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A
DECLARATION
OF THE
LORDS AND COMMONS
Assembled in Parliament,
In Answer to the
KINGS DECLARATION
Concerning *HULL*.

Die Mercurii, 25 Maii 1642.

Ordered by the Lords in Parliament, that this Declaration
shall be forthwith printed and published.

Io. Browne Cleric, Parliamentor.



LONDON,
Printed for *Ioseph Hunscot, and Iohn Wright.*
May 26. 1642.



A
DECLARATION
OF BOTH HOUSES OF
PARLIAMENT.



Although the great affaires of this kingdome, and the miserable and bleeding condition of the kingdome of *Ireland*, affords us little leasure, to spend our time in Declarations, and in Answers and replies ; yet the Malignant party about his Majesty, taking all occasions to multiply calumnies upon the Houses of Parliament, and to publish sharpe invectives under his Majesties name, against them and their proceedings (a new engine which they have invented to heighten the distractions of this kingdome, and to beget and increase distrust and disaffection betweene the King and his Parliament, and the People) we cannot be so much wanting to our owne Innocency or to the duty of our trust, as not to cleere our selves from those false aspersions, and (which is our cheifest care) to disabuse the Peoples minds and open their eyes, that under the false shewes and pretexts of the Law of the Land, and of their owne rights and Liberties, they may not be carried into the road way, that leadeth to the utter ruine and subversion thereof. A late occasion that these wicked spirits of division have taken to defame, and indeed to arraigne the proceedings of both houses of Parliament hath beene from our Votes. of the 28. of *April*, and our declaration concerning the businesse of *Hull*, which because we put forth
before

before we could send our answer, concerning that matter unto his Majesty, those mischeivous instruments of dissention, betweene the King, the Parliament, and the people, whose chiefe labour and Study, is to misrepresent our actions to his Majesty, and to the kingdome, would needs interpret this, as an appeale to the People, and a declining of all intercourse betwene his Majesty and us, as if we thought it to no purpose, to endeavour any more to give him satisfaction; and without expecting any longer our answer, under the name of a Message from his Majesty to both houses, they themselves have indeed made an appeale to the people, as the Message it selfe doth in a manner grant it to be, offering, to joyne issue with us in that way, and in the nature thereof, doth cleerely shew it selfe to be no other; therefore we shall likewise addressse our answer to the Kingdome, not by way of appeale as we are charged, but to prevent them from being their owne executioners, and from being periwaded under false colours of defending the Law, and their owne liberties, to destroy both with their owne hands, by taking their lives, liberties, and estates, out of their hands, whom they have chosen and entrusted therewith, and resigning them up unto some evill Councillors about his Majesty, who can lay no other foundation of their owne greatnesse, but upon the ruine of this, and in it of all Parliaments, and in them of the true Religion and the freedome of this Nation. And these are the men that would periwade the people that both Houses of Parliament containing all the Peeres, and representing all the Commons of England, would destroy the Lawes of the Land, and the liberty of the people, wherein besides the trust of the whole they themselves in their owne particulars have so great an interest of honour, and estate, that we hope it will gaine little credit with any that have the least use of reason, that such as must have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time, and runne so many hazards, to make themselves slaves, and to destroy the property of their estates: but that we may give particular satisfaction to the severall imputations cast upon us, we shall take them in order, as they are laid upon us in that Message. First we are charged for the avowing of that act of *Sir John Hotham*, which is tearmed unparaleld, and an high and unheard of affront unto his Majesty, and as if we needed not to have done it, he being able as is alleaged, to produce no such command of the houses of Parliament.

Although *Sir John Hotham* had not an order that did expresse every circumstance of that case, yet he might have produced an order of both houses, which did comprehend this case, not only in the cleere intenti-

on, but in the very words thereof, which knowing in our consciences to be so, and to be most necessary for the safety of the kingdome, wee could not but in honour and Justice ayow that Act of His, which wee are confident will appeare to all the world, to be so farre from being an affront to the King, that it will be found to have beene an Act of great Loyalty to his Maiesty, and to his kingdome.

The next charge upon us is, that instead of giving his Maiesty satisfaction, we published a Declaration concerning that businesse, as an appeale to the people, and as if our intercourse with his Maiesty, and for his satisfaction, were now to no more purpose, which course is alleaged to be very unagreeable to the modesty and duty of former times, and not warrantable by any presidents, but what our selves have made.

