

Lampeter Corpus

A Legall Vindication Of the Liberties of England, Against ILLEGALL TAXES And pretended Acts of Parliament Lately enforced on the People:

OR,

*Reasons assigned by William Prynne of
Swainswick in the County of Sommerset,
Esquire , why he*

*can neither in Conscience, Law, nor Prudence submit to
the New illegall Tax or Contribution of
Ninety Thousand pounds the Month;*

*Lately imposed on the Kingdom, by a pretended Act
of some commons in (or rather out of) Parliament.*

*Essay 1.7. He looked for Judgment, but behold Oppression;
for Righteousness, but behold a Cry.*

*Psal. 12.5. For the Oppression of the poor, for the Sighing of the needy; now will I arise (saith
the Lord) and will
set him in safety from him that would ensnare him .*

*Exod. 6.5,6. I have also heard the groaning of the children of Israel, whom the Ægyptians
keep in bondage;*

*and I have remembred my Covenant. Wherefore say unto
the children of Israel, I am the Lord, and I will bring
you out from under the Burdens of the Ægyptians;*

*and I will rid you out of their Bondage: and I will redeem
you with a stretched out arm, and with great Judgments .*

*Eccles. 4.1,2. So I returned and considered all the Oppressions that are done under the Sun,
and beheld the tears*

*of such as were oppressed, and they had no Comforter; and
in the hand of their Oppressors there was power, but they
had no Comforter: Wherefore I praised the dead which are
already dead, more then the living which are yet alive . [...]*

[...] REASONS Assigned by WILLIAM PRYNNE, &c.

BEing on the 7 of this instant *June* 1649 informed by the Assessors of the Parish of
Swainswicke, that I was assessed at 2l. 5s. for three months *Contribution*, by vertue of a
(pretended) *Act of the Commons assembled in Parliament*, bearing date the 7 of *April* last,
assessing the Kingdom at ninty thousand pounds monthly, beginning from the 25 of *March*
last, and continuing for six months next ensuing, *towards the maintenance of the forces to be
continued in England and Ireland, and the paying of such as are thought fit to be disbanded,
that so Free-quarter may be taken off ;* whereof 3075l. 17s. 1 d.ob. is monthly imposed on the
County, and 2l. 5s. 3d. on the small poor Parish where I live; and being sine on the 15 of
June required to pay in 2l. 5s. for my proportion: I returned the *Collector* this Answer, That I

could neither in *Conscience, Law, nor Prudence in the least measure submit to the voluntary payment of this illegal Tax, and unreasonable Contribution, (after all my unrepaired losses and sufferings for the publick Liberty) amounting to six times more then Ship-money (the times considered) or any other illegall Tax of the late beheaded King, so much declaimed against in our three last Parliaments by some of those who imposed this. And that I would rather submit to the painfulllest death and severest punishment the Imposers or Exactors of it could inflict upon me by their arbitrary power (for legall they had none) then voluntarily pay, or not oppose it in my place and calling to the uttermost, upon the same, if not better reasons as I oppugned ¹ Ship-money, Knighthood, and other unlawfull impositions of the late King and his Councel, heretofore. And that they and all the world might bear witnesse, I did it not from meer obstinacy or sullenness; but out of solid reall grounds of *Conscience, Law, Prudence, and publick affection to the weal and Liberty of my native Country (now in danger of being enslaved under a new vassalage, more grievous then the worst it ever yet sustained under the late, or any other of our worst Kings) I promised to draw up the Reasons of this my refusal in writing, and to publish them so soon as possible to the Kingdom, for my own Vindication, and the better information and satisfaction of all such as are any wayes concerned in the imposing, collecting, levying, or paying of this strange kinde of Contribution. In pursuance whereof, I immediately penned these ensuing Reasons; which I humbly submit to the impartiall Censure of all conscientious and judicious Englishmen; desiring either their ingenuous Refutation, if erroneous; or candid Approbation, if substantiall and irrefragable, as my conscience and judgment perswade me they are, and that they will appear so to all impartiall Persons, after full examination.**

First, By the fundamental Laws, and known Statutes of this Realme, No Tax, Tallage, Ayd, Imposition, Contribution, Loan or Assessment whatsoever may or ought to be imposed or levied on the free men and people of this Realm of *England*, but by the WILL and COMMON ASSENT of the EARLS, BARONS, Knights, Burgesses, Commons and WHOLE REALM in a free and full PARLIAMENT, by ACT OV PARLIAMENT: All *Taxes &c.* not so imposed, levied (though for the common defence and profit of the Realm) *being unjust, oppressive, inconsistent with the liberty and propertie of the Subject, Laws and Statues of the Realm*; as is undeniably evident by the expresse Statues of *Magna Charta*, cap. 29. 30. 25. E. 1. c. 5, 6. 34. E. 1. De Tallagio non concedendo c. 1. 21. E. 3. Rot. Parl. n. 16. 25. E. 3. c. 8. 36. E. 3. Rot. Parl. n. 26. 45. E. 3. Rot. Parl. n. 42. 11. H. 4. Rot. Parl. n. 10. 1. R. 3. c. 2. The *Petition of Right*, and Resolutions of both Houses against *Loans*, 3. *Caroli*: The Votes and Acts against *Ship-money, Knighthood, Tonnage and Poundage*, and the Star-chamber this last Parliament, 17. & 18 *Caroli*. And fully agreed and demonstrated by Mr. *William Hackwell* in his *Arguments against Impositions*; Judge *Hutton* and Judge *Crook* in their *Arguments*, and Mr. *St. John* in his *Argument and Speech* against *Ship-money*, with other *Ar guments* and *Discourses* of that subject: Sir *Edward Cook* in his 2 *Instit.* (published by Order of the Commons House) pag. 59. 60. &c. 527. 528. 529. 532. 533, &c. with sundry other Records and Law-books cited by these great Rabbies of the Law, and Patriots of the Peoples Liberties. But the present Tax of Ninety Thousand pounds a Month, now exacted of me, was not thus imposed. Therefore it ought not to be demanded of, nor levied on me; and I ought in conscience, Law, and prudence to withstand it as unjust, oppressive, inconsistent with the Liberty and Property of the Subject, Law and Statutes of the Realm.

To make good the Assumption, which is onely questionable.

First, This Tax was not imposed in, but out of any Parliament, the late Parliament being actually dissolved above two months before this pretended Act of these Tax-imposers taking away the King by a violent death, as is expresly resolved by the Parliament of 1H. 4. Rot.

Parl. n. 1. by the Parliament of 4. H. 4. and 1. H. 5. Rot Parliam. n. 26. Cook 4 Institutes p. 46. and 4. E. 4. 44. b. For the King being both *the Head, beginning, end and foundation of the Parliament* (as Modus tenendi Parliamentum and Sir Edward Cooks 4. Instit. p. 3. resolve) which was summoned and constituted only by his Writ now² *actually abated by his death*: and the Parliament (as is evident by the clauses of the severall Writs of *Summons* to ³ *the Lords, and for the election of Knights and Burgesses*, and levying of their wages) being onely PARLIAMENTUM NOSTRUM, the Kings Parliament that is dead, not his heirs and Successors; and the Lords and Commons being all summoned and authorized by it to come to HIS PARLIAMENT, there to be present, and conferre with HIM (NOBISCUM, not his Heirs and Successors) of the weighty and urgent affairs that concerned (NOS) HIM and HIS KINGDOME of England; and the Knights and Burgesses receiving their wages for, *Nuper ad NOS ad PARLIAMENTUM NOSTRUM veniendo, &c. quod sommoneri FECIMUS, ad tractandum ibidem super diversis & arduis Negotiis NOS & Statum REGNI NOSTRI tangentibus*, as the tenor of the ⁴ *Writs* for their wages determines. The king being dead, and his Writ and Authority by which they were summoned, with the ends for which they were called (to *confer with HIM, about HIS, and HIS KINGDOMS affairs* &c. being thereby absolutely determined, without any hopes of revivall; the Parliament it self must thereupon absolutely be determined likewise (especially to those who have disinherited HIS HEIRS and SUCCESSORS, and voted down our Monarchy it self) and these with all other Members of Parliament, cease to be any longer Members of it, being made such onely by the King's abated Writ; even as all Judges, Justices of peace, and Sheriffs made onely by the Kings Writ or Commission, not by Letters Patents, cease to be Judges, Justices and Sheriffs by the Kings death, for this very reason, because they are constituted *Justiciarios & Vicecomites NOSTROS ad Pacem NOSTRAM &c. custodiendam*; and he being dead, and his Writs and Commissions expired by his death, they can be his Judges, Justices and Sheriffs no longer to *preserve HIS Peace* &c. (no more then a wife can be her deceased Husbands Wife, and bound to his obedience, from which she was losed by his death, *Rom. 7.2.3.*) And his Heirs and Successors they cannot be, unlesse he please to make them so by his new Writs and Commissions, as all our ⁵ *Law-Books* and Judges have frequently resolved upon this very reason, which equally extends to Members of Parliament, as to Judges, Justices and Sheriffs, as is agreed in 4 E. 4. 43. 44. and Brooke, *Office and Officer*, 25. Therefore this Tax being cleerly imposed not in, but out of, and after the Parliament ended by the Kings decapitation, and that by such who were then no lawfull Knights, Citizens, Burgesses or Members of Parliament, but onely private men, their Parliamentary Authority expiring with the King, it must needs be illegall, and contrary to all the fore-cited Statutes; as by the Convocations and Clergies Tax and Benevolence granted after the Parliament dissolved in the year 1640, was resolved to be by both Houses of Parliament, and those adjudged high Delinquents who had any hand in promoting it.

