

Speech 17 was to the Fourth Conference with the Committee of Ninety-nine on 21st April 1657

Various comments on Articles of the Petition and Advice, or New Instrument, which seem to require reconsideration; leaves that of the Kingship unmeddled with.

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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 inforcements 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 Contrariants 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-turvy 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.

"2. In Scotland all who have been in arms against the Parliament of England or the Parliament of Scotland before the first of April 1648. This excludes the Montrose Party and Royalists Proper of Scotland,-except such as have given 'signal' &c. But then follows this clause in favour of the Hamilton Engagers, and the Dunbar and Worcester people, which attracts his Highness's animadversion in the present Discourse: 'Nor any' (shall elect or be elected) 'who since the First of April 1648 have been in arms, or otherwise aided, abetted' &c. (which includes all the Preston, and all the Dunbar and Worcester people; with, however, a most unimportant exception)-'except such as since the First day of March 1651-2 have lived peaceably,'-as they might very well do, having been all smashed to powder, six months before, at Worcester Fight, and their 'Chief Malignant,' whom they had set up as King, being now sent on his travels, somewhat in the style of a King of the Gipsies!" His Highness cannot but animadvert on this with some tartness.

With these exceptions, and one "proviso for Ireland" to be speedily noticed, all Freeholders of Counties, according to the old definition, shall vote; and all Burgesses and Citizens of Towns,-nay, I think, there is in this latter department a tendency towards the Potwalloper System; but modified of course by the established custom of each several locality in that respect.

And now let us hear his Highness in regard to Paragraph Second, Article Fourth:)

In the Fourth Article and Second Paragraph, you have something that respects the calling of members to Parliament 'for Scotland.' You would not have those excluded that were under Duke Hamilton, and made that invasion. Because it hath been said to you, perhaps, that if you should exclude all 'such,' you would have no members from that Nation? I hope there be persons of that Nation who will be ready to give a better testimony of their country than admit that argument! And I hope it is no argument; but if it be one, then truly, to meet with the least certainty as to qualifications, you should indeed exclude men of your own country upon better 'defined' crimes; you should hold them off upon stricter characters 'than those given!' It is thought, the qualification there which saith, of their "good testimony," That they are to be men who have given good testimony by their quiet living-Why, truly, for divers years, they have not been willing to do other; they have not had an easy possibility to do otherwise, than to live quietly! (Not since the taming they got at Worcester, your Highness!) Though perhaps 'at bottom' many of them have been the same men:-and yet 'certainly too' I know many of them are good men, worthy men.-And therefore whether it be not fit, in that place, to explain some what farther, and put some other character upon what may

really be regarded as "a good testimony" of their being otherwise minded, of their being now of another judgment? I confess I have not anything here to supply this defect with: but certainly if the description so stand as it now is in your Article,-those men, though they be never so indisposed, enemies and remain so, yet if they have "lived peaceably," where they could neither will nor choose 'to live otherwise,' they are to be admitted. I only tell you so, being without any amendment for it; and when done, I shall leave it all with yourselves. This is for the Second Paragraph.

(For the Second Paragraph his Highness is "without any amendment" of his own; offers us nothing to "supply the defect:" indeed it is difficult to supply well, as that Nation stands and has stood. Besides they send but Fifty Members in all, poor creatures; it is no such vital matter! Paragraph Second remains unaltered.-And now let the Moderns attend for an instant to Paragraph Third:

"Article Fourth, Paragraph Third: A proviso as to Ireland 'that no English or Scotch Protestant in Ireland who before the First of March 1649-50' (just about the time his own Highness, then Lord General, was quitting Ireland, having entirely demolished all chance of opposition there) 'have borne arms for the Parliament or your Highness, or otherwise given signal testimony' &c. 'shall be excluded.' This also to his Highness seems worthy of animadversion.)

