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A Seasonable, Legall, and Historicall Vindication and Chronologicall Collection of the Good, Old, Fundamentall, Liberties, Franchises, Rights, Laws of All English Freemen

Prynne, William, 1600-1669

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A
SEASONABLE, LEGALL,
AND
HISTORICALL VINDICATION
AND

Chronologicall COLLECTION of the Good, Old, Fundamentall, Liberties, Franchises, Rights, Laws of all English Freemen (their best Inheritance, Birthright, security, against Arbitrary, Tyrannicall, and Egyptian Burdens) and of their strenuous Defence in all former Ages; of late years most dangerously undermined, and almost totally subverted, under the specious Disguise of their Defence and future Establishment, upon a Sure Basis, by their Pretended, Greatest Propugniers.

Wherein is

Irrefragably evinced by Parliamentary Records, Proofs, Presidents, That we have such Fundamentall Liberties, Franchises, Rights, Laws, That to attempt or effect the Subversion of all or any of them, (or of our Fundamentall Government) by Fraud or Force, is High Treason: The principall of them summed up in 9 Propositions: The chief printed Treatises asserting them, Specified: A Chronologicall History of our Ancestors zeal, vigilancy, courage, prudence, in gaining, regaining, enlarging, defending, oft confirming, and perpetuating them to posterity, by Great Charters, Statutes, New Confirmations, Excommunications, Speciall Conservators, Consultations, Petitions, Declarations, Remonstrances, Oaths, Protestations, Vows, Leagues, Covenants, and likewise by their Arms, when necessitated during all the Britons, Saxons, Danes, Normans and English Kings Reigns, till this present; collected for present and future publick benefit: With a Brief Touch of their late unparalleled Infringements and Subversions in every particular: The Triall of all Malefactors by their Peers, and Juries, justified, as the onely legal, best, most indifferent; and all other late arbitrary Judicatories, erected for their Triall, exploded; destructive both to our Fundamentall Laws and Liberties.

Collected, recommended to the whole English Nation, as the best Legacy, he can leave them.

By William Prynne of Swainswick, Esquire.

Psalme 11. 3. If the Foundations be destroyed, what can the righteous do?
Psalme 82. 5. They know not, neither will they understand, they walk on, &c.
Dan. 7. 24, 25, 26. And another shall arise after the Kings, &c.

London Printed for the Authour, and are to be sold by Edward Thomas in Green Arbour, 1654.

THE HISTORY OF THE
AND
HISTORICAL VINDICATION

The first part of this history is a description of the
state of the world in general, and of the
civilized nations in particular. It is divided
into three books. The first book contains
the history of the world from the beginning
to the present time. The second book
contains the history of the ancient world,
and the third book contains the history
of the modern world. The second part
of this history is a vindication of the
principles of the Christian religion, and
of the authority of the Church of Rome.
It is divided into two books. The first
book contains the history of the Christian
religion, and the second book contains
the history of the Church of Rome.

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the history of the Christian religion,
and the second book contains the
history of the Church of Rome.



A Seasonable, Historical, Legal,
VINDICATION,
AND
CHRONOLOGICAL COLLECTION

Of the good *Old Fundamental Liberties, Franchises, Rights, Laws, of all English Freemen; (their best Inheritance, Birth-right, Security, against Arbitrary Tyranny, Egyptian Slavery and Burdens) of late yeers most dangerously undermined, oppugned, and almost totally subverted, under the specious feigned Disguise of their Defence, Enlargement, and future Establishment upon a sure Basis.*



Tis an universal received Principle, and experimental Truth, beyond all contradiction, That no natural structure, no artificial Building, no Civil or Ecclesiastical Corporation, Realm, Reipublicke, Government, or Society of men; no Art nor Science whatsoever, can possibly be erected, supported, established, preserved, or continued in their being or well-being, without FOUNDATIONS; whereon as they were at first erected, so they must necessarily still

depend, or else they will presently fall to utter ruine.

Hence it is, (to wave all Humane Authorities in so clear a Verity) that in God's own sacred unerring (a) *Word of Truth*, we find frequent mention of the natural (b) *FOUNDATIONS* of the vast natural Fabrick of the Earth, Heavens, and World it self; of the Artificial Material (c) *FOUNDATIONS* of the material Temple, walls, City; of Gods own most famous city *Jerusalem*; and of private houses: of the Spiritual (d) *FOUNDATION* of the Spiritual Temple, City *Jerusalem*, and whole Church of God; even *Jesus Christ* himself: of the Doctrinal (e) *FOUNDATIONS*, and first Principles of Religion, Christianity, Salvation: yea, of the Political (f) *FOUNDATIONS* of Kingdoms, Reipublickes, Churches, Governments, States: which being once shaken, undermined, subverted, razed, or destroyed, bring unavoidable ruine and desolation upon them, (*Psal. 111. 3. Psal. 82. 5, 6. Jer. 50. 17. & 51. 15, 16. Mic. 1. 6, 7, 9.*) even as we daily see Castles, Walls, Houses, to fall instantly to the ground, and become an heap of Confusion, when their Foundations are blown up, decayed, or demolished.

Upon which consideration, those *Publike Laws*, which establish, fence, fortifie, support the *Fundamental Constitutions, Rights, Liberties, Priviledges*, of any Nation, Kingdom, Reipublicke, (essential to their being and subsistence, as a free or happie people, against the Invasions, Underminings, Encroachments, of any Tyrants, & surpers, Oppressors, or publike Enemies, are usually stiled *FUNDAMENTAL LAWS*; and have ever been reputed so sacred, inviolable, immutable, in all ages, upon any Pretences of Necessity, or *Publike Safety*, that most Nations, and our own English Ancestors, above others, have freely chosen to hazard, yea lose their Estates, Lives, in their just defence, against such exorbitant Tyrannical Kings, and other Powers, who by force or policie have endeavoured to violate, alter, or subvert them, rather then out of Cowardize, Sottishness, Carelessness, or want of cordial love to the Publike, to suffer the least infringement, repeal, or alteration of them, to the intrhalling of Themselves, or their Posterities, to the arbitrary

rary Wills of such Domineering Tyrants, and Usurping Powers.

Now because, after all our Old and New (many yeers) bloody, costly, dangerous Comests and Wars, for the maintenance of our Good Old Fundamental Liberties, Laws, Rights, Priviledges, against all secret or open underminers of them, I clearly behold, with grief of heart, that there is a strange monstrous Generation of New TYRANNICAL STATE-HERETICKS sprung up among us; who are grown so desperately impudent, as not onely to write, but publickly to assert in Print, (in (a) Books printed by AUTHORITY, even in Capitals in the very Title-page) That the Free-men and People of England have no such unalterable Fundamental Laws and Liberties left them by their forefathers, (as our Ancestors heretofore contested for, both in the Field and Parliament-House, with William the Conqueror, Henry the first, King John, Henry the third, Edward 1, 2, 3, Richard the second, with other Kings and Princes; and our late Parliaments and Armies too, with King James, and King Charles.) That neither Magna Charta, nor the Petition of Right, nor the Laws for trying malefactors by Juries of their peers, are Fundamental, or unalterable; but that the STATE-PHYSITIANs (or rather Mountebanks) of our time, (who are not tied up to them, but left free unto themselves) may lay them quite aside, either in part or whole, as they see cause: Yea, (having now attained to such a super-transcendent Authority, as) may (as they assert) LAY ASIDE ALL PARLIAMENTS and PARLIAMENTARY WAYS, and appoint SOMETHING ELSE, as more seasonable and proper to us, and as Providence makes way for it, if they see it more conducing to the safety and good of the Commonwealth, (that is, to their own private Interests, Honours, Profits, Securities, Designs, Oppressions, Rapines, gilded over with this specious pretext.) And then peremptorily conclude, That to plead for these and other Fundamental Laws and Liberties, as unalterable, (though the onely Bulwarks and Badges of our Freedom) is nothing else but to enslave the Nation: for by such a Principle, People do not onely lose their

(a) Lill. tryed and cast, p. 39, 40, 142, to 148. 154. J. Canne's Voice from the Temple, which perswades the subversion and abolishing of all former Laws, especially for Tythes & Ministers support.

Liberty, but are brought under such a kinde of Tyranny, out of which (*AS BEING WORSE THEN THE ÆGYPTIAN BONDAGE*) there is no hope of deliverance. An absurd Tyrannical Paradox, transcending any I ever yet met with in any Author; stripping us naked of all our long-enjoyed Laws, Liberties, Franchises, Great Charters, at once; tending onely to reduce, and perpetually inthral us under such an absolute ÆGYPTIAN BONDAGE and Tyranny, without any hope of future deliverance from it, which some now endeavour to entail on us and our posterities for ever, by an *Iron Law*, and *Yoke of Steel*, in stead of restoring to us that *Glorious Freedom*, which we have so long expected from them in vain.

And because I finde the Generality of the *Nobility, Gentry, Clergie, Commonalty*, of our Nation, after all their late yeers *expensive bloody wars*, and *Parliamentary Disputes*, for the defence and preservation of these our Ancient Hereditary Fundamental Charters, Laws, Liberties, Privileges, so strangely degenerated both from themselves, and their *Heroick, prudent Ancestors*, as that they are more readily inclined, upon every occasion, out of a base, un-Christian, unmanly, un-English fear, or sottish cowardice and stupidity, wittingly to desert, betray, surrender them all up into the hands of any *invading Usurpers*, without the least Publike Claim, Dissertation, Defence, or Dispute; then diligently or courageously to contend for them, as of late they did: So as that which *Paul* once taxed in the slavish besotted *Corinthians*, 2 Epist. 11. 20. may be most truly averred of our *degenerated, insatuated, English Nation*: *Ye suffer if a man bring you into bondage, if a man devour you, if a man take of you, if a man exalt himself, (above your Laws, Liberties, Franchises, Parliaments, Kings, Nobles, Properties, Lives, Consciences, and (a) all that is called God, or worshipped) if a man smite you on the face; notwithstanding all their manifold late (b) Protestations, Vows, Covenants, Remonstrances, Declarations, and Publike Engagements, to the contrary. And withal, after diligent enquiry, discovering scarce one man of Eminencie or Power* in

(a) 2 Theſ. 2. 4.

(b) See Exact Collect. and a general Collect. of all Ordinances, &c.

in the Nation, nor so much as one of *my degenerated temporizing* Profession of the Law, (even when the *(c)* whole Body of our Laws, and all its Professors, are violently assaulted, and devoted unto sudden ruine, by many lawless spirits) who hath so much Courage, Magnanimity, Honesty, Zeal, or cordial Love to his native Country, remaining in his breast, as manfully to appear in Publike, for the strenuous necessary defence of these our Hereditary, Fundamental Laws, Liberties, Rights, Franchises, (though their own, and every other English Freeman's best Inheritance and Security) for fear of being persecuted, imprisoned, close imprisoned, exiled, condemned, destroyed, as a Traytor, Rebel, Seditious person, Enemy to the Publike, or disturber of the Kingdoms Peace, by those who are truly such: I thereupon conceived, I could not undertake or perform a more necessary, seasonable, beneficial Service for my Country, (and not to be like those, who are ashamed, afraid, for the most part, to own, visit, or be seen in the company of those Gallant men, much less to assist, defend, and stick close unto them in their dangers, according to the sixth Article of their late Solemn League and Covenant, who have suffered, acted, and stood up most for their Common Liberties, Rights, Freedoms, Religion, against all invading Tyrants, to their great discouragement and betraying) nor pitch upon any Subject more proper for me, either as a common Lawyer, or as a constant Advocate and Sufferer for the Publike Cause, and Liberties of the Nation, as well under our late extravagant Free-State, as former Regal and Episcopal arbitrary Tyranny, then in this juncture of our publike affairs, to present our whole distracted unsettled Kingdom with *An Historical and Legal Vindication, and Chronological Collection*, in all Ages, of these Ancient Hereditary Liberties, Franchises, Rights, Contests, Laws, Charters, Records, Monuments of former and late times, for their Confirmation, and inviolable Observation, which our Ancestors and our Selves have always hitherto reputed FUNDAMENTAL, UNALTERABLE, INVIOABLE, upon any pretext; and have most eagerly contended for, with the prodigal expence of many

(c) See Culpeper's & Lilly's Merlins & Almanacks, John Can's 2 Voice, Lib. tried and cast; with many Petitions and Pamphlets against the Law and Lawyers. The Order of Aug. 19. 1653. That there should be a Committee selected to consider of A NEW BODY of the Law, for the government of this Commonwealth.

millions of Treasure, and whole oceans of gallant Christian English blood.

And if, upon the serious perusal of them, the *universality* of our *degenerated Nation*, after their many late solemn *Protestations, Vows, Leagues, Covenants, Remonstrances*, inviolably to defend and maintain them, shall still so *undervalue* them now at last, (as *most* actually have done) as not to esteem them worth the *owning, maintaining, vindicating, or perpetuating* any longer; and thereby draw upon their heads the *real guilt* of all those *bloody Wars, Murders, Tumults, Violencies, Rapines, Oppressions, Sins, Mischiefs, Illegal Taxes, Excises, Exorbitancies*, which their many late yeers pretended *Necessary Defence and Preservation* have brought upon our three whole Nations; let them henceforth, like so many dastardly *conquered Bondslaves*, bored thorow the ears, publicly disavow, disclaim, renounce, abjure them, for themselves and their *Posterities* for ever, as meer *worthless toys, or pernicious inventions*, fit onely to kindle perpetual Wars and *Discords* between King and People, Head and Members, *Superiours and Inferiours*; or, as poor *slender Cobwebs*, (as now they prove) fit to hold none within compass but the very *weakest flies*; broken thorow with *ease and impunity* by every *greater fly*, creeping up into any *Power or Supreme Authority*, by *Right or Wrong*; and swept down to the *very ground*, by every *New Broom* in the hand of *upstart Innovators*.

But if, upon saddest deliberation, they shall really estimate them to be such *incomparable, rich, precious jewels, and ancient inheritances*, as are every way worth the infinite *Treasures, Wars, Blood, Cares, Consultations, Troubles*, heretofore and of late yeers expended, both to gain, retain, confirm, and perpetuate them, to them and their *posterities* for ever, as their principal *earthly Security and Feasitude*; I hope they will all then unanimously henceforth conclude with the *Poet*,

Non minor est virtus quam quarere, PARTA TUERI:
and both by their *Votes, and Actions*, return the self-same *peremptory magnanimous answer* to any *Cesar, Conqueror,*
Poter-

Potentate, Power, or Combination of men whatsoever, (who shall endeavour by force, fraud, or flattery, to compel or persuade them, to sell, resigne, betray, or give up these their *Ancestral Priviledges, Inheritances, Birth-rights,* to them) as *Naboth* once did to *King Ahab*, 1 *King. 21. 3.* *The Lord forbid it us, that we should give* (sell, or betray) the **INHERITANCE OF OUR FATHERS** (and our Posterities likewise) unto thee, or you; though they should suffer for this Answer and refusal, as much as *Naboth* did from bloody *Ahab* and *Jezebel*.

But whatever *lowe price* or *estimate* this *spurious, stupid, sordid, slavish Age* may set upon these *richest Pearls*; yet for my own particular, upon serious consideration of these *Chronological Collections*, and the *Solemn Oathes, Protestations, Vows, League and Covenant*, obliging me to defend them to the uttermost; I value the whole *Nations publike*, and *my own* (with my *cordial friends*) *private interest* in them, at so *high a rate*, that I would rather *cheerfully part with ten thousand lives, and all the treasures of the Nation*, were I owner of them, then wittingly, negligently, or unworthily sell, betray, or resigne them up to any *Mortals* or *Powers* whatsoever, upon any *Pretences* or *Conditions*, after all my former *Publications, Contest, Sufferings, &c.* for their *just Defence*.