2. Admit the late Parliament stil in being, yet the House of Peers, Earles and Barons of the Realm were no ways privy nor consenting to this Tax, imposed without, yea against their consents in direct affront of their most ancient undubitable Parliamentary Right and Priviledges, (these Tax-masters having presumed to vote down and nul their very House, by their new en croached transcendent power) as appears by the title and body of this pretended Act, intituled by them, *An Act of THE COMMONS assembled in Parliament*: Whereas the House of Commons alone, though full and free, have no more lawful Authority to impose any tax upon the people, or make any Act of Parliament or binding Law without the Kings or Lords concurrence, then the man in the moon, or the convocation Anno 1640. after the Parliament dissolved (as is evident by the express words of the forecited Acts, the *Petition of Right* it self; Acts, for the *Trienniall Parliament*; and against the proroging or dissolving this Parliament, 17. *Caroli*: with all our printed Statutes, ⁶ *Parliament Rolls*, and ⁷ *Law-Books*;))

they neither having nor challenging the sole Legislative power in any age; and being not so much as summoned to, nor *constituting members of our*⁸ *ancient Parliaments* (which consisted of the King and Spiritual and Temporal Lords, without any Knights, Citizens, or Burgesses as all our Histories and Records attest) til 47 H. 3. at soonest; they having not so much as a speaker or Commons House til after the beginning of King Edward the third his reign, as never presuming to make or tender any Bills or Acts to the King or Lords, but Petitions only for them to redress their grievances and enact new Laws, til long after Rich. the seconds reign, as our Parliament Rolls, and the printed prologues to the Statutes of 1. 4. 5. 9. 10. 20. 23. 36. 37. and 50. Ed. 3. 1. Rich. 2. 1. 2. 4. 5. 7. 9. 11. 13. Hen. 4. 1. 2. 3. 4. 8. 9. Hen. 5. 1. 2. 3. 4. 6. 8. 9. 10. 11. 14. 15. 29. 28. 29. 39. Hen. 6. 1. 4. 7. 8. 12. 17. 22. Ed. 4. and 1. Rich. 3. evidence (which run all in this form. *At the Parliament holden &c. by THE ADVICE and ASSENT OF THE LORDS SPIRITUAL and TEMPORAL and at THE SPECIAL INSTANCE and REQUEST OF THE COMMONS OF THE REALM, (BY THEIR PETITIONS put in the said Parliament, as some Prologues have it.) Our Lord the King hath caused to be ordained, or ordained CERTAIN STATUTES &c.*) where the advising and assenting to Lawes is appropriated to the Lords; the ordaining of them to the King; and nothing but the requesting of, and petitioning for them both from King and Lords to the Commons, in whom the Legislative power principally if not solely resided; as is manifest by the printed Prologue to the Statute of Merton. 20. Hen. 3. The Statute of Morteman. 7. Ed. 1. 31. Ed. 3. De Aspertatis Religiosorum. Therefore this Tax imposed by the Commons alone without King or Lords, must needs be void, illegal, and no ways obligatory to the subjects.

3. Admit the whole House of Commons in a full and free Parliament had power to impose a Tax, and make an Act of Parliament for levying it without King or Lords; (which they never did nor pretended to in any age) yet this Act and Tax can be no ways obliging, because not made and imposed by a full and free House of Commons, but by an empty House, packed swayed, overawed by the chief Officers of the Army, who have presumed by meer force and armed power, against law and without president, to seclude the Major part of the House, (at least 8 parts of 10) who by Law and custome are the House it self, from sitting or voting with them, contrary to the Freedom and Priviledges of Parliament; readmitting none but upon their own termes. An usurpation not to be paralleld in any age, destructive to the very being of Parliaments;⁹ *Where all Members ex debito Justiciæ, should with have equal Freedom meet and speak their mindes* : injurious to all those Counties, Cities, Boroughs, whose Knights, Citizens and Burgesses are secluded, and to the whole Kingdom; yea contrary to all rules of reason, justice, policy, conscience, and their own *Agreement of the people*, which inhibit the far lesser part of any Councel, Court, or Committee, to over-sway, seclude or forejudge the major number of their Assessors and fellow Members, over whom they can no wayes pretend the least jurisdiction, it being the high way to usher Tyranny and confusion into all Councils and Realms to their utter dissolution, since the King alone without Lords and Commons, or the Lords alone without King or Commons, may by this new device make themselves an absolute Parliament to impose Taxes and enact Lawes without the Commons, or any other forty or fifty Commoners meeting together without their companions do the like, as wel as this remnant of the Commons make themselves a compleat Parliament without King, Lords, or their fellow Members, if they can but now or hereafter raise an Army to back them in it, as the Army doth those now sitting.

4. Suppose this Tax should bind these Counties, Cities, and Boroughs, whose Knights, Citizens and Burgesses sat and consented to it when imposed, (though I dare sware imposed against the mindes and wills of all or most of those they represent; (who by the¹⁰ *Armies new Doctrine, may justly question and revoke their authority for this high breach of Trust*; the rather, because the Knights and Burgesses assembled in the first Parliament of E. 3. rot. Parl.

