

An agreement of the people for a firm and present peace upon grounds of common right and freedom, as it was proposed by the agents of the five regiments of horse, and since by the general approbation of the army offered to the joint concurrence of all the free commons of England

The names of the regiments which have already appeared for the case of the *Case of the army truly stated*, and for this present Agreement,¹ viz.

(Of Horse)

1. The General's Regiment.
2. The Life Guard.
3. The Lieutenant-General's Regiment.
4. The Commissary-General's Regiment.
5. Colonel Whalley's Regiment.
6. Colonel Rich's Regiment.

¹ General Fairfax had put the *Case of the army* before the General Council of the Army on 21 October. It had been greeted with hostility by Cromwell and Ireton, who probably suspected the hands of Henry Marten and Thomas Rainborough – dangerous Independent MP radicals – in it, and who were anyway at the time trying to reach an accommodation with the king and could not have approved of its anti-monarchical overtones. It was repudiated by the accredited agitators of the Army, refused a reading, and sent to a committee which was to prepare a vindication of the Army and, presumably, to prepare legal charges against the 'new agents' who had prepared it. But it soon became clear that some regular agents supported the pamphlet; and it also emerged that Charles was dealing with the Scots behind Cromwell's back; so the committee decided to send the regular agitators William Sexby, William Allen and Nicholas Lockyer (see pp. 202 and 211) to present the new agents with an account of the Army's objections to what they had put their hands to, and to invite them 'in a friendly way' to come and discuss them. This *Agreement* is the new agents' answer. Approved by the new agents of five regiments at a meeting attended by John Wildman, a civilian and a lawyer (and the main author of the *Case of the army*) it seems to have been largely written by Walwyn (see p. 212), though Wildman, Lilburne and Overton very likely had hands in it.

7. Colonel Fleetwood's Regiment.
8. Colonel Harrison's Regiment.
9. Colonel Twistleton's Regiment.

(Of Foot)

1. The General's Regiment.
2. Colonel Sir Hardress Waller's Regiment.
3. Colonel Lambert's Regiment.
4. Colonel Rainsborough's Regiment.
5. Colonel Overton's Regiment.
6. Colonel Lilburne's Regiment.
7. Colonel Baxter's Regiment.

Anno Domini 1647

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An Agreement of the people for a firm and present peace upon grounds of common right

Having by our late labours and hazards made it appear to the world at how high a rate we value our just freedom, and God having so far owned our cause as to deliver the enemies thereof into our hands, we do now hold ourselves bound in mutual duty to each other to take the best care we can for the future to avoid both the danger of returning into a slavish condition and the chargeable remedy of another war. For as it cannot be imagined that so many of our countrymen would have opposed us in this quarrel if they had understood their own good, so may we safely promise to ourselves that when our common rights and liberties shall be cleared, their endeavours will be disappointed that seek to make themselves our masters. Since therefore our former oppressions and scarce-yet-ended troubles have been occasioned either by want of frequent national meetings in council or by rendering those meetings ineffectual, we are fully agreed and resolved to provide that hereafter our representatives be neither left to an uncertainty for the time, nor made useless to the ends for which they are intended. In order whereunto we declare:

1. That the people of England being at this day very unequally distributed by counties, cities and boroughs for the election of their deputies in parliament, ought to be more indifferently proportioned according

² End of title page.

to the number of the inhabitants: the circumstances whereof, for number, place, and manner, are to be set down before the end of this present parliament.

2. That to prevent the many inconveniences apparently arising from the long continuance of the same persons in authority, this present parliament be dissolved upon the last day of September, which shall be in the year of our Lord, 1648.

3. That the people do of course choose themselves a parliament once in two years, viz. upon the first Thursday in every second March, after the manner as shall be prescribed before the end of this parliament, to begin to sit upon the first Thursday in April following at Westminster or such other place as shall be appointed from time to time by the preceding representatives, and to continue till the last day of September then next ensuing, and no longer.

4. That the power of this and all future representatives of this nation is inferior only to theirs who choose them, and doth extend, without the consent or concurrence of any other person or persons, to the enacting, altering, and repealing of laws; to the erecting and abolishing of offices and courts; to the appointing, removing, and calling to account magistrates and officers of all degrees; to the making war and peace; to the treating with foreign states; and generally, to whatsoever is not expressly or impliedly reserved by the represented to themselves.

Which are as follows:

1. That matters of religion and the ways of God's worship are not at all entrusted by us to any human power, because therein we cannot remit or exceed a tittle of what our consciences dictate to be the mind of God, without wilful sin. Nevertheless the public way of instructing the nation – so it be not compulsive – is referred to their discretion.