In the Third Paragraph of the same Article, whereas it is said, "That all persons in Ireland be made capable to elect or to be elected who, before the First of March 1649, have borne arms for the Parliament, or otherwise given testimony of their good affections to the Parliament and continued faithful to the Parliament:"-and yet perhaps many of them are since revolted 'against us!'-Whether it be not necessary that this be more clearly expressed? For it seems to capacitate all those who revolted from the Parliament; if they have borne arms for the State before the First of March 1649, it seems to restore them. But if since then they have revolted, as I doubt many of our English-Irish have done, why then the question is, Whether those men who lately have been angry and have flown to arms; Whether you will think their having borne arms formerly on the Parliament's side shall be an exemption to them? This is but tendered to you, for some worthy person here to give an answer unto?

(Very rational and irrefragable. It is accordingly altered: "Signal testimony of their good affection to the Commonwealth or your Highness, and continued" &c.-And now let us look at Paragraph Fifth; concerning the last item of which his Highness has a word to say:

"Article Fourth, Paragraph Fifth. All who are atheistical, blasphemous, 'married to Popish wives,' who train or shall train any child to be Popish, or consent that a son or daughter of theirs shall marry a Papist;-who are scoffers of religion, or can be proved to have scoffed any one for being religious; who deny the Scriptures to be God's Word; who deny Sacraments, Ministry or Magistracy to be ordinances of God (Harrison's set); who are Sabbath-breakers, swearers, haunters of taverns or ale-houses;-in short demonstrably

unchristian men. All who are Public Preachers too." Concerning this latter clause his Highness has a remark to make.

"Following in the rear of which, in the same Third Paragraph, is an Article which still more merits consideration. For securing the 'Freedom of Parliament' as well as its Purity, there are to be Forty-one Commissioners appointed 'by Act of Parliament with your Highness's consent,' who are to examine and certify whether the Persons returned by these rules are, after all, qualified to sit." So that it is not to be by the Council of State henceforth, and by "Nathaniel Tayler Clerk of the Commonwealth in Chancery" with his Certificate in the Lobby, that Honourable Gentlemen are to be turned back at the door of the House, and sent to redact Protests, as in the case of this present Parliament! Forty-one Commissioners are now to do it. His Highness on this also will have a word to say.)

In the Fifth Paragraph of the same Article, you have incapacitated Public Preachers from sitting in Parliament. And truly I think your intention is 'of such 'only' as have Pastoral Function; such as are actually real Ministers. For I must say to you, in behalf of our Army,-in the next place of their fighting they have been very good "Preachers:" and I should be sorry they should be excluded from serving the Commonwealth because they have been accustomed to "preach" to their troops, companies and regiments:-which I think has been one of the blessings upon them to the carrying on of the great Work. I think you do not mean so, 'that they should be excluded:' but I tender it to you that, if you think fit, there may be a consideration had of it. There may be some of us, it may be, who have been a little guilty of that, who would be loath to be excluded from sitting in Parliament 'on account of it!' ("I myself have been known, on occasion, to exhort my troops with Bible texts and considerations; to 'preach,' if you like to call it so! What has my whole Life been but a 'Sermon' of some emphasis; preached with tongue and sword, with head and heart and right hand, and soul and body and breeches-pocket,-not without results, one would venture to hope!"-This Clause, the Committee, expressly or tacitly, will modify as desired.)

In the same Paragraph, there is care taken for the nominating of Commissioners to try the Members who are chosen to sit in Parliament. And truly those Commissioners are uncertain Persons; and it is hard to say what may happen. I hope they will be always good men;-but if they should be bad, then perhaps they will keep out good men! Besides we think,-truly, if you will give us leave to help as to the "freedom of Parliament," this 'of the Commissioners' will be something that may go rather harshly down than otherwise! Very many reasons might be given: but I do only tender it to you. I think, If there were no Commissioners, it might be never a whit the worse:-if you make qualifications 'for Membership,' and any man presume to sit without those qualifications, you may deal with him. A man without qualification, sitting there, is as if he were not chosen; and if he sit without being chosen, without having qualification,-I am sure the old custom was to send him to the Tower, (That will settle him!) to imprison such a one! If any sit there that have not right to sit,-if any stranger come in upon a pretended title of election, perhaps it is a different case, but if any sit there upon a pretence of