Now to the end all others might now take special notice of the inestimable value our Ancestors in all Ages have set upon them, and what successive Wars, Conflicts, they have cheerfully undertaken for their preservation; I have, at *vacant hours* compiled this ensuing *Vindication and Collection* of the *Old Fundamental Liberties, Franchises, Laws* of all *English Free-men*, which I shall bequeath to my most *beloved native Country* in general, and every real *Heroick Patron* of them in particular, as the *best Legacie* I can leave behinde me, both for their *present and future Enfranchisement, Immunity, Security* from all *Arbitrary tyranny, Slavery, and yokes of Bondage*, under which they have a long time *languished, and lamented*, in the *bitterness* of their *sprits*.

The Method I resolve herein to pursue, is this :

1. I shall produce some punctual *Authorities* of moment, to evidence, *That the Kingdom and Free-men of England have some ancient Hereditary just Rights, Liberties, Priviledges, Franchises, Laws and Customs, properly called FUNDAMENTAL ; and likewise a FUNDAMENTAL Government, no ways to be altered, undermined, subverted, directly or indirectly, to the Publike prejudice, under pain of high-Treason in those who shall attempt it, especially by fraud, force, or armed power.*

2. I shall in brief *Propositions* present you with the chiefest and most considerable of them, which our Ancestors in former ages, and our latest real Parliaments have resolved to be, and eagerly contended for, as FUNDAMENTAL, essential to their being and well-being, as a Free People, Kingdom, Reipublicke, unwilling to be enslaved under any Yokes of Tyranny, any Arbitrary *Impositions* or *Powers* whatsoever. And then give you a brief Touch of their several late *unparallel'd violations*, both by the *Edicts* and *Actions* of *usurping Powers*.

3. I shall in a *Chronological* way tender you a large *Historical Catalogue* of *Contests, Votes, Declarations, Remonstrances, Oathes, Vows, Protestations, Covenants, Engagements, Evidences, Statutes, Charters, Writs, Records, Judgements, and Authorities*, in all ages, undeniably evidencing, declaring, vindicating, establishing, perpetuating these *Fundamental Hereditary Rights, Liberties, Priviledges, Franchises, Customs, Laws*, and abundantly manifesting the extraordinary *care, industry, zeal, courage, wisdom, vigilancy* of our *Ancestors*, to defend, preserve, and perpetuate them to posterity, without the least *violation* or *diminution*.

4. I shall vindicate the *excellencie, indifferencie, and legality* of trying all *Malefactors* whatsoever by *Juries* of their *peers*, upon *legal Process* and *Indictments*; and manifest the *illegality, injustice, partiality, dangerous consequences*, of admitting or introducing any other form of *Trials*, by *New, Arbitrary, Martial Commissions, or Courts of High Justice*, (or rather ** Injustice*) inconsistent with, and destructive to the

* Summum jus, est summa injuria. Cic. de Officiis, p. 611.

Fundamental Rights, Liberties, Priviledges, Laws, Franchises of the English Nation, and of molt dangerous President to Posterity; being set up by the greatest Pretenders to Publike Liberty, Law, and the chiefest inveighers against Arbitrary Regal Tyranny and Power, which never publike-ly established them by any Law, and may fall to imitate them in future Ages.

Each of these I intend to prosecute in distinct Chapters in their order.

For the first of these: *That the Kingdom and Free-men of England, have some Ancient Hereditary Rights, Liberties, Priviledges, Franchises, Laws and Customs, properly called FUNDAMENTAL; and likewise a FUNDAMENTAL GOVERNMENT, no ways to be altered, undermined, subverted, directly or indirectly, under pain of High-treason in those who shall attempt it, especially by fraud, force, or armed power.*

I shall confirm the first part of it, by these ensuing punctual Authorities of moment, against those (a) *traytorous* late-published Pamphlets, which professedly deny it, and endeavour a total abrogation of all former Laws, to set up a *New Model and Body of the Law, to rule us for the future, according to their Pleasures.*

The first is, the exprefs words of the *Great Charters of the Liberties of England*, granted by (b) *King John*, Anno 1215. in the 17 yeer of his Reign; regranted and confirmed by *King Henry the third*, in the ninth yeer of his Reign, and sundry times afterwards; and by *King Edward the first*, in the 25 and 28 yeers of his Reign: wherein these three Kings successively, by their several *Grand Charters* under their *Great Seals*, did grant, give, and confirm, to all the *Free-men of the Realm of England*, FOR THEMSELVES AND THEIR HEIRS FOR EVER; the *Customs, Liberties* therein contained; TO HAVE AND TO HOLD THEM, TO THEM AND THEIR HEIRS, FROM THEM AND THEIR HEIRS FOR EVER. Concluding their Charters thus: *All these Customs and Liberties aforesaid, which we have granted to be holden within this our Realm, as much as appertaineth TO US AND OUR*

I.

(a) *Lill. tryed and cast, p. 39, 40, 142. to 148 and elsewhere.*
John Canne's
2 *Voice from the Temple.*

John Rogers
Mene, Tchel,
Perez, p. 6.
Lilly and Culpeper in their prognostications Anno 1653. & 1654. See the *Arms Proposals.*

(b) See *Matth. Paris, p. 216. & Magna Chart. 9. 11. 3 H. 3. c. 1. & 38. 25 E. 1. c. 1. & c. 28 E. 1. c. 1. & c. Cook's 2 Instit. p. 277.*

HEIRS, WE SHALL OBSERVE. *And ALL MEN OF THIS OUR REALM, AS WELL SPIRITUAL AS TEMPORAL, (as much as in them is) shall observe the same against all persons in like wise. And we have granted unto them, THAT NEITHER WE NOR OUR HEIRS SHALL PROCURE OR DO ANY THING WHEREBY THE LIBERTIES IN THESE CHARTERS CONTAINED, SHALL BE INFRINGED OR BROKEN. We ratifying and approving these Gifts and Grants aforesaid, CONFIRM and CORROBORATE ALL THE SAME, FOR US AND OUR HEIRS PERPETUALLY: and by these Presents (as the later Charters run) do renew the same. Willing and granting, FOR US AND OUR HEIRS, THAT THESE CHARTERS, AND ALL AND SINGULAR THEIR ARTICLES, FOR EVER SHALL BE STEDFASTLY, FIRMLY, AND INVIOLABLY OBSERVED.*

Sir Edward Cook, (that reverend learned Judge and Professor of our Laws) in his Preface to his *second Institutes*, and p. 2. and 77. thereof, wherein he comments on this *Great Charter*, (printed by two Orders of the House of Commons in Parliament, dated 12 *Mai* 1641, and 30 *Junii* 1642.) resolves in direct terms, *That the Great Charter was for the most part declaratory of the Principal Grounds of THE FUNDAMENTAL LAWS OF ENGLAND: That these words therein, [for us and our heirs for ever] were added, to avoid all scruples; THAT THIS GREAT PARLIAMENTARY CHARTER MIGHT LIVE AND TAKE EFFECT IN ALL SUCCESSIONS OF AGES FOR EVER.* A clear Resolution, that the principal Liberties, Customs, Laws, contained in these *Great Charters*, and ratified by them, are both *Fundamental, per, etual,* and *unalterable*; being since confirmed in all points by near forty several *special Acts* of Parliament in succeeding Parliaments: and likewise by the *Solemn Oathes* of our *Kings, Nobles, Judges, Great Officers*, and of the *People* too, (all several times sworn to defend and maintain the same) and by sundry *Solemn Excommunications* against the *infringers or contemners* of

of them in any kinde; as I shall prove more fully in the third Chapter.

The second is, the punctual Resolution of the whole Parliament of 1 *Jacobi*, even in a Printed Act of Parliament, chap. 2. and of King *James* himself, in his Speech therein, as is evident by this Prologue to that Act: *Whereas his most excellent Majestie hath been pleased, out of his great wisdom and judgement, not onely to represent unto us, by his own prudent and Princely Speech on the first day of this Parliament, how much he desired (in regard of his inward and gracious affection to both the famous and ancient Realms of England and Scotland, now united in Allegiance, and by all subjection IN HIS ROYAL PERSON, TO HIS MAJESTY AND HIS POSTERITY FOR EVER) that by a speedy, mature, and sound Deliberation, such a future Union might follow, as should make perfect that mutual love, and uniformity of Maners and Customs, which Almighty God in his providence, for the strength and safety of both Realms, hath so far already begun, in apparent sight of all the world; but also hath vouchsafed to express many ways, how far it is, and EVER SHALL BE, from his Royal and sincere care and affection to the Subjects of England, TO ALTER OR INNOVATE THE FUNDAMENTAL AND ANCIENT LAWS, PRIVILEDGES, & GOOD CUSTOMS OF THIS KINGDOM; whereby not onely HIS ROYAL AUTHORITY, but THE PEOPLES SECURITY OF LANDS, LIVINGS, and PRIVILEDGES (both in General and Particular) ARE PRESERVED AND MAINTAINED; and, BY THE ABOLISHING OR ALTERATION OF THE WHICH, IT IS IMPOSSIBLE BUT THAT PRESENT CONFUSION WILL FALL UPON THE WHOLE STATE AND FRAME OF THIS KINGDOM, &c.* In which memorable Clause, these four things are observable 1. That the Kingdom and People of *England* have Fundamental ancient good Laws, Priviledges, and Customs. 2. That these are no ways to be altered or innovated; and that it always hath been, is, and ever shall be, far from the thoughts and intents of all good Kings, Governours, and Parliaments,

2.

Nota.

who bear a sincere care and affection to the Subjects of England, to alter or innovate them. 3. That by these ancient good Law, Priviledges, and Customs, not onely the Kings Regal authority, but the Peoples Security of Lands, Livings, and Priviledges, (both in general and particular) are preserved and maintained. 4. That by the abolishing or altering of them, *it is impossible*, but that present confusion will fall upon the whole State and frame of this Kingdom. Which I with all *Innovators* and *New Modellers* of *our Time* would now at last lay seriously to heart, and the whole Kingdom an *English Nation* sadly consider, who have found it an *Experimental truth* of late yeers, and no imaginary feigned *Seculation*.

3. The third is, The Remonstrance of the whole House of Commons in Parliament, delivered in writing to K. James, in the Parliament of 7 Jac. anno 1610. which begins thus,

To the Kings most Excellent Majesty.

Most gracious Sovereign,

See Prop. I. & 6. in chap. 2.

Whereas we your Majesties most humble Subjects, the Commons assembled in Parliament, have received, first by Message, and since by Speech, from your Majestie, a Command of restraint, from debating in Parliament your Majesties Right of imposing upon your subjects goods exported out of, or imported into this Realm, yet allowing us to examine the grievance of these Impositions, in regard of quantity, time, and other circumstances of disproportion thereto incident: We your said humble Subjects nothing doubting but that your Majestie had no intent by that command, to infringe

THE ANCIENT AND FUNDAMENTAL RIGHTS OF THE LIBERTY OF PARLIAMENT, in point of exact discussing of all matters concerning them and their Possessions, Goods, and Rights whatsoever; which yet we cannot but conceive to be done in effect by this command, Do with all humble duty make this Remonstrance to your Majestie.

First, We hold it an AN ANCIENT, GENERAL, and UNDOUBTED RIGHT OF PARLIAMENT, to debate freely

freely all matters which do properly concern the Subject, and his Right or Estate: which freedom of debate being once fore-closed, **THE ESSENCE OF THE LIBERTY OF PARLIAMENT IS WITHAL DISSOLVED.** *Nota.*

Here the whole House of *Commons*, in a *special Remonstrance to King James*, (printed and published by Order of a *Committee of the House of Commons for licensing of book*, dated 20 *May*, 1641. 17 *Caroli*) declare, resolve, vindicate, and maintain, One principal, ancient, Fundamental, general, undoubted Right of the Liberty of Parliament, against the Kings intrenchment on it: *Of which should they be but once fore-closed, the Essence of the Liberty of Parliament is withal dissolved.*

And peradventure it may not be unworthy the most serious Disquisition of the next ensuing nominal or real *Parliament*, to examine, whether some *Clauses and Restrictions* in the 9, 12, 14, 16, 17, 21, 22, 24, 25, 27, 30, 32, 33, 36, 37, 38, 39, 40 *Articles* (or *Strings*) of the *New Instrument*, intituled, *The Government of the Commonwealth of England, Scotland, and Ireland, and the Dominions therunto belonging*; as it was publicly declared at *Westminster* the 16 day of *December*, 1653. &c. do not as much, nay far more intrench upon the ancient, Fundamental, General, undoubted Right and Liberty of *Parliament*, and *Parliamentary free Debates*, to the dissolution of the *Essential Liberty of all future Parliaments*, as this *Command of King James* did, or as the *Bishops late Canons* imposed on the *Clergie* in and by the *Convocation*, *Anno 1640.* ever did; and this *Clause* in their &c. *Oath* then made, (now imitated by others, who condemned it:) *I A. B. do swear, that I will never give my consent to ALTER THE GOVERNMENT OF THIS CHURCH BY ARCH-BISHOPS, BISHOPS, DEANS, AND ARCH-DEACONS, &c. AS IT STANDS NOW ESTABLISHED, AND AS BY RIGHT IT OUGHT TO STAND: * Resolved by the whole house of Commons, and Peers too, without one dissenting voice, in Parliament, Decemb. 1640. to be a most dan-*

See Cant. Doom, p. 19, 26. 40. Diurn. Occurrences, p. 131.

dangerous and illegal Oath, contrary to THE RIGHTS and PRIVILEGES OF PARLIAMENT, and to the FUNDAMENTAL LAWS & STATUTES OF THE REALM, &c. and OF DANGEROUS CONSEQUENCE. The contriving whereof was objected to the late Arch-bishop of Canterbury, in his Original and Additional Articles of Impeachment, to be HIGH TREASON; for which, amongst other things, he lost his head.

4. The fourth is, the notable Petition of Grievance of the whole House of Commons in Parliament, presented to King James in the seventh year of his Reign, after their Vote against his right to lay any Impositions on Goods imported or exported, without assent of Parliament; in these ensuing words.

See Propos. 1. in chap. 2.

THE Policie and Constitution of this your Majesties Kingdom, appropriates unto the Kings of this Realm, with assent of Parliament, as well the Sovereign power of making Laws, as that of taxing or imposing upon the Subjects Goods or Merchandizes, wherein they have justly such a Property, as may not without their consent be altered or changed: this is the cause, that the People of this Kingdom, as they have * ever shewed themselves faithful and loving to their Kings, and ready to aid them in all their just occasions, with voluntary Contributions: SO HAVE THEY BEEN * EVER CAREFUL TO PRESERVE THEIR OWN LIBERTIES AND RIGHTS, WHEN ANY THING HATH BEEN DONE TO PREJUDICE OR IMPEACH THE SAME.

And therefore when their Princes, either occasioned by War, or by their own bounty, or by any other Necessity, have without consent of Parliament set on Impositions, either within the Land, or upon Commodities exported or imported by the Merchants, they have in open Parliament complained of it, in that it was done without their consents; AND THEREUPON * NEVER FAILED TO OBTAIN A SPEEDY AND FULL RE-exercise such a DRESS, without any † Claims made by the Kings, of any super-Regal or arbitrary power & prerogative in that point. And though THE LAW OF PROPERTY BE ORIGINAL, and carefully

* O how are they now degenerated!

Nota. And should they not be so now, then?

* And shall we now at last fail herein?

† How dare then any self created powers, who are neither Kings nor Parliament's now arrogate to themselves, or super-Regal or arbitrary power & prerogative?

preserved by the Common Lawes of this Realm, WHICH ARE AS ANCIEN AS THE KINGDOM IT SELF; yet these famous Kings, for the better contentment and assurance of their loving Subjects, agreed, THAT THIS OLD FUNDAMENTAL RIGHT (observe the words) should be further declared, AND ESTABLISHED BY ACT OF PARLIAMENT, wherein it is provided, That no such Charge should ever be laid upon the People without their Common consents, as may appear by sundry Records of former times.