2. That the matter of impressing and constraining any of us to serve in the wars is against our freedom; and therefore we do not allow it in our representatives; the rather, because money (the sinews of war) being always at their disposal, they can never want numbers of men apt enough to engage in any just cause.

3. That after the dissolution of this present parliament, no person be at any time questioned for anything said or done in reference to the late public differences, otherwise than in execution of the judgements of the present representatives (or House of Commons).

4. That in all laws made or to be made, every person may be bound alike; and that no tenure, estate, charter, degree, birth, or place do confer any exemption from the ordinary course of legal proceedings whereunto others are subjected.

5. That as the laws ought to be equal, so they must be good and not evidently destructive to the safety and well-being of the people.

These things we declare to be our native rights; and therefore are agreed and resolved to maintain them with our utmost possibilities against all opposition whatsoever: being compelled thereunto, not only by the examples of our ancestors – whose blood was often spent in vain for the recovery of their freedoms, suffering themselves through fraudulent accommodations to be still deluded of the fruit of their victories – but also by our own woeful experience, who having long expected and dearly earned the establishment of these certain rules of government, are yet made to depend for the settlement of our peace and freedom upon him³ that intended our bondage and brought a cruel war upon us.

For the noble and highly honoured the freeborn people of England, in their respective counties and divisions, these:

Dear countrymen and fellow-commoners,

For your sakes, our friends, estates and lives have not been dear to us. For your safety and freedom we have cheerfully endured hard labours and run most desperate hazards. And in comparison to your peace and freedom we neither do nor ever shall value our dearest blood; and we profess our bowels are and have been troubled and our hearts pained within us in seeing and considering that you have been so long bereaved of these fruits and ends of all our labours and hazards. We cannot but sympathise with you in your miseries and oppressions. It's grief and vexation of heart to us to receive your meat or monies whilst you have no advantage, nor yet the foundations of your peace and freedom surely laid. And therefore, upon most serious considerations that your principal right most essential to your well-being is the clearness, certainty, sufficiency and freedom of your power in your representatives in parliament; and considering that the original of most of your oppressions and

³ him = the king, with whom Cromwell and Ireton were still continuing to treat though with increasingly less optimism.

miseries have been either from the obscurity and doubtfulness of the power you have committed to your representatives in your elections, or from the want of courage in those whom you have betruſted to claim and exerciſe their power (which might probably proceed from their uncertainty of your aſſiſtance and maintenance of their power); and minding that for this right of yours and ours we engaged our lives (for the king raiſed the war againſt you and your parliament upon this ground: that he would not ſuffer your representatives to provide for your peace, ſafety and freedom that were then in danger, by diſpoſing of the militia and otherwiſe, according to their truſt); and for the maintenance and defence of that power and right of yours, we hazarded all that was dear to us. And God has borne wiſſeſs to the juſtice of our cauſe.

And further minding that the only effectual means to ſettle a juſt and laſting peace, to obtain remedy for all your grievances, and to prevent future oppreſſions is the making clear and ſecure the power that you betruſt to your representatives in parliament – that they may know their truſt, in the faithful execution whereof you will aſſiſt them.

Upon all theſe grounds we propound your joining with us in the agreement herewith ſent unto you, that by virtue thereof we may have parliaments certainly called and have the time of their ſitting and ending certain and their power or truſt clear and unqueſtionable; that hereafter they may remove your burdens and ſecure your rights without oppoſitions or obſtructions and that the foundations of your peace may be ſo free from uncertainty that there may be no grounds for future quarrels or contentions to occaſion war and bloodſhed. And we deſire you would conſider that as theſe things wherein we offer to agree with you are the fruits and ends of the victories which God has given us, ſo the ſettlement of theſe are the moſt abſolute means to preſerve you and your poſterity from ſlavery, oppreſſion, diſtraction, and trouble. By this, *thoſe whom yourſelves ſhall chooſe* ſhall have power to reſtore you to, and ſecure you in, all your rights; and they ſhall be in a capacity to taſte of ſubjection as well as rule, and ſo ſhall be equally concerned with yourſelves in all they do. For they muſt equally ſuffer with you under any common burdens and partake with you in any freedoms. And by this they ſhall be diſenabled to defraud or wrong you – when the laws ſhall bind all alike, without privilege or exemption. And by this your conſciences ſhall be free from tyranny and oppreſſion, and thoſe occaſions of endless ſtrifes and bloody wars ſhall be perfectly removed. Without controversy, by your joining with us in this agree-

ment all your particular and common grievances will be redreſſed forthwith without delay. The parliament muſt then make your relief and common good their only ſtudy.

