gaolers, my indignation and detestation (fore-uttered in your presence in the *inward Court of Wards*) against the Arbytrary tyrannie and usurpation of the house of Lords over the Commoners natural & legal Freedomes and Rights, and over mine in particular burst out afresh; and upon consideration, whether I should be so base to my Country, and to my self in particular, as to yeeld these Arbytrary Lords, so much *Villain-service*, as to become their Lordships *Prerogative-Porter*, to carry my self to the stinking, lowsie, barbarous Goal of Newgate again or no; I resolved in my self, that as in heart I defied all injustice, cruelty, tyrannie, and oppression, all arbitrary usurpation and usurpers whatsoever, so in person (come life, come death, come what come would) I would not be so treacherous to my own selfe, to my wife and children, and especially to this Nation (the Land of my Nativity) in general, as personally to yeeld my active submission of any limbe that was mine (either in substance, or in shew) in the least, to any *Arbitrary Vipers or Pests, Egyptian Grashoppers, Norman Invaders and Destroyers* of the Commoners legal inheritance and birth-right, their liberties and freedoms confirmed [4] to them, both by divine, naturall, and humane Right: or once *to set one leg before another in subjection or attendance to any of their Canibal, Canker-worm, Arbytrary Orders Warrants, Significations of their pleasures* (so flatly contrary to all good laws, justice, and equity) being as so many Mothes in the *Royall Roabe of the State*, or rather as so many *Wild-Bores* out of the Forrest, to root up, devour, disfranchise and destroy this Nation of all her antient legall immunities and freedoms, root and branch; yea, and of those tender Plants and Seeds of the Commoners Rights & Liberties, which, in the dreadfull face of so many late turbulent, tempestuous, impetuous Gifts of opposition rage, bloud-shed, and fury have been implanted and sown in the oppressed *Common-field of the state*, the which for want of their own *naturall Dew and Rain* from the *Superiour Orbe* of Authority, but with-held by some Luciferean Angels of State, *Regal, Parliamentary, Sinodian, Sottish and Scottish*; the *natural, free-Commoners of England* have been forced to wet, moysten, and mature the same with their *bloud, their flesh, and their bones*, &c. that those tender Plants of freedome, equity and justice, might take root, be preserved, spring up, flourish, and bring forth fruit, if not for themselves, yet for their Posterities.

And upon these or the like considerations, I told my Jaylors, that if they had no other Order or Warrant for the remanding back of my person to the Goal of New gate I would not set one leg before another in subjection thereto; but was fully resolved, that if they would have me back to the Goale, they should carry me.

But (Sir) least the rarity and strangenesse of this Act should incurre yours and the Committees unjust censure and condemnation, like as of the inconsiderate multitude, whose judgments are guided by custome, more then by reason; be pleased to consider, that,

All *State-Deprivation* of life, limbe, goods, liberty or freedome, either is, or should be, all and every particle thereof, the just execution of the *Law executing*: For in Equity, the Action executing is indivisible from the Law, and only & precisely proper thereto and not at all to

the party executed: yea, though a man legally guilty of death should be condemned by the same [5] legall Authority (or rather by persons therein intrusted) *to cut his own throat*; yet were he in *equity* not *bound* thereunto, but in so doing should be *guilty* of his *own blood*. And the Law of our Land makes no man his own Executioner, but hath provided Ministers and Executioners, as *Majors, Sheriffes, Constable, Goalers, Hangmen, &c.* for that very end and purpose: And the Law of God leaves it as a matter out of all doubt and dispute, and nature itselfe teaches, that no man shall be his own Butcher or Executioner, for in so doing, he should sin against his own flesh, which is a thing most unnaturall and inhumane.

But my *rejection of carrying my own Body to the Goale*, was no other but the refusall to be my own Executioner therein: for though it were not of that degree of cruelty and inhumanity to my own flesh, as to cut my own throat; yet was it of the same nature and kind. And therefore if the one must be condemned as unjust, illegall and unnaturall, so must the other in its kind, so that as I was not bound, with my hands to cut my own throat, so with my feete, I was not bound to carry my selfe to prison.

And from hence is it (as I conceive) that the Law hath provided *Portage* with Carts, Sledges, or the like, for *Malefactors to the place of Execution*, that they might not any wayes (either actually or apparently) be guilty of their own Execution, a thing abominated and abhorred of nature.

But if it be objected, it is onely in *Capital matters*, as of death, and the like, I answer, that from the equity whereon that is founded, the other is necessarily implied, one equity being relative and essentiall unto both, and so need not be expressed in the lesse: for by the equity and authority for the greater, the like is justified and commanded to be for the lesse, for *omne majus includit minus* the lesse is included in the greater, so that the equity in the greater cannot be denied to the lesse.

Therefore, in case I were legally a prisoner, yet were I not bound therby to set one leg before another in my own executiō although there were no precise prescript therfore in the letter of the law to discharge me therof, which needs no further probation; yet for exemplary illustration, be pleased to [6] consider, that in the case of a Generalls Commission, it is needlesse to enjoyn him by *litterall expression*, not to turne the mouthes of his Cannons against his own Souldiers, for that is so necessarily and naturally implied, that it is needlesse to be expressed: & as it is in the millitary, even so & much more is it in the pollitick capacity, the millitary being but thereto subservient.

Yet further, though the letter of the Law should enjoyn its Condemnants to be their own executioners, yet were that by its own equity condemned, nuld, and made voyd, for the letter must be subject to the equity: and look how much the letter transgresseth the equity, even so much it is unequall, and is of no validity or force, for the Law taken from its originall reason and end is made a shell without a kernel, a shaddow without a substance, a Carkesse without life: for the equity and reason thereof is that which gives it a *legall being and life*, and makes it authoritative and binding, if this be not granted, injustice may be a Law, tyranny may be a Law, lust, will, pride, covetousnesse, and what no? may be Lawes; for if equity be not the bounder of the Law, over the corrupt nature of man, all will fall into confusion, and one man will devoure another.

Besides, as no man by Law may be his own Judge, so by the same reason no man may be his own Executioner, for as in equity it appropriateth sole Judgement to it self, so to it selfe it maketh sole Challenge to its execution: for the contraction and unity of reason betwixt them may not be divided. So that in reason as it is bound to the one, in reason it is bound to provide for the other, & the guilty be suspended from both, and to the Law wholly made passive, both for Judgment and execution.

But, if any, for want of president, shall condemn this Act of mine; to such its proved rationally will answer, that reason hath no president; for, reason is the fountain of all just presidents, and so used, granted and applyed by this very Parliament. 1 Book. declar. fol. 264. 298. 709. 726.

[9]

And from this accustomed pedant vassalage formerly the pursevants (and such like catchpole devouring vermine) have made use for argument sake against those which have complained of their Imprisonment to the Parliament, saying, *they did not carry them to prison*, but, that *they went into prison*; But I think I have prevented the use of that objection against me.

Thus Sir, if the Law impose no such obligation upon its Subjects, then can that which is contradictory thereto so vassalage any? if the Law fetch not that within its compasse and bounds, then much lesse may that which is contrary thereto, which was my then present condition, for I was not in their hands, then under any legall warrant of the Law of the Land, but under an arbitrary order of the House of Lords, directly contrary to the very Being of the Law of the Land: Therefore for me to be my own Executioner or its Executioner upon my selfe (for going or carrying cannot be denied to be in a great measure its Execution) were to preferre the Law of Lust, or Will, before the Law of the Land: to do more for that Power which is contrary to the very being of the Law, then the very Law it selfe doth require in its own behalfe, and if that were not to make the Law of none effect, judge ye. To do that homage to such a power which is not due to the Law (for no more is due to the Law then the Law doth require, and the Law doth require no more then its due) is to make *Lust* and *Will* predominant thereto, to make *Will* to take the *Will* of the Law, to abrogate Law, and in the roome thereof to introduce an arbitrary power.

And therefore as their Lordships in that their arbitrary capacity *found Warrants*, so should their Lordships *find Leggs* to obey them, for I was resolved, mine should not be enslaved to that their usurpation to do their *Arbitrary Drudgery*, I would rather loose my life, then in that kind to do them that vassalage: My *Leggs* were borne as free as the rest of my *Body*, and therefore I scorne that *Leggs, or Armes, or hands of mine* should do them any villeine-service for as I am a *Freeman by Birth*, so I am resolved to live and dye, both in [10] heart word and deed, in substance and in shew, maugre the Arbitrary mallice of the House of Lords: yea if ought else I can devise to shew my actuall enmity and defiance against their arbitrary power, i'll do it, though it cost the life of me, and myne, and therefore I care not who lets them know, that, that Act of mine was done in despite and defiance of their Warrant.

But in case you object, that I knew well enough, that if I would not go, they would carrie me, therefore it had been better for me to have gone, then to have exposed my selfe to their cruelty.

I Answer.

1. If I had known they would have hanged me, must I therefore have hanged my selfe?

2. A good conscience had rather run the hazard of cruelty then to abite an haire bredth of contestation and opposition against illegality, injustice, and tyranny.

3. If they had had any legall jurisdiction over my leggs, then at their Commands my leggs were bound to obey: And then (in that case) I confesse it had been better to obey, then to have exposed my person to the cruelty of threatning mercilesse Goalers: But being free from their Jurisdiction *from the Crowne of my head to the Soale of my foote*, I know no reason, why I should *foote it for them*, or in the least dance any attendance to their *Arbitrary*

Warrants; their Lordships may put up their pipes, except they will play to the good old tune of the Law of the Land, otherwise their Orders and Warrants are never like to have the Service of my leggs or feet, for they were never bred to tread in their Arbitrary Steps, but I shall leave their Orders and their execution to themselves. And therefore, Sir, concerning that action of mine, I shall continue in the said esteeme thereof, till my defence be made voide, and it be legally proved, that by the Law of the Land, I was bound to set one legge before another in attendance to that Order.

And further touching this matter, *I desire you to remember, that in the inward Court of Wards, when I discovered those resolutions, in the Audience of divers Gentlemen there [11] present, unto you, I told you, that I was no longer under the Arbitrary power of that illegall warrant of the Lords, but under the power of the House of Commons, from which I was resolved not to depart, which in some measure you seemed to oppose, whereat I demanded of you, How then I came there? And if I were not brought thither by vertue of an Order from that Committee? So that though being formerly Comanded by the Lords Order to be kept in the Custody of Newgate till their pleasures should be further signified, whereof to that time there had been no further signification at all, yet notwithstanding I was brought from thence by vertue of an Order from that Committee, contrary to the end and intent of that Order of the Lords, so that I conceived, & still do conceive that though that Warrant were not void of it selfe, yet were it made voide by that Order of their own, under the power and protection of which Order I was, so that being there, I would not depart from the rooffe & verge of your Authority, and this you know was the substance of my words, and thereupon indeed, I sate me downe in the window, and told my Goaler, (but one at that time being present) that if he would have me to prison, he should carry me: no withstanding you would give him no further charge of me, for conceiving from the equity of the Law (which though contradicted by the letter is absolutely binding and valid) that I could not be remanded back unto prison without a new Commitment, I demanded of you, if you would commit me? and I told you, that is you would, I then would goe, but that you plainly denied with an absolute No, then I asked you if you would command me to go and I would, but that you also denied, then I told you, that if you would but intreate me for formallity sake, (without any relation to that Order of the Lords) to go, I would go, but if you would neither commit, command, nor intreat me, then I would not go, nothing then being against me for my imprisonment, but that Order of the Lords, And as I was resolved I told you, that I would not obey it to set one leg before another after its humour. Therefore Sir, how you can blame me, either of illegality or so much as of disrespect unto you, or this Honourable Committee I cannot see, for no Law [12] did I break, and to prevent all misconstructions I offered you more, then by Law I needed to have done.*

Sir,

Had there been the letter of the Law directly against me, yet if it were contradicted by the equity of the Law, I had not been at all bound thereunto, except to oppose it: for the Letter if it controll and overthrow the equity, it is to be controlled and overthrowne it selfe, upon perill of treason to the equity, and the equity to be preserved as the thing onely legally obligatory and binding.

But (Sir) there was neither letter nor equity of the Law against me, but that which was directly contrary to both: for the Lords warrant was directly oppugnant and destructive both to the legall letter and equity.

Therefore (Sir) I conceive that I was in no measure bound thereunto, but was as free legally, as in case that warrant of the Lords never had been. So that I had good cause, in case you would have had me part with my liberty, to demand, if that you would *commit me, command me, or entreate me*, and upon your denyall of all these to tell you, that then I would

not go: For do you think that I am such a foole to part with my liberty, for nothing? Sir, our liberties have been bought at a dearer grace, then so to be trifled and slighted away, especially to captivate the same to the exhorbitant wills of the Lords, and to cast my selfe in prison during their boundlesse pleasures.

Had you committed me, commanded me, or entreated me; and thereupon I had gone, and been caught in my own net, yet had *I* been delivered from a worse, *and of two evils the lesse is to be chosen*, for thereby the pretended power of the House of Lords over me (even in its very formality) had been utterly routed; and my selfe absolutely cleared from their prerogative Bondage. But at that time you were not aminded to do it, but left me to their Lordships Arbytrary power.

But now Sir, I would not have you think from these demands of mine, that I would be subject to an arbitrary power more in you then in the other, for truly in those demands [13] there was tacitly couched a supposition of that which I knew could not be granted, and therefore I was the freer in my proposall thereof, having an assurance that they would never be granted, yet I thought I would make try all, but and if I had been imprisoned thereon, after I had given their Lordships that *Fob*, you should have heard from me with a witnesse; for I cannot suffer oppression and be silent.

Sir excuse my prolixity about this matter, for by reason of the rarity and the common condemnation thereof, I have therefore the more enlarged my selfe, for the better removall of all scruple thereon. Now Sir I shall further acquaint you with the mutuall proceedings betwixt the Goalers and me, and judge indifferently and impartially betwixt us.

Thus Sir, as *I* have told you, having declared my set resolution to my attendant Goalers, away *I* was borne to the Boate, and when I was landed at *Black-Fryers*, they would have forced me along up the hill on my feete, yea, they intreated me, but at that time I was not minded to be their *DRVVG*, or to make use of my feet to carry the rest of my body to the Goale, therefore I let them hang as if they had been none of my own, or like a couple of farthen Candles dangling at my knees, and after they had dragged me in that admire-able posture a while, the one took me very reverently by the head, and the other as reverently by the feete, as if he had intended to have done Homage to His Holinesses great Toe, and so they carried me: but truly Sir, I laughed at the conceit in my sleeve. But this their reverend usage did not continue long, for they grew verie irreverend and deboyst of a sudden, for ever when they were a little wearie, they let my bodie fall upon the stones, and then againe most vallarrouslie like men well appointed for the Cause, they tooke me by the head and shouldiers, and just as if I had been a dead Dog, they drag'd and trayl'd my body upon the stones, and without all reverence to my cloth, drew me through the dirt and mire, and plucked me by the hair of the head, just as if the Iohn of all Sir Johns had got little Martin by the feathers, notwithstanding the peoples severall exclamations against their inhumane incivility and tyrannie towards me, and [14] their severall desires to carrie me in a Chaire: And indeed in case I had been legallie their prisoner, yet had they no authoritie, to keepe me in evill custodie, incivilie or inhumanely to use me, but were bound onely to keep me in safe custody, and therein to use me like a man, and therefore in case they would not have so honoured me, as to have made me a Chairman, they might have carried me in a Porters Basket, or in a Cart, (provided it had not been Westward) or in some other such decent necessary Toole, And in this like unheard of barbarous manner they brought me into the lower roome in *Newgate*; called the Lodge, and there they threw me down upon the Bords, and having Sir *Edward Cookes* 2. part instit. upon *Magna Charta* the Mr. *Briscoe* offered to wrest it out of my hands: Then I demanded of him if he intended to *rob* me, and he told me he would have it from me whether I would or no.

To whom I replied, that he should not, if to the utmost of my power I could preserve it from him, and I would do my utmost, where upon I clapped it in my Armes, and I laid my selfe upon my belly, but by force, they violently turned me upon my back then *Briscoe* (just as if he had been staving off a Dog from the Beare) smote me with his fist, to make me let go my hold, whereupon as loud as I could, I cryed out, murther, murther, murther. And thus by assault they got the great Charter of *Englands Liberties and Freedoms* from me; which I laboured to the utmost of power in my to preserve and defend, and ever to the death shall maintain, and forthwith without any warrant poore *Magna Charta* was clapt up close prisoner in *Newgate*, and my poore fellow prisoner derived of the comfortable visitation of friends: And thus being stript of my armour of prooffe, the Charter of my legall Rights, Freedoms, and Liberties, after the aforesaid barbarous manner they hurried me up into the common Goale, and as they carried me up staires, as their custome is, when they bring in a fellow, they gave 3. knocks at the door, and so they cast me into that Goale as a fellow, and then because they would be sure I should have a paire of prerogative [15] fetters, they clapt 2. great Irons with a Chaine betwixt them upon my leggs, and Ile assure you, Sir, me thought they were the comlyest gingling Spurres that ever I wore in my life, and if your worship will be but pleased to travell with me to the Land of Liberty, come but and take horse at *Newgate*, and you shall be furnished Ile warrant you, after the gallantest manner, and if need be for the conduct, we caraise up the Trained Bands of *Newgate*, even thousands, and ten thousands of lice to guard you: which indeed and in truth may too soone be the generall portion of all the best Members in the House, if you be not active, vigilant, and faithful to your friends.

And in those Irons I continued that night and till the next day at evening, and then *Woleston* the vice Master Goaler of *Newgate* sent to me by one of his substitute Goalers, the Turn-key, to speake with me below, to whom I returned this answer, go tell your master that I do not owe him so much service, as to come downe to him to speake with him in Irons, he knowes well enough where I am, if he have any businesse with me let him come and speake with me, and he came againe, and againe, with the like message; and I returned the same answer: in the meane time one of his underling Goalers asked me if I would pay for my Irons, and then they should be knocked off, but I told him, I neither set him a work to knock them on, neither would I set him a work to knock them off, and he that sets you a work let him pay you your wages, for you shall not have a farthen of me, then departing and as I conceive, acquainting *Woelston* there with, he returned againe with his hammer in his hand, and told me, he must knock them off, and so he did: And when I came down to *Woleston*, he would needs have made me believe, that I sent to speake with him, and to desire him to take off my Irons, and to be removed to the Masters side againe; but I told him no such matters, for indeed that was farre from me, in thought, word, or deed: for I scorne to crouch or debase my Spirits to the lawlesse cruelty of any mercilesse tyrants or Goalers whatsoever: they may devoure my Carkase, and make that bend and break with their cruelty, but I trust in God, that in heart and action to the umost of my power in the pursuance of justice and truth, [16] I shall bid defiance to the last gaspe of breath to all their oppressions and tyrannies whatsoever.

Now Sir, having discovered their oppressions and grievances against me, I shall now make bold to present this honorable Committee with the salvage and barbarous inhumanity exercised upon my Wife, and upon the rest of my Family: Thus then be pleased further to consider, that those *Norman Prerogative-Invaders*, have not been here with content thus to rob me in particular of my just liberty and freedome, and for these six moneths to incarcerate and corrode my person in their prerogative-devouring-jawes of *Newgate*, but to fil up the measure of their iniquity against me, they send forth their *Blood-hounds*, the Bishops old Catch-poles, the Master and Wardens of the Company of *Stationers*, to surprize my wife and my brother, and to bring them up to their *Prerogative-Barre*, who for refusing to be intangled and enslaved to their *High-Commission Star-chamber-bondage* of catching *Interrogatories*, were both upon the sixth of this instant *January* 1646. committed by them to *Mayden-lane*

prison. But being not therewith content, the next day, without all remorse or compassion over my helplesse children, just as if they had intended to destroy me root and branch, they send forth their Catch-poles again to my house to fetch away my *Brother-in-law*, and my sister (his wife) which, for their present necessity, were forced to live with me, and onely remained for the over-sight, ordering and tendance of my three children in the absence of their Father and Mother. But he being out of the way; & she, by the great mercy of God, escaping their hands, (through their ignorance of her face) fled, & hid her selfe and some adjacent neighbours (touched with compassion and pittie over the poore, afflicted, destitute, helplesse children) took them, for the present, into their houses; and so, *Father, Mother, Children, and All*, being *driven out of House and home, the Doores were shut up*; and I, and mine, exposed to utter ruine and confusion by those insulting, domineering, mercilesse Usurpers and Tyrants, *The House of Lords*.

But here, their most inhumane, tyrannicall desires not ceasing, out of the boundlesse limits of their arbitrary domination, they *issue* forth yet another prerogative-order against my wife, not counting it miserable and dishonourable enough, that [17] she should lye in the Goale at *Mayden-lane*, but, as much as in them lyes, for ever to obliterate the honour of her *modesty, civility, and chastity*; they order, that she shall be cast into the most infamous Goale of *Bride-well*, that common Centre and receptacle of bauds, whores, and strumpets, more fit for their wanton retrograde Ladies, then for one, who never yet could be taxed of immodesty, *either in countenance, gesture, words, or action*.

Now, this order being brought to her by the City Marshall to command her away to *Bride-well*, she thereupon refused (as by Law she was bound, as hath been proved before this Honourable Committee in the case of Lieut. Coll. *John Lilburne*, and of mine) to yeeld in the least manner any subjection or obedience thereto, but to the utmost testimony of her weake power made opposition and resistance against it, for in plain down-right termes (like a true bred Englishwoman brought up at the feet of *Gamaliel*) she told the Marshall that she would not obey it, neither would she stir after it, so much as to set one legg before another in attendance thereto: yet, Sir, this rejection and contempt here of the Lords usurped jurisdiction was not uttered without all due respect and acknowledgment of your indubitable Authority, for she told him, *that if he brought any Order or Warrant from the House of Commons, she would freely and willingly yeeld all humble obedience and subjection thereto*, which was as absolute an evidence of her acknowledgment and submission unto *Englands* legitimate lawfull authority as the other was of defiance and contempt to all arbitrary usurpation whatsoever.

Now the Gentleman Goaler hearing her resolution and honest intentions for the freedoms of her Country, that rather then she would yeeld any subjection or connivence to the arbitrary usurpations of any, how great or powerfull soever, she would expose her selfe to the mercilesse cruelty of the whole House of Norman-prerogative tyrants, I say no sooner had this *Turky-cock Marshall* heard of her uprightnesse to the Commons of England, but up he brisled his feathers and looked as bigg and as bugg as a Lord, and in the height and scorne of derision (just as if he had been Speaker [18] to the House of *Peers protempore*) out he belched his fury and told her, *that if she would not go, then she should be carried in a Porters Basket, or else dragged at a Carts Arse*.

But she modestly reply'd *that he might do as it seemed good unto him, for she was resolved on her course*, but thereat his worship being put into a prerogative chase; out he *struts* in his *Arbitrary Fury*, as if he would have forthwith leavied whole *Armies*, and *Droves* of *Porters* and *Cart-men*, to advance the poore little harmlesse innocent woman and her tender Babe to *Bridewell*:

But going (as I conceive to consult with their Lordships what was best to be one) he upon his returne finding her constant to her honest and just resolutions, out againe he slings in his wonted fury, and finding some of her friends attending to see the event of the businesse, he shut them out of the doores and abused them with infamous scurrilous reproaches, nicknames, and derisions, with severall menacies to imprison them, threatning them to fetch a warrant to bring them before the now (present pretended illegall) Lord Mayor of *London*; but departing in that insolent turbulent chase, he sent for a couple of Porters, but when they came to her, like honest & discreet men, they told him, that *they would not meddle with a woman that was with child, and had a young sucking Infant in her Armes, least in so doing they might doe that to day which they might answer for to morrow.*

Then the Marshall thinking to bugbear them with the cracking sound of the House of Lords told them, that *the Lords had ordered that she should be carried to Bridewell*: but one of the Porters wisely answered, *that their Lordships Order was for Goalers, and not for Porters to carry her, and for their parts, they would carry no quick flesh, if he had any dead flesh they would carry it,* and so they departed and left their Lordships prerogative drudgery to their prerogative vassals.

Then forth againe goes this their Lordship; furious Champion with his prerogative Commission of Array, to raise up new Forces to encounter this weak woman, and her tender Babe on her breast, and having leavied a Cart for the prerogative Warres of the House of Peers, which being brought under [19] the conduct of that most puissant Marshall of *London* to the prison Gate, the Car-man hearing what this beleagred woman was, wisely refused to lay any hands on her, and departed in peace.

Then this grim Phylistin of the House of Peers, being thus deferred of his forraigne forces, mustered up his Life Guard of Goalers servants, or hangmen Deputies, and therewith resolved to storme her, and advancing to her Chamber doore, first he attempted to circumvent her by his pollicy with fair, hypocriticall, specious promises of his and their Lordships favour and grace, in case she should open the doore and submit her selfe, but she slighted his proffers, & contemned all favour flowing from that most bitter and corrupt prerogative Fountaine.

Whereupon he caused his men to break open the doore, and entring her Chamber, struts towards her like a Crow in a gutter, and with his valiant lookes like a man of mettle assailes her and her Babe, and by violence attempt to pluck the tender Babe out of her Armes, but she forcibly defended it, and kept it in despite of his Man-hood: then he and *Christopher Marshall* his brother *Sam. Tolson*, and divers of his servants by the Marshalls Command example & Authority laid violent hands upon her, and drag'd her down the staires, and in that infamous barbarous manner, drew her headlong upon the stones in all the dirt and the mire of the streetes, with the poore Infant still crying and mourning in her Armes, whose life they spared not to hazard by that inhumain barbarous usage, and all the way as they went, utterly to defame and render her infamous in the streets, the fellowes which dragged and carried her on two Cudgels, calling her *Strumpet* and vild *whore*, thereby to possesse the people, that she was no woman of honest & godly Conversation, whom they so barbarously abused, but a vile strumpet or whore, and were dragging to *Bridewell* that common shore & sinke of Bauds & Whores, &c.

For no man could reasonably imagin that any modest civill woman should be so shamefully used, especially in her way to *Bridewell*; which dishonourable infamous usage was a sufficient matter to blast her reputation for ever, and to [20] beget such a perpetuall odium upon her, that for the future (if ever delivered from her bondage) she should not passe the streetes upon her necessary occasions any more without contumely and derision, scoffing, hissing, and poynting at her, with such or the like sayings, as, see, see, *there goes a Strumpet*

that was dragged through the streetes to Bridewell, and this is the honour that their Lordships are pleased to conferre on the free Commoners wives who stand for their Freedoms and Liberties.

Now Sir, I humbly desire this Honourable Committee to consider, *A Charg against the house of Lords* whether it be reasonable or sufferable, or any wise sutable to the freedoms of the Commons of *England*, or to the great trust reposed in you, either for you to suffer, or for them to usurpe such an unlimited prerogative jurisdiction, to deprive husbands of their wives, and wives of their husbands; Fathers and Mothers of their Children, and Children of their Fathers and Mothers; cast them into severall infamous tormenting prisons, hale and drag in most barbarous manner, the Commoners wives and their tender Infants upon the stones of the streetes through all the dirt, and the mire, as if the Commoners, their wives and Children were but as dirt and mire under their Lordships feet, to be trod and trampled upon at their pleasure; also to reproach, revile, and dishonour modest, chaste, and civill women with the imputation and scandall of whores, strumpets, &c. expose whole families to ruine, rout them out of house and home, and instead of pittie and compassion over such tender Infants whom they have made Orphants to their Arbitrary pleasures to turne them (without all remorse and compunction of heart) to the mercy of the wide world, and not in the least to looke after them, take any charge or care over them, or to send them or their imprisoned Parents so much as a crum of bread, or a drop of pottage for their comfort or reliefe; but as much as in them lyes, to expose such tender innocent babes with their parents to famin for want of sustenance and reliefe, as also to send forth their armed men in an hostile manner, with musquets, swords, pistols, &c. to besert and assault the Commoners Houses; forcibly to enter their Bed-Chambers with drawn swords, [21] and pistols ready cocked, even while such persons are in their beds also dayly to commit Burglary, flat felony, break in peeces the Commoners doores, burst open their locks, their Trunks, Chests, Deskes, &c. pick their pockets, ransacke their, houses, plunder, rob, steale, and felloniously beare away their proper goods and livelyhood, as also to shutt up such as are most faithfull for the freedoms of the Commons of *England*, close prisoners, deprive them of the benefit of pen, ink, and paper, of the comfortable countenance and visitation of friends, tumble and tosse them from Goale unto Goale, lay most unreasonable fines upon them, as of 2000.l. or the like, ten times beyond the estate of persons so fined, censure them to seven yeare imprisonment, endeavour to enforce the Commoners wives, to dip their hands to the blood of their husbands, and to betray their friend and faithfull lovers of their Country into their mercilesse hands, impose oathes upon servants to betray their Masters Councils, and secrets, imprison, fine, censure, and molest the Commoners of *England*, for their vindication and defence of the great Charter of their Liberties, and freedoms, for appealing from their usurped jurisdiction to the House of Com: and for refusing to be againe entangled in the Star-Chamber High-Commission abolished Bondage of Interrogatories and the like; as also for those Lords to overturne the fundamentall Lawes of this Kingdom, both for liberty, property, and freedome, endeavouring the Introduction of an Arbitrary Government, and to crush and destroy all such as shall adventure the discoverie of their oppressions or shall (as legally they are bound) resist their arbitrary proceedings, stop all free progresse in the Law, commit the Compter Serjeants, and such Ministers of the Law unto prison for arresting their sons or kindred for debt, and that by the authority of that House, as a contempt offered thereto. All which insufferable oppressions, and cruelties with manifold others, I can and will (God permitting) justifie and prove to their faces, if I shall be called thereto. And I do hereby, before this honourable Committee, and consequently before the whole Commons of *England*, both represented and representative, Charge the House of Lords (which usually [22] assemble at *Westminster* and which do arrogate unto themselves a Parliamentarie title, and power without the free election and common consent of the free borne people of *England*) with those forementioned usurpations and devastations of the Commoners Liberties and Freedoms: Which Charge I am ready everyday upon the peril of my vital blood to make good against them, for the case of

Lieutenant Col. *John Lilburn* of Mr. *Learner*, of mine, & of some others, if but duly considered, is sufficient to evidence and confirme the truth thereof to every common capacity, as also to their *Prerogative Lordships* everlasting shame & confusion of face, if not to the utter extirpation of that their unlimited Arbitrary Domination and power, the which I shall faithfully endeavour to the utmost of my power for the freedome and weale of the rest of my Nationall Brethren the free borne Commons of England, though in that hot and desperate service I, and mine, wife, children and all be devoured by their unreasonable cruelty.

Thus Sir having made my complaint unto you, and in mine, to this Honourable Committee, the complaint of the whole Commons of *England*, all being equally interrested with me in this contest betwixt the Lords and the Commoners both in life, limb, liberty, and estate; I present my cause, and in mine, the cause of the whole Commons of *England* to your grave and judicious consideration: for, looke what is done unto me or to any other (though never so meane or of inferiour degree) for mine or their vindication and maintenance of the just Rights and freedoms of the Commons of *England*, is as done unto the whole Commons of *England*, for by chose their insultings all as well as one, are made lyable to the unlimited cruelty and oppression of their prerogative jurisdiction. And if they may rule by prerogative, then farwell all liberty and property!, all Lawes, justice, and equity; and if it must be so, I pray you beare us no longer in suspence and expection of redresse, but forthwith let our Doom be proclaimed to the whole world, that the Commons of *England* may know what to trust to; that we may loose our labour no longer in petitioning, appealing, complaining, and seeking for reliefe at your hands, that such as will may sit down as contented slaves with [23] halters about their necks to be hanged up till the pleasure of that House (forsooth) shall be further signified.

Now Sir, I shall use no other provocations, incitations or Arguments to this Honourable Committee, to the discharge of their duty, but shall altogether leave the whole matter hereof to your consciences, whether for justice or injustice, mercy or cruelty; for my part I care not though you and all men forsake me, so long as I know the Lord liveth, who will once judge every man according to his deeds, whether good or evel, and then I am sure I shall have righteous judgment, without respect of persons; and against that, to deprive me thereof, neither the gates of Hell nor the powers of Earth are able to prevaile; that is my comfort, my hope and support, against all afflictions tryalls, and troubles: And therefore in that sure confidence though I be thus enthralled & encompassed on every side with Bands & Afflictions, I am resolved not to yeeld an haire-bredth of subjection, no, not so much, as the appearance of subjection either in word or deed to any arbitrary power, orders, significations of their pleasures, &c. *maugre* their Prisons, Irons, Halters, &c. either for me or mine: And this I pronounce to this Honourable Committee and to the whole Commons of England in open defyance and contempt of the Arbitrary Domination of the House of Peers, their usurpation and incroachments over the Rights and freedoms of the Commons of *England*; come what come will, or what the utmost of their usurped might and power can inflict upon me for it,

I scorne their mercy, and dare them to do their worst: let them find Prisons, Dungeons, Irons, Halters, &c. Ile find Carkesse Neck, and Heeles, for one in contempt to their usurped jurisdiction; for resolved I am to break before I bend to their oppressions, &c. Sir I am

*From Newgate the place
of my Prerogativ Captivity.
Feb. 1. 1647.*

*Yours and all mens for
their just Rights and
Freedoms, faithfull, to the
death.*

Richard Overton.

FINIS.

RICHARD OVERTON AND/OR JOHN LILBURNE, A REALL PERSECUTION OR, THE FOUNDATION OF A GENERAL TOLERATION (13 FEBRUARY, 1647)

Reall Persecution, or the Foundation of a general Toleration, Displaid and Portrayed by a proper Emblem, and adorned with the same Flowers wherewith the

Scollins of this last age have throwed their Libellous Pamphlets. Collected out of severall books of the Sectaries to discover to woeuld their wicked and abusive language against godly Presbyterian Ministers.

Exp. 23. Min therefore be ye not makers, Sec. 1. For. 1. 11. And who is he that will harm you, if ye be followers of that which is good. Viet. 24. But ye that suffer for righteousness sake, happy are ye, for the spirit of life shall be in you when ye shall die. Viet. 16. Having a good conscience that alloweth thee that thou hast said of you at all times, thou mayest stand without blame before the Lord.