qualification in him, you may send him to prison without more ado. Whether you think fit to do so or no, is parliamentary business:-I do but hint it to you. I believe, If any man had sat in former Parliaments without, 'for instance,' taking the oaths &c. that were prescribed, it would have been fault enough in him. I believe something of that kind 'instead of your Forty-one Commissioners,' might be equivalent to any other way, if not better.

(The Honourable House does not want any more concern with Nathaniel Tayler and his Certificates. This Paragraph remains unaltered. Forty-one Commissioners, Fifteen a quorum; future Parliaments to name a future set when they like: the Examinations as to Members are to be by oath of informer in writing, with copies left &c., and rigorous enough formalities.-Let us now glance at Article Fifth:

"Article Fifth relates to the 'Other House;' a new House of Lords we are getting up. No more than Seventy of them, not fewer than Forty: they are to be nominated by your Highness and approved by this House: all classes excluded by the preceding Article from our body are of course excluded from theirs." His Highness has a remark to make on this also.)

In that Article, which I think is the Fifth Article (Yes), which concerns the Nomination of the Other House,-in the beginning of that Article it stands, That the House is to be nominated as you there design it, and the approbation is to be from This House,-I would say, from the Parliament. It stands so. But then now, if any shall be subsequently named, after the Other House is sat, upon any accidental removal or death,-you do not say 'How.' Though it seems to refer to the same 'rule' as the first 'original' selection doth; yet it doth not so clearly intimate this, That the nomination shall be, where it was, with the Chief Officer, and the approbation of the "Other House." If I do express clearly what you-Pardon me: but I think that is the aim of it; and it is not clearly expressed there;-as I think you will be able to judge whether it be or no.

(Article Fifth ruled as his Highness wishes. And now take Article Seventh:

"Article Seventh promises, but does not say how, that there shall be a yearly revenue of 1,300,000l.; one million for Navy and Army, 300,000l. for the support of the Government. No part of it by a Land-tax. Other temporary supplies to be granted by the Commons in Parliament,-and neither this Revenue nor any other charge whatever to be laid upon the subject except according to the Parliament's direction and sanction." Such yearly Revenue the Parliament promises in this Petition and Advice, but does not specify in what way it shall be raised: which omission also his Highness fails not to comment on.)

In the Seventh Article, which concerns the Revenue, that is, the Revenue which you have appointed for the Government; wherein you have distributed Three-hundred-thousand pounds of it to the Maintenance of the Civil Authority, and One-million to the maintenance of your Forces by Sea and Land:-you have indeed in your Instrument said so, 'that there shall be such a Revenue,' and we cannot doubt of it: but yet you have not made it certain; nor

yet those "temporary supplies" which are intended for the peace and safety of the Nations. It is desired, That you will take this into your thoughts, and make the general and temporary allowances of Revenue certain, both as to the sum and to the time those "Supplies" are to be continued. (Let us know what ground we stand on.) And truly I hope I do not curry favour with you: but another thing is desired, and I may very reasonably desire it, That these monies, whatever they are;-that they may not, if God shall bring me to any interest in this business, as lieth at His disposal;-that these monies, 'I say,' may not be issued out by the authority of the Chief Magistrate, but by the advice of his Council. You have made in your Instrument a co-ordination 'of Council and Chief Magistrate,' in general terms; 'but I could wish' that this might be a specified thing, That the monies were not to be distributed 'except by authority of both.' It will be a safety to whosoever is your Supreme Magistrate, as well as a security to the Public, that the monies be issued out by advice of the Council, and that the Treasurers who receive these monies be accountable every Parliament, within a certain time limited by yourselves;- 'that' every new Parliament, the Treasurer be accountable to the Parliament for the disposing of the Treasury.