If the penner of this Message had expected a while, or had not expected that two houses of Parliament (especially burthened as they are at this time with so many pressing and urgent affaires) should have moved as fast as himselfe, he would not have said, that Declaration was instead of an Answer to his Maiesty, which we did dispatch with all the speed and diligence we could, and have sent it to his Maiesty, by a Comanittee of both houses, where by it appeares, that we did it not upon that ground, that we thought it was no more to any purpose to endeavour to give his Maiesty satisfaction; And as for the duty and modesty of former times, from which we are said to have varied & to want the warrant of any presidents therein, but what our selves have made, if wee have made any presidents, this Parliament, we have made them for posterity, upon the same or better grounds of reason and Law, then those were, upon which our predecessors first made any for us; and as some presidents ought not to be Rules for us to follow, so none can be limits to bound our proceedings, which may and must vary according to the different condition of times, and for this particular of setting forth Declarations, for the satisfaction of the people, who have chosen, and intrusted us with all that is deereft unto them, if there be no example for it, it is because there were never any such monsters before, that ever attempted to disaffect the people from a Parliament, or could ever harbour a thought that it might be effected; were there ever such practices to Poyson the people, with an ill apprehension of the Parliament? were there ever such imputations, and scandalls laid upon the proceedings of both houses? were there ever so many, and so great breaches of privilege of Parliament? were there ever so many and so desperate designs of force and violence against the Parliament, and the members thereof? if we have done more then our ancestors have done
ave we

we have suffered more then ever they have suffered and yet in point of modesty & duty, we shall not yeeld to the best of former times, and we shall put this in issue, whether the highest & most unwarrantable presidents, of any of his Majesties predecessors, do not fall short, & much below what hath bin done unto us this Parliament, and on th'other side, whether if we should make the highest presidents of other Parliaments our patterns, there will be cause to complain of want of modesty & duty in us, when we have not so much as suffered such things to enter into our thoughts, which all the world knowes, they have put in Act.

Another charge which is laid very high upon us, (and which were indeed a very great crime, if we were found guilty thereof) is that by avowing this Act of Sir *John Hotham*, we doe in consequence confound and destroy the title, and interest of all his Majesties good Subjects to their lands and goods; and that upon this ground that his Majesty hath the same title to his Towne of *Hull*, which any of his Subjects have to their houses or Lands, and the same to his Magazine, & munition there, that any man hath to his mony, Plate, or Jewells, and therefore that they ought not to have been disposed of, without or against his consent, no more then the houses, land, money, plate, or Jewells of any Subject ought to be without or against his will.

Here that is laid downe for a principle, which would indeed pull up the very foundation of the liberty, property, and interest of every Subject in particular, and of all the Subjects in generall, if we should admit it for a truth that his Majesty hath the same right, and title to his Townes and to his Magazin (bought with the publique monies as we conceive that at *Hull* to have beene) that every particular man hath to his House, Lands, and Goods, for his Majesties Townes are no more his owne then his Kingdome is his own, and his Kingdome is no more his own, then his people are his owne, and if the King had a property in all his Townes, what would become of the Subjects property in their Houses therein? and if he had a propriety in his Kingdome, what would become of his Subjects propriety in their Lands, throughout the Kingdome, or of their Liberties, if his Majesty had the same right in their persons, that every Subject hath in their Lands or goods? and what should become of all the Subjects interest, in the Townes and Forts of the Kingdome, and in the Kingdome it selfe, if his Majesty might sell or give them away, or dispose of them at his pleasure as a particular man may doe with his Lands, and with his Goods? this erroneous maxime being infused into Princes that their Kingdomes are their own, and that they may doe with them what they will (as if their Kindomes

were for them, and not they for their Kingdomes) is the Roote of all the Subjects misery, and of the invading of their just rightes and liberties, whereas indeed they are only intrusted with their Kingdomes, and with their Townes, and with their People, and with the publike treasure of the Common-Wealth, and whatsoever is bought therewith, and by the known Law of this Kingdome, the very Jewells of the Crown are not the Kings proper goods, but are only intused to him for the use and ornament thereof, as the Townes, Forts, treasure, Magazin, offices, and people of the Kingdome, and the whole Kingdome it selfe is intrusted unto him for the good and safety, and best advantage thereof, and as this trust is for the use of the Kingdome, so ought it to be managed by the advise of the Howses of Parliament whom the Kingdome hath trusted for that purpose, it being their duty to see it be discharged, according to the condition and the true intent thereof, and as much as in them Lies by all possible meanes to prevent the contrary, which if it hath been their chiefe care, and only aime in the disposing of the Town and Magazin of *Hull* in such manner as they have done, they hope it will appeare cleerely to all the world that they have discharged their own trust, and not invaded that of his Majesties, much lesse his property, which in this case they could not doe,

But admitting his Majesty had indeed had a property in the Town, and Magazin of *Hull*, who doubts but that the Parliament may dispose of any thing wherein his Majesty, or any Subject hath a right, in such a way as that the Kingdome may not be exposed to hazard or danger thereby, which is our case in the disposing of the Towne, and Magazin of *Hull*? And whereas his Majesty doth allow this, and a greater power to a Parliament, but in that sence only as he himselfe is a part thereof, we appeale to every mans conscience that hath observed our proceedings, whether wee disjoyned his Majesty from his Parliament, who have in all humble wayes sought his concurrence with us, as in this particular about *Hull*, and for the removall of the magazin there, so also in all other things; or whether these evill counsellors about him have not separated him from his Parliament, not only in distance of place but also in the discharge of this joint trust with them for the peace and safety of the Kingdome, in this and some other particulars.