2. My Love the Defendant, Justice of a far Be-
3. See, his pockets are full of Presbyterian
4. His, ha, ha, behind of number twelve, or
5. My Spirit hath got a black box on it.
6. Indeed of *Martin*, *James*, and the rest
7. Tables, we shall have *Sir James*, and *Sir John*,
8. holding the same *League and Covenant*.
9. And that the *Scottish* sacred Ordinance
10. of *Tithes*, the two *Tables* of our Presbyterian
11. Gospel, pointed out the *Church* in *England*.
12. O how *Sir Thomas*, the *holy* in your
13. hearts come all in your chains all our.
14. I pray you give on a *General Assembly* for
15. your *Ministry* before you depart, here is twenty
16. shillings for your pain.
17. The *Sacred* to being down the *poor*;
18. as it was in the beginning, in now, and shall be
19. ever more, world without end.
20. Our *responcing* Doctors are not to be
21. put in fear against the *Barons*.
22. Their *Religious* answer upon the *wheel* of the
23. *Steele*.
24. I would your *Lordships* would call in
25. your *Ordinance* for *Tithes*, and turn them to the
26. *poor* good use.
27. Then we should have a *little* *Pig* sold for
28. a *poor* *Servant*.
29. The *Ordinance* permitting more to *Preach*
30. but such as are *Ordained*, his *Patron* of the *Spire*,
31. he will retain the *Monopoly* of *Scots*.
32. Therefore we wisely considered of a *Com-
mission* of *Examination* to be chosen out of us,
33. It shall be referred a *Court* of *Inspection*,
34. that's *Proper*.
35. Only as late as a *through* *Ratification*,
36. which a *goodly* name, may be *made* good.
37. O to two *leaves* of *Parliament*, make an
38. other *Ordinance*, that all the *ministry* may be
39. made to *fly* the *stone*. *Knights* the *new* *Mid-*
40. *winter* with *Carvers* and *Swallows*.
41. That to me may have a *blue*-cap *Reli-*
42. *gion*, amongst *hats*, on his, *Jack*, he, *wood-*
43. *cock*.
44. Then *Blue*-cap *Baron*.
45. *At* *St. James* Church at *St. James*.
46. You are desired to remember the *Prin-*
47. *ces* *Court* that were above to gather *bank*
48. for the *London*. *Sir Thomas*, *Fairfax* *Army*.
49. *Respect* *liberty*, *justice* and *law*.
50. For *you* *men* *Italy*, *Italy*, *Italy* *Italy*.
51. *At* *the* *wool*, this *Club* *wool* *wool* *wool*.
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London, Printed for J. H. and are to be sold in Paper-head Alley. 1647. 1676

[Created: 10 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.91 [1647.02.13] [Overton and/or Lilburne], *A Reall Persecution or, The Foundation of a general Toleration* (13 February, 1647).

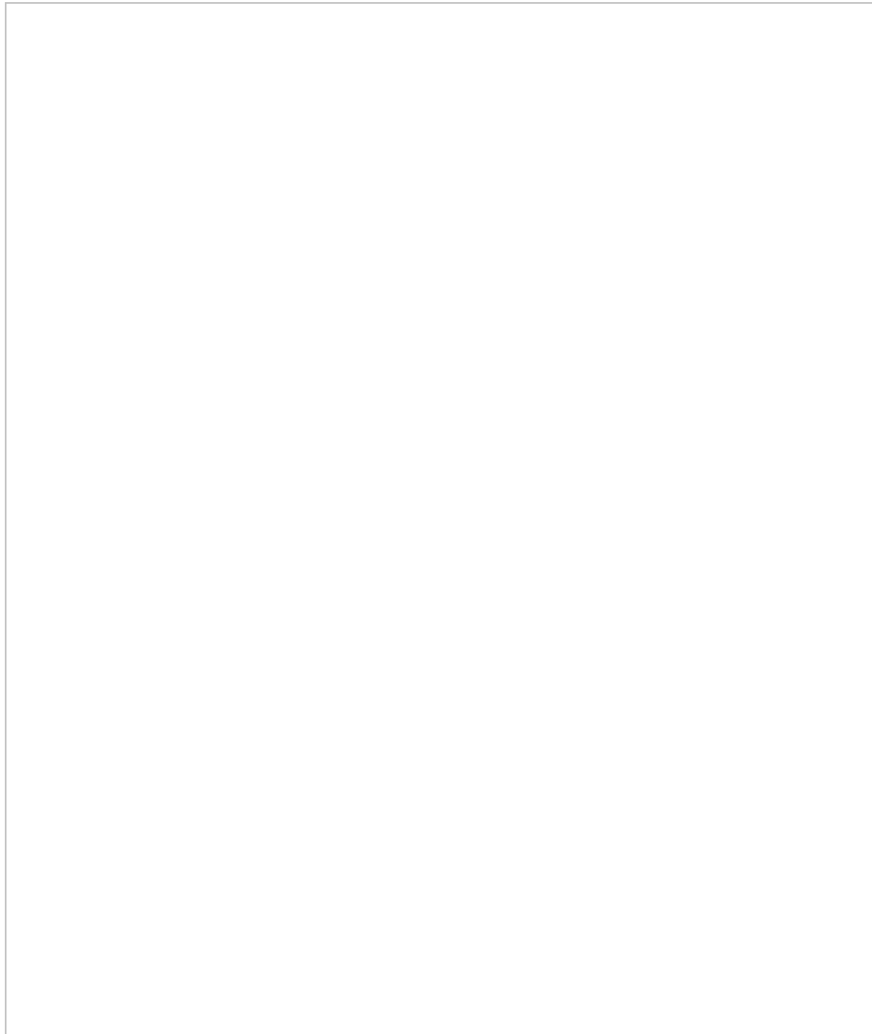
Estimated Date of Publication: 13 February, 1647.

Thomason Tracts Catalog Information: TT1, p. 494, 669.f.10/114.

Full Title

[Overton or Lilburne], *A Reall Persecution or, The Foundation of a general Toleration, Displaied and Portrayed by a proper Emblem, and adorned with the same Flowers wherewith the Scoffers of this last age have strowed their Libellous Pamphlets. Collected out of several books of the Sectaries to discover to world their wicked and abusive language against godly Presbyterian Ministers.*

London, Printed for J.H. and are to be sold in Popes head Alley, 1647.



"The Picture of an English Persecutor or, a Foole Riddeen-slave) : Presbeterian Sectary"

The Rider's Speech Bubble: I should ??

The Ridden's Speech Bubble: My cursed speeches against Presbetry declares unto the world my foolery.

Page in Book: Martin's Echo ?? ?? Martin ?? Mar- Preist

Caption below cartoon: For opposing Authority, Reviling the Assembly, Slandering the Governmnet by Presbytry and disturbing the ministers at the time of their publique exersis by giveing up bills in mockery calling the ministers preistsrideing slaves, horse leeches Cormorants gorbellyd Idoll consistory of devills etc : hath not this discoverd Ishmaels carnell Spirits persecuting godly Isaaks.

Esay. 18. 22. Now therefore be ye not mockers, &c. 1 Pet. 3. 13. And who is he that will harm you, if ye be followers of that which is good. Vers. 14. But to you that suffer for righteousnesse sake, happy are ye, be not afraid of these men nor troubled. Vers. 16. Having a good conscience that whereas them that thus speak evil of you as of evil doers, they may be ashamed that thus falsly accuse you, &c.

1. *MArtins* Echo, pag. 16. Loving friends and neighbours, stand still gaping with your mouths open, and quietly bow down your backs whilst you are bridled and sadled, and let the holy humble gentle Presbyterians get up and ride, &c.

2. Theyle deal very gentle with you, though the Proverb be, Set a beggar on horse-back and he will ride to the Devil.

3. Though they have spurs, yet they will not use them; yet if they do chance to gall your backs and shoulders, and force you to cry out, &c.

4. Then you shall have liberty to leap out of the frying pan into the fier, by making your appeal to the Common-councell of Presbyters.

5. Here you shall have *Rehoboams* answer, our fathers the Bishops chastis'd you with whips, but we will chastise you with scorpions, &c.

6. For the same power which was lately resident in an Arch-bishop, is inherent and of divine right in every Presbyter.

7. Hath not the Protestant Religion been lockt up in the brest of the Assembly.

8. Hath not your Faith been pind on their sleeve, and you must take the result of them whether it be right or wrong.

9. You have ingag'd to suppress Prelacy, High-Commission, &c. thus you have beat the bush, but the Presbyterians have caught the bird.

10. Thus to shun the smoak, you have leapt into the fier.

11. *Pag. 7. 8.* Be ye mounted upon your great Horses, that trundle you to and fro from *London to Westminster.*

12. Mount all your Cannons, and advance like mighty men of valour, &c. even whole black Regiments of you into the Fields.

13. *Pag. 21.* Presbytery is but a shift at a pinch, what good the Devil will have of it, I know not.

14. Who knows the luck of a lowzy cur, he may prove a good dog.

15. *Pag. 5. 6.* Sir *John Presbyters* life is like neither, to be long nor good.

16. He will be brought to some sudden untimely end, perhaps to hanging.

17. Presbytery shall have but a short time to do mischief in, and then the people will sing, Hey tosse the Devils dead.

18. The Synod shall speedily be dissolv'd, and the Devil chaind up.

19. Rejoyce oh *England*, Presbytery shall shortly have never a child to vex thee, or to suck up thy fat.

20. Then farewell Assembly of Divines dissembled at *Westminster*, Sir *Simon Synod* and his son Presbyter *Jack.*

21. *Pag. 5.* The barbarous Caniball Sir *John Synod*, &c.

22. Let him suffer his teeth and nayles to be pluckt out and cut off by an Independent Barber.

23. That hereafter he may never bite or scratch more.

24. Well Sir *Simon*, if you will not mend your manners, *Martin* will observe all your postures.

25. An *Martin* will set *Christopher Skale-skie*, *Rowland Rattle-priest*, *Martin Claw-clergy*, and *Bartholmew Bang-priest* upon your back.
26. And in time these will pull down your Synod, and your sphear about your ears.
27. Behold a Troup comes, Sir *Simon Martin* is of the tribe of *Gad*.
28. Though a Troup of Sir *Johns* overcome him for a time, yet he will overcome him at last.
29. *Martin* is resolv'd to jeer you out of your black Cloaks and Cassocks.
30. *Martin* intends no longer to dally with you, but to handle you without mittins.
31. He'le thwack your Cassocks, and rattle your jackets.
32. He'l stamp upon the panch of your villany, and squeeze out the garbidge of your iniquity.
33. He is resolved to beat you and your son *Jack* into a mouse hole.
34. Ther's not a man of *Martins*, but is a man of valouri and mettall.
35. These all hate a Tithe divouring Priest, as they hate the Devil.
36. You stif necked Priests, turn to *Martin*, lest his fierce wrath confound you and your whole posterity.
37. Harken you rebellious Assembly to *Martin*, and persecute no more.
38. Persecution hath a thousand Jack-tricks to block up all passages, and stop all mouths.
39. *Pag. 2.* He turn'd Reverend *Imprimatur*, and here was all as sure as the Devil and Presbyter could make it.
40. *Pag. 14.* We imploy Doctor *Featley's* Devil to make up a Description of the Anabaptists.

In the Nativity of Presbytery.

41. That the Devil made the urchin Sir *John Presbyter* an abject, a fugetive newly come out of *Scotland*.
42. *Pag. 5.* Like his father the Devil, he delights in black.
43. That he is fitter to be a weather-cock, then a Divine.
44. Onely the evil spirit of *Mercury* presents him to be the Devils goathead.

A Pamphlet against Tithes.

45. The sabred Ordinance of Tithes was wisely thought on before the Directory.
46. Because he is worse then an Infidel, and denies the faith that provides not for his Family.
47. My Lord the Defendant, smels of a fat Benefice.
48. See, his pockets are full of presbyterian Steeples, the Spires stick under his girdle.
49. Ha, ha, ha, Instead of weather-cocks, every Spire hath got a black box on it.

50. Instead of *Moses, Aaron*, and the two Tables, we shall have Sir *Simon*, and Sir *John*, holding the late solemn League and Covenant.

51. And then that spotlesse sacred Ordinance of Tithes, the two Tables of our Presbyterian Gospel, painted on all the Churches in *England*.

52. O brave Sir *Simon*, the bells in your pockets chime all in; ours chime all out.

53. I pray you give us a funeral Homely for your friends before you depart, here is twenty shillings for your pains.

54. Tis Sacriledge to bring down the prise, as it was in the beginning, is now, and shall be ever more, world without end.

55. Our temporizing Doctors are not so simple to swim against the stream.

56. Their Religion moves upon the wheel of the State.

57. I would your Lordships would call in your Ordinance for Tithes, and turn them to the peoples good wils.

58. Then we should have a tithes Pig sold for a peny.

Sacred Decretall.

59. The Ordinance permitting none to Preach but such as are Ordained, is a Patten of the Spirit worse then the Monopoly of Soap.

60. Therefore we wisely consulted of a Committee of Examination to be chosen out of us.

61. It must not be esteemed a Court of Inquisition, that's Popery.

62. Onely an inlet to a thorough Reformation, that's a goodly name, may do much good.

63. O ye two houses of Parliament, make an other Ordinance, that all the martins may be made to fly the three Kingdoms the next Midsummer with Cuccoes and Swallows.

64. That so we may have a Blew-cap Reformation, amongst bats, owles, jackdaws, & woodcocks.

65. Then Blew-cap for us.

A Bil given up at M. Calamy's Church as followeth.

66. You are desired to remember the Priest-Ridden-slaves that went about to gather hands for the disbanding, Sir *Tho. Fairfaxes* Army.

Reverend Assembly, up arise and jog,
For you have fairly fisht, and caught a frog:
Now you have sate four years, pray can you tell
A man the way, that Christ went down to Hell.
In these two years, what can a wise man think,
That you have done ought else, but eat and drink;
Presbytery climb'd to the top of fame,
Directory and all from Scotland came;
O monstrous idlenesse, alack and welly,
Our learned Clergy mind nought but their belly.

Beloved, remember the words that were spoken by the Apostles and our Lord
Jesus Christ.

How they told you there should be mockers in the last times, who should walk
after their ungodly lusts.

These are they that separate themselves sensual having not the spirit.

These are they that make it their common practise and delight to cast reproach
and contempt upon the Gospel, and the faithful Messengers and Ministers
thereof.

London, Printed for J. H. and are to be sold in Popes head Alley. 1647.

JOHN LILBURNE AND RICHARD OVERTON, *THE OUT-CRYES OF
OPRESSED COMMONS* (28 FEBRUARY 1647) ↪

(1)

The out-cries of Oppressed Commons.

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

Ier. 7. 8, 9, 10. Behold, ye trust in lying words, that cannot profit. will ye steale, murder, and commit adultery, and swear falsely, and burne incense unto Baal, and walk after other Gods, whom ye know not, and com: and stand before me in this house, which is called by my name, and say, we are delivered to doe all these abominations.

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

Mat 23. 14. Woe unto you Scribes and Pharisees, Hypocrites: for ye devour widowes houses and for a pretence make long prayers, therefore ye shall receive the greater damnation.

Hosea 4. 1, 3. By swearing, and lying, and killing, and stealing, and committing adultery, they break out; and blood to blood, therefore shall the land mourn.

The second Edition Corrected.

Gentle men, Anti-Magistrates we are not, but owne *Majesty* as Gods Ordinance appointed for the good and well being of man kind. Rom. 13. 1, 2, 3-4, 5, 6. Unto whose power and Authority, in all lawfull things, we both have, and are willing to stoop unto, but no further, neither doe we crave or desire any favour, privilege or benefit, but what is given unto us by the good, established, and just Lawes of England (which the Parliamēt solemnly, have often sworne to maintain, of which for our particulars, we have for many moneths been robd of. by the tyranny and usurpation of the Lords, (commonly called the House of Peeres) now sitting at *Westminster*, who have usurpedly, and contrary to the just and knowne Law of the Land, assumed unto themselves, (by the law of their owne will) a power in criminall causes, to judge and commit us who are Commoners, which by law they have no authority not in the least to doe, as appears in the 29. Chapter of *Magna Charta*, which expressly saith, "No freeman shall be taken or imprisoned, or be disseised of his free hold, or liberties, or free customes, or be outlawed, or exiled, or any otherwise destroyed, nor we will not passe upon him, nor condemn him, but by lawfull judgement of his Peeres, or by the law of the Land. We will sell to no man, we will not deny nor deferre to any man either justice or right. And the 3. E. 1. 6. likewise expressly saith, "and that no City, Borough, nor towne, nor any man be amerced with- out reasonable cause: and according to the quantity of his trespass, that is to say, every free man saving his free hold. A Merchant saving his Merchandizes, a VIL- (9 H. 3. 14.) "lain saving his waynage, and that by his or their Peeres. Which 19. Chap. of *Magna Charta*, is exply by name confirmed in the *Petition of Right*, made in the third yeare of the present King *Charles*, which absolutely aboliseth all Lawes made

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.58 [1647.02.28] John Lilburne and Richard Overton, *The out-cries of Opressed Commons* (28 February 1646/47).

Estimated Date of Publication: 28 February 1647.

Thomason Tracts Catalog Information: TT1, p. 497; E. 378/13.

Full Title

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The pamphlet contains the following parts:

1. The out-cries of Opressed Commons
2. To the right Honourable, the betrusted Knights, Citizens, and Burgesses in the Commons House of Parliament (Englands legall, Sovereign power, Assembled.) The humble Petition of the Inhabitants of Buckingham shire, and Hartford-shire, &c. whose Names are hereunto subscribed
3. Instructions agreed upon as the sence of the Petitioners of Buckinghamshire and Hartford shire.
4. To the High and Honourable the Knights, Citizens; and Burgesses, in the supream Court of Parliament assembled, The Petition of divers Young men and Apprentices of the City of London (1 March, 1646)
5. To the Chosen and betrusted Knights, Citizens, and Burgesses, assembled in the High and Supream Court of Parliament. The humble Petition of Elizabeth Lilburne

[1]

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

No man shall be in any sort destroyed (to destroy *i.e.*) *what was first built and made, wholly to overthrow and pull downe, unlesse it be by the verdict of his EQVALS*, or according to the Law of the land. And so saith he is the sentence, (*neither will we passe upon him*) *to be understood, but by the iudgement of his PEERS, that is EQVALS, or according to the Law of the Land*, see him, fol. 48. upon this sentence; *pro indicium parium suorum*, and pag. 50. hee

saith it was inacted, *that the Lords and Peers of this Realme, should not give iudgement upon any but their Peers*, and cites Rot. Parl. 4. E. 3. Num. 6. But the Roule is 4. E. 3. Num. 2. *in the case of Sir Simon de Bereford*, in which the Lords doe ingeniously confesse, *that it is contrary to Law, for them to passe iudgement upon a Commoner*, being they are not their Peers, *that is EQVALS*, which record at large you may read in *The oppressed mans oppressions declared*, Edition the second. pag. 18, 19 And also in part; in *Vox plebis*, pag. 40. 41.

So that by what hath been said, it cleerly, evidently, and undeniably appears by the Law of the Land, and the Lords owne confession, *that they are not the Peers or Iudges of Commoners in any criminall cases what soever*. And we offer (at our utmost perrill) before any legall power in England, to maintain it by the knowne and declared Law of the Land, (which the Lords themselves, have solemnly covinanted and sworne to maintaine) that the Lords by the Law of England, “have not in the least any Jurisdiction at all over any of the Commons of England in any criminall cases whatsoever. But if the studious and industrious Reader, please to read that notable and late printed booke, called *Regall tyranny discovered*, he shall find that the Author of that book in his 43. 44. 45, 46, 47, and 86. page, layes downe many strong and solid arguments, to prove “that the House of Lords, have not lustly, neither iudicative, nor legeslative power at all in them; and in his 94, 95, 96, 97, 98. he declares from very sound and good authority, “that before William the Conquerer and invader, subdued the rights and priviledges of Parliaments, that the King and the [3] Commons held and kept Parliaments, without Temporall Lords, Bishops, or Abbots, the two last of which, *viz.* Bishops and Abbots he proves, had as true and good right to sit in Parliament, as any of the present Lords now sitting at *Westminster*, either now have, or ever had, yea, and out of the 20, 21, pages of that notable, and very usefull to be knowne booke, called, *The manner of holding Parliaments in England*; before and since the conquest, &c. declares plainly, that in times by past, “there was neither Bishop, Earle, nor Baron, and yet even then the King of *England* kept Parliaments with their Commons only, and though since by *INNOVATION*, Earles and Barons, have been by the Kings prerogative Charters, (which of what legall or binding authority they are, you may fully read in the Lords and Commons Declaration this present Parliament) *summoned to sit in Parliament, yet notwithstanding the King may hold a Parliament, with the Commonalty, or Commons of the Kingdome, without Bishops, Earles and Barons*, and saith Mr. *William Pryn*, in the 1. part of his *Soveraign power of Parliaments*, pag. 43. (which booke is commanded to be printed by speciall authority, of the present House of Commons) out of Mr *Iohn Vowels manner of holding Parliaments*, which is recorded in *Holingh; Cron. of Ireland*, fol. 127, 128. *that in times by past the King and the Commons did make a full Parliament, which authority (saith hee) was never hitherto abridged*. Yea, this present Parliament in their Declaration concerning the Treaty of Peace in *Yorkshire* 20. *Septem.* 1641. betwixt the Lord *Fairfax*, &c. and Mr. *Bellasis*, &c. booke decl. 1. part pag 628. *doe declare, first that none of the parties to that agreement, had any authority by any act of theirs, to bind that countrey, to any such Nutrality, as is mentioned in that agreement, it being a peculiar and proper power and priviledge of Parliament, where the whole body of the Kingdome is represented to bind all or any part*. And we say the body of the Kingdome, is represented only in the House of Commons, the Lords not being in the least chosen to represent any body at all, yea, and the House of Commons, calls their single order for the receiving of Pole-money, *May* 6. 1642. 1. part book decl pag. 178. *An Order of the House of Parliament*, yea, and by severall single orders, have acted in the greatest affaires of the Common-wealth, sometimes against the wills and minds of the Lords, 1. part book decl. pag. 13. 121. 122, 305, 522, 526, 537, 546, 557. book decl. 2. part pag 6, 7, 10, 12. 25. 29. 36. 37. 40, 41. 42. 45. 43, &c. see pag. 877, 878. 879.

And yet notwithstanding all this, the Lords like a company of forsworne men, (for *they have often solemnly sworne to maintaine the Law*) have by force and violence, indeavoured to their power, and contrary to law, to assume to themselves a judicative power over us, (who are Commons of England in criminall cases) and for refusing to stoop thereunto, have barbarously for many moneths tyrannized over us, with imprisonments, &c. And we according to the duty we owe to our native country, and to ourselves and ours, for the preservation of our selves, and the good and just declared lawes and liberties of England, and from keeping our selves and our posterities, from vassalage and bondage, did thereupon according to law and justice, appeale to the honourable House of Commons (as you may truly and largely read in divers and sundry bookes, published by us, and our friends) as the supream and legall power and judicature in England, whom we did thinke and judge, had been chosen of purpose, by the free men of England to maintaine the fundamentall good lawes and liberties thereof, but to their everlasting shame (and the amazement of all that chose and betrusted them.) We are forced to speake it, we have not found any reall intentions in them, to performe unto us, *the trust in that Particular reposed in them by the whole Kingdome*, neither, have we any grounded cause to say (in truth) any otherwise of them, but that they are more studious and industrious unjustly in deviding hundred thousands of pounds of the Common wealths money amongst themselves, then in actuall doing to us (in whom all and every the Commons of [4] England are concerned, for what by the wills of the Lords, is done to us to day, may be done to any Commoner of England to morrow) either justice or right, according to their duty, and *their often sworne oathes*, though we have not ceased continuall to the utmost of our power, legally, and iustly to crave it at their hands, as you may fully read in our forementioned printed bookes. Sure we are; they tell us in their printed *Declarations*, that they are chosen and betrusted by the people, 1. part bok. decl. pag, 171, 172. 263. 264, 266, 336, 340. 361, 459. 462-508 588, 613, 628. 690, 703, 705, 711 714. 716. 724, 725. 729. And that to provide for their weale, but not for their woe, book decl. 1. part page 150: 81 382. 726. 728.

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

children (in respect of the interest the Kingdome hath in them) as a private man may have.

And therefore negatively in the second place, we are sure, that the House of Commons, by their owne Declarations, were never intentionally chosen and sent to *Westminster* to devide amongst themselves, the great offices and places of the Kingdome, and under pretence of them to make themselves rich and mighty men, with sucking and deviding among themselves, the vitall and heart blood of the Common wealth, (*viz.* its treasure) now lying not in a swound, but even a gasping for life and being, but let us see whether this and other of their late doings, be according to their former protestations, imprecations and just Declarations, which if they be not woe to them, *for saith the spirit of God, Eccle. 5. 4. 5. When thou vowest a vow unto God [5] defer not to pay it; for he hath no pleasure in foolles, pay that which thou hast vowed. For better it is that thou shouldest not vow, then that thou shouldest vow and not pay, see Deut. 23. 21. 23. That which is gone out of thy lyps, saith God, thou shalt keep and performe, Num. 30. 2. Psal. 76. 21. Job 22. 27 Eze. 17. 16, 17, 18, 19, Eze. 5. 4. 5.* We find in their Declaration of the 5. *May* 1642. book de. 1. par p. 172 these words, *The Lords and Commons therefore entrusted with the safety of the Kingdome, and peace of the people* (which they call God to witnesse is their only aime) *finding themselves denied these their so necessary and iust demands* (about the Militia) *and that they can never be discharged before God or man, if they should suffer the safety of the Kingdome, and peace of the people, to be exposed to the malice of the Malignant party, &c.* And in there Remonst. of the 19. of *May*, 1642. book del. 1 par. p. 195. they say, *That the providing for the publique peace, and the prosperity of all his Maiesties Realmes: within the presence of the all seeing diety, we protest to have been, and still to be the only end of all our counsell and indeavours, wherein we have resolved to continue freed and enlarged from all private aimes, personall respects or passions whatsoever.* But we wish withall our soules, they had intended, what they here declared, when they declared it, which is too much evident to every rational mans eyes, that sees and knowes their practises, that they did not, or that if they did, that they have broken and falcified their words and promises, and in the same Remonst. p. 214. speaking of those many difficulties they meet with in the discharge of their places, and duty, they say, “Yet wee doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded, with false and specious shewes, and so drawn to betray us to their owne undoing we have ever been willing to hazzard the undoing of our selves, that they might not be betrayed by our neglect of [21] the trust reposed in us, but if it were possible, they should prevaile herein, yet we would not faile through Gods grace still to persist in our duties, and to looke beyond our owne lives, estates and advantages, as those who thinke nothing worth the enjoying, without the liberty, peace and safety of the Kingdome: nor any thing too good to be hazzarded in discharge of our consciences, for the obtaining of it, and shall alwayes repose our selves upon the protection of almighty God, which we are confident shall never be wanting to us, (while wee seek his glory) as we have found it hitherto, wonderfully going along with us, in all our proceedings. O golden words! unto the makers of which we desire to rehearse the 23. Mat. 27, Woe unto you Scribes, and Pharisees, Hypocrites, for yee are like unto whited Sepulchers, which indeed appeare beautiful outward, but are within full of dead mens bones, and of all uncleannesse. And in their Remon. *May*. 26. 1642. p. 281. They declare, “that their indeavours for the preservation of the Lawes and liberties of England, have been most hearty and sincere, in which indeavour, say they, by the grace of God we will still persist though we should perish in the worke; which if it should be, it is much to be feared, that Religion, Lawes, liberties and Parliaments, will not be long lived after us: but saith Christ, Mat. 23. 23, 28. Woe unto you Scribes and Pharisees, Hypocrites for yee make cleane the outside of the cup, and of the platter, but within they are full of extortion and excesse. Yee also appeare outwardly righteous unto men, but within yee are full of hypocrisie and iniquity. And in their Decla. of July, 1642. concerning the distractions of the Kingdome, &c p. 463. 464. speaking of the businesse of Hull, they say, “the war being thus by his Maiesty begun, the Lords and Commons in

Parliament, hold themselves bound in conscience to raise forces for the preservation of themselves, the peace of the Kingdome and protection of the Subjects in their persons and estates, according to Law, the defence and securite of Parliament, and of all those who have been employed by them in any publique service for these ends, and through Gods blessing, to disappoint the designes, and expectations, of those who have drawn his Maiestie to these courses and Counsells, in favour of the Papists at home, the *Rebells in Ireland*, the forraign enemies, of our Religion and peace.

[6]

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

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

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

But when these Declarations and Promises were solemnly made, the Authors of them tooke it extreame ill at the hands of the King, when he told them they dissembled, and meerly sought themselves, and their owne honour and greatnesse, which he doth to the purpose in severall of his Declarations, but especially in his Declaration of the 12. *August*, 1642. pag. where speaking of the earnest desire he had to ease and satisfie his Subjects, he saith, *that whilst we were busie in providing for the publique, they were contriving particular advantages of offices and places for themselves, and made use underhand of the former grievances of the Subiect, in things concerning Religion and Law, &c. and in the next pag. speaking of their zeale against the Bishops, &c. He declares their designe, was but of their goodly revenue to erect Stipends to their owne Clergy, and to raise estates to repaire their owne broken fortunes.* [3]

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

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

owne particular, have so great an interest of honour and estate, that we hope it will gaine little credit with any, that have the least use of reason, that such as have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time, and run so many hazzards to make themselves slaves, and to destroy the property of their estates. But we say in the bitterness of our soules. O! that their actions and dealings [7] with us, and many other free men of England, had not given too just and grounded cause to judge that the forementioned charge of the King, was righteous, just, and true upon them, and which if their owne consciences were not seared with hot Irons, and so past feeling, would tell them with horror [4] that he spoake the truth.

And in the forementioned most notable Declaration, pag. 494. one of the principall things they complaine of against the King, and his evill Counsellors is, ‘that they endeavour to possesse the people that the Parliament will take away the law, and introduce an arbitrary Government; a thing (say they) which every honest morall man abhors, much more the wisdom; justice, and piety of the two Houses of Parliament, [5] and in truth such a charge as no rationall man can beleve it, it being unpossible so many severall persous, as the Houses of Parliament consists of about 600. and in either House of equall power shall all of them, or at least the Major part, agree in acts of will and tyranny, which make up an arbitrary government, [6] and most improbable, that the nobility and chiefe gentry of this Kingdome, should conspire to take away the Law, by which they enjoy their estates, are protected from any act of violence, and power; and differenced from the meaner sort of people, with whom otherwise they should be but fellow servants.

And when they come to answer the Kings maine charge, laid to them, in his Declaration, in answer to theirs of the 26. of *May*, 1642. they say, book decl. pag. 694. “As for that concerning our inclination to be slaves, it is affirmed, that his Majesty said nothing which might imply any such inclination in us, but sure, what ever be our inclination, slavery would be our condition, if we should goe about to overthrow the Lawes of the Land, [7] and the propriety of every mans estate, and the liberty of his person. For therein we must needs be as much patients as agents, and must every one in his turne suffer our selves, whatsoever we should impose upon others, we have refused to doe or suffer our selves, and that in a high proportion. But there is a strong and vehement presumption, that we affect to be tyrants, and what is that? because we will admit no rule to governe by but our owne wills: [8] But we wish the charge might not too truly be laid upon you. For our parts, we aver, wee feele the insupportable weight of it upon both our shoulders.

And therefore to conclude this, we desire to informe you, that in severall of their Declarations, they declare and professe, they “will maintaine what they have sworne in their protestations, the which if you please to read, you shall find there amongst other things, that they have sworne solemnly to maintaine the lawfull rights and liberties of the Subject, and every person whatsoever, that shall lawfully in deavour the preservation thereof and therefore book dec. 2. part pag. 497. they solemnly imprecate the judgements of God to fall upon them, if they performe not their vowes, [9] promises and duties; and say woe to us if we doe it not, at least doe our utmost indeavours in it, for the discharge of our duties, and the saving of our soules, and leave the successe to God Almighty [10].

[8]

Now what the liberty of the Subject is, they themselves in their Declarations excellent well discribe and declare; “that it is the liberty of every Subject to enjoy the benefit of the law, and not arbitrarily and illegally to be committed to prison, but only by due course and processe of law, nor to have their lives, liberties nor estates taken from them, but by due course and processe of Law, according to Magna Charta and the *Petition of Right* which condemnes as unjust all Interrogatorie proceedings in a mans owne case, nor to be denied

Habeas Corpusses, nor baile in all cases whatsoever, that by law are baileable, and to enjoy speedy tryalls without having the just course of the law, obstructed against them, 1. part book decl. pag. 6, 72, 38, 77. 201. 277. 278. 458, 459. 660, 845.

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

And there is not a little harmony betwixt these their Declarations. and the antient and just Law of the Land, as appeares by the future of 36. E. 3. 10. which expresly saith, that “for maintenance of the Law, and the redresse of divers mischiefes and grievances which dayly happen, a Parliament shall be holden every yeare, as another time was ordained by a statute of the 4. E 3. 14 yea saith learned Sir *Edward Cocke* in the 3. part of his Instit. chap. high Court of Parliament, fo. 11. One of the principall ends of calling of Parliaments, is for the redresse of the mischiefes and grievances that dayly happen, and therefore (saith he) (Ibim) the Parliament ought not to be ended while any Petition dependeth undiscussed, or at least to which a determinate answer is not made, but truly we are afraid that if this last rule should be observed, this present Parliament must sit till the day of judgment, for we for our particulars may truly say it is the furthest thing in their thoughts, duly to redresse the grievances of the people for care they take none for any thing we can see, but how to accomplish their owne pecuniary ends, and to study wayes how to increase mischiefes and grievances, and to involve the generality of the people, in an everlasting caos of confusion, by making their wills and lusts a law, their envy and malice a law, their covetousnesse and ambition a law, for we for our parts are necessitated to declare (with anxiety’ of spirit) that we can obtain no justice nor right at their hands, though we have long since appealed to them for it, yet can we not obtain so much justice from them, as to get our reports made in the House, from their own Committee they themselves appointed to examin our business: neither can we so much as get our businesse publicly debated in the House (because as it seemes they have no time to spare, to spend to redresse the Commons grand grievances, from their weighty employments, in unjustly sharing vast summs of the Common wealths money amongst themselves,) although we have not ceased to use all the legall meanes, that both [9] our owne braines, and all the friends and interests we had about *London* could furnish us with, and when they failed us, God himselfe raised us up divers friends in the Country of our fellow Commons who made our oppressions their owne, and of their selves, before we knew any thing, were about framing a Petition in our behalfe, which as soone as we knew it, we could not chuse but looke upon it (as to us) in the nature of a resurrection from the dead, who we have too just cause to thinke were buried alive, and swallowed up quick in the Canniball breast and mawes, of the man eating and devouring House of Lords. And therefore as *Paul* in the like case said in the 2 Tim. 1. 16. 17. 18. *The Lord give mercy unto the house of Onesiphorus for he hath oft refreshed me, and was not ashamed of my chain: But when I was at Rome he sought me out very deligently, and found me. The Lord grant unto him, that he may find mercy of the Lord in that day.*

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

The Lord grant unto the foresaid men of *Buckingham-shire* and *Hartford-shire*, that they may find mercy of the Lord in the day of their account, and the Lord God grant that their spirits may not faint, flag, nor be weary, but that they may renue their strength, and double and trible their *Petition*, with all importunity, and solícite all their neighbouring, Countyes to joyn with them, and never give over till they have made them and their posteritie free from the bondage of the Lords, and shakt of all arbitrary power what ever. And the Lord God of Heaven raise up heroically the spirit of all their fellow Commons in all the Counties of *England* to second them and joyne with them, in that legall, just and righteous worke they have begun, and to glue and knit their hearts and soules together, as *Jonathan* and *Davids* was, that they may never part nor be devided, till they have accomplished their [10] iust enterprise, and the good Lord; require all their kindnesses and labour of love, manifested unto us poore afflicted and greatly distressed prisoners seven fold, into their owne bosomes, Amen Amen.

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

**TO THE RIGHT HONOURABLE, THE BETRUSTED KNIGHTS,
CITIZENS, AND BURGESSES IN THE COMMONS HOUSE OF
PARLIAMENT (ENGLANDS LEGALL, SOVERAIGN POWER,
ASSEMBLED.)**

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

HVMBLY SHEWETH.

