

I do therefore persuade you to a sweet, gracious, and holy understanding of one another and of your business, concerning which you had so good counsel this day; which as it rejoiced my heart to hear, so I hope the Lord will imprint it upon your spirits,— wherein you shall have my prayers.

Having said this, and perhaps omitted many other material things through the frailty of my memory, I shall exercise plainness and freeness with you; and say that I have not spoken these things as one who assumes to himself dominion over you; but as one who doth resolve to be a fellow servant with you to the interest of these great affairs and of the people of these nations. I shall trouble you no longer; but desire you to repair to your House, and to exercise your own liberty in the choice of a Speaker, that so you may lose no time in carrying on your work.

LORD DIGBY

LORD GEORGE DIGBY, son of the Earl of Bristol, was a Roman Catholic nobleman who figured in the era of the English civil war, chiefly as a fervent royalist and reactionist. He was born at Madrid, in October, 1612, when his father was English ambassador to the Court of Spain, and afterward was educated at Oxford. Later on, he entered Parliament as member for Dorset, and at the outset of his political career he seemed to take the Parliamentary side against Charles I. and was eager for the impeachment of Sir Thomas Wentworth, afterward Earl of Strafford. When the bill of attainder, condemning the latter to death as a traitor, was passed by a large majority in the House of Commons, Digby however took the minority side, saying that his conscience would not permit him to vote for the bill, though he described Strafford as "that grand apostate to the Commonwealth who must not expect to be pardoned in this world till he be despatched to the other." Presently he joined the King's party, having now a seat in the House of Lords as Baron Digby. In 1642, he was impeached for high treason, but the charge was not sustained. Throughout his life he displayed a restless, inconstant disposition, and, perpetually wavering between the two parties in the State, was consequently of real service to neither. After the Restoration, he frequently spoke in Parliament, and in 1663 brought forward a charge of high treason against Clarendon, the lord chancellor. In early life he had attacked the Roman Catholic faith in his "Letters Concerning Religion," and twenty years afterward had become a Roman Catholic, but in his last recorded speech (March 15, 1673), he spoke in favor of the Test Act, declaring he was "a Catholic of the Church of Rome, not a Catholic of the Court of Rome." He died at Chelsea, near London, March 20, 1677. Digby was a man of much ability and one of the great orators of his time. Besides his speeches and letters, he was the author of "Elvira," a comedy, 1667. Horace Walpole has said of him: "He wrote against popery, and embraced it; he was a zealous opposer of the court, and a sacrifice for it; was conscientiously converted in the midst of his prosecution of Lord Strafford, and was most unconscientiously a persecutor of Lord Clarendon. With great parts he always hurt himself and his friends."

SPEECH ON THE BILL OF ATTAINDER AGAINST THE EARL OF STRAFFORD

[Lord Digby was appointed one of the managers for the impeachment of Strafford. Into this he entered, for a time, with the utmost zeal, but at the moment of taking the final vote on the bill he came forward and abandoned his ground, denouncing the condemnation of Strafford by a bill of attainder as an act of murder. In spite of this eloquent appeal, the bill was carried the same day in the House by a vote of two hundred and four to fifty-nine.]

WE are now upon the point of giving, as much as in us lies, the final sentence unto death or life, on a great minister of state and peer of this kingdom, Thomas, Earl of Strafford, a name of hatred in the present age for his practices, and fit to be made a terror to future ages by his punishment.

I have had the honor to be employed by the House in this great business from the first hour that it was taken into consideration. It was a matter of great trust; and I will say with confidence that I have served the House in it, not only with industry according to my ability, but with most exact faithfulness and justice.

And as I have hitherto discharged my duty to this House and to my country in the progress of this great cause, so I trust I shall do now, in the last period of it, to God and to a good conscience. I do wish the peace of that to myself, and the blessing of Almighty God to me and my posterity, according as my judgment on the life of this man shall be consonant with my heart, and the best of my understanding in all integrity.

I know well that by some things I have said of late, while this bill was in agitation, I have raised some prejudices against me in the cause. Yea, some (I thank them for their plain dealing) have been so free as to tell me that I have suffered much by the backwardness I have shown in the bill of attainder of the Earl of Strafford, against whom I have formerly been so keen, so active.

I beg of you, Mr. Speaker, and the rest, but a suspension of judgment concerning me, till I have opened my heart to you clearly and freely in this business. Truly, sir, I am still the same in my opinion and affections as to the Earl of Strafford. I confidently believe him to be the most dangerous

minister, the most insupportable to free subjects, that can be characterized. I believe his practices in themselves to have been as high and tyrannical as any subject ever ventured on; and the malignity of them greatly aggravated by those rare abilities of his, whereof God hath given him the use, but the devil the application. In a word, I believe him to be still that grand apostate to the Commonwealth who must not expect to be pardoned in this world till he be despatched to the other.

And yet let me tell you, Mr. Speaker, my hand must not be to that despatch. I protest, as my conscience stands informed, I had rather it were off.