("Article Ninth: Judges, Principal Officers of State, Commanders in Chief by Sea or Land, all chief officers civil and military, 'are to be approved of by both Houses of Parliament.'")

There is mention made of the Judges in your Ninth Article. It is mentioned that the Officers of State and the Judges are to be chosen with the approbation of Parliament. But now if there be no Parliament sitting, should there be never so great a loss of Judges, it cannot be supplied. And whether you do not intend that, in the intervals of Parliament, it should be by the choice-(Omit "of the Chief Magistrate," or politely mumble it into indistinctness),-with the consent of the Council; to be afterwards approved by Parliament?

(Certainly, your Highness; reason so requires it. Be it tacitly so ruled.-And now for Article Twelfth:

"Article Twelfth (Let us still call it Article Twelfth, though in the ultimate Redaction it has come to be marked Thirteenth):-Classes of persons incapable of holding any office. Same, I think, as those excluded from elections,-only there is no penalty annexed. His Highness makes some remarks upon this, under the Title of 'Article Twelfth;'-a new article introduced for securing Purchasers of Church Lands, which is now Article Twelfth, has probably pushed this into the Thirteenth place.")

The Twelfth Article relates to several qualifications that persons must be qualified with, who are put into places of Public Office and Trust. (Treats all of DISqualifications, your Highness; which, however, comes to the same thing.) Now if men shall step into Public Places and Trust who are not so qualified, 'I do not see but hereby still' they may execute them. "Office of Trust" is a very large word; it goeth almost to a Constable, if not altogether;-it goeth far. Now if any shall come in who are not so qualified, they certainly do commit a

breach upon your rule:-and whether you will not think in this case that if any shall take upon him an Office of Trust, there shall not some Penalty be put upon him, where he is excepted by the general rule? Whether you will not think it fit in that respect to deter men from accepting Offices and Places of Trust, contrary to that Article?

(Nothing done in this. The "Penalty," vague in outline, but all the more terrible on that account, can be sued for by any complainant in Westminster Hall.

"Article Thirteenth suddenly provides that your Highness will be pleased to consent that 'Nothing in this Petition and Advice, or the assent thereto, shall be construed to extend to-the dissolving of this present Parliament!'"-"Oh, no!" answers his Highness in a kind of bantering way; "not in the least!")

The next 'Article' is fetched, in some respects, I may say, by head and shoulders into your Instrument! Yet in some sense it hath an affinity 'with the rest, too;' I may say, I think it is within your general scope upon this account;- 'yes,' I am sure of it: There is mention made in the last parts of your Instrument (Looking in the Paper; Article Eighteen) of your purpose to do many good things:-I am confident not like the gentleman who made his last will, and set down a great number of names of men who were to receive benefit by him, and there was no sum at the latter end! ("You cannot do these 'many good things' if I dissolve you! That will be a Will, with many beneficiary legatees, and no sum mentioned at the end! His Highness wears a pleasant bantering look;-to which the countenances of the others, even Bulstrode's leaden countenance, respond by a kind of smile.)

I am confident you are resolved to deal effectually in these things at the latter end; and I should wrong my own conscience if I thought otherwise. I hope you will think sincerely, as before God, "That the Laws be regulated!" I hope you will. We have been often talking of them:-and I remember well, at the old Parliament (Whitlocke and Glyn look intelligence), we were three months, and could not get over the word "Incumbrances" (Hum-m-m!): and we thought there was little hope of "regulating the Law" where there was such difficulty as to that. But surely the Laws need to be regulated! And I must needs say, I think it were a sacrifice acceptable to God upon many accounts. And I am persuaded it is one of the things that God looks for, and would have. (Alas, your Highness!)-I confess, if any man should ask me, "Why, how would you have it done?" I confess I do not know How. But I think verily, at the least, the Delays in Suits, and the Excessiveness in Fees, and the Costliness of Suits, and those various things which I do not know what names they bear-I heard talk of "Demurrers" and such-like things, which I scarce know-(Sentence is wrecked!)-But I say certainly, The People are greatly suffering in this respect; they are so. And truly if this whole business of Settlement, whatever be the issue of it, if it come, which I am persuaded it doth, as a thing that would please God;- 'then,' by a sacrifice 'to God' in it, or rather as an expression of our thankfulness to God, I am persuaded that this will be one thing that will be upon your hearts, to do something that is honourable and effectual in this. ("Reforming of the Law!" Alas, your Highness!)-

