

Acts of the Long Parliament

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96. RECORDS OF THE LONG PARLIAMENT (1640-42)

(A) Triennial Act (1641)

An act for the preventing of inconveniences happening by the long intermission of parliaments. Whereas by the laws and statutes of this realm the parliament ought to be holden at least once every year for the redress of grievances, but the appointment of the time and place for the holding thereof hath always belonged, as it ought, to his majesty and his royal progenitors; and whereas it is by experience found that the not holding of parliaments accordingly hath produced sundry and great mischiefs and inconveniences to the king's majesty, the church, and commonwealth: for the prevention of the like mischiefs and inconveniences in time to come, be it enacted by the king's most excellent majesty, with the consent of the lords spiritual and temporal and the commons in this present parliament assembled, that the said laws and statutes be from henceforth duly kept and observed. And your majesty's loyal and obedient subjects, in this present parliament now assembled, do humbly pray that it be enacted, and be it enacted accordingly by the authority of this present parliament, that, in case there be not a parliament summoned by writ under the great seal of England and assembled and held before the 10th day of September which shall be in the third year next after the last day of the last meeting and sitting in this present parliament ... — and so from time to time and in all times hereafter, if there shall not be a parliament assembled and held before the 10th day of September which shall be in the third year next after the last day of the last meeting and sitting in parliament before that time assembled and held ... — that then ... the parliament shall assemble and be held in the usual place at Westminster in such manner and by such means only as is hereafter in this present act declared and enacted, and not otherwise, on the second Monday which shall be in the month of November then next ensuing. And in case this present parliament now assembled and held, or any other parliament which shall at any time hereafter be assembled and held ... , shall be prorogued or adjourned ... until the 10th day of September which shall be in the third year next after the last day of the last meeting and sitting in parliament ... , that then ... every such parliament so prorogued or adjourned ... shall from the said 10th day of September be thenceforth clearly and absolutely dissolved, and the lord chancellor of England, the lord keeper of the great seal of England, and every commissioner and commissioners for the keeping of the great seal of England, for the time being, shall within six days after the said 10th day of September, in every such third year as aforesaid, in due form of law and without any further warrant or direction from his majesty, his heirs, or successors, seal, issue forth, and send abroad several and respective writs to the several and respective peers of this realm, commanding every such peer that he personally be at the parliament to be held at Westminster on the second Monday which shall be in November next following the said 10th day of September ...; and shall also seal and issue forth ... several and respective writs to the several and respective sheriffs of the several and respective counties, cities, and boroughs of England and Wales ... , and to all and every other officers and persons to whom writs have used to be directed, for the electing of the knights, citizens, barons, and burgesses of and for the said counties, cities, Cinque Ports, and boroughs of England and Wales respectively, in the accustomed form, to appear and serve in parliament to be held at Westminster on the said second Monday, which shall be in November aforesaid; which said peers, after the said writs received, and which said knights, citizens, barons, and burgesses chosen by virtue of the said writs, shall then and there appear and serve in parliament

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accordingly. And the said lord chancellor, lord keeper, commissioner and commissioners aforesaid, shall respectively take a solemn oath upon the Holy Evangelists for the due issuing of writs according to the tenor of this act....^[1]

And it is lastly provided and enacted, that his majesty's royal assent to this bill shall not thereby determine this present session of parliament, and that all statutes and acts of parliament which are to have continuance unto the end of this present session shall be of full force after his majesty's assent, until this present session be fully ended and determined. And if this present session shall determine by dissolution of this present parliament, then all the acts and statutes aforesaid shall be continued until the end of the first session of the next parliament.

Statutes of the Realm, V, 54 f.; 16 Charles I, c. 1.

(B) Act for the Attainder of Strafford (1641)