We have given no occasion to his Majesty, to declare his Resolution with so much earnestnesse, that he will not suffer either or both houses by their Votes, without or against his consent to enjoyne any thing that is forbidden by the Law, or to forbid any thing that is enjoyned by

by the Law, for our Votes have done no such thing, and as we shall be very tender of the Law (which we acknowledge to be the safegard, and custody of all publique and private interestes) so we shall never allow a few private persons about his Majesty, nor his Majesty himselfe in his own person, and out of his Courts to be judge of the Law, and that contrary to the judgement of the highest Court of judicature: in like manner that his Majesty hath not refused to consent to any thing that might be for the peace, and happinesse of the Kingdome, We cannot admit it in any other sense, but as his Majesty taketh the measure of what will be for the peace, and happinesse of the Kingdome, from some few ill effected persons about him, contrary to the advice and judgement of his great Councell of Parliament. And because the advice of both Houses of Parliament, hath thorough the suggestions of evill counsellors been so much undervalved of late, and so absolutely rejected and refused, wee hold it fit to declare unto the Kingdome (whose honor and interest is so much concerned in it) what is the privilege of the great Councell of Parliament herein, and what is the obligation that lieth upon the Kings of this Realme to passe such bills, as are offered unto them by both Houses of Parliament, in the name, and for the good of the whole Kingdome, whereunto they stand ingaged both in conscience, and in justice, to give their royall assent; In conscience in respect of the Oath, that is or ought to be taken by the Kings of this Realme at their Coronation, aswell to confirme by their royall assent such good Lawes as their people shall chuse, and to remedy by Law such inconveniences as the Kingdome may suffer, as to keep and protect the Lawes already in being, as may appeare both by the forme of the Oath upon Record, and in books of good authority, and by the statute of the 25. Ed. 3. Entituled the statute of provisors of benefices, the forme of which Oath, and the clause of that statute concerning it are as followeth.

Rot. Parliament 1. H. 4. N. 17.

Forma juramenti soliti & consueti prestari per Reges Anglia in eorum Coronatione.

Servabis Ecclesie dei, eteroq; & populo pacem ex integro, & concordiam in deo secundum vires tuas.

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis equam & rectam justitiam & discretionem in misericordia, & veritate secundum vires tuas.

Respondabit, Faciam.

Concedis justas leges & consuetudines esse tenendas, & promittis per
de eas esse protegendas, & ad honorem Dei corroborandas quas vulgus ele-
geris secundum vires tuas.

Respondabit concedo & promitto.

Adiciantque predictis interrogationibus qua iusta fuerint, pronuncia
usq; omnibus confirmet Rex se omnia servatur Sacramento super altar
præfatis coram cunctis.

*A clause in the preamble of a statute made, 25. Ed. 3. Entitled
the Statute of Provisories of Benefices.*

Wherupon the said Commons have prayed our said Lord the King, that
sith the right of the Crown of England, and the Law of the said Realme
is such, that upon the mischief, and damages which happen to the
Realme, he might, and is bound by his Oath, with the accord of his
people in his Parliament, thereof to make remedy, and Law, and in re-
moving the mischief, and damages which thereof insue, that it may
please him thereupon to ordain remedy.

Our Lord the King seeing the mischief and damage before mention-
ed, and having regard to the said statute made in the time of his said
Grandfather, and to the causes contained in the same, which statute
holdeth alwayes his force, and was never defeated repealed nor adul-
led in any point, and by so much he is bound by his Oath to cause the
same to be kept as the Law of his Realme, though that by sufferance and
negligence it hath been sithence attempted to the contrary, Also having
regard to the grievous complaints made to him by his people, in divers
his Parliaments holden heretofore, willing to ordaine remedy for the
great damages, and mischief which have happened, and dayly doe
happen to the Church of England by the said cause.

Here the Lords and Commons claime it directly as the right of the
Crowne of England, and of the Law of the Land, and that the King
is bound by the Oath with the accord of his people in Parliament,
to make remedy and Law upon the mischeiffe, and damages which
happen to this Kingdome; And the King doth not deny it, although
he take occasion, from a statute formerly made by the Grandfather,
which was laid as part of the Grounds of this petition, to fix his answer
upon another branch of his Oath, and pretermitt that which is claymed
by the Lords and Commons, which he would not have done if it might
have bene excepted against.

In justice they are obliged thereunto, in respect of the trust reposed in them, which is as well to preserve the Kingdome by the making of new Lawes, whither shall be need, as by the observing of Lawes already made, a Kingdome being many times as much exposed to ruine for the want of a new Law, as by the violation of those that are in being, and this is so cleere a right, that no doubt his Majesty will acknowledge it to be as due unto his people as his Protection, but how far forth he is obliged to follow the judgement of his Parliament therein, that is the question. And certainly besides the Words in the Kings Cath, referring unto such Lawes as the people shall choose, as in such things which concerne the Publike Weale, and good of the Kingdome; they are the most proper Judges, who are sent from the whole Kingdom for that very purpose. So we doe not find that since Lawes have passed by way of Bills (which are read thrice in both Houses, and every part and circumstance of them fully weighed, and debated upon the Commitment, and afterwards passed in both Houses) that ever the Kings of this Realme did deny them otherwise then is expressed in that usuall Answer, *Le Roy S'avisera*, which signifies rather a suspension then a refusall of the Royall Assent, & in those other Lawes which are framed by way of Petitions of Right, the Houses of Parliament have taken themselves to be so far judges, of the Rights claimed by them, that when the Kings Answer hath not in every poynt benee fully according to their desire, they have still insisted upon their claime, and never rested satisfied, till such time as they had an Answer according to their demand, as was done in the late Petition of Right, and in former times upon the like occasion, and if the Parliament be Judge betweene the King and his People, in the question of Right, (as by the manner of the claime in Petitions of Right, and by judgement in Parliament, in cases of illegall suppositions, and taxes, and the like it appeareth to be) why should they not, also in the question of the common good and necessitie of the Kingdome? wherein the Kingdome hath as cleere a Right also, to have the benefit and remedy of Law as in any thing whatsoever, and yet we doe not deny but in private Bills and also in publike Acts of grace, as Pardons and the like grants of favour, his Majestie may have a great Latitude of granting or denying, as he shall thinke fit.