n. 8. *Did all refuse to grant a great extraordinary Subsidie then demanded of them (though not comparable to this) for the necessary defence of the Kingdom against Forraign enemies, till they had conferred with the Counties and Burroughs for which they served, and gained their assents :) Yet there is no shadow of reason, Law, or Equity, it should oblige any of the secluded Members themselves, whereof I am one; or those Counties, Cities, or Burroughs, whose Knights, Citizens and Burgesses have been secluded or scared thence by the Armies violence, or setting Members illegall Votes for their seclusion; who absolutely disavow this Tax and Act as un-Parliamentary, illegall, and never assented to by them in the least degree; since the only ¹¹ reason in Law or equity, why Taxes or Acts of Parliament oblige any Member, County, Burrough, or Subject is, because they are parties and consenting thereunto either in proper person; or by their chosen Representatives in Parliament ; it being a received Maxime in all Laws, Quod tangit omnes, ab omnibus debet approbari. Upon which reason it is judged in our ¹² Law-books, That By-Laws oblige only those who are parties, and consent unto them, but not strangers, or such who assented not thereto. And (which comes fully to the present case) in 7 H. 6. 39. H. 6. 34. Brooke Ancient Demesne 20. & Parl. 17. 101. It is resolved, That Ancient Demesne is a good plea in a Writ of Wast upon the Statutes of Waste, because those in Ancient Demesne were not parties to the making of them , FOR THAT THEY HAD NO KNIGHTS NOR BURGESSES IN PARLIAMENT, nor contributed to their expences. And Judge Brooke Parliament 101. hath this observable Note. It is most frequently found, that Wales and County Palatines, WHICH CAME NOT TO THE PARLIAMENT (in former times, which now they do) SHALL NOT BE BOUND BY THE PARLIAMENT OF ENGLAND: for ancient Demesne is a good Plea in an action of wast, and yet Ancient Demesne is not excepted: and it is enacted, 2. Ed. 6. c. 28. that fines with Proclamation shall be in Chester, for that the former Statutes did not extend to it: and it is enacted, That a Fine and Proclamation shall be in Lancaster . 5. & 6. E. 6. c. 26. And a Proclamation upon its exigent is given by the Statute in Chester and Wales, 1. E. 6. 20. and by another Act to Lancaster, 5. & 6. E. c. 26. And the Statute of Justices of Peace extended not to Wales and the County Palatine; and therefore an Act was made for Wales and Chester, 27. H. 8. c. 5. who had Knights and Burgesses appointed by that Parliament for that and future Parliaments by Act of Parliament, 27. H. 8. cap. 26. since which they have continued, their wages being to be levied by the Statute of 35. H. 8. c. 11. Now, if Acts of Parliament bound not Wales and County Palatines, which had anciently no Knights nor Burgesses in Parliament to represent them, because they neither personally nor representatively were parties and consenters to them; much lesse then can or ought this Leavie, Tax and illegall Act to binde those Knights, Citizens and Burgesses, or those Counties, Cities and Burroughs they represented, who were forcibly secluded, or driven away from the Parliament by the confederacy, practice, or connivance at least, of those now sitting, who imposed this Tax, and passed this strange Act; especially, being for the support and continuance of those Officers, and that Army who trayterously seised and secluded them from the House, and yet detain some of them Prisoners, against all Law and Justice. The rather, because they are the far major part (above six times as many as those that sate and shut them out) and would no wayes have consented to this illegall Tax, or undue manner of imposing it, without the Lords concurrence, had they been present. And, I myself, being both an unjustly imprisoned and secluded Member, and neither of the Knights of the County of Somerset, where I live, present or consenting to this Tax or Act, one or both of them being forced thence by the Army, I conceive neither my self, nor the County where I live, nor the Burrough for which I served, in the least measure bound by this Act or Tax, but cleerly exempted from them, and obliged with all my might and power effectually to oppose them.*

¹³ If any here object, That by the custome of Parliament 40 Members onely are sufficient to make a Commons House of Parliament, and there were at least so many present when this

Tax was imposed: Therefore it is valid and obligatory both to the secluded absent Members, and the Kingdom.

¹⁴ I answer, First, That though regularly it be true, that forty Members are sufficient to make a Commons House to begin prayers, and businesses of lesser moment in the beginning of the day, till the other Members come, and the House be full; yet forty were never in any Parliament reputed a competent number to grant Subsidies, passe, or record Bills, or debate or conclude matters of greatest moment; which by the constant Rules and usage of Parliament, were never debated, concluded passed, but in a *free and full House*, when all or most of the Members were present, as the *Parliament Rolls, Journals, Modus tenendi Parliamentum*, Sir *Edward Cooks* 4. Institutes, p. 1. 2. 26. 35. 36. *Cromptons* Jurisdiction of Courts, f. 1 &c. 39. E. 3. 7. *Brook* Parliament. 27. 1. *Jacobi*, c.1. and the Records I have cited to this purpose in my *Levellers levelled*, my *Plea for the Lords*, and *Memento*, p. 10. abundantly prove beyond contradiction; for which cause the Members ought to be fined, and lose their wages, if absent without special Licence, as *Modus tenendi Parliamentum*, as 5. R. 2. Parl. 2. c. 4. 9. H. 8. c. 16. and *A collection of all Orders, &c.* of the late Parliament, pa. 294. 357. with their frequent summoning and fining absent Members, evidence.

Secondly, Though forty Members onely may peradventure make an House in cases of absolute necessity, when the rest through sicknesse, and publick or private occasions, are voluntarily or negligently absent; and might freely repair thither to sit or give their Votes if they pleased: yet forty Members never yet made a Commons House by custome of Parliament (there being never yet any such case till now) when the rest (being above four hundred) were forcibly secluded, or driven thence by an Army, through the practice or connivance of those forty sitting, of purpose that they should not over nor counter-vote them; much lesse an House to sequester or expell the other Members, or impose any Tax upon them. Till they shew me such a Law, Custom, or President of Parliament (not to be found in any age) all they pretend is nothing to purpose, or the present case.

Thirdly, Neither forty members, nor a whole House of Commons were ever enough in any age, by the Custom of Parliament, or Law of England, to impose a Tax, or make any Act of Parliament, without the King and Lords, as I have ¹⁵ already proved; much lesse after they ceased to be Members by the Parliaments dissolution through the Kings beheading: Neither were they ever invested with any legal power to seclude or expell any of their fellow Members (especially, if duly elected) for any Vote wherein the Majority of the House concurred with them, or differing in their consciences and judgments from them; nor for any other cause, without the Kings and Lords concurrence (in whom the ordinary judicial power of the Parliament resides) as I have undenyably proved by presidents and reason in my *Plea for the Lords*, p. 47. to 53. and *Ardua Regni*, which is further evident by *Claus. Dors.* 7. R. 2. m. 27. and Mr. *Seldens* Titles of Honour, p. 737. Baronet *Camoyes* Cafe, discharged from being Knight of the Shire by the Kings Writ and Judgment, because a Peer of the Realm; the practice of sequestering and expelling Commons by their fellow Commons onely, being a late dangerous, unparliamentary usurpation (unknown to our Ancestors) destructive to the priviledges and freedom of Parliaments, and injurious to those Counties, Cities, Burroughs, whose Trustees are secluded; the House of Commons it self being no Court of Justice to give either an Oath or finall Sentence, and having no more Authority to dismember their fellow Members, then any Judges, Justices of Peace, or Committees have to dis-judge, dis-justice, or dis-committee their fellow Judges, Justices and Committee-men, being all of equall authority, and made Members onely by the Kings Writ and Peoples Election, not by the Houses, or other Members Votes; who yet now presume both to make and unmake, seclude and recall, expell and restore their fellow-Members at their pleasure, contrary to the practice and resolution of

former ages, to patch up a *factious Conventicle* in stead of an *English Parliament*. Therefore this Objection no ways invalids this first Reason; why I neither can nor dare submit to this illegall Tax in *Conscience, Law, or Prudence*, which engage me to oppose it in all these respects.