An act for the attainder of Thomas, earl of Strafford, of high treason. Whereas the knights, citizens, and burgesses of the house of commons in this present parliament assembled, have, in the name of themselves and of all the commons of England, impeached Thomas, earl of Strafford, of high treason for endeavouring to subvert the ancient and fundamental laws and government of his majesty's realms of England and Ireland and to introduce an arbitrary and tyrannical government against law in the said kingdoms, and for exercising a tyrannous and exorbitant power above and against the laws of the said kingdoms over the liberties, estates, and lives of his majesty's subjects, and likewise for having by his own authority commanded the laying and sassing of soldiers upon his majesty's subjects in Ireland, against their consents, to compel them to obey his unlawful summons and orders, made upon paper petitions in causes between party and party, which accordingly was executed upon divers of his majesty's subjects in a warlike manner within the said realm of Ireland; and [whereas] in so doing [he] did levy war against the king's majesty and his liege people in that kingdom; and also for that he, upon the unhappy dissolution of the last parliament, did slander the house of commons to his majesty and did counsel and advise his majesty that he was loose and absolved from rules of government, and that he had an army in Ireland which he might employ to reduce this kingdom — for which he deserveth to undergo the pains and forfeitures of high treason — and [whereas] the said earl hath also been an incendiary of the wars between the two kingdoms of England and Scotland; all which offences hath been sufficiently proved against the said earl upon his impeachment: be it therefore enacted by the king's most excellent majesty and by the lords and commons in this present parliament assembled, and by authority of the same, that the said earl of Strafford, for the heinous crimes and offences aforesaid, stand and be adjudged attainted of high treason, and shall suffer such pains of death, and incur the forfeitures of his goods and chattels, lands, tenements, and hereditaments of any estate of freehold or inheritance in the said kingdoms of England and Ireland, which the said earl or any other to his use, or in trust for him, have or had the day of the first sitting of this ... parliament, or at any time since....

Ibid., V, 177 f.: 16 Charles I, c. 38.

(C) Act to Continue the Existing Parliament (1641)

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An act to prevent inconveniences which may happen by the untimely adjourning, proroguing, or dissolving of this present parliament.... Be it declared and enacted by the king our sovereign lord with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, that this present parliament now assembled shall not be dissolved unless it be by act of parliament to be passed for that purpose, nor shall be, at any time or times during the continuance thereof, prorogued or adjourned, unless it be by act of parliament to be likewise passed for that purpose; and that the house of peers shall not at any time or times during this present parliament be adjourned, unless it be by themselves or by their own order; and in like manner, that the house of commons shall not, at any time or times during this present parliament, be adjourned, unless it be by themselves or by their own order; and that all and every thing or things whatsoever done or to be done for the adjournment, proroguing, or dissolving of this present parliament contrary to this act shall be utterly void and of none effect.

Ibid., V, 103 f.: 16 Charles I, c. 7.

(D) Tunnage and Poundage Act (1641)

A subsidy granted to the king of tunnage, poundage, and other sums of money payable upon merchandise exported and imported. Whereas, upon examination in this present parliament of divers of the farmers, customers, and collectors of the customs upon merchandise, and likewise upon their own confession, it appeared that they have taken divers great sums of money of his majesty's subjects, and likewise of merchants aliens for goods imported and exported by the names of a subsidy of tunnage and poundage, and by colour of divers other impositions laid upon merchandise, which have been taken and received against the laws of the realm, in regard the said sums of money and impositions were not granted by common consent in parliament ...: be it therefore declared and enacted by the king's most excellent majesty and the lords and commons in this present parliament assembled, and it is hereby declared and enacted, that it is and hath been the ancient right of the subjects of this realm that no subsidy, custom, impost, or other charge whatsoever ought or may be laid or imposed upon any merchandise exported or imported by subjects, denizens, or aliens without common consent in parliament.

Yet, nevertheless, the commons ... , taking into their consideration the great peril that might ensue to this realm by the not guarding of the seas and the other inconveniences which might follow in case the said sums of money should upon the sudden be forborne to be paid, by and with the advice of the lords in this present parliament assembled and by the authority of the same, do give and grant to our supreme liege lord and sovereign one subsidy called tunnage — that is to say, of every tun of wine that is or shall come into this realm or any his majesty's dominions by way of merchandise the sum of 3s.... — and also one other subsidy called poundage — that is to say, of all manner of goods and merchandise of every merchant, denizen, and alien carried or to be carried out of this realm, or any his majesty's dominions, or to be brought into the same by way of merchandise, of the value of every 20s. of the same goods and merchandise 12d...^[2] — to have, take, enjoy, and perceive the subsidies aforesaid, and other the forementioned sums and every of them ... from the five-and-twentieth of May, 1641, to the fifteenth of July next ensuing....

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Ibid., V, 104: 16 Charles I, c. 8.