All this considered, we cannot but wonder that the contriver of this Message should conceive the people of this Land to be so void of comon sense, as to enter into so deepe mistrust of those that they have, and his Majesty ought to repose so great a trust in

to despair of any security in their private estates, by descents, purchases, assurances, or conveyances, unless his Majesty should by his vote, prevent the prejudice they might receive therein by the vote; of both Houses of Parliament, as if they who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the Subjects, had wholly cast off all care of the Subjects good, and his Majesty had solely taken it up, and as if it could be imagined that they should by their votes overthrow the Rights of descents, purchases, or of any conveyance or assurance; in whose judgement the whole Kingdome hath placed all, their particular intrests if any of them should be called in question in any of those cases, and that (as knowing not where to place them with greater security) without any appeale from them to any other person or Court whatsoever.

But indeed we are very much to seeke, how the case of *Hull* should concerne descents and purchases or conveyances and assurances, unless it be in procuring more security to Men, in their private interestes, by the preservation of the whole from confusion and destruction; and much lesse doe we understand how the Sovereigne power was resisted and despised therein, certainly no command from his Majesty, and his High Court of Parliament; (where the Sovereigne power resides) was disobeyed by *Sir John Holham*, nor yet was his Majesties Authority derived out of any other Court, nor by any legall commission, or by any other way wherein the Law hath appoynted his Majesties commands to be derived to his Subjects, and of what validity his verball commands are, without any such stampe of his Authority upon them, and against the order of both Houses of Parliament, and whether the not submitting thereunto be a resisting and despising of the Sovereigne Authority, we leave it to all men to judge, that doe at all understand the government of this Kingdome.

We acknowledge that his Majesty hath made many expressions of his zeale and intentions against the desperate designs of Papists, but yet it is also as true that the counsels which have prevailed of late with him, have beene little suitable to those expressions and intentions, for what doth more advance the open and bloody designs of the Papists in *Ireland*: (whereon the secret plots of the Papists here doe in all likely-hood depend) then his Majesties absenting himselfe in that maner that he doth from his Parliament; and setting forth such sharpe invectives against them, notwithstanding all the humble Petitions & other maners

for his satisfaction concerning their proceedings? and what was more likely to give a rise to the designs of the Papists (whereof there are so many in the North, neere to the Towne of *Hull*) and of other Malignant and ill affected persons which are ready to joyne with them, or to the attempts of forrainers from abroad, than the continuing of that great Magazine at *Hull* at this time, & contrary to the desire and advise of both Houses of Parliament? so that we have too much cause to beleve that the Papists have still some way and meanes whereby they have influence upon his Majesties Councell, for their owne advantage.

For the Malignant party, his Majesty needeth not a definition of the Law, nor yet a more full Character of them, from both Houses of Parliament, for to find them out, If he will please only to apply the Character that himselfe hath made of them, to those unto whom it doth properly & truly belong; who are so much disaffected to the peace of the Kingdome, as they that endeavour to disaffect his Majesty from the Houses of Parliament, and perswade him to be at such a distance from them, both in place and affection? Who are more disaffected to the government of the Kingdome then such as lead his Majesty away from hearkning to his Parliament, which by the constitution of this Kingdome, is his greatest and best Councell, and perswade him to follow the malicious Counsells of some private men, in opposing and contradicting the wholesome advices and just proceedings, of that his most faithfull Councell, and highest Court? Who are they that not onely neglect, and despise, but labour to undermine the Law under colour of maintaining of it, But they that endeavour to destroy the fountaine and Conservatory of the Law, which is the Parliament? and who are they that set up other Rules for themselves to walke by, then such as according to Law, but they that will make other judges of the Law, then the Law hath appoynted, and so dispence with their obedience to that which the Law calleth Authority, and to their determinations and resolutions to whom the judgement doth appertaine by Law? For when private persons shall make the Law to be their Rule, according to their owne understandings, contrary to the judgement of those that are the Competent Judges thereof, they set up to themselves other Rules, then the Law doth acknowledge; who these persons are, none knoweth better then his Majesty himselfe, and if he would please to take all possible caution of them, as destructive to the Common-Wealth and himselfe, and would remove them from about him, it would be the most effectuall meanes to compose all the Distractions, and to surmount

