

Speech 16 was to the Third Conference with the Committee of Ninety-nine on 20th April 1657

Replies to their argument drawn from Law; contends to whatever Title they, the Parliament, establish, be it that of Protector, or another, will be the Law. For the rest, the matter not an essential; unimportant in comparison with others in this New Instrument of Government - to which let us rather address ourselves. Conference to be renewed on the morrow.

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'MY LORDS,'

I have, as well as I could, considered the arguments used by you, the other day, to enforce your conclusion as to that Name and Title, which has been the subject of various Debates and Conferences between us. I shall not now spend your time nor my own much, in recapitulating those arguments, or giving answers to them. Indeed I think they were 'mainly' but the same we formerly had, only with some additional enforcements by new instances: and truly, at this rate of debate, I might spend your time, which I know is very precious; and unless I were 'to end in being' a satisfied person, the time would spin out, and be very unprofitably spent,-so it would. I will say a word or two to that only which I think was new.

'You were pleased to say some things as to the power of Parliament, as to the force of a Parliamentary sanction in this matter.' What comes from the Parliament in the exercise of their Legislative power, as this Proposal does,-I understand this to be an exercise of the Legislative power, and the Laws formerly were always passed in this way 'of Proposal or Conference,' and the way of Bills is of a newer date,-I understand that, I say; but--(In short, the Sentence falls prostrate, and we must start again.)-You said "that what was done by the Parliament now, and simply made to hang upon this Legislative power, 'as any Title but that of King will do,' might seem partly as if it were a thing ex dono, not de jure; a thing that had not the same weight, nor the same strength, as if it bore a reference to 'the general Body of' the Law that is already in being." I confess there is some argument in that,-that is there! But if the degree of strength will be as good without Parliamentary sanction, 'then'- (Sentence pauses, never gets started again.) - - Though it too, 'this Title of Kingship,' comes as a gift from you! I mean as a thing which you either provide for the people or else it will never come to them; so in a sense it comes from you, it is what they cannot otherwise arrive at; therefore in a sense it is ex dono; for whoever helps a man to what he cannot otherwise attain, doth an act that is very near a gift; and you helping them to this Title, it were a kind of gift to them, since otherwise they could not get it 'though theirs'-(This Sentence also finds that it will come to nothing, and so calls halt.)-But if you do it simply by your Legislative power-(Halt again.-In what bottomless imbroglios of Constitutional philosophy and crabbed Law-logic, with the Fifth-Monarchy and splenetic Contrarians looking on, is his poor Highness plunging! A ray of natural sagacity now rises on him with guidance.)-The question "What makes such a thing as this more firm?" is not the manner of the settling of it, or the manner of your 'or another's' doing of it; there remains always the grand question after that; the grand question lies, In

the acceptance of it by those who are concerned to yield obedience to it and accept it! (Certainly, your Highness; that is worth all the Law-logic in the world!) And therefore if a thing (Like this Protectorate, according to your argument,-not altogether to mine) hath but, for its root, your Legislative sanction--If I may put a "But" to it, 'to that most valid sanction!' I will not do so: for I say, It is as good a foundation as that other, 'which you ascribe to the Kingship, howsoever" grounded in the body of Law.'" And if that thing, 'that Protectorate' be as well accepted, and the other be less well-? Why, then truly it, I shall think, is the better;-and then all that I say is founded upon Law too!-