(E) Act Abolishing Arbitrary Courts (1641)

An act for the regulating the privy council and for taking away the court commonly called the star chamber.... Forasmuch as all matters examinable or determinable ... in the court commonly called the star chamber may have their proper remedy and redress and their due punishment and correction by the common law of the land and in the ordinary course of justice elsewhere; and forasmuch as the reasons and motives inducing the erection and continuance of that court do now cease, and the proceedings, censures, and decrees of that court have by experience been found to be an intolerable burden to the subjects and the means to introduce an arbitrary power and government; and forasmuch as the council hath of late times assumed unto itself a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischiefs and inconveniences have arisen and happened, and much uncertainty by means of such proceedings hath been conceived concerning men's rights and estates: for settling whereof and preventing the like in time to come, be it ordained and enacted by the authority of this present parliament that the said court commonly called the star chamber, and all jurisdiction, power, and authority belonging unto or exercised in the same court, or by any the judges, officers, or ministers thereof, be from the first day of August, in the year of our Lord God 1641, clearly and absolutely dissolved, taken away, and determined....

And be it likewise enacted that the like jurisdiction now used and exercised in the court before the president and council in the marches of Wales; and also in the court before the president and council established in the northern parts; and also in the court commonly called the court of the duchy of Lancaster, held before the chancellor and council of the court; and also in the court of exchequer of the county palatine of Chester, held before the chamberlain and council of that court ... shall, from the said first day of August, 1641, be also repealed and absolutely revoked and made void....

Be it likewise declared and enacted by authority of this present parliament, that neither his majesty nor his privy council have or ought to have any jurisdiction, power, or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question, determine, or dispose of the lands, tenements, hereditaments, goods, or chattels of any the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary courts of justice and by the ordinary course of the law.

Ibid., V, 110: 16 Charles I, c. 10.

(F) Act Abolishing the Court of High Commission (1641)

An act for the repeal of a branch of a statute ... concerning commissioners for causes ecclesiastical. Whereas in the parliament holden in the first year of the reign of the late Queen Elizabeth ... there was an act made ...;^[3] and whereas, by colour of some words in the foresaid ...

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act whereby commissioners are authorized to execute their commission according to the tenor and effect of the king's letters patents and by letters patents grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression of the king's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that act, and divers other great mischiefs and inconveniences have also ensued to the king's subjects by occasion of the ... commissions issued thereupon and the executions thereof: therefore, for the repressing and preventing of the foresaid abuses, mischiefs, and inconveniences in time to come, be it enacted by the king's most excellent majesty and the lords and commons in this present parliament assembled, and by the authority of the same, that the foresaid branch, clause, article, or sentence contained in the said act ... shall from henceforth be repealed ... and utterly made void forever....

And be it also enacted by the authority aforesaid that no archbishop, bishop ... , nor any other person or persons whatsoever exercising spiritual or ecclesiastical power, authority, or jurisdiction ... shall from and after the first day of August, which shall be in the year of our Lord God 1641, award, impose or inflict any pain, penalty, fine, amercement, imprisonment, or other corporal punishment upon any of the king's subjects for any contempt, misdemeanour, crime, offence, matter, or thing whatsoever belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall *ex officio*, or at the instance or promotion of any other person whatsoever ... , minister unto any ... person whatsoever any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse him or herself of any crime, offence, delinquency, or misdemeanour, or any neglect ... , or thing whereby, or by reason whereof, he or she shall or may be liable or exposed to any censure, pain, penalty, or punishment whatsoever....^[4]

And be it further enacted that, from and after the said first day of August, no new court shall be erected, ordained, or appointed within this realm of England or dominion of Wales which shall or may have the like power, jurisdiction, or authority as the said high commission court now hath or pretendeth to have; but that all and every such letters patents, commissions, and grants made or to be made by his majesty, his heirs, or successors, and all powers and authorities granted or pretended or mentioned to be granted thereby, and all acts, sentences, and decrees to be made by virtue or colour thereof shall be utterly void and of none effect.

Ibid., V, 112 f.: 16 Charles I, c. 11.