Secondly, Should I voluntarily submit to pay this Tax, and that by vertue of an Act of Parliament made by those now sitting, (some of whose Elections have been voted voyd; otheres of them elected by new illegall Writs under a new kind of Seal, since the Kings beheading, as the *Earl of Pembroke*, and Lord *Edward Howard*, uncapable of being Knights or Burgesses by the Common Law and Custome of Parliament, being Peers of the Reahm (if now worthy such a Title) as was adjudged long since in the Lord *Camoyes* case. *Claus. Dors.* 7. R. 2. m. 32. and asserted by Master *Selden* in his *Titles of Honour*: part. 2. cha. 5. p. 737. Seconded by Sir *Edward Cook* in his 4. *Institutes*. p. 1. 4, 5. 46, 47, 49.) As I should admit these lawfull Members, so I should therby tacitly admit, & ex post facto assent to some particulars, against my knowledg, judgment, conscience, *Oaths of Supremacy, Allegiance, Protestation, and Solemn League and Covenant*, taken in the *presence of God himselfe, with a sincere heart and reall intention to perform the same, and persevere therein all the dayes of my life, without suffering my selfe directly or indirectly, by whatsoever Combination, perswasion or terrour to be withdrawne therefrom*. As First, That there may be and now is a lawfull Parliament of England actually in being and legally continuing after the Kings death, consisting only of a few late Members of the Commons House, without either King, Lords or most of their fellow Commons: which the very Consciences and judgments of all now sitting, that know any thing of Parliaments, and the whole Kingdome if they durst speak their knowledg, know and beleeve to be false, yea against their Oaths and Covenant. Secondly, That this Parliament (so unduly constituted and packed by power of an Army combining with them) hath a just and lawfull Authority to violate the Priviledges, Rights, Freedoms, Customes, and alter the constitution of our Parliaments themselves; imprison seclude, expell most of their fellow Members for voting according to their consciences; to repeal all Votes, Ordinances and Acts of Parliament they please, erect new Arbitrary Courts of war and Justice to arraign, condemn, execute the King himself, with the Peers and Commons of this Realm by a new kind of Martiall Law, contrary to *Magna Charta*, the *Petition of Right*, and *Law of the Land*: disinherit the Kings Posterity of the Crowne, extirpate Monarchy and the whole House of Peers, change and subvert the ancient Government, Seals, Laws, Writs, Legall proceedings Courts, and coyne of the Kingdome; sell and dispose of all the Lands, Revenues, Jewels, goods of the Crowne, with the Lands of Deans and Chapters, as they think meet; absolve themselves (like so many antichristian Popes) with all the Subjects of *England and Ireland*, from all the Oaths and engagements they have made TO THE KINGS MAJESTY, HIS HEIRS AND SUCCESSORS: yea, from their very Oath of *Allegiance*, notwithstanding this express clause in it (which I desie may be seriously and conscienciously considered by all who have sworne it) *I do beleeve and in Conscience am resolved, that neither the Pope, NOR ANY PERSON WHATSOEVER HATH POWER TO ABSOLVE ME OF THIS OATH, OR ANY PART THEREOF*, which I acknowledge by good and full Authority to be lawfully ministred unto me, and DO RENOUNCE ALL PARDONS AND DISPENSATIONS TO THE CONTRARY: dispense with our Protestations, Solemn League and Covenant, so lately *zealously urged and injoynd by both Houses on Members, Officers, Ministers, and all sorts of People throughout the Realme*: dispose of the Forts, Ships, Forces, Officers, and Places of Honour, Power, Trust or profit within the Kingdom to whom they please; to displace and remove whom they please from their Offices, Trusts, Pensions, Callings, at their pleasures without any legall cause or tryall: to make what new Acts, Lawes, and reverse what old ones they think meet, to insnare inthrall our Consciences, Estates, Liberties, Lives: to create new *monstrous Treasons* never heard of in the world before; and declare *reall treasons* against

King, Kingdome, Parliament, to be no *treasons*, and *Loyalty, Allegiance, due obedience* to our knowne Lawes, and consciencious observing of our Oaths and Covenant (the breach whereof would render us *actuell Traytors* and *pernicious persons*) to be no lesse then *High Treason*, for which they may justly *imprison, dismember, disfranchise, displace and fine us* at their wills (as they have done some of late) *and confiscate our persons and lives to the Gallows, and our estates to their new Exchequer*; (a Tyranny beyond all Tyrannies ever heard of in our Nation, repealing *Magna Charta*, c. 29. 5. E. 3. c. 6. 25. Edw. 3. cap. 4. 28. Ed. 3. c. 3. 37. E. c. 18. 42. E. 3. cap. 3. 25. Ed. 3. cap. 2. 11. R. 2. c. 4. 1. H. 4. c. 10. 2. H. 4. Rot. Par. 11. N. 60. 1. E. 6. c. 12. 1. m. c. 1. *The Petition of Right*, 3 *Caroli*, and laying all our Laws, Liberties, Estates, Lives in the very dust after so many bloody and costly years wars to defend them against the Kings invasions) rayse and keep up what force they will by *Sea and Land*, to impose what heavy *Taxes* they please, and renew, increase, multiply and perpetuate them on us as long as they please to support their own encroached more then Regall, Parliamentall, Super-transcendent Arbitrary power over us, and all that is ours or the Kingdoms, at our private and the publique charge, against our wills, judgments, consciences, to our absolute enslaving, and our three Kingdoms ruine, by engaging them one against another in new *Civill* wars, and exposing us for a prey to our *Forraign Enemies*. All which with other particulars lately acted and endowed by the Imposers of this *Tax*, by colour of that pretended Parliamentary Authority by which they have imposed it, I must necessarily admit, acknowledge to be just and legall by my voluntary payment of it, of purpose to maintaine an Army to justify and make good all this, by the meer power of the Sword; which they can no wayes justify and defend by the Laws of God or the Realm, before any *Tribunall* of God or Men when legally arraigned as they shall one day be. Neither of which I can or dare acknowledge without incurring the guilt of most *detestable Perjury*, and *Highest Treason*, against King, Kingdom, Parliament, Laws and Liberties of the *People*: and therefore cannot yeeld to this Assessement.

Thirdly. The principall ends and uses proposed in the pretended Act and Warrants thereupon for payment of this *Tax* are strong Obligations to me, in point of *Conscience, Law, Prudence*, to withstand it; which I shall particularly discusse.

The First is, the maintenance and continuance of the present Army and forces in *England* under the Lord *Fairfax*. To which I say, First, as I shall with all readinesse, gratitude and due respect acknowledg their former Gallantry, good and faithfull Services to the Parliament and Kingdom, whiles they continued dutiful and constant to their first Engagements and the ends for which they were raised by both Houses, as far forth as any man; so in regard of their monstrous defections and dangerous Apostacy from their Primitive obdience, faithfulnessse and engagements in disobeying the Commands and levying open warre against both Houses of Parliament, keeping an horrid force upon them at their very doors, seising, imprisoning, secluding, abusing and forcing away their Members, printing and publishing many high and treasonable Declarations against the Institution, Priviledges, Members and Proceedings of the late, and being of all future Parliaments; imprisoning, abusing, arraigning, condemning and executing our late King, against the Votes, faith, and engagements of both Houses, and disinheriting his Posterity, usurping the Regal, Parliamentary, Magistratical, and Ecclesiastical power of the Kingdom to their Generall Council of Officers of the Army, as the supreme swaying Authority of the Kingdom, and attempting to alter and subvert the ancient Government, Parliaments, Laws, and Customs of our Realm: And upon serious consideration of the ordinary unsufferable Assertions of their Officers and Souldiers uttered in most places where they quarter, and to my self in particular, sundry times. *That the whole Kingdom, with all our Lands, Houses, goods, and whatsoever we have, is theirs, and that by right of conquest, they having twice conquered the Kingdom: That we are but their conquered slaves*

and Vassals, and they the Lords and Heads of the Kingdome: That our very lives are at their mercy and courtesie. That when they have gotten all we have from us by Taxes and Free-quarter, and we have nothing left to pay them, then themselves will seise upon our Lands as their own, and turn us and our Families out of doors, That there is now no Law in England (nor never was if we beleieve their lying Oracle Peters) *but the sword*; with many such like vapouring Speeches and discourses, of which there are thousands of witnesses: I can neither in *Conscience, Law nor Prudence* assent, much lesse contribute in the least degree, for their present maintenance, or future continuance, thus to insult, inslave, and tyranize over King, Kingdom, Parliament, people at their pleasure, like their conquered vassals. And for me in particular to contribute to the maintenance of those, who against the Law of the Land, the priviledges of Parliament, and liberty of the Subject, pulled me forcibly from the Commons House, and kept me prisoner about two months space under their Martiall, to my great expence and prejudice, without any particular cause pretended or assigned, only for discharging my duty to the Kingdom, and those for whom I served in the House, without giving me the least reparation for this unparallel'd injustice, or acknowledging their offence (and yet detain some of my then fellow-Members under custody by the meer power of the Sword without bringing them to tryall) would be not onely absurd, unreasonable, and a tacite justification of this their horrid violence and breach of priviledge, but monstrous un naturall, perfidious, against my Oath and Covenant.