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

Now therefore, our most humble request unto your honours is, that you would (according to your duties, and the great trust reposed in you) take into your consideration, the slavish condition, that we the free people of *England* are yet subject unto, by reason of those arbitrary practises that are still continued, acted, and perpetrated upon us by some prerogative men of this Kingdome; whom we humbly conceive, have no power over our bodies or estates they being not *Elected* thereunto by the free men of England; and therefore may not commit our bodies to prison (contrary to the fundamentall lawes, of this Kingdome) as we suppose hath been done to, some of the free men of this Kingdome without producing any Legall Authoritie, that your Petitioners can here of; for what they did. Wherefore your Petitioners most humble desire is that you would according to the respective Appeales [11] of the said free Subjects unto this supream House, be pleased to take their cause into the legall Judgment, and speedie determination of this House, as the whole matter thereof shall be reported unto you, *by the honourable Committee, for consideration of the commons Liberties*, who have their whole manner of the proceedings against them, together with their respective defences ready to represent unto your honours, and to grant unto them your indubitable justice (according to their late Petitionary, and still constant desires) whereby they may receive the sentence of this House, either for their present justification, or condemnation; that they may not be ruined and undone by an arbitrary and unjustifiable Imprisonment. And if that, through the urgent affaires of the Kingdome, your occasions will not afford you so much time, as to consider and expediate their businesse at present: Our humble request is that you would by an order from this House, forthwith set them free out of prison; they giving legall security for their future forth comming, untill such time as time as your honours shall be pleased to hand out to them full and effectuell justice. And that you would be pleased, in case the principall informers and Actors be found guilty, to grant them full and ample reparations according to the Law of the Land. And further, that you would take care for the time to come, to free us and our children from the feare and prejudice of the like Arbitrary and Prerogative proceedings, according to your late promise in your most just declaration of the 17. of *Aprill* 1646. And your Petitioners as in duty bound shall ever pray, &c.

**Instructions agreed upon as the sence of the Petitioners of
Buckinghamshire and Hartford shire.**

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

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

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

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

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

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

[12]

But considering that by natures principall, we are bound to the utmost of our power to preserve our selves, and to leave no wayes and meanes unattempted that tends thereunto, we cannot yet sit still, but goe on, and the rather because our Iudges to whom we have appealed to for justice, tell us in their Declaration of the 19. *May* 1642.1 part book, decl. pag. 207. *That this law is as old as the Kingdome. That the Kingdome must not be without a meanes to preserve it selfe*, the ground and reason of which Law, extends to the benefit of every particular *individuall* man in the Kingdome, whose destruction, contrary to the law of the Land is indeavoured by those that should preserve them, which is our case, as well as it was theirs, (in reference to the King) with whom we have to doe, and therefore we desire for the satisfying of all to whom this is directed, to declare out of their owne Declarations, their arguments against the King, when he ceased (as they say, pag. 580, 636.) *to extend his legall protect on and justice to them*; but this by the way, we must aver, that we are very confident the King is ten times more fortified, and hedged about with the Law of the Kingdome, then they are. Which we demonstrate thus, they are all as they call themselves, Subjects, and therefore though their priviledges be great, as they are Parliament men, yet they are (or at least ought to be) by their owne confession, subject to the severity of the Law, in cases of treason, felony and breach of the peace, 1 part book decl. pag. 48. 278. which is also *averred* by that able and learned Lawyer, Sir *Edward Cook* in his 2. par inst. chap of the high Court of Parliament, fol. 25. which booke is published by their owne speciall Order, but we read not in any of their Declarations, that they themselves aver any such thing of the King.

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

Therefore we desire to declare unto you, that when they apprehended themselves in danger, they sent unto His Majestie the 31. *Decem.* 1641. book decl. 1 part pag. 44. and desire him that they may have a guard, in which message they have these words. *They have therefore their recourse unto your Maiestie, most humbly beseeching you, that if it may stand with your good liking, if they provide for their owne safety, which the very Law of nature [11] and reason doth allow unto them, it is their humble desire, that they may have a guard out of the City of London, commanded by the Earle of Essex, Lord Chamberlaine of your Maiesties house-hold, of whose fidelity to your Maiestie and the Commonwealth, they have had large experience.*

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

And a little below, *they beseech his Maiestie to be informed by them, that by the Lawes of the Kingdome, the power of raising, ordering, and disposing of the Militia, within any City, Towne [13] or other place, cannot be granted to any Corporation by Charter, or otherwise, without the authority and consent of [12] Parliament: and that those parts of the Kingdome which have put themselves into a posture of defence against the Common danger have therein done nothing but according to the Declaration and direction of both Houses, and what is iustificable by the Lawes of the Kingdome.*

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

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

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

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

Now all these things considered, we hope it cannot be justly taken ill at our hands by the Parliament, nor by any rationall or understanding man in the Kingdome, though never so much devoted unto implicite, and blind Presbyterian, Synodian obedience, if we for our preservation shall tread in the Parliament steps, by *appealing to the People* against them, as they did against the King, especially considering they deale worse with us then ever he dealt with them, for he did not actually imprison their bodie, and thereby rob them of their liberties, trades, livelyhoods, and subsistance, and allow them nothing to live upon, and expose their whole families, (to the eye of reason to) an unavoydable, famishing and perishing condition; all and every of which, contrary to the law of the Land, justice, reason and conscience) they have actually with a great deale of Barbarous cruelty done to us, and like deafe Adders stop their cares against all our just cries and Petitions, and are worse then the unrighteous judge, whom no importunity will overcome, and will neither by the law of the land try us, nor allow us, as by law they ought, meanes to live upon, but keep us contrary to all law, equitie, justice, reason and conscience, in prison, to murther and destroy us, and wives and young infants. On! thou righteous and just iudge of all the world, arise, arise, and for thy owne glorious name sake, make bare and naked thy owne sovereign and almighty arme of justice, and visibly to the view of men, doe justice betwixt us, and punish in thine indignation, those of them or us, where the true and just cause of offence and guilt [14] lyes in this particular controversie betwixt us; Oh thou that stilest thy selfe to be a God hearing prayer, and that heares the sighs and groanes of thy distressed ones, heare in Heaven and answer this supplication speedily for thy names sake.

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

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

Commoners,) then we have to commit theirs.

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

But we come to their owne words in their appealing to the people, and craving their aid and assistance to helpe to preserve them, against those that (they say) contrary to Law would have destroyed them, and we shall begin in the first place with the protestation which they made and tooke the 3. of *May* 1641 and by an Order of the 5. *May* 1641. give their approbation to the taking it by any Commoner of England. In the preamble of which, they spend much time to demonstrate, *that there have beene and still is a strong indeavour by a Malignant party to subvert the fundameneall Lawes of England, &c. And to introduce the exercise of an arbitrary and tyrannicall government, and therefore they sweare and protest, they will maintaine the lawfull rights and liberties of the Subject, and every person that maketh this protestation, in what soever he shall doe in the lawfull pursuance of the same. And to my power, and as far as lawfully I may, I will oppose and by all good wayes and meanes indeavour to bring to condigne Punishment all such*, whether Lords or Members of the House of Commons without exception) *as shall, either by force, practice, counsels, plots, conspiracies, do any thing to the contrary*, and by their Vote of the 30. of *June*, 1641. They say, that what person soever [15] that will not take this protestation, is unfit to beare office in the Church or Common Wealth.

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

“That this house doth declare, that if any person whatsoever shall arrest, or imprison the persons of the Lords and Gentlemen, or any of them: or any other of the Members of either house of Parliament, that shall be imployed in the service of both houses of Parliament, or shall offer violence to them, or any of them, for doing any thing in pursuance of the commands or instructions of both Houses, shall be held disturbers of the proceedings of Parliament, and publique enemies of the State, And that all persons [13] are bound by their Protestation to indeavour to bring them to condigne punishment. Another Order of the selfe same effect you may read pag 156. made by them 16 *Aprill* 1642.

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

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

And in their small declaration of the beginning of *August* 1642. pag. 496, replying unto his Maiesties Answers to their propositions, they say, “And having received so sharp a returne such expressions of bitteresse, a justification and a vowed protection of Delinquents from the hand of *Iustice*, Demands of so apparent dangers, such manifestations of an intention to destroy us, and with us the whole Kingdome, (and this most clearly evidenced by their subsiquent actions, even since these propositions have been made unto us from his Maiestie, overtunning severall Countries, compelling the Trained Bands by force to come in and joyne with them, or disarming them, and putting their armes into the hands of leud and desparate persons, thereby turning the Armes of the Kingdome against it selfe) it be not fit for us, not only not to yeeld to what is required, but also to make further provison, for the preservation of ourselves, and of those who have sent us hither and intrusted us with all they have, Estates liberty and life, and that which is the life of their lives, their [14] Religion, and even for the safety of the Kings person now invironed by those who carrie him upon his own ruine, and the destruction of all his people: Atleast to give them warning, that all this, is in danger: That if the King may force this Parliament they may bid farewell to all Parliaments, from ever receiving good by them, and if Parliaments be lost, they are lost; their Lawes are lost, as well as those lately made, as in former times, all which will be cut [16] *in sunder, with the same sword now drawne for the distruction of this Parliament, Then if they will not come to helpe the Parliament, and save themselves, though both they and we must perish, yet have we discharged our conscience, and delivered our soules, and will looke for a reward in Heaven, should we be so ill requited upon Earth, by those of whom we have deserved; which we cannot feare, having found upon all occasions, such reall demonstrations, of their love and affection, and of their right understanding and apprehention of our and their common dangers.*

And in their large Declaration of the 2. *Novemb.* 1642. pag. 699 speaking of his Majesties, charge in his Declaration, where he compares them to the Anabaptists mentioned in Mr. *Hookers* booke, they say, *if ever God shall discover the foule Authors of so false a calumny, we doubt not but the Kingdome* (that is the universallity of the people) *will be very sensible of it, and esteeme that they can never doe themselves right, [15] but by bringing to condigne punishment, such persons as could find in their hearts to lay so vile an asperition upon the Parliament, a name that alwayes hath, and we hope alwayes shall be of so great honour and reverence within this Kingdome.*

And in the same Declaration, pag. 728. answering his Maiesties charge fixed upon them, of designing the ruine not only of his Maiesties person, *but of Monarchy it selfe; And we appeale to all the world,* (say they) *whither worse words then these can be given us? And whether we may not justly expect the worst actions that the malice and power of the Malignant party about his Majestie can produce? And whether it be not high time for us to stand upon our defence, which nature teacheth [16] every man to provide for, and this Kingdome unlesse it be very unnaturall, and unmindfull of it selfe, cannot but afford to them whom it hath intrusted and by whom it is represented.*

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

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

Thirdly that in case of Forfiting the Majesterycall trust, the trusters (the people) are disobliged from their obedience and subjection, and may lawfully doe the best they can for their owne preservation; but if what hath beene said, be not fully cleare out of all doubt to

prove the foresaid deducions. We wil only ad two more proofs at present of there own Authorityes which will put them all out of dispute the first is out of a late sheet of paper, newly Printed according to Order of Parliaments Intituled King Iames his Opinion and Iudgement concerning a Real King and a Tirant, extracted out of his owne speech to the Lords and Commons in Parliament at White-Hall. 1609.

A King (saith King Iames) in a settled Kingdome, binds himselfe to a double oath, to the observation of the fundamentall Lawes of his Kingdome, tacitly, as by being a King, and so bound to perfect, as well the People, as the Law of his Kingdome, and expresly by his oath at his Coronation. So as every just King in a settled Kingdom is bound to observe that Paction (or Covenant) made to his people by his lawes, inframing his government agreeable thereunto, according to [17] that paction made with Noah, after the deluge (Gen. 9. 11.) therefore a King governing in a settled Kingdome, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves of to rule according to his lawes; therefore all Kings that are not Tyrants or perjured will be glad to bound themselves within the Limits of their Lawes, and they that perswade them the contrary, are Vipers & Pests, both against them & the Commonwealth, thus for King Iames out of which the Author of that sheet draws nine inferences or conclusions, the oft of which is in these words. That a King governing in a settled Kingdome as the Kingdome of England is, leaves to be a King, so soone as he leaves of and failes to rule according to his Lawes. And so leaving of to be a King, the government on his part is infringed, so as the people are no longer his subjects to obey him in his lawlesse government then he is, their King governing them according to his Lawes, to the same effect is his fixt conclusion, and in the last end of the seventh, he hath these words. That if Kings cease to be Kings, setting up an absolute tyranny over the People, to govern them no longer by the Lawes as free borne liege People, but lawlessly as vassells and slaves, then on the other side the people leaving to be subjects, doe owe them no more obedience, as being none of their Kings, but as usurping tyrants. For as a King turning Tyrant, practising tyranny under the name of prerogative, hath broken the bonds of the Kingdome: so the subjects owe him no more duty of liege people, except they will avow themselves his Slaves, and so betrayes of their own and the publique liberties, which ought to be more precious unto them then their lives and lands. Agam. 8 a King so degenerating into a Tyrant, is by the verdict of K. Iames departed a perjured man &c. & perjured men as they are odious to God, so they bring an execration upon a land, Za. 5. 3. 4. and if so then say we, wo, woe, woe, unto poore England, by reason of the perjuries or forswearing of the dissembling Lords and Commons at Westminster, that have laid aside the Law, and troden under their feet, the liberties of England. And the unreverend Dissembly of Divines, that rob Iesus Christ of his honour and glory, by justing him out of his regallity and Kingship given unto him by his Father, and yet take oathes themselves, and force other men to doe so too, to maintaine the Lawe, and liberties of the Kingdome, and to set up an Ecclesiasticall Church government according to the word of God, and yet set up nothing but a spirituall and temporall tyranny, and with a high hand indeavour the destruction of every man, that indeavours to keep them close to their violated oaths and Covenants, therefore whatsoever the author of the forementioned discourse avers of a King, when he seekes to governe according to his lawes, the same doe we aver of a Parliament, and Parliament-men, that when they cease to execute the end of their trust, which is as themselves say, to provide for the peoples weales, but not for their woes, and doe meerly indeavour to make themselves tyrants over the people, to governe them not by the established lawes, but by their lusts and wills they doe thereby make the people their vassells, and slaves, (as much as in them lyes) and thereby disobleidge the people to obey, stoop or submit, to any of their commands, but in the eye of God and all rationall men, may as justly resist and withstand them, and by force of Armes defend themselves against them, (as a company of forsworne men that have forfeited their Majesterial trusts, and are degenerated into the habits of tyrants) as they withstood, and by force of armes defended themselves against the King, for the further prooffe of which in the second place, read their

owne words 1. par.b. dec. pag. 156. which thus followes.

“For it cannot be supposed that the Parliament would ever by Law intrust the King, with the *Militia*, against themselves, or the Common wealth, that in trusts them to provide for their weale, nor for their woe. So that when there is certain appearance or grounded suspition, that the letter of the law shall be improved, against the equity of it (that is, the publique good, whether of the body reall or representative) then the commander going against [18] its equity, gives liberty to the commanded to refuse obedience to the letter, for the Law taken [Editor: illegible word] from its originall reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soule. *It is the execution of Lawes, according to their equity and reason, which (as I may say) is the spirit that gives life to authority, the letter kills. Nor need this equity be expressed in the law, being so naturally implied and supposed in all Lawes that are not meerly imperiall, from that Analogue which all bodies politick hold with the naturall, whence all government and governours borrow a proportionable respect; and therefore when the Militia of an Army is committed to the Generall, it is not with an expresse condition, that he shall not turne the mouthes of his Cannons against his own Soldiers, for that is so naturally and necessarily implied, that it is needlesse to be expressed, in so much as if he did attempt, or command such a thing against the nature of his trust and place it did ipso facto [Editor: illegible word] the Army in a right of disobedience, except we thinke that obedience binds men to cut their owne throat, or at least their companions.*

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

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

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

John Lilburn. Richard Overton.

The publisher to the Reader.

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

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

Sheweth,

THat out of the grounded confidence we have of the readinesse of this Honourable House, to heare and repaire the grievances of all those for whose well-fare you were chosen and betruusted to take care and provide; and being encouraged unto the same, by severall good [17]. Ordinances and Declarations, of your owne to that purpose.

Wee whose names are hereunto annexed, although the meanest members of this great Common Wealth; yet having by birth a right of subsistence, here conceive ourselves, (in our proportion) to have as reall an Interest in the Kingdomes enjoyments, as those who in respect of place or other accidents are above us: As also many of us, having under the direction of your Honourable grave Counsell and Guidance, freely adventured our lives, for the Preservation of our Native Rights, and the just Priviledges of our deare Country against the publique violaters of [19] the same: upon these and other serious grounds, we are bold at this time to make our humble addresses to this Honourable and supream Court of Iudicature, (the only refuge under God we have to fly to) And in the first place we cannot but with all the thankfulness take notice of the unwearied paines, together with many great and almost intolerable difficulties by you undergone, in the faithfull discharge of your trust, in bringing about the establishment of a well grounded peace. The perfection of which (in relation to the common enemy) seemes now by the blessing of God to be brought neare to a wished period: yet the consumation of this worke being (as it were) the Crown of all our labours; we humbly conceive it may deservedly challenge from you a more then ordinary respect, which we doubt not but that your grave wisdomes are very sencible of: yet (noble Senators) let it seeme no presumption, if wee your poore Petitioners in all humility make knowne the grounds of some feares and ielousies to us apparent in this particular And those are (amongst other great grievances) chiefly derived from the present sence we have of the too much prevalency of that party who have dealt in the late wars, declared themselves disaffected to the peace & welfare of the Kingdome; who now seeme to be in hopes of obtaining that by policy, which they have not been able to doe by force. Cunningly contriving to aggravate and increase differences between the well affected party, and striving to bring an *Odium* upon all good men, under the distinction of severall tearmes of obloquie and disgrace by such subtle endeavours, labouring to avert the edge of justice from themselves, (who come deservedly under the stroke of it, and to turne it upon those who are most innocent. Strongly indeavouring (and have already affected it in part, to iustle all honest, faithfull, well affected men out of places of trust, office and authority, and to put in Newters, Ambodexters, or persons apparently disaffected: By all these meanes, together with the advantage of the Kingdomes present unsetledness) they seeme to be in a more then probable expectation of getting the reines once more in their owne hands, to the evident indangering, of the Common-wealths speedy ruine, and to the great griefe of your poore Petitioners, and all others who cordially desire the peace and safety of this distracted Kingdome. And further we are bold to make knowne (as more particularly relating to the condition of your Petitioners) That whereas, we [Editor: illegible word] being made free of the City, are injoyn'd by oath to maintaine the Liberties and Priviledges, of the same City; which notwithstanding we are in a great measure disabled to doe, by the intrusion of divers illegall and undue Customes and [18] Monopolies, (partly about the election and removall of our Magistrates) crept into the diminition of the antient Liberties of this famous City, whose just immunities we are confident your honours have been and are very tender of.

Wherefore your Petitioners humbly pray, that this Honourable house taking into consideration the Premises, would be pleased by your mature Prudence and Care, to indeavour (as much as possibly you can) to take away all occasions of breaches between the well affected party. And that such as have in these late times of trouble, (by adventuring their lives or otherwise) approved themselves faithfull to their Countrys common good, may without respect to differences, no way prejudiciall to the Commonwealth, impartially enjoy their Birth right, Priviledges, and be equally capable with others of the freedom to officiate in places of trust, which they are or shall be chosen unto. And on the contrary, that all these who have disfranchised themselves by Trayterously adhering to the enemy, may be disabled from bearing office, or voting in the Election of officers in the Common wealth, And we further crave, with submission to your Honours grave Approvements, that in regard of the Kingdomes present unsetlednesse, it may not be left destitute of a trusty and sufficient guard

[20] to secure it from intestine Broyles, and forraign Invasion. And as for your Petitioners more particular grievances, as they are members of this City; we humbly pray that you would be pleased by your Authority so to provide, that we, as we are or shall be capable of it, may be inabled to enjoy the benefit of all ancient Charters and Grants, made and confirmed by severall Acts of Parliament, for the enlargement of our freedoms and Priviledges,, and that whatsoever hath been illegally intruded, may be taken away and made void. And lastly, as some have already desired, we likewise pray, that, if so small a thing may be worthy the intention of this grave and Honourable Assembly, you would be pleased to appoint sometimes of lawfull Recreations for servants, as your wisdomes shall thinke fit.

Especiallly the 4. Chart. of King John. the Charter of Edw. 2. confirmed by Ed. 3. and his Counsell in Parliament.

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

And be ever bound to pray, &c.

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

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

Die Lunæ 1 March. 1646.

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

Hen. Elsmge Cler. Par. Dom. Com.

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

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

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

THat you only and alone, are chosen by the Commons of England to *Sheweth.* maintaine their *Lawes* and *Liberties*, and to doe them *Iustice* and *Right* [19] which you have often before *God* and the World *sworne* to doe [20] yea, and in divers of your *Declarations* declared, it is your duty (in regard of the trust reposed in you so to doe [21] without any private aimes, personall respect or passions whatsoever [22] and that you thinke nothing too good to be hazzarded in the discharge of your *consciences* for the obtaining of these end. [23]

And that you will give up your selves to the uttermost of your power and judgement to maintaine truth, and conforme your selves to the will of *God*, [24] which is to doe *Iustice* and [25] right, and secure the *persons, estates, and Liberties* of all that joynd with you, [26] imprecating the *Iudgements of Heaven* to fill upon you, when you decline from these ends, you judging it the greatest *scandall* that can be laid upon you, that you either doe or intend to *subvert the Lawes, Liberties, and Freedomes of the People*, [27] which *freedomes, &c.* you your selves call, the COMMON BIRTH. RIGHT OF ENGLISH-MEN, [28] who are borne equally free, and to whom the Law of the Land is an equall inheritance) and therefore you confesse in your Declaration of 23. *October* 1642 [29] It is your duty to use your best indeavours, that the meanest of the *Commonalty*, may enjoy their owne *birth-right, freedome and liberty* of the *Lawes* of the Land, being *equally* (as you say) *intituled thereunto with the greatest subiect*. The knowledge of which as comming from your owne mouthes and pen, emboldneth your *Petitioner* (with confidence) to make her humble addresses to you, and to put you in mind that her husband above two monethes agoe made his formall and legall *Appeal* to you against the injustice, and usurpation of the *Lords* acted upon him, which you received, read, committed, and promised him justice in, But as yet no report is made of his businesse, nor any reliefe or actuall Justice holden out unto him, although you have since found time to passe the Compositions and pardons, for the infranchising many of those that your selves have declared *Traytors, and Enemies* to the *Kingdome*, which is no small cause of sorrow to your *Petitioner*, and many others, that her *Husband* who hath ventured his *life*, and all that he had in the World, in your lowest condition for you, should be so slighted and disregarded by you, *as though you had forgot* the duty you owe to the *Kingdome*, and your many *oathes, vowes, and Declarations*, which neglect hath hastned the almost utter ruine of your *Petitioner* her *husband* and *small children*: For the *Lords* in a most *Tyrannicall* and *Barbarous* manner, (being encouraged by your neglect) have since committed her *husband*, for about *three weekes* close *Prisoner to New-gate*, locked him up in a *little Roome*, without the use of *Pen, inke* or paper for no other cause but for *refusing to kneel at the Bar*, of those, that by *Law* are none of his *Iudges*) [30] the *cruell Iaylors* all that time refusing, to let your *Petitioner*, or any of his friends, to set their feet over the threshold of his Chamber dore, or to come into the *prison yard* to speake with him, or to deliver unto his hands, either *meat, drink, money*, or any other necessaries, A most *barbarous and illegall crueltie* so much complained of by your selves in your *Petition and Remonstrance to the King*, 1. *December* 1641. [31] and *detested and abhorred there*, by you, as *actions and cruelties being more the proper issues of Turkes, Pagans, Tyrants, and men without any knowledge of God, then of those that have the least sparke of christianity, honour or Iustice in their breasts*, And then while they thus tyrannized over your *Petitioners Husband*, they command (as your *Petitioner* is informed) Mr. *Seargeant Finch*, Mr. *Herne*, Mr. *Haile*, Mr. *Glover*, to draw up a charge against your *Petitioners Husband*, without giving him the least notice in the world of [22] it, to sit himselfe against the day of his *Tryall* but contrary to all law, justice and conscience, dealt worse with him then ever the *Star Chamber* did, not only in keeping his *Lawyer* from him, but even all manner of *Counsellors* and *Friends*, whatsoever, even at that time when they were about to try him, and then of a sudden sent a warrant for him to come to their *Bar*, (who had no legall authority over him) to heare his Charge read, where he found the Earle of *Manchester* his *professed Enemy*, and the *only party (of a Lord)* concerned in the *businesse*, to be his *chiefe Iudge*, contrary to that *just Maxime of Law*, that *no man ought to be both party and Iudge*, A practice which the *unjust Star Chamber* it selfe, in the dayes of its *tyranny*, did blush at, and refuse to practise, as was often seen in the *Lord Coventries case &c.*) And without any regard to the *Earle of Manchesters impeachment* (in your House) of *Treachery* to his Country, by Lieut Gen. *Cromwell*, which is commonly reported to be punctually and fully proved, and a *Charge of a higher nature then the Earle of Straffords for which he lost his head*. And which also renders him (so long as he stand, so impeached) uncapable, in any sence, of being a iudge. And a great wrong and injustice it is unto the

Kingdome to permit him, and to himselfe, if innocent not to have had a legall tryall ere this, to his justification, or condemnation. And besides all this, because your *Petitioners husband* stood to his appeale, to your *honours* and would not betray *Englands Liberties*, which you have all of you sworne to preserve, maintaine and defend, they most *arbitrarily, illegally and tyrannically* sentenced your *Petitioners* said *Husband* to pay 4000 l. *to the King* (not to the State) *for ever to be incapable to beare any office in Church or common wealth, either Marshall or civil, and to lye seven yeares a prisoner in the extraordinary chargeable prison of the Tower*, where he is in many particulars, as illegally dealt with all, as he was when he was in *Newgate*.

Now forasmuch as the *Lords* as they claime themselves to be a *House of Peers*, have no legall judgement about Commoners, that your Petitioner can heare of, but what is expressed in the *Statute of the 14 Ed. 2. 5*, which are, *delayeres of iustice, or error in judgement in inferior Courts* only, and that with such *limitations, and qualifications*, as are there expressed, which are, that *there shall be one Bishop at least, in the judgement, and an expresse Commission from the King for their meddling with it*. All which was wanting in the case of your *Petitioners Husband*, being begun and ended by themselves alone, and also seeing that by the 29. chap. of *Magna Charta* your *Petitioners Husband, or any other commoner what soever, in criminal cases are not to be tryed otherwise then by their Peers*, which *Sir Edward Cooks*, in his *Exposition of Magna Charta*, which book is printed by your owne speciall authority, saith, *is meant Equals, folio 28* In which, saith he, *fol. 29* are comprised Knights, Esquires, Gentlemen, Citizens, Yeomen, and Burgesses of severall degrees, but not Lords. And in *pag 46*. he saith *No man shall be disseised, that is, put out of seison or dispossessed of his freehold, that is, such he, Lands or lively hoods, or of his liberties or free customes, that is, of such franchises, and freedomes, and free customes, as belong to him, by his free birth-right, unlesse it be by the lawfull judgement, that is verdict of his Equals, that is, saith hee, of men of his owne condition: Or by the Law of the land, that, is to speake once for all, by the due course and processe of Law. And saith hee, No man shall be in any sort destroyed, unlesse it be by the verdict and judgement of his Peers, that is Equals, or by the law of the land. And the Lords themselves in old time, did truly confesse: that for them to give judgement of a Commoner in a criminall case, is contrary to Law, as it cleere by the Parliaments Record in the case of Sir Simon de Hereford 4. Ed. 3. Rot. 2, the Copie of which is now in the hands of Mr. Henry Martin, and they there record it, that his case who was condemned by them for murdering King Edward 2. shall not be drawne in future time into president because it was contrary to Law, they being not his Peers, that is his Equals. And forasmuch as the manner of their proceedings was contrary to all the formall wayes of the Law publiquely established by Parliaments in [23] this Kingdome, as appeares by severall Statutes [32] which expressly say, that none shall be imprisoned nor put out of his freehold, not of his franchises nor free customes, unlesse it be by the Law of the land, and thus none shall he taken by *Petition* or *Suggestion* made to the King, or to his Counsell, unlesse it be by indictment or presentment of good and lawfull people of the same neighbourhood where such deeds be done, in due manner, or by processe made, by wait originall at the common law, Which Statutes are Nominally and express confirmed by the *Petition of Right*, by the act made this present Parliament for the abolishing the *Star-chamber*, and thereby all acts repeated that formerly were made in derogation of them. But contrary hereunto the lords (like those wicked Iustices spoken of by *St. Edward Cooke*, in stead of trying her Husband by the law of the Land, proceed against him by a partiall tryall, flowing from their Arbitrary will, pleasure, and different For though they summoned him up to their *Bar. Jun. 10. 1646*. to answer a charge, yet they refused to shew it him, or give him a Copy of it, but committed him to *New-gate* June 11. 1646. (although he behaved him selfe then, with respect towards them, both in word and gesture, meerly for refusing to answer to their Spanish Inquisition-like. Interogations, and for delivering his legall Protestition. Their [Editor: illegible word] being is illegall as their summoning of him and their other proceedings with him. Their*

Commitment [Editor: illegible word] To be kept there not till he be delivered by due course of Law, but During their pleasure, which Sir *Edward Cooke* such is illegall, and then locked up close, that so he might be in [Editor: illegible word] impossibility to understand how they intended to proceed against him [33] [34].

[35] [36] Wherefore your Petitioner humbly prayeth to grant unto her husband the benefit of the Law, and to admit him to your Bar himself, to plead his owne cause, if you be not satisfied in the manner of his proceedings, or else according to law, justice, and that duty and obligation that lieth upon you, forthwith to release him from his unjust imprisonment, and to restrain and prohibit the illegall and arbitrary proceedings of the lords, according to that sufficient power instated upon you, for the inabling you faithfully to discharge the trust reposed in you, and to vacuate this his illegall sentence and fine, and to give him just and honourable reparations from the Lords and all those that have unjustly executed their unjust command; it being a rule in Law and a maxime made use of by your selves in your declaration [Editor: illegible word] 1642. [37] that the Kings illegall commands, though accompanied with his presence doe not exeuse those that obey them, much lesse the Lords, with which the *Law* accordeth: and so was resolved by the *Judges*, 16. Hon. 6, [38] And that you will legally and iudicially, examine the crimes of the Earle of *Manchester*, and Col. *King*, which your petitioners husband and others have so often complained to you off, and doe exemplary iustice upon them, according to their deserts, or else according to law and iustice punish those (if any) that have falsly [39] complained of them. And that you would without further delay give us reliefe by doing us iustice, [40] All which she the rather defileth because his imprisonment in the *Tower* is extraordinary chargeable and insupportable, Although by right, and the custome of that place, his fees, chamber, & diet ought to be allowed him & paid out of the treasure of the Crown, [24] having wasted and spent himselfe with almost six yeares attendance, and expectation upon your honours for justice and reparations against his barbarous sentence, &c. of the Star-Chamber, to his extraordinary charge and dammage, and yet never received a penny, and also lost divers hundreds of pounds, the yeare he was a prisoner in *Oxford* Castle for you, neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earle of *Manchester* although he spent with him, much of his owne money, And the last yeare, by the unadvised meanes of some Members of this honourable House was committed prisoner for above 3 moneths, to his extraordinary charges and expences; and yet in conclusion, he was releast, and to this day knoweth not wherefore he was imprisoned, for which according to law and justice he ought to receive reparations, but he never yet had a penny, all which particulars being considered, doe render the condition of your petitioner, her husband and children to be very nigh ruine and destruction, unlesse your speedy and long expected justice prevent the same, which your Petitioner doth earnestly intreat at your hands as her wright, and that which in equity honour and conscience cannot be denied her.

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

And to close up all, *I* shall desire the Reader to take a view of the particular ordinary fees that every compounder payes for the suing out his pardon. First, the ordinance is to be presented by the Chair-man of Goldsmiths hall committee of the House of Commons and there to be read, for passing of which these exorbitant fees are to be paid. To the Speaker of the House of Com. 5. l. to Mr. *Hen Elsing* Clerk of the House of Com. 2. l. to the Sergeant at Armes, of the House of Com. 1, l. 10. s. to the inferior Clerks of Mr. *Elsings* office 10. s. to the Sergeants Clerke 5, s. and to other officers there 5, s. To the Clerk of the Lords House, and Gentleman Vsher of the black Rod, &c. 12. l. To Mr. Soliciter, St. *John* of the

Commissioners of the Great Seale 14. l. the total of which is 35 l. 10. s. and it hath been credibly reported that above a yeare agoe there was above threescore 1000. Delinquents had entered their names for composition at Goldsmiths hall, of whom if there be twenty thousand that hath actually compounded, or intends to doe it, the very fees of them comes to above 700000 l, which goes into the forementioned officers pockets, the Speakers share at 5. l. a man, is 100000. l. and Mr. Solicitors, St. *Johns* at five l. a man as much, surely if such large fleece of Money can be put into particular pockets. England shall not be free of Delinquents enough, principally so made, to make particular men rich. But besides all this, the Speakers place as Speaker, and Mr. of the Rowles, and halfe Keeper of the Great Seale, it not easily to be computed, of whom, &c. it may truly be said they have not lesse then the annuall revenue of petty princes, and therefore it becomes them to keep the people in bondage, least they should overthrow their unfadomable, unjust gettings

FINIS.

Endnotes

- [2] And we are sure, no more hath the Parliament, and yet they themselves dispose of the Common-wealths money to themselves, for their own particular advantage, to the great detriment of those that chused and trusted them, for which they may as iustly question them as they have done the King.
- [3] See his notable Declaration, beginning, 2. part book decl. pa. 100. read pag. 447. 445. Ibim.
- [4] Numb. 30. 2. Deut. 23. 12. 23. Zach. 5. 4. 5.
- [5] If so then as Samuel said to Saul, 2 Sam. 15. 14. What meaneth then this bleating of the sheep in my eares, and the lowing of the Oxen which I heare.
- [6] Out of thy owne mouth will I iudge thee, Luke 19. 22. for if this diffinition of tyranny, be true we are very sure we are under it.
- [7] We say no more but wish you had not.
- [8] No not so, for you have a power to carve for your selves which you doe.
- [9] See I part of b. decl, pag. 696.
- [10] Which undoubtedly will, if the word of God be true Num. 30, 2. Deut. 23. 21. 22. Eccle. 5. 4 5. Zec. [Editor: illegible word] 4 5. [Editor: illegible words]
- [11] Mark it well.
- [12] Observe this well yee free men of England.
- [13] Marke it well yee Commons of England.
- [14] That we absolutely deny, and therefore if the blind lead the blind they must needs fall both into the ditch.
- [15] And if the people should doe themselves right, what should become of the Earle of Manchester old Sir Henry Vaine, Mr. Barwis, &c. for visibly betraying their severall trusts. See Englands Birth-Right, and in Iohn Musgraves bookes, &c.
- [16] Above all here expressed take speciall notice of this undeniable and avowed principall.
- [17] A Declarat. May 19. 1642. Remonst. May 26. 1642.
- [18] A clause of 11. of Hen. 6.
- [19] Coll. of decl. pag. 264. 336. 382. 508, 613, 705. 711. 716. 721, 724. 725, 726. 729. 730.
- [20] coll. dec. pag. 361, 663. protestation and covenant.
- [21] coll. decl. pag. 81. 172. 262. 266, 267. 340. 459. 462, 487. 473, 588, 690.
- [22] col. dec. p. 464, 490, 750.
- [23] col. dec. pag. 214.
- [24] col. dec. pag. 666.
- [25] Ier. 22-15, 16 17.

