

'Killing No Murder.'

THE authorship of 'Killing No Murder' has been claimed by two different persons, and critics have doubted to whom to assign it. Usually Colonel Silius Titus is described as being its author, but sometimes Lieut.-Colonel Edward Sexby is credited with producing it. There is some evidence on behalf of both claimants. The pamphlet appeared in May 1657.

I have seen here (wrote Hyde to Nicholas on 30 May) a printed paper of some two or three sheets, entitled 'Killing No Murder,' and is only to show the lawfulness and convenience that he be presently killed, and is dedicated to Cromwell himself with as witty an epistle as I have seen, and in truth the whole piece is so full of wit that I cannot imagine who could write it; it seems to me to be written on this side the sea by the paper and the letter.¹

In the latter part of May the pamphlet appeared in England. 'Between you and me,' wrote Morland to Pell on 4 June,

there has been the most dangerous pamphlet lately thrown about the streets that ever has been printed in these times. I have sent you the preface, which is more light, but, believe me, the body of it is more solid; I mean as to showing the author's learning, though the greatest rancour, malice, and wickedness that ever man could show—nay, I think the devil himself could not have shown more.²

Three hundred copies of the book had been seized in London on 25 May, and about 1,400 more on the 27th.³ About June Sexby went over to England to carry on the plot against the Protector, and on 24 July he was arrested in disguise just as he was about to return to the Low Countries. He was imprisoned in the Tower, where on 14 Oct., before three witnesses, he avowed the authorship of the pamphlet in question.

As touching the books entitled 'Killing No Murder,' &c., he owned them as his own work, and was still of that judgment; and said he might have destroyed the Protector, because he was not chosen nor set up by the people, but that now the case was altered, the parliament having settled the government on him.⁴ . . . As to that passage in the said books charging Sir John Barkstead with having smothered Syndercomb in his pillow and sheets, he said it was foolishly and knavishly done by him in so writing. He said further that he hath some of those books in London which he understands are burnt; and he hath 250 of them in Holland.⁵

¹ *Clarendon State Papers*, iii. 343.

² Vaughan, *The Protectorate of Oliver Cromwell*, ii. 184; cp. ii. 199.

³ Thurloe, vi. 315–320.

⁴ Referring to the Petition and Advice by which parliament had given Cromwell's government a constitutional basis.

⁵ Thurloe, vi. 560.

The substance of Sexby's confession was published, after his death, in *Mercurius Politicus* for 14-21 Jan. 1658. His claim was therefore publicly known before the close of the Protectorate.

On the other hand the claim of Colonel Titus is not heard of till some years later. In a letter to Hyde dated 17 Dec. 1657 he speaks of the publication of Hawke's answer to 'Killing No Murder,' saying that

the author of the contrary pamphlet is there formally endited of high treason, and brought under the statute 25 Ed. III, but I doe not heare they have yet taken him.

Titus, it is observable, makes no claim to the authorship, and though he knew that Sexby was a prisoner evidently knew nothing of his confession on this point.⁶ When Titus first declared himself to be the author is uncertain. Evelyn in his 'Diary,' under 2 April 1669, speaks of meeting at dinner in the Treasurer's house Col. Titus of the bedchamber, author of the famous piece against Cromwell, 'Killing No Murder.' Apparently therefore his claim was by this time generally known and admitted. A new piece of evidence in the shape of an explicit statement made by Titus himself has lately come to hand. In a copy of the reprint of the famous pamphlet⁷ which was published in 1689 there is the following inscription:—

Meñ. June 17, 1697.

Coff: Titus told me at his house in Bushey in Hertfordshire, on Tuesday June 15, 1697 (as he had done y^e same thing some yeares before) That he writ this pamphlet at Breda; and one Saxbie seeing it, undertooke and effected its printing; thus fathering it on W^m Allen; who, it seemes, was a great man for Oliver till he tooke upon him y^e Protectorship, and yⁿ was as much agt^t him.⁸ Upon y^e bookes comeing out, Oliver sent for W^m Allen, and ask'd him if he was y^e author. Allen desired to see y^e booke, w^{ch} Oliver lent him to read; and yⁿ Allen told him, y^t he knew well enough y^t he had not capacity enough to be y^e author; but y^t if he had been able to have writ it, he would with all his heart have done it.

PET: NEWCOME.

It is clear from this note that Titus did not merely allow the pamphlet to be attributed to him, but openly announced that he was its author. To decide between the two claimants it is necessary to seek for corroborating testimony, and to examine the internal evidence which the pamphlet itself affords. It is certain that the two men were intimately connected during the period when it was written. Titus was at Breda in October 1656, and was visited there

⁶ *Cal. Clarendon State Papers*, iii. 398.

⁷ This copy is at present in my possession. It was given me by Mr. C. Davis of Kew, who bought it from a bookseller.