2. No Tax ought to be imposed on the Kingdom in Parliament it self, but in case of necessity, for its common Good, as is cleer by the Stat. of 25. E. 1. c. 6. and *Cooks* 2 Instit. p. 528. Now it is evident to me, that there is no necessity of keeping up this Army for the Kingdoms common Good, but rather a necessity of disbanding it, or the greatest part of it, for these reasons: 1. Because the Kingdom is generally exhausted with the late 7 years Wars, Plunders and heavie Taxes; there being more moneys levied on it by both sides, during these eight last years, then in all the Kings Reigns since the Conquest, as will appear upon a just computation: all Counties being thereby utterly unable to pay it. 2. In regard of the great decay of Trade, the extraordinary dearth of cattel, corn, and provisions of all sorts; the charge of relieving a multitude of poor people, who starve with famine in many places, the richer sort eaten out by Taxes and Free-quarter, being utterly unable to relieve them. To which I might add the multitude of maimed Souldiers, with the widows and children of those who have lost their lives in the Wars, which is very costly. 3. This heavie Contribution to support the Army, destroys all Trade, by fore-stalling and engrossing most of the moneys of the Kingdom, the sinews and life of Trade; wasting the provision of the Kingdom and enhancing their prices, keeping many thousands of able men and horses idle, only to consume other labouring mens provisions, estates and the publick Treasure of the Kingdom, when as their employment in their trades and callings, might much advance trading, and enrich the Kingdom. 4. There is now no visible Enemy in the field or Garisons, and the sitting Members boast there is no fear from any abroad, their Navie being so Victorious. And why such a vast Army should be still continued in the Kingdom to increase its debts and payments, when charged with so many great Arrears and debts already, eat up the Country with Taxes and Free-quarter, only to play, drink, whore, steal, rob, murther, quarrel, fight with, impeach and shoot one another to death as Traytors, Rebels, and Enemies to the Kingdom and Peoples Liberties, as now the Levellers and Cromwellists do, for want of other employments, and this for the publick good, transcends my understanding. 5. When the King had two great Armies in the Field, and many Garisons in the Kingdom, this whole Army by its primitive Establishment, consisted but of twenty two thousand Horse, Dragoons, and Foot, and had an Establishment only of about forty five thousand pounds a month for their pay; which both Houses then thought sufficient, as is evident by their¹⁶ Ordinances of Febr. 15. 1644. and April 4. 1646. And when the Army was much increased without their Order, sixty thousand pounds a month was thought abundantly

sufficient by the Officers and Army themselves to disband and reduce all supernumeraries, maintain the Established Army and Garisons, and ease the Country of all Freequarter; which Tax hath been constantly paid in al Counties. Why then this Tax to the Army should now be raised above the first Establishment, when reduced to twenty thousand, whereof sundry Regiments are designed for *Ireland*, (for which there is thirty thousand pounds a month now exacted besides the sixty for the Army) and this for the common good of the Realm, is a riddle unto me, or rather, a Mystery of iniquity, for some mens private lucre, rather then the publick weal. 6. The *Militia* of every County (for which there was so great contest in Parliament with the late King) and these persons of livelihood and estates in every Shire or Corporation who have been cordiall to the Parliament and Kingdom heretofore, put into a posture of defence under Gentlemen of quality and known integrity, would be a far better Guard to secure the Kingdom against forraign Invasions or domestick Insurrections, then a mercenary Army of persons and souldiers of no fortunes, and that with more generall content, and the tenth part of that charge the Kingdom is now at to maintain this Army, and prevent all danger of the undoing pest of Free-quarter. Therefore there is no necessity to keep up this Army, or impose any new Tax for their maintenance, or defraying their pretended arrears, which I dare averr, the Free-quarter they have taken in kinde, and levied in money, if brought to a just account, as it ought, will double if not treble most of their Arrears, and make them much indebted to the Country. And no reason they should have full pay and Freequarter, too, and the Country bear the burthen of both, without full allowance of all the quarters levied or taken on them against Law, out of their pretended arrears.

¹⁷ And if any of the sitting *Tax-makers* here object, That they dare not trust the *Militia* of the Cities and Counties of the Realm with their own or the Kingdoms defence: Therefore there is a necessity for them to keep the Army, to prevent all dangers from abroad, and Insurrections at home.

¹⁸ I answer, 1. That upon these pretences these new Lords may intail and enforce an Army, and Taxes to support them, on the Kingdom till Dooms-day 2. If they be reall members who make this objection, elected by the Counties, Cities and Burroughs for which they serve, and deriving their Parliamentary Authority onely from the people (the *only new fountain of all Power and Authority*, as themselves now dogmatize) then they are but the Servants and Trustees, who are to allow them wages, and give them Commission for what they act. And if they dare not now trust the people, and those persons of quality, fidelity, and estate, who both elected, intrusted and impowred them, and are the primitive and supreme Power; it is high time for their Electors and Masters the people, to revoke their authority and trusts, and no longer to trust those with their purses, liberties, safety, who dare not now to confide in them, and would rather commit the safeguard of the Kingdom to mercenary, indigent souldiers, then to those Gentlemen, Free-holders, Citizens, Burgesses, and persons of Estate who elected them, whose Trustees and Attourneys only they professe themselves, and who have greatest interest both in them and the Kingdoms weal, and those who must pay these Mercenaries, if continued. 3. The Gentlemen and Free-men of *England* have very little reason any longer to trust the Army with the Kingdoms, Parliaments, or their own Liberties, Laws, and Priviledges safeguard, which they have so oft invaded; professing now that they did not fight to preserve the Kingdom, King, Parliament, Laws, Liberties. and Properties of the Subject; but to conquer and pull them down, and make us conquered slaves instead of freemen: averring, that *all is theirs by conquest*. And if so, then this Army is not, cannot be upheld and maintained for the Kingdoms and peoples common good and safety, but their enslaving, destruction, and the meer support of the usurped Power, Authority, Offices, Wealth, and absolute Domination only of those who have exalted themselves for the present above King, Parliament, Kingdom, Laws, Liberties, and those that did intrust them, by the help of this trust-breaking Army, who

have stained all the glory of their former Noble Victories and Heroick Actions, by their late degenerous unworthy practices, and are become a reproach to the English Nation in all Christian Kingdoms and Churches.

The second end of this heavie Tax, is the support and maintenance of the Forces in *Ireland*, for which there was onely twenty thousand pounds a month formerly allowed, now mounted unto thirty thousand.

To which I answer in the first place, That it is apparent by the printed Statutes of 25. E. 1. c. 6. 1. E. 3. cap. 5. 7. 18. E. 3. c. 7. 25. E. 3. c. 8. 4. H. 4. cap. 13. *Cooks* 2 Institutes p. 528. and the *Protestations of all the Commons of England in the Parliaments* of 1 H. 5. nu. 17. and 7. H. 5. n. 9. *That no freeman of England ought to be compelled to go in person, or to finde Souldiers, Arms, Conduct-money, Wages, or pay any Tax for or towards the maintenance of any forreign War in Ireland, or any other parts beyond the Sea, without their free consents in full Parliament.* And therefore this Tax to maintain Souldiers and the War in *Ireland* (neither imposed in Parliament, much lesse in a full and free one, as I have proved) must needs be illegall, and no ways obligatory to me, or any other.² Most of the ancient Forces in *Ireland* (as the *Brittish Army*, *Scots*, and *Inchiqueen's*) towards whose support the twenty thousand pounds a month was designed, have been ever since declared *Rebels*, *Traytors*, *Revolters*, and are not to share in the Contribution: and those now pretending for *Ireland*, being members of the present Army and to be paid out of that Establishment, there is no ground at all to augment, but decrease this former monthly Tax for *Ireland*, over what it was before. 3. Many of those now pretending for *Ireland*, have been the greatest obstructers of its relief heretofore: and many of those designed for this Service by lot, have in words, writing, and print protested they never intend to go thither, and dissuade others from going, yet take free-quarter on the Country and pay too under that pretext. And to force the Country to pay Contribution and give Free-quarter to such Cheaters and Impostors, who never intend this Service, is both unjust and dishonourable. 4. If the Relief of *Ireland* be now really intended, it is not upon the first just and pious ground, to preserve the Protestant party there from the forces of the bloody Popish Irish Rebels, with whom (if report be true) these sitting *Anti-Monarchists* seek and hold correspondence, and are now actually accorded with *Owen Ro-Oneal* and his party of blodiest Papists; but to oppose the Kings interest and title to that Kingdome, and the Protestant remaining party there adhering to and proclaiming acknowledging him for their Sovereign; least his gaining of *Ireland* should prove fatall to their usurped sovereignty in *England*, or conduce to his enthroning here: And by what Authority these now sitting can impose, or with what conscience any loyall Subject who hath taken the Oaths of *Supremacy*, *Allegiance*, and *Covenant* can voluntarily pay any contribution to deprive the King of his hereditary right & undoubted Title to the Kingdoms and Crowns of *England* & *Ireland* and alter the frame of the ancient Government & Parliaments of our Kingdoms¹⁹ *Remonstrated so often against by both Houses*, and adjudged High Treason in *Canterburies* and *Straffords* cases, for which they were beheaded and by themselves in the Kings own case, whom they decolled likewise) without incurring the guilt of *Perjury* and danger of *High Treason*, to the losse of his life and estate, by the very laws and statuts) yet inforce, transcends my understanding to conceive: VVherefore I neither can nor dare in conscience, law or prudence submit to this contribution.