- [26] col. dec. pag. 666. 673.
- [27] col. dec. p. 264. 281. 494. 697. 497. 654, 694, 696.
- [28] col. dec. p. 738. 140, 845,
- [29] pag. 660. dec. 460, 673.
- [30] Magna Charta 29. Sir Ed. Cook 2. part institutes fol. 28. 29. 46. Rot. 2. 14. Ed. 3.
- [31] col. dec. 6, 7. 8.
- [32] 5. Ed. 3. 9. 25. Ed. 3. 4. 28. Ed. 3. 3. 37. Ed. 3 8 38. Ed. 3. 9. 42. Ed. 3. 3. 17. Ri. 2. 6.
Rot par 43. Ed. 3. Sir 10. [Editor: illegible word] case, Num. 21, 22, 23, &c. lib. 10. fol.
74. in case [Editor: illegible word] marshal. fea. see Cook, 2. part inst. fol. 46.
- [33] 2. part inst. 4.
- [34] 2 part inst. fol. 53. 56.
- [35] Rot. Par. 2. 1. H. 4. Mem. 2. Num. 1. 27. 2. part Inst. fol. 51. 4. part. inst. fol. 41. book
decl 38. 39. 77. [Editor: illegible word] 277. 278. 458. 459. 660. 845.
- [36] book dec. 1 part. 127, 174. 244, 253, 282. 284. 285. 312. 313, 321. 322. 467. 490. 514.
516. 520. 521. 532. 533. 534. 535, 537. 539, 541. 543. 555. 560.
- [37] col. dec. p. 723.
- [38] See Cook. 2. part. inst fol. 187.
- [39] 3. Ed. 2.. 3. 37. E. 3. 18. 38. Ed. 3. 9. 2. K. 2. 5. 17. R. 5. 6. 2. P. and M. 3. 1. Eliz. 6.
- [40] 9. H. 2. 29. 2. 2. E. 3. 8. 5. E. 3. 9. 14. E. 3. 14, 11. E. 2. 10.
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RICHARD OVERTON, *A NEW FOUND STRATAGEM FRAMED IN THE
OLD FORGE OF MACHIVILISME, AND PUT UPON THE INHABITANTS
OF THE COUNTY OF ESSEX (4 APRIL, 1647)* ↵

A New Found 11
STRATAGEM

FRAMED IN THE OLD FORGE
of Machivilisme, and put upon the

Inhabitants of the County of Essex.
*This was a pamphlet alleged to be written by
a Countryman sent down to the Ministers to publish*
To destroy the Army under his Excellency Sir Thomas Fairfax,
and to inflave all the Free-born of England on a sudden: Mani-
fested and laid down, in certain animadversions, upon a Clan-
destine, illegall Petition, contrived, made, and privately
printed, by a destructive party in London: and then
by them sent down to the Ministers of the Coun-
ty of Essex, to publish as on the last Lords day,
4. April, to the people, with directions to
take their subscriptions in two sheets
of paper: which being done:

April 18. 1647.
So many of the Subscribers as can, are to be desired to meet at Strat-
ford Langton, the 18. instant Aprill, and so to come and present
the same to both Houses, as the Petition and sence of the whole
County: whereas it was never propounded to the County, nor
ever heard of among them, before it came down ready in print,
from London, to be published by their Ministers, in these sever-
all Parishes.

With certain Observations and Cautions on the same, conducing
to the information, and publick good of the whole Kingdome.

Psalme 37. 12, 13.
*The wicked plotteth against the just, and gnasheth upon him with his teethe
The Lord shall laugh at him: for he seeth that his day is comming.*

Published principally for the Meridian of the County of Essex, but
may serve for all the Counties of England 1647.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.94 [1647.04.04] [Richard Overton], *A new found Stratagem framed in the old Forge of Machivilisme* (4 April, 1647).

Estimated Date of Publication: 4 April, 1647.

Thomason Tracts Catalog Information: TT1, p. 503, E. 384/11.

Full Title

[Richard Overton], *A New Found Stratagem framed in the old Forge of Machivilisme, and put upon the Inhabitants of the County of Essex. To destroy the Army under his Excellency Sir Thomas Fairfax, and to inslave all the Free-born of England on a sudden: Manifested and laid down, in certain animadversions, upon a Clandestine, illegall Petition, contrived, made, and privatly printed, by a destructive party in London: and then by them sent down to the Ministers of the county of Essex, to publish as on the last Lords day, 4. April, to the people, with directions to take their subscriptions in two sheets of paper: which being done: So many of the Subscribers as can, are to be desired to meet at Stratford Langton, the 18. instant Aprill, and so to come and present the same to both Houses, as the Petition and sense of the whole County : whereas it was never propounded to the County, nor ever heard of among them, before it came down ready in print, from London, to be published by their Ministers, in there severall parishes. With certain Observations and Cautions on the same, conducing to the information, and publick good of the whole Kingdome.*

Psalme 37.12, 13. The wicked plotteth against the just, and gnasheth upon him with his teeth. The Lord shall laugh at him: for he seeth that his day is comming.

Published principally for the Meridian of the County of Essex, but may serve for all the Counties of England, 1647.

A new found STRATAGEM:

Framed in the old Forge of *Machiavelisme*, and put upon the Inhabitants of the County of
Essex:

The which intended, Clandistine, dissembled, deceitfull *Petition*, (not more spetious then
treacherous) is as followeth, *viz.*

To the right honourable, the Knights, Citizens and Burgesses, Assembled in Parliament

The humble Petition of the Inhabitants of the County of Essex.

Humbly sheweth,

THat in alexigencies having freely, & with the first engaged themselves to the uttermost hazard of their lives, and exhausted their estates, for the support of the Kingdome, in its native rights, and liberties, & by the blessing of God, the successes have been answerable in some degree to their desires, by which we sit in peace and your selves in security, with a full possession of the hearts of the people, and now fearing least by the miscarrying on, of the military charges beyond the necessity of the worke, and the ability of the people, now much weakned by a dearth, sharper then the late devouring sword; you should hazard the losse of your selves, and friends, not so much the alienation of their affections (which yet. Is not to be neglected) as their disability to serve you which may arise from the Army now on foot, after six moneths cessation of all hostility here, and so *bleedingly* called, for to the saving of another Kingdome:

And also from so numerous a party in this County, shortly by their quarters like to equall all precedent charges, and to surmount the worst, and heaviest of our former taxes, especially by the manner of being imposed on us

Your Petitioners doe humbly offer to your prudence, the speedy disbanding of the Army, as a plenary expedient against the worst, that in generall may be feared by you and us, and the removall of it from the County, by which you shall continue absolute Masters, and disposers of them, and theirs in all your pious and faithfull undertakings for the future; and that God will assist you for all your safeties, it shall be the dayly prayers of your Petitioners.

Certain Animadversions and Observations upon the said Petition.

O Foolish men of *Essex!* who hath be witched you? yee did run well, who hath hindred you? for indeed ye were with the first, and most forward, in assisting the Parliament, for the recovering and regaining our then lost Lawes and liberties and (to your everlasting fame be it spoken) yee have (according to the narrative part of the *Petition*) both hazarded your lives, and exhausted your estates, in the common cause of the Kingdome; but yee are not alone. And will yee doe and suffer all these things in vain, if it be yet in vain? Will yee now foolishly (through the delusion of a treacherous party of corrupt members in both Houses, and covetuous ambitious Clergy, who seeke by fayned words, and false pretences to insnare, and inslave you, and to make themselves Lords over you) deprive your selves of all the blessed fruits which yee are likely, and may (by Gods blessing) suddenly reape and enjoy? if yee your selves doe not let, by being induced causlesty to *Petition*: or act, for the disbanding of that Army, by whom God hath given you such answerable successes as your selves mention, and caused you as yee confesse) to sit in peace, and the House in security, in which your free acknowledgment, I acknowledge you, farre more noble then the House themselves; for instead of giving God so much glory, or shewing themselves so much as verbally thankfull, by any such acknowledgement, they committed Major *Tewledy* the other day, only

because he told *Hollis Earle*, and others in effect, the same thing.

And whereas it is said in the pretended Petition *that the Parliament is in full possession of the hearts of all the people*, how true this claw-back insinuation is, I appeale to your own hearts and aske, whether yee do not heare more clamours and complaints then ever heretofore, and doe not see more injustice, cruelty, and oppressions exercised and executed by the Parliament, then ever was by the King, and feel more abundant, and heavy pressures and impositions laid upon you, (even to your necessary food and raiment, and the fruit of your own laboures) then ever were in the worst of former times? so that the people, abhor them and all their actions, they are weary of their burdens; and how then can yee affirme that the Parliament is fully possessed of the peoples hearts, when as they are rather possessed of their hates?

As for that subtile suggestion of feare, in which is implied a specious pretence of a care to avoid a future inconuenience, *viz. least by carrying on the Military charges beyond the necessity of the worke* (as if there were now no need of the Army, and that if it was disbanded, yee should be troubled no more with such military taxes and charges) *and the ability of the people*, (as if *Essex* was so poore and eaten up, which hath been least troubled with quartering) *now much weakned with a dearth* (not more I hope then other Countries *(sharper then the late devouring sword* (God for bid, doe not bely God) *you should hazard the losse of your selves and friends, and not so much the alination of their affections, as their disability to serve you &c.* It is both groundlesse and senslesse for if this Army were now disbanded, the Parliament would still carry on the military charge, by raising them another in this Armies stead, and to that end they have both nominated certain officers which they intend to imply therein, and voted the raising of 60000 l. a moneth to maintain it and the forces in *Ireland*: So that the taking away this Army, will not take away the military charge from you, and the Parliament it seems would never the lesse hazard the losse of your good affections, and ability to serve them, and therefore yee may even spare that your great care for them, and it is very probable you may suddenly (if you doe not already) find that they have no such great care of you.

And where it is said that *by quartering so us any of them, their quarters are like shortly to equall all precedent charges, & to surmount the worst and heaviest of your taxes, especially by the manner of their being imposed on you*: Your Taxes sure have either been few, and very small in respect of others, or else the quartering of this Army which is (as I have heard) content with ordinary provisions, and will not abide I am confident longer then is convenient with you, and payeth quarters so often as it receiveth pay, cannot amount to such your incomparable prejudice, as those high and hyperbolical expressions *(of amounting and surmounting)* doe sound forth, and import: and as for the manner of their being imposed on you, I doe beleeeve it is neither forceably, nor disproportionably: but this particular his Excellency Sir *Thomas Fairfax*, their Generall (who was never yet taxed for any irregular quarterings) can more distinctly answer; and so I have done with the narative part of your pretended, or intended Petition.

Now whereas in the conclusion, or Petitionary part, *yee are humbly to offer the speedy disbanding of the Army, as a plenary expedient, against the worst that may in generall be feared by you and them, and to have it removed out of your County, that so the Parliament* (as yee must say, but I hope doe not wish) *may be absolute Masters and disposers of you and yours for the future &c.* I would have you observe that here is a *dainty gul*, a notable peece of *machiavilisme* put upon you, not only to make you the instruments of removing those, who as they have redeemed your rights and liberties, are also ready and willing, and the principall meanes, as the things now stand, to defend and maintain your liberties, and to keep you and yours from sudden vasalage and slavery; but also in plain termes voluntarily to offer your selves slaves; as, that the Parliament shall be the absolute Masters and disposers of you and

yours: I hope yee know better what belongs to your own inherent power and native rights, then to make your servants your Masters, or so to own them: as to let your Stewards, have absolute command over you, and all you have; who by the duty of their places are to give you an account of what they have done for you, and how they have disposed that they have already had of you: Thus much for the opening of the Petition: And now I will shew you the illegality, inequality, and ill consequences thereof, if yee be so fond as to subscribe the same, and proceed therein.

1. For the illegality: That which is to go under the name of a County or Corporation ought to be first publickly propounded to all the Inhabitants of that County or Corporation, that there may be a generall meeting, debate, & consultation about the matter intended, and to be concluded, by & among themselves: Otherwise it is clandestine, and surruptitious comprehending rather faction, then publick concurrence & therefore may justly be rejected: And such is this Petition, For it was never publickly propounded, nor debated, or consulted by the Inhabitants of the County of *Essex*, but was (as manifestly appears) secretly devised, and framed by a private party, of Lords and Commons, yea, and ready printed, before the matter was either made known or published among you; and then it was sent down to the Ministers to publish on the fourth of this instant moneth, with order to take your subscriptions in two sheetes of paper, now is not here an obtursion on your priviledges and immunities, and an illegall, unjust and indirect course used, both in the framing of this petition, and getting your subscriptions? (even just such meanes as Parliament men, use in the elections of new members) and therefore it is not to be accepted, but the contrivers ought rather to be found out and punished; and again it wants one qualification, which is especially requisite in all Petitions, and much more in such as concerns the publick, and are presented to the Parliament, that is necessity of the thing desired, but this is not *petitio nessec*[Editor: illegible word], a necessary petition for, if the Parliament intend his Army (as they say) for *Ireland* it is much more necessary to keep them in a body intire, then to disband them; for then they will disperse, and most will depart to their own homes, and never goe upon the service: and in case they doe nor intend or [Editor: illegible word] shall goe for *Ireland*, then it is as needfull to keep them together, for seeing that the Parliament doe conclude that there is yet a necessity of keeping up an Army still within this Kingdome, is it not better (I pray you) to have this Army which we know, and of whose fidelity and Christian behaviour we have had such sufficient experiment continued, then a new Army raised, of I know not whom and what? It may be of such as the generall part of the Earle of *Essexes*, or *Massies* Brigade, and others were; whose ill manners, besides other unseen all consequences yee wil unhappily find to be a mountain to your backs in comparison of the present Mole hill quarterings.

And now for the inequality of this Petition : it containes mighty earnest desires to have this Army speedily disbanded, seems to complain greatly of their quartering but never moves or mentions one word that their arreares may be paid them, or that from henceforth more constant pay may be made them, that so they may for the future pay their [Editor: illegible word] better. Have they deserved for all they have done Country-men) for you, and the whole Kingdome, no better reward, then to be disbanded and turned off with nothing? What not so much as their due (the price of their lives) for preserving of yours? Is this equall? Are yee also unjust and ingratfull? Aske your daily Thresher, your plow-man, and dayes Labourer if they will be contented with the like dealing? A bad accompence; yet, let them be, comforted. God is their [Editor: illegible word] and their great reward.

As for the evill consequences of this Petition (or of the like) incase yee should persist and proceed therein, and that it should (as it ought not to) be granted, they are many and more then I, or you, or the most part of this blind Kingdome, doth or can fore-see or apprehend but I will only hint at one head or two, and so commend all to the judgements of the world and

your consideration.

By all appearances (and to me it is visible) that there is a strong endeavour and designe by a company of false, traiterous, and deceitfull men; in both Houses of Parliament, and of proud, coveteous Priests, who have combined in one, for the accomplishment of their owne domination & power over us, suddenly to intrall & inslave us; that so they may keep their abominable actions from being questioned, and themselves from deserved shame and justice, and there is no let for them in the way to it but this Army, the which they know right well will not be corrupted, but doth expect to have their Oathes and Declarations fulfilled, and therefore doe these ill men work by all means possibly to disband and dissolve it, and in particular by the contriving and sending you this Petition to own and subscribe, that they may take thereby a seeming just cause, as desired of the Country, to proceed in their destructive purpose, the which if they can bring to passe, then will they raise up an Army of wicked men, ready, and reserved for that end, which shall be a standing Army for their defence, in the execution of all their injustice and oppressions, and by the helpe of the inland Garrisons (whereof I am sure there is now no need) will they tyrannize (not like Lords and Kings, but worse then either great *Turke*, or grim *Tarter*) over us: and and where then I pray, is our Lawes and our liberties, for which this Army hath fought; and which they have redeemed for us with their sword, and for which we have paid so deare? And thus yee will have the last clause of the Petition fulfilled really, to your sorrow and woe; for yee shall not more be ruled by a known Law, as free men of *England*, but curbed and governed by the sword, as the Peasants be of *France*, and the inslaved Bores of *Flanders* who indeed (as your Petition is) are wholly and all they have at their lawlesse Masters dispose, Nay they will not tyrannize over your bodies only, but your soules also; for then you must put on the Presbyterian yoake; it is already so agreed between them and our dear Brethren of *Scotland*, and because they cannot otherwise set up amongst us that antichristian enslaving government, they will doe it by the sword, and so we shall have a Religion established, as *Mahomet* established his *Alchoran*, for if yee will not obey, yee must expect either smart, pecuniary punishment, or destroying, imprisonment: and yee may see the proud Priests footing even in this Petition: is it not commended unto them, and are not they to attempt you on a sudden, and to surprize your judgements by fained words and speeches? and I beleeve you see not their end in it, it is because they know that this Army is generally an enemy to their pride, and pompous Lordly livings, crying down their *Diana*, their Tyth-monging and unlawfull calling, wheresoever they come, whereby their trade (for so they make their preaching only and alone to be) is in danger to be set at naught; and it is by their craft (as *Demetrius* said) that they get their wealth, and therefore would they stir up you, under the pretence that the quartering of the Army, is a burden to you, to Petition to have them disbanded, at least to have them removed.

But I hope Country-men yee are more wise, then to be acted by other mens counsels, to father a child that is none of your own, that was formed, borne, and brought forth, before it came to your knowledge or sight: can any man tell better then your selves, where your shooe pincheth you, and what is most expedient for you to doe? Never render your selves so ridiculous, as to be led like children and fooles by the nose; to be made stalking horses for other mens designs, whose interests are dissonant, and inconsistant with yours.

As for this poor Army, what evill hath it done, wherein hath it so highly offended? for which of all its good deeds is it so oppressed, despised, hated, and persecuted? Is it (when all others falsified) for proving faithfull, or for accomplishing your deliverance, beyond your own faith or expectation) in so short a time: pardon them these offences, another Nation would doe it, and hold them dear, their very enemies cannot but justifie them, and yet so great is their malice towards them, that because they petitioned the House but for their Arrears, an act of indempnity to save them harmelesse, a more constant pay, that they might be able to pay their quarters, and some few other most just and reasonable things; they

unjustly declared against them in print, as mutinous, and obstructers to the reliefe of *Ireland*, whereas (God knowes) there are many thousands spare Soldiers besides in this Kingdome, whom they might if they would) send thither.

And when their Officers, Lieutenant generall *Hamond*, Commissary *Ireton*, and others appealed to the House: and desired that these malicious suggestions might be proved, or the Authors punished, and the Army vindicated; they could not obtain so much as civill right, as the authors of these false asperitions which were *Rossiter* and *Harley*) to be called forth; an act both base and shamefull but what is to be expected, where justice is fortified with impudence.

One word more to you sweet men of *Essex*. *Whose poultery hath this Army destroyed? whose goods have they spoyled, or whose sheep or calves have they stolne, or whose persons have they confronted, terrified or abused in their Houses, or what markets have they hindred by robbing of passengers, and infesting the roades and high wayes, as too many others yee know who have been lesse provoked, have done? If none of this be done, what just cause then have yee, I say yee, more then all other Counties, where they have been, to complain or petition against them? I could tell you: that yee have every man sat at home under his Vine, and under his fig tree with full tables in peace and safety, when these poor soules have been in the field in the face of death, in frost, snow, rain, cold, heat, wet, and dirt, by day, by night, in hunger and thirst, to keep back from you, and to suppress the fury of your bloodthirsty enemies: and can you, or any christian man think on this, and so ill reward this precious Army? In reason it is impossible, but experience proves the contrary, so full of bitterness, rage and malice, hath the Devill filled the hearts of some men against them; but of you I have better hopes, presuming that yee will not be so easily removed from your own steadfastnesse, nor be perswaded through the deluding subtilty of any, to act in the least against those, who have indured so many difficulties, passed so many perrils, obtained so many victories, and never accounted their own lives deare unto them for your sakes. Whatsoever others may doe, either, through ignorance or malice, yet let it not be said, that the County of *Essex* (a County that hath alwaies been esteemed prudent and religious) did shew it selfe ingrattfull or despightfull to the preservers both of their religion and lives.*

Truly in my thoughts this Army can never be enough requited, for doe wee not at this day, (next under God) by them enjoy all wee have? Have not they subdued our enemies, and removed our feares, and caused us to dwell in safety? And are not they a contented, patient, well governed people, can you say that God is not amongst them? then certainly they that hate and despite them are of the Devill.

For my part (Country-men and all others whom it may concern) I hold nothing more expedient for you, and me, and all true English men (seeing the publick adversary is subdued, and our Parliament so averse, and indisposed to do us justice and establish our liberties) then to petition forthwith effectually, to have justice speedily, and impartially executed, and our Lawes and liberties established, and a just account rendered of all the monies they have received: and without question when these just things are done, the Army will of its own accord cease and lay down. I account this that *unum Necessarium*, that one necessary thing, which is now principally to be minded in the Kingdome, & not to petition about quarterings, and removings, and preachings, and places, and any thing indeed, rather then this very, only thing, without which all other our outward enjoyments are nothing, was but one thing done (Law, and liberty established) the wheels of our State would goe easily, commands would be pleasant, discontents would be removed, injustice, oppression and Treason would be banished, and supplanting dividing spirits would be utterly disappointed. In the meane time till this be done, it is the best and only way for the Countries and free commoners of *England*, to preserve this Army in power and being, and to petition that it may still stand and be continued, and that others (rather then it) may be sent into *Ireland*, that so in case these

just demands be denied, contrary to duty, Oath and Covenant, the poore Commons may have a shelter and defence to secure them from oppression and violence, and his Excellency and every Soldier under him by the duty of his place, and vertue of the Protestation, is bound thereunto. Who knoweth whether wee may not yet have as great need of this Army, as we have ever had? For it is evident and all men may see, that our native rights and liberties are now in more hazard, then they were at the first, and that we are more in jeopardy, of them by a close trayterous party (our pretended friends) then wee were by our publick professed foes. And our greatest, and most dangerous enemies, are now they of our own House.

Sweet friends, I am a meer stranger to you, but one that am a true lover of my Country, and therefore thought good, as a Member of the same body politicke with you, to give you a few animadversions, with some cautions, and observations; concerning the subtill and deceitfull, dissembled practises, wherewith your homebred adversaries, goe about to make you instruments of your own misery and mischief. And lastly, mark this I beseech you and consider it seriously.

Why cannot the Parliament as well send over those Officers and Soldiers they have intended for a new Army here, to serve in *Ireland*, as these of this Army? Can they give the Kingdome a satisfying reason? It is more then I and many more can apprehend, if they can: But if here ly not a deep mistery, no better then close treacherie. I am grosly mistaken. Let none therefore so farre delude you, as to draw you to petition for the disbanding of this Army, no, both for your honour and security, discountenance and disclaime it and all such practises and conspiracies against it, for such deeds will favour more of ignorance, malice and invie then of any prudence, justnesse, or necessity, and whereas in the close of the Petition, it is said that the disbanding of this Army is a plenary expedient against the worst in generall that may be feared, let them by no meanes under pretence of benefit, ease, or advantage, deceive you, for it is apparent, and will yet be made more manifest that the disbanding, or otherwise dissolving of this Army, is the only plenary expedient to render us Vassals and slaves, to the will of our enemies, and to bring upon us the worst of miseries, and that suddenly and insensibly, for alasse we are at the *pit brinke, and see not*.

FINIS.

**RICHARD OVERTON, AN APPEALE FROM THE DEGENERATE
REPRESENTATIVE BODY THE COMMONS OF ENGLAND ASSEMBLED
AT WESTMINSTER (17 JULY 1647) ↩**

AN APPEALE

From the degenerate Representative Body
the Commons of England assembled at
Westminster:

To the Body Represented,
The free people in general of the severall Counties, Cities,
Townes, Burroughs, and places within this Kingdome
of England, and Dominion of Wales.
And in especiall, To his Excellency, Sir *Thomas Fairfax*
(Captaine Generall) and to all the Officers and Souldiers
under his Command.

*Richard Overton, Prisoner in the infamous Gaole of Newgate, for
the Liberties and Freedomes of England.*

2. Cor. 10. 16.
*When all Israel saw (as now England seeth doth the Parliament) that
the King would not hearken unto them, the people answered the King,
saying, What portion have we in David? And we have no inheritance in
the son of Jesse: Every man unto his tents, O Israel, and now David, see
to thine owne house: [So all Israel went to their tents.]*

Cap. 11. 4.
*Thus saith the Lord, ye shall not go up & nor fight against
your brethren, returne every man to his house, for this thing
is done of us: [And they obeyed the words of the Lord, and
returned from going against Jeroboam.]*

The same
may be
found in
London.
The Lord
saith in
the
scriptures
that
the
City
of
London
is
the
City
of
the
Living
God.

LONDON,
Printed in the year, 1647.

July 17. 47

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.103 [1647.07.17] [Richard Overton], *An Appeale from the degenerate Representative Body the Commons of England assembled at Westminster* (17 July 1647).

Estimated Date of Publication: 17 July 1647.

Thomason Tracts Catalog Information: TT1, p. 533, E. 398/28.

Full Title

[Richard Overton], *An Appeale from the degenerate Representative Body the Commons of England assembled at Westminster: To the Body Represented, The free people in general of the severall Counties, Cities, Townes, Burroughs, and places within this Kingdome of England, and Dominion of Wales. And in especiall, To his Excellency Sir Thomas Fairfax (Captaine Generall) and to all the Officers and Souldiers under his Command. By Richard Overton, Prisoner in the infamous Goale of Newgate, for the Liberties and Freedomes of England.*

2. Cor. 10. 16. And when all Israel saw (as now England seeth doth the Parliament) that the King would not hearken unto them, the people answered the King, saying, What portion have we in David? And we have no inheritance in the son of Jesse: Every man unto his tents, O Israel, and now David, see to thine owne house: [so all Israel went to their tents.]

Cap. 11.4. Thus saith the Lord, yee shall not goe up nor fight against your brethren, returne every man to his house, for this thing is done of me: [And they obeyed the words of the Lord, and returned from going against Jeroboam.]

The same may now be applyed to London.
The Lord grant it may be practically applyed by the Citizens of London.

London, Printed in the yeare, 1647.

This tract contains the following parts:

1. An Appeale
 2. Certaine Articles for the good of the Common wealth, presented to the consideration of his Excellencie, Sir Thomas Fairfax, and to the Officers And Souldiers under his Command
-

[1]

AN APPEALE,
FROM THE DEGENERATE
REPRESENTATIVE BODY OF
the Commons of *England* Assembled
at Westminster.

To the Body Represented,

The free people in Generall of the severall Counties, Cities, Townes, Burroughes and Places
within this Kingdom of *England*, and Dominion of *Wales*.

And in especiall,

To His Excellency, Sir *Thomas Fairfax* (captaine Generall) and to all the Officers and
Soldiers under His Command.

Right Excellent and Illustrious Generall, Honourable and Noble Officers, Faithfull and
honest Gentlemen Soldiers, And all other duly respected Fellow Subjects, and free
Commoners, of *Wales*.

This Kingdome of England, and Dominion of Wales.

It is confessed, that our *English Histories* and *Records* of the *Actions* and *Transactions* of
our *Predecessours*, both of antient and late times, (so far as I can understand) do not afford
me any example or president for any APPEALE from Parliaments to people, neither is there
any such liberty provided in the *Letter* of our law: So that by such as preferre presidents [2]
and formalities, formes and figures, before the substance, life and spirit of all just presidents
and Lawes, I may probably be censured and condemned for this present enterprize, as an
open and desperate enemy to Parliaments and Magistracy, a subverter and destroyer of all
Nationall Lawes and Government, and a reducer (to my power) of Kingdomes and people
into confusion: To such I shall returne even the late words of (our now degenerate
Parliament) *That Reason hath no president, for Reason is the fountaine of all just presidents,*
I Book Decl. fol. 264.298. 709. 726. therefore where that is, there is a sufficient and
justifiable president.

And if *this Principle* must be granted of, and obeyed by all, as by no rationall man can
bee denied, then the Act of *Appeale* in this nature if grounded upon *right Reason* is
justifiable and warranted, even by *That* which gives an equitable Authority, life and being to
all just Lawes, presidents and formes of Government whatsoever, for Reason is their very life
and spirit, whereby they are all made lawfull and warrantable both for *Settlement*,
Administration and *Obedience*; which is the *highest* kind of *justification* and *Authority* for
humaine Actions that can be; for *greater is that, which gives Being and justifieth*, then *that*
which receiveth and is *justified*: All Formes of Lawes and Governments may fall and passe
away; but *right Reason* (the fountain of all justice and mercy to the creature) shall and will
endure for ever; it is that by which in all our Actions wee must stand or fall, be justified or
condemned; for neither *Morality* nor *Divinity* amongst *Men* can or may transgresse the limits
of *right reason*, for whatsoever is unreasonable cannot be *justly* tearmed *Morall* or *Divine*,
and *right reason* is only commensurable and discernable by the rule of merciful *justice* and
just *mercy*; it is graduall in its *Quantity*, but one in its *Quality*; severall are its *Degrees*, but its

perfection and fulnesse is *only* in *God*, and its several *Branches* and *Degrees* are only communicable, and derivated from *Him*, as severall *Beames* and *Degrees* of *heat* from the *Body of the Sunne*, yet *all heat*; so in *Reason* there are different degrees, as, from *Morality* to *Divinity*, and under those two heads, severall *subordinate Degrees*, all derivated and conveyed from the Creator (the originall Fountaine) to the creature, yet *all one* and the *same* in *nature*, the difference only lying in the degree of the thing, not in the thing it selfe; as, a *Dwarfe* is as much a man as a *Gyant*, though not so bigge a man; and so, though the gifts and graces of *God* are one *radically*, yet different in their *species*, and all from one and the same spirit, which can Act nothing contrary to its owne nature, and *God* is not a *God* of irrationality, and madnesse, or tyranny: Therefore all his communications are reasonable and just, and what is so, is of *God*.

[3]

And upon *this Principle*, as upon a firme and sure foundation all just Lawes and Governments are founded and erected; and in particular, the fundamentall Lawes and Government of this Kingdome; for, it is a sure and radicall *Maxime* in our *Law*, *Nihil quod est contra rationem, est licium*, Nothing which is against reason is lawfull, *Reason* being the *very life of the Law of our Land*: So that should the Law be taken away from its *Originall reason* and end, it would be made a shell without a kernill, a shadow without substance, a carkasse without life, which presently turnes to putrifaction; and as *Reason* only gives it a *legall Being* and *life*, so it only makes it authoritative and binding; if this be not granted, lust, will, pride, and what the Divell and corruption will, may be a Law; for if *right reason* be not the *only* being and bounder of the Law over the corrupt nature of man, that *what is rationally* (the which injustice and tyranny cannot be) may only and at all times be *legall*; and *what is legall*, to be simply and purely *rationall*, the which mercy and justice must be whensoever, wheresoever, and by whomsoever it be, for in it selfe it is legall, rationall and just, or else all would fall into confusion, disorder, madnesse and cruelty: and so Magistracie would cease, and be converted into inhumanity and tyranny.

So that it being most evident and cleare to the eye of *Rationall Man*, that this fundamental principle may not (in being to Magistracy it selfe) be expulsed the precincts of Magisteri all Government, but must be preserved (as the apple of its eye) intire and absolute therein, for all present and future supplies, as a sure and safe refuge to fly to in all straites and extremities whatsoever for preservation, safety, removall of oppressions, &c. or else no safety or reliefe from oppression either publique or private, to be lawfully attempted, pursued, or had: So that where that principle is, there legality and authority must be, and is concomitant to, and inseperable there-from, never to be altered while the Sun and the Moone endures; by it Kings and Kingdoms have their essentiall legall Being, without which they cease from being either Kings or Kingdomes. Therefore, that which doth institute, constitute, and authorize the regality of Kings and Kingdomes, certainly must needs be sufficiently authoritative for a particular, as for this expedient of mine, or the like, in case it be found under the protection and authority of the said principle of *right Reason*; as, I shall clearely evidence it to be.

First then, be pleased to consider, that it is a firme Law and radicall [1. Principle Reason.](#) principle in Nature engraven in the tables of the heart by the finger of *God* in creation for every living moving thing, wherein there is the [4] breath of life to defend, preserve, award, and deliver it selfe from all things hurtfull, destructive and obnoxious thereto to the utmost of its power: Therefore from hence is conveyed to all men in generall, and to every man in particular, an undoubted principle of reason, by all rationall and iust wayes and meanes possibly he may, to save, defend and deliver himselfe from all oppression, violence and cruelty whatsoever, and (in duty to his own safety and being) to leave no iust expedient unattempted for his delivery therefrom: and this is rationall and iust; to deny it, is

to overture the law of nature, yea, and of Religion too; for the contrary lets in nothing but selfe murder, violence and cruelty. Now the unreasonable oppression of my selfe, my wife, brother and children, under the Arbitrary tyranny of the *Westminster Lords*, and the wayes and means that I have used for delivery therefrom considered, and weighed in the ballance of this naturall radicall principle of reason, this mine attempt of Appeale (though of a desparate nature) will be found the only meane wherein I may discern any probability of reliefe for my selfe, my wife and my brother, to be brought unto iustice, as by and by I shall make both the one and the other more manifest and plaine.

Secondly, *necessity is a law above all lawes*, and this principle [2. Principle of Reason.](#) conveyeth and issueth forth authority and power, both to generall and particular cases, even to the taking up of unusuall and unexemplary courses for publike and particular deliverances, and yet such acts warrantable in, and by all sorts and societies of people whatsoever, and the actor, or actors thereof justified thereby: And upon this *Principle*, the *Neitherlanders* made an hostile defence and resistance against the King, of *Spaine*, their then Sovereign Lord, for the recovery of their just rights and freedomes; And upon the same *point* rose the *Scotch up* in Armes, and entred this Kingdome, without all *formall countenance* or allowance of King or Parliament, and were justified for that very act by this present Parliament. Yea, and even this Parliament upon the same principle, tooke up Armes against the King. And now (*right worthy patriots of the Army*) you your selves upon the *same principle*, for *recovery of common right and freedome*, have entered upon this your present honourable and *Solemne Engagement*, against the oppressing party at *Westminster*, and plead yourselves justifiable thereby, and tell them in the fifth pag. of your Declaration, *That the Parliament hath declared it no resistance of Magistracie to side with the just principles and law of nature and nations, being that law upon which you have assisted them.* So that if I be condemned for a Traytor by all or any of you, whether *Scotch*, Parliament or Army, for proceeding [5] upon the said *iust principles and law of nature*, for *common right and freedom*, I tell you plainly, that out of your *owne mouthes* you shall be judged no less Traytors then my selfe, yea, allowers of that in your selves, which for treason you condemn in others: And if I suffer death by any party of you, all and every such person and persons, deserves to be hang'd, drawn, and quartered for Traytors by the same law, for if it be just against the one, it is also just against the Other, for *iustice is no respecter of persons.*

Now concerning my necessity to this course for reliefe, I shall by and by make evident and plaine to every common capacity; which being made evident, *your Excellency, with the Officers and Soldiers under your command*, are bound to endeavour my protection and safety (to your power) with your own in this enterprize of mine, undertaken upon your own principle for common right and freedome, and as well may you deliver one another up to the Gallowes, for this present *Solemne Engagement* of yours, as not visibly appeare in my vindication and justification together with your own, proceeding upon the very same principle with your selves for the same end.