We therefore your Majesties most humble Commons assembled in Parliament, * FOLLOWING THE EXAMPLE OF THIS WORTHY CARE OF OUR ANCESTORS, AND OUT OF OUR DUTY TO THOSE FOR WHOM WE SERVE, finding that your Majesty, without advice of your Lords and Commons, hath lately (in times of Peace) SET BOTH GREATER IMPOSITIONS, AND FAR MORE IN NUMBER THEN ANY YOUR NOBLE ANCESTORS DID EVER IN TIME OF WAR, do with all humility present this most just and necessary Petition unto your Majesty, THAT ALL IMPOSITIONS SET WITHOUT ASSENT IN PARLIAMENT, MAY BE QUITE ABOLISHED AND TAKEN AWAY. And that your Majesty likewise in imitation of your Royal PROGENITORS, will be pleased, that a Law in your time, and during this Session of Parliament, may be also made, to declare, THAT ALL IMPOSITIONS OF ANY KIND SET, OR TO BE SET UPON YOUR PEOPLE, THEIR GOODS OR MERCHANDIZES, SAVE ONLY BY COMMON CONSENT IN PARLIAMENT, ARE AND SHALL BE VOID; wherein your Majesty shall not only GIVE YOUR SUBJECTS GREAT SATISFACTION IN POINT OF THEIR RIGHT; but also bring exceeding joy and comfort to them who now suffer, partly through the abating of the price of Native Commodities, and partly through the raising of all Forraign, to the overtrow of Merchants, and Shipping, the causing of general decay, and decay of all wealth among your people, who

Nota.

* And O that we would follow it now again!

will

will be thereby no less discouraged, then disabled to supply your Majesty when occasion shall require.

In which memorable Petition, the whole House of Commons resolve in direct terms: 1. That the Subjects of England have old original Fundamental Rights, (and more particularly in the Property of their goods, exempted from all Impositions whatsoever in times of Peace or War, without their common consent in Parliament) declared and established both by the ancient Common Law of England, and sundry Acts of Parliament, and Records of former times. 2. They declare, the constant vigilant care, zeal of our Ancestors and former Parliaments in all Ages, inviolably to maintain, defend, preserve the same against all encroachments, together with their own care, duty and vigilancy in this kind in that very Parliament. 3. They relate the readiness of our Kings to ratifie these their Fundamental Rights by new Acts of Parliament, when they have been violated in any kinde. 4. They declare the benefit accruing both to Prince and People, by the inviolable preservation and establishment of this old Fundamental Right, and the mischiefs accruing to both by the infringement thereof, by arbitrary illegal Impositions, without full consent in Parliament. 5. They earnestly (in point of conscience, prudence, and duty to those for whom they served) Petition his Majesty, for a new Law and Declaration against all new Impositions and Taxes on Inland Goods, or Merchandizes imported or exported without the Peoples free consent in Parliament, as null, void, utterly to be abolished and taken away. Whether it will not be absolutely necessary for the whole English Nation, and the next ensuing Notional, or real Parliament to Prosecute, Enact, Establish such a Declaration and Law against all such future arbitrary, illegal, oppressive Taxes, Impositions, Excises, that have been imposed and continued for many years together on the whole Kingdom, by new extravagant, self-created, usurping Army-Officers, and other Powers, without free and full consent of the People in lawful English Parliaments, against all former Laws, Declarations, and Resolutions in Parliament,

ment, to their great oppression, enslaving, undoing, and that in far greater proportions, multiplicity, and variety, then ever in former Ages, without the least intermission; and likewise against their late declared design, to perpetuate them on our exhausted Nation, without alteration or diminution, (beyond and against all Presidents of former Ages) both in times of Peace and War for the future, by the 27, 28, 39, 30, 39. Articles of the Instrument entituled, *The Government of the Commonwealth of England, &c.* I remit to their most serious considerations to determine, if ever they resolve to be English Freemen again, or to imitate the wisdom, prudence, zeal, courage, and laudable examples of their worthy Ancestors, from which they cannot now degenerate without the greatest Infamy, and enslaving of themselves with their Posterities for ever, to the arbitrary wills of present or future Usurpers on their Fundamental Rights and Liberties, in an higher degree then ever in any precedent Ages, under the Greatest Conquerors or Kings, after all their late, costly, bloody Wars for their Defence against the Beheaded King.

The fifth is, *A learned and necessary Argument made in the Commons House of Parliament, Anno 7. Jacobi, to prove, That each Subject hath a Propriety in his Goods; shewing also, the extent of the Kings Prerogative in Impositions upon the Goods of Merchants exported or imported, &c.* By a late learned Judge of this Kingdom, printed at London by Richard Bishop, 1641. and Ordered to be published in Print, at a Committee appointed by the Honourable House of Commons, for examination and Licensing of Books. 20. Maii, 1641. In which Parliamentary Argument, p. 8, 11, 16. I finde these direct Passages: *That the New Impositions contained in the Book of Rates, imposed on Merchandizes, imported and exported by the Kings Prerogative, and Letters Patents, without consent in Parliament, is against THE NATURAL FRAME AND CONSTITUTION OF THE POLICY OF THIS KINGDOME, which is Jus Publicum Regni, AND SO SUBVERTETH THE FUNDAMENTAL LAW OF THE REALM, and introduceth a*

new form of State and Government: Can any man give me a reason, why the King can only in Parliament make Lawes? No man ever read any Law, whereby it was so ordained; and yet no man ever read, that any King practised the contrary; therefore IT IS THE ORIGINAL RIGHT OF THE KINGDOM, AND THE VERY NATURAL CONSTITUTION OF OUR STATE AND POLICY, being one of the highest Rights of Sovereign Power. If the King alone out of Parliament may impose, * HE ALTERETH THE LAW OF ENGLAND IN ONE OF THESE TWO MAIN FUNDAMENTAL POINTS; He must either take the Subjects Goods from them, without assent of the Party, which is against the Law, or else he must give his own Letters Patents the force of a Law, to alter the property of the Subjects Goods, which is also against the Law.

* And do not those do so, who no way monthly Taxes, Excises, Customs, and New-Imposts on us daily out of Parliament, and that for many months and years yet to come, against the Letter of their own Instrument and Oath too?

In this and sundry other Arguments, (touching the Right of Impositions) in the Commons House of Parliament by the Members of it, arguing against them, it was frequently averred, and at last voted and resolved by the House, 7. Jacobi. That such Impositions without consent in Parliament, were AGAINST THE ORIGINAL FUNDAMENTAL LAWS AND PROPERTY OF THE SUBJECT, and Original Right, Frame, and Constitution of the Kingdom; as the Notes and Journals of that Parliament evidence: An express Parliamentary resolution in point, for what I here assert.

6. The sixth is, A Conference desired by the Lords, and had by a Committee of both Houses, concerning the Rights and Privilege of the Subject, 3. Aprilis. 4. Caroli, 1628. entred in the Parliament Journal of 4. Caroli, and since printed at London, 1642. In the Introduction to which Conference, Sir Dudley Diggs, by the Commons House Order, used these expressions: My good Lords, whilst we the Commons, out of our good affections, were seeking for money, we found, I cannot say a Book of the Law, but many A FUNDAMENTAL POINT THEREOF NEGLECTED AND BROKEN, which hath occasioned our desire of

of this Conference: Wherein I am first commanded to shew unto your Lordships in general, That the Laws of England are grounded on Reason more antient then Books; consisting much in unwritten Customs, yet so full of Justice and true Equity, that your most Honorable Predecessors and Ancestors propugned them with a **NOLUMUS MUTARI**; and so ancient, that from the Saxons daies, notwithstanding the injuries and ruines of time, they have continued in most parts the same, &c. Be pleased then to know, THAT IT IS AN UNDOUBTED AND FUNDAMENTAL POINT OF THIS SO ANCIENT COMMON LAW OF ENGLAND, THAT THE SUBJECT HATH A TRUE PROPERTY IN HIS GOODS AND POSSESSIONS, which doth preserve as sacred that *Meum and Tuum*, that is the Nurse of Industry, and the Mother of Courage, and without which there can be no Justice, of which *Meum and Tuum* is the proper object. But the UNDOUBTED RIGHT OF FREE SUBJECTS, hath lately not a little been invaded and prejudiced by Pressures, the more grievous, because they have been pursued by imprisonment, contrary to the Franchises of this Land, &c. which the Commons House proved by many Statutes and Records in all Ages, in that Conference, in that full satisfaction of the Lord's House; since published in print.

The seventh is, The Vote of the (a) whole House of Commons, 16. December, 1640. *Nullo contradicente*, entered in their Journal, and printed in *Diurnal Occurrences*, p. 13. That the Canons made in the Convocation (Anno 1640.) ARE AGAINST THE FUNDAMENTAL LAWS OF THE REALM, the Property and Liberty of the Subject, the Right of Parliament, and contained divers things tending to Faction and Sedition.

The eighth Authority is, (b) The Votes of both Houses of Parliament, concerning the security of the Kingdom of England, and Dominion of Wales, 15. *Martii* 1641. Ordered by the Lords and Commons in Parliament to be forthwith printed and published (as they were then by themselves, and afterwards with other Votes and Orders) Resolved

7.
(a) See *Carterburies Doom*, p. 19. *Diurnal Occurrences*, p. 13.

8.
(b) *Exact Collection*, &c. p. 112, 113.

See Chap. 2.
Proposition 3, 7

upon the Question, nemine contradicente; That in case of extrem danger, and of his Majesties refusal, the Ordinance agreed on by both Houses for the Militia, doth oblige the peop'e, and ought to be obeyed, by THE FUNDAMENTAL LAWS OF THIS KINGDOM. A very vain, false, absurd, and delusory Vote, if there be no such Law; as some now affirm.

9. The ninth punctual Authority is, (a) A second Declaration of the Lords and Commons assembled in Parliament, concerning the Commission of Array; printed by their special Order of 12. Januarii 1642. Wherein are these observable passages. The main drift of the answer is to maintain, That the King by the Common Law may grant such a Commission of Array as this is, upon this ground, because it's for the defence of the Kingdom: And, that the power which he hath to grant it by the Common Law, is not taken away by the Petition of Right, or any former Statute, but the King notwithstanding any of them, may charge the Subjects for Defence of the Kingdom, so as the charge imposed come not to himself, nor to his particular advantage.

These grounds thus laid, extend not to the Commission of Array alone, but to all other charges that his Majesty shall impose upon his Subjects, upon pretence of Defence of the Kingdom; for there is the same reason of Law for any other charge that is pretended for Defence, as for this. If his Majesty by the Common Law may charge his Subjects to finde Arms, and other things in the Commission enjoyned; because they are for Defence of the Kingdom; by the same reason of Law, he may command his People to build Castles, Forts, and Bulworks, and after to maintain them with Garrisons, Arms, and Victuals, at their own charges: And by the same reason he may compel his Subjects to finde Ships, and furnish them with Men, Ammunition, and Victuals, and to finde Souldiers pay, coat and conduct-money; provide victuals for Souldiers, and all to all this other things NECESSARY FOR AN ARMY; these things being as necessary for Defence, as any thing that can be done

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not a Par-
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done in execution of this Commission. And for that exposition of the Petition of Right, and other Statutes therein noted, (if it should hold) doth it not overthrow, as well the Petition it self, as all other Lawes that have been made for the Subjects benefit against Taxes and other Charges, either in this or any other Parliament?

These Positions thus laid down and maintained, DO SHAKE THE FUNDAMENTAL LAWS OF THE KINGDOM, (THE ANCIENT BIRTH-RIGHT OF EVERY SUBJECT) both for THE PROPERTY OF HIS GOODS, AND LIBERTY, OF HIS PERSON:

Nay, they strike at the root of Parliaments: What need his Majesty call Parliaments to provide for Defence of the Realm, when himself may compel his Subjects to defend it without Parliaments? If these grounds should hold, what need the Subjects grant Subsidies in Parliament for Defence of the Kingdom in time of real danger, if the King for defence at any times, when he shall only conceive or pretend danger, may impose Charges upon his Subjects without their consent in Parliament?

* These Expectations reach to those at White-Hall now, who presume to impose Taxes, Customs, Excises, and make binding Laws, which no Kings there ever did in like nature, nor their Councils in any Age.

Upon that which hath been said in this and our former Declaration, we doubt not but all indifferent men will be satisfied, that this Commission of Array is full of danger and inconvenience to the Subjects of England, AND AGAINST THE FUNDAMENTAL LAWS OF THE LAND, both for PROPERTY OF GOODS, AND LIBERTY OF PERSON, &c. 2. As it is against THE FUNDAMENTAL LAWS OF THE REALM, so no Statute makes it good, &c. And the Lords and Commons do upon the whole matter here conclude, that they are very much aggrieved, that after so many Declarations and solemn Protestations made by his Majesty to rule by the known Laws of this Land, his Majesty by advice of his ill Counsellors should be perswaded to set such a Commission on foot, which is so clearly contrary TO THE FUNDAMENTAL LAWS OF THIS LAND, the Right of Property, and Liberty of the Subject, contrary to former Resolutions of Parliament, and to the Petition of Right.

I am certain the generality of the Nation are now as much and more aggrieved, that some who were Parties to this Declaration, and others who have made as many or more Declarations and Protestations as his Majesty ever did, to rule by the known Laws of the Land, should since this, far exceed his Majesty in the like, or more exorbitances in the Militia, Excises, Taxes, Impositions, Imprisonments, arbitrary extravagant proceedings, and capital executions in new-erected Courts of Injustice, as diametrically contrary as the Kings Commissions of Array, to the Fundamental Laws of the Land (four times together so filed and insisted on, as such, in this one Declaration of both Houses) the Right of Property of the Subject, contrary to former Resolutions, and the Petition of Right, yea (which is most abominable) to their own Declarations, Remonstrances, Votes, Protestations, Vows, Solemn Leagues and Covenants in Parliament, to their own eternal Infamy, as well as the peoples intolerable oppression and Slavery, who thereupon may justly conclude and protest against them, as both Houses did in the close of that Declaration against the Array, viz. * And the Lords and Commons do and shall adhere to their former Votes and Resolutions, That all those that are Actors in putting of this Commission of Array in execution, shall be esteemed disturbers of the Peace of the Kingdome, and the Properties and Liberties of the Subject.

* Exact Collection, p. 888.

10.

(a) A Collection of all publike Orders, Ordinances and Declarations of Parliament, p. 451, 452, 457, 458.

The tenth evidence is, (a) the Vote and Letter of both Houses of Parliament sent to his Majesty at Oxford 9. March 1643. in answer to his Majesties of the third of March, wherein there is this passage: We the Lords and Commons assembled in the Parliament of England, &c. have resolved, with the concurrent advice and consent of the Commissioner of Scotland, to represent to your Majesty in all humility and plainness as followeth; That this present Parliament convened according to the known and FUNDAMENTAL LAWS OF THE KINGDOM (the continuance whereof is established by a Law consented to by your Majesty) is in effect denied to be a Parliament, &c. And hereupon

upon we think our selves bound to let your Majesty know, That since the ^{*} continuance of this Parliament is settled by a Law, (which, as all the Laws of your Kingdom, your Majesty is sworn to maintain, as we are sworn to our Allegiance in duty, and accordingly are resolved, with our lives and fortunes, to defend and preserve the just Rights and full Power of this Parliament: To which the Earl of Essex (then General) by both Houses direction, in his Letter to the Earl of Forth, Jan. 30. 1643. adds this Corollary, My Lord, the maintenance of the Parliament of England, and the Priviledges thereof, is that for which we are all resolved to spend our blood, as being **THE FOUNDATION WHEREON ALL OUR LAWS and LIBERTIES ARE BUILT:** Which both the Lords and Commons assembled in Parliament, in their Declaration of 23. Martii 1643. touching their proceedings upon his Majesties Letter concerning a Treaty of Peace; (wherein this Earls former Letter is recited) thus second: *The Parliament of England is the only Basis, the chief Support and Pillar of our Laws and Liberties, &c.* And if notwithstanding all these Obligations, the King shall ^{*} at his pleasure dissolve this Parliament, the Kingdom is not only deprived of the present, but made incapable of enjoying the benefit of any future Parliament or Laws, any longer then shall stand with the will and pleasure of the King, and consequently **THE FUNDAMENTALS OF ALL OUR LAWS & GOVERNMENT ARE SUBVERTED.** Let the Parliament-dissolving Officers, Army, and their Confederates seriously ponder this, with all who shall hereafter sit in Parliament, consider it in the first place.

