

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

the statutes of this land, would warrant and indemnify me in doing them. For I have observed by precedents of former times, when there have arisen disputes about titles to the crown, between kings *de facto* and kings *de jure*, the people of this realm wanted not directions for their safety, and how to behave themselves within the duty and limits of allegiance to the king and kingdom in such difficult and dangerous seasons.

My Lord Coke is very clear in this point, in his chapter of Treasons, fol. 7. And, if it were otherwise, it were the hardest case that could be for the people of England; for then they would be certainly exposed to punishment from those that are in possession of the supreme power, as traitors, if they do anything against them or do not obey them. And they would be punishable as traitors by him that hath right, and is king *de jure*, in case they do obey the kings *de facto*; and so all the people of England are necessarily involved in treasons, either against the powers *de facto* or *de jure*, and may by the same reason be questioned for it, as well as the prisoner, if the act of indemnity and the king's pardon did not free them from it. The security, then, and safety of all the people of England is by this means made to depend upon a pardon (which might have been granted or denied), and not upon the sure foundations of common law,—an opinion, sure, which (duly weighed and considered) is very strange, to say no more.

For I would gladly know that person in England, of estate and fortune, and of age, that hath not counselled, aided, or abetted, either by his person or estate, and submitted to the laws and government of the powers that then were; and, if so, then, by your judgments upon me, you condemn (in effigies, and by necessary consequence) the whole kingdom.

And if that be the law, and be now known to be so, it is worth consideration whether, if it had been generally known and understood before, it might not have hindered his majesty's restoration.

Besides, although, until this judgment be passed upon me, the people have apprehended themselves as free from the question, and out of danger, by reason of the act of indemnity and general pardon, yet, when it shall appear to them that such their safety is not grounded on the common law, nor upon the law of nature, but that against both these and their actions they are found faulty, and tainted with a moral guilt, and that as principals also (since in treason there are no accessaries), what terrifying reflections must this needs stir up in the mind of every man, that will be apt to believe his turn will come next, at least once in two years, as hath befallen me in my person, who (however I have been misjudged and misunderstood) can truly affirm that, in the whole series of my actions, that which I have had in my eye hath been to preserve the ancient, well-constituted government of England on its own basis and primitive righteous foundations, most learnedly stated by Fortescue in his book made in praise of the English laws! And I did account it the most likely means for the effecting of this to preserve it, at least in its root, whatever changes and alterations it might be exposed unto in its branches, through the blustering and stormy times that have passed over us.

This is no new doctrine in a kingdom acquainted with political power, as Fortescue shows ours is, describing it to be in effect the common assent of the realm, the will of the people or whole body of the kingdom, represented in Parliament. Nay, though this representation (as hath fallen out) be restrained for a season to the Commons house, in their single

acting, into which (as we have seen), when by the inordinate fire of the times two of the three estates have for a season been melted down, they did but retire into their root, and were not thereby in their right destroyed, but rather preserved, though as to their exercise laid for a while asleep, till the season came of their revival and restoration.

And, whatever were the intents and designs of others who are to give an account of their own actions, it is sufficient for me that at a time critical and decisive, though to my own hazard and ill-usage, I did declare my refusal of the Oath of Abjuration, which was intended to be taken by all the members of Parliament, in reference to kingly government, and the line of his now majesty in particular. This I not only positively refused to take, but was an occasion of the second thoughts which the Parliament reassumed thereof, till in a manner they came wholly at last to decline it,—a proof undeniable of the remoteness of any intentions or designs of mine as to the endeavoring any alteration or change in the government, and was that which gave such jealousy to many in the House that they were willing to take the first occasion to show their dislike of me, and to discharge me from sitting among them.