For the Lord *Digby* his Letter: we did not make mention of it as a ground to hinder his Majesty from visiting his own Fort, But we appeale to the judgement of any indifferent man, that shall read that Letter, and compare it with the posture that his Majestie then did, and still doth stand in towards the Parliament, and with the circumstances of that late Action of his Majesty, in going to *Hull*, whether the advisers of that Journey intended onely a visit of that Fort and Magazine? as to the wayes and overtures of accommodation, and the Message of the 20 of *January* last, so often pressed, but still in vaine as is alledged, Our Answer is, that although so often as the Message of the 20 of *January* hath bene pressed, so often have our Priviledges bene clearly infringed, that a way and Method of proceeding should be prescribed unto us, as well for the settling of his Majesties Revenue, as for the presenting of our owne desires, a thing which in former Parliaments hath alwayes bin excepted against as a breach of privilege, yet in respect to the matter contained in that Message, & out of our earnest desire to beget a good understanding between his Majesty and us, We swallowed downe all matters of circumstance, and had ere this time presented the chiefe of our desires to his Majesty, had we not bene interrupted with continuall denyals, even of things that were necessary for our present security and subsistence, and had not those denyals bene followed with perpetuall invectives against us, and our proceedings, and had not those invectives bene heaped upon us so thicke one after another (who were in a manner wholly taken up with the pressing affaires of this Kingdome, and of the Kingdome of *Ireland*) that as Wee had little encouragement from thence to hope of any good answers to our desires, So We had not so much time left us to perfect them in such a manner as to offer them to his Majesty.

We confesse it is a resolution most worthy of a Prince and of his Majesty, to shut his eares against any that would incline him to a Civill warre, and to abhorre the very apprehension of it, but we cannot beleve that mind to have bene in them that came with his Majesty to the House of Commons, or in them that accompanied his Majesty to *Hampton Court*, and appeared in a warlike manner at *Kingston* upon *Thames*, or in divers of them that followed his Majesty now lately to *Hull*, or in them that after drew their swords at *Yorke*, demanding who would be for the King, nor in them that advised his Majesty to declare Sir *Iohn Hubert* a Traytor, before the Message was sent concerning that businesse to the Parliament, or to make propositions to the Gen-

ceive an Answer from the Parliament, to whom he had sent to demand justice of them against Sir *John Hobam* for that fact; And if those malignant spirits shall ever force us to defend our Religion, the Kingdome, the Priviledges of Parliaments, and the Rights and liberties of the Subjects, with our swords, the blood and destruction that shall ensue thereupon, must be wholly cast upon their account, God and our owne Consciences tell us, that we are cleare, and we doubt not, but God and the whole world will cleare us therein.

For Captaine *Leg*, we did not say that he was accused, or that there was any charge against him, for the bringing up of the Army, but that he was employed in that businesse: and for that Question concerning the Earle of New-castle, mentioned by his Majesty, which is said to have bin asked long since, and that it is not easie to be answered; we conceive that it is a Question of more difficulty, and harder to be answered, why, when his Maiesty held it necessary upon the same grounds, that first moved from the Houses of Parliament, that a Governour should be placed in that Towne, Sir *John Hobam*, a Gentleman of knowne fortune and integrity, and a Person of whom both Houses of Parliament had expressed their Confidence, should be refused by his Maiesty, and the Earle of New-castle (who by the way was so farre named in the businesse of the bringing up of the Army, that although there was not ground enough for a iudicial proceeding, yet there was ground of suspition, at least, his reputation was not left to unblemished thereby, as that he should be thought the fittest man in England for that employment of *Hull*) should be sent downe in a private way from his Majesty, to take upon him that Government, and why he should disguise himselfe under another name, when he came thither as he did. But whosoever shall consider together with these circumstances, that at the time when Sir *John Hobam* was first appoynted by both Houses of Parliament to take upon him that employment, which was presently after his Maiesty coming to the House of Commons, and upon his retyring himselfe to *Hampton Court*, and the Lord *Digbys* assembling of Cavaliers at *Kingston upon Thames*, will find reason enough why that Towne should be committed rather to Sir *John Hobam* by the Authority of both Houses of Parliament, then the to Earle of New-castle sent from his Maiesty, in that manner that he was, and for the power that Sir *John Hobam* hath from the Houses of Parliament, the better it is knowne and understood, we are confident the more it will be approved of, and iustified.

And as we doe not conceive that his Maiesty is

that Magazine removed, could give any example against him, to have it taken from him, and as no such thing is done, so we cannot conceive for what other reason any should counsell his Maiestie not to suffer it to be removed, upon the desire of both Houses of Parliame^t, except it be that they had an intention to make use of it against them,

We did not except against those that presented a Petition to his Maiesty at Yorke, for the continuation of the Magazine at Hull, in respect of their condition, or in respect of their number, because they were meane persons, or because they were few, but because they being but a few, and there being so many more in the Countie of as good quality as themselves (who have by their Petition to his Maiesty disavowed that Act of theirs) that they should take upon them the stile of all the Gentry and Inhabitants of that Countie, and under that title should presume to interpose their advice contrary to the Votes of both Houses of Parliament, and if it can be made to appeare that any of those Petitions that are said to have bin presented to the Houses of Parliament, and to have bin of a strange nature, were of such a nature as that, we are confident that they wete never received with our consent and approbation.