'Another thing' that-truly I say that it is not in your Instrument-(Nothing said of it there, which partly embarrasses his Highness; who is now getting into a small Digression)!-Somewhat that relates to the Reformation of Manners,-you will pardon me!-My Fellow Soldiers' the Major-Generals 'who were raised up upon that just occasion of the Insurrection, not only to "secure the Peace of the Nation," but to see that persons who were least likely to help-on "peace" or to continue it, but rather to break it-("These Major-Generals, I say, did look after the restraining of such persons; suppressed their horse-racings, cock-fightings, sinful roysterings; took some charge of 'REFORMATION OF MANNERS,' they:"-but his Highness is off elsewhither, excited by this 'tickle subject,' and the Sentence has evaporated)-Dissolute loose persons that can go up and down from house to house,-and they are Gentlemen's sons who have nothing to live on, and cannot be supplied with means of living to the profit of the Commonwealth: these I think had a good course taken with them. (Ordered to fly-away their game-cocks, unmuzzle their bear-baitings: fall to some regular livelihood, some fixed habitat, if they could,-and, on the whole, to duck low, keep remarkably quiet, and give no rational man any trouble with them which could be avoided!) And I think what was done to them was honourably and honestly and profitably done. And, for my part, I must needs say, It shewed and dissoluteness which was then in the Nation;-as indeed it springs most from that Party of the Cavaliers! Should that Party run on, and no care be taken to reform the Nation; to prevent, perhaps abuses which will not fall under this head alone-! (Not under Reformation of MANNERS alone: what will the consequence be?)

We send our children into France before they know God or Good Manners; and they return with all the licentiousness of that Nation. Neither care taken to educate them before they go, nor to keep them in good order when they come home! Indeed this makes the Nation not only commit those abominable things, most inhuman things, but hardens men to justify those things;-as the Apostle saith, "Not only to do wickedly themselves, but to take pleasure in them that do so." And truly, if something be not done in this kind, 'in the way of reforming public morals,' without sparing that condition of men, without sparing men's sons, though they be Noblemen's sons-! (Sentence breaks down)-Let them be who they may that are deoboist, it is for the glory of God that nothing of outward consideration should save them in their debauchery, from a just punishment and reformation! And truly I must need say it, I would much bless God to see something done in that matter heartily, not only as to those persons mentioned, but to all the Nation; that some course might be taken for Reformation; that there might be some stop put to such a current of wickedness and evil as this is! And truly, to do it heartily, and nobly and worthily! The Nobility of this Nation, they especially, and the Gentry, would have cause to bless you. And likewise that some care might be taken that those good Laws already made for punishing of vice might be put in execution.

This I must needs say of our Major-Generals who did that service: I think it was an excellent good thing;-I profess I do! (Yes; though there were great outcries about it.) And I hope you will not think it unworthy of you 'to consider' that though we may have good Laws against the common Country disorders

that are everywhere, yet Who is to execute them 'now, the Major-Generals being off?' Really a Justice of the Peace,-he shall by the most be wondered at as an owl, if he go but one step out of the ordinary course of his fellow Justices in the reformation of these things! (Cannot do it; not he.) And therefore I hope I may represent this to you as a thing worthy your consideration, that something may be found out to repress such evils. I am persuaded you would glorify God by this as much as by any one thing you could do. And therefore I hope you will pardon me.