⁸ William Allen, like Sexby, had been a trooper in Cromwell's own regiment, was one of the agitators elected in 1647, and became finally a captain and adjutant-general of the horse in Ireland. For a life of him see *Clarke Papers*, i. 432.

by Sexby in December. He describes himself as endeavouring to persuade Sexby to procure the assassination of Cromwell rather than to seek to overthrow him by contriving an insurrection, and apparently he succeeded in converting him to this view. From the end of March to the beginning of April 1657 Sexby and Titus were together in Holland, just at the time when the pamphlet must have been passing through the press.⁹ The close association of the two during the period naturally suggests the hypothesis that the pamphlet was the joint work of the two. Nor is it very difficult to determine the relative part of the two in the work. They were men of different political opinions temporarily associated by their common hostility to Cromwell. Sexby was a republican of the extreme type. Titus was a presbyterian who had fought for the parliament and was subsequently converted to royalism. Now so far as the pamphlet embodies any political principles (apart from its apology for tyrannicide) republicanism, not royalism, is the creed set forth, and set forth with a fiery sincerity which precludes the supposition that it is merely assumed for the purposes of argument. In the next place the pamphlet both begins and ends with a reference to the case of Sexby's friend and agent Sindercombe. At the beginning (and this helps to fix the date of its composition) the author mentions Sindercombe's arrest, which took place on 9 Jan. 1657, and at the end he refers to Sindercombe's death, which took place on 13 Feb. 'The brave Sindercombe,' he says, speaking of his attempt to assassinate Cromwell, 'hath shewed as great a mind as any old Rome could boast of,' and he goes on to accuse Cromwell of having had him secretly murdered by the lieutenant of the Tower. All this praise of Sexby's friend naturally suggests that Sexby was the author.

On the other hand there are certain passages in the pamphlet which seem to come from another hand. Sexby was not a learned man, but when the question what constitutes a tyrant comes to be discussed the pages are full of quotations from Aristotle, Plato, Cicero, Machiavelli, Grotius, and other writers on politics. It is true that most of the references and quotations might have been borrowed from other pamphlets; some certainly are derived from Milton's. As Titus was a man of education, who had been an undergraduate of Christ Church and a student of the Middle Temple, it seems reasonable to suppose that he furnished the learning exhibited.

The two prefatory epistles prefixed to the pamphlet seem to afford further evidence of its dual authorship. The first is the address 'To his Highness Oliver Cromwell,' which Hyde so much admired for its wit. This I should attribute to Titus, for Titus was, as his speeches in parliament show, both a wit and a humourist.

⁹ *Cal. Clarendon Papers*, iii. 208, 220, 230, 236, 269, 289.

The polished irony of this composition finds no parallel in any of the speeches or manifestoes of Sexby. On the other hand the second epistle prefixed, 'To all those Officers and Soldiers of the Army that remember their engagements and dare be honest,' must certainly be by Sexby. Instead of humour there is the fervid passion which marked Sexby's speeches in the council of the army in 1647, and it is also expressly stated to be written by 'one that was once one amongst you.'

I conclude, therefore, that the pamphlet was the joint work of Sexby and Titus; that the conception and substance of the pamphlet were due to Sexby, and that Titus wrote the dedication to the Protector, supplied the learned quotations and the scientific disquisitions on the nature of tyrants and the right of tyrannicide, and probably corrected the style of the whole. Sexby was, therefore, justified in claiming the authorship of the pamphlet, and he had nothing to gain by the avowal. He did not mention his confederate, either because he regarded his part in the composition as purely subordinate or because he did not wish to expose him to the vengeance of the Protector's government. On the other hand Titus, when he laid claim to be the author of 'Killing No Murder,' stood to gain fame and rewards by it, and did gain both, so that in his case there was a motive for the avowal which was absent in Sexby's case. Fearing no contradiction now that Sexby was dead, he asserted that he was the author of the whole and not merely of certain parts, and represented Sexby as merely an agent charged to print and circulate another man's work.¹⁰ C. H. FIRTH.

The Funeral of Napoleon and his Last Papers.

So little is known about the closing scenes of the life of Napoleon except through the prejudiced statements of Montholon and of others of the suite that it may be of interest to publish here some details, drawn from our Colonial Office archives, that bear on these questions. In view of the later assertions of Bertrand and Montholon that the emperor was the victim of liver disease, which was aggravated by the climate of St. Helena and the character of his detention, it is of some importance to note that Montholon's letter of 6 May 1821, written to his countess, then in Europe, contains the following decisive sentences:--

. . . . L'ouverture de son Corps a eu lieu ce matin : elle a prouvé qu'il étoit mort de la même maladie que son père, un squirre ulcéreux à l'estomac près le pylore ; les $\frac{2}{3}$ de la face de l'estomac étoient ulcérées : il

¹⁰ It will be observed that I have somewhat modified the conclusions stated in the articles on Sexby and Titus in the *Dictionary of National Biography*, crediting Titus with a share in the pamphlet instead of attributing it solely to Sexby, and defining more exactly what the share of Titus was instead of merely suggesting that he may have had a hand in it.