^{*} Yet forcibly dissolved by the Army, and some now in Power, against their Commissions, Oaths, Trusts, Protestation, Covenant, and an Act of Parliament for their continuance; who may do well to peruse this clause.

See Chap. 2. Proposition 6.

7.

^{*} How much more then, if the Army, or Army-Officers shall do it, without question or exemplary punishment again and again, and justify it still in print?

The eleventh is, the (a) Ordinance of both Houses of Parliament, 13. Junii 1644. for the Forces raised in the County of Salop, which begins thus: *The Lords and Commons assembled in Parliament, taking into their serious considerations, the great oppressions under which the Inhabitants of the County of Salop, by reason of insupportable Taxes, &c. and the present condition of the County, by reason of* the

11. (a) A Collection, &c. p. 504.

the great number of Irish Rebels that have invaded it, and joyed with Papists and other ill-affected Persons now in those parts, doth threaten the extirpation of the Protestant Religion, and the subversion of **THE FUNDAMENTAL LAWS & GOVERNMENT OF THE KINGDOM.** For prevention whereof, &c.

12.

(b) A Collection
of, &c. p. 877,
878, 879.

The twelfth is (b) *A Declaration of the Commons of England assembled in Parliament 17. Aprilis 1646. Of their true intentions concerning the ANCIENT & FUNDAMENTAL GOVERNMENT OF THE KINGDOM, securing the people against ALL ARBITRARY GOVERNMENT, &c. wherein they complain, That the Enemy being in despair to accomplish his designs by War, do misrepresent our intentions in the use we intended to make of the great Successes God hath given us, and the happy opportunity to settle peace and truth in the three Kingdoms; to beget a belief that we now desire to exceed or swerve from our first Aims and Principles in the Undertaking of this War, and to recede from the Solemn League and Covenant, and Treaties between the two Kingdoms; and that we would prolong these uncomfortable Troubles, and breeding Distractions, IN ORDER TO ALTER THE FUNDAMENTAL CONSTITUTION & FRAME OF THIS KINGDOM, to leave all Government in the Church loose and unsettled, and our selves to exercise THE SAME ARBITRARY POWER OVER THE PERSONS & ESTATES OF THE SUBJECTS, which this present Parliament hath thought fit to abolish, by taking away the Star-Chambers, High Commission, and other Arbitrary Courts, and the exorbitant Power of the Council Table. (all which we have seen since experimentally verified in every particular in the highest degree, notwithstanding this Declaration, by some in late and present Power, notwithstanding this Publication:) All which being seriously considered by us, &c. We do declare, THAT OUR TRUE & REAL INTENTIONS ARE, & OUR ENDEAVOR SHALL BE, to settle Religion in the purity thereof, * TO MAINTAIN THE ANCIENT & FUNDAMENTAL GOVERNMENT OF THIS KINGDOM, TO PRESERVE THE RIGHTS & LIBERTIES OF*

* And is not this now proved a real experiential Truth, in some of these Remonstrants, to their shame?

* And can most of these Remonstrants in late or present powers, now say this in truth or reality? And will not they be utterly ashamed, confounded before God and men, when they consider how they have dissembled, perjured with God and men herein in each particular?

OF THE SUBJECT; to lay hold on the first opportunity of procuring a safe and well-grounded Peace in the three Kingdoms, and to keep a good understanding between the two Kingdoms of England and Scotland, according to the grounds expressed in the Solemn League and Covenant: And lest these Generals should not give a sufficient satisfaction, we have thought fit, to the end men might no longer be abused in a misbelief of our intentions, or a misunderstanding of our actions, to make this further enlargement upon the particulars.

And first, concerning Church-Government, &c. because we cannot consent to the granting of an Arbitrary and unlimited Power and Jurisdiction, to heretofore Judicialories to be erected within this Kingdom, and this demanded in such a way, as is not consistent with THE FUNDAMENTAL LAWS & GOVERNMENT OF THE SAME, &c. Our full Resolutions still are, sincerely, really and constantly to endeavour the Reformation of Religion, in the Kingdoms of ENGLAND & IRELAND, in Doctrine, Discipline, and Government, according to the word of God, and the example of the best Reformed Churches, and according to the Covenant.

WE ARE SO FAR FROM ALTERING THE FUNDAMENTAL GOVERNMENT OF THIS KINGDOM BY KING, LORDS & COMMONS; That we have only desired, that with the consent of the King, such Power may be seized in the TWO HOUSES, without which we can have no assurance, but that the like, or greater mischiefs than those which God hath hitherto delivered us from, may break out again, and engage us in a second and more destructive war; whereby it plainly appears, OUR INTENTIONS ARE NOT TO CHANGE THE ANCIENT FRAME OF GOVERNMENT WITHIN THIS KINGDOM, but to obtain the end of the Primitive Institution of all Government, THE SAFETY & WEAL OF THE PEOPLE; not judging it wise or safe, after so bitter experience of the bloody Consequences of a pretended Power of the Militia in the King, to leave any colourable authority in the same for the future attempts of introducing AN ARBITRARY GOVERNMENT OVER THIS NATION: we do declare, That we will not, nor any way colour of any Authority derived from us, shall interrupt the ordinary course of Justice, in the several Courts and Judicialories of this Kingdom, nor intermeddle in cases of private interest otherwise determinable, unless it be in case of Male-Administration of Justice; wherein we shall see and provide, that right be done, and punishment inflicted, as there shall be occasion; ACCORDING TO THE LAWS OF THE KINGDOM.

Lastly, where as both Nations have entered into a Solemn League and Covenant; we have, and EVER SHALL BE VERY CAREFUL DULY TO OBSERVE THE SAME: That as nothing hath been done, SO

NO. whole clause?

NOTHING SHALL BE DONE BY US REPUGNANT TO THE TRUE MEANING AND INTENTION THEREOF, &c. WHO WILL NOT DEPART FROM THOSE GROUNDS AND PRINCIPLES, upon which it was framed and founded.

Though the Generality of the afterwards-secured and secluded Majority of the House of Commons, endeavoured constantly to make good this Declaration in all particulars; yet how desperately the garbled Minority thereof, continuing in power after their Seclusion, pervaricated, apostatized, and falsified their Faith and Engagements herein in every particle in the highest Degree, we cannot but with greatest grief of heart, and detestation remember, to the subversion, ruine of our King, Lords, Commons, Kingdom, Parliaments, Fundamental Laws, Government, and the Peoples Liberties, &c. almost beyond all hopes of restitution or reparation in humane probability, without a miracle from heaven. The Lord give them grace most seriously to consider of, repent, and really, sincerely, reform it now at last, and not still add drunkeness to thirst, lest they bring them to temporal and eternal condemnation for it in Gods own due time, and engender endless Wars, Troubles, Taxes, Changes, Confusions in our Kingdoms, as they have hitherto done.

(a) See the Humble Remonstrance against the illegal Tax of Ship-money, p. 1, 2, 3. The Case of Ship-money briefly Discussed, p. 2. &c. Englands Birth-right, and other Treatises.

By this full Jury of Parliamentary Authorities, to omit many others of like or (a) inferior nature, and less moment, it is undeniable; That the People of England have both ancient Fundamental Rights, Liberties, Franchises, Laws, and a Fundamental Government; which like the Laws of the Medes and Persians, neither may, or ought to be altered, violated, or innovated upon any pretence, but perpetually maintained, defended, with greatest care, vigilancy, resolution; and he who shall still deny or oppugne it, deserves no refutation by further arguments, since it is a received Maxime in all Arts, *Contra Principia negotum, non est disputandum*; but rather demerits a sentence of Condemnation, and publick Execution at Tyburn, as a common Enemy, Traitor to our Laws, Liberties, Nation; it being no less then a transcendent Crime, and High Treason by our Laws, for any person or persons, secretly or openly, to attempt the undermining or subversion of our Fundamental Laws, Rights, Liberties, Government, especially by fraud, treachery, force, or armed power and violence (the later part of my first Proposal which I shall now confirm by these twelve following Presidents and Evidences, corroborating likewise the former part, that we have such Fundamental Laws, Liberties, Rights, Franchises, and a Fundamental Government too,

In the ^b fifth year of King Richard the second, the vulgar Rabble of people and Villains, in Kent, Essex, Suffex, Norfolk, Cambridgeshire and other Countries, under the Conduct of Wat Tyler, Jack Straw and other Rebels, assembling together in great multitudes, resolved by force and violence to abrogate the Law of villenage, with all other Lawes they disliked, formerly settled; to burn all the Records, kill and behead all the Judges, Justices, and men of Law of all sorts, which they could get into their hands; to burn and destroy the Inns of Court, (as they did then the new Temple, where the apprentices of the Law lodged, burning their Monuments and Records of Law there found) to alter the tenures of Lands, to devise new Lawes of their own, by which the Subjects should be governed, to change the ancient Hereditary, Monarchicall Government of the Realm, and to elect petty elective Tyrannies and Kingdoms to themselves in every Shire: (a project eagerly prosecuted by some Anarchicall Anabaptists, and Jesuites, Levellers, very lately: and though withall they intended to destroy the King at last, and all the Nobles too, when they had gotten sufficient power, yet at first to cloak their intentions for the present, they took an Oath of all they met; *Quod Regi & communibus fidelitatem servarent*, that they should keep Allegiance and faith to the King and Commons, this their resolution and attempt thus to alter and subvert the Lawes and Government, upon full debate in the Parliament of 5 R. 2. n. 30, 31. was declared to be HIGH TREASON against the King and against the Law; for which divers of the chief actors in this Treasonable Design were condemned and executed, as Traitors, in severall places; and the rest enforced to a publick submission, and then pardoned.

2. In the ^a Parliament XL. R. 2. (as appears by the Parliament Rolls and printed Statutes at large) three Prive Counsellours, the Archbishop of York, the Duke of Ireland, and Earl of Suffelk; the Bishop of Exeter the Kings Confessor, five Knights, six Judges, (whereof Sir Robert Tresilian Chief Justice was one) Blake of the Kings Council at Law, Usk and others, were impeached and condemned of High Treason, some of them executed as Traitors, the rest banished, their Lands

^b walsingham, Stow, Hollinshed, Sp. ed, Grafton, Baker An. 5. R. 2. John Stows Survey of London. p. 89. 103. Mr. St. Johns Argument at Law, at Straffords Attainder. p. 14

^a Stow, Hollinshed, Sp. ed, Grafton, Baker in XI. 21. R. 2. and 1. H. 4. Statutes at large, 11. and 21 R. 2. & 1. H. 4. M. St. Johns Speech concerning the shipmony Judges, p. 28. to 37. And Argument at Law, at Straffords Attainder.

and goods forfeited, and none to endeavour to procure their pardons, under pain of Felony; for endeavouring to overthrow a Commission for the good of the Kingdome, and contrary to an Act of Parliament of force of arms and Opinions in Law delivered to the King, tending to subvert the Laws and Statutes of the Realm, overthrow the Power, Priviledges, and proceedings of Parliament, and betray (not all the house of Lords, but only) some of the Lords of Parliament, which Judgement being afterwards reversed in the forced, and packed Parliament of 21.R. 2. was reconfirmed in the Parliament of 1 H. 4. c. 3. 455. and the Parliament of 21.R. 2. totally repealed, and adnulled for ever, and hath so continued.

a Mr. St. John
at Law against
Straffords At-
tinder. p. 13.
14, 17.

3. In the ^a Parliament of 17 R. 2. n. 20. and Pas. 17. R. 2. BRS. Rot. 16. Sir Thomas Talbot was accused and found guilty of High Treason for conspiring the death of the Dukes of Gloucester, Laucaster and other Peers, who maintained the Commission confirmed by act of Parliament, X. R. 2. and assembling people in a warlike manner in the County of Chester, for the effecting of it, in destruction of the Estates of the Realm; and OF THE LAWES OF THE KING-DOME.

4. In the 29. year of King Henry the sixth, Jack Cade, under a pretence to REFORM, alter, and abrogate some Laws, Purveyances and extortions importable to the Commons (wherupon he was called JOHN AMEND ALL) drew a great multitude of Kentish people to Black Heath in a warlike manner to effect it: in the Parliament of 29. H. 6. c. 1. this was adjudged High Treason in him and his Complices; by act of Parliament: and the Parliament of 31. H. 6. c. 1. made this memorable Act against him; and his Imitators insucceeding ages; worth serious perusal and consideration by all who tread in his footsteps and over-act him in his Treasons.

“Whereas the most abominable Tyrant, horrible, odious, and errant FALSE TRAITOR, John Cade, calling himself sometimes Mortimer, sometime Captain of Kent, (which Name, Fame, Acts and Feats, to be removed out of the speech and mind of every faithfull Christian man, perpetually,) falsly and trayter-

" trayterously purposing and imagining the perpetual destruction of
 " the **KINGS PERSON** and **FINALL SUBVERSION**
 " **OF THIS REALM**, taking upon him * **ROYALL** * And have
 " **POWER**, and gathering to him the Kings people in great not others of
 " number, **BY FALSE, SUBTIL, IMAGINED LAN-** late assumed to
 " **GUAGE**, and seditiously made a stirring Rebellion, and in- themselves,
 " surrection, **UNDER COLOUR OF JUSTICE FOR** more Royal
 " **REFORMATION OF THE LAWS OF THE SAID** power than hee
 " **KING**, robbing, slaying, spoiling a great part of his faithfull resolved to be
 " people: Our said Sovereign Lord the King, considering **Treason** by 21.
 " the premises with many other, which were more odi- **E. 3. Rot. Parl.**
 " ous to remember, by advice and assent of the Lords **n. 15.**
 " spirituall and Temporall, and at **THE REQUEST**
 " **OF THE COMMONS**, and by authority aforesaid,
 " hath ordained and established, that the said John Cade shall be
 " had named and declared **A FALSE TRAYTOR** to our *Nota.*
 " said Sovereign Lord the King; and that all His Tyranny,
 " **ACTS, FACTS, false Opinions**, shall be voyded, abated, adul-
 " led, destroyed, and put out of remembrance for ever. And
 " that all indictments in time coming, in like case under power of
 " Tyranny, Rebellion and stirring bad, shall be of no regard, nor
 " effect, but void in Law: and all the Petitions * delivered * To wit by
 " to the said King in his last Parliament holden at Westminster, Cade and his
 " the sixth day of November, the 29. of his Reign, against **Confederates**
 " his mind, by him not agreed, shall be taken and put in oblivion for the altera-
 " out of remembrance, undone, voided, adnull'd and destroyed, **Laws, &c.**
 " for ever, as a thing purposed against God and his Conscience,
 " and against his Royall estate and preheminance, and also **DIS-**
 " **HONOURABLE** and **UNREASONABLE**.

5. In the 8 year of King Henry the 8. William Bell, a Sec. M. se.
 and Thomas Lacy, in the County of Kent conspired with Johns Argu-
 Thomas Cheyney (the Hermite of the Queen of Fairies) ment against
TO OVERTHROW THE LAWS AND CUSTOMES Strafford,
OF THE REALM: for effecting whereof, they with p. 178. Halls
 200. more met together, and concluded upon a cause or Chronicle and
 raising greater forces in Kent, and the adjacent Shires, this Hollinshead.
 was adjudged high Treason, and some of them executed as
 Traitors. Moreover, it ^b was resolved by all the Judges of
 b Cooks 3. insti-
 tutes, p. 9. 10.

in the reign of Henry 8. that an Insurrection against the Statute of Labourers, or for the inhausing of Salaries and wages was TREASON, a levying war against the King, BECAUSE IT WAS GENERALLY AGAINST THE KINGS LAW, and the offenders took upon them THE REFORMATION THEREOF, which Subjects by gathering of power ought not to do.