Fourthly, The coercive power and manner of levying this contribution, expressed in the Act, is against the Law of the Land, and Liberty of the Subject, which is threefold.

First, *Distresse and sale of the goods of those who refuse to pay it; with power to break open their Houses* (which are their Castles) *doores, chests, &c. to distrain*; which is against *Magna Charta*, cap. 29. *The Petition of Right*; *The Votes of both Houses in the case of Ship-mony*; 1

R. 2. c. 3. and the resolution of our *Judges* and *Law-books* 13. Ed. 4. 9. 20. E. 4. 6. *Cook* 5. Report. f. 91.92. *Semaines* case, & 4. Inst. p.176,177.

Secondly, Imprisonment of the body of the party till he pay the contribution, being contrary to *Magna charta*; The *Petition of Right*, The resolution of both Houses in the Parliament of 3 *Caroli* in the case of *Loanes*; and 17 *Caroli*, in the case of *Ship-mony*, the judgment of our *Judges* and *Law-Books* collected by Sir *Edward Cook* in his 2 *Inst.* p. 46. &c. and the Statu. of 2 H. 4. Rot. Par. n. 6. unprinted, but most expresse in point.

Thirdly, *Levying of the contribution by souldiers and force of arms, in case of resistance, and imprisoning the person by like force* : adjudged *High Treason* in the cases of the Earl of *Strafford*, and a *levying of war within the Statute of 25.Ed.2.* by the late Parliament, for which he lost his head: and so proved to be at large by Master *St. Iohn* in his *Argument at Law at the passing the Bill for his attainder, Printed by Order of the Commons House.*

Fourthly, (Which heightens the illegality of these illegall means of levying it) if any person whose goods are distrained, or person imprisoned for this illegall tax, shall bring his *Action at Law*, or an *Habeas corpus* for his relief. The *Committee of Indempnity* will stay his legall proceeding, award cost against him, and commit him anew till he pay them, and release his suits at Law, and upon an *Habeas corpus*, their own Sworn Judges created by them, dare not bayle but remaund him against Law. An oppression and Tyranny, far exceeding the worst of the *Beheaded Kings*; under whom the Subjects had *Free-Liberty* to sue and preceed at Law both in the cases of *Loanes*, *Shipmony* and *Knighthood*, whithout any *Council Table*, *Committee of Indempnity* to stop their suits, or inforce them to release them; and therefore in all these respects (so repugnant to the Laws and Liberty of the Subject) I cannot submit to his illegall Tax, but oppugn it to the uttermost, most invasive on our Laws and Liberties, that ever was.

Fifthly, The time of opposing this illegall Tax, with these unlawfull ways of levying it, is very considerable and sticks much with me; it is (as the Imposers of it declare and publish in many of their new kind of Acts and devices) *in the first yeare of Englands Liberty, and redemption from thraldom*. And if this unsupportable Tax, thus illegally to be levied, be the *first fruits* of our *first years Freedom, and redemption from thraldom*, how great may we expect our next years *thraldome* will be, when this *little finger of theirs is heavier by far then the Kings whole loynes, whom they beheaded for Tyranny and Oppression?*

Sixthly, The Order of this Tax (if I may so term a disorder) or rather *newnesse* of it, engageth me, and all overs of their Countries Liberty, unanimously to withstand the same. It is the first, I finde, that was ever imposed by any who had been Mem bers of the Commons House after a Parliament dissolved; the Lords House voted down, and most of their fellow-Commoners secured or secluded by their connivance or confederacy with an undutiful Army. VVhich if submitted to, and not opposed as illegall, any forty or fifty Commoners, who have been Members of a Parliament, gaining Forces to assist and countenance them, may out of Parliament now, or any time hereafter, do the like, and impose what Taxes and Laws they please upon the Kingdom and the secluded Lords and Commons that once sate with them, being encouraged thereto by such an unopposed precedent. VVhich being of so dangerous consequence and example to the constitution and priviledges of Parliament, and Liberties of the people, we ought all to endeavour the crushing of this new *Cockatrice* in the shell, lest it grow to a *fiery Serpent*, to consume and sting us to death, and induce the Imposers of it, to lade us with new and heavie *Taxes* of this kinde, when this expires (which we must expect, when all the Kings, Bishops, Deans and Chapters Lands are sold and spent) if we patiently

submit to this leading *Decoy*; since ²⁰ *Bonus Actus inducit consuetudinem*, as our *Ancestors* resolved, *Anno 1240. in the case of an universall Tax demanded by the Pope*; whereupon they unanimously opposed it at first; ²¹ *Opprime dum nova sunt subiti mala femina morbi: Principiis obsta; serò medicina paratur Cum mala per longas invaluere moras,*

being the safest rule of *State-physick* we can follow in such new *desperate Diseases* which endanger the whole *Body-politick*. Upon which grounds the most consciencious Gentlemen and best Patriots of their Country opposed *Loans, Ship money, Tonage, Poundage, Knighthood*, and the like late illegall *Impositions* of the King and his Councell in the very beginnings of them, and thought themselves bound in *Conscience, Law, Prudence* so to do, though there were some colourable reasons and precedents of former times pretended to countenance them. And if these *VVorthies* conceived themselves thus obliged to oppose those illegall *Impositions* of the King and *his Councel*, though countenanced by some Judges opinions as legall, to their immortall honour, and high esteem both in Country and Parliament, who applauded them as the *principal maintainers of their Countries Liberties*; then much more ought I, and all other *tenderers of their own and Countries Freedom*, to oppose this illegall *dangerous Contribution* imposed on us by a few *fellowSubjects only*, without, yea against all law or Precedent to countenance it, being of greater consequence, and worser example to the Kingdom, then all or any of the Kings illegall projects of Taxes.

Seventhly, the *excessivenesse of this Tax*, much raised and encreased, when we are so exhausted, and were promised and expected ease from Taxes, both by the *Army* in their *Remonstrance, November, 20. 1648.* and by the Imposers of it, amounting to a sixth part, if not a moiety of most mens estates, is a deep Engagement for me to oppose it; since Taxes, as well as ²² *Fines and Amerciaments ought to be reasonable*; so as men may support themselves and their Families, and not be undone, as many will be by this, if forced to pay it by *Distresse* or Imprisonment. Upon this ground, in the Parliaments of 1 & 4 *Edward the Third* we find *divers freed from payment of Tenths, and other Taxes lawfully imposed by Praliament, because the People were impoverished and undone by the Warres, who ought to pay them*. And in the printed Statues of 31 *Henr. 6. c. 8. 1 Mariæ c. 17.* to omit others, we find *Subsidies mitigated and released by subsequent Acts of Parliament, though granted by precedent, by reason of the peoples poverty and inability to pay them*. Yeah, somtimes we read of *something granted them by the King, by the way of aide, to help pay their Subsidies*, as in 25. *E. 3. Rastal, Tax 9. & 36 E. 3. c. 14.* And for a direct president in point: When ²³ *Peter Rubie the Pope's Legat* in the year 1240. exacted an excessive *unusuall Tax from the English Clergie*; the whole Clergy of *Berk-shire* (and others) *did all and every of them unanimously withstand it*, tendring him divers reasons in writing of their refusall, pertinent to our time and present Tax; wherof this was one, *That the Revenues of their Churches scarce sufficed to finde them daily food, both in regard of their smalnesse, and of the present dearth of Corne; and because there were such multitudes of poore people to relieve, some of which dyed of Famin, so as they had not enough to suffice themselves and the poore. Whereupon THEY OUGHT NOT TO BE COMPELLED TO ANY SUCH CONTRIBUTION*: which many of our Clergy may now likewise plead most truly, whose Livings are small, and their Tythes detained; and divers people of all ranks and callings, who must sell their stocks, beds, and all their houshold stuffe, or rot in prison, if forced to pay it.