Let me unfold to you the mystery, Mr. Speaker: I will not dwell much upon justifying to you my seeming variance at this time from what I was formerly, by putting you in mind of the difference between prosecutors and judges—how misbecoming that fervor would be in a judge which perhaps was commendable in a prosecutor. Judges we are now, and must therefore put on another personage. It is honest and noble to be earnest in order to the discovery of truth; but when that hath been brought so far as it can be to light, our judgment thereupon ought to be calm and cautious. In prosecution upon probable grounds we are accountable only for our industry or remissness; but in judgment we are deeply responsible to Almighty God for its rectitude or obliquity. In cases of life the judge is God's steward of the party's blood and must give a strict account for every drop.

But, at I told you, Mr. Speaker, I will not insist long upon this ground of difference in me now from what I was formerly. The truth of it is, sir, the same ground whereupon I, with the rest of the few to whom you first committed the consideration of my Lord Strafford, brought down our opinion that

it was fit he should be accused of treason: upon the same ground I was engaged with earnestness in his prosecution; and had the same ground remained in that force of belief in me which till very lately it did, I should not have been tender in his condemnation. But truly, sir, to deal plainly with you, that ground of our accusation—that which should be the basis of our judgment of the Earl of Strafford as to treason—is, to my understanding, quite vanished away.

This it was, Mr. Speaker—his advising the King to employ the army in Ireland to reduce England. This I was assured would be proved before I gave my consent to his accusation. I was confirmed in the same belief during the prosecution, and fortified most of all in it, after Sir Henry Vane's preparatory examination, by assurances which that worthy member, Mr. Pym, gave me, that his testimony would be made convincing by some notes of what passed at the Junto [Privy Council] concurrent with it. This I ever understood would be of some other counsellor; but you see now, it proves only to be a copy of the same secretary's notes, discovered and produced in the manner you have heard; and those such disjointed fragments of the venomous part of discourses—no results, no conclusions of councils, which are the only things that secretaries should register, there being no use of the other but to accuse and bring men into danger.

But, sir, this is not that which overthrows the evidence with me concerning the army in Ireland, nor yet that all the rest of the Junto remember nothing of it; but this, sir, which I shall tell you, is that which works with me, under favor, to an utter overthrow of his evidence as touching the army of Ireland. Before, while I was prosecutor and under tie of secrecy, I might not discover [disclose] any weakness of the cause which now, as judge, I must.

Mr. Secretary Vane was examined thrice upon oath at the preparatory committee. The first time he was questioned as to all the interrogatories; and to that part of the seventh which concerns the army in Ireland he said positively these words: "I cannot charge him with that;" but for the rest he desired time to recollect himself, which was granted him. Some days after, he was examined a second time, and then deposed these words concerning the King's being absolved from rules of government, and so forth, very clearly. But being pressed as to that part concerning the Irish army, again he said he could say "nothing to that." Here we thought we had done with him, till divers weeks after, my Lord of Northumberland, and all others of the Junto, denying to have heard anything concerning those words of reducing England by the Irish army, it was thought fit to examine the secretary once more; and then he deposed these words to have been spoken by the Earl of Strafford to his Majesty: "You have an army in Ireland, which you may employ here to reduce (or some word to that sense) this kingdom." Mr. Speaker, these are the circumstances which I confess with my conscience thrust quite out of doors that grand article of our charge concerning his desperate advice to the King of employing the Irish army here.

Let not this, I beseech you, be driven to an aspersion upon Mr. Secretary, as if he should have sworn otherwise than he knew or believed. He is too worthy to do that. Only let this much be inferred from it, that he who twice upon oath, with time of recollection, could not remember anything of such a business, might well, a third time, misremember somewhat; and in this business the difference of one word "here" for "there," or "that" for "this," quite alters the case; the latter also being the more probable since it is confessed on all

hands that the debate then was concerning a war with Scotland. And you may remember that at the bar he once said "employ there." And thus, Mr. Speaker, have I faithfully given you an account what it is that hath blunted the edge of the hatchet, or bill, with me, toward my Lord Strafford.

This was that whereupon I accused him with a free heart; prosecuted him with earnestness; and, had it to my understanding been proved, should have condemned him with innocence; whereas now I cannot satisfy my conscience to do it. I profess I can have no notion of anybody's intent to subvert the laws treasonably but by force; and, this design of force not appearing, all his other wicked practices cannot amount so high with me. I can find a more easy and natural spring from whence to derive all his other crimes than from an intent to bring in tyranny, and make his own posterity, as well as us, slaves; namely, from revenge, from pride, from passion, and from insolence of nature. But had this of the Irish army been proved, it would have diffused a complexion of treason over all. It would have been a withe, indeed, to bind all those other scattered and lesser branches, as it were, into a fagot of treason.