(G) Act Abolishing Ship Money (1641)

An act for the declaring unlawful and void the late proceedings touching ship money and for the vacating of all records and process concerning the same. Whereas divers writs of late time issued under the great seal of England, commonly called ship writs, for the charging of the ports, towns, cities, boroughs, and counties of this realm respectively to provide and furnish certain ships for his majesty's service; and whereas, upon the execution of the same writs ... , process hath been thence made against sundry persons pretended to be charged by way of contribution for the making up of certain sums assessed for the providing of the said ships, and in especial ... against John Hampden, esquire ...;^[5] and whereas some other actions and process depend ... against other

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persons for the like kind of charge grounded upon the said writs commonly called ship writs, all which writs and proceedings as aforesaid were utterly against the law of the land: be it therefore declared and enacted by the king's most excellent majesty and the lords and the commons in this present parliament assembled, and by the authority of the same, that the said charge imposed upon the subject for the providing and furnishing of ships commonly called ship money ... , and the said writs ... and the said judgment given against the said John Hampden, were and are contrary to and against the laws and statutes of this realm, the right of property, the liberty of the subjects, former resolutions in parliament, and the Petition of Right made in the third year of the reign of his majesty that now is.

And it is further declared and enacted ... that all ... particulars prayed or desired in the said Petition of Right shall from henceforth be put in execution accordingly, and shall be firmly and strictly holden and observed as in the same petition they are prayed and expressed; and that all ... the records ... of all ... the judgment, enrolments ... , and proceedings as aforesaid, and all ... the proceedings whatsoever, upon or by pretext ... of any of the said writs commonly called ship writs ... , shall be deemed ... to be utterly void....

Ibid., V, 116 f.: 16 Charles I, c. 14.

(H) Act Defining Forests and Forest Law (1641)

An act for the certainty of forests and of the meers, metes, limits, and bounds of the forests.^[6] ... Be it declared and enacted by the king's most excellent majesty and the lords and commons in this present parliament assembled, and by the authority of the same, that from henceforth the metes ... and bounds of all and every the forests respectively shall be to all intents and purposes taken, adjudged, and deemed to extend no further respectively than the metes ... and bounds ... were commonly known, used, or taken to be the metes ... and bounds of the said forests respectively in the twentieth year of the reign of our late sovereign lord, King James, and not beyond in any wise — any perambulation or perambulations, presentments, extents, surveys, judgments, records, decrees, or other matter or thing whatsoever to the contrary notwithstanding — and that all and every the presentments since the said twentieth year made ... and all and every judgment and award upon or by reason or pretext of any such presentment or presentments ... , and all and every fine and fines, and amercement and amercements, upon or by reason or colour of any such presentment or presentments shall from henceforth be adjudged, deemed, and taken to be utterly void and of no force or effect — any law, statute, record, or pretence whatsoever to the contrary notwithstanding.

And be it further enacted by the authority aforesaid that no place or places within this realm of England or dominion of Wales, where no such justice seat, swainmote, or court of attachment have been held or kept, or where no verderers have been chosen or regard made, within the space of sixty years next before the first year of his majesty's reign that now is, shall be at any time hereafter judged, deemed, or taken to be forest or within the bounds or metes of the forests; but the same shall be from henceforth forever disafforested and freed and exempted from the forest laws....^[7]

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Ibid., V, 119: 16 Charles I, c. 16.

(I) Act Abolishing Fines for Distrainment of Knighthood (1641)

An act for the prevention of vexatious proceedings touching the order of knighthood.^[8] ... Be it declared and enacted by the king's most excellent majesty and the lords and commons in this parliament assembled, and by the authority of the same, that from henceforth no person or persons of what condition, quality, estate, or degree soever, shall at any time be distrained or otherwise compelled by any writ or process of the court of chancery or court of exchequer, or otherwise by any means whatsoever, to receive or take upon him or them respectively the order or dignity of knighthood; nor shall suffer or undergo any fine, trouble, or molestation whatsoever by reason or colour of his or their having not received or not taken upon him or them the said order or dignity ...; and that all and every process, proceeding, and charge now depending by reason or colour of the said pretended custom or writs aforesaid, or of any the dependants thereof, shall from henceforth cease, and stand, be, and remain discharged and utterly void — any former law or custom, or any pretence of any former law or custom, or any other matter whatsoever to the contrary in any wise notwithstanding.

Ibid., V, 131: 16 Charles I, c. 20.