Whether there was an intention to deprive *Sir John Hobham* of his life, if his Maiestie had bin admitted into Hull, and whether the information were such, as that he had ground to believe it: we will not bring it into Question, for that was not, nor ought to have bin the ground for doing what he did, neither was the number of his Maiesties attendants for being more or fewer, much considerable in this case, for although it be true, that if his Maiesty had entred with twenty Horse onely, he might happily have found meanes for to have forced the entrance of the rest of his trayne, who being once in the Towne, would not have bin long without Armes, yet that was not the ground that *Sir John Hobham* was to proceed upon, but upon the admittance of the King into the Towne at all, so as to deliver up the Towne and Magazine unto him, and to whomsoever he should give the command thereof, without the consent & knowledge of both Houses of Parliament, by whom he was entrusted to the contrary, and his Maiesty having declared that to be his intention concerning the Towne, in a Message that he sent to the Parliament, not long before he went to Hull, saying that he did not doubt but that the towne should be delivered unto him, whensoever he pleased, as supposing it to be kept against him, and in the like manner concerning his Maiesty in his Message of the twenty fourth of Aprill, wherein it

it is expressed that his Majesty went thither with a purpose to take into his hand the Magazine, and to dispose of it in such manner as he should thinke fit: upon these termes Sir *John Hotham* could not have admitted his Majesty, and have made good his trust to the Parliament, though his Majesty would have entred alone without any attendance at all of his owne, or of the Prince or Duke his Sons, which we doe not wish to be lesse then they are in their number, but could heartily wish that they were generally better in their conditions.

In the close of this message his Majesty states the case of Hull, and thereupon inferreth that the Act of Sir *John Hotham* was leavying of war against the King, and consequently that it was no lesse then high Treason, by the Letter of the Statute of 25, E. 1. 3. Cap. 2. unlesse the sence of that statute be very far differing from the letter thereof.

In the Scating of this case, diverse particulars may be observed, wherein it is not rightly stated: as first, that his Majesties going to Hull, was onely an endeavour to visite a Towne and Fort of his, whereas it was indeede to possesse himselfe of the Towne and Magazine there, and to dispose of them as he himselfe should thinke good, without, and contrary to the advices and orders of both Houses of Parliament, as doth clearely appeare by his Majesties owne declaration, of his intentions therein, by his Messages to both Houses, immediately before and after that journey, nor can we believe that any man that shall consider the circumstances of that Journey to Hull, can thinke that his Majesty would have gone thither at that time, and in that posture, that hee was pleased to put himselfe in towards the Parliament, if he had intended onely a visite of the Towne and Magazine. Secondly, it is said to be his Majesties owne Towne, and Magazine, which being understood in that sence as was before expressed, as if his Majestie had a private interest of property therein, we cannot admit it to be so. Thirdly, which is the maine point of all, Sir *John Hotham* is said to shut the Gates against his Majesty, and to have made resistance with armed men, in defiance of his Majesty, whereas it was indeede in obedience to him, and his authority, and for his services and the service of the Kingdom, for which use onely all that interest is, that the King hath in the Towne, and it is no further his to dispose of, then he useth it for that end, and Sir *John Hotham* being commanded to keepe the Towne and Magazine for his Majesty and the Kingdom, and not to deliver them up, but by his Majesties authority, signified by both Houses of Parliament all that is to be understood by those expressions of his defiance

and opposing his Maiesties entrance, and telling him in plaine
tearmes he should not come in, was onely this, that hee humbly
desired his Majesty to forbear his entrance, till he might acquaint
the Parliament therewith, and that his Authority might come
signified to him by both Houses of Parliament, according to the
trust reposed in him, and certainly if the letter of the Statute
of 25. Ed. 3. cap. 2. be thought to import this, that no war can
be leavyed against the King, but what is directed and intended a-
gainst his person, or that every leavying of forces for the defence
of the Kings authority, and of his Kingdome, against the Perso-
nall commands of the King, opposed therunto, though accom-
panied with his presence, is leavying war against the King, it is ve-
ry far from the sence of that statute, and so much the statute it
selfe speakes (besides the authority of book cases, presidents of
diverse Traytors condemned upon that interpretation thereof)
for if the clause of leavying of war had bin meant onely against
the Kings Person, what need had there bin thereof, after the other
branch of Treason in the same statute of compassing the Kings
death, which would necessarily have implied this? and because
the former clause doth imply this, it seemes not at all to bee in-
tended in this latter branch, but onely the leavying of warre a-
gainst the King, that is, against his lawes and authority, and the
leavying of war against his lawes and authority, though not a-
gainst his person, is leavying war against the King; but the leavy-
ing of force against his personall commands, though accompa-
nied with his presence, and not against his Lawes and authority,
is no leavying of war against the King, but for him; here is then
our case; in a time of so many successive plots and designes of
force against the Parliament, and Kingdome, in a time of pro-
bable invasion from abroad, and that to begin at Hull, and to take
the opportunity of siezeing upon so great a Magazine there, in a
time of so great distance, and alienation of his Majesties affec-
tions from his Parliament, and in them for his Kingdome, which
they represent, by the wicked suggestions of a few malignant
Persons, by whose mischievous Counsels, he is wholly led away
from his Parliament, and their faithfull advices and Counsels, in
such a time the Lords and Commons in Parliament, command
Sir *Iohn Hotbam* to draw in some of the Trayned bands of the
parts adjacent to the Towne of Hull, for the securing that Town
and Magazine, for the service of his Majesty and the Kingdome,
of the safety whereof, there is a higher trust reposed in them, then
any where else, and they are the proper Iudges of the danger