Thirdly, *The equity of the Law is Superiour to the Letter*, the Letter [3. Principle Reason.](#) being subordinate and subject thereto, and looke *how much* the *Letter* transgresseth the *equity*, even so *much* it is *unequalle*, of no validity and force: Yea, if the Law should comptroule and overthrow the *equity*, it is to be comptrouled and overthrowne it selfe, and the *equity* to be preserved as the *thing*, only legally, *obligatory and binding*. And by this principle (worthy Officers and Soldiers) you have charged the Parliament from their own *Declarations* to warrant this your present *Expedition* as in the 4 page of your own *Declaration*, is made manifest: To which principle, together with your selves, and with them I lay claime to a title for an equall justification and protection from the *Letter of the Law*, with the edge of that Sword (which both Parliament and Armie by *that principle* award from themselves) may not be sheathed in my bowells for though I am *prisoner* in the *hands of*

mine enemies, yet can I not be condemned of them for *this enterprize*, without their *owne condemnation* of themselves in theirs against the King. So that in *this act* I do not *outstrip* the protection of *that*, which themselves have *declared authorative against the letter of the Law*, but am in all iustice and reason as iustificable as themselves; or as *this present Army* in *either* or *both* their *Engagements*.

Fourthly, *All betruſted powers if forfeit, fall into the hands of the* ^{4. Principle Reason.} *betruſters, as their proper centure*: and where ſuch a forfeit is committed, there [6] it diſoblegeth from obedience, and warranteth an *Appeale* to the *Betruſters*, without any contempt or diſobedience, to the *powers* in the leaſt; for ſuch an *Appeale* in that caſe is not at all from the *power*, but from the *perſons*, not forſaking the *power*, but *following* of it in its *retreat* to the *Fountaine*. For as formerly the Parliament averred, and as now this honourable Army aſſumeth (*Armie Declaration, pag. 4*) *All authority is fundamentally ſeated in the office, and but miniſterially in the perſons*; therefore, the perſons in their *Miniſtrations* degenerating from *ſafety* to *tyranny*, their *Authority* ceaſeth and is only to be found in the fundamentall originall, riſe and ſituation thereof, which is the *people* the *body represented*; for though it ceaſeth from the hands of the betruſted, yet it doth not, neither can it ceaſe from its being, for Kings, Parliaments, &c. may fall from it, but it indureth for ever, for were not this admitted, there could be no lawfull redreſſe in extremity, yea, magiſtracy it ſelfe ſhould be tranſitory and fading like, as is corruption, of no certaine duration or moment, but it is unchangeable and certaine, man periſheth but it indureth: it alwayes is either in the hands of the *Betruſted* or of the *Betruſters*, while the *Betruſted* are *diſchargers* of their *truſt*, it remaineth in their hands, but no ſooner the *Betruſted* betray and forfeit their *Truſt*, but (as all things elſe in diſſolution) it returneth from whence it came, even to the hands of the *Truſters*: For all juſt *humaine powers* are but betruſted, confer'd and conveyed by ioyn't and common conſent, *for to every individuall in nature, is given an individuall propriety by nature, not to be invaded or uſurped by any*, (as in mine *Arrow againſt tyranny* is proved and diſcovered more at large) *for every one as he is himſelfe hath a ſelfe propriety, elſe could not be himſelfe*, and on this no ſecond may preſume without conſent; and by naturall birth, all men are *equall and alike borne to like propriety and freedome, every man by naturall inſtinct aiming at his owne ſafety and weale*: And ſo it is, that there is a generall communication amongſt men from their ſeverall innate properties to their *Elected Deputies* for their better Being, Diſcipline, Government, Property, and Safety.

Now as no man by nature may abuſe, beat, torment or afflict himſelf, ſo by nature no man may give that power to another, ſeeing he may not doe it himſelfe, for no more can be communicated to the generall, then is included in the particulars whereof the generall is compounded; for that were to goe beyond it ſelfe, for *Being* to goe beyond the *power of being*, which is impoſſible. So that if the betruſted act not for the weal and ſafety of the betruſters, they depart from their juſt power, and act by [7] another, which cannot be tearmed either humane or divine, but unnaturall and divelliſh, rendring ſuch uſurpers as Monsters amongſt men. Now theſe premiſes conſidered, I doe confidently conclude (if confidence may be derived from the juſt principles of nature) that the tranſgreſſion of our weal by our truſtees, is an utter forfeiture of their truſt, and ceaſation of their power: Therefore, if I prove a forfeiture of the *peoples truſt* in the prevalent party at *Westminster* in Parliament aſſembled then an *Appeal* from them to the people is not *Anti-parliamentary, Anti-mageſteriall*, not *from that Sovereign power*, but *to that Sovereign power*. For the evidence whereof I ſhall firſt preſent a diſcovery of their dealings with me, relating to the publique, and then their common courſe to the generall.

Firſt then briefly concerning my ſelfe, upon the 11. of *August* 1646. the Houſe of Lords ſent (without any ſummons or other due proceſſe for appearance) their Emiſaries with a file of Muſqueteers who beſet mine houſe and entred the ſame, one with his drawn ſword, and

another with a Pistoll ready cock'd in his hand, and surprized me in my bed without any appearance or shew of any warrant either legall or illegall, and in that warlike manner being led, and brought before a Committee of the said house, and afterwards before the house, where being put High Commission like to answer to Interrogatories against my selfe, the which I refusing to answer, & not being willing to yeeld my right as a Comoner into their prerogative clutches, I appealed from them being mine improper incompetent judges, unto the House of Commons, my legall Peers and Equalls, as by the great Charter of England I was bound, which in severall late printed papers I have made evident and clear to the view of all men, I was under pretence of contempt in word and gesture against that house, and for refusing to answer Interrogatories committed to *Newgate*, there to be kept till their Lordships pleasure should be further signified. And afterwards the House of Comons receiving mine Appeale, I was turned over with mine honoured friend and fellow sufferer in the said cause Lieut. Col. *John Lilburn*, unto the Committee for *consideration of the Commoners Liberties*, *Mr. Henry Martin* possessing the Chair, before whom in our contest betwixt the Lords about the right and freedome of the Commons of England; upon examination of the jurisdiction and prerogative of the one, the right and propertie of the other, we were both found illegally imprisoned, and that Act of the Lords desperat invasion and intrusion upon the Commoners freedoms, and our selves as legally free, as if no such arbitrary warrants [8] had been issued forth against us. Whereupon in contempt and defiance of the Arbitrary domination of the Lords over the Commons, scorning to dance attendance any longer after their arbitrary warrants, resolved that as their Lordships found warrants, so should their Lordships find leggs to obey them, for being free from their arbitrary jurisdiction from the crown of my head, to the sole of my foot, mine should not *dance after their pipe*. Whereupon I was most incivilly and inhumanely dragged to *Newgate* headlong through the streets upon the stones through all the dirt and the mire, and being reviled, otherwise abused and beat, I was thrown into the common Gaole amongst Rogues and Fellons, and laid in double Irons. And since this time which was the 3. of *November 1646* to this present 8 of *Iuly. 1647*. I could not prevaile with the Chair-man to make my report unto the House thereby to obtaine any reliefe. But as I am informed, that worthy Gentleman hath neither to been necessitated and inforced to forbearance through an absolute indisposition to iustice in the house, by the prevalency of a powerfull faction therein, though for my part I have been ever utterly averse to that lingring prudence, and have earnestly solicited the contrary, let the issue fall with me or against me.

Further, the tyranny of these Lords not ceasing here against me, they send their Catch pouples to my house againe, where finding my wife in with her three small Children about her, tooke her and my brother away and brought them before the Lords prerogative Barre, rifled, plundered, and ransacked mine house exposing my 3. helplesse small children to the streets, and all this before any indictment, presentment, or other due processe of law preceeding. And by reason my wife would not be subiect to the arbitrary and diabolicall accustomed proceedings of that house, to answer to interrogatories, or to make oath against her husband or her selfe, concerning his or her life, liberty or goods, was, together with my brother, himselfe also refusing subjection to the said illegall procedings committed *during pleasure* to the New prison in *Maiden lane*, where ever since he hath continued in miserable durance and oppression.

And then under the colour of another Order from the said house, most inhumanely and barbarously they dragged her away from that prison, with her tender infant of halfe a yeares of age in her armes headlong upon the stones, through the streets, in the dirt and mire, reviling and abusing her by the way with the scurielous names of Whore Strumpet, &c. and then not allowing her so much humane compassion, as might [9/13] have been justly expected even from Turks, Infidels and Pagans they denied her the mercy to be imprisoned with her husband, which either grace or nature might have taught them in the height of their Arbitrary passion, had they the least spark either of the one or the other in them, but as

persons voyd of both, without all respect to the Law of God, or of Nature they violently divided her from mee, and in the foresaid most contemptible manner threw her into the filthy Gaole of Bridewell, that common shore, center and receptacle of Baudes, Whores, Pick-pockets &c. though for her own part shee never was, nor ever could be so much as taxed of the least in civility or immodesty either in countenance, word, action or gesture all the dayes of her life, but alwayes lived in all honest and godly conversation; in which infamous place shee hath ever since bin kept in cruel restraint, not permitting her to have the liberty to visite her husband, or to enjoy the comfort of her children about her, or to go a little abroad a with Keeper to take the fresh ayre, though for the want thereof her life hath been visibly and palpably endangered (a benefit ordinarily allowed to Whores and Pick-pockets imprisoned there) though unreasonable *Gratuity*, and extraordinary *Surety* was offered therefore to the *Keepers*. And in this our unnaturall and cruell division in three severall prisons, my selfe in one, my wife in another, my brother in the third, and my three children exposed to the mercy of the wide world; and our selves deprived of all meanes and wayes by industry to procure any livelihood, and all that we had for our subsistance and reliefe seised upon without all lawfull judgement, verdict of our equalls, Indictment, or other due processe of Law preceeding contrary to the Fundamentall Laws of the Kingdom, and under this unreasonable oppression & crueltie without the value of one halfe-peny from the Lords for reliefe, wee are forcibly kept at an extraordinary charge, in those their severall starving, stincking murdering Prison-houses, seven shillings being exacted and extorted weekly for my lodging, three shillings and six pence for my wives, foure shillings for my brothers, besides the charge of subsistance for us and our children. And being reduced to this miserable condition, I prepared a Petition and Appeale (since published in print) in the behalfe of my wife and brother to the House of Commons, which for the better credence of our miserable condition, was presented by a competent number of women but notwithstanding all the agitation and sollicitation that we could use, an admission thereof into the House (so much as to be read) could not, nor can hitherto be obtained, & all through the prevalent power of a confederate Faction in the House, obstructing all [10] reliefe and redresse of the people; so that, by that deluding over voting party in the House I am deprived and bereft of all meanes and hope of redresse whatsoever: the cause of Lieu. Col. *John Lilb.* and mine betwixt us as *Commoners*, and the jurisdiction of the Lords, as *Lords* depending upon the Determination of Parliament which so far as in the eye of reason we can judge, will never be till this House either be purged of the factious party therein, or else a new Parliament called. And the case being so with us, that betwixt *Cannot* and *Will not*, no right or justice can be had for us either from King, Parliament, or any Court of justice in the Kingdome whatsoever, and being not able to see my selfe, my wife brother and children perish under hopelesse & endlesse expectation of mercy from the hands of mine enemies, I Am forced to this desperate Attempt for finall destruction or present release, for on deliverance I am resolved by life or death if possibly I may, a sudden death to me being better and rather to be chosen then lingring destruction, the latter being so much the more terrible and cruell, by how much the more tedious then present.

Now therefore being driven thus to this desperate necessity and pinch; and further, the Parliament themselves having declared, that it is the liberty of every subject to enjoy the benefit of the Law and not arbitrarily and illegally be committed to prison, nor to have his or their lives, liberties, goods or estates diseased or taken away, but only by due processe of Law, according to *Magna Charta*, and the *Petition of Right*, which condemnes all High Commission like Interrigatory proceedings in a mans owne cause, enjoyning speedy Trialls for all causes whatsoever, without any intermission or obstruction to the due course or processe of Law. 1 part. *Book Decl.* p. 6, 7, 38, 77, 201, 277, 268, 458, 459, 660, 845. But being utterly denied the Benefit of the Law of the Land, and of the just Declarations of Parliament through an obstructing party in the House: I must therefore, and do hereby in pursuance of my own safety (a principle warranted by the Parliaments owne Declaration to every particular man to provide for, even from the very Law of Nature, 1. part. *Book Decl.* p.

44 and p. 728.) make mine *Appeale*, and doe by these presents Actually and formally APPEALE from and against the Members Representative (as in their present mixture with, and continuance of Traytors and Tyrants) assembled at *Westminster* unto the Body Represented, (the true originall Sovereigne Authority of Parliaments) the free borne Commoners within this Kingdom of *England*, and Dominion of *Wales* for protection and reliefe against those obstructers of justice and [11] judgement to wit, *Denzil Hollis*, *Sir Phil. Stapleton*, *Sir Wil. Lewis*, *Sir John Maynard*, Major Generall *Massey*, *Mr. Glyn*, Recorder of *London*, and from & against al other their Accomplices & Confederates members in the House of Commons, and charged, *June 4. 1647* with High Treason against the Fundamentall Lawes, Rights and Liberties of the Commons of *England*, by His Excellency, *Sir Thomas Fairfax* and the Officers and Soldiers under his Command to be prosecuted in behalfe of themselves and the whole Kingdom. In this my *Appeale* craving no other benefit for my selfe, my wife and my brother, but a speedy deliverance from our severall respective Imprisonments till such times as the House shall be purged and cleansed from those corrupt and putrified members, (the obstructers and perverters of *common right and freedom* in the House, that I may not be passed upon, or judged in point of publique liberty and freedome, wherein every free commoners right interest and freedome is included by such as are open and declared enemies thereto, for it is most unreasonable and unjust that I should be subjected to the Arbitriment and Determination of mine and the Kingdomes enemies, for in so doing I should not only yeeld up my selfe to destruction, but therein betray the Commoners right and freedom (for which I have thus long contended) now at the last to be delivered up in my condemnation by those men to the Arbitrary jurisdiction of the Lords: For should my cause be overthrowne by the voyce of the oppressour, and this kind of exorbitant Domination settled and entailed to the Prerogative of the Lords, then the lives, persons and estates of the Commoners of *England* would all be laid waste to the wiles and pleasures of those prerogative usurpers; our lives; our wives, our persons and estates to be deprived, divorced, imprisoned, & plundered at pleasure, not to be our own any longer, but theirs. And therefore the case being thus in the House and with mee, and in mine, with the Commons of *England*, I shall and do from henceforth utterly disclaime and renounce all triall and judgement by the degenerate Members Assembled therein, & shall hold all Orders and Ordinances whatsoever proceeding from them, though under the name of the two Houses of Parliament assembled at *Westminster*, as altogether invallid, and void of all Parliamentary authority and power, not obligatory or binding at all to the people, but to bee opposed and resisted to the death as counterfeit Orders and Ordinances, abusing the name and authority of Parliament, for it is no priviledge of Parliament for Traytors and Tyrants to fit and make Orders and Ordinances of Parliament, and then to publish them under the guize and vizer of that Sovereigne Authority [12] no more then it is for any person to coyne or counterfeit the Image and superscription of the King, for Treason and Tyranny are inconsistent with the Being and priviledge of Parliament; for it is not their sitting upon the benches, or standing within the wals of that House which makes them Parliament men, or their Orders or Ordinances Parliamentary, authoritive and binding, but the discharging of their trust in moving and acting only for the weale and safety of the people [as] I their impowers and trusters barely for that end. So that in deed and in truth that cannot bee said, or ought to bee reputed an Order or Ordinance of Parliament, which is contrary to their trust and the end of their Election and Session, for being our Parliament Deputys, doth not invest them with a Priviledge to destroy or save as at their pleasure, and to do with us as they list, we cannot do so with our selves, our power over our selves is but for our safety; therefore how can theirs which are but our deputies be for our woe.

Wherefore, so long as those Traytors to their Trust are not removed from their Session, but continued therein, over-powring and over-voting the dischargers of their Trust even so long they are in the *maine* degenerate from the naturall Essence and Being of the Parliament of *England*, for if the major part be fallen into the capacity of Tyrants and Traytors, sure their

Parliamentary Being is therewith defunct and deceased.

For how can it in that capacity be titled the Parliament of *England*? have they not in that degeneration divested and degraded themselves from their betruſted authority of the people, and become no longer their repreſentory Deputies, or Truſtees, except tyranny and oppreſſion be the very ſubſtance and end of their Truſt? certainly tyrants and oppreſſors cannot be the Repreſenters of the Free-men of *England*, for freedom and tyranny are contraries, that which repreſenteth the one, doth not repreſent the other; therefore ſuch as are the repreſenters of *Free-men*, muſt be ſubſtantial and reall *Actors* for *freedom* and *liberty*, for ſuch as is the repreſented, ſuch and no other muſt the figure or repreſentation be, ſuch as is the proportion, countenance and favour of the man, ſuch and ſo muſt be the picture of the man, or elſe it cannot be the picture of that man, but of ſome other, or of ſomething elſe, as the picture of a grim, meager, frowning face is, not the picture of an amiable, friendly ſmiling countenance; ſo tyranny neither is nor can poſſibly be the Repreſentor of Freedom; therefore, though ſuch in the Houſe were once otherwiſe by their election, yet now they have changed themſelves into a contrary capacity, and are ſo to be reputed and eſteemed off; and I for my part do ſo, and no otherwiſe eſteem of them, and do hereby proclaime and proteſt againſt them to all the free-men of *England* and Dominion of *Wales*, as ſo many traytors to the ſafety and weale of the people, both the eleven Members that are charged, and all ſuch as are coactours and voters with them in further oppreſſions and tyrannies, over-ſwaying and bearing downe the voters for freedom and juſtice; imploring and beſeeching all lovers of freedom and juſtice within His Majesties Dominions of *England* and *Wales*, as one man to riſe up in the cauſe of the Army for the removall of thoſe obſtructors and traytors, and the bringing of them to a ſpeedy and legall triall, that the wicked may be taken from before the face of the King, that his Throne may be eſtabliſhed in righteousneſſe and judgement, the liberty and freedom of the people recovered from the hands of oppreſſors and tyrants, and the Kingdom ſetled in peace and tranquillity, which only is, and ever ſhall be the prayers and endeavours of your Appellant.

Now for the further clearing and making good of mine Appeal, I ſhal (as I promiſed before) briefly touch the accuſtomey courſe of their oppreſſive tyrannous cariage to the generality, whereby their degenerate ſtate and capacity will more clearly appeare. But for brevity ſake I ſhall omit the ſeverall new oppreſſions, exactions and burthens wherewith the people are loaded every where, even till their backs are ready to break as everyman by woful experience can witneſſe; and ſhall only relate to the maine & principall end of their Election and Session, which is for *bearing the cries and groanes of the people, redreſſing and eaſing their grievances*: And as touching this matter, this is their courſe, in ſtead of Reliefe for oppreſſion, themſelves do *oppreſſe*, and which is worſt, then *ſtop the* mouthes of the oppreſſed; crutiate and torment, and not ſuffer the tormented to complain, but even torment them for complaining, ſleight, reject and crush their Juſt and neceſſary Petitions, which is the higheſt kind of tyranny in the world, ſhut their doores and eares againſt the cry of the people, both of Country and City, yea, though the burthens of the oppreſſed are ſo great, that multitudes in a peaceable manner have attended the Houſe daily with Petitions for no other thing, then for the *Removall of oppreſſion, and recovery of freedom*, according to the fundamentall Lawes of this Kingdom, which they often Declared, covenanted, proteſted, and ſworne with hands lifted up to the moſt high God to performe faithfully and truly.

Yet theſe very men contrary to their many Oathes, Covenants, Declarations, Vowes and Proteſtations, call the Petitioners *Rogues, Villains, ſeditious, factious fellowes*, and bid *a pox of God on them*, offer to draw their Swords at them, lift up their *Canes* at them in a menacing manner, ſhake them by the ſhoulders, and otherwiſe abuſe them, and not only ſo; but impruſon ſome of them, as Mr. *Nicholas Tew*, Mr. *Browne*, and Major *Tuliday*, the two firſt of them Pruiſoners to this houre, the third under Bayle; and they ſtay not here, but their arogance

mounts higher and higher, even vote their Petitions Seditious, *breach of their Priviledges*, and cause them to be burnt by the hand of the *Common hang man*, even *such petitions* wherein was contained the *Liberties and freedoms of the Commons of England*, and no jot of anything either in word or circumstance that was not just, honest and reasonable, and their sworn duties to performe, and for which was, and is, the very end of their Election and Session to, and in the capacite of Parliament: Yet *these matters*, even the *Rights and freedoms* of the *people* are *rendred* matters of *Sedition*, and to be *set on fire and burnt*, and that in the most contemptible manner, *by the hands of the Common hangman*: O most unheard of, unparaleld Treason! heare O Heavens and judge Oh ye free Commoners of England, &c. where, and what is become of your Lawes, & libertyes: thus would they doe with *your persons*, even *burne them* by the *hand of the Common hangman*, had they but as much power over them as they have over your *petitions and papers*, and virtually they have don noe lesse for essentially and really they have burnt the *Great Charter of England*, for in those petitions were contained the cheifest heads of that *Charter*, by virtue whereof you *hold your very lives, liberties, & goods*, so that in that *Act* they did as much as in them lay, *set all England on fire, burne and destroy all the lawes, Rights and liberties there of*; and if this bee not High Treason, and an open and visible forfeiture of their Parliamentary Being and trust, I would faine know what is: I could adde unto this, their Declaration against the Army, stiling their petition (which was honest just and reasonable and their dutys to grant them effectually,) to be a *dangerous petition*, and all such to bee *enemies to the state and disturbers of the publick Peace as proceeded therein* making it enmity to the State, and disturbance of the publicke PEACE, humbly to Petition for the price of their Blood, and Sweat of their Brows, so dearly earned in the purchase of their and our safeties and freedome: and to this I could adde their setting the *Militia* into the hands of men of their owne faction in the City of London and in other parts of the Kingdome for the violent settlement of their owne pernicious tyrannicall ends, with multitude of other impieties, and cruelties, treacherous and treasonable acts and proceedings against the freedoms of the people, but for brevity sake at this present I shall commend to your pervsall and weighty consideration a most excellent and worthy treatise, intituled *Plain truth without Feare, or Flattery*, written (as the Title declares) by AMON WILBEE. the contents whereof, as concerning the traitorous partie in the House, I doe hereby actually lay unto their charge, to make them good against that partie upon the perill of my life, and concerning the equity and truth of the Charge therein contain'd against *Denzill Hollis & the rest of that traitorous Faction* I doe account it and owne it as if writ by my self, though for my part I do seriously professe unto the world that I was till I read it as ignorant of the writing composeing printing publishing or Author thereof as the Child that is unborne, yet such is the equity, honesty and truth thereof that had, I ten thousand lives, I would engage them all for the justification and maintenance thereof, and this will I say concerning that AUTHOR, that He deserves to *weare the LAURELL* from all that have writ (in that observant nattere) since the Parliament began. The matters therein considered together with their desperate suppression of the petitionary endeavours of the well affected of *London*, besides their slighting, rejecting and refusing all other Petitions of the oppressed inslaved Countries, as from *Buckinghamshire, Hartfordshire, &c.* Except from Parties which cooperate for the advancement of the Prerogative and priviledge *Faction*, all others being fob'd off, with a Complementall acknowledgement of the good affections of the Petitioners, and with a *Verball* returne of thankes, and that the House would take their businesse into further consideration, or the like; which being all, and the most that ever could be obtained from them; when their *Aspect* was most indulgent towards US, and fairest for our Liberties, I say, those their Treasonable proceedings, Oppressions, and Tyranies duly weighed and considered, how can still their *PARLIAMENTARY Being, and Station* be granted? If it bee, sure it must bee *pictured with the Heeles upward*, for I may as well bee parswaded out of my *Christen-Name*, as made to beleive, it stands drect upon its feete; When I see it plainly

See the Relation at large in L. Col. Lil. late book intituled *Rash Oathes unwarrantable.*

reversed before mine eyes, for I shall never while I enjoy my senses, bee so stupid and blockish, to esteeme Ruine for Safety; Retrograde motion for direct *Progression*: now, this their Trayterous course of stopping and burning Petitions, abusing and imprisoning Petitioners, of it selfe is an absolute election, or *putting the people out of the protection of PARLIAMENT*; no rationally man can gaine say it; for *Oppression is no Protection*, offence no *Defence*. He that will *not reliefe*, is no *Reliever*; and hee that *Oppresseth* for *complaining of Oppression*, must needs be a *Tyrant* in the highest measure.

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Therefore loving Countrey-men and friends, I beseech you, lay your hands on your hearts & consider, what greater tyrannie and oppression can be, then *to be oppressed and so to be deprived of the means of relief, left hopelesse and helplesse, all passages of succour and support stopped and blocked up, the waters of your reliefe utterly dried up?* Oh rub open your eyes for shame, rouse up your spirits, resume and take up your strength and authority into your owne hands, disowne and disclaime those desperate tyrants and traytors, and cast them forth from your trust as dirt and dung, or salt that hath lost its savour, for wherewith now shall they be savoured? Halters and Gallowes is more fit for them then places in Parliament: What, will you be more fearfull of them to bring them to justice, then they were of you to burne your Lawes and your Liberties? for shame never let an English spirit be taxed with that dishonour; you have *Othniells, Ehuds, Baraks, and Gideons*, before you, even a mighty and puissant vertuous Army, which hath most gallantly and honourably engaged for your and their own safety and protection from those unnatural tyrants and usurpers, to remove them from the Seat of your Authority, and to bring them to justice, that you and your children after you, may be delivered from the feare and prejudice of their cruelties, dwell in peace and safety, enjoy the price of your labour and travell quietly and freely to your selves, be absolute Lords and possessors of your owne, and to be made true and reall *Freemen* indeed; fall therefore into their assistance and protection, and trust no longer your perjured traitorous Trustees dissembled at Westminster, but save your selves from that cursed and wicked generation, now is the opportunity, doe not procrastinate nor delay, least your destruction be of your selves, I have discharged the *trust of my sufferings unto you*, which hath been simply and purely for your sakes, and have not drawne backe my hand from any thing for your weale, which to others have seemed *too hot or too heavy to lift*, and my conscience beares me witness of the honestie and uprightnesse of my heart for your preservation and safety, as its principal aime and intent in this Appellation of mine unto you, I am but one, and can discharge but the *duty of one* unto you, if you will suffer your selves, your Lawes and your Liberties, to be conquered and destroyed, I cannot help it, it is of your selves, and not of me, I have hitherto done my share, doe you but yours, and the worke will be presently done: I may chance be condemned for a mad-man and foole, but if you sit still and yeeld up your selves, as contented slaves, I cannot see, how you can be excused of madnesse or folly: Come, come, now is no time to *sit thrumming of caps*, if they will not give us leave, to use our *tongues and our pens* to present and make knowne our grievances, we must take leave to make use of our *hands and swords* for the *defence and redemption* of our lives, our Lawes and our Liberties, from the hand of the *destroyer*, for *our safety* must be maintained.

And can any reasonable man conclude, that *our protection and assistance* of them, and their *protection and assistance* of us are not relatives, and one *dependent* on the other? For what is the reason, that we have engaged our lives and estates thus in their defence, but that they should be as faithfull a *protection* unto us: Now our safety and protection lieth in the full and just enjoyment of our Lawes, our Rights, and Freedomes, and delivery from bondage and thralldome, the which being utterly denyed us, are wee not quite out of their protection, and left to shift for our selves, either to destroy or be destroyed? For can they think that their

powerfull Priviledge doth extend not to leave the Commonalty of England so much, as even nature hath instincted in the *very wormes* of the earth, as exanimate and stupid as a blocke, worse then the bruit beasts of the field, which all to their power will save and defend themselves from mischiefe and harme? Certainly, they cannot expect it, for it is no more then their owne Doctrine hath taught us, and therefore no Blasphemy, Treason or Heresie, for they tell us, *Dec. 2. Nov. 16. 6 Booke Dec. 1. Part 696. & pag. 150. That obedience doth not bind us to cut our owne throats*, how then, can they expect that we should be our own butchers?

Deare friends, our *destruction* is beyond the *Priviledge of Parliament*, it is out of the compasse of that *Betrusted Authority*; while they move in the *Sphere of our safety*, their motions are Parliamentary, legall, and authorative, and to be obeyed, defended, and maintained, but on the contrary, the contrary must be concluded, for *contraries have contrary consequents*. For there is a difference betwixt their *Parliamentary*, and their owne *Personall capacity*, and their actions are answerably different; therefore, the rejection, disobedience, and resistente of their *personall commands*, is no rejection, disobedience, or resistance of their *Parliament Authority*: So that he that doth resist their personall commands, doth not resist the Parliament, neither can they justly be censured or esteemed as *Traytors, Rebels, Disturbers*, or *Enemies to the State*, but rather as *Preservers, Conservers, and Defenders* thereof.

And upon this *principle of justice and reason*, they grounded and justified their *War* against the King, witnesse their owne words, *Book Dec. part 1. pag. 276.* where they say by the Statute of 25. *Edw. 3. It is a leavying of Warre against the King, when it is against his Lawes and Authorities, though it be not immediately against his Person, and the levying of force against his personall commands, though accompanied with his presence, if it be not against his Lawes and Authority, but in maintenance thereof, is no levying of Warre against the King, but for him; for there is a great difference betwixt the King as King, and the King as Charles Steward: Therefore pag. 279. they say, That treason which is against the Kingdome, is more against the King then that which is against his person, because hee is King: for that very Treason is not Treason as it is against him as a man, but as a man that is a King, and as he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, discharging that trust: Even so, by the equity of the same reason, the represented Commons of England, in the like case, may justly make the same returne unto the Bodie Representative, as thus: It is a levying of warre against the Parliament of England, when it is against the Lawes, Rights, and Freedomes of the people of England, though it be not immediately against the persons of the Members in Parliament, and a levying of force against their personall arbitrary commands, though accompanied with their presence, if it be not against the Lawes, Rights and Freedomes of the people, but in maintenance thereof, is no levying of war against the Parliament, but for the Parliament, for there is a great difference betwixt Members in Parliament, as Members in Parliament, and Members in Parliament, as they are personally, Philip Stapleton, Denzill Hollis, &c. And therefore well may the Commonality of England reply, That Treason which is against the Commonalty, their Lawes, Rights, and Freedomes, is more against the Parliament, then that which is against their persons, because they are Members of Parliament. For that very Treason is not Treason, as it is against Philip Stapleton, Denzill Hollis, and the like, considered as they are men, but as men that are Parliament Members, and as they have relation to the people in generall, and stand as persons intrusted with their Lawes, Rights, and Freedomes, discharging their trust. This is as directly point blank against the Members in Parliament, as ever it was against the King, they must admit of *this principle* against themselves, or else they must grant themselves to be Rebels and Traytors in warring against the King, for they had no way, under heaven, or to this day have any way to justify their leavying and maintaining of warre against him but that; for it was the very Axeltree upon which the equity of their proceedings*

were moved, and that by which still they stand justifiable in the eye of reason and justice: therefore the Members in Parliament, either in the particular or in the generall, because they are men intrusted in that capacity, may not therefore turne oppressors and tyrants at pleasure, for it is not their being in Parliament, or being Parliament-men, that will justify their invasions and incursions upon the freedoms of the people; for as themselves have granted concerning the King, *that the King is for the Kingdome, not the Kingdome for the King, and that the Kingdome is no more his owne, then the People are his owne: If he had a propriety in this Kingdome, what would become of the Subjects propriety in their Lands throughout the Kingdome, or of their Liberties?* Book Dec. 1. part p. 266. even so may the Commonality of England reply to their Parliament-Members, that they are made for the people, not the people for them, and no otherwise may they deale with the people then for their safety and weale, for no more then the people are the Kings, no more are the people the Parliaments, having no such propriety in the people, as the people have in their goods to doe with them as they list. As they will not grant it to be the *Prerogative of Kings*, neither may wee yeeld it to be the *Priviledge of Parliaments*, for the safety of the people is the reason and end of all Governments and Governours, *Salus populi est suprema Lex*, the safety of the people is the supreme Law of all Commonwealths; all other Lawes, Edicts, Ordinances, Orders, &c. (such as most of our late pretended Parliamentarie *ones* have been) being contradictory thereto, are all traiterous and Antimagisteriall, to be opposed and resisted to the death, and the contrivers, promoters, and actors thereof, to be apprehended, judged and condemned, and executed as traytors to the safety of the people.