(His Highness looks to the Paper again, after this Digression. Article Fifteenth in his Highness's copy of the Paper, as we understand, must have provided "That no part of the Public Revenue be alienated except by consent of Parliament:" but his Highness having thus remonstrated against it, the Article is suppressed, expunged; and we only gather by this passage that such a thing had ever been.)

I cannot tell, in this Article that I am now to speak unto, whether I speak to anything or nothing! There is a desire that 'no part of' "the Public Revenue be alienated except by consent of Parliament." I doubt "Public Revenue" is like "Custodes Liberlatis Anglia;" a notion only; and not to be found that I know of! (It is all alienated; Crown Lands, &c. are all gone, long ago. A beautiful dream of our youth, as the "Keepers of the LIBERTY of England" were,-a thing you could nowhere lay hands on, that I know of!) But if there be any,-and if God bless us in our Settlement, there will be Public Revenue accruing,-the point is, Whether you will subject this to any alienation without consent of Parliament.

(We withdraw the question altogether, your Highness: when once the chickens are hatched, we will speak of selling them!-Let us now read Article Sixteenth:

Article Sixteenth, in his Highness's copy of the Paper, "Provides that no Act or Ordinance already extant, which is not contrary to this Petition and Advice, shall be in the least made void hereby."-His Highness, as we shall see, considers this as too indefinite, too indistinct;-a somewhat vague foundation for Church-land estates (for example), which men purchased with money, but hold only in virtue of Writs and Ordinances issued by the Long Parliament.-A new Article is accordingly added, in our Perfect-copy; specifying, at due breadth, with some hundreds of Law vocables, that all is and shall be safe, according to the common sense of mankind, in that particular.)

Truly this thing that I have now farther to offer you,-it is the last in this Paper; it is the thing mentioned in the Sixteenth Article: That you would have those Acts and Ordinances which have been made since the late Troubles, and during the time of them, 'kept unabrogated;' that they should, if they be not contrary to this Advice,-that they should remain in force, in such manner as if this Advice had not been given. Why, what is doubted is, Whether or no this will be sufficient to keep things in a settled condition? Because it is but an implication 'that you here make;' it is not determined. You do pass-by the thing, without such a foundation as will keep those people, who are now in possession of Estates upon this account, that their titles be not questioned or

shaken,-if the matter be not explained. Truly I believe you intend very fully in regard to this 'of keeping men safe who have purchased on that footing.' If the words already 'used' do not suffice-That I submit to your own advisement.

But there is in this another very great consideration, There have been since the present Government 'began,' several Acts and Ordinances, which have been made by the exercise of that Legislative Power that was exercised since we undertook this Government: (Very cumbrous phraseology, your Highness;-for indeed the subject is somewhat cumbrous. Questionable, to some, whether one CAN make Acts and Ordinances by a mere Council and Protector!) And I think your Instrument speaks a little more faintly 'as' to these, and dubiously, than to the other! And truly, I will not make an apology for anything: but merely two persons, two sorts of them, 'very extensive sorts,' will be merely concerned upon this account: They who exercised that authority, and they who were objects of its exercise! This wholly dissettles them; wholly, if you be not clear in your expressions. It will dissettle us very much to think that the Parliament doth not approve well of what hath been done 'by us' upon a true ground of necessity, in so far as the same hath saved this Nation from running into total arbitrariness. 'Nay, if not,' why subject the Nation to a sort of men who perhaps would do so. We think we have in that thing deserved well of the State. (Do not "dissettle" his Highness! He has, "in that thing" of assuming the Government, and passing what Ordinances &c. were indispensable, "deserved well."-Committee of Ninty-nine agree to what is reasonable.)