But to return to what I have before affirmed, as to my being no leading or first actor in any change: it is very apparent by my deportment at the time when that great violation of privileges happened to the Parliament, so as by force of arms several members thereof were debarred coming into the House and keeping their seats there. This made me forbear to come to the Parliament for the space of ten weeks,—to wit, from the 3d of December, 1648, till toward the middle of February following,—or to meddle in any public transactions; and during that time the matter most obvious to excep-

tion, in way of alteration of the government, did happen. I can therefore truly say that, as I had neither consent nor vote at first in the resolutions of the Houses concerning the Non-Addresses to his late majesty, so neither had I in the least any consent in or approbation to his death. But, on the contrary, when required by the Parliament to take an oath, to give my approbation *ex post facto* to what was done, I utterly refused, and would not accept of sitting in the Council of State upon those terms, but occasioned a new oath to be drawn, wherein that was omitted. Hereupon many of the Council of State sat, that would take the other.

In like manner the resolutions and votes for changing the government into a Commonwealth, or Free State, were passed some weeks before my return to Parliament; yet afterward, so far as I judged the same consonant to the principles and grounds declared in the laws of England for upholding that political power which hath given the rise and introduction in this nation to monarchy itself, by the account of ancient writers, I conceived it my duty, as the state of things did then appear to me, notwithstanding the said alteration made, to keep my station in the Parliament, and to perform my allegiance therein to king and kingdom, under the powers then regnant (upon my principles before declared), yielding obedience to their authority and commands. And having received trust in reference to the safety and preservation of the kingdom, in those times of imminent danger, both within and without, I did conscientiously hold myself obliged to be true and faithful therein. This I did upon a public account, not daring to quit my station in Parliament by virtue of my first writ. Nor was it for any private or gainful ends to profit myself or enrich my relations. This may appear as well by the great debt I have contracted as by the destitute

condition my many children are in, as to any provision made for them. And I do publicly challenge all persons whatsoever that can give any information of any bribes or covert ways used by me during the whole time of my public acting. Therefore I hope it will be evident to the consciences of the jury that what I have done hath been upon principles of integrity, honor, justice, reason, and conscience, and not, as is suggested in the indictment, by "instigation of the devil or want of the fear of God."

A second great change that happened upon the constitutions of the Parliament, and in them of the very kingdom itself, and the laws thereof (to the plucking up the liberties of it by the very roots, and the introducing of an arbitrary regal power, under the name of Protector, by force and the law of the sword), was the usurpation of Cromwell, which I opposed from the beginning to the end, to that degree of suffering and with that constancy that well near had cost me not only the loss of my estate, but of my very life, if he might have had his will, which a higher than he hindered; yet I did remain a prisoner, under great hardships, four months in an island, by his orders.

Hereby that which I have asserted is most undeniably evident, as to the true grounds and ends of my actions all along, that were against usurpation on the one hand or such extraordinary actings on the other as I doubted the laws might not warrant or indemnify, unless I were enforced thereunto by an overruling and inevitable necessity.

The third considerable change was the total disappointing and removing of the said usurpation, and the returning again of the members of Parliament to the exercise of their primitive and original trust, for the good and safety of the kingdom, so far as the state of the times would then permit them,

being so much, as they were, under the power of an army that for so long a time had influenced the government. Toward the recovery, therefore, of things again into their own channel, and upon the legal root of the people's liberties,—to wit, their common consent in Parliament, given by their own deputies and trustees,—I held it my duty to be again acting in public affairs in the capacity of a member of the said Parliament, then re-entered upon the actual exercise of their former power, or at least struggling for it. In this season I had the opportunity of declaring my true intentions as to the government, upon occasion of refusing the Oath of Abjuration before mentioned.

And whereas I am charged with keeping out his majesty that now is from exercising his regal power and royal authority in this his kingdom, through the ill will borne me by that part of the Parliament then sitting, I was discharged from being a member thereof about January 9, 1660, and by many of them was charged, or at least strongly suspected, to be a royalist. Yea, I was not only discharged from my attendance in Parliament, but confined as a prisoner at my own house, some time before there was any visible power in the nation that thought it seasonable to own the king's interest. And I hope my sitting still will not be imputed as a failure of duty, in the condition of a prisoner, and those circumstances I was then in. This I may say, that from the time I saw his majesty's Declarations from Breda, declaring his intentions and resolutions as to his return, to take upon him the actual exercise of his regal office in England, and to indemnify all those who had been actors in the late differences and wars (as in the said Declaration doth appear), I resolved not to avoid any public question (if called thereto), as relying on mine own innocency, and his majesty's declared favor, as