And whereas we have engaged our lives and fortunes against the King, *to free his person from a traiterous and wicked Counsell about him*, and the same they justified for ous by the *rule of necessity, and safety*, even so and much more, by vertue of the same principle may the *body represented* doe to the *body representative*, there being a more desperate and traytorous Counsell therein, for *Immedicabile vulnus ense rescidendum est, ne pars sincera trahantur*, the putrified and incurable members are to be cut of for the safety of the whole: for it was not the end of our undertakings to pull downe one kinde of oppressors to set up others more desperate and dangerous then the old, to remove a wicked Counsell from the King, and then to set up and tollerate a Counsell more traiterous and wicked in the Parliament, no, our ends and intents were simply against obstructions, and obstructers of justice and judgement, oppressions and oppressors, and to bring such Delinquents and Traytors to justice, whereby all impediments and obstacles to our freedoms might be removed; we did not ingage against them simply because they were concomitant to the King, but because they were seducers and perverters of justice, invaders and destroyers of our just Lawes and Freedomes: Therefore it is in vaine for our Members in Parliament to think that we will justify or tollerate the same among them, which we would not indure in the King, to pluck off the *Garments of Royalty* from oppression and tyranny, to dresse up the same in *Parlament Robes*: No, no, that was ever and is farre from our hearts, and wee shall justify or allow the same no more in the one then in the other, for to allow it in the one is to justify it in the other, for it is equally unequall in both, and in it selfe resistable wheresoever it is found, for were it not resistable, all defensive war whatsoever were unlawfull: And upon this poynt we moved against the King, the equity thereof arising from an inherent principle of nature, concurring with the Commandement of God, for were not tyranny in it selfe resistable, then a man might lawfully murther himselfe or give power to another to be his Butcher, but in regard by the Law of God in nature and in his word both the one and the other is verily unlawfull, therefore such kind of inhumanity and tyranny is to be resisted both in proper person and otherwise, shall we therefore be so inhumane, so unnaturall and diabolicall, to destroy and murther our owne selves, we may as well execute our selves with our own hands, as give leave to others to be our murtherers, for the matter would be all one in the execution, it would only differ in the instrument; therefore if we may not take that leave to our selves, nor give it to another, then wee must resist it in others as well as in our selves, for not *to hinder is to give leave*, and

no hindrance can be without resistance, and if resistance must be, as is of necessity to be granted then in all reason and equity we are bound to use the most effectuall manner of resistance, If our destruction be endeavoured by another, faire means is to be used, but if that will not prevaile, we are bound to kill rather then to be killed: And upon this ground, in case we have to deale with a mighty and furious enemy, we are bound to the utmost of our power, to arme and fortifie our selves for our just and necessary defence, and by force of Armes to repell and beat back the invading assaulting enemy, whether it be an enemy for the confusion and exterpation of our persons, or for destruction and ruine of our Lawes, our freedomes and liberties, for bondage and slavery are not inferiour to death, but rather to be more avoyded, condemned and resisted then present destruction, by how much the more that kind of destruction is more languishing then present, and in pursuance of the just and necessary *defensive Opposition* we may lawfully, and are in Conscience bound to destroy, kill and slay the otherwise irresistable enemy for our own preservation and safety whether in our lives, our Lawes or our liberties: And against the justice of this *defensive principle* no degrees, Orders or titles amongst men can or may prevaile, all degrees Orders and titles, all Lawes, Customs and manners amongst men must be subject to give place and yeeld thereunto, and it unto none, for all degrees and titles Magisteriall, whether emperiall, regall, Parliamentarie, or otherwise are all subservient to *popular safety*, all founded and grounded thereon, all instituted and ordained only for it, for without it can be no humane society, cohabitation or being, which above all earthly things must be maintained, as the earthly soveraigne good of mankind, let what or who will perish, or be confounded, for mankind must be preserved upon the earth, and to this preservation, all the Children of men have an equall title by Birth, none to be deprived thereof, but such as are enemies thereto, and this is the *ground-worke* that God *in nature* hath laid for all common-wealths, for all Governours and Governments amongst men, for all their Lawes, executions and Administrations: therefore all contrary Governments and Governours are ungodly, unnaturall, diabolicall, and trayterous, to be abhorred, condemned and resisted by all possible ways and meanes whatsoever: And from hence ariseth the true *definition* of *Treason*, for indeed *Treason* is no other then *a destruction to humane society or actions overwhelming or apparently tending to the utter over throw of publick safety co-habitation and peace, or to the vassalage, bondage and thraldome of a people or Country*; such actions and Actors are only treasonable and trayterous and no other, although it be the custome of tyrants and oppressors unhappily intrusted with Imperiall Regal or Parliament Authority to proclaim, condemne and execute such cheifly for traytors as are enemies to their oppressions and tyrannies, their boundlesse prerogatives, arbitrary *Domination*, or the like, even as our degenerate Members dissembled at Westminster have done in the late Petitioners case of the Armie, making it a matter of *Treason* to petition for justice and right.

Now in regard, the *Body naturall* for its owne safety may prune, amputate and cut of the corrupt putrified Members from the *Body Representative*, yea utterly renounce, oppose, resist, and dissolve all the Members therein upon *totall forfeiture* of, and *reall Apostacy* from the true *representative capacity* of Parliament, and that this is most evident and cleare; it then inevitably followeth, that this *naturall Body*, by vertue of its instinced, inherent naturall Sovereignty, may *create*, or *depute* any *person* or *persons* for their *Deputy* or *Deputies* for the removall of those dead, corrupt, putrified Members from the *seat* and *name* of their *Formall Authority*, and for the supression of injustice and tyranny, recovery of liberty and freedome; but it may be, it will be objected, that by reason of distraction, confusion and disorder at such an exigency in the *Body naturall*, such a new deputation is not likely, or cannot possibly be formally effected, and therefore those forementioned Members though never so corrupt and destructive, must be continued and subjected unto. I answer, that the *Body naturall* must never be without a mean to save it selfe, and therefore by the foresaid permanent unalterable *rule of Necessity and safety*, any *person* or *persons* (in discharge of their duty to God, themselves and their Countrey) may warrantably rise up in the cause and

behalfe of the people, to preserve them from imminent ruine and destruction, such person or persons, doing in that act no more then everie man by nature is bound to performe: For as everie man by the verie bond of nature and neighbourhood, in case his neighbours house be on fire, is bound forthwith without anie formall or verball deputation of the owner, to endeavour the quenching thereof with his utmost power and abilitie; even so and much more may the same bee said and of a whole Countrey or Kingdome, for necessity in that case of extremity justifies the act of safety and preservation, in anie, though without anie formall election, deputation or condition from the people in generall thereto; for such *Formalities* must give place unto the *maine*, being but circumstances in comparison thereof, and a Kingdome or Commonwealth must not be neglected and lost for a trifle; in the cause of popular safety and freedome, wee must not straine at a gnat and swallow a camell, catch at the shadow and loose the substance, dote on formality while we lose our freedoms; we are bound to lay hold on every thing that comes next to hand, rather then perish; it is not the part of the just and mercifull Freeman of England to behold the Politike Bodie of this Commonwealth fallen amongst a crew of thieves, as *Hollis, Stapleton, &c.* stript of its precious raiment of freedome and safety, wounded and left groveling in its blood, even halfe dead, and passe by on the other side like the mercilesse Priest and the Levite: no, now is the time for the compassionate Samaritane to appeare to binde up its wounds, to powre in wine and oyle to engage in the defence and preservation of a distressed miserable people, for greater love and mercie cannot be amongst men then to take compassion, over the helpelesse and destitute.

Therefore, this Evangelicall principle of mercy (being of the nearest communication to the nature of God) is a warrantable ground for the solemne engagement of the Armie, like the compassionate Samaritan, to bind up the wounds of the almost murdered Lawes and Liberties of England; so that their Christian compassion and pity over the abused, beat, and wounded naturall Body of the land, is as an inpugnable Bulwarke of defence against the violent invective calumnies and reproaches of malicious tongues & Pens, and wil be an undoubted badge of everlasting honor through all generations to come, against which time and envie will never be able to prevaile. And in case they be inforced to a defensive resistance, in so doing they will be no resisters, despisers, contemners or oppugners of Magistracy, Authority or Government, for tyranny is no *Magistracie*, therefore the resistance of Tyrants is no resistance of Magistrates, except it be of such so nominally; but really and essentially monsters and pests of humanity; for Magistracy hath its proper compasse and confines, and the actors and actions in that compasse are thereby rendered Magisteriall actors and actions to be obeyed by all, and resisted by none; and so such as are resisters thereof, are no Resisters of Magistracy, Authority and Government; but the resistance of the excursions or actions out of that compasse and capacity, is no resistance of Magistracy or Magistrates, for it is not their persons which makes their *Ministrations Magisterial*, but their *Ministerial Magistration* which makes their persons Magisteriall persons: for Magistracy is not inherent or consistent in the person, but in the office; their persons must run a parallell line in their Ministration with their office, or els their formall deputation or Commissions will not inright them into the true definition of Magistrates; for the office is but accidentally consistent in the forme or externall Commission, radically and essentially in the due *Ministration*.

Now *Magistracy* in its *nature, institution, and administration*, is for such a kinde of *safety* Nationall and generall, as wherein every individuall or particular person, of what sort or society soever, may fully and freely enjoy his liberty, peace and tranquillity, civill and *humane*; it is an *Ordinance amongst men* and for *men*, that *all men* may have an *humane* subsistance and safety to live as *men* amongst *men*, none to bee excepted from this humane subsistance, but the unnaturall and the inhumane, it is not for *this opinion*, or that *faction*, this Sect or that *sort*, but equally and alike indifferent for all men that are not degenerated from humanity and humane civility in their *living* and *neighbourhood*: And therefore the destroyers

and subverters of humane society, safety, cohabitation and being, are to be corrected, expelled, or cut off for preservation of safety, and prevention of ruine both *publike* and *private*: and thus is *Magistracy* for the praise of them that doe well, and for the punishment of those that doe evill.

And as for matters of conscience or opinion about *Religion* or *Worship*, with which humane society, cohabitation, and safety may freely subsist and stand together, that doth not fall under the power of the Magisteriall sword, either for introduction and settlement, or for *extirpation* and subversion; for the limits of *Magistracy* extend no further then humanity, or humane subsistence, not to spirituallity, or spirituall being; and no further, then its owne nature extends, no further may its compulsive power be stretched: And this is the true distinction for matter of subjection, betwixt God and *Cæsar*, and what is Gods wee must in the first place give unto God, and what is *Cæsars*, in the second place, freely and readily we must give unto *Cæsar*; the inward man is Gods prerogative, the outward man is mans prerogative; God is the immediate Lord over the inward, and mediately over the outward, but man is onely Lord over the outward, and though immediate thereover, yet but by Deputation or Commission from him who is thus both over the one and the other: And God who onely knoweth the heart, and searcheth the reines, hath reserved the government thereof to himself as his own prerogative, and the onely means which he useth in this kinde of Government, that by his Ministers must be dispensed, is onely by the word, not by the sword; for the sword pierceth but the flesh, it toucheth but the outward man, it cannot touch the inward; therefore *where* by the word (to wit by Doctrine or Argumentation) the proper means to work upon the intellectualls and affections a conversion, is not nor cannot be obtained, there no humane compulsive power or force is to be used, either for *plantation* or *extirpation*.

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And therefore it was that Christ refused the *sword* for the *promulgation* and *setlment* of his *doctrine*, for it was *spirituall*, and such were the *weapons* he used for that warfare of his; and therefore in immitation of his patterne (and practice of the Apostles) we must rather *suffer* for matters of *faith*, then be enforced or enforce thereunto: But it does not therefore follow, that by *defensive force* we may not maintaine, our *naturall humane being and subsistence upon earth*; for the contrary doctrine would tend to the utter *confusion of humanity*, the depopulation of Nations, Kingdomes, and Countries; though for the *spirituall warfare*, we are confined to *spirituall weapons*; yet for this humane naturall warfare, humane and naturall weapons may and are to be used, each according to its kinde; so that neither the one nor the other, in their distinctive propriety and administration is destructive or contradictory one to another, but both may properly meet and stand together in one individuall, without the least incroachment or prejudice to each others propriety: And if the Magistrate should so farre extend his *compulsive force* under pretence of *religion* and *conscience*, to the destruction of our humane subsistence or being, we may upon the points of your *humane subsistence and being*, lawfully make our *defensive resistance*, for in it selfe it is defendable against all opposition or destruction from whence or from whomsoever it shall be. And of this *defensive resistance*, none in duty can be excused, but in case of an utter depravation of power, for indeed it is granted of all, that where no power is, there no defence can be expected, and in the case of destruction in that kinde, the patient is innocent, and cleare from the guilt of his owne ruine: where nothing is given, there nothing is required; *but unto whomsoever much is given, of him shall be much required, Luke 12.48.*

Therefore these premises premised, and deliberately weighed, I appeale to all moderate and rationall commoners to judge impartially about this matter, whether now, without all check or scruple of conscience, in maintainance and presuance of this *Defensive principle of resistance*, we may not every man of us (in duty to our owne natures, and to our native Countrey in generall) to the utmost of our lives and fortunes, be assistant and united to this

faithfull Armie that now is, or to whomsoever shall rise up, and appeare in the *defensive cause* of this Kingdome, for the recovery of our naturall humane rights and freedoms, that all orders, sorts, and societies of the *Natives* of this Land, may freely and fully enjoy a joynt and mutually *neighbourhood, cohabitation and humane subsistance*, one as well as another, *doing unto all men as we would be done unto*; it being against the radicall Law of nature and reason, that any man should be deprived of an *humane subsistance*, that is not an enemy thereto; hee that is fit for *neighbourhood, cohabitation, humane society and fellowship*, and will freely comply and submit thereunto, ought not to be abridged of the same in the least measure; hee that shall deny, oppose and resist this, the same as an *enemy to mankind*, and is guilty of the highest kinde of Treason that is, and deserves to be stoned, as was *Hadoram* by the children of Israel for his execution of the tyrannicall commands of King *Rohoboam*, with *stones that hee dye*, and to be cast out as the excrements of mankind, unworthy of *humane buriall*, as once the Scots served one of their tyrannicall Kings, who after they had drag'd him at an Horses taylor at their pleasure, they threw his body into a Jakes, as Mr. *Prin* mentions in his *power of Parliaments*.

And therefore all Decrees, Edicts, Injunctions, Lawes, Ordinances and Orders whatsoever, or from whomsoever, which tend to the extirpation, suppression, or confusion of such a sort or party of men which are not onely meet but free and willing to maintaine, preserve, and uphold humane society, fellowship, tranquillity, and being; doing to all men as they would have all men doe unto them, are all trayterous, antimagisterall unhumane, and diabolicall, and the authors thereof no other then traytors and rebels to the *nature of man*.

Now therefore except such vipers and pests of humanity be divested from all legislatives and coercive authority, it is not possible that such inhumanities and tyrannies in government can be prevented or removed, for such Governours, such government, such Law-givers, such Lawes: If the wicked and unjust be not removed from the throane of government, it is impossible, that any such throane should be established in righteousness: therefore as all such tyrannies and inhumanities are resistable and of no man (that is not without *naturall affection*) to be received or obeyed; so every rationally honest Common-wealths man is in duty bound even from the just principles of divinity, humanity, and reason, with all his strength and might, either by pollicy or by force, or by both, to endeavour the extirpation and removall of such usurpers and oppressors, from the seat and place of Government, and to be ayding and assisting with life, person, and estate, to all ingagements and endeavours to bring such inhumane usurpers to exemplary justice: and this our Common-wealth swarming with such Monsters in nature and humanity, overspreading the whole Land with these tyrannies and oppressions, must either speedily be purged and cleansed, especially in the *legislative and compulsive Authority* thereof from that *unnaturall faction*, or else nothing but bondage, tyranny, and oppression remaineth for the inheritance of us, and our children after us.

Now in regard both *King* and *Parliament* are become captives through the force and pollicy of a powerfull faction at Westminster, that neither the one, nor the other can be any reliefe or protection to the people from injustice and oppression, both being upon the point dethroned, the one from his Regall, the other from its Parliamentary Essence and being; So that in effect they are both dead unto the people: And now as the case stands, no publique visible Head, either Regall or Parliamentary, or other appearing on foot in the Kingdome for the people to fly to for succour and reliefe, or protection against the visible destroyers and subverters of their liberties but this renowned and faithfull Army; for it is now the only *formall and visible Head* that is left unto the people for protection and deliverance.

I shall therefore presume (most excellent Generall, honourable Officers, faithfull Adjutors, and Gentlemen Souldiers) and doe hereby presume in pursuance of my *owne safety*, and of *righteous judgement* betwixt the free *Commoners Right*, and the *jurisdiction* of the *Lords*, to make my humble addresse and appeale unto this Army, as to the *naturall Head*

of the *Body naturall* of the people at this present, wholly (as much as in me lieth) resigning, submitting, and offering my person and cause unto your defensive protection, that in the behalfe of the people to whom I have appealed, you would, as in duty you are bound, contribute your best assistance for the liberty of the one, and just determination of the other, that neither my person nor yet my cause (which is every Commoners case) may be left to the tryall, censure and sentence of mine, and this Kingdomes enemies; but that both person and cause may be protected (as much as in you lieth) from them, and from all mischiefe and prejudice which their malice and violence may attempt against either or both; for the better facillitation and advancement of their owne arbytrary and tyrannicall ends and designes, appealing thus for my selfe and my cause for no other end, but that impartiall justice may freely proceed upon both without respect of persons or things; which I conceive is not reasonably to be expected from the judgement and determination of mine, and this Kingdomes enemies; this is cordially and freely my desire, that if I have done ought that either by the Law of God, of Nature, Reason, or the just Lawes of the Land, worthy of death, or other punishment whatsoever, that then the due execution thereof may be entailed to your just and solemne engagement, that your selves may cause it, and see it performed upon me accordingly without mercy: But if my person, and my cause in the eye of Religion, reason, and the just knowne Lawes, of this Land be found justefiable thereby and those severall afflictions, imprisonments, and miseries upon my selfe, my wife, brother, and Family by the Arbitrary Prerogative of the Westminster Lords be found illegall and tyrannicall, and their proceedings by vertue of their Lordly Prerogative, as actions apparantly, and openly tending to the *utter subvertion of the fredomes and rights of the Commons of England*, that then also, (as you have engaged your selves for common right to be derived, to every particular) you would actually & effectually make good that engagement to me in particular, not only your for the formall and legall deliverance of my selfe, my wife, and my brother (imprisoned also by vertue of their Lordly Prerogative) but also for our just and full reperation according to the Law of the Land, even as the nature of our respective abuses, imprisonments, &c. and the demerit of our Oppressors shall impartially and justly deserve; and that justice may be answerably executed upon those Usurpers and Oppressors. notwithstanding their greatnesse to the future terrefying of such Prerogative Oppressors and oppressions, preservation and safety of the due right and freedomes of the people both to present and succeeding Posterity; and this is but just and reasonable, for why should not justice touch their Prerogative Lordships, as well as the meanest Commoners, and why should such sufferings at their hands passe without due reperation, for should they, it would be an encouragement to such Arbitrary spirits to be as exorbitant for the future as these; for where there is no punishment, there neither is nor will be any feare: So that if the notorious Act of their Prerogative fury, not only upon me and mine, but upon divers in the like nature, as *Liv. Col. John Lilburne, Mr. Larners* two servants, &c. be passed by without exemplary punishment and Mulct, the Commons will not be righted, nor will their Lordships be curbed in their *exorbitant ambition*; for should it be so smothered and passed by, the Commoners right would be more abused and invaded then, which then if wee should never be delivered by you, for by our durance the cause would be still kept on foot in expectation of future such determination; but if so delivered, it would be wounded, if not utterly quashed and destroyed by you, scarce ever to be recovered or reared up againe to this pitch: And this that I require, in point of liberty and reperation is no more, then what your selves have intituled me justly to claime at your hands; for have you not told us (as an Article of your engagement to see it performed before you disband) *That all such as are imprisoned may be put into a speedy way for a just hearing and tryall, and such as shall appeare to have beene unjustly, and unduely imprisoned, may with their liberty have reasonable reparations according to their sufferings, and the demerit of their Oppressors* (as is expressed in the 11. page your owne Declaration.)

Wherefore (truly honoured and faithfull Armie) thinke it not strange that thus in particular I have presumed to cast my selfe and my cause into the verge of your *solemne engagement* for the publique, for my cause in it selfe is generall, and every free borne Commoners case in the Kingdome, and my person one of that generall for which you have solemnly engaged and declared your selves for safety, deliverance, and protection; now you cannot engage and declare for the generall, but the particulars thereof must be joyntly and severally intituled thereto: Therefore this which I thus claime and expect from your hands, you cannot in justice and honour to your owne undertakings deny me; if you doe, you must deny your selves, and your *solemne engagement*, and so render your selves to the Kingdome as others have done before you, even deluders and deceivers of the people, and thereby instate the people into a just capacity of *Insurrection* against you, as well as your selves are now against others.

But being fully perswaded of the uprightnesse and innocency of your intentions, I shall expect *that your workes will give witness to the truth of your words*; for otherwise, they will bee but as *empty shels*, or as a *dead letter* to the people: Be therefore quick and active, and bee not demur'd, protracted and delayed by the old beaten subtile Foxes of Westminster into your owne, and our destruction: Can you imagine that they intend you any good? what have they done I pray you as hitherto, but fob'd, befool'd, and deluded you; say and unsay, backward and forward, hither and thither, no man knowes whither, and all but to circumvent, delude, and delay you, that they might gather time and ground.

For they well know what it is that hath lost the affections of the people, you must not think, they can be so insensible, as therof to be ignorant; and now they would run you upon the same rock whereon they have split themselves, to wit, the *distaste of the people*, that your wounds may be their cure; and assure your selves your ruine if you trace in their steps will be swifter then theirs; therefore thinke not to dally with, and beare the people in hand (as they have done before you) with *faire promises, engagements, Declarations, Remonstrances, &c.* and not to put the same into speedy execution; for the affections of the people will not admit of delayes, quick expedition will sharpen, but protraction will turne the edge of their spirits; If you dally with us, and befoole our expectations too long, we shall turne our pens, our hearts, and our hands against you, for our affection and concurrence with you, is but for our safety and protection, expecting more faire and honest dealing from you, then ever we could obtaine from the hands of our false Trustees at Westminster; have a care therefore how you interpose your owne light, and follow their *Ignis fatuis*, into their delusions and delayes, for if you doe not timely beware, your friends will become your enemies, their spirits begin to decline, and their tongues are busied with feares and surmises, therefore from the inch you may judge of the elle; though for a while the Countries may beare the burthen of your Quarters with patience, yet assure your selves, in a small time they will turne impatient, clamour and cry out against you; for the Countries cannot, as indeed there is no reason they should, indure to be oppressed; for such and so great hath beene their oppression, that it is in vaine to suppose, that an additionall oppression will gaine an acceptance or tolleration amongst them; you doe but now the worke of the enemy, for if you will play but a while with their Rattles and Gew-gawes, they will be provided, (what though the redemption of time and the losse of your credits) to give you an encounter, and then be sure the people must suffer, their blood and their treasure must pay for your negligence, therefore expect that the mischiefes of your demurres will be set upon your account, when all flesh shall appeare, every man to receive according to his deeds.

Therefore right worthy and faithfull Adjutators, be advised to preserve that power and trust reposed in, and conferred upon you by the body of the Army intire and absolute, and trust no man, whether Officer or Souldier, how religious soever appearing, further then hee acts apparantly for the good of the Army and Kingdome: marke them which would and doe

bring you into delays and demurres, let their pretences be what they will be, their counsels are destructive; I am afraid, that your Officers are not too forward to interpose all delays; therefore as I dare not totally condemne them, but honour them so farre as they have dealt honourably in your engagement, I onely advise you to bee cautious and wary; and keepe up your betruſted power and authority, and let nothing be acted, done, or concluded, without your consent and privity, for by that meanes the cauſe in a clandestine underhand manner may be given away; and what doe you know, but there is a deſigne amongst you, to take the power of all Adjutation from the hand of the private Souldier? for why muſt your late papers bee published, *By the appoyntment of his Excellencie, Sir Thomas Fairfax and the Councell of Warre*, as your Remonſtrance and others, and not as formerly, by his *Excellency Sir Thomas Fairfax with the officers and Souldiers of the Armie*? are not the Souldiers as authoritive as formerly, or are they caſt out, as if they had nothing to doe with the buſineſſe? Sure I cannot judge that you will altogether bee befooled of your power; if you doe, I am ſure we ſhall all be befooled with you; if that once be accompliſhed, then farewell our hopes in the Armie; for I am confident, that it muſt be the poore, the ſimple and meane things of this earth that muſt confound the mighty and the ſtrong: therefore your Officers that ſeeke not themſelves, and have no ſiniſter ends nor deſignes in their breſts, will be contented that your betruſted power be preſerved intire in your hands till the end of your worke be accompliſhed; and rather then they will any wayes ſeeme to infringe it, be continued in their addition to your adjutation onely for adviſe and conſultation, not for controll and concluſion, not deſiring a negative voice any more in your Adjutation, then they and you would allow the King in the great councell of Parliament; that ſo the ſence and minde of the Armie may not be prevented or denied: If I erre in this caution and adviſe, I am ſure that I erre not in my faithfull affections to your *ſolemne engagement*, and therefore the better to be excuſed; for my intentions are honeſt and upright therein, not minding miſchiefe or prejudice againſt any, but ſolely and ſimply ayme and intending the good of the Army and Kingdome thereby.

If you wil own me & my cauſe, I ſhal take it as a grateful & acceptable ſervice of love & affection, not only to my ſelfe but to the almoſt deſtroyed freedomes of the Commoners of England; if not, I have reckened my coſt, and can in this cauſe for my Countrey upon honeſt and juſt priviledges, lay downe my life, as freely and as willingly, as my moſt malicious enemies can make it a ſacrifice to their fury: Doe therefore, as it ſeemeth good in your owne eyes; I have diſcharged my conſcience, and what I have done, I have done; and commit the iſſue thereof unto God, And ſo remaine,

From my Prerogative
Captivity in Newgate
(*the Lords benediction*)
July 10. 1647.

*Yours and this Kingdomes faithfull
friend and ſervant for the juſt
Lawes, Rights, and Freedomes
of the people, to the death,*

Richard Overton.

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Certaine Articles for the good of the Common wealth,

*preſented to the conſideration of his Excellencie, Sir Thomas Fairfax, and to the Officers
And Souldiers under his Command.*

By R. O.

Concerning Parliaments,

1. That for the future, the election and expulsion of Parliament Members may be so settled in the Electors, that none may be hindered, debarred, or expelled from serving his Country under any colour or pretence whatsoever, as for refusing the Covenant or other wise without order first, assent or concurrence of their Country.

2. That for the better security of the interest and power of the people, all titles, by Prerogative, Priviledge, Pattent, Succession, Peerage, Birth or otherwise to sit and act in the Assembly of Parliament, contrary to, and without the free choice and Election of the People, be utterly abrogated, nuld and made voide, and that all such so sitting, may be removed from sitting therein.

3. That the authority of Parliament may bee preserved and secured for the future from the obstructions and prejudice of a negative voyce in any person or persons whatsoever.

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4. That every County may have liberty to choose some certaine number amongst themselves, to inquire and present to the Parliament, what be the just Lawes, Customes, and Priviledges of each County, and that those County Commissioners, be bound to receive all, and every impeachment, and impeachments, by any person or persons whatsoever, of the respective Counties, against any of their owne respective Knights or Burgesses in Parliament, for falsifying and betraying, his or their Countries trust, or any wise indeavouring the introduction of an arbitrary power in this Land. And that the said Commissioners have power and be firmly bound to impeach and attach in the name of their respective Counties, their said Member or Members, and to bring him or them to a legall and publique tryall. That in case such be found guilty, justice may be executed, and others in their roome, by the free choyce of the People bee sent. And in case any such Commissioner, or Commissioners shall refuse to prosecute any such complaint or impeachment, that then hee or they be adjudged guilty of Treason.

Articles concerning Courts of Judicature, offices and Officers of the Law.

1. That all Courts which are not established by the just old Law of the Land: and all illegall offices, and Officers, belonging to the same, and all other vexatious and unnecessary Courts, be abolished by act of Parliament. And that provision bee made that for tyme to come, no Courts or Officers whatsoever may be obruded upon the free Commoners of England, either by Royall grant, Pattent, Act of Parliament, or otherwise contrary to the old Law of the Land.

2. That according to the old Law and custome of the Land, long before, and sometime after the Conquest, There may bee Courts of Judicature for the speedy tryall and determination of all causes, whether Criminall or Civill, erected and established in every Hundred, for the ease and benefit of the Subject, to be holden according to the old custome once or twice every moneth, for the ending of all causes Criminall and Civill whatsoever, which shall happen in the respective Hundreds. That the Freemen of England may have a sudden, quick and easie dispatch of their suits, and be eased also of their vexations and chargable travellings from all parts of the Kingdome, for processe and tryall of their suits unto Westminster Hall.

3. That all such Officers, as by the ancient and common Lawes of this Nation, are illegible, and to be chosen by the free Commons, as Mayors, Sheriffes, justices of peace, &c. may be left to the free Election of the people, in their respective places, and not otherwise to bee chosen. And that all such publique affaires (now in being) Not so elected and allowed,

may be forthwith removed, and others by the free choice of the people be constituted in their roomes.

Articles concerning Goales, Goalers, and Imprisonment.

1. That the extortions, and oppressive fees of Goalers may bee redressed and eased, and that strict and severe provision be made against all Goalers, and their deputies, to restrain them for the future from the like extortions and cruelties, now frequent in all Goales of the Land. And that there may be a strict and severe Inquisition after the blood of such prisoners as have beene murdered and starved by the cruelties of Goalers, that so the persons guilty thereof may have justice executed upon them.

2. That no Prisoners be put in irons, or to other paine, before conviction and condemnation.

3. That there may be cleanly and wholesome provision made in all the Goales of England, for the lodging of Prisoners, at the charge and cost of the State, and that no fees for Chamber-rent, for entering or deliverance, or any thing in lieu thereof, be exacted or demanded under a severe penalty.

4. That neither the high Court of Parliament, nor any other inferior Court or Magistrate whatsoever, may commit any free man of England to prison upon any pretended contempts, as is frequent in these dayes, but onely for transgression and breach of the knowne Lawes of the Land. And for the future (to award the free Commons of England from the revenge of arbitrary spirits,) that strong provision be made by Act of Parliament to that end.

5. That there may be a severe penalty provided against all Goalers and their Deputies, which shall receive any prisoner persons whatsaever, without a lawfull charge or commitment drawne up in writing, according to the true forme of the Law, with a lawfull cause therein expressed, and with a lawfull conclusion, him safely to keepe untill hee shall be delivered by due processe or Law, according to *Magna Charta*, and the Petition of Right, and not at the will and pleasure of the Committee.

6. That strong provision be made against all such Goalers as shall detaine any person or persons in prison after a lawfull discharge, as is frequent in all the Goales of the Land, whereby many poore free Commoners of England have been starved and dyed of hunger.

7. That all criminall persons that are condemned and reprivd, may be acquit and set free.

Articles concerning the Lawes, and corruptions thereof, with other publique Grievances.

1. That all Lawes of the Land (lockt up from common capacities in the Latine or French tongues,) may bee translated into the English tongue. And that all records, Orders, Processes, Writs, and other proceedings whatsoever, may be all entered and issued forth in the English tongue, and that in the most plaine and common Character used in the Land, commonly called Roman, or Secretary, and that without all or any Latine or French Phrases or Tearmes, and also without all or any abreviations or abridgements of words, that so the meanest English Commoner that can but read written hand in his owne tongue, may fully understand his owne proceedings in the Law.

2. That no free Commoner of England be inforced to put either by the high Court of Parliament, or by any subordinate Court, Officer or Minister of Iustice, whatsoever in the Land to make Oath, or to answer to any Interrogatories concerning himselfe in any criminall case, concerning his life, liberty, goods or free-hold. And that neither the High Court of Parliament, nor any subordinate Court, Officer or Minister whatsoever, before Indictment,

presentment, verdict of 12 men, or other due processe of Law, may take away any free Commoners life, liberty, goods, or free-hold, contrary to the State of *Magna Charta*, cap. 29.25. *Edw. 3. cap. 4.28. Edw. 3 cap. 3.41. Edw. 3.c.3. 1 Eliz. cap. 1 &c.*

3. That all Statutes made for the compulsion of persons to heare the Common Prayer Booke, and for the exercise of other Popish Rits, and Ceremonies, may be abrogated and taken away, and that all and singular persons indicted, imprisoned, or otherwise molested upon the aforesaid Statutes may be enlarged and relieved.

4. That neither Membership in Parliament, Office nor function, whatsoever in the Magistracy of the Land, may be any protection or demurre in any wise against the due processe or course of the ancient and common Lawes of this Realme, but that in all cases of treason, murther, Burglary, and fellonie, in all Actions, Suites, and civill proceedings whatsoever, the greatest Man or men in the Realme, may be made equally lyable at all times and seasons, and in all places in the Land to the tryall, sentence and execution of the Law, with the meanest Commoner.

5. That all wicked persons that shall beare false witness against any free man of England concerning his life, liberty, goods or free-hold upon legall discovery, and probation thereof, be adjudged, and condemned of their lives, liberties, and free-holds, according to that which they would have done unto their Neighbour.

6. That the cruell practise of imprisoning Debtors may be provided against, and that due Rights and properties may be recovered upon more mercifull termes then by way of imprisonment.

7. That according to the Law of God, and the old Law of the Land, matters of theft may not be punished with death, and that such Malefactors may make satisfaction either by just restitution to the party wronged, or by an answerable servitude, and that such offenders upon the second conviction (lawfully had) be brand markt visibly in the most eminent part of their face, and confind to a singular habit. And upon the third lawfull conviction, to be put to perpetuall servitude, for the benefit of the State, saving to the party wronged, a competent deduction thereon, for restitution according to the theft. that upon all occasions of warre, such Bond-men may be taken for the Military service, and the impressing of free-men on that behalfe in some measure spared.

8. That every English Native, who hath goods, Wares and Merchandize, may have freedome to transport the same to any place beyond the Seas, and there to convert them to his owne profit, it being his true and proper inheritance to doe, according to the Statutes of *14. Edw. 3.2.12. Hen. 7.6.* and therefore to the end the old trade ingrossing Company of Merchants may be dissolved, and the like for the future prevented.

Concerning the Clergy.

1. That the grievous oppressions by Tythes and forced-maintenance for the Ministry be removed, and that the more easie and Evangelicall practice of contribution be granted, and confirmed for the benefit of the Subject, and his freedome therein, for prevention of the Lordlinesse, in and the Commotions, oppressions and, tyrannies, that might happen by the Clergy.

Concerning Schooles.

That all ancient Donations for the maintenance and continuance of Free-Schooles which are impropriate or converted to any private use, and all such Free-Schooles which are destroyed or purloyned of any freedome for propriety may be restored and erected againe,

and that in all parts or Counties of the Realme of England, and Dominion of Wales destitute of Free-Schooles (for the due nurture and education of children) may have a competent number of Such Schooles, founded, erected, and indowed at the publique charges of those respective Counties and places so destitute, that few or none of the free men of England may for the future be ignorant of reading and writing.

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Concerning Hospitalls.

That all ancient charitable Donations towards the constant reliefe of the poor, impropriate, and converted to other use, and all Hospitalls that are either impropriate, corrupted or vitiated from their primitive constitution and end, or be deprived of any of their franchise, profits or emoluments, may be restored, relieved, and rectified, and safely preserved to the reliefe and maintenance of poore Orphants, Widowes, aged and impotent persons, &c. And that there be a convenient number of Hospitalls, founded, erected, and constituted in all the Counties of England and Wales, at the publique charge of the respective Counties, for the good education and nurture of poore fatherlesse or helplesse children, maintenance and reliefe of poore widowes, aged, sick, and lame persons. And to that end, that all the Gleabe-Lands in the Kingdome, may be converted to the maintenance and use of those charitable houses.

Concerning Commons inclosed.

That all grounds which anciently lay in Common for the poore, and are now impropriate, inclosed, and fenced in, may forthwith (in whose hands soever they are) be cast out, and laid open againe to the free and common use and benefit of the poore.

Concerning Petitions.

That strong provision be made that neither the Parliament, nor any inferior Court, Officer, or Minister of the Law whatsoever, may in any wise let, disturb, or molest any person or persons, from contriving, promoting or presenting any Petition or Petitions concerning their grievances, liberties, to the High Court of Parliament.

FINIS.

Title ID: T.130 [1648.01.22] [Richard Overton], *The Mournfull Cryes of many thousand Poore Tradesmen* (22 January, 1648).

Estimated Date of Publication: 22 January, 1648.

Thomason Tracts Catalog Information: TT1, p. 586,n 669.f.11/116.

The mournfull Cryes of many thousand Poore Tradesmen, who are ready to famish through decay of Trade. Or, the warning Teares of the Oppressed.

OH that the cravings of our Stomacks could bee heard by the Parliament and City! Oh that the Teares of our poore famishing Babes were botled! Oh that their tender Mothers Cryes for bread to feed them were ingraven in brasse! Oh that our pined Carkasses were open to every pittifull Eye! Oh that it were knowne, that wee sell our Beds and cloaths for Bread! Oh our Hearts faint and wee are ready to swoone in the top of every Street.