If any man will ask me, "But ah, Sir, what have you done since?"-Why, ah,-as I will confess my fault where I am guilty, so I think, taking things as they 'then' were, I think we have done the Commonwealth service! We have therein made great settlements,-that have we. We have settled almost all the whole affairs in Ireland; the rights and interests of the Soldiers there, and of the Planters and Adventurers. And truly we have settled very much of the business of the Ministry;-("Triers," diligent here, "Expurgators" diligent everywhere; much good work completed.) and I wish that be not an aggravation of our fault; I wish it be not! But I must needs say, If I have anything to rejoice in before the Lord in this world as having done any good or service, 'it is this.' I can say it from my heart; and I know I say the truth, let any man say what he will to the contrary,-he will give me leave to enjoy my own opinion on it, and my own conscience and heart: and 'to' dare bear my testimony to it, There hath not been such a service to England since the Christian Religion was perfect in England! I dare be bold to say it; however there may have, here and there, been passion and mistakes.

And, the Ministers themselves, take the generality of them-("are unexceptionable, nay exemplary as Triers and as Expurgators:" but his Highness, blazing up at touch of this tender topic, wants to utter three or four things at once, and his "elements of rhetoric" fly into the ELEMENTAL state! We perceive he has got much blame for his Two Church Commissions; and feels that he has deserved far the reverse.)-They will tell 'you,' it is beside their instructions, 'if they have fallen into "passion and mistakes," if they have meddled with civil matters, in their operations as Triers!' And we did adopt the

thing upon that account; we did not trust upon doing what we did virtute Instituti, as if 'these Triers were' jure divino, but as a civil good. But-(Checks himself)-so we end in this: We 'knew not and' know not better how to keep the Ministry good, and to augment it in goodness, than by putting such men to be Triers. Men of known integrity and piety; orthodox men and faithful. We knew not how better to answer our duty to God and the Nation and the People of God, in that respect, than by doing what we did.

And I dare say, if the grounds upon which we went will not justify us, the issue and event of it doth abundantly justify us; God having had exceeding glory by it,-in the generality of it, I am confident, forty-fold! For as heretofore the men that were admitted into the Ministry in times of Episcopacy-alas what pitiful Certificates served to make a man a Minister! (Forty-fold better now.) If any man could understand Latin and Greek, he was sure to be admitted;-as if he spake Welsh; which in those days went for Hebrew with a good many! (Satiracal. "They studied Pan, Bacchus, and the Longs and Shorts, rather than their Hebrew Bible, and the Truths of the Living Jehovah!") Certainly the poorest thing in the world would serve a turn; and a man was admitted upon such an account (As this of mere Latin and Greek, with a suspicion of Welsh-Hebrew); ay, and upon a less.-I am sure the admission granted to such places since has been under this character as the rule: That they must not admit a man unless they were able to discern something of the Grace of God in him. (Really it is the grand primary essential, your Highness. Without which, Pan, Bacchus, Welsh-Hebrew, nay Hebrew itself, must go for nothing, nay, for less, if we consider well. In some points of view, it is horrible! 'Grace of God;' which was to be so inquired for, as not foolishly nor senselessly, but so far as men could judge according to the rules of Charity. Such and such a man, of whose good life and conversation they could have a very good testimony from four or five of the neighbouring ministers who knew him,-he could not yet be admitted unless he could give a very good testimony of the Grace of God in him. And to this I say, I must speak my conscience in it,-though a great many are angry at it, nay if all are angry at it,-for how shall you please everybody?

Then say some, None must be admitted except, perhaps, he will be baptised 'again.' That is their opinion. (Anabaptists.) They will not admit a man into a Congregation to be Minister, except he commence by being so much less. The Presbyterians 'again,' they will not admit him unless he be "ordained." Generally they will not go to the Independents:-truly I think, if I be not partial, I think if there be a freedom of judgment, it is there. (With the Independents: that is your Highness's opinion.) Here are Three sorts of Godly Men whom you are to take care for: whom you have provided for in your Settlement. And how could you put the selection upon the Presbyterians without by possibility excluding all those Anabaptists, all those Independents. And so now you have put it into this way, That though a man be of any of those three judgments, if he have the root of the matter in him, he may be admitted. (Very good, your Highness!) This hath been our care and work: both by some Ordinances of ours, laying the foundations of it, and by many hundreds of Ministers being 'admitted' in upon it. And if this be a "time of Settlement," then I hope it is now a time of shaking;-and therefore I hope you will be pleased to settle this business too: and that you will neither "shake" the Persons(Us) who have

been poorly instrumental in calling you to this opportunity of settling this Nation, and of doing good to it; nor shake those honest men's interests who have been thus settled. And so I have done with the offers to you, -'with these my suggestions to you.'