Eightly, the principall inducement to bring on the payment of this Tax, is a promise of *taking off the all-devouring and undoing Grievance of Free-quarter*: which hath ruined many Countreys and Families, and yet they must pay this heavy Tax to be eased of it for the future,

instead of being paid and allowed for what is *already past*, according to ²⁴ *former engagements*. Against which I have these just exceptions,

1. That taking of Free-quarter by Soldiers in mens Houses, is a Grievance against the very Common-Law it self, which defines every mans House to be his Castle and Sanctuary, into which none ought forcibly to enter against his will; and which with his goods herein he may lawfully²⁵ *fortifie and defend against all intruders whatsoever, and kill them without any danger of Law*: Against all the Statutes concerning²⁶ *Purveyors, which prohibit the taking of any mens goods or provisions against their wills, or paiment for them under pain of Felony, though by Commission under the great Seal of England* . Against the expresse Letter and Provision of the *Petition of Right*; 3. *Caroli*. Condemned by the Commons House in their²⁷ *Declaration of the state of the Kingdome of the 15. December, 1641.* and charged as an *Article against King Richard the second* when deposed, in the Parliament of 1. H. 4. nu. 22. Yea, it is such a Grievance, as exposeth the houses, goods, provisions, moneys, servants, children, wives, lives, and all other earthly comforts we enjoy, to the lusts and pleasure of every domineering Officer, and unruly common Souldier. And to impose an unjust, heavy Tax, and induce people to pay it upon hopes of freeing them from *Free-quarter*, is but to impose one grievance to remove another.

2. There have been *many promises, Declarations and Orders of both Houses and the Generall*, for taking off *Free quarter heretofore*, upon the peoples paying in their Contributions before-hand, as now: and *then none should Free-quarter on them, under pain of death*; Yet no sooner have they pay'd in their Contribution, but they have been freequartered on as much or more then formerly: the Souldiers, when we tell them of any Orders against Freequarter, slighting them as so many wast papers, and carrying themselves more unruly: And when complaint thereof hath been made to the Officers, Members, or the Committee for the Army, or in the House; answer hath still been made, *That as long as there is an Army on foot, there will be freequarter taken, and there can be no prevention of it, there being a necessity of it* : and when any have craved allowance of it; they have found so many put-offs and delays, and such difficulties in obtaining it, that their expences have equalled their allowance; and after allowances made, the moneys allowed have been called for again. So as few have had any allowance for quarters, and given over suing for them, being put to play an *after-game* to sue for them after all their contributions first paid, and not to deduct them out of their Contributions, which they are still put to do. This pretext therefore of taking sway Free-quarter, is but a *shoo-horn* to draw on the payment of this Tax, and a fair pretext to delude the *People*, as they finde by sad experience everywhere, and in the County and Hundred where I reside. For, not to look back to the last yeers free-quarter taken on us (though we daily paie our Contributions,) In *April* and *May* last past, since this very Tax imposed for taking away Free-quarter, *Colonel Harrisons* Troopers under the command of Captain *Spencer*, (who quartered six days together in a place, and exacted and received most of them 3s. others 3s. 6d. and the least 2s. 6d. a day for their Quarters, telling their Landlords, that their Lands, and the whole Kingdom was theirs) have put *Bathwick, Bathford, Claverton, Combe, Hampton, Toustock, Walcot, and Wedcombe*, small parishes in our Hundred and Liberty, as they will prove upon Oath, and given it me under their hands, to 94li. 4s. 3d. charge; beside what quarters in other parishes of the Hundred Sir *Hardresse Wallers* Souldiers upon pretext of collecting arrears of Contribution not due from the hundred, put it to at least 30l. charge more for free-quarter, they being very rude and disorderly; and no sooner were we quit of them: but on the 22 and 23 of *May* last, Col. *Hunks* his Foot under the conduct of Captain *Flower* and Captain *Eliot* pretending for *Ireland*, but professing they never intended to go thither, marching from *Minehead* and *Dunster* (the next Western Ports to *Ireland* further from it to oppress the Country, put *Bathwick, Langridge, Witty, Beatheaston, Eutherin* and *Ford* to

28l. 7s. and *Swainswicke*, where I live, to about 20l. expences for three dayes Freequarter (by colour of the Generals Order dated the first of *May*) being the rudest and deboistest in all kinds, that ever quartered since the Warrs, and far worse then the worst of *Goring's* men, whereof some of them were the dreggs; and their Captain *Flower*, a Cavalier heretofore in arms (as is reported) against the Parliament. Their carriage in all places was very rude, to extort money from the people, drawing out their swords, ransacking their houses, beating and threatning to kill them, if they would not give them two shillings six pence, three shillings, three shillings six pence, or at least two shillings a day for their quarters, which when extortet from some, they took free-quarter upon others, taking two, three, and some four quarters a man: At my house they were most exorbitant, having (as their Quarter-Master told me, who affirmed to me they had twice conquered the Kingdom, and all was theirs) *direction from some great ones above, from some others in the Country* (intimidating some of the Committee) *and their own Officers* (who absented themselves purposely, that the *Souldiers* might have none to controll them) *to abuse me*. In pursuance whereof some thirty of them coming to my house, shouting and hollowing in a rude manner on *May* 22, when their Billet was but for twenty, not shewing any Authority, but only a Ticket [Mr. *Prynne* 20] climbed over my walls, forced my doors, beat my servants and workmen without any provocation, drew their swords upon me (who demanded whose *Souldiers* they were, by what authority they demanded free quarter, my house being neither *Inne*, nor *Alehouse*; and Free quarter against Law and Orders of Parliament, and the Generals) using many high provoking Speeches, brake some of my windows, forced my stong-beer cellar door, and took the key from my servant, ransacked some of my chambers under pretext to search for Arms, taking away my servants clothes, shirts, stockings, bands, cuffs, handkerchiefs, and picking the money out of one of their pockets; hollowed, roared, stamped, beat the Tables with their Swords and Muskets like so many *Bedlams*, swearing cursing, and blaspeming at every word; brake the Tankards, Bottles, Cups, Dishes, wherein they fetched strong beer against the ground, abused my maid-servants, throwing Beef & other good provisions at their heads, and casting it to the dogs, as no fit meat for *Souldiers*, and the Heads and Conquerors of the Kingdom, as they called themselves; searched the outhouses for *Turkies*, which they took from their eggs and young ones, *Veal* and *Mutton* being not good enough for them: They continued drinking and roaring before, at, and after Supper, till most of them were maddrunk, and some of them dead-drunk under the Table. Then they must have 14 beds provided for them (for they would lie but two in a bed) and all their linnen washed: My Sister answering them, that there were not so many beds in the house, and that they must be content as other *Souldiers* had been, with such beds as could be spared; they thereupon threatned to force open her chamber door, and to pull her and her children out of their beds, unlesse she would give them three shillings a peece for their beds, and next dayes quarters; and at last forced her for fear of their violence (being all drunk) to give them eighteen pence a peece, as soon as they were forth of doors, and six pence a peece the next day, if they marched not; whereupon they promised to trouble the House no more. Upon this agreement all but eight (who were gone to bed) departed that night, and the rest the next morning. But I going to the Lecture at *Bath*, some thirty of them in my absence came about ten of the clock, notwithstanding the moneys received of my Sister for their Quarters, re-entered the house, and would have Quarters again, unlesse she would give them three shillings a peece; which she refusing, they thereupon abused and beat the servants and workmen, forced them to drink with them all that day and night, swearing, cursing, roaring like so many *Furies* and *Divels*, brake open my Parlour, Milk-house, and Garden-doors, abused my Pictures and brake an hole in one of them; hacked my Tableboards with their swords from one end to the other, threw the chairs, stools, meat, drink about the house; assaulted my Sister, and her little children and Maid-servants with their naked swords, threatning to kill them and kick them to gelly, shot at them with their Muskets, forced them out of the House to save their lives: which I hearing of, repaired to my house, and