^a Books 4. Institutes, ch. 8. p. 89. to 96.

6. On^a December 1. in the 21. year of King Henry the 8. Sir Thomas Moore, Lord Chancellour of England, with 14. more, Lords of the Privy Council, John Fitz-James, Chief Justice of England, and Sir Anthony Fitzherbert, one of the Judges of the Common Pleas, exhibited sundry Articles of impeachment to King Henry the 8. against Cardinall Wolsey: That he had by divers and many sundry wayes and fashions committed High treason, and NOTABLE, GRIEVOUS OFFENCES, misusing, Altering, and subverting the order of his Graces Lawes, and otherwise; contrary to his high Honour, Prerogative, Crown, Estate and Dignity Royall; to the inestimable great hinderance, diminution and decay of the uniuersall Wealth of this his Graces Realm. The Articles are 43. in number: The 20, 21, 26, 30, 35, 37, 42, 43. contain, his illegall, arbitrary practices and proceedings to the subversion of the due course and order of his Graces Lawes, to the undoing of a great number of his loving people. Whereupon they pray. Please therefore your most excellent Majesty of your excellent goodnesse towards the Weal of this your Realm, and Subjects of the same, to see such order and direction upon the said Lord Cardinall, As may be to terrible example of other, to beware to offend your Grace, and your Lawes hereafter: And that he be so provided for that he never have any Power, Jurisdiction or Authority hereafter, to trouble, vex, or impoverish the Common wealth of this your Realm, as he both done heretofore, to the great hurt and damage of every man almost, High and low. His^a poisoning himself prevented his judgement for these his Practices.

7. The^b Statute of 1. Marie c. 12. Enacts that if 12. or more shall endeavour By force to alter any of the Lawes or Statutes against Strafford of the Kingdome; the offender shall from the time therein limited

^a See Speed, Holist. d. Graf. ton, Siom. An. equitates Re. clesix, Brit. p. 378. & 379. and Goodwin in his life time.

^b M. St. Johns.

Argument a-

gainst Strafford

limited be adjudged ONELY AS A FELON: whereas it was Treason before; but this Act continuing but till the next Parliament, and then expiring, the offence remains Treason, as before.

8. In the^a 39. of Queen Elizabeth: divers in the County of Oxford consulted together, to go from House to House, a Cook & Inst. c. 1. 9, 10. and M. St. Johns Argument at Law, against Strafford p. 15, 16. and from thence to London and other parts, to excite them to take arms for the throwing down of inclosures throughout the Realm; no hing more was prosecuted, nor Assemblies made; yet in Easter Term 39. Elizabeth, it was resolved by all the judges of England (who met about the case) That this was High Treason, and a levying Warre against the Queen, because it was to throw down all inclosures throughout the Kingdome, to which they could pretend no right, and that the end of it was, to OVERTHROW THE LAWS AND STATUTES for Inclosures. Whereupon BRADSHAW and BURTON (two of the principall offenders) were condemned and executed at Aiciston Hill in Oxfordshire, where they intend d their first meeting.

9. To come nearer to our present times and case. In the last Parliament of King Charles, Anno 1640. 1641. b The whole house of Commons impeached Thomas Earl of Strafford, Lord Deputy of Ireland of High Treason, amongst other Articles, for this crime especially (wherein all the other centred,) That he hath TREASONABLY ENDEAVOURED by his Words, Actions and Counsels, to SUBVERT THE FUNDAMENTALL LAWS OF ENGLAND and IRELAND, and introduce an Arbitrary and Tyrannicall Government. This the whole Parliament declared and adjudged to be High Treason, in and by their votes, and a speciall Act of Parliament for his Attainder; for which he was condemned and soon after executed on Tower Hill, as a Traytour to the King and Kingdome, May 22. 1641.

10. The whole House of Commons the same Parliament impeached ^c William Laud Archbishop of Canterbury of HIGH TREASON; in these very terms, February 6. 1640.

First, That he hath trayterously endeavoured to subvert

See chap. 2.
Proposition 1.

Fundamentall Lawes and Government of this Kingdome of England, and instead thereof to introduce An Arbitrary and Tyrannicall Government against Law: "and he to that
"end hath wickedly, and TRAYTEROUSLY advised his Majesty, that he might at his own will and pleasure, Levy and take
"money of his Subjects without their consent in Parliament, and
"and this he affirmed was warrantable by the Law of God.

"Secondly, He hath for the better accomplishment of that his
"Trayterous design, advised and procured Sermons and other
"Discourses, to be preached, printed and published, in which the
"Authority of Parliaments, and the force of the Lawes of this
"Kingdome have been denyed, and absolute and unlimited Power
"over the persons and estates of his Majesties Subjects maintained
"and defended, not onely in the King, but in himself and other
"Bishops against the Law.

"Thirdly, He hath by Letters, Messages, Threats and promises,
"and by divers other wayes to Judges, and other Ministers of
"Justice, interrupted, perverted, and at other times by means
"aforesaid hath endeavoured to interrupt and pervert the course
"of Justice in his Majesties Courts at Westminster and other
"Courts, **TO THE SUBVERSION OF THE LAWS OF THIS KINGDOME,**
"whereby sundry of his Majesties Subjects have been stopt in their
"just suits, deprived of their lawfull Rights, and subjected to
"his Tyrannicall will, to their ruine and destruction.

"Fourthly, That he hath trayterously endeavoured to corrupt
"the other Courts of Justice, by advising and procuring his
"Majesty to sell places of Judicature, and other offices, **CONTRARY TO THE LAWS and CUSTOMES** in that behalf.

"Fifthly, He hath TRAYTEROUSLY caused a Book of Canons
"to be compiled and published, without any lawfull warrant
"and Authority in that behalf; in which pretended Canons
"many matters are contained, contrary to the Kings Prerogative,
"to the fundamentall Lawes and Statutes of this Realm,
"to the Rights of Parliament, to the Property, and Liberty
"of the Subject, and mat-

“ tending to sedition and of dangerous consequence; and to
 “ the establishing of a vast, unlawfull, presumptuous power in
 “ himself and his Successors &c.

“ Seventhly, That he hath trayterously endeavored to al-
 “ ter and subvert Gods true Religion BY LAW ESTABLISH-
 “ ED; and instead thereof to set up Popish Religion and
 “ Idolatry, And to that end hath declared, and maintain-
 “ ed in Speeches and Printed Books, divers Popish Do-
 “ctrines, and opinions, contrary to to the Articles of
 “ Religion, ESTABLISHED BY LAW. He hath urged
 “ and enjoyned divers Popish, and Superstitious Cere-
 “ monies WITHOUT ANY WARRANT OF LAW;
 “ and hath cruelly persecuted those who have opposed the same, by
 “ corporall punishments, and imprisonments; and most unjustly
 “ vexed others who refused to conform therunto by Ecclesiastical
 “ Censures, Excommunication, Suspension, Deprivation
 “ and Degradation, CONTRARY TO THE LAWS OF
 “ THIS KINGDOME.

“ 13. He did by his own authority and power contra-
 “ ry to Law procure sundry of his Majesties Subjects, and
 “ enforced the Clergy of this Kingdome to contribute
 “ towards the maintenance of the war against the Scots.

“ That to preserve himself from being questioned for
 “ these and other his Trayterous Courses, he hath
 “ laboured to Subvert the Rights of Parliament, and the an-
 “ cient Course of Parliamentary Proceedings, and by false and
 “ malicious slanders to incense his Majesty against Par-
 “ liaments.

All which being proved against him at his Trial, were
 after solemn Argument by Mr. Samuel Brown in behalf of
 the Commons House proved; and soon after adjudged,
 to be High Treason at the Common Law, by both Houses of
 Parliament; and so declared in the Ordinance for his At-
 tainder: for which he was condemned and beheaded as a Trai-
 tor against the King, Law and Kingdome, on Tower hill, Ja-
 nuary 10. 1644.

11. In the same Parliament, December 21. Jan. 14. Fe-
 bruary 11. 1640. and July 6. 1641. Sir John Finch, then
 Lord.

2 See the Com-
 mons and
 Lords Journals,
 Diurnal Occur-
 rences, p. 15, 16
 19. 37. 191. to
 264. and Mr.
 St. Johns
 Speech at a
 conference of
 both Houses of
 Parliament
 concerning
 shipmony and
 these Judges.
 Together with
 the Speeches of
 Mr. Hyde,
 Mr. Walker,
 Mr. Pierpoint,
 Mr. Denzill
 Hollis, at their
 impeachments
 July 16. 1640.
 aggravating
 their offences in
 Diurnal Oc-
 currences and
 Speeches.

Lord Keeper, chief Justice Bramston, Judge Berkly, Judge Crawly, Chief Baron Davenport, Baron Weston, and Baron Turnour, were accus'd and impeach'd by the House of Commons, by several Articles transmitted to the Lords, **OF HIGH TREASON**, for that they had Traitorously and wickedly endeavoured to subvert the Fundamentall Laws, and est. blished Government of the Realm of ENGLAND, and instead thereof to introduce an Arbitrary and Tyrannicall Government against Law; which they had declared by Traiterous and wicked words, opinions, judgement, and more especially in this their extrajudiciall opinion subscribed by them in the case of Ship-money, viz. We are of opinion, that when the good and safety of the Kingdome in generall is concerned, and the whole kingdome in danger; Your Majesty may by Writ under the Great Seal of England (without consent in Parliament) command all your Subjects of this your Kingdome, at their charge to provide and furnish such a number of Ships, with Men, Victuall and Ammunition, and for such time as your Majesty shall think fit, for the Defence and safeguard of the Kingdome, from such danger and perill. And we are of opinion, that in such case, your Majesty is the sole Judge both of the danger, and when, and how, the same is to be prevented and avoided. And likewise for arguing and giving judgment accordingly in Master John Hampdens case, in the Exchequer Chamber, in the point of Ship money in Aprill 1638. which said Opinions are Destructive to the Fundamental Laws of the Realm, the Subjects Right of Propriety, and contrary to former Resolutions in Parliament, and the Petition of Right; as the words of their severall Impeachments run. Sr. John Finch fled the Realm to preserve his head on his Shoulders; some others of them died through fear, to prevent the danger soon after their Impeachments; and the rest put to Fines, who were lesse peccant.

12. Mr. John Pim, in his Declaration upon the whole matter of the Charge of High Treason against Thomas Earle of Strafford, April 12. 1641. before a Committee of both Houses of Parliament in Westminster Hall; printed and published by Order of the House of Commons; proves his endeavour

See ch. 2. Proposition 1.

to subvert the *Fundamentall Law of England*, and to introduce an Arbitrary Power; to be *High Treason*, and an offence very hainous in the nature, and mischievous in the effects thereof; which (saith he) will best appear, if it be examined by that universall and supream Law, *Salus Populi*: the element of all laws, out of which they are derived: the end of all Laws, to which they are designed, and in which they are perfected.

1. 'It is an offence comprehending all other offences. 'Here you shall finde severall Treasons, Murthers, Rapins, 'Oppressions, Perjuries. There is in this Crime, a Seminary of all evils, hurtfull to a State; and if you consider the Reasons of it, it must needs be so. The Law, 'is that which puts a difference betwixt Good and Evil: 'betwixt just and unjust. If you take away the Law, all 'things will fall into Confusion; every man will become 'a law to himself, which in the depraved condition of humane nature must needs produce many great enormities. '* Lust will become a Law, and Envy will become a Law; 'Covetousnesse and Ambition will become Laws; and 'what Distates, what decisions such laws will produce, 'may easily be discerned in the late Governm nt of *Ireland*, (and *England* too since this.) The Law hath a power to prevent, to restrain, to repair evils: without this 'all kind of mischiefs and distempers will break in upon 'a State. It is the Law that doth the King to the Allegiance and Service of his people: it intitles the People to 'the Protection and Justice of the King, &c. *The Law is 'the Boundary, the measure betwixt the Kings Prerogative, 'and the peoples Liberty, whiles these move in their own Orb, 'they are a support and security to one another: but if these Bounds be so removed that they enter into contestation and conflict, one of these mischiefs must needs ensue. If the Prerogative of the King overwhelm the Liberty of the people, it will be turned into Tyranny: If Liberty undermine the Prerogative 'it will turn into Anarchy. The Law is the safeguard, the custody 'of all private interests, your honours, your lives, your liberties, 'and estates are all in the keeping of the Law, without this eve-*

Nota.

And are they
not so now?

ry man hath a like Right to any thing: and this is the condition
 into which the Irish were brought by the Earl of Strafford,
 (and the English by others who condemned him.) And
 the reason which he gave for it, hath more mischief
 than the thing it self: **THEY ARE A CONQUER-**
ED NATION (Let those who now say the same of
 England, as well as Scotland and Ireland, consider and
 observe what follows,) There cannot be a word more pre-
 gnant and fruitfull **IN TREASON**, then that word is.
 There are few Nations in the world, that have not been con-
 quered, and no doubt but the Conquerour may give what **Laws**
 he please, to those that are conquered. But if the succeeding
Acts and agreements do not limit and restrain that Right, what
 people can be secure? England hath been conquered and
 Wales hath been conquered; and by this reason will be in lit-
 tle better case than Ireland. If the King by the Right of a
 Conquerour give **Laws** to his people, shall not the people by the
 same reason be restored to the Right of the conquered, To re-
 cover their Liberty if they can? What can be more hurt-
 full, more pernicious than such Propositions as
 these?

2. It is dangerous to the Kings person: and dange-
 rous to his Crown: It is apt to cherish Ambition, u-
 surpation and Oppression in great men: and to beget
 Sedition, Discontent in the people, and both these
 have been, and in reason must ever be causes of great
 Trouble and Alterations to Prince and State. If the
 Histories of those Eastern Countries be perused, where
 Princes order their Affairs according to the mischie-
 vous Principles of the Earl of Strafford, **LOOSE and**
ABSOLVED FROM ALL RULES OF GOVERN-
MENT; they will be found to be frequent in combu-
 stions, full of Massacres, and of the tragicall end of
 Princes. If any man shall look into our own Stories in
 the times, when the Laws were most neglected, he shall
 find them full of Commotions, of Civil Distempers:
 whereby the Kings that then reigned were alwayes
 kept in want and distresse, the people consumed with
CIVIL

CIVIL WARRES: and by such wicked Counsels as these, some of our Princes have been brought to such miserable ends, As* no honest heart can remember without horror and earnest Prayer, that it may never be so again.

* Note this all whole Com-mons-house Opinion then.

3. As it is dangerous to the Kings person and Crown, so it is in other respects very prejudiciall to his Majesty, in honour, profit and greatnesse (which he there proves at large, as you may there read at leasure) and yet these are the Guildings and Paintings, that are put upon such Counsels: These are for your Honour, for your Service.

4. It is inconsistent with the Peace, the Wealth, the Prosperity of a Nation. It is destructive to Justice, the mother of Peace: to Industry, the Spring of Wealth; to Valour, which is the active vertue: whereby the Prosperity of a Nation can onely be procured, confirmed, and enlarged. It is not onely apt to take away Peace, and so intangle the Nation with warres, but doth corrupt Peace, and powrs such a malignity into it, as produceth the effects of War: both to the* NOBILITY and others having as little security of THEIR PERSONS OR ESTATES, in this peaceable time, as if the Kingdome had been under the fury and rage of warre. And as for Industry and Valour, who will take pains for that, which when he hath gotten, is not his own? or who fights for that wherein he hath no other interest, but such as is subject to the will of another? &c. Shall it be Treason to embase the Kings Coin; though but a piece of twelve pence or six pence, and must it not needs be the effect of GREATER TREASON to* embase the Spirits of his Subjects, and to set a stamp and Character of Servitude upon them, whereby they shall be disabled to do any thing for the Service of the King or Common-wealth?

* Is not this an experientiall truth now.

* And were they ever so base, cowardly, slavish as now.