before said. And for the future I determined to demean myself with that inoffensiveness and agreeableness to my duty as to give no just matter of new provocation to his majesty in his government. All this, for my part, hath been punctually observed, whatever my sufferings have been. Nor am I willing in the least to harbor any discouraging thoughts in my mind as to his majesty's generosity and favor toward me, who have been faithful to the trust I was engaged in, without any malicious intentions against his majesty, his crown, or dignity, as before hath been showed; and I am desirous for the future to walk peaceably and blamelessly.

Whatever, therefore, my personal sufferings have been since his majesty's restoration, I rather impute them to the false reports and calumnies of mine enemies, and misjudgers of my actions, than reckon them as anything that hath proceeded from his majesty's proper inclination, whose favor and clemency I have had just reason, with all humility, to acknowledge.

First, with regard to his majesty's speech, made the 27th of July, 1660, in the House of Peers, wherein his majesty expressly declared it to be no intention of his that a person under my circumstances should be excepted out of the act of indemnity, either for life or estate.

And, secondly, however it was the Parliament's pleasure (myself unheard, though then in the Tower, and ready to have been brought before them) to except me out of the common indemnity, and subject me to question for my actions, yet they themselves of their own accord (admitting the possibility that in such questioning of me I might be attainted) made it their humble desire to his majesty that in such case execution, as to my life, might be remitted. Upon this his majesty readily gave his grant and assent. And I do firmly

believe, if the Houses had pleased to give me the opportunity and leave of being heard, they would never have denied me the indemnity granted to the rest of the nation.

That which remains of further charge yet to me is the business of a regiment, an employment which I can in truth affirm mine own inclinations, nature, and breeding little fitted me for, and which was intended only as honorary and titular, with relation to volunteers, who, by their application to the Council of State, in a time of great commotions did propound their own officers, and (without any seeking of mine, or not considering any farther of it than as the use of my name), did, among others, nominate me for a colonel, which the Council of State approved, granting commissions to myself and all other officers relating thereto; and the Parliament confirmed my said commission, upon report thereof made to them.

This will appear by several witnesses I have to produce in this matter, that will be able to affirm how little I took upon me, or at all, to give any orders, or make use of such my commission, any otherwise than in name only.

It is true, indeed, that at a certain time, when I was summoned to appear at the Committee of the Militia, in Southwark, whereof I was a member, that which was called my own company of foot, from the respect which they and their officers pretended to me, were desirous to be in a posture fit for me to see them; and, as I passed by, I took the opportunity, at their desire, to show myself to them, and only, as taking notice of their respect, in some few words expressing the reason I had to receive it in good part, I told them I would no longer detain them from their other occasions. After I was gone from them, I appointed my captain-lieutenant to give them from me something to drink, as might be fitting on

such an occasion, which, to my best remembrance, was 5*l.*; and he laid it out of his own money.

More than this, as I remember, was not done by me, so much as to the seeing any more the companies of that regiment gathered together or giving orders to them, which I publicly and avowedly declined, persuading the officers to lay down their charges in mine own example so soon as I discerned the intentions of the sitting down of the Committee of Safety, and the exorbitant power committed to them to exercise, and the way of proceedings by the army, in interesting themselves in the civil government of the nation, which I utterly disliked.

And although I forbore not to keep my station, in reference to the Council of State, while they sat, or as a Commissioner of the Admiralty, during the time by them appointed to act by parliamentary authority, and so had occasion to be daily conversant with the members of the Committee of Safety (whereof myself, with others that would not accept, were named), yet I perfectly kept myself disinterested from all those actings of the army, as to any consent or approbation of mine (however, in many things, by way of discourse, I did not decline converse with them), holding it my duty to penetrate as far as I could into their true intentions and actions, but resolving within myself to hold true to my parliamentary trust in all things wherein the Parliament appeared to me to act for the safety and good of the kingdom. However, I was misinterpreted, and judged by them as one that rather favored some of the army and their power.