O you Members of Parliament and rich men in the City, that are at ease, and drinke Wine in Bowles, and stretch your selves upon Beds of downe, you that grind our faces and Flay off our skins, will no man amongst you regard, will no man behold our faces black with Sorrow and Famine, is there none to Pity. The Sea-monster drawes out the brest and gives suck to their young ones, and are our Rulers become cruell *like* the Ostrich in the Wildernesse, *Lament. 4. 3.*

OH yee Great men of ENGLAND, will not (thinke you) the righteous GOD behold our Affliction, doth not hee take notice that you devour us as if our Flesh were Bread? are not most of you eyther Parliament-men, Commitee-men, Customers, Excize-men, Treasurers, Gouvernours of Townes and Castles, or Commanders in the Army, Officers in those Dens of Robbery the Courts of Law? and are not your Kinsmen and allies, Collectors of the Kings revenue, or the Bishops rents, or Sequestrators? what then are your ruffling Silkes and Velvets, and your glittering Gold and Silver Laces, are they not the sweat of our Browes, and the wants of our backes and bellies?

Its your Taxes, Customes, and Excize, that compells the Country to raise the price of Food, and to buy nothing from us but meere absolute necessaries; and then you of the City that buy our Worke, must have your Tables furnished, and your Cups overflow; and therefore will give us little or nothing for our Worke, even what you [1] please, because you know wee must sell for monyes to set our Families on worke, or else wee famish: Thus our Flesh is that whereupon you Rich men live, and wherewith you decke and adorne your selves. Yee great men, is it not your Plenty and abundance which begets you Pride and Riot? and doe not your Pride beget Ambition, and your ambition Faction, and your faction these Civill broyles; what else but your Ambition and Faction continue our Distractions and Oppressions? Is not all the Controversie whose *Slaves* the poore shall bee? Whether they shall be the Kings vassalles, or the Presbyterians, or the Independant factions? and is not the Contention nourished, that you whose Houses are full of the spoiles of your Countrey, might be secure from Accompts, while there is nothing but Distraction, and that by the tumultuousnesse of the People under prodigious oppression. you might have faire Pretences to keepe up an Army, and Garrisons, and that under pretence of necessitie you may uphold your arbitrary Government by Committees, &c.

Have you not upon such pretences brought an Army into the bowels of the City, and now Exchange doth rise already beyond Sea, and no Marchants beyond Sea will trust their Goods hither, and our owne Marchants conveigh their [2] Estates from hence, so there is likely to bee no importing of Goods, and then there will be no Exporting, and then our Trade will bee utterly Lost, and our Families perish as it were in a moment.

O yee Parliament men heare our dying Cry, *settle the Common-wealth, settle the Common-wealth! strive not who shall bee greatest untill you be all confounded.* You may if you will presently de termine where the supream Power resides, and settle the Iust common Freedomes of the Nation, so that all Parties may equally receive Iustice and enjoy their Right, and every one may bee as much concerned as other to defend those common Freedomes; you

may presently put downe your Arbitrary Committees and let us be Governed by plaine written Lawes in our owne Tongue, and pay your ministers of Iustice out of a common, Treasurie, that every one may have Iustice freely and impartially.

You have in your hands the Kings, Queenes, and Princes revenue, and Papists Lands, and Bishops, and Deanes, and Chapters lands, and Sequestred lands, at least to the value of Eighteene hundred thousand Pounds by the yeare. Which is at least five hundred Thousand pounds a yeare more then will pay the Navie and all the Army, and the Forces which need to bee kept up in *England* and *Ireland*; and out of that the Kingdomes debts would bee paid yearly; whereas now you runne further into Debt daily, and pay One thousand pounds by the Day at least for use Money; besides you may if you will Proclaime Liberty, for all to come and discover to a Committee of dis-ingaged men, chosen out of every County, one for a County to discover to them what Monies and Treasure, your owne Members and your Sequestrators, &c. have in their hands, and you may by that meanes find many Millions of money to pay the Publique debts. You may find 30000. l. in Mr. *Richard Darley's* hand 25000. l. in Mr. *Thorpes* hands [3], a Member of Yours who first Proclaimed Sir *John Hotham* Traytor. And thus you may take off all Taxes presently, and so secure Peace, that Trading may revive and our Pining, hungry, famishing Families bee saved.

And O yee Souldiers who refused to Disband, because you would have Iustice and Freedome, who Cryed till the Earth ecchoed Iustice, Iustice; forget not that Cry, but cry speedily for Peace and Iustice, Louder then ever. There is a large Petition of some pitifull men that's now abroad, which contains all our desires, and were that Granted in all things, wee should have Trading againe, and should not need to begge our Bread, though those men have so much mercy as they would have none to cry in the streets for Bread.

Oh though you bee Souldiers, shew bowels of Mercy and Pity to a hunger starved People; Goe downe to the Parliament, desire them to consume and trifle away no more time, but offer your desires for Vs in that large Petition, and cry Iustice, Iustice; Save, save, save the Perishing people; O cry thus till your importunity make them heare you.

O Parliament men, and Souldiers! *Necessity dissolves all Lawes and Government*, and *Hunger will break: through stone walls*, Tender Mothers will sooner devoure You, then the Fruit of their owne wombe, and hunger regards no Swords nor Cannons. It may be some great oppressours intends tumults that they may escape in a croud, but your food may then be wanting as well as ours, and your Armes will bee hard diet. O hearke, hearke at our doores how our children cry *Bread, bread, bread*, and we now with bleeding hearts, cry, once more to you, pity, pity, an oppressed inslaved people: carry our cries in the large petition to the Parliament, and tell them if they be still deafe; the Teares of the oppressed will wash away the foundations of their houses. Amen, Amen so be it.

Endnotes

- [1] And since the late Lord Major *Adams*, you have put in execution an illegall, wicked Decree of the Common Councill; whereby you have taken our goods from us, if we have gone to the Innes to sell them to Countrimen; and you have murdered some of our poore wives that have gone to Innes to find Cuontrimen to buie them.
- [2] The Merchants have already kept back from the Tower many hundred thousand pounds, and no bullion is brought into the Tower, so that money will be scarce daily.
- [3] M *William Lenthall*, Speaker of the House, to cover his cozenage, gave two and twenty thousand pounds to his servant M. *Cole*, to purchase Land in his own name, though for his use; which hee did, and then dyed suddenly, and the Land fell to his Sonne, and the widow having married a Lawyer, keeps the Land for the child's use, and saith he knowes not that his predecessor received any monie from the Speaker, and now Master Speaker sueth in Chancery for the Land. A hundred such discoveries might be made.
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RICHARD OVERTON, *OVERTON'S DEFYANCE OF THE ACT OF
PARDON (2 JULY 1649)* ↪

26

Overton's
DEFYANCE
OF THE
ACT of PARDON:
OR,
The Copy of a Letter to the Citizens
usually meeting at the **WHALE-BONE**
in *Lotbury* behinde the Royal Exchange;
And others commonly (though unjustly)
STYLED
LEVELLERS.

Written by *Richard Overton* Close prisoner in
the Tower of **LONDON.**

MATH. 16. 24, 25.
*Then said Jesus unto his Disciples, If any man Will come after me,
let him deny himself, and take up his crosse and follow me.
For whosoever will save his life, shall lose it; and whosoever shall
lose his life for my sake, shall finde it.*

July. 4th.
Imprinted at *London*, 1649.

[Created: 19 Oct. 2020]
[Updated: 26 July, 2024]

Title ID: T.202 [1649.07.02] Richard Overton, *Overton's Defyance of the Act of Pardon* (2 July 1649).

Estimated Date of Publication: 2 July 1649.

Thomason Tracts Catalog Information: TT1, p. 754, E. 562/26.

Full Title

Richard Overton, *Overton's Defyance of the Act of Pardon: Or, The Copy of a Letter to the Citizens usually meeting at the Whale-Bone in Lothbury behinde the Royal Exchange; And others commonly (though unjustly) styled Levellers. Written by Richard Overton Close prisoner in the Tower of London.*

Matth. 16. 24, 25. Then said Jesus unto his Disciples, If any man will come after me, let him deny himself, and take up his crosse and follow me.
For whoever will save his life, shall lose it; and whosoever shall lose his life for my sake, shall finde it.

Imprinted at London 1649.

OVERTON'S DEFYANCE OF THE ACT of PARDON.

Honoured Friends,

I Understand, that at the silence of my pen since my close imprisonment many have wondered, & some even amongst you (though tacitely) been ready to draw my integrity into suspicion, but could such as wel unfold the riddle of my silence, as in other things, judge of what is visible and obvious to the eye, their thoughts sure would be far from such jealous surmises of me, neither would they (I suppose) so much as tax me of imprudence or negligence in the matter, though my silence indeed had been as deep as is suspected, and let it be so taken for granted, and also taken in the worst sence, I care not much how I am judged; yet I must needs confess, it is no pleasure unto me, to be misjudged, or condemned before my time, when my deeds are apostate or contradictory to what I have begun in behalf of the publick, then is the time of my condemnation, and before that my patient endurance in bonds (one would think) were a guard sufficient against misconceptions in that kind, especially with my friends.

But knowing, that even the suspicion of any one of us four; yea, though in the unworthiest, *My Selfe*, is an arrow of so pearcing a kind, that it even woundeth through the sides of that person-the righteous cause of the people which never more needed indulgence, watchfulness, and help then now, *it* being (by perfidious usurpers and hypocrites, now clothed as Angels of light with the radiant beames of Majesty and Saintship, that no English mortal is able to peep into their glory and live) become like the man that travelled from Jerusalem to Jerico, and fell among thieves, stript of his raiment (an Agreement of the people, and its faithful Asserters) wounded and beaten, deserted and left half (if not altogether) dead, spurned, trampled and trod under foot, and the Priest and the Levite, and [4] (which is most to my grief and confusion of face) my very brethren the *Church-men* pass by on the other side, yea, and which is worse, are not ashamed with their invenomed invectives, lyes, calumnies, and bitter persecutions, (and yet all forsooth in the name of God, of Jesus Christ, of Religion and the like) to stab and wound it afresh; having forked stings like Serpents to sting every hand that toucheth, swoln with venome like Toads to spit at every person that owneth, and like Vipers ready at all times to fasten on every man that shall dare to be an asserter thereof; that now none so persecute as they, enough to affright me from Church-ship, to renounce and abominate it for ever; did not I know its institution to be holy and good, and the wayes of those men no natural product or fruit of Church constitutions.

I tell you (my dearest friends, and fellow asserters of the publick cause) knowing how circumspect, tender & careful we ought to be; now especially to shew our affections, our truth and fidelity to our persecuted wounded, forsaken, and almost murdered cause, when none there is scarce that dare own it or indulge it in publike, and to approve our selves like the good Samaritan indeed to binde up its wounds, to poure in our wine and oyle, and have a care of it; I shall therefore (least your jalousie over me should take too deep an impression upon your spirits, and so work an in confidence in you, in any future asserters of our cause, to the extreme dammage and prejudice of the cause it self) unbosome the present disposition of my heart and resolutions concerning the same, although to give you the particular reasons for the late obscurity or silence of my pen, at present I judge not convenient.

My Friends, of this therefore be yee confident, that my silence hath not proceeded from any degeneration or instability in me to that *Righteous Cause* (summ'd up in our draught of an Agreement of the people, subscribed, published and offered by us four as a peace offering, to the consideration of the people of England, 1. *May*. 1649,) that Paper, (or rather the

contents or premises thereof) is the price, glory and end of my endurance, neither life, liberty on reparation, or any thing that man or earth affords is valuable with me in comparison thereof, that is my *all in all*; I desire neither life liberty, or reparation (seeing God hath called me to the work) but as may stand in subordination to that Agreement; while I have life or breath it shall never want a true asserter to uphold and promote the same to the utmost of my power, let the hazard and danger to my self be what it will.

Although I have sat thus long in the shadow of silence, yet let not my friends suspect me, nor mine enemies vaunt over me, for though my person is their captive, yet have I so much spirit and fidelity left, to scorn their [5] tyrannies, and dare them to their teethes to do their worst; let them finde Gallowes, Gybbets, Prisons, Halters, &c. Ile finde carcass to encounter, till I have encountered out my life, I fear none of their *Treason traps*, I scorne and defy them; for that Agreement I will have, or else Ile dye at their feet; Ile have no accord or peace with them at all till they have yeilded that: whether at liberty or in prison, it is all one to me.

It is neither my own life, liberty, nor reparation that I stand for, as the proper end of my Engagement; I have set my hand to the plow, and that paper hath proclaim'd it, and bears testimony thereof, and shall I look back for my own advantage, God forbid; rather let me die, then live the life of *Den* (that accursed English Judas;) The bread of Apostacy, Lord, never let it enter into my lips; to drink the blood, and eat the flesh of my Countries Cause; yea, of the children that are yet unborn, as that Viper, that wretched Traytor hath done, or be clothed with the garments of such abhorred abomination; farre, farre be it from me and mine, rather let us be cloathed in Rags, and let me linger out my dayes, fettered and mannacl'd in some of their noysome murdering Dungeons to bear testimony against them, for that Righteous Agreement: God hath given me the heart, and fild it with power and patience for the work; life, liberty and reparations, that golden ball and bait of Apostacy shall not satisfie me, it is not for such flattering pictures, that I am at variance with them, although my condition might invite me to such worldly acceptances; no, I first set my hand to the work out of integrity and simplicity of heart, without all selfe or by-ends, God is my record, and I trust, he that began that good work in me, will bear me out in it, to the end; and that is my earnest and hearty prayer.

Therefore, my friends, be not you fearfull or jealous of my integrity, I wish none of your heads may ake till I turn apostate, sure I shall first turn into the dust: and for the truth of this my professed integrity, I referre you for prooffe to my future actings, if they therewith commensurate, let me be justified, if not condemned, by the fruit let the tree be judged: other judgments I need not much vallew, for such judgments ever betray an evill spirit in the Judgers.

But now my dear friends, you especially, which have provoked me thus at this time, to unbosome the secret resolves of my heart, (who perhaps by some, not duly weighing the occasion and necessity, may be ascribed to vain glory and arrogance) you I desire, to rub up your wits, consider and tell me, whether instead of those jealous surmises of me, your time had not better been spent in considering some way wherein you might equally discharge your duties with us, that are so close immured in the Tower; think you, that we are able to remove mountaines; we are but men, and no more but [6] four men: Imagine you, that there are no more hands required to the work, or that it is possible for us to doe all the drudgery, and perfect the same, while you stretch your selves upon your beds and take your ease, leaving all at sixes and sevens, and the cause to sink or swim, to stand or fall, if we look not after to beare it up: My friends, the Cause is as much yours as ours, and your duties with ours are equall extent; but how comes your practice so short, so dull, and remisse; upon all occasions you expect vigerous actings from us, while you look over your selves: I cannot see, but that a Prison, the Gallows, or halter would become the best of you as well as any of us, to vindicate or assert that Agreement of the people.

But you spit in our mouthes, and clap us on the backs like Dogs, and cry, ha-looe a-looe, and turn us loose upon all the Bulls, Bears, Wolves, Lyons and Dragons of the times, which are thousands to one, (I confesse I love the sport) while you shrink, and skulk into you holes: Come out for shame, come out, and catch me the great Bull of Bason by the NOSE, and make him roar.

Whu— — —all my brave Levelling Bull dogs and Bear Dogs, where are you? Siz— — —; ha—looe—ha—looe—all fly at him at once: There at him, at him; O brave Jockey with the Sea-green ribbond in his eare! that Dog and his fellow for fourty shillings a Dog: Hold, hold, he hath caught him by the Gennitals, stave him off, give the Bull fair play.—A pox—they have burnt my Dogs mouth.

Ha—looe,—ha—looe— — —all at him againe, and bate him out of *England* into *Ireland*, and there the brave Royall Bandoogs will tug him and tear him to some purpose: But stay, first let me clap this nettle under his Tayle, and tell him, wee'l never leave biting and bating, if all the lusty levelling Masties in *England* will do it, till we have worryed, or broke the Buls neck, or else gain'd our Agreement.

Martin can sing no other tune since he was cag'd up in the Tower, but *The Agreement of the People*, *The Agreement of the People*; and is resolv'd to sing no other note but that: all his airy Canto's, and sweet roundelayes must all be to the good English tune, of *The Agreement of the people*.

But (my friends) to return. Be not yee luld asleep with none of their blandishments: They now talke much indeed of Reparations for Colonel *Martins* great losses, of our Liberties, of Mr *Lilburns* and Mr *Princes* money, and of such like rattles and toyes, but you may remember their old tricks and delusions and understand the mysterie of those guilded motions; when at the generall risings in *Essex*, *Kent*, invasion of the *Scots* &c. they wanted help, O how honest would they be to the just interest of the people! when the House was to bee broken in pieces, then no way but we must have an [7] *Agreement of the People* [1]; when the King was to come to the Block, and a bloody High Court of injustice, and a Councill of State erected, then what a white Boy was Colonel *Martin*? A Regiment of horse was voted for him by the House, to keep the pertty Baby at play with that fine *tan-ta-rararah tan tarra*, while their work was over: when our friends were up about *Burford*, then a Committee must be appointed to consider of Elections for a New Representative in all haste. And now think you, what is at the bottom of their new smiling Aspects towards us? *quiequid id est, ti meo Danaos & Dona terrentes*: Ile trust them no further then I can sling their great Bull of Bason by the taile; their smiles are but on purpose to slay. The Prince, the *Scots* and *Irish* have prepared them more fish then they are well able to fry, that they are so forward to fetch a col. from our Altar to augment their fire.

Therefore while it is day consider what you have to do, strike now if you mean to speed, up with your Agreement of the People again, and beleeve nothing that they say or do, till you be real possessors thereof, and a new free Representative in being: and then let them do their worst, wee'l make them honest in despite of their teeth, and till then, and not before can I reckon of my reall deliverance from these bonds. Come, who strikes the first stroke? what says old *Mother Harry*? reach him there an Agreement of the People, it will become him better then his reparations in consideration. And where's my little *Gray of Grooby*, what's he in a Mousehole? and my old fellow Rebell *Iohne Wildman* Mount *Atlas* stand on tiptoes where art thee? and behold a mighty stone fell from the skies into the bottome of the Sea, and gave a mighty plump, and great was the fall of that stone, and so farewell *Iohne Wildman*. VVhat my Sea-green gallants, where are you all, what neither hot nor cold, neither fish nor flesh nor good Red-herring? Is your spirits sunk into your heels, or your wits into the napes of your necks? rouse up for shame and shew your selves in your kind, or else out amongst

you flies the little whisking mischievous bird, Primate and Metropolitan of all the Swallows and Martins in England; and then look to your selves.

But now to make up the jest, an Act of Grace forsooth is cast into the forge, under which they are pleased to report, that the four arch-Levelling Rebels in the Tower shall be comprised: Smile O Heavens, and clap thy hands O earth, ha, ha, ha. And must all our sins and trespasses be forgiven us now? but first what is our trespass? The Agreement of the People! Sure there is great need of forgiveness of so high an offence, if it be considered, who they are that therewith can be offended; indeed vice is a vertue, and only vertue a vice with hells Cabinet Juncto, and so comes [8] to passe the trick of forgiveness for us: but tell them (my friends) that little brisk Levelling *Dick* in the Tower hath not his integrity yet (as merry as is his worship) at so low an esteem, to desire his Liberty upon so dishonorable and base an accompt: what have I set my hand to the glorious cause of the free people of England, and engaged my carcasse in the controversie, and shall I now hang down mine head like a Bulrush and yeeld up my self for a little dirty liberty, to be turn'd out as an *Evil doer* to the everlasting dishonour of my cause: no, Ile dye first.

Therefore know all men by these presents, that I *Richard Overton*, now close prisoner in the Tower of *London*, out of a tender regard that I have to the Libertyes of my Country, and credit of that honorable cause, do hereby defy, renounce, abhor, detest and scorne that Act of Pardon as to my Liberty thereby, and do rather chuse continuance and encrease of Bonds, then conditionall submission or assent thereunto in the least: And hitherto as I have scorned any clandestine or open compliance with them for any selfish end whatsoever, so let this (my friends) be a witness betwixt you and me, and to the whole world, that I am so far from submission to their corrupt and wicked interest, that I will first eat the flesh off from my bones; first rot and perish in Goal, before I will so far bow to them, as in the least to woo them or any of their creatures, either directly or indirectly in person or by proxie for my liberty: my cause is not so bad, but with patience I can suffer till I be justly delivered without blemish or speck of infamy to the same; the honour of it, I honour above my life or liberty.

Now were I already upon the dishonourable terms of that act thrust out, it were a thousand to one, I should not keep a month out of Prison: To what end therefore should I trouble my head about my liberty, till I can be at peace, and rest when I am abroad, for without the Agreement or sufficient security for the same, I can have none. I am more at content where I am, then to be with you upon unequal terms.

Thus my truly dear, and worthy friends, I hope as concerning my integrity and constant faithfulness to what I have undertaken in behalf of the publick; I have given you clear and ful satisfaction, to the utter removal I suppose of those late jealous incommas amongst you: And so with my intire love and respects unto you all, with inward joy, comfort and gladness of heart in bonds for my Country's sake, rejoycing, I rest.

*Yours, and every English mans for the Agreement of the
people faithful to the death.*

From my close imprisonment
in the Tower of *London*,
July 2. 1649.

RICHARD OVERTON.

FINIS.

[1] See Col. Lilburne, Legall Fundamental Liberties of the People, pag. [Editor: illegible word], 30, 31, 32, 33, 34, 35, 36, & [Editor: illegible word].

RICHARD OVERTON, *THE BAITING OF THE GREAT BULL OF BASHAN* (16 JULY 1649)↵

THE BAITING
OF THE
Great BULL of BASHAN
UNFOLDED.

AND
Presented to the Affecters and appro-
vers of the PETITION of the
11 Sept. 1648.

Especially, to the Citizens of London usually
meeting at the *Whale-bone* in *LOTHBURY*
behind the *Royal Exchange*, Commonly
(though unjustly) styled

LEVELLERS.

By *Richard Overton* Close-prisoner in the
Tower of LONDON.

Psal. 22. 12. 13. Psal. 68. 28. 30.
*Many Bulls have compassed me: strong Bulls of Bashan have be-
set me round.
They opened their mouths against me, as a ravening and a roaring
Lion.
Strengthen O God that which thou hast wrought for us.
Rebuke the Company of Spearmen, the multitude of the Bulls, with
the Calvet of the people, till every one submit. Scatter
As thou the people that delight in war.*

July 16
Imprinted at London, 1649.

[Created: 19 Oct. 2020]

[Updated: 26 July, 2024]

Title ID: T.204 [1649.07.16] Richard Overton, *The Baiting of the Great Bull of Bashan* (16 July 1649).

Estimated Date of Publication: 16 July 1649.

Thomason Tracts Catalog Information: TT1, p. 757,n E. 565/2.

Full Title

Richard Overton, *The Baiting of the Great Bull of Bashan. Unfolded and presented to the Affecters and approvers of the petition of the 11. Sept. 1648. Especially to the Citizens of London usually meeting at the Whale-bone in Lothbury behind the Royal Exchange, Commonly (though unjustly) styled Levellers. By Richard Overton Close-prisoner in the Tower of London.*

Psal. 22. 12. 13. Psal. 68. 28. 30.

Many Bulls have compassed me: strong Bulls of Bashan have beset me round.

They opened their mouths against me as a ravening and a roaring Lion.

--- Strengthen O God that which thou hast wrought for us. Rebuke the Company of Spearmen, the multitude of the Bulls, with the Calves of the people til every one submit. Scatter thou the people that delight in war.

Imprinted at London, 1649.

[1]

Gentlemen,

BEING necessitated (by some over-sudden misdeemings from amongst you) some few dayes since to assert and avow the continuance of my integrity to those sure foundations of Peace and Freedom, offered to the people of this Nation under the forme or draught of an Agreement of the People, May 1. 1649.

It hath happened with me, as with other adventurers into the publick: All pallates are not pleased with that Sheet intituled *Overtons Defiance* etc. yet falleth it out no other wise then I expected; it seems many are weak and as many are offended, and chiefly with that figurative passage of the Bull; especially at the word *Pox*; but they need not much, did they but also take into their thoughts, the adulterous and wicked generation, on whom that Metaphor is made good, a people whose heart is waxed grosse, and their ears dull of hearing, having closed their eyes, least at any time they should see, hear, understand and be converted.

To such a people Christ spake not but in Parables: why then to such might not I use the Figure of the Bull of Bason, or rather of the Bull-baiting, with all the circumstances *Emphasis Gratia* thereunto appertaining? But ther's uncivill language, such as becommeth not the Gospell of Christ. I answer (my Brethren) he or she (how pure or nice soever to the eye) that is not guilty of reall grosse incivilities both in word and deed, let him or her throw the first stone at that seeming incivillity, for at most you can make it but so in appearance, and no like is the same. The figure is but the shell; will you not crack the shell to take out the kernell? passe through the Parable to the Morall thereof? I, but it jears and thats not the language of Canaan; and be it so: Is it not recorded that Ellah mocked the Priests of Baal, and said, *Cry aloud for he is god, either he is talking or he is pursuing his Enemy, or he is in a journey, or peradventure he sleepeth, and must be waked.*

Sure this was a jear to some purpose: here Ellah bid them cry aloud etc. and 'tis justified; then why now may I not cry ha-looe-ha-looe, etc. and not be condemned? What if I had turn'd Fidler in that Paper, Christ himselve useth the simile of a Piper, saying, *we have Piped unto you and ye have not danced* (Mat. II. 17.) And truly I think we (the four poor Sea-green Fidlers in the Tower) may take up the same saying, We have Piped unto you ever since the first of May, the most pleasant tune of the AGREEMENT of the PEOPLE, but yee have not danced up so roundly as so sprightly a tune deserves. But you will say (it may be) I am still in the language of Ashdod (as perchance you may take it) or that this Dialect is of Consanguinity with the other: Tis true; things (however in themselves) are to others as they are taken. He that should take the Parable of Dives and Lazarus in the bare letter (how known Cannonical soever in its own genuine sence) he must explode it the [2] Scriptures and at best give it but a place in the *Apocrypha*, for the Letter or character thereof (if that must be the sence) is contradictory to the body of divinity, except you wil say, to beleeve that the rich Glutton and the Begger left not their eyes, tongues, fingers, etc. in the grave is Orthodox. And so of my Metaphor of the Bull, the use of the word *Genitals*, *Pox*, etc. you may say is uncivill in the Letter, but how uncivill I pray in the Morall? Know yee not that whosoever shall but fasten on the Genitors or Parents of the peoples ruine, so, as to pinch the grand Imposters and deluders of the times, he burns his Fingers, is smit with the *Morbus Gallicus* of the enslaving Sword; For, what's he, that is precisely honest to the Common-wealth, that can scape persecution? As it hath been of old and is still in things spirituall, He that will live godly in Christ Jesus shall suffer persecution; so he now, that will but faithfully discharge his duty to the publick, shall be sure to be cast upon the Fiery Tryall, that Dogs mouth (as after the Metaphor) shall be sure to be burnt, and tis well he scapes hanging as the time goes.

Now I pray, to how much incivility doth this amount? Is it so worthy your second condemnings as it may not be indulg'd with a favourable eye? Love envyeth not, it judgeth the best; I had thought with two or three merry Jiggs to attempt an uproar in all the laughers in England, but I see you are a company of dull souls, mirth with you is like a Shoulder of Mutton to a sick Horse, or worse, you strait convert into melancholy, trample it under your feet, turne againe, and are (some of you) ready to rent me; He that had cast Pearls before Swine could have expected no lesse.

Indeed, you looked (many of you) upon me as in a Sownd at my close Imprisonment; but truly, when I came abroad with that ignorant Sheet, it found you in a dead sleep, as men in a Trans, portending, as if the Champions of the Eleventh of September had been Sparrow-blasted with the businesse of Burford: and I essayed, to put you out of your dumps, and mind you of the Agreement of the People as the center, or *ne plus ultra* of all our Engagements; but it seems it proved but as musick to the house of Mourning; yet however, it hath so far gained its end; if by it you wil not be provoked to your duties equally with us, it hath awaked you into a little discourse *pro* and *con*, though it be but to point at my weaker parts, and that's better then nothing, if rightly applyed, for *ex nihilo nil fit*: by this you may take notice of your own infirmities in so wire-drawing of mine: Certainly, it may provoke you to consider of what spirits you are, not unlike such as strain at a Gnat and swallow a Camel, that usually in any discourse passe over what concemeth themselves, though of never so serious and weighty consideration in point of their duties, and betake themselves wholly to spye out the spots and infirmities thereof, and of the Author, and fall foul thereupon, and so sleight their duties, stifle and smother the thing that is good: And now (my tender friends) I pray tell me what Spirit is this? 'tis a foul spirit, away with't for shame; go purge, goe purge; one penniworth of the *Agreement of the [3] people*, with a little good resolution taken morning and evening, will work out this corruption, cleanse and purifie the bloud, and put a period to this distinction of parties, allay the feude and division of the people, and state us in firme Freedom, Safety and Peace; and then there will be none of this catching and carping, this lying in wait to snap at infirmities; and till the Agreement be settled, this is not to be expected.

I have known, when things as unserious as my last sheet, drest out in the youthfull attire of mirth, hath found a very large acceptance not only with you, but even with this generation of men, that are now the Enemies of the People; and I think if I have not forgot the Arrangment of Persecution, and some other things of that nature, that I myself have been one of those who have had the honour of such acceptances: But *O tempora! O Mores!* how few are the same yesterday and to day? successe changeth mens minds as the wind doth the weathercock.

But (my friends) your gravity (which I am affraid hath too much of Melancholy in it) cannot more move me to a more serious Dialect, then my own affections incline me, I prize both in their places; as I affect the one, I respect the other: for sure, modest mirth tempered with due gravity makes the best composition, most naturall and harmonious: God in the temper of our natures as he hath made us Earth, so hath he enlivened that dull lump with the Element of Fire, which is the *forma formans*, the giver and preserver of being and motion, and the Original of that habit of laughter: Therefore Mirth sure is of Divine instinct, and I think I may boldly say, more naturall then Melancholy, and lesse savours of the Curse. Nature in its Creation was pure and good, void of corruption, or any thing obnoxious or destructive: all misery and mischiefs came in with the fall, as a Curse upon the Creature, as Death, sorrow, tears, pains, etc, in which number you may reckon Melancholy, for 'tis both unnaturall and destructive to nature, and so fitly reputed a branch of the Curse, and 'tis the root of the root of all wickednesse, Coveteousnesse; for where have you seen a Melancholy man that's not covetous? and a covetous man seldom proves a good Common-wealths man: yet this ill Weed is gotten into so religious an esteem that all our Religion is turn'd into

Melancholy; that, he that cannot whine, pipe, weep and hang down his head like a Bulrush and seem sad unto men, is prophane, light, hath not any thing of God in him, is a Reprobate, is condemned and censured of all, as neither fit for Church nor Common-wealth; And thus comes it to passe; my mirth is heightened to such a transgression, even to cast me under the present *Anathama* of the now godly party.

But my Brethren of the Sea green Order, take a little wine with your water, and Ile take a little water with my wine, and it will temper us to the best constitution. I wonder what meaneth your late dulnesse of motion, appearing as men in a dream, or as if you were another sort of people then the [4] Authors, promoters, approvers and presenters of the Petition of the 11 of Sept. that people use to be the most active and vigorous People in England for publick Freedom and safety, they use to fear no colours, the more they were prest down the more they prest forward, and the more they increased; few months have passed that they have not in point of Common-Right produced some eminent peece: but your heads have drooped of late, nothing hath appeared, not one *punctilio* in supportation and promotion of the Agreement; deep silence hath covered you; fie, fie; be not cow'd out of your abilities and principles by the present rage of the wicked: compare but the strength of your principles and the strength of an Army, and tell me which is stronger: How many persecuting powers have fallen before your principles as Dagon before the Ark? and who hath been able to stand before them, even from Episcopacy to this whited and Jesabel like painted Independency? Think you, that this unparallell'd tyranny, under this new name, more fierce and cruel then his fellows, trampling the residue under its feet, that it shall scape the vengeance of Gods wrath more than its Predecessors? no, no; Gods Motto is *Semper Idem*. Be not therefore dismayed or daunted at the height and magnificence of this insolent faction, the new sons of Perdition, that are set up to deceive if it were possible the very Elect.

It is your own evill and weaknesses and of those that are Professors and pretenders to the same principles with you, that our Cause is thus under a Cloud: would you all act together, all suffer together, all be as one; and not thus (as some amongst you Commonly use) hang back in the adversity, and be seen in the Van of Prosperity (not daring when the storme rageth, to peep into the tempest for fear of being blowne away) we should not be at this passe with our Cause.

Where there is any thing of venture or hazard, while 'tis in the Embrio, who's not then busie and forward? but when 'tis put upon the personall test for execution, O then one hath bought a piece of ground, and must be excused; another a yoke of Oxen, and he must goe see them; and a third hath married a wife and therefore must please her.

Friends, be not offended, this is a crime deserves your repentance; I condemn you not all, it is but some few; A little Leaven you know leaveneth the whole Lump; therefore do ye beware of the Leaven of the pharisees, it much retardeth your motions and blasteth their fruits; the publick is a loser thereby, and your Cause receiveth dammage: let those whom this pincheth, be thereby provoked to amendment, it is worthy their care: For know you not, that it is many hands make light work? If the stresse or weight of the work be laid upon one, or some 3 or 4, it must needs goe on slowly: Why, is not he that's most backward as forward as the best? it is his Cause as much as it is any mans, and thereto in duty as much obliged as any. We are no more concerned than your selves, 'tis but upon the point [5] of common duty (which binds all) to our Country, that we suffer, and we count it our Joy, for that we know we suffer for well-doing, and though we perish in the Work, our Reward shall goe with us, for our Redeemer liveth, and that is our stay. Therefore why stand you still, and are not provoked to this good Emulation; be as active and vigilant, and you shall share in the rejoicing, and 'tis such (I must tell you my Friends) is worth your having; *Dulce est pro patria pati*.

Fear not those Hills and Mountains that are in your way; it is but your want of faith that they are not removed, and cast into the bottome of the sea: While you lift up your heads, are vigorous and active, your principles present you as Steeples above the rest of the people; every man is a strong Barricado in the way of the Enemy, and your principles flourish and get ground but when you are fearfull, are flat or remisse, then they retire and fade; for they are said to increase or diminish, as they get or lose ground in the understanding or acceptance of others: And this ever take as a sure Rule, That the most vertuous and saving principles in a person most undaunted and faithfull, the more they are suppress, and the more he is persecuted, the more they prosper and spread; of so mighty an efficacy are his sufferings and testimony; as, in the case of Paul is witnessed. Now I would (saith he) ye should understand, Brethren, that the things that hapned unto me, have faln out rather to the furtherance of the Gospel; so that my bonds in Christ are manifest in all the Pallace, and in all other places, and many of the Brethren the Lord waxed confident by my Bonds, are much-more bold to speak the Word without fear: And this is all the persecutor gaineth upon the undaunted Asserters of righteousness; his own sword is turned into his own bowels: persecution, as the Viper, devoureth its own parent. Then faint ye not (my friends) rouse up your heads and be valiant; lift up your Agreement of the people again, and put it upon the publick stage for promotion and subscription, and doubt not: What man that there is amongst you, that is fearfull and faint-hearted, let him depart your Meetings, and return to his house: the more the Enemy stormeth, the more resolute and vigorous be ye; give them enough of persecution; the more they persecute, the more doe ye appear, that your Bands may be famous; for with fetters, Irons, and prison walls you may shake them to pieces; 'tis their tyrannies, cruelties and oppressions must be their Fall, through which you must eat your way for the Agreement.