5. In times of sudden danger, by the Invasion of an enemy, it will disable his Majesty to preserve himself and his Subjects from that danger. When war threatens a Kingdome, by the coming of a forreign enemy, it is no

time then to discontent the people, to make them weary of the PRESENT GOVERNMENT, and more inclinable to a change. The Supplies which are to come in this way, will be unready, uncertain; there can be no assurance of them, no dependence upon them, either for time or proportion. And if some money be gotten in such a way, the Distractions, the Divisions, Distempers, which this cause is apt to produce, will be more prejudicial to the publick safety, than the Supply can be advantageous to it.

6. This crime is contrary to the Paēt and Covenant between the King and his people; by mutuell agreement and stipulation, confirmed by OATH on both sides.

7. It is an Offence that is contrary to the ends of Government.

Was ever their power, violence so unlimited, unbounded in all Kinds as now?

1. To prevent Oppressions; to limit and restrain the excessive power and violence of great Men: to open passages of Justice with indifference towards all.

2. To preserve men in their Estates, to secure them in their Lives, and Liberties.

3. That vertue should be cherished, and vice suppressed; but where Laws are subverted, and arbitrary and unlimited power set up; a way is open not onely for the security, but for the Advancement and Incouragement of evil. Such men as are aptest for the execution and maintenance of this power are onely capable of Preferment, and others, will not be Instruments of any unjust Commands, who make conscience to do any thing against the Law of the Kingdome, and Liberties of the Subject, are not only not passable for employment; but SUBJECT TO MUCH JEALOUSIE and DANGER, (Is not this their Condition of late and present times? expertus loquor.)

Is it not most true of late and still?

4. That all Accidents and events, all Counsels, and Designs should be improved to the publick good. But this arbitrary power is apt to dispose all to the maintenance of it self. And is it not so now?

8. The Treasons of Subversions of the Lawes, violation of Liberties can never be good or justifiable by any circumstance or occasions,

Nota.

occasion, being evil in their own nature, how specious or good soever they be pretended. He alledgeth it was a time of GREAT NECESSITY and DANGER, when such Counsels were necessary FOR THE PRESERVATION OF THE STATE, (the Plea since, and now used by others, who condemned him :) If there were any NECESSITY IF WAS OF HIS OWN MAKING. He by his evil Counsel had brought the King (as others the Kingdome since) into a necessity; and by no Rules of Justice can be allowed to gain this advantage to his Justification; which is A GREAT PART OF HIS OFFENCE.

9. As this is Treason in the nature of it, so it doth exceed all other Treasons in this; that in the Design and endeavour of the Authour, it was to be A CONSTANT and PERMANENT TREASON; a standing, perpetual Treason, which would have been in continuall Act, not determined within one time or age, but transmitted to Posterity, even from Generation to Generation. And are not others Treasons of late times such, proclaimed such, in and by their own Printed Papers, and therein exceeding *Straffords*?

10. As it is a crime *Odious* in the nature of it, so it is odious in the Judgement and estimation of the Law. TO ALTER THE SETTLED FRAME AND CONSTITUTION OF GOVERNMENT IN ANY STATE. (Let those consider it who are guilty of it in the highest Degree, beyond *Strafford*, *Canterbury*, or the *Shipmony Judges* in our own State) The Lawes whereby all parts of a Kingdome are preserved, should be very vain and defective, if they had not a Power to secure and preserve themselves. The Forfeitures inflicted for Treason by our Law, are of Life, Honour and Estate, even all that can be forfeited: and this Prisoner, although he should pay all these Forfeitures; will still be a Debtor to the Common wealth. Nothing can be more equall, then that he should perish by the Justice of the Law, which he would have subverted. Neither will this be a New way of blood. There are marks enough to trace this Law to the very Originall

And others, as well as he, of faire inference place and Estate.

* But have
 not our times
 bred men much
 bolder then he,
 since this
 Speech was
 made, and he
 executed.
 * Since he hath
 many follow-
 ers,

'nall of this Kingdome. And if it hath not been put in
 'execution, as he alledgeth this 240 years; it was not
 'for want of Law, but that all that time had not bred a man
 '* bold enough to commit such crimes as these: which is a
 'circumstance much aggravating his Offence, and making
 'him no lesse liable to punishment, because he is THE
 '* ONELY MAN, that in so long a time hath ventured
 'UPON SUCH A TREASON AS THIS.

Thus far M. John Pym; in the Name and by the Order and
 Authority of the whole Commons House in Parliament, w^{ch} I
 with all those, who by their Words, Actions, Counsels (and
 printed Publications too, have trayterously endeavoured to sub-
 vert the Fundamentall Lawes, Liberties of England and Ire-
 land, and to introduce an arbitrary and Tyrannicall Government
 against Law, as much as ever Strafford did, and outstripped
 him therein, (even since his execution) in all particulars,
 for which he was beheaded; would now seriously lay to
 heart, and speedily reform, lest they equall or exceed him
 in conclusion, in Capitall punishments for the same, or end-
 lesse, Hellish Torments.

The next Authority I shall produce in point is, The
 speech and Declaration of Mr. Oliver St. John at a Conference
 of both Houses of Parliament, concerning Shipmony upon
 Judge Finches Impeachment of High Treason, January 14.
 1640. printed by the Commons Order, London, 1641. where-
 'in he declares the sense of the Commons. p. 12. &c. That by the
 'Judges Opinions (forecited) concerning Shipmony THE
 'FUNDAMENTAL LAWS OF THE REALM CON-
 'CERNING OUR PROPERTY and OUR PER-
 'SONS ARE SHAKEN. Whose Treasonable Offence here-
 'in, he thus aggravates. p. 20. &c. The Judges as is declared
 'in the Parliament of 11. R. 2. are the Executors of the Sta-
 'tutes, and of the Judgements and Ordinances of Parliament.
 'They have here made themselves the * EXECUTIONERS
 'OF THEM; they have endeavoured THE DESTRU-
 'CTION OF THE FUNDAMENTALS OF OUR LAWS
 'and LIBERTIES. Holland in the Low-Countries lies un-
 'der the Sea: the Superficies of the Land, is lower than
 the

* Have none
 done so since
 1640.

the Superficies of the Sea. It is Capitall therefore for any
 man to cut the Banks, because they defend the Country.
 Besides our own, even Forreign Authours, as *Comines* See chap. 2.
 observes, That the Statute *DE TALLAGIO*, and the Proposition 1.
 other old Laws are the Sea walls and Banks, which keep
 the Commons from the inundation of the Preroga-
 tive. These * Pioners have not onely undermined these
 Banks, but they have levelled them even with the ground. * Aave not o-
 ther Pioners
 and Jasses
 done the like?
 If one that was known to be *Hostis Patriæ*, had done this,
 though the Dammage be the same, yet the Guilt is lesse;
 but the *Consevatores Riparum*, the overseers intrusted
 with the Defence of these Banks, for them to destroy
 them; the breach of Trust aggravates, nay alters the na-
 ture of the offence. Breach of Trust though in a private
 Person, and in the least things, is odious amongst all men:
 much more in a publick Person, in things of great and
 publick concernment, because * GREAT TRUST
 BINDS THE PARTY TRUSTED TO GREAT-
 EST CARE AND FIDELITY. * This is now
 grown a meere
 Paradox.

It is TREASON in the Constable of Dover-Castle to deli-
 ver the Keys to the known enemies of the Kingdom, be-
 cause the Castle is the Key of the Kingdome: whereas if the
 housekeper of a private person, deliver possession to his
 Adversary, it is a crime scarce punishable by Law. The
 * Judges under his Majesty, are the Persons trusted with
 the Laws and in them with the Lives, Liberties and Estates
 of the whole Kingdom. This Trust of all we have, is prima-
 rily from his Majesty, & * in him delegated to the Judges. * what are they
 now of late
 times of pub-
 lick Charges?
 His Majesty at his Coronation is bound by his Oath TO
 EXECUTE JUSTICE TO HIS PEOPLE ACCOR- * See 27. H. 8.
 DING TO THE LAWS, thereby to assure the people c. 24. 26. Ma-
 gna Charta.
 of the faithfull performance of his Great Trust: His Ma- c. 12. 29. 32. H.
 jesty again, as he trusts the Judges with the performanc 3. c. 1. 3. 5. 9. 20
 of this part of his Oath; so doth he likewise exact ano- 3 E. 1. c. 44. 45,
 45. 13 E. 1. 10,
 ther Oath of them, for their due execution of Justice to 12. 30. 31. 35,
 the people, according to the Laws: hereby the Judges 39. 44. 45.
 stand intrusted with this part of his Majesties Oath. If 25 E. 1. c. 1. 2.
 therefore the Judges shall do wittingly against the Law, 27 E. 1. c. 2. 3.
 they 34 E. 1. c. 6.
 12 E. 2. c. 6.
 2 E. 3. c. 3.
 14 E. 3. c. 10.
 16. Rastal Ju-
 stices.

they do not onely break their *own Oaths*, and therein the
 Common Faith and Trust of the *whole Kingdome*, but do as
 much as in them lies, *spere and blenish* the sacred
 Person of his Majesty with the odious and hatefull sin of
 * Perjury.

* Was it ever
 so frequent a
 sin as now in
 all sorts of late
 Judges, Officers
 Subjects?
 * Do none de-
 serve as severe
 now?

* See Cooks 3.
 10th p. 146,
 147 and f. 133
 Hollowshed
 p. 284, 285.
 Speeds History
 p. 651. Stow,
 Walsingham,
 Daniel in 18
 Et. 1.

* See Cooks 3.
 10th p. 145.
 * Have none of
 this Name, or
 of his Functi-
 on since done
 the like in an
 higher degree?

* Let Custodes
 Legum & Li-
 bertatum
 Anglie remem-
 ber it.

* Let the Re-
 pater and o-
 thers consi-
 der it.

My Lords, the hainousnesse of this offence is most le-
 gible in the * severe punishment which former ages have
 inflicted upon those Judges, who have broken any part
 of their Oaths wittingly, though in things not so dan-
 gerous to the Subject, as in the case in question. * Sir
 Thomas Wayland, Chief Justice of the Common Pleas, 17 E.
 1. was attainted of Felony for taking bribes, and his Lands
 and Goods forfeited, as appears in the Pleas of Parliament,
 18 E. 1. and he was banished the Kingdome, as unworthy to
 live in the State against which he had so much offended.
 * Sir William Thorp Chief Justice of the Kings Bench in Ed-
 ward the thirds time, having of five persons received
 five severall Bribes, which in all amounted to one hun-
 dred pounds, was for this alone, adjudged to be hanged, and
 all his Goods and Lands forfeited: The reason of the Judge-
 ment is entered in the Roll in these words. *Quia prædi-
 ctus Wilielmus * Thorp qui Sacramentum Domini Regis erga
 populum suum habuit ad custodiendum, fugit malitiosè falsò &
 rebelliter, quantum in ipso fuit.* There is a notable Decla-
 ration in that Judgement, that this Judgement was not
 to be drawn into example, against any other officers,
 who should break their Oaths, but onely against those,
 qui prædictum Sacramentum fecerunt, & fregerrunt, & ha-
 bent Leges Angliæ ad custodiendum: That is onely to the
 Judges Oaths, who have the Laws intrusted unto them.
 This Judgement was given 24 E. 3. The next year in
 Parliament 25 E. 3. Num. 10. it was debated in Parlia-
 ment, whether this Judgement was legall? *Et nullo con-
 tradicente*, it was declared, TO BE JUST AND AC-
 CORDING TO THE LAW: and that the * same Judge-
 ment may be given in time to come upon the like occasion. This
 case is in point, That it is death for any Judge wittingly, to
 break his oath in any part of it. This oath of Thorp is entred in the
 the

the Roll, and is the same *verbatim* with the Judges Oath in 18 E. 3. and is the same which the Judges now take. (And let those who have taken the same Oath, remember and apply this President, lest others do it for them.)

Your Lordships will give me leave to observe the differences between that and the case in question.

1. That of *Thorpe*, was onely a selling of the Law by Retail to those five persons, for he had five severall bribes, of these five persons; the Passage of the Law to the rest of the Subjects for ought appears, was free and open. But these *Opinions* are a conveyance of the Law by wholesale, and that not to, but from the Subject.

2. In that of *Thorpe*, as to those five persons, it was not an absolute deniall of Justice, it was not a damming up, but a straitning onely of the Chanel. For whereas the Judges ought *Judicium reddere*, that is, the Laws being THE BIRTHRIGHT and INHERITANCE OF THE SUBJECT, the Judge when the parties in suit demand Judgement, should've dare, freely restore the Right unto them; now he doth not dare, but vendere, with hazard onely of perverting Justice; for the party that buyes the Judgement, may have a good and honest cause. But these *Opinions*, besides that they have cost the Subjects very dear, dearer than any, nay, I think I may truly say, than all the unjust Judgements that ever have been given in this Realm, witness the many hundred thousand pounds, which under colour of them have been levyed upon the Subjects, amounting to * seven hundred thousand pounds and upwards, that have been paid unto the Treasurer of the Navy, (in sundry years) besides what the Subjects have been forced to pay Sheriffes, Sheriffes-Bayliffes, (and now an hundred times more to Troopers, and Souldiers, who forcibly levy their unlawfull Contributions, and Excises) and otherwise; which altogether as is conceiv'd, amounts not to lesse than a million (in five years space, whereas now we pay above two Millions in Taxes, Imposts, Excises, every year) besides the infinite vexations of the Subject by suits in Law, binding them over,

* This is nothing in comparison to the late Taxes, or Excises imposed on the Subjects, without a Parliament amounting to above 20 times as much as the Kings Sh pmony, and more frequent, unnecessary, and endlesse than is

attendance at the Councel Table, taking them from
 their necessary employments, in making Selves, and Col-
 lections, and imprisonment of their persons (all now
 trebled to what then) I say besides what is past, to make
 our miseries compleat, they have as much as in them is
 MADE THEM ENDLESSE (as others since have done)
 for by these *Opinions* they have put upon themselves and
 their Successors, *An impossibility of ever doing us right again,*
 & *an incapacity upon us of demanding it so long as they continue*
 (as the Compilers of the late Instrument, with 42. Strings,
 intituled, *The Government of the Common-wealth of Eng-*
land, &c. Artic. 1, 2, 3, 9, 10, 12, 22, 24, 25, 26, 27, 28, 31, 32,
36, 37, 38, 39. have done, as far as they, and much be-
 yond them.)

In that sore famine in the Land of Egypt, when the in-
 habitants were reduced to the next doore to death (for
 there they say, why should we die?) for bread, First
 they give their money, next their flocks and Cattle, last
 of all their persons and Lands for bread; all became
Pharaohs; but by this *Lex Regia*, there is a transaction
 made, not onely of our persons, but of our bread like-
 wise, wherewith our persons should be sustained; that
 was for bread; this of our bread. For since these *Opini-*
ons, if we have any thing at all, we are not at all be-
 holding TO THE LAW FOR IT, but are wholly
 cast UPON THE MERCY and GOODNESSE OF
 THE KING. Again, there the Egyptians themselves, sold
 themselves, and all they had to the King, if ours had
 been so done; if it had been so done by our own free consent
 in Parliament, we had the lesse cause to complain: But it
 was done against our wills, and by those who were trusted, and
 that upon Oath, with the preservation of these things for us.
 The Laws are our Forts, and Bulwarks of Defence: If the
 Captain of a Castle, onely out of fear and Cowardice,
 and not from any Compliance with the enemy surrender
 it, This is TREASON, as was adjudged in Parliament,
 1 R. 2. in the two Cases of *Comines* and *Weston*, and in
 the Case of the Lord Gray, for surrendering *Barnwick* Cas-
 tle

'fle to the Scots, in Edward the thirds time, though good
 'defence had been made by him, and that he had lost his
 'eldest son in maintenance of the Siege: and yet the losse
 'of a Castle loseth not the Kingdome, onely the place and
 'adjacent parts, with trouble to the whole. But by the
 'Opinions, there is a Surrender made of all our Legal defence
 'of Property: that which hath been preacht is now judged;
 'that there is no *Meum & Tuum*, between the King and people;
 'besides that which concerns our Persons.