Upon the whole matter there is not any precedent that ever both or either of the Houses of Parliament did commit treason. For though privilege of Parliament does not so hold in treason but that particular members may be punished for

it, yet it is unprecedented that both or either Houses of Parliament, as a collective body, ever did or could commit treason.

All the acts done in Parliaments have been reversed indeed, and repealed, as what was done 11 Rich. II was repealed 21 Rich. II, and what was done 21 Rich. II was repealed 1 Hen. IV, 3, as appears by the printed statutes. Yet I do not find that both or either House of Parliament were declared traitors for what they did in those Parliaments, or that any which acted under them suffered for the same in any inferior courts. And surely the reason is obvious. For they had a co-ordinacy in the supreme or legislative power for the making, altering, and repealing laws. And, if so, "*par in parem non habet imperium.*" And, by authorities out of Bracton, Fleta, and others, it may appear what superiors the king himself hath (who yet hath no peer in his kingdom, "*nisi curiam baronum*"), God, Law, and Parliament.

And, if either or both Houses cannot commit treason, then those that act by their authority cannot. For "*Plus peccat autor quam actor,*"—"The author offends more than the actor." If those that command do not nor can commit treason, how can those that act by their authority be guilty of it?

Further, I must crave leave to assert, by reason of what I see opened upon the evidence, that what is done in Parliament, or by their authority, ought not to be questioned in any other court. For every offence committed in any court must be punished in the same, or in some higher and not any inferior court. Now, the court of Parliament hath no superior court, as is said in Coke's "*Jurisdiction of Courts.*" And the reason there given that judges ought not to give any opinion in a matter of Parliament is because it is not to be decided by the common laws, but "*secundum legem et consuetudinem*"

Parliamenti." This the judges in divers Parliaments have confessed. And that reason is not to be waived, which the Lord Coke gives, that a man can make no defence; for what is said and acted there is done in council, and none ought to reveal the secrets of the House: every member hath a judicial voice, and can be no witness.

JEREMY TAYLOR



JEREMY TAYLOR, a great English divine and preacher, was a native of Cambridge and contemporary at the University with John Milton. He was baptized Aug. 15, 1613, and educated at Caius College, Cambridge, afterward becoming a Fellow of All Souls', Oxford, and, taking orders, was, through Archbishop Laud's instrumentality, made chaplain to Charles I, and appointed to the living of Uppingham, in Rutlandshire. On the sequestration of his living at Uppingham, in 1642, he joined the King at Oxford, though his attachment to the royalist cause brought him trouble and at times imprisonment. For several years he lived at Golden Grove, in Caermarthenshire, as chaplain of the Earl of Carbury, and this was the period of his greatest literary activity. After the Restoration he was made bishop of the Irish diocese of Down and Connor in 1661, and on August 13, 1667, he died at Lisburn, Ireland. In his youth he was strikingly handsome, being above the middle height and with fresh color in his cheeks, and his voice is said to have been extremely musical. His literary genius appears at its best in his sermons. He possessed a clear, pleasing rather than forceful style, and a very lively play of fancy. His works have kept their popularity to the present day, and his "Holy Living" and "Holy Dying," the most famous of his books, still retain their high position as devotional manuals, while his sermons retain their popularity.

SERMON: CHRIST'S ADVENT TO JUDGMENT

"For we must all appear before the judgment-seat of Christ, that every one may receive the things done in his body, according to that he hath done, whether it be good or bad."—2 Cor. v, 10.

IF WE consider the person of the Judge, we first perceive that he is interested in the injury of the crimes he is to sentence: "They shall look on him whom they have pierced." It was for thy sins that the Judge did suffer such unspeakable pains as were enough to reconcile all the world to God; the sum and spirit of which pains could not be better understood than by the consequence of his own words, "My God, my God, why hast thou forsaken me?" meaning that he felt such horrible, pure, unmingled sorrows that,