Now becauſe we are earneſtly deſirous of the peace and good of all our countrymen – even of thoſe that have oppoſed us – and would to our utmoſt poſſibility provide for perfect peace and freedom and prevent all ſuits, debates, and contentions that may happen amongſt you in relation to the late war, we have therefore inſerted it into this agreement that no perſon ſhall be queſtionable for anything done in relation to the late public differences after the diſſolution of this preſent parliament, further than in execution of their⁴ judgement: that thereby all may be ſecure from all ſufferings for what they have done, and not liable hereafter to be troubled or puniſhed by the judgement of another parliament – which may be to their ruin unleſs this agreement be joined in, whereby any acts of indemnity or oblivion ſhall be made unalterable and you and your poſterities be ſecure.

But if any ſhall inquire why we ſhould deſire to join in an agreement with the people to declare theſe to be our native rights – and not rather petition to the parliament for them – the reaſon is evident. No Act of parliament is or can be unalterable, and ſo cannot be ſufficient ſecurity to ſave you or us harmleſs from what another parliament may determine if it ſhould be corrupted. And beſides, parliaments are to receive the extent of their power and truſt from thoſe that betruſt them; and therefore the people are to declare what their power and truſt is – which is the intent of this agreement. And it's to be obſerved that though there has formerly been many Acts of parliament for the calling of parliaments every year, yet you have been deprived of them and enſlaved through want of them. And therefore, both neceſſity for your ſecurity in theſe freedoms that are eſſential to your well-being, and woeful experience of the manifold miſeries and diſtractions that have been lengthened out ſince the war ended through want of ſuch a ſettlement, require this agreement. And *when* you and we ſhall be joined together therein we ſhall readily join with you to petition the parliament – as they are our fellow-commoners equally concerned – to join with us.

And if any ſhall inquire why we undertake to offer this agreement, we muſt profeſs we are ſenſible that you have been ſo often deceived with declarations and remonſtrances and fed with vain hopes that you

⁴ I. e. parliament's judgement.

have sufficient reason to abandon all confidence in any persons whatsoever from whom you have no other security of their intending your freedom than bare declaration. And therefore, as our consciences witness that in simplicity and integrity of heart we have proposed lately in the *Case of the army* stated your freedom and deliverance from slavery, oppression and all burdens, so we desire to give you satisfying assurance thereof by this agreement – whereby the foundations of your freedoms provided in the *Case of the army* shall be settled unalterably. And we shall as faithfully proceed to – and all other most vigorous actings for your good that God shall direct and enable us unto. And though the malice of our enemies and such as they delude would blast us by scandals, aspersing us with designs of ‘anarchy’ and ‘community’, yet we hope the righteous God will, not only by this our present desire of setting an equal just government but also by directing us unto all righteous undertakings simply for public good, make our uprightness and faithfulness to the interest of all our countrymen shine forth so clearly that malice itself shall be silenced and confounded. We question not but the longing expectation of a firm peace will incite you to the most speedy joining in this agreement – in the prosecution whereof, or of anything that you shall desire for public good, you may be confident you shall never want the assistance of,

Your most faithful fellow-commoners now in arms for your service.
Edmund Bear
Robert Everard (Lieutenant-General’s Regiment).
George Garret
Thomas Beverley (Commissary-General’s Regiment).
William Pryor
William Bryan (Colonel Fleetwood’s Regiment).
Matthew Weale
William Russell (Colonel Whalley’s Regiment).
John Dover
William Hudson (Colonel Rich’s Regiment).
Agents coming from other regiments unto us have subscribed the agreement to be proposed to their respective regiments and you.

For our much honoured and truly worthy fellow-commoners and soldiers, the officers and soldiers under command of his excellency Sir Thomas Fairfax

Gentlemen and fellow soldiers,

The deep sense of many dangers and mischiefs that may befall you in relation to the late war whensoever this parliament shall end – unless sufficient prevention be now provided – has constrained us to study the most absolute and certain means for your security. And upon most serious considerations we judge that no Act of Indemnity can sufficiently provide for your quiet, ease, and safety, because – as it has formerly been – a corrupt party, chosen into the next parliament by your enemies’ means may possibly surprise the House and make any Act of Indemnity null,⁵ seeing they cannot fail of the king’s assistance and concurrence in any such actings against you that conquered him.