(J) Reply of Charles I to the Commons' Petition (1641)^[9]

We having received from you soon after our return out of Scotland a long petition consisting of many desires of great moment, together with a declaration of a very unusual nature annexed thereunto, we had taken some time to consider of it, as befitted us in a matter of that consequence, being confident that your own reason and regard to us, as well as our express intimation by our comptroller to that purpose, would have restrained you from the publishing of it till such time as you should have received our answer to it; but, much against our expectation finding the contrary, that the said declaration is already abroad in print by directions from your house, as appears by the printed copy, we must let you know that we are very sensible of the disrespect. Notwithstanding, it is our intention that no failing on your part shall make us fail in ours of giving all due satisfaction to the desires of our people in a parliamentary way; and therefore we send you this answer to your petition, reserving ourself in point of the declaration, which we think unparliamentary, and shall take a course to do that which we shall think fit in prudence and honour.

To the petition we say that ... there are divers things in the preamble of it which we are so far from admitting that we profess we cannot at all understand them — as of "a wicked and malignant party prevalent in the government," of "some of that party admitted to our privy council and to other employments of trust and nearest to us and our children," of "endeavours to sow among the people false scandals and imputations to blemish and disgrace the proceedings of the parliament" — all or any of them, did we know of, we should be as ready to remedy and punish as you to complain of; so that the prayers of your petition are grounded upon such premises as we must in no wise admit. Yet, notwithstanding, we are pleased to give this answer to you.

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To the first, concerning religion ... , we say that, for preserving the peace and safety of this kingdom from the design of the popish party, we have and will still concur with all the just desires of our people in a parliamentary way; that for the depriving of the bishops of their votes in parliament, we would have you consider that their right is grounded upon the fundamental law of the kingdom and constitution of parliament.... As for the abridging of the inordinate power of the clergy, we conceive that the taking away of the high commission court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have nor will protect them. Unto that clause which concerneth corruptions (as you style them) in religion, in church government, and in discipline and the removing of such unnecessary ceremonies as weak consciences might check at ... , for any illegal innovations which may have crept in, we shall willingly concur in the removal of them.... If our parliament shall advise us to call a national synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration and apply ourself to give due satisfaction therein....

To the second prayer of the petition, concerning the removal and choice of councillors, we know not any of our council to whom the character set forth in the petition can belong.... By those whom we had exposed to trial, we have already given you sufficient testimony that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him. And of this we do again assure you; but in the meantime we wish you to forbear such general aspersions as may reflect upon all our council, since you name none in particular. That for the choice of our councillors and ministers of state, it were to debar us that natural liberty all freemen have; and as it is the undoubted right of the crown of England to call such persons to our secret counsels, to public employment, and our particular service as we shall think fit, so we are and ever shall be very careful to make election of such persons in those places of trust as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception whereon reasonably to ground a diffidence. And to choices of this nature we assure you that the mediation of the nearest unto us hath always concurred.

To the third prayer of your petition, concerning Ireland, we understand your desire of not alienating the forfeited lands thereof to proceed from much care and love, and likewise that it may be a resolution very fit for us to take. But whether it may be seasonable to declare resolutions of that nature before the events of a war be seen, that we much doubt of. Howsoever, we cannot but thank you for this care and your cheerful engagement for the suppression of that rebellion....

Rushworth *Historical Collections*, IV, 452 f.

(K) Orders of the Commons with Regard to Printing

[13 February 1641.] Ordered that the sub-committee heretofore appointed by the grand committee for religion concerning abuses in licensing and printing of books be now made a committee from the house and enlarged to take into consideration and examine all abuses in printing, licensing, importing, and suppressing of books of all sorts, and in denying licence to some books and expunging several passages out of other books....

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[28 March 1642.] Resolved upon the question that what person soever shall print, [publish, or] sell any act or passages of this house under the name of a diurnal or otherwise, without particular licence of this house, shall be reputed a high contemner and breaker of the privilege of parliament, and so punished accordingly....

Journals of the Commons, II, 84, 501.

(L) Act Abolishing Temporal Power of the Clergy (1641)

An act for disabling all persons in holy orders to exercise any temporal jurisdiction or authority. Whereas bishops and other persons in holy orders ought not to be entangled with secular jurisdiction, the office of the ministry being of such great importance that it will take up the whole man; and for that it is found by long experience that their intermeddling with secular jurisdictions hath occasioned great mischiefs and scandal both to church and state: his majesty, out of his religious care of the church, and souls of his people, is graciously pleased that it be enacted, and by authority of this present parliament be it enacted, that no archbishop or bishop or other person that now is or hereafter shall be in holy orders, shall ... have any seat or place, suffrage, or voice, or use, or execute any power or authority in the parliaments of this realm, nor shall be of the privy council of his majesty, his heirs, or successors, or justice of the peace ... or execute any temporal authority by virtue of any commission; but shall be wholly disabled and be incapable to have, receive, use, or execute any of the said offices, places, powers, authorities, and things aforesaid....