finding them all so Bedlam mad, and that they would not hearken to any reason, nor be quieted, I thereupon rode to seek their Captain and Officers at *Bath*, who purposely absented themselves; and not finding them till the next morning, I acquainted the Captain then, (as I had done the first night by Letter) with all these unsufferable outrages of his Souldiers (contrary to the Generals Orders to carry themselves civilly in their quarters, and abuse none in word or deed) which would render him and them odious, not onely to the Country and Kingdom, but all Officers and Souldiers who had any civility in them, and be a disparagement to the *Generall*, by whose Proclamation he ought to be present with his Company to keep them in good order, under pain of cashiering: And therefore I expected and required Justice and Reparations at his hands; the rather, because I was informed by some of his own Souldiers and others, that they had not been so barbarously rude, but by his encouragement, which if he refused, I should complain of him to his Superiours, and right my self the best way I might. After some expostulations, he promised to make them examples, and cashier them, and remove them forthwith from my house: But the onely right I had, was, that more of his company repaired thither, making all the spoil they could, and taking away some brasse and Pewter, continuing there till neer four of the clock; and then marched away onely out of fear I would raise the Country upon them; many of whom profered me their assistance; but I desired them to forbear till I saw what their Officers would do; who in stead of punishing any of them, permitted them to play the like *Rex* almost in other places where they quartered since, marching but three or four miles a day, and extorting what moneys they could from the Country by their violence and disorders. Now, for me or any other to give moneys to maintain such debaist *Bedlams* and *Beasts* as these (*who boasted of their villanies and that they had done me at least twenty pounds spoil in Beer and Provisions, drinking out five barreles of good strong Beer, and wasting as much meat as would have served an hundred civill persons*) to be Masters of our Houses, Goods, Servants, Lives, and all we have, to ride over our heads like our Lords, and Conquerours, and take Free quarter on us, amounting to at least a full yeares contribution, without any allowance for it, and that since the last Orders against *Free-quarter*, and warrants for paying in this Tax to prevent it for the future, issued; is so far against my reason, Judgement and conscience, that I would rather give all away to suppress, discard them, or cast it into the fire then maintain such graceless wretches with it to dishonour God, enslave, consume, ruine the Country and Kingdome; who everywhere complain of the like insolences; and of taking free quarter since the 9 of *June*, as above two *hundred* of Colonel *Coxe* his men did in *Bath* the last *Lords day*; who drew up in a body about the *Majors* House, and threatned to *seise and carry him away prisoner for denying to give them free quarter, contrary to the New Act for abolishing it*. Lastly this pretended *Act* implies, that those who refuse to pay this contribution without distress or imprisonment shall be stil oppressed with freequarter: And what an height of oppression and injustice this will prove not only to distrain & imprison those who cannot in conscience, Law, or prudence submit to this illegall Tax, but likewise to undoe them by exposing them to freequarter, which themselves condemne as the heighth pest and oppression; let all sober men consider; and what reason I and others have to oppose such a dangerous destructive president in its first appearing to the world.

Ninethly, The principal end of imposing this Tax to maintain the Army and forces now raised, it not the defence and safety of our ancient and first Christian Kingdom of *England*, its Parliaments, Laws, Liberties, and Religion, as at first, but to disinherit the King of the Crown of *England*, *Scotland*, and *Ireland*, (to which he hath an *undoubted right by common and Statute Law*; as the Parliament of 1 *Jacobi*. ch. I. resolves) and to levy war against him to deprive him of it: To subvert the ancient Monarchical Government of this Realm, under which our Ancesters have always lived and flourished, to setup a *New republick*, the oppressions and greivances whereof we have already felt (by increasing our Taxes, setting up arbitrary Courts and Proceedings to the taking away of the lives of the late King, Peers, and other

Subjects against the Fundamental Laws of the Land, creating new monstrous Treasons never heard off in the world before, and the like) but cannot yet enjoy or discern the least case or advantage by it; To overthrow the ancient constitution of the Parliaments of *England*, consisting of King, Lords, and Commons, and the Rights, and Priviledges thereof. To alter the fundamental Laws, Seales, Courts of Justice of the Realm, and introduce an arbitrary Government at least, if not Tyrannical, contrary to our *Lawes, Oathes, Covenant, Protestation*,²⁸ publick *Remonstrances* and *Engagements* to the Kingdom and forraign States, not to change the Government, or attempt any of the premises. All which being no less then *High Treason*, by the Laws and Statutes of the Realm, (as Sir *Edward Cook* in his *4 Institutes* ch. 1. and Mr. *St. John* in his *Argument at Law*, upon passing the bill of Attainder of the Earl of *Strafford* (both printed by the Commons special order) have proved at large by many presidents, Reasons, Records; and so adjudged by the last *Parliament* in the cases of *Strafford* and *Canterbury*, who were condemned and executed as Traytors by judgement of Parliament, and some of these now sitting, but for some of those Treasons, upon obscurer Evidences of guilt, then are now visible in others:) I cannot, without incurring the Crime and Guilt of these general *High Treasons*, and the eternal, if not temporal punishments incident thererunto, if I should voluntarily contribute so much as one peny or farthing, towards such Treasonable and disloyal ends as these, against my Conscience, Law, Loyalty, duty, and all my Oathes and obligations to the contrary.

Tenthly, The payment of this Tax for the premised purposes, will (in my poor judgment and conscience) be offensive to God and all good men, scandalous to the Protestant Religion, dishonourable to our English Nation, and disadvantageous and destructive to our whole Kingdom, hindering the speedy settlement of our Peace, the reestablishment of our Laws and Government, establishing of our Taxes, disbanding of our Forces, revivall of our decayed Trade, by the renewing and perpetuating our bloody uncivill Warrs; engaging *Scotland, Ireland*, and all forreign Princes and Kingdoms in a just War against us, to avenge the death of our late beheaded King, the dis-inheriting of his posterity, and restore his lawfull Heirs and Successors to their just, undoubted Rights, from which they are now forcibly seclused; who will undoubtedly molest us with continuall Warrs (what-ever some may fondly conceit to the contrary) till they be settled in the Throne in peace upon just and honorable terms, and invested in their just possessions. And therefore I can neither in conscience, piety nor prudence, ensnare my self in the guilt of all these dangerous consequences, by any submission to this illegall Tax.

Upon all these weighty Reasons, and serious grounds of Conscience, Law, Prudence, (which I humbly submit to the Consciences and Judgments of all conscientious and Judicious persons, whom they do or shall concern) I am resolved by the assistance and strength of that Omnipotent God (who hath miraculously supported me under, and carried me through all my former sufferings for the Peoples publick Liberties with exceeding joy, comfort, and the ruine of my greatest enemies and Opposers) to oppugne this *unlawfull Contribution*, and the payment of it to the uttermost, in all just and lawfull wayes, I may; And if any will forcibly levie it by distresse or otherwise, without Law or Right (as Theeves and Robbers take mens goods and Purses) let them doe it at their own utmost perill. And I trust God and men will in due season doe me justice, and award me recompence for all the injuries in this kinde, and any sufferings for my Countries Liberties. How-ever, fall back, fall edge, I would ten thousand times rather lose life, and all I have, to keep a good conscience, and preserve my native Liberty, then part with one farthing, or gain the whole world with the losse of either of them; and rather die a Martyr for our *Ancient Kingdom* then live a *Slave* under any new *Republick*, or remant of a broken, dismembred, strange Parliament of Commons, without King, Lords, or the major part of the Knights, Citizens, and Burgesses of the Reaume, in being subject to their

illegall Taxes, and what they call *Acts of Parliament*, which in reality are no *Acts* at all to binde me, or any other subject, to obedience, or just punishment for *Non-obedience* thereunto, or *Non conformity* to what they stile the *present Government* of the Armies modeling, and I fear, the *Jesuites* suggesting, to effect our Kingdoms and Religions ruine.

William Prynne.

Swainswick,
June 16.1649.

Psal. 26.4,5.

I have not sate with vain persons, neither will I go with Dissemblers: I have hated the Congregation of evill doers, and will not sit with the wicked .

FINIS.