And by the same means, your freedom from impressing also may in a short time be taken from you though for the present it should be granted.⁶ We apprehend no other security by which you shall be saved harmless for what you have done in the late war than a mutual agreement between the people and you that no person shall be questioned by any authority whatsoever for anything done in relation to the late public differences after the dissolution of the present House of Commons, further than in execution of their judgement; and that your native freedom from constraint to serve in war, whether domestic or foreign, shall never be subject to the power of parliaments – or any other. And for this end we propound the agreement that we herewith send to you to be forthwith subscribed.

⁵ In response to and largely acceding to Army demands, parliament had passed an *Ordinance of indemnity* on 21 May 1647. A standing committee of parliament was set up to ensure that soldiers and civilians ‘not able to defend a suit at common law’ or ‘aggrieved’ at the results of such a suit (which they often were because of hostility to soldiers in the localities) could have their appeals heard at Westminster. This was a definite improvement from the soldiers’ point of view. But the ordinance declared indemnity for only a narrow range of actions, ‘done by the authority of this present parliament or for the benefit thereof’; and though a further ordinance of 7 June substituted (for soldiers) ‘all such actions the exigency of war hath necessitated them unto’, there was still the journey to Westminster. In December the Army was to begin an unsuccessful campaign to persuade parliament to appoint county committees for indemnity.

⁶ Conscription by impressment to the military forces, administered by the London Militia Committee and by deputy lieutenants and committees in the counties, targeted the poor. Exempt were men (and sons of men) rated at £5 in goods or £3 in lands, clergymen, scholars, students at law or at the universities, esquires’ sons, MPs and peers and tax officials. Mariners, watermen and fishermen were exempt for reasons of state economy.

And because we are confident that 'in judgement and conscience'⁷ ye hazarded your lives for the settlement of such a just and equal government that you and your posterities and all the freeborn people of this nation might enjoy justice and freedom; and that you are really sensible that the distractions, oppressions and miseries of the nation, and your want of your arrears, do proceed from the want of the establishment both of such certain rules of just government and foundations of peace as are the price of blood and the expected fruits of all the people's cost; therefore in this agreement we have inserted the certain rules of equal government under which the nation may enjoy all its rights and freedoms securely. And as we doubt not but your love to the freedom and lasting peace of the yet-distracted country will cause you to join together in this agreement.

So we question not but every true Englishman that loves the peace and freedom of England will concur with us. And then your arrears and constant pay (while you continue in arms) will certainly be brought in, out of the abundant love of the people to you; and then shall the mouths of those be stopped that scandalise you and us as endeavouring anarchy or to rule by the sword; and then will so firm an union be made between the people and you that neither any homebred or foreign enemies will dare to disturb our happy peace.

We shall add no more but this; that the knowledge of your union in laying this foundation of peace, this agreement, is much longed for by,

Yours, and the people's most faithful servants.

Postscript

Gentlemen,

We desire you may understand the reason of our extracting some principles of common freedom out of those many things proposed to you in the *Case of the army truly stated* and drawing them up into the form of an agreement. It's chiefly because for these things we first engaged against the king. He would not permit the people's representatives to provide for the nation's safety – by disposing of the militia, and other ways, according to their trust – but raised a war against them; and we engaged for the defence of that power and right of the people in their representatives. Therefore these things in the agreement, the people

⁷ An echo of the *Declaration or remonstrance* of 14 June: 'And so we took up arms in judgement and conscience.'

are to claim as their native right and price of their blood, which you are obliged absolutely to procure for them.

And these being the foundations of freedom, it's necessary that they should be settled unalterably, which can be by no means but this agreement with the people.

And we cannot but mind⁸ you that the ease of the people in all their grievances depends upon the setting those principles or rules of equal government for a free people; and, were but this agreement established, doubtless all the grievances of the Army and people would be redressed immediately and all things propounded in your *Case of the army* stated to be insisted on, would be forthwith granted.

Then should the House of Commons have power to help the oppressed people, which they are now bereaved of by the chief oppressors; and then they shall be equally concerned with you and all the people in the settlement of the most perfect freedom – for they shall equally suffer with you under any burdens or partake in any freedom.

We shall only add that the sum of all the agreement which we herewith offer to you is but in order to the fulfilling of our Declaration of 14 June wherein we promised to the people that we would with our lives vindicate and clear their right and power in their parliaments.

Edmond Bear

Robert Everard (Lieutenant-General's Regiment).

George Garret

Thomas Beverley (Commissary-General's Regiment).

William Pryor

William Bryan (Colonel Fleetwood's Regiment).

Matthew Wealey

William Russell (Colonel Whalley's Regiment).

John Dober

William Hudson (Colonel Rich's Regiment).

Agents coming from other regiments unto us have subscribed the agreement to be proposed to their respective regiments and you.

⁸ mind = remind.