I highly honor the fidelity and valor of Mr. Chrestopher Chisman, who notwithstanding his Imprisonment, his abuses and sufferings, hath not wrapt up his talent in a napkin, but like a good and faithful servant hath improv'd his imprisonment to the publick advantage; see his Book, entituled, *The Lamb contending with the Lion*, 'tis worthy your imitation. Let your light (as his) so shine before men, that they may see your good Works, and glorifie your [6] Cause; fear no dangers; the high and mighty Cedars are never able to overtop your principles; what though Ambition hath mounted to the title of Lord Govenour (forsooth) hath not your vigorous principles slain both the Lyon and the Bear, and shall not this uncircumcised Philistine be as one of them?

But (my friends) I am informed those painted Sepulchers of Independency desire your compliance and treaty with them: But touch pitch, and you shall be defiled, have nothing to do with them; touch not, tast not, handle not, which all are to perish with the using; Remember the fidelity of Uriah to David: The Ark, and Israel, and Judah abide in Tents, and my Lord Joab, and the servants of my Lord are encamped in the open fields, shall I then go into my house, to eat and to drink, and to lye with my wife? As thou livest and as thy soul liveth, I wil not do this thing. Your Agreement lyeth half dead in the streets, your friends and its assertors are in prison, with sentinels at their doors, denied the access and visitation of friends, have the catch-poles of the Counsel of State enter their chambers when they are in bed, with Musketeers at their heels, search, rifle, catch and take away any thing that any way they may wrest unto their bloody ends against them, as formerly, and now, the other day (July 4.) they have done, and all the land mourneth and groaneth at the calamity and miseries upon it for want of the settlement of a just constitution of Government; and shall you go unto them (those pests and vipers of the Nation) to treat or comply? As you live and as your soul liveth you must not do this thing.

While your agreement is trod under their feet, your friends under their cruel captivity, etc. let him that treateth with them amongst you, or with any of their creatures, or keepeth any correspondency with them, be to you as a Reprobate, let the Marke of Cain be set upon him,

that every finger may point at him for a Traytor, and a Judas to the people that meeteth him.

If a wife or child be like to be destroyed by fire, water, or thieves, he accounts himself base that dare not venture his own life to save theirs: our cause is of a more transcendent value, and we suffer for it; and can you see it destroyed in us, and we for it, and not be as naturall as in a private relation? the lives, liberties, and freedoms of all is contained in it? If your neighbours Oxe or his Asse were in a ditch, it is a shame to passe by and not to help; and behold, here's all in the ditch, then, why venture you not your time, your labours, your monies, etc. to redeeme out all, our Cause, the nation, and us in it, and with it.

I confesse no people in England have been more vigorous, more active and diligent, and more adventurous for the Cause of the Nation, and for our Liberties than most of you: we have been as precious to you as the apple [7] of your eye; you have spared no hazard, no toyle or time to get us at freedome, and I hope we shall never be so ungratefull as not thankfully to remember that service of Love: To you we are obliged in the deepest obligations of any others in England.

But now considering the extream necessity of your still constant unwearied prosecution, I have emboldened my self to presse you forward to the good work of the people, that at this time you may be as vigilant and industrious as at any other, that publick life and spirit may still be preserved and encreased in our cause, even in these worst of times.

And if I have been a little too sharp in my advice, and admonishment, impute it I pray you to the heat of my zeal and ardent affections to the promotion of that Cause; for truly to me it is as the life of my life; without it I'm nothing, with it I live, and therein am

Yours and every mans as my own

From my close imprisonment
in the tower of London
July the ninth, 1649.

RICHARD OVERTON

FINIS.

RICHARD OVERTON, *A NEW BULL-BAYTING: OR, A MATCH PLAY'D
AT THE TOWN-BULL OF ELY BY TWELVE MUNGRILLS (7 AUGUST,
1649)* ↩

A
New Bull-Bayting :
OR,
A Match Play'd at the
TOWN-BULL
OF
ELY.

BY TWELVE MUNGRILLS.

viz. { 4 ENGLISH } DOGGS.
 { 4 IRISH }
 { 4 SCOTCH }

*John Lilburne, Richard Overton, Thomas Prince, and William
Walwyn, to Stave and Noſe.*

*With his laſt Will and Teſtament, and ſeveral Legacies bequeath-
ed to the Iunior, the Council of State, and Army.*

*Too him my Dogge; he — loe there; now hee's downe :
Bayted to death, and forfeit to the Crown.*

Aug. 7

NOD-NOL.

*Printed at the ſign of the S by the Hill on the whinn-wham ſide of the
Beare-Garden, for the good of the State.*

1649.

[Created: 21 July, 2024]

[Updated: 26 July, 2024]

Title ID: T.206 1649.08.07 Richard Overton, A New Bull-Baying: or, A Match Play'd at the Town-Bull of Ely (7 August, 1649).

Estimated Date of Publication: 7 August, 1649.

Thomason Tracts Catalog Information: TT1, p. 762, E.568.6.

Full Title

A New Bull-Baying: OR, A Match Play'd at the TOWN-BULL OF ELY. BY TWELVE MUNGRILLS. VIZ. 4 ENGLISH 4 IRISH 4 SCOTCH *DOGGS*. Iohn Lilburn, Richard Overton, Thomas Prince, and William Walwyn, to *Stave* and *Nose*. With his last *Will* and *Testament*, and several *Legacies* bequeathed to the *Iuncto*, the *Council of State*, and *Army*.

Too him my Dogge; ha---loo there; now hee's down:
Bayted to death, and forfeit to the *Crown*.

NOD-NOL. Printed at the sign of the by the *Hill* on the whim-wham side of the *Beare-Garden*, for the good of the State. 1649.

The Actors Names.

English	<i>Waller and Brown.</i>	with 4 Mastiffs;	<ul style="list-style-type: none">• <i>Prynne,</i>• <i>Burges,</i>• <i>Love,</i> and• <i>Poynze.</i>
Scotch	<i>Londen and Leisly.</i>	with 4 Mastiffs;	<ul style="list-style-type: none">• <i>Sybalds,</i>• <i>Heldersham,</i>• <i>Fleming,</i> and• <i>Archy.</i>
Irish	<i>Ormond and Inchiquin.</i>	with 4 Mastiffs;	<ul style="list-style-type: none">• <i>Owen Roe,</i>• <i>Yong Coot,</i>• <i>Mack-O-Neal,</i>• <i>And Towzer, The Man in the Moons Dogge.</i>

Overton, Lilburn, Prince, and Walwyn, Bear-wards.

These to be Coursed Three several times, fairly at the *Nose* of *NOL*, the Town *BULL*; for 3 *Crowns*.

It is desired that all Gentlemen, Citizens and others that shall come to see this *Bull-baying*, come not within the compasse of his *Roape* for fear of a *mischief*, for this *Beast* is so *bloody* and *dangerous*; that he hath with his *powrfull hornes* goared divers to death; therefore if they presume to come within his *Reach*, (and have a faire warning before hand;) the *Bear-wards* are blameless.

Vivat Rex.

[3]

A New Bull-Baiting: OR, A Match Play'd at the TOWN-BULL OF ELY.

Enter Noll, drawn to the Stake by the four Bear-wards; his Horns all bloody, and a Garland on his Head; with Carnation, Scarlet, and other Changable Colours.

Lilburn.

Come along *Taurus*; Now you shall answer for all your *Villanies*: Be sure to *tye* him fast, that he get not *loose*; for 'tis a dangerous *Beast* that has goar'd to death the best men in *England*; nay, in the world. Which *Dog* has the first *Course*?

[4]

Overton.

The Man in the Moon's Dogge, they say he is *Old*, and bites sore.

Prince.

Set him on fair, and let him do his best; Ha---looe, ha---looe *Towzer*; he has him by the *Nose* already: Hold thy hold *Towzer*, hold thy hold *Towzer*; O brave *Towzer*, udsfutt, he makes him *Roare*, and *Shite*, as if the Devil were in him: So, so, enough; stave him off, stave him off, we shall loose our *Bull* else.

Walwyn.

Let him alone Brethren; *Towzer* does bravely; he holds his hold for a *Crown*; lugge him soundly: he has him down of his knees as if he were begging for his life; O brave *Towzer*! he shall have a *Sea-green Ribband* in his eare, and turn *Leveller*: if *Lockier* had had but half the *Mettel* in him, he had been a living man to this day: he holds him still, as if he would make him answer for all his *Murders*, his *Roberies*, and *Perjuries*; how he *pawes* and *dungs*, as if he would dis-gorge himselfe of all his *Vilanies*; and driviling at the mouth, as if he were *watering* all his *Equivocations*, *Oathes*, and *Perjuries*, through the *Arches* of his pocky *NOSE*, with his owne snot, and snivel.

Overton.

No matter; mad him throughly: here's a *Nettle* to put under his tayle; perhaps it will make him void *Gold*, for he hath devoured a whole *Myne* within this 7 yeers, and yet is now in as much want as ever he was; still hungry, though he has fed on the flesh of King and Nobles, and drunk their *bloud*; has devoured a *Crown*, a *Kingdom*, a *People*, whole *Churches*, *Chansels*, *Steeple*s at a *morsel*; and now would have us pay him *Tythes*, in stead of the *Priests*; a pox on him, he is tangl'd in his *own roape*; 'tis no matter, we must have an end of him, better here then at a worse place.

Lilburn.

Let him have *roape enough*, and hee'l hang himself, and save the *Kingdom a labour*.

Overton.

It had been good he had gone to the Butchers so soon as he had been *Calv'd*, for he has so *Bull'd* poor *England*, that she lies *calving* and *labouring* in most bitter *panges* of *Calamity* and *Poverty*, whilst he *Junkets*, *Feasts*, and *Kings* it in his *Charriot* with six *Flanders Mares*, and ruffl's in *Suits* of 500 pounds a piece; she languishes and mourns in *Sack-cloth*, and yet I see [5] no hopes of her recovery; her *people* denied their just and reasonable *Petitions*; their *Agreement* slighted by a bloody *Iuncto*; and a *Tyranical Councel* of *Estate* erected, more unjust then ever was the *Star-chamber*; *High-commission*, or *Spanish Inquisition*; that knows to do no *right*, nor will take no *wrong*; these are all *Calves* of this *Town-Bulls* begettting; that by usurping *sway* to themselves, do what their lust prompts them to, though never so much against *Sence* and *Reason*: Now *Stave off Towzer*, he hath done well for one *course*; I never saw a *Dogge* do better: he has brought away a piece of his *Nose*; *well done Towzer*; Spit in his mouth, and stroak him on the back.

Lilburn.

What are those that creep with such *black heads* in his blood?

Overton.

An *Army of Maggots*, that took a pocky delight to live in the warmth of his *Snowt*; and when he breath'd out his *Hypocrisies* and *Blasphemies*, then these *Cattel* went to dinner; Foh, what a breath he has? 'twill infect the whole *Kingdome* with plagues, and his *Nose* set fire to it, till it becomes more miserable then *Sodome* and *Gomorah*: *Cain* was the first *Gentleman* of his *Family*; *Judas* was the second that bore *Arms* (*three Elder-trees, and a Halter*;) *Corah*,

Dathan, and *Abiram*, his Uncles by the Mothers side; *Achan* his God-father; *Absalom* his School-master; the two wicked *Elders* his Tutors; *Machiavel* his Counsellor; *Faux* and *Fairfaux* his Companions in evil: He was begotten by the *Spirit* in a Brewers *Stoke-hole*; Conceived by a *Witch*; brought forth about the time the *Globe*: was a *fire*, got the *sulphire* into his *Nose* by his inordinate devouring his fathers *new Wort*, coming to *London*, got the *Naples s??bb*, and the *looseness* of his joynts; having got his Fathers Maide with Child, he was forced to Marry her, which made him bear a deadly hate against the *high Commission*: he had left him by his Father some 12 Acres of Fee Simple, which formerly belonging to the Crown, made him cast about how he might murder his King; he brewed *Smal-beer* in the Isle of *Ely*, till he had six Wenches with Child at one time; from whom he run, because he would break and cozen the *Malt-men*, who curse him to this day, because by his perfidious dealings, he so broke them, that they were never able to trade in *Malt* to this very day: [6] His first begotten he put out to live with an *Vsurer* in *Fetter-lane*; who keeping him *hungry*, made him cast about, how he might *poyson* his Master to rob him of his *Money*; which he happily effected, and eased the Kingdom of two plagues, an *Vsurer*, and a *Thief*: before his Execution he conveyed his Father a considerable Sum of his Masters *Money*, which he imployed so warily, that he became *rich*, and was at last chosen for a Parliamentman, in hopes he would have been warn'd by his Sonne to be more honest: no sooner was he in the House of *Commons*, but he was like *Belzebubb* amongst the inferior *Devils*, and sent out his *Agents* and *spies* to work *mischief*; he first got the Earl of *Essex* to be *poysoned*, and wone *Fairfax* to be *Head of his Faction*, till he had brought his *Plots* to perfection; he hath taken the Oath of his Allegiance, Supremacy, the Solemn League and Covenant; look'd up to Heaven, call'd God to behold his Hypocrisie, and the Angels to witness his perjury; he hath broken all Oaths himself, and caused others to do the like; he caused the King to be seized on at *Holmby*, where he made Protestations, *That what he did, was for the good of the King and Country; and that he would bring him to Westminster, and Establish him in his Throne in Peace*: At *Hampton-Court* by his Jesuitical policy, he juggled his Majesty into the *Isle of Wight*, where he hired *Rolf* to Murder him; which being discovered, and finding his *Plot* like to faile, and a *Treaty* to take effect with his Majesty at *London*, and so his Majesty like to come into other mens power; made him set all his Enginers of mischief a *working*; took Counsel of *lack Bradshaw*, as arrant a Villain as himself: one that when he was a boy, run from his Father, and followed a Pedlar to sell Laces and Points, where he learnt to *Can't*, creep in at windows, and rob Hen-roosts; returning home full fraught with Villany; his father kept him at School, and with a little Scholar-ship and roguery together, thought him a fit instrument to make a knavish Lawyer; and sent him up to *Grayes-Inne*, where he frequented on Sundayes *Hollands Leaguer*, and in the week dayes *Bloomsbury*; would Drum with his fists till he Carrowed healths on his knees to him he afterwards murdered; biting in too every Class, and flinging it to the Wals; would familiarly let out his Blood to write *Love Letters* to his Whores; his great Grand-Father [7] lay with his own *Daughter*, committed Incest, got her with Child, and then with advice of his Wife, *poysoned* her, and was himself hang'd in Chains on a Heath in *Cheshire*, and his Wife executed for consenting to the murder: this precious Counsellor was hired and bribed by the Bull of *Ely*, and brought in to assist them in the Confederacy, *Dorrislaw*, *Aske*, and *Cook*, who were all sworn to secrecy: A Letter is directed from *Cromwel* to the *General*, and another to the *Iuncto* for *Iustice* on some *Capital Offenders*; whereof the King must be one; a party sent to seize on him; frustrate the *Treaty*; and commit his Majesty close Prisoner to *Hurst Castle*; the Army must advance to *London*; seized on thirty Members of *Parliament* at one time, and Secluded a hundred more; set a Guard upon the *Iuncto*; put in, and thrust out whom he list; forced them to sit, vote, make Laws, and give Judgement on whom he list; called a Court of *Mock-justice* by his own Authority, against the peoples will, or advice: and hired knaves to cry *Iustice, justice*; directly against the Law of God, and his own former Oathes and Protestations, took off the Kings head, abolished Monarchy, erected a Popular Government of himself, his hired Servants, and combined

Creatures; besides the infringement of the *Fundamental Law*, of the Kingdom, the just Rights of the *Crown*, and *Liberty* and *Propriety* of the *Subjects*; broken several *Orders*, *Ordinances*, *Protestations*, *Covenants*, and *Oathes* which he first thrust upon the prople, and forced them to take; yet afterwards, (as his *Designes* ripened) not only brook them himself, but compell'd, hired, and corrupted other knaves and Traytors to do the like: and this he hath done in despite of Gospel or Law, first commanding or causing that to be done, directly forbidden, and not to do that was injoynd and commanded therein; and so having usurped *Gods Authority*, as well as the *Kings*, hath establisht a Monstrous *Government*, without *head* or *tayle*; *rule* or *President*; *law* or *Reason*; and commanded all *People* under pain of *high treason*, to acknowledge just, and be subject unto it; abolish the Kingly Office and proclaimed the undoubted Heir to the Crown, (with the Duke of *York* his Brother) Traytors.

Prince.

This you have said Mr. *Overton* is true; but your self at first held with his *Wayes*, and stiled him *Faithful Cromwel*.

[8]

Overton.

I profess I did; but he has (by swerving from his first principles) deceived me, and thousands more; and therefore Ile have one *course* more at him hit or miss; A Dogge, a Dogge, a Dogge; a Kingdom for a good Dogge: Hy---day! Whose *Crop-ear'd* Cur is this? O he was bred up at *Lincolns-Inne*; I know him of old; they say his teeth be *poyson* by reason of an *Asp*, that lies under his tongue.

Lilburn.

No matter, so much the better; let him slip, Ha---looe---*Crap*; A pox take him for a Curre, he has him by the *Genitals*; they'l burn his *mouth*; pull him off by the *tayle*, and set him on fair; Ha---looe---*Crap* for a second *Course*, for thy Master *Iack Presbyters* credit: Alas poor *Crap*; he has him on his *horns*; Save him for pittty: Foh, how he stinks! Oh, he has beshitt my fingers; give me some of his *Waste Paper* to wipe them; the *Popish Royal Favourite* will do the deed: Hang him, this is a Cur, and looks like one of *Envies* whelps; tis pittty to save him; pull off his Coller, and set him going.

Overton.

Let him gore his gutts out; hang him for a Cur; he is not worth the saving.

Prince.

O save him for Mercies sake; Pray Col. *Lilburn* stave him off for old *acquaintance sake*, he hath had punishment enough by loosing his Eares, and being marked for a *Cur*.

Lilburn.

For your sake Ile take him off.

Walwyn.

Try another; this *Crap* is a Dogge that will bite the *hand* that feeds him; give him two or three kicks and send him going.

Overton.

Here's another grizly Cur of the same *breed*; Set him on: This Dogge was ty'de up in the Pulpit in *Pauls* when the Army came in; he looks as if he were got between a Dog-Fox, and a Spannel Bitch; a *Laodicean* whelp, neither hote, nor cold; he looks as if he were going rather to hanging, then to a Match; sure he hath lost his 400l. *per annum*: draw him *forward*; Come along *Good-Cole*; how he sawns, as if he would suck Eggs; this *Tyke*, when he perceives you *going*, will run at you as fierce as if he would eate you: but stand but still, and he Retires back; run from him, and he will follow you, barking, bawling, and snarling, and perchance give you a bite behinde.

[9]

Lilburn.

On with him, let him be what he will; he *bawles* as if he were wondrous eager.

Overton.

Hang him, hee'l snarle against the *Moon*, yet keep *his bone*; they say *he* will run at *Sheep*: lets preserve *him* from *hanging*, because *he* will give warning; *he* first bawld at the *Bishops*, to set us on.

Prince.

I, that was because *they* had *him* up in the *bawdy-Court*, and put *him* to *his Compurgators*.

Walwyn.

He dares not so much as touch the *Bulls-tayle*; *hee's* good for nothing; give *him* a crust, and let *him* seek a Master; you know not but a mangy Curre may in the end prove a good *Dogge*.

Lilburn.

Lets set on another, this is a *lovely Dogge* with a thin pair of *Chaps*; another of Sir *Iohn Presbyters* breed, better to *hang* then to *keep*; how *he* drivels out *Nonscense* and *Tautologies*; sure *he* has wasted his *Lungs* in consuting a *May-pole*, and entered into a *dispute* with the *Maid-marrian* in a *Morrice-dance*, about the unlawfulness of that *innocent* pastime; till the *Hobby-horse* confuted *him* with his *tayle*, and retorted *his rebuke* with his *heels*.

Walwyn.

Stroke *him* and *LOVE him*; methinks 'twould make a pretty *foysting-hound* for an *Aldemans daughter*; *he* can turn after *his tayle*; take a *Tythe-pigge* by the *eare*, *fawn* on any body, and *bark* when *his Masters* bids *him*; stand up on *his hind-leggs*, or do any thing Sir *Iohn Presbyter* will have *him*; *he* was once in *request* with the *Iuncto*, though now *he* be out of service.

Overton.

Do they not *feed him*; *he* must do tricks or something for it; do ye think they'l keep a *Dogge* and *bark* themselves? or *maintain* a *Dogge* that will *bark* against themselves? that were the way to make the People mistrust them for *Thieves*: *he* was counted a good *house*. *Dogge* when *he* came from *Vxbridge*, but now *he fawns* not so much as formerly, that makes *him* out of *request*, and miss of their *LOVE*.

Lilburn.

Try another; if *they* all prove such Curs, no matter if *they* were all *hangd*; *they* are fitter for a *Wood-yard*, then a *Bear-Garden*: Set on *Poynze*, and see what *he* will do.

Prince.

He has slipt *his* Coller, and run away we know not whether.

[10]

Overton.

Bring a Northren *Trundle-tayle*; Are they of the same mettle?

Lilburn.

All Curs, all Curs; try them on, and if a Dogge fastens, Ile eate him whole; they'l *bark* and *bawle* as the other, but will be hang'd before they'l *fasten*.

Prince.

I have heard that your *English* Mastiffs have been the best mettle in the World, and would beat all Countries.

Overton.

They are so good mettle, that if it were possible, they would pull God out of heaven, and murder him as they have worried and killed their King, and most of the true hearted Nobility of the Land; they make no more to pull out the throats of their own *Dammes*, or worry their own *Litter*, then the *Man in the Moon's* Dogge does to snap a *Rebel* by the shins, or to lap Milk when he is a hungry; they can find none else to fight with that can master them, and that makes them to kill and devour one another.

Lilburn.

These Curs are not of the *right breed* then.

Overton.

No, hang them, these are but *Mungerills* that *bawle* to set on the rest to sight, and that's all they can do; *bark* for the *Cause*; the blessed *work* of *Reformation*; the godly Army, the self-denying Army; the holy Army; and pronounce *Damnation* on them that did not come out, and fight for the *Cause* of the *Lawrd*, though it was but to *kill* and *rob* one another; and this was all the *Cause*, and blessed *reformation*, that the *Cornelian* Cathedral-Keeper prayed *might be carried on in their Iunctoes hands so long as the Sun and Moon endured*.

Lilburn.

A good Prayer Ile promise you, and deserves a 500 pounds *per annum*, and some three or four hundred Acres of Deanes and Chapters Lands besides: But did they not *reward* him?

Overton.

Yes, with 400 pounds *per annum*, and the Dean of *Pauls* his house, besides the *stones* that he plundered out of the Walks, enough to build himself a Pallace.

Prince.

No marvel, that the *people* be so foolish as to *bite* one another (when such *bawling Curs* set them on) but I hope now they will learn the wisdom to agree together, fear *God*, and love their *Prince*; and for these *Changelings*, hang them up, that *England* may no more be called, *The Kingdom of blind men*, because [11] they cannot discern a *Head* from a *Nose*: but now I talk of *Noses*, our *Bull* expects another Dogge.

Lilburn.

Put on another; let loose all the *Scotch-breed* on him at *once*.

Overton.

He has so *toss'd* them lately, that they dare not come neer him; yet wee'l try them, Ha---loo---*Trundletayles*; I tould you so; not a Dogge will *fasten*, only *Archy* has him by the *Tayle*; Has kick'd out his *teeth*; how he *howles*, as if he mourn'd for the breach of their *Covenant*, or to call in his *dear Brethren* for the rest of our *Guds*; sure they have nere another *King* to sell, have they?

Lilburn.

No, he is too wise for them, and will keep out of their *Market-place*; trust a *Scot*, and trust the *Devil*; they were perfidious from the beginning; it would not ask much labour to prove *Noll* a right *Scot*, that the like *Camelian* can change his hew to what colour and shape he list: in the Parliament-House he is a *fawning Spannel*; in the *Church*, the picture of a *Saint*; In *Counsel*, a deep dissembling *Hypocrite*; in the *Field*, a *Caine*; in the *Court*, a *Iudas*; as barren of all *charity*, as *hell* is of *honesty*; as malicious as *mischief* can make him; his *eares* bigger then *Midas*; a double *face* like *Ianus*, one looking to the *people*, the other after his own *gain* and *profit*, picking the peoples *purses*, whilst he stares them in the *faces*: What is become think you of all the *Contributions*, *Subsidies*, *Twentieth-Parts*, *Leans*, *Meale-money*, *Excise*, *Bishops-Lands*, *??eans and Chapters-Lands*, *Composition-Monies*, *Sequestrations*, and now the *Kings Navy*, *Customs and Revenues*, *Honors*, *Manners*, *Castles*, *Houses*, *Messuages*, *Parks*, *Lands*, *Tenements*, and *Hereditaments*, *Royalties*, *Priviledges*, *Franchises*, and *Immunities belonging to the late King*, the *Dutchy of Lancaster*, all the *Goods and Land* belonging to the *Queen*, the *Prince*, and *Duke of York*, the *Dukedom of Cornwall*, or *Earldom of Chester*; besides what they have retained to *themselves*, and yet not *half enough*; a hundred thousand pound sent for more in his late Letter from *Bristol* and the Continuation of the Assesment of 90000 pounds *per mensem*, notwithstanding *Excise*, and all this before mentioned; ?ure this *Bull* has a better stomach then *Bell* and the *Dragon*, to devour all this, and yet be hungry: Set on all the *Irish Pack* on him at once; if they will not do it, [12] wee'l knock him down with our *Clubbs*, *Pronge*, and *Staves*.

Overton.

Sir *William* and *Brown* have fairly lost; *Jockey* is Bull'd with an *Urchin*; the *Irish* will be the death of them; *Ormond* and *Inchiquin* have *Dundalk* and *Dublin* already, which makes him *paw* with his *Cloven-hoffe*, as if he intended to fill the *Boggs* up with *Gravil*; 40000 *Irish* are in a readiness to wait *his landing*; *he* flyes to the *Welch mountaines*, and wishes them to fall on *him*, to bury *his Infamy*.

Prince.

This is the last *Course* shall speed him; Ha---looe *Towzer*; he *Noses* again; they have *him* with *his heels upwards*; *his Puddings* come forth; send for a *Scrivener* presently to make *his Will*; in manner and form following;

His last Will and Testament.

I *Noll*. Cromwel, alias, the Town Bull of Ely, Lord Chiefe Governor of Ireland; Grand Plotter and Contriver of all Mischiefs in England; Lord of Mis-rule; Knight of the Order of Regicides; Thief-tenant General of the Rebels at Westminster; Duke of Devilishness; Ensigne of Evil; Scout-Master-General to his Infernal Majesty; being wickedly disposed in Minde; of abhorred Memory; do make this My Last *Will* and *Testament*, in manner and form following;

INprimis, I give my *Soule* to the Father of *Rebels*; and my *Body* to be disposed of for the several uses of these persons following;

I give my *Braines* to the Order of *Jesuites*, that with them they may Contrive the Ruine of Princes, the over-throw of Kingdoms, and Subversion of States.

I give my *Skin* to the *Aldermen* of the *City* to make them *Night-Gownes*; provided, that they wear them on Festival-Dayes, on forfeiture (of every *Alderman*, that has them not on, according to [13] the true intent and meaning of this *Will*) one hundred pounds.

I give my *Horns* to the *Council of State*, to preserve them from their *Enemies*, which are likely to be many; provided that they *Goare* with them to death *Charles* the Second, and his Brother the Duke of *York*: And likewise, that they may be added to the Arms of the *Commonwealth*; and quartered in the new *Coyne*, or fairly placed on the top of their *new Mace*.

I give my *Eares* to all the *Brethren* of the *Separation*, that they may *hear* of nothing but what is for the benefit of *themselves* and *Faction*: Provided, That they may be *stop'd* against all the just Complaints, and Grievances of the People.

I give my *Eyes* to the *New Keepers* of the peoples Liberties, that with *them* they may *see* to receive their Money; as Taxes, Excize, &c. and *fore-see* to prevent what their own perfidiousness is bringing upon them; and that they may *see* to suppress all Tumults, Insurrections, and Risings of the People, that they may no more be like *the blind leading the blind, tell they all tumble in the ditch*.

I give my *NOSE*, that it may be a *Light* to the *Council of State*, and the *Iuncto*, that they may hold it up in the *Winde* to *smell* out all *Plots* and *Conspiracies* that shall be hatch'd or contriv'd against the *present Government*.

I give my *Breath* to all *Flatterers* and *Parasites* in the House of *Commons*, that with it they may *breath* out *new Oathes, Covenants, Protestations, and Vows*; and abrogate and break them at pleasure.

I give my *Tongue* to all *Detractors* and *Parasites* in the *Supream Authority*, to bewitch the poor people withal; and perswade them to their Ruine; but especially, to *John Bradshaw* Esquire, *Rogue President* of the *Council of State*, that with it he may pronounce Sentence on any that shall be more honest, more wise, or richer then himself, that so there may be store of *new Delinquents*; and by that means, more Lands and Monies fall to the use of the *State*: provided, that before *his* death, *he* blaspheme *God*, as *he* hath pronounced Death to *his King*; and that it may answer in part for the same here, by rotting out of *his* mouth; and hereafter be dried in *Dives Chimney*, till it always *plead*, and be *denied* the least drop to cool it.

[14]

I give my *Winde-pipe* and *Lungs* to all zealous *Levites* of the *Presbytery*, that have wasted their *owne*, by crying out for the *Cause*.

I give my *Liver* to *Towzer the Man of the Moons Dogge*, that he may become hearty to bayte all the *Regicides* and *Knaves* in the *Iuncto*, as he hath done me.

I give my *Heart* to the Fraternity in Iniquity, the Common-Traytors Convened at *Westminster*, that it may be preserved as a holy *Relique* to swear by, and lay their hands on when they Conspire mischeif against *Gods Anointed*, or any of his faithful *Subjects* or *Servants*.

I give my *P??le* to the Lord General *Fairfax*, to beat his Wife into more *honesty*.

I give my *Stones* to *Harry Martin*, to talor the *pouches* of all his Worships sinners in the Suburbs; provided, that first they be employed for the service of my Wife, or the Wife of any Member of *Parliament*.

I give my *Bladder* to the *City*, to see if they can keep the Remainder of their *Gold* in it; and in case it be too little, that they make use of *Colon*, or that *Gutt* commonly called *Tom of townsend*, or the *Arse-gutt*; Provided, If there be to spare, that their Wives have the Remainder to make them Pudding-Baggs.

I give my *Joule* with the *hair* on it, to make the *City* a new Cap of *MAINTENANCE* against the next Lord-Mayors Day.

I give my *Leggs* and *Hooffs* to *Thomas Lord Fairfax*, that when the *Gowt*, and the *Morbus* have devoured his *own*, he may make use of these at pleasure.

I give the lowermost *Tip* of my *Tayle* to my beloved *Wife*, to make her a *Fanne* to keep the Flies from her *painted face*: The upper-part I Ordain, shall go to the Beast called the *Iuncto* at *Westminster*; that though it has no *head*, yet it may be said to have the more *tayle*; and have this *property* to draw the third part of this *City* after it, to their own destruction.

I give my *Midriff*e to make my Lord Mayor of *London* a *Ruffe* to wear to the *Spittle*.

I give my *Cheeks* to Feast all those at *Christmasse* that I have [15] made poor, undone, and caused to go a begging for want of sustinance.

I give my *Teeth* to the devouring *Catterpillors* of the Common-Wealth, *viz.* Committees, Sequestrators, and Excize-men; that as they have begun, they may make a quick dispatch, till they have devoured us; because the expectation of evil, is in many, more then the evil it self.

I give my *Neck* to all *Citizens & Merchants* to seed their Servants withal.

I give my *Mary-bones* to the *Regenerate Sisters*, that they may thereby be made the stronger to bear, *encrease*, and *multiply*; and the *lustier* to *exeacise* their *bodily Gifts*, and so bring forth the *fruits* of the *Spirit*.

I give my *Chines* to the *Commanders* of the Army, to make them hearty to fight against *Ormond* and *Inchiquin*; and to imploy the remainder of their strength on strange women.

For all my *good Qualities* (which I professe are but a few) I desire they may be *Registered* in the *Chronicle* of the *Free-States* of *England*; to be had in perpetual *remembrance*, till King *Charles* the Second shall come to the Crown.

I give my *Faith* to the *Common-Council*, that they may look up and beleeve, when the *Iuncto* and *Council* of *State* wants more *Money*.

I give my *Religion* to the Fraternity of *Ignatius Loyalla*, from whence it was at first deriv'd; provided, that the Brethren of the *Separation* act those *Tenants* on *bishops* and *Kings* which the *Jesuites* do instruct them in, for the propagation of Heresie and Rebellion.

I give my *Bellowing* to *Hugh Peters* to pronounce *Damnation* with; and my *Inwards* to the *Butchers* wife that robb'd her good man, to relieve him.

I leave all my *Children* to the Tuition of *William Loe*, to see them brought up to *read* their *Neck-verse*, and to Commence at *Doctor Stories Cap*, receiving first the Ceremony of their Order in their *hands*.

I give the *Roape* that I am bayted with, to hang up all *Traytors* and *Regicides*; provided, that *Iohn Bradshaw* have the first use of it, and after him, *Cook, Aske, Steele*, and all and every Member [16] of the High Court of mock-Justice, by what means or Titles soever distinguished; and afterwards to come to *Teuch, Tue*, and the rest of the Rogues that were hired to cry Justice against the King.

Lastly, I will and Ordain my *Offfall* to be buried in the *Abby of Westminster*, and to have a *Tombe* raised over them with my statue; and underneath these *Verses* following:

And this my last *VWill* and *Testament* to stand in full Force and Vertue, Renouncing all former Wills, Bills, Bonds, Promises, Grants; or the like, in any wise not withstanding.

Oliver Crum-Well.

Witnesses,

Tho. L. Fairfax. Phil. Pembroke.

Joh. Bradshaw, Hen. Mildmay.

His EPITAPH.

HEre lies (the Devil take his Soul)
One, for whom no Bell would towl:
He liv'd a Murderer, dy'd a Knave;
Deserv'd a Halter, not a Grave.
Some call'd him *Noll*, some the *Town-bull*,
Or *Iron-sides*, that the Land fill'd full Of *Athiests*, *Shismaitcks*, and *Hereticks*,
That *Ruin'd Kingdoms*; undid *Bishopricks*,
Despis'd his God, *kill'd* his King, *broke th' Laws*,
Eate up our labours with *devouring jawes*;
Cozen'd the People, *spoyl'd* all the Land;
Had *Lives* and *Goods* at his *Command*.
You that *Make water*, pray now stay,
Piss on his *Grave*, and go away.
That they that *purge*, may for his *grace*
Un-truss, and *S---* upon his *face*.

FINIS.