Your arguments founded upon the Law do all make for the Kingship. Because, say you, it doth agree with the Law; the Law knows,-the People know it, and are likelier to receive satisfaction that way. Those were arguments that have ("had" is truer, but less polite) been used already; and truly I know nothing that I have to add to them. And therefore, I say, those arguments also may stand as we found them and left them already;-except, truly, this 'one point.' It hath been said to me (Saluting my Lord Whitlocke slightly with the eye, whose heavy face endeavours to smile in response) that I am a person who meditate to do what never any that were actually Kings of England did: "Refuse the Advice of Parliament." I confess, that runs deep enough, 'that runs' to all; that may be accounted a very great fault in me; and may rise up in judgment against me another time,-if my case be not different from any man's that ever was in the Chief Command and Government of these Nations before. But truly I think, all they that have been in this Office before, and owned in right of Law, were inheritors coming to it by birthright,-or if owned by the Authority of Parliament, they yet had some previous pretence of title or claim to it. And so, under favour, I think I deserve less blame than any of them would have done, if I cannot so well comply with this Title, and 'with' the desire of Parliament in regard to it, as these others might do. For they when they were in, would have taken it for an injury not to be in. Truly such an argument, to them, might be very strong, Why they should not refuse what the Parliament offered! But 'as for me; I have dealt plainly with you: and I have not complimented with you ' in saying' I have not desired, I have no title to, the Government of these Nations. 'No title,' but what was taken up in a case of necessity, and as a temporary means to meet the actual emergency; without which we must needs-(Have gone you know whither!)-I say we had been all 'topsy-turvyng now' at the rate of the Printed Book 'you have just got hold of' (Shoreditch STANDARD SET UP, and Painted Lion there), and at the rate of those men that have been seized going into arms,-if that expedient had not been taken! That was visible to me as the day, unless I undertook it. And so, it being put upon me, I being then General, as I was General by Act of Parliament,-it being 'put' upon me to take the power into my hand after the Assembly of Men that was called together had been dissolved--("I took it, as you all know:" but his Highness blazing off here, as his wont is when that subject rises, the Sentence explodes)-!-

Really the thing would have issued itself in this Book:-for the Book I am told, knows an Author (Harrison, they say, is Author); he was a Leading Person in that Assembly! And now when I say (I speak in the plainness and simplicity of

my heart, as before Almighty God), I did out of necessity undertake that 'Business,' which I think no man but myself would have undertaken,-it hath pleased God that I have been instrumental in keeping the peace of the Nation to this day. And have kept it under a Title (Protector) which, some say, signifies but a keeping of it to another's use-to a better use; 'a Title' which may improve it to a better use! And this I may say: I have not desired the continuance of my power or place either under one Title or another,-that have I not! I say it: If the wisdom of the Parliament could find where to place things so as they might save this Nation and the Interests of it,-the Interest of the People of God in the first place; of those Godly honest men,-for such a character I reckon them by, who live in the fear of God, and desire to hold forth the excellency 'of Christ' and a Christian course in their life and conversation-(Sentence may be said to burst asunder here for the present, but will gather itself together again perhaps!) I reckon that proceeds from Faith, and 'from' looking to our duties towards Christians, and our humanity to men as men; and to such Liberties and Interests as the People of this Nation are of:-and 'I' do look upon that as a standing truth of the Gospel; and whoso lives up to that is a Godly Man in my apprehension! (Looks somewhat animated.)--And therefore I say, If the wisdom of this Parliament,-I speak not this vainly or as a fool, but as to God,-if the wisdom of this Parliament should have found a way to settle the Interests of this Nation, upon the foundations of justice and truth and liberty, to the people of God, and concernments of men as Englishmen (Voice risen into a kind of recitative),-I would have lain at their feet, or at anybody else's feet, that things might have run in such a current! (Your Highness can't get out; no place for you now but here or in the grave!-His Highness fetches a deep breath.)-I say I have no pretensions to things for myself; to ask this or that, or to avoid this or that. I know the censures of the world may quickly pass upon me, 'and are already passing:' but I thank God I know where to lay the weight that is laid upon me,-I mean the weight of reproach and contempt and scorn that hath been cast upon me! (Ends, I think, in a kind of snort,-and the look partly as of an injured dove, partly as of a couchant lion.)-