I do not say but the rest of the things charged may represent him a man as worthy to die, and perhaps worthier than many a traitor. I do not say but they may justly direct us to enact that they shall be treason for the future. But God keep me from giving judgment of death on any man, and of ruin to his innocent posterity, upon a law made *a posteriori*. Let the mark be set on the door where the plague is, and then let him that will enter, die.

I know, Mr. Speaker, there is in Parliament a double power of life and death by bill; a judicial power, and a legislative. The measure of the one is what is legally just; of the other

what is prudentially and politically fit for the good and preservation of the whole. But these two, under favor, are not to be confounded in judgment. We must not piece out want of legality with matter of convenience, nor the default of prudential fitness with a pretence of legal justice.

To condemn my Lord of Strafford judicially, as for treason, my conscience is not assured that the matter will bear it; and to do it by the legislative power, my reason consultively cannot agree to that, since I am persuaded that neither the Lords nor the King will pass this bill, and, consequently, that our passing it will be a cause of great division and contentions in the State.

Therefore my humble advice is, that, laying aside this bill of attainder, we may think of another, saving only life; such as may secure the state from my Lord of Strafford without endangering it as much by division concerning his punishment as he hath endangered it by his practices.

If this may not be hearkened unto, let me conclude in saying that to you all, which I have thoroughly inculcated upon mine own conscience, on this occasion. Let every man lay his hand upon his own heart, and seriously consider what we are going to do with a breath: either justice or murder — justice on the one side, or murder, heightened and aggravated to its supremest extent, on the other! For, as the casuists say, He who lies with his sister commits incest; but he that marries his sister, sins higher, by applying God's ordinance to his crime; so, doubtless, he that commits murder with the sword of justice heightens that crime to the utmost.

The danger being so great, and the case so doubtful that I see the best lawyers in diametrical opposition concerning it, let every man wipe his heart as he does his eyes when he would judge of a nice and subtle object. The eye, if it be

pre-tinctured with any color, is vitiated in its discerning. Let us take heed of a blood-shotten eye in judgment. Let every man purge his heart clear of all passions. I know this great and wise body politic can have none; but I speak to individuals from the weakness which I find in myself. Away with personal animosities! Away with all flatteries to the people, in being the sharper against him because he is odious to them! Away with all fears, lest by sparing his blood they may be incensed! Away with all such considerations as that it is not fit for a Parliament that one accused by it of treason should escape with life! Let not former vehemence of any against him, nor fear from thence that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us.

Of all these corruptives of judgment, Mr. Speaker, I do, before God, discharge myself to the utmost of my power; and do now, with a clear conscience, wash my hands of this man's blood by this solemn protestation, that my vote goes not to the taking of the Earl of Strafford's life.

SIR HENRY VANE



SIR HENRY (or as he was popularly termed **SIR HARRY**) **VANE**, was an English statesman and patriot at the period of the Commonwealth. The son of Sir Henry Vane, Secretary of State to Charles I, he was born at Hadlow, Kent, England, in May, 1612, and was beheaded at London, June 14, 1662. Educated at Westminster School and at Oxford, he afterward proceeded to Paris and Geneva, and under the influence, it is supposed, of John Pym he at Geneva acquired the strong Puritan opinions which showed themselves in after-life. In 1635, he emigrated to Massachusetts, and when but 24 years of age he was elected governor of the colony. This post he held for two years, showing in it striking administrative ability, but owing to the favor he showed Mrs. Anne Hutchinson and those who with her sought religious toleration, he was defeated by John Winthrop, and returned in 1637 to England. Entering the House of Commons he served in both the Short and the Long Parliaments and became prominent as a leader of the Independents and was instrumental in bringing Strafford to his doom. He assisted in securing the adoption of the "Solemn League and Covenant," and in 1643 helped Roger Williams to obtain a charter for Rhode Island. He disapproved of the execution of Charles I, and was opposed to Cromwell in several important matters, a circumstance which caused the Protector to exclaim angrily, on one important occasion, "The Lord deliver me from Sir Harry Vane." Nevertheless he was placed at the head of the army and navy commission in 1653. His pamphlet, "A Healing Question Propounded," in which a new form of government was suggested, resulted in his imprisonment for nine months in Carisbrooke Castle by Cromwell's order. Vane was one of the twenty persons exempted from the general pardon after the Restoration, but in spite of this exemption, after many months' imprisonment, he was tried for high treason and beheaded. He died with the courage and serenity which had marked his life.

IN HIS OWN DEFENCE

I SHALL crave leave to give you this account of myself, who have best known my own mind and intentions throughout, and would not now, to save my life, renounce the principles of that righteous cause which, my conscience tells me, was my duty to be faithful unto.

I do therefore humbly affirm that in the afore-mentioned great changes and revolutions, I was never a first mover, but always a follower, choosing rather to adhere to things than persons, and to do things justifiable by the light and law of nature, as that law was acknowledged part of the law of the land; things that are *in se bona*, and such as, according to the grounds and principles of the common law, as well as