'The Law is the *Temple*, the *Sanctuary*, whether Sub-
 'jects ought to run for shelter and Refuge: hereby it is be-
 'come *Templum sine numine*, as was the Temple built by the
 'Romane Emperour, who after he had built it, put no gods
 'into it. We have the Letter of the Law still, but not the
 'sense: we have the *Fabrick* of the Temple still, but the *Dii*
 '*Tutelares* are gone. But this is not all the Case, that is,
 'That the Law now ceaseth to aid and defend us in our Rights,
 'for then possession alone were a good Title, if there were
 'no Law to take it away: *Occupanti concederetur, & melior*
 '*esset Possidentis conditio*: But this, though too bad is not
 'the worst: for besides that which is *Privitive* in these *O-*
 '*pinions*, there is somewhat *positive*. For now the Law doth
 'not onely not defend us, but the Law it self, (by temporizing
 'Judges and Lawyers) is made the Instrument of taking all
 'away. For whensoever his Majesty or his Successors, shall
 'be pleased to say, that the good and safety of the Kingdome
 'is concern'd, and that the whole Kingdome is in danger, the
 'when and how, the same is to be prevented, makes our persons and
 'all we have liable to bare will and Pleasure. By this means,
 'The *Sanctuary* is turned into a *Shambles*; the Forts are sleight-
 'ed, that so they might neither do us good nor hurt; But
 'they are held against us by those who ought to have hold them for
 'us, and the mouth of our own *Canon* is turned upon our own
 'selves: and that by our own military Officers, Souldi-
 'ers and others since, as well as the Ship money Judges
 'then) Thus far Mr. Oliver St. John (by the Commons
 'Order) whose words I thought fit thus to transcribe at
 'large, becaus not onely most pertinent, but *seasonable* for
 'the

the present times; wherein as in a Looking Glasse, some pretended Judges and Grandees, of these present and late past times, may behold their own faces and deformities; and the whole Nation their sad condition under them. In the residue of that his Printed *Speech*, he compares the *Treason* of the *Shipmeny Judges*, and of Sir Robert *Tresylum* and his Complices in XI. R. 2. condemned and executed for Traytors by Judgment in Parliament, for endeavouring to subvert the lawes and statutes of the Realm by their illegall Opinions then delivered to King Richard at Nottingham Castle, not out of conspiracy, but for fear of death and corporall Torments wherewith they were menaced: whose offence he there makes transcendent to theirs then in six particulars, as those who please may there read at leisure, being over large to transcribe, I could here inform you, that the Fundamentall lawes of our Nation, are the same in the Body politique of the Realm, as the Arteries, Nerves, Veins, are in, and to the naturall Body, the Bark to the tree; the Foundation to the House: and therefore the cutting of them asunder, or their Subversion, must of necessity, kill, destroy, disjoyn and ruine the whole Realm at once: therefore it must be *Treason* in the highest degree. But I shall onely subjoyn here some materiall Passages, in his *Argument at Law*, concerning the *Attainder of high Treason*, of Thomas Earl of Strafford, before a Committee of both Houses of Parliament in Westminster Hall, April 29. 1641. soon after printed and published by Order of the Commons House: wherein p. 8. he layes down this Position; recited again, p. 64.

That (Straffords) *Endeavouring To subvert the Fundamentall Lawes and Government of England and Ireland, and instead thereof to introduce a Tyrannicall Government against Law, is Treason by the Common-Law. That Treasons at the Common-Law, are not taken away by the Statutes, by 25.E.3.1.H.4.c.10.1.Mar.c.1. nor any of them.*

The Authorities, Judgements, in and out of Parliament which he cites to prove it, have been already mentioned,

tioned, with some others he omitted; I shall therefore but transcribe his Reasons to evince it to be *Treason*, super-added to those alledged by him against the *Shipmony Judges*.

Page 12. It is a *Warre* against the King (Let our Military Officers and souldiers consider it) when intended. The alteration of the laws or Government in any part of them. This is a levying Warre against the King (and so *Treason* within the Statute of 25 E 3.)

1. Because the King doth maintain and protect the Laws in every part of them.

2. Because they are the Kings laws. He is the Fountain from whence in their severall Charivells, they are derived to the Subject. Whence all our indictments run thus: *Trespases* laid to be done, *Contra pacem Domini Regis*, &c. against the Kings Peace for exorbitant offences; though not intended against the Kings Person; against the King his Crown and dignity.

Page 64. In this I shall not labour at all to prove, That the endeavouring by words, Counsels and actions, To subvert the Fundamentall Laws and Government of the Kingdome is *Treason* at the Common Law. If there be any Common Law Treasons at all left, NOTHING TREASON IF THIS NOT, TO MAKE A KINGDOME NO KINGDOME. Take the Polity and Government away, England's but a piece of earth, wherein so many men have their commerce and abode, without rank or distinction of men, without property in any thing further than in possession; no Law to punish the murdering, or robbing one another.

Page 70, 71, 72. The horridnesse of the offence in endeavouring to overthrow the Lawes and present Government, hath been fully opened before. The Parliament is the representation of the whole Kingdome, wherein The King as Head, your Lordships as the more Noble, and the Commons, the other Members are knit together in one body Politick. This dissolved, the Arteries and Ligaments that hold the body together, THE LAWES. He that takes away the Lawes, takes not away the Allegiance of one Subject onely, but

of the whole Kingdome. It was made *Treason* by the Sta-
 tute of 13 *Eliz.* for her time to affirm, *That the Lawes*
of the Realme doe not bind the descent of the Crown. No
 Law, no descent at all, NO LAWES NO PEERAGE,
 no ranks nor degrees of men, the same condition to all.
 Its *Treason* to kill a Judge upon the Bench; this kills not
Judicem sed JUDICIUM. There betwelve men, but no
 Law; never a Judge amongst them. Its *felony* to embe-
 zel any one of the Judiciall Records of the Kingdome:
 THIS AT ONCE SWEEPS THEM ALL AWAY and
 FROM ALL. Its *Treason* to counterfeit a twenty shil-
 ling piece: here's a counter feiting of the Law: we can
 call neither the counterfeit nor the true coin our own.
 Its *Treason* to counterfeit the Great Seal for an Acre of
 Land: No property is left hereby to any Land at all,
 Nothing *Treason* now, against King or Kingdome; No Law to
 punish it.

My Lords, if the Question were asked in *Westminster*
Hall, whether this were a Crime punishable in *Star cham-*
ber, or in THE KINGS BENCH, by Fine or imprison-
 ment? They would say, *It were bigger.* If whether *Fel-*
ony? They would say, That is an offence onely against
 the life or goods of some one, or few persons. It would
 I believe be answered by the Judges, as it was by the
 Chief Justice *Thirning*, in 21 R. 2. *That though he could not*
judge the Case TREASON there before him, yet if he were a
Peer in Parliament; HE WOULD SO ADJUDGE IT.
 (And so the Peeres did here in *Straffords*, and not long
 after in *Canterburies* Case, who both lost their Heads on
 Tower Hill.)

I have transcribed these Passages of Mr. *Oliver St. John*
 at large for five Reasons.

1. Because they were the voice and sense of the whole
 House of Commons by his mouth: who afterwards own-
 ed and ratified them by their speciall Order for their pub-
 lication in print, for information and satisfaction of the
 whole Nation, and terrour of all others who should af-
 ter that, either secretly or openly, by fraud or force, di-
 rectly

rectly or indirectly, attempt the subversion of all, or any of our Fundamentall Laws, or Liberties, or the alteration of our Fundamentall Government, or setting up any arbitrary or Tyrannicall power, Taxes, Impositions, or new kinds of arbitrary Judicatories, and imprisonments against these our Laws and Liberties.

2. To mind and inform all such who have not only equalled, but transcended *Strafford* and *Canterbury* in these their *High Treasons*, even since these *Publications*, *Speeches*, and their *exemplary executions*, of the hainousnesse, in excusablenesse, wilfulnesse, maliciousnesse, Capitalnesse of their crimes; which not only the whole Parliament in generality, but many of themselves in particular, so severely prosecuted, condemned, and inexorably punished of late years in them: that so they may bewail, repent of, and reform them with all speed and diligence, as much as in them lies. And withall, I shall exhort them seriously to consider that Gospel terrifying Passage, *Rom. 2. 1, 2,*

3. *Therefore thou art inexcusable O man, whosoever thou art that judgest; for wherein thou judgest another, thou CONDEMNEST THY SELF; FOR THOU THAT JUDGEST, DOEST THE SAME THINGS. But we are sure that the judgement of God is according to truth, against them which commit such things. And thinkest thou this, O man, that judgest them which do such things, and doest the same, that thou shalt escape the Judgement of God.*

3. To excite all Lawyers, especially such who of late times have taken upon them the stile and power of Judges, to examine their consciences, actions, how far all or any of them have been guilty of these crimes and Treasons, so highly aggravated, and exemplarily punished of former and later times, in corrupt, cowardly timeserving, degenerate Lawyers and *Judasses*, rather than Judges, to the disgrace of their Profession, and prejudice of the Fundamentall Lawes, Liberties, Rights, Priviledges of our Nation, Peers, Parliaments, subversion of the Fundamentall Government of this famous Kingdome, whereof they are Members.

4. To

4. To instruct those *Jesuited Anabaptists, Levellers* and their Factors, (especially *John Canne*, and the rest of the Compilers, Publishers, Abettors of the Pamphlet intituled, *Lieutenant Colonel Lilburn, tried and cast*, and other forementioned publications:) who professedly set themselves by words, writing, Counsels and overt Acts to subvert both our old Fundamentall (and all other Laws) Liberties, Customes, Parliaments, and Government, what transcendent *Malefactors, traytors and Enemies they are to the publick*, and what *Capitall punishments*, they may thereby incurre, as well as demerit, should they be legally prosecuted for the same: and thereupon to advise them timely to repent of, and desist from such high *Treasonable Attempts*.

5. To clear both my self and this my seasonable *Defence of our Fundamentall Lawes, Liberties, Government*, from the least suspicion or shadow of *Faction, Sedition, Treason, and Enmity* to the publick peace, weal, settlement of the Nation, which those, (and those onely) who are most *Factionous and seditious*, and the greatest *Enemies, Traytors* to the publick tranquility, weal and establishment of our Kingdome, (as the premises evidence) will be ready maliciously to asperse both me and it, with, as they have done some other of my writings of this nature; with all which, they must first brand *Mr. St John Mr. Pym*, the whole *House of Commons*, the last two, with all other Parliaments forecited, ere they can accuse, traduce, or censure me, who do but barely relate, apply their words and judgements without malice or partiality, for the whole Kingdomes benefit and security.

To these punctuall full Jury of Records and Parliamentary Authorities in point, I could accumulate Sir *Edward Cook* his 3. Institutes, p 9. printed and authorized by the House of Commons speciall Order, the last Parliament: The severall Speeches of *Mr. Hide, Mr. Walker, Mr. Pierpoint* and *Mr. Hollis*, July 6. 1641. at the Lords Bar in Parliament, by order of the Commons House, at the *Impeachment of the Shipmony Judges of High Treason*,
printed

printed in Diurnall Occurrences, and speeches in Parliament, London 1641. p. 237. to 264. Mr. Samuel Browns Argument at Law before the Lords and Commons at *Canterburys* Attainder; all manifesting, their endeavouring to subvert the Fundamentall Laws and government of the Nation to be *HIGH TREASON*; with sundry other printed Authorities to prove, That we have fundamentall Laws, Liberties, Rights, and a fundamentall Government likewise, which ought not to be innovated, violated, or subverted upon any pretences what soever, by any power or prevailing Faction. But to avoid prolixity, (the double Jury of irrefragable and punctuall Authorities already produced, being sufficient to satisfie the most obstinate Opposites formerly contradicting it) I shall onely adde three swaying Authorities more, wherewith I shall conclude this point.

The first is a very late one, in a Treatise intituled, *A true State of the Common wealth of England, Scotland and Ireland, and the Dominions thereunto belonging, in Reference to the late established Government, by a Lord Protector and a PARLIAMENT.* It being the Judgement of *DIVERS PERSONS*, who throughout these late troubles, have approved themselves faithfull to the Cause and interest of God, and their COUNTRY: presented to the Publick, for the satisfaction of others. Printed at London 1654. who relating the miscarriages of the last Assembly at Westminster, use these expressions of them, p. 13, 14, 16, 17, 21, 22: But on the contrary, it so fell out in a short time, that there appeared many in this Assembly of very contrary Principles to the interest aforesaid, which led them violently on to attempt and promote many things, the consequence whereof would have been: A Subverting of the fundamentall Laws of the Land, the Destruction of Property, and an utter extinguishment of the Gospel. In truth their Principles led them TO A PULLING DOWN ALL; AND ESTABLISHING NOTHING. So that instead of the expected settlement, they were running out into FURTHER ANARCHY and CONFLUSION. As to the Laws and Civil Rights of the Nation, nothing would serve them, but A TOTAL ERADICATION OF

THE OLD, and INTRODUCTION OF A NEW: and so the Good, Old Laws of England, (*the Guardians of our Lives and Fortunes*) established with prudence, and confirmed by the experience of many Ages and Generations: (*The Preservation whereof, was a principall Ground of our late Quarrel with the King*) having been once abolished, what could we have expected afterward, but an inthroning of Arbitrary Power in the Seat of Judicature, and an exposing of our Lives, our Estates, our Liberties, and all that is dear unto us, as a Sacrifice to the boundlesse Appetite of Meer Will and Power, &c.

Things being at this Passe, and the House (through these proceedings) perfectly disjointed, it was in vain to look for a settlement of this Nation from them, thus constituted: but on the contrary, nothing else could be expected, But that the Commonwealth should sink under their Hands, and the great cause hitherto so happily upheld and maintained, to be for ever lost, through their preposterous management of these affairs, where-with they had been intrusted. Whereupon they justify their dissolution, and turning them forcibly out of doores by the Souldiers, with shame and infamy; to prevent that destruction which thereby was coming on THE WHOLE LAND, but this New Powder Treason Plot, set on foot by the Jesuites and Anabaptists, to destroy our Laws, Liberties, properties, Ministers, and Religion it self, at one blow, and that in the very Parliament House, where they had been constantly defended, vindicated, preserved, established in all former ages by all true English Parliaments.

^a See my Speech
in Parliament.
p. 100. to 108.

The second is, ^a The Votes of the House of Commons, concerning a Paper presented to them, entituled *An agreement of the people for a firm and present peace, upon grounds of Common Right* 9. November, 1647. viz.

Resolved upon the Question, That the matters contained in these Papers, Are destructive to the being of Parliaments, and to the Fundamentall Government of this Kingdome,

Resolved, &c. That a Letter be sent to the Generall and those Papers inclosed, together with the Vote of this House upon them; And that he be desired to examine the proceedings of
this

this businesse in the Army (where it was first coin'd) and return an Account hereof to this House.

These Votes were seconded soon after with these ensuing votes, entred in the Commons Journal, and printed by their special Order, 23. November, 1647.

A Petition directed to the Supreme Authority of England, the Commons in Parliament assembled, The humble petition of many Free born people of England, &c. was read the first and second time.

Resolved upon the Question, that this petition is, A seditious and contemptuous avowing and prosecution of a former petition and paper annexed, stiled, an agreement of the people formerly adjudged by this House, to be destructive to the being of Parliaments and Fundamentall Government of the Kingdome.

Resolved, &c. That Thomas Prince Cheesmonger, and Samuel Chidley, be forthwith committed prisoners to the Prison of the Gatehouse, there to remain prisoners during the pleasure of this House, for a seditious avowing and prosecution of a former Petition, and Paper annexed, stiled, An Agreement of the people, formerly Adjudged by this House to be destructive to the being of Parliaments and fundamentall Government of the Kingdome.