This Town and Magazine being intrusted to Sir *John Hotbam*, with expresse Order not to deliver them up, but by the King His Authority, signified by both Houses of Parliament: His Majesty, contrary to the advice and direction of both Houses of Parliament, without the authority of any Court, or of any legall way, wherein the Law appoints the King to speak and command, accompanied with the same evill Councell about him that he had before, by a Verball Command requires Sir *John Hotbam* to admit him into the Town, that he might dispose of it, and of the Magazine there, according to His own, or rather, according to the pleasure of those evill Councillors who are still in so much Credit about Him, in like manner as the Lord *Digby* hath continuall Recourse unto, and Countenance from the Queens Majesty in *Holland*, by which means he hath opportunity still to communicate his Trayterous Suggestions and Conceptions to both Their Majesties, such as those were concerning His Majesties retiring to a place of Strength, and declaring Himself, and his own advancing of His Majesties Service in such a way beyond the Seas, and after that resorting to His Majesty in such a place of Strength, and divers other things of that nature, contained in his Letter to the Queens Majesty, and to Sir *Lewis Dives*, a person that had not the least part in this late businesse of *Hull*, and was presently dispatched away into *Holland* soon after His Majesties return from *Hull*, for what purpose, we leave the World to judge. Upon the refusall of Sir *John Hotbam* to admit His Majesty into *Hull*, presently, without any due Processe of Law, before His Majesty had sent up the Narration of his Fact to the Parliament, he was proclaimed Traytor, and yet is said that therein there was no violation of the Subjects Right, nor any breach of the Law, nor of the Priviledge of Parliament, though Sir *John Hotbam* be a Member of the House of Commons; And that His Majesty must have better Reason then bare Votes, to believe the contrary: Although the Votes of the Lords and Commons in Parliament, being the great Councell of the Kingdom, and the Reason of the King and Kingdome, yet those Votes do not want cleer and apparant reason for them; for it the solemn proclaiming a man a Traytor signifie any thing, it puts a man, and all those that any wayes ayd, assist, or adhere unto him, into the same condition of Traytors, and draws upon him all the Consequences of Treason: And if this may be done by Law, without due Processe of Law, the Subject hath a very poor defence of the Law, and a very small (if any) proportion of Liberty thereby; and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a Traytor to say he shall have a legall Tryall afterwards, as it is to condemn a man first, and try him afterwards: And if there can be a necessity for any such proclayming a man a Traytor without due Processe of Law, yet there was none in this

case, for His Majesty might have as well expected the judgement of Parliament (which was the right way, as He had leisure to send to them, to demand Justice against Sir *John Husbam.*) And the breach of Priviledge of Parliament is as cleer in this Case, as the subversion of the Subjects common Right; for though the Priviledge of Parliament do not extend to those cases mentioned in the declaration of Treason, Fellony, and breach of the peace, so as to exempt the Members of Parliament from punishment, nor from all manner of Proceffe and tryall, as it doth in other Cases; yet it doth priviledge them, in the way and method of their Tryall and punishment: And that the Parliament should have the Cause first brought before them, that they may iudge of the fact, and of the grounds of the Accusation, and how farre forth the manner of their Tryall may concern or not concern the Priviledge of Parliament; otherwise, it would be in the power, not only of His Majesty, but of every private man, under pretentions of Treasons, or those other crimes, to take any man from his service in Parliament, and so as many one after another as he pleaseth, and consequently to make a Parliament what he will when he will, which would be a breach of so Essentiall a Priviledge of Parliament, as that the very Being thereof depends upon it; and therefore we no wayes doubt, but every one that hath taken the Protestation, will, according to his solemne Vow and Oath, defend it with his Life and Fortunes: Neither doth the sitting of a Parliament suspend all or any Law, in maintaining that Law which upholds the priviledge of Parliament, which upholds the Parliament, which upholds the Kingdome: And we are so farre from believing that His Majesty is the onely person against whom Treason cannot be committed, that in some sense we acknowledge, He is the onely person against whom it can be committed, that is, as He is King; and that Treason which is against the Kingdome, is more against the King then that which is against His person because He is King; for that very Treason is not Treason, as it is against Him as a man, but as a man that is a King, and as He hath Relation to the Kingdome, and stands as a person intrusted with the Kingdome, and discharging that Trust. Now the Case is truly stated, and all the world may judge where the fault is, although we must avow, that there can be no comperent Judge of this, or any the like Case, but a *Parliament*: and we are as confident that his Majesty shall never have cause to resort to any other Court or Course for the vindication of his just Priviledges, and for the recovery and maintenance of his known and undoubted Rights, if there should be any invasion or violation thereof, than to his high Court of Parliament: and in case those wicked Counsellors about him shall drive him into any other course, from or against his Parliament (whatever are his Majesties expressions and intentions, we shall appeale to all mens consciences, and desire that they