(His Highness looks now on the Paper again; looks at Article Seventh there, "That the Revenue shall be 1,300,000l.;" and also at a Note by himself of the Current Expenses:-much wondering at the contrast of the two; not having Arithmetic enough to reconcile them.)

But here is somewhat that is indeed exceedingly past my understanding; for I have as little skill in Arithmetic as I have in Law. These are great sums; it is well if I can count them to you. (Looking on his Note.) The present charge of the Forces both by Sea and Land will be 2,426,989l. The whole present Revenue in England, Scotland, and Ireland is about 1,900,000l.; I think this was reckoned the most, as the Revenue now stands. Why, now, towards this you settle, by your Instrument, 1,300,000l. for the Government; and out of that "to maintain the Force by Sea and Land," and "without Land-tax," I think: and this is short of the Revenue which now can be raised by the present Act of Government 600,000l.! (A grave discrepancy!) Because, you see, the present Government has 1,900,000l; and the whole sum which can be raised comes 'short' of the present charge by 542,689l.,-(So his Highness says; but by the above data, must be mistaken or misreported: 526,989l. is what "Arithmetic" gives.) And although an end should be put to the Spanish War, yet there will be a necessity for preserving the peace of the three Nations, to keep up the present established Army in England, Scotland and Ireland; also a considerable Fleet for some good time, until it shall please God to quiet and compose men's minds, and bring the Nation to some better consistency. So that, considering the Pay of the Army, which comes to upwards of 1,100,000l. per annum, and the "Support of the Government" 300,000l., it will be necessary for some convenient time,-seeing you find things as you do, and it is not good to think a wound healed before it be,-that there be raised, over and above the 1,300,000l., the sum of 600,000l. per annum; which makes up the sum of 1,900,000l. And likewise that the Parliament declare, How far they will carry on the Spanish War and for what time; and what farther sum they will raise for carrying on the same, and for what time. (Explicit, and undeniable!) And if these things be not ascertained,-as one saith "Money is the Cause," and certainly whatever the Cause is, if Money be wanting, the business will fall to the ground, all our labour will be lost. And therefore I hope you will have a cared of our undertakings!-(Most practical paragraph.)

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And having received expressions from you which we may believe, we need not offer these things to you; 'we need not doubt' but these things will be cared for. Those things have 'already in Parliament' been made overture of to you; and are before you:-and so has likewise the consideration of the Debts, which truly, I think are apparent.

And so I have done with what I had to offer you,-I think I have, truly for my part. ("Nothing of the Kingship, your Highness?" Committee of Ninety-nine looks expectant)-And when I shall understand where it lies on me to do farther; and when I shall understand your pleasure in these things a little

farther;-we have answered the Order of Parliament in considering and debating of those things that were the subject-matter of debate and consideration;-and when you will be pleased to let me hear farther of your thoughts in these things, then I suppose I shall be in a condition to discharge myself, (Throws no additional light on the Kingship at all!) as God shall put in my mind. And I speak not this to evade; but I speak in the fear and reverence of God. And I shall plainly and clearly, I say,-when you shall have been pleased among yourselves to take consideration of these things, that I may hear what your thoughts are of them,-I do not say that as a condition to anything-but I shall then be free and honest and plain to discharge myself of what, in the whole and upon the whole, may reasonably be expected from me, and 'what' God shall set me free to answer you in.