Resolved &c. That Jeremy Jues, Thomas Taylor and William Larnar, be forthwith committed to the Prison of Newgate, there to remain Prisoners, during the pleasure of this House, for a seditious and contemptuous avowing and prosecution of a former Petition and Paper annexed, stiled, An Agreement of the people, formerly adjudged by this House, to be destructive to the being of Parliaments and Fundamentall Government of this Kingdome.

Resolved, &c. That a Letter be prepared and sent to the Generall; taking notice of his proceeding in the execution (according to the Rules of Warre) of a mutinous person (avowing and prosecuting this agreement in the Army contrary to these Votes) at the Rendezvouz near Ware; and to give him thanks for it: and to desire him to prosecute that Businesse to the bottome; and to bring

Such guilty persons as he shall think fit, to condigne and exemplary Punishment.

Resolved, &c. *That the Votes upon the Petition and Agreement annexed, and likewise the Votes upon this Petition be forthwith printed and published.*

After which by a *Speciall Ordinance of both Houses of Parliament*, 17 December, 1647. No person whatsoever, who had contrived, plotted, prosecuted or entred into that Engagement intituled *The agreement of the people declared To be destructive to the being of Parliaments, and Fundamentall Government of the Kingdome*, for one whole year, was to be elected, chosen or put into the office or Place of *Lord Mayor or Alderman, Sberiffe, Deputy of a Ward, or Common-Councel man of the City of London; or to have a voice in the Election of any such Officer.*

All these particulars, with the Capitall Proceedings against *White* and others who somented this *Agreement in the Army*, abundantly evidence the veriey of my foresaid *Proposition*, and the extraordinary guilt of those Members and Souldiers, who contrary to their *own Votes, Ordinances, Proceedings and Censures of others*, have since prosecuted this, the like, or far worse *Agreement*, to the destruction of our ancient Parliaments and their Priviledges, and the fundamentall Government, Laws and Liberty of our Nation, which I wish they would now sadly lay to heart.

The third is the memorable Statutes of *3. Jacobi ch. 1, 2, 4, and 5.* Which relating the old *Gunpowder Treason of the Jesuites and Papists, and their infernal, inhumane, barbarous, detestable plot, to blow up the King, Queen, Prince, Lords, Commons, and whole House of Peers with Gunpowder, when they should have been assembled in Parliament, in the upper House of Parliament, upon the fifth of November, in the year of our Lord 1605. d.* aggravate the hainousnesse and transcendency thereof by this circumstance, *That it was (as some of the principall Conspirators thereof confessed) purposely devised and concluded to be done in the said House, That where sundry necessary and Religious Laws for Preservation of*

the Church and State were made, (which they falsely and slanderously term, Cruel Laws enacted against them and their Religion) Both Place and Persons should be all destroyed and blown up at once: And by these dangerous consequences if it had not been miraculously prevented, but taken effect. That it would have turned to the utter ruine, overthrow and Subversion Of the whole State and Commonwealth of this flourishing and renowned Kingdom, and Gods true Religion therein established by Law, and of our Laws and Government. For which horrid Treason, they were all attainted, and then executed as Traytors, and some of their heads, Quarters, set up upon the Parliament House for terrour of others. Even so let all other Traytors, Conspirators against our Fundamental Laws, Liberties, Government, Kings, Parliaments, and Religion, treading presumptuously in their Jesuiticall footsteps, ^a perish O Lord, but let all them who cordially love, and strenuously maintain them against all Conspirators, Traytors, Underminers, Invaders whatsoever, be as the Sunne when he goeth forth in his might: That the Land may have rest, peace, Settlement again, for as many years at least, as it had before our late innovations, Warres, Confusions, by their restitution and establishment.

See Speeds
History, p. 1250
and Mr. John
Vical's History
of the Gunpow-
der Treason,
and the Ar-
raignment of
Traytors.

a Judges 5.31

CHAP. II.

HAVING thus sufficiently proved, That the Kingdome, and Freemen of England, have some ancient, hereditary Rights, Liberties, Franchises, Priviledges, Customes, properly called *FUNDAMENTALL*, as likewise a Fundamentall Government, no wayes to be altered, undermined, subverted, directly or indirectly, under the guilt and pain of High Treason in those who attempt it; especially by Fraud, Force, or armed Power.

I shall in the second place present you in brief Propositions, a Summary of the chiefest and most considerable of them, which our prudent Ancestors in former ages, and our latest reall Parliaments, have both declared to be, and eagerly contested for, as *Fundamentall* and *Essentiall* to their very being and well being, as a Free people, Kingdome, Republick, unwilling to be enslaved under any yokes of Tyranny or arbitrary power, that so the whole Nation may the more perspicuously know and discern them, the more strenuously contend for them, the more vigilantly watch against their violations, underminings in any kind, by any Powers, or Pretences whatsoever; and transmit, perpetuate them intirely to their posterities, as their best and chiefest inheritance.

I shall comprise the *Summe* and Substance of them all in these 9. Propositions; beginning with the Subjects Property, which hath been more frequently, universally invaded, assaulted, undermined by our Kings, and their evill instruments; and thereupon more strenuously, frequently and vigilantly maintained, retained by our Nobles, Parliaments and the people in all ages (till of late years) than any or all of the rest put together, though every of them have been constantly defended, maintained, when impugned, or incroached upon by our Ancestors and our selves.

1. That no Tax, Tallage, Aid, Subsidy, Custome, Contribution, Loan, Imposition, Excise or other Assessment whatsoever, for Defence of the Realm by Land or Sea, or any other publick ordinary, or extraordinary occasion, may or ought to be imposed, or levyed upon all or any of the Freemen of *England*, by reason of any pretended or reall Danger, Necessity or other pretext; by the Kings of *England*, or any other Powers, but onely with and by their common consent and Grant, in a free and lawfull Parliament duly summoned and elected: Except onely such ancient, legall Ayds, as they are specially obliged to render by their Tenures, Charters, Contracts, and the Common Law of *England*.

2. That no Freeman of *England* ought to be arrested, confined, imprisoned, in any private Castles, or remote, unusuall Prisons under Souldiers or other Guardians, but onely in usuall or Common Gaols, under sworn, responsible Gaolers, in the County where he lives, or is apprehended, and where his Friends may freely visit and relieve him with necessaries: And that onely for some just, and legall cause expressed in the Writ, Warrant, or Proccesse, by which he is arrested, or imprisoned; which ought to be legally executed by known, legal, responsible sworn Officers of Justice, not unknown military Officers, Troopers, or other illegall Catchpols, That no such Freeman ought to be denied bail, Mainprise, or the benefit of an *Habeas Corpus*, or any other Legal Writ for his enlargement, whenailable or incumpervable by Law; nor to be detained prisoner for any reall or pretended Crime, notailable by Law, then untill the next Generall or Speciall Gaol-delivery, held in the County where he is imprisoned; where he ought to be legally tried and proceeded against, or else enlarged by the Justices, without deniall or delay of Right and Justice. And that no such Freeman may or ought to be outlawed, exiled, condemned to any kind of corporall punishment, losse of Life or Member, or otherwise destroyed or passed upon, but onely by due and lawfull Proccesse, Indictment, and the lawfull

lawfull Triall, Verdict and Judgement of his Peers, according to the good old Law of the Land, in some usuall Court of Publick Justice: not by and in new illegall, Military, or other Arbitrary Judicatories, Committees, or Courts of High Justice, unknown to our Ancestors.

3. That no Freeman of *England*, unlesse it be by Speciall Grant and Act of Parliament may or ought to be compelled, enforced, pressed or arrayed to go forth of his own Countrey (much lesse out of the Realm into forreign parts) against his will in times of Warre or Peace, or except he be specially obliged thereto by ancient Tenures and Charters; save onely upon the sudden coming of strange enemies into the Realm, and then he is to array himself onely in such sort, as he is bound to do by the ancient Laws and Customes of the Kingdome still in force.

4. That no Freeman of *England*, may or ought to be disinherited, disseised, dispossessed or deprived of any inheritance, Freehold, Liberty, Custome, Franchise, Chattle, Goods whatsoever without his own Gift, Grant, or free Consent, unlesse it be by lawfull Proceffe, Triall and Judgement of his Peers, or special Grant by act of Parliament.

5. That the old received Government, Lawes, Statutes, Customes, Priviledges, Courts of Justice, legal Proceffe of the Kingdome and Crown ought not to be altered, repealed, suppressed, nor any new form of Government, Law, Statute, Ordinance Court of Judicature, Writs, or legal Proceedings instituted or imposed on all or any of the Free-men of *England*, by any Person or Persons, but onely in and by the Kingdomes free and full consent in a lawfull Parliament, wherein the Legislative Power solely resides.

6. That Parliaments ought to be duly summoned, and held for the good and safety of the Kingdome every year, or every three years at least, or so often as there is just occasion. That the Election of all Knights, Citizens and Burgeses, to sit and serve in Parliament (and so of all o-
ther

other Elective Officers) ought to be free. That all Members of Parliament hereditary or Elective, ought to be present, and there freely to speak and vote according to their judgements and Consciences, without any over-awing Guards to terrifie them; and none to be forced or secluded thence. And that all Parliaments not thus duly summoned, elected whilst held, but unduly packed, and all Acts of Parliament fraudulently and forcibly procured by indirect means, ought to be null'd, repealed, as void, and of dangerous precedent.

7. That neither the Kings nor any Subjects of the Kingdome of *England*, may or ought to be summoned before any Forreign Powers or Jurisdictions whatsoever, out of the Realm, or within the same, for any manner of Right, Inheritance, Thing belonging to them, or Offence done by them within the Realm.

8. That all Subjects of the Realm are obliged by Allegiance and duty to defend their Lawfull Kings, Persons, Crowns, the Laws, Rights and Priviledges of the Realm, and of Parliament against all Usurpers, Traytors, violence, and Conspiracies. And that no Subject of this Realm, who according to his duty, and Allegiance shall serve his King in his Warres, for the just defence of him and the Land, against Forreign enemies or Rebels, shall lose or forfeit any thing for doing his true duty, service, and Allegiance to him therein; but utterly discharged of all vexation, trouble, or loss.

9. That no publick Warre by Land or Sea ought to be made or levied with or against any Forreign Nation, or Publick Truce or League entred into with Forreign Realms or States, to bind the Nation, without their Common advice and consent in Parliament.

10. That the ancient Honours, Manors, Lands, Rents, Revenues, Inheritances, Right, and perquisites of the Crown of *England*, originally settled thereon for the Ease & Exemption of the people from all kind of Taxes, payments whatsoever (unlesse in cases of extraordinary necessity) and for defraying all the constant, ordi-

nary expences of the Kingdome, (as the expences of the Kings household, Court, Officers, Judges, Embassadors, Garifons, Navy and the like) ought not to be sold, alienated, given away or granted from it, to the prejudice of the Crown and burdening of the people. And that all Sales, Alienations, Gifts, or Grants thereof, to the empairing of the publick Revenue, or prejudice of the Crown and people, are void in Law, and ought to be resumed, and repealed, by our Parliaments and Kings, as they have frequently been in all former ages.

For the Readers fuller satisfaction in each of these propositions (some of which I must shew here but briefly, touch for brevity sake, having elsewhere fully debated them in print) I shall specially recommend unto him the perusall of such Tractates, and Arguments formerly published, wherein each of them hath been fully discussed, which he may peruse at his best leasure.

The first of these Fundamentalls (which I intend principally to insist on) is fully asserted, debated, confirmed by 13. H. 4. f. 14. By Fortescue Lord Chief Justice, and Chancellour of England, *de laudibus Legum Angliæ*, dedicated by him to King Henry the 6. f. 25. c. 36. f. 84. By a learned and necessary Argument against impositions in Parliament, of 7. Jacobi: by a late Reverend Judge, printed at London 1641. By Mr. William Hakewell, in his Liberty of the Subject against Impositions, maintained in an Argument in the Parliament of 7. Jacobi: printed at London 1641. By Judge Crooks, and Judge Huttons Arguments concerning Shipmony both printed at London 1641. By the Case of Shipmony briefly discussed London, 1640. by Mr. St. Johns Argument, and Speech against Shipmony, printed at London, 1641. By Sir Edward Cook in his 1. Institutes, p. 46. and 57. to 64. and 528. to 537. By the 1. and 2. Remonstrance of the Lords and Commons in Parliament, against the Commission of Array. Exact Collection p. 386. to 398. and 850. to 890. and by my own Humble Remonstrance against Shipmony, London, 1643. The fourth part of the Sovereign power of Parliaments and Kingdomes, p. 14. to 26. and my Legall Vindications of the Liberties of
England

England against Illegal Taxes, &c. London 1649. and by the Records and Statutes cited in the ensuing Chapter, referring for the most part to the first Proposition.

The second, third, and fourth of them are largely debated and confirmed by a Conference desired by the Lords, and had by a Committee of both Houses, concerning the Rights and Priviledges of the Subject, 3. Aprilis, 4. Caroli printed at London 1642. By Sir Edward Cook in his Institutes on Magna Charta. c. 29. p. 45. to 57. By the 1. and 2. Remonstrance of the Lords and Commons against the Commission of Array, Exact Collection p. 386 &c. 850. to 890. By Judge Crooks, and Judge Huttons Arguments against Shipmony: By Sir Robert Cotton his Posthuma p. 222. to 269. By my Breviate of the Prelates encroachments on the Kings Prerogative, and Subjects Liberties. p. 138. &c. My new discovery of the Prelates tyranny, p. 137. to 183. and some of the ensuing Statutes, and Records.

The fifth and sixth of them are fully cleared and vindicated in and by the Prologues of all our Councils, Statutes, Laws, before and since the Conquest. By Sir Edward Cooks 4. Institutes. ch. 1. Mr. Cromptons Jurisdiction of Courts. Title, High Court of Parliament: My Sovereign power of Parliaments and Kingdomes, p. 1, 2, 3, 4. My Legal Vindication against illegal Taxes, and pretended Acts of Parliament, London 1649 Pryne the Member, reconciled to Frynne the Barrester, printed the same year. My Historicall Collection of the ancient great Councils of the Parliaments of England. London 1649. My Truth triumphing over Falshood, Antiquity over Novelty. London 1645. and some of the Records hereafter transcribed. In this I shall be more sparing, because so fully confirmed in these and other Treatises.

The seventh is ratified by Sir Edward Cooks 1. Institutes, p. 97, 98. 4. Institutes p. 89. and 5. Report Cawdries Case of the Kings Ecclesiasticall Lawes: and Rastals Abridgement of Statutes. Tit. Provisors, Præmunire and Rome, 11. H. 7. c. 1. and other Records and Statutes in the ensuing Chapter.

The eighth and ninth are fully debated in my Sovereign

An historicall and Legall Vindication of the

raign Power of Parliaments and Kingdomes, Part. 2. p. 3. to 34. Part fourth, p 162. to 170. and touched in Sir Robert Cottons *Posthuma* p. 174. 179.

How all and every of these Fundamentall Liberties, Rights, Franchises, Lawes, have been unparalleldly violated, subverted, in all and every particular of late years beyond all Precedents in the worst of former ages, even by their greatest pretend *Propugners*; their own printed *Edicts*, *Instruments*, *Ordinances*, *Papers*, together with their illegall oppressions, Taxes, Excises, Imposts, Rapines, violences, Proceedings of all kinds, (whereof I shall give a brief accompt in its due place) will sufficiently evidence, if compared with the premised *propositions*. Which abundantly confirm the truth of our *Saviours* words, *John 10. 1. 10.* and this rule of *Johannis Angelius*, *Wenderbagen: Politicæ Synopticæ. lib. 3. c. 9. sect. 11. p. 310. Hinc Regule loco notandum. Quod omne Regnum Vi Armata acquisitione in Effectu Subditis Semper in durioris Servitutis condiciones arripiat, licet à principio Ducendum prurientibus spirare videatur. Ideo cunctis hoc cavendum, Nè temerè se duci patiantur.*

FINIS.