I have not offered you any Name in competition with Kingship. I know the evil spirits of men may easily obtrude upon a man, That he would have a Name which the Laws know not, and which is boundless and is one under which he may exercise more arbitrariness: but I know there is nothing in that argument; and if it were in your thoughts to offer any name of that kind, I think, whatsoever it was, you would bound it and limit it sufficiently. I wish it were come to that, That no favour should be shewed to me; but that the good of these Nations should be consulted;-as 'indeed' I am confident it will be by you in whatsoever you do.-But I may say a word to another thing which doth a little pinch upon me: That it is my duty 'to accept this Title.' I think it can be no man's duty but between God and himself, if he be conscious of his own infirmities, disabilities and weakness; 'conscious that he perhaps is not able to encounter with it,-although he may have a little faith too, for a little exercise. I say I do not know what way it can be imputed to me for a fault, or laid upon me as a duty. Except I meant to gripe at the Government of the Nations without a legal consent,-as I say I have done in time past upon principles of Necessity, 'but have no call now to do again.' And I promise I shall think

whatever is done towards Settlement, without authority of Parliament, will neither be very honest, nor to me very comprehensible at this stage of the business. I think we have fought for the Liberties of the Nation and for other Interest!-(Checks himself.)-

You will pardon me that I speak these things in such a 'desultory' way as this. I may be borne withal, because I have not truly well stood the exercise that hath been upon me these three or four days,-I have not, I say. (Besides your Highness is suffering from the dregs of a cold, and I doubt still somewhat feverish!)-I have told you my thoughts, and have laid them before you. You have been pleased to give me your grounds, and I have given you mine. And truly I do purposely refuse to mention those arguments that were used when ye were last here; but rather tell you what since (as I say) lies upon my heart,-'speaking to you' out of the abundance of difficulty and trouble that lies upon me. (His Highness, sick of body, feverish, unequal to such a jungle of a subject and its adjuncts, is really weltering and staggering like a wearied man, in the thickets and puddles.) And therefore you having urged me, I mean offered reasons to me, and urged them in such way as did occur to you; and I having told you, the last time we met, that the satisfaction from them did not reach to me so as wholly to convince me of my duty,-I have thought rather to answer today by telling you my grief, and the trouble I am under. (Poor Sovereign Man!)

And truly my intentions and purposes, they are honest to the Nation,-and shall be, by the Grace of God. And I have it not in view, upon collateral pretences, 'either by asking this Kingship or by refusing it'-to act towards things that may be destructive to the liberties of this Nation! ("I am worn and weary; let me be as clay in the hands of the potter!")-Any man may give me leave to die; every one may give me leave to be as a dead man,-when God takes away the spirit and life and activity that are necessary for the carrying on of such a work! (Poor Highness, still somewhat feverish, suffering from the dregs of a cold!)-

And therefore I do leave the former Debates as they were, and as we had them;-and will let you know that I have looked a little upon the Paper (Petition and Advice), the Instrument, I would say, in the other parts of it, 'unconnected with this of the Kingship.' And considering that there are very many particulars in this Instrument (Holding it in his hand), some of a general reference and others specific, and all of weight (let this business of the Title be decided as it may) to the concernment of the Nations,-I think I may desire that those 'particulars' may be really such as will serve their object,-let the "Title" we fix upon be one or the other. They might be such as the People have no cause-(Sentence checking itself)-But I am confident your care and faithfulness need neither a spur nor an admonition to that!-I say reading in your Order, the Order of the Parliament to this Committee, I find mention there of "divers particulars," concerning which, if I do make any scruple of them, I am to have the freedom with this Committee to cast my doubts.

The truth of it is, I have a Paper here in my hands that doth contain divers things with relation to the Instrument; which, I hope, have a Public aspect in them; therefore I cannot presume but they will be very welcome to you.

Therefore I shall desire that you will read them. (Hands Whitlocke the Paper.) I should desire, if it please you, the liberty,-which I submit to your judgment whether you think I have or no,-that I might tender these few things; and some others which I have in preparation. And truly I shall reduce them to as much brevity as I can:-they are too large here, 'these in the Paper are diffuse.' And if it please you, Tomorrow in the afternoon at three o'clock I may meet you again. And I hope we shall come to know one another's minds; and shall agree to that that may be for the glory of God and for the good of these nations.