would lay their hands upon their hearts, and think with themselves whether such persons as have of late, and still do resort to his Majesty, and have his Eare and Favor most, either have bin, or are more zealous assertors of the true Protestant profession (although we believe they are more earnest in the Protestant *Profession* than in the Protestant *Religion*) or of the Law of the Land, the Liberty of the Subject, and the Priviledges of the Parliament, then the Members of both Houses of Parliament, who are insinuated, to be the desertors, if not the destroyers of them; and whether if they could master this Parliament by force, they would not hold up the same power to deprive us of all Parliaments, which are the ground and pillar of the Subjects Liberty, and that which onely maketh *England* a free Monarchy. For the Order of Assistance to the Committees of both Houses, as they have no directions or instructions, but what have the Law for their limits, and the safety of the Land for their ends, so we doubt not but all persons mentioned in that Order, and all his Majesties good Subjects will yeeld obedience to his Majesties Authority signified therein by both Houses of Parliament: And that all men may the better know their duty in matters of that nature, and upon how sure a ground they go that follow the Judgement of Parliament for their guide, we wish them judiciously to consider the true meaning and ground of that Statute made in the 11 year of *H. 7. cap. 1.* which is printed at large in the end of his Majesties message of the 4 of *May*; This Statute provides, that none that shall attend upon the King, and do him true service shall be attainted, or forfeit any thing: What was the scope of this Statute? To provide, that men should not suffer as Traytors for serving the King in his Wars, according to the duty of their Allegiance. If this had been all, it had been a very needlesse and ridiculous Statute: Was it there intended (as they may seem to take the meaning of it to be, that caused it to be printed after his Majesties message) that they should be free from all crime and penalty, that should follow the King and serve him in Warre in any case whatsoever; whether it were for, or against the Kingdom, and the Laws thereof; that cannot be, For that could not stand with the duty of their Allegiance, which in the beginning of this Statute is expressed, to be to serve the King for the time being in his Warres, for the defence of him, and the Land: and therefore if it be against the Land (as it cannot be understood to be otherwise, if it be against the Parliament, the representative body of the Kingdom.) it is a declining from the duty of Allegiance, which this Statute supposeth may be done, though men should follow the Kings Person in the Warre, otherwise there had been no need of such a proviso in the end of this Statute, that none should take benefit thereby, that should decline from their Allegiance. That therefore which is the principle Verb in this Statute, is, the serving of the King for

the time being, which cannot be meant of a Perkin Warbeck, or any that should call himself King, but such a one, as what ever his title might prove, either in himself, or in his Ancestors, should be received and acknowledged for such by the Kingdom; the consent whereof cannot be discerned but by Parliament; the Act whereof, is the Act of the whole Kingdom, by the personall suffrage of the Peers, and the diligate consent of all the Commons of *England*, and *Henry 7.* a wise King, considering that what was the case of *Richard* the third, his Predecessors might by chance of battell be his own, and that he might at once by such a Statute as this, satisfie such as had served his Predecessors in the Warres, and also secure those that should serve him, who might otherwise fear to serve him in the Warres, least by chance of battell that might happen to him also, (if a Duke of *York* had set up a title against him) which had happened to his Predecessors. He procured this Statute to be made, That no man should be accounted a Traytor for serving the King in his Warres for the time being, that is, Which was for the present, allowed, and received by the Parliament, in behalf of the Kingdom; And as it is truly suggested in the Preamble of the Statute, it is not agreeable to reason or conscience, that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the Judgement of the highest Court should not be a rule and guide to them; and if the Judgement thereof should be followed where the question is who is King, much more, what is the best service of the King and Kingdom; And therefore, Those that shall guide themselves by the Judgement of Parliament ought, whatsoever happen, to be secure and free from all accompt and penalties, upon the grounds, and equity of this very Statute.

We shall conclude, That although those wicked Councillors about His Majesty have presumed under His Majesties Name, to put that dishonour and affront upon both Houses of Parliament, as to make them the countenancers of Treason, enough to have dissolved all the Bonds and Licences of confidence between His Majesty, and His Parliament, (of whom the Maxime of the Law is, that a dishonourable thing ought not to be imagined of them;) Yet we doubt not, but it shall in the end appear to all the world, That our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the Kings just Prerogatives, the Laws and liberties of the Land, and the priviledges of Parliament; In which endeavour, by the grace of God, we will still persist, Though we should perish in the Work, which if it should be, it is much to be feared, that Religion, Laws, Liberties, and Parliaments, would not be long lived after us.