Statutes of the Realm, V, 138: 16 Charles I, c. 27.

(M) The Militia Ordinance (1642)^[10]

An ordinance of parliament for the safety and defence of the kingdom of England and dominion of Wales. Whereas there hath been of late a most dangerous and desperate design upon the house of commons, which we have just cause to believe to be an effect of the bloody counsels of papists and other ill-affected persons, who have already raised a rebellion in the kingdom of Ireland; and [whereas] by reason of many discoveries we cannot but fear they will proceed not only to stir up the like rebellion and insurrections in this kingdom of England but also to back them with forces from abroad: for the safety, therefore, of his majesty's person, the parliament, and kingdom in this time of imminent danger, it is ordained by the lords and commons now in parliament assembled, that Henry, earl of Holland, shall be lieutenant of the county of Berks; Oliver, earl of Bolingbroke, shall be lieutenant of the county of Bedford....^[11] And [they] shall severally and respectively have power to assemble and call together all and singular his majesty's subjects within the said several and respective counties and places, as well within liberties as without, that are meet and fit for the wars, and them to train and exercise and put in readiness, and them after their abilities and faculties well and sufficiently from time to time to cause to be arrayed and weaponed, and to take the muster of them in places most fit for that purpose; and ... shall severally and respectively have power ... to nominate and appoint such persons of quality as to them shall seem meet to be their deputy lieutenants, to be approved of by both houses of parliament; and ... shall have power to make colonels and captains and other officers ... as they

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shall think fit for that purpose; and ... shall have power to lead, conduct and employ the persons aforesaid arrayed and weaponed, for the suppression of all rebellions, insurrections, and invasions that may happen within the several and respective counties and places; and shall have power and authority to lead, conduct, and employ the persons aforesaid arrayed and weaponed, as well within their said several and respective counties and places as within any other part of this realm of England or dominion of Wales, for the suppression of all rebellions, insurrections, and invasions that may happen, according as they from time to time shall receive directions....

Journals of the Lords, IV, 587.

(N) Royal Proclamation (27 May 1642)

... Whereas we understand that, expressly contrary to the ... laws of this our kingdom, under colour ... of an ordinance of parliament, without our consent or any ... warrant from us, the trained bands and militia of this kingdom have been lately, and are intended to be, put in arms and drawn into companies in a warlike manner, whereby the peace and quiet of our subjects is or may be disturbed: we, being desirous ... to prevent that some malignant persons in this our kingdom do not by degrees seduce our good subjects from their due obedience to us and the laws of this our kingdom ..., do therefore, by this our proclamation, expressly charge and command all our sheriffs, and all colonels, lieutenant-colonels, sergeant-majors, captains, officers, and soldiers belonging to the trained bands of this our kingdom, and likewise all high and petty constables and other our officers and subjects whatsoever, upon their allegiance and as they tender the peace of this our kingdom, not to muster, levy, raise, or march, or to summon or warn, upon any warrant, order or ordinance from one or both our houses of parliament, whereunto we have not, or shall not, give our express consent, any of our trained bands or other forces to rise, muster, march, or exercise without express warrant under our hand or warrant from our sheriff of the county, grounded upon a particular writ to that purpose under our great seal. And in case any of our trained bands shall rise or gather together contrary to this our command, we shall then call them in due time to a strict account and proceed legally against them as violators of the laws and disturbers of the peace of this kingdom.

Ibid., V, 111 f.

(O) Declaration of the Lords and Commons (27 May 1642)

The lords and commons, having perused his majesty's proclamation forbidding all his majesty's subjects belonging to the trained bands or militia of this kingdom, to rise, march, muster, or exercise, by virtue of any order or ordinance of one or both houses of parliament without consent or warrant from his majesty, upon pain of punishment according to the laws, do thereupon declare that ... it is acknowledged that the king is the fountain of justice and protection; but the acts of justice and protection are not exercised in his own person, nor depend upon his pleasure, but by his courts and by his ministers, who must do their duty therein though the king in his own person should forbid them. And therefore, if judgments should be given by them against the king's will and personal command, yet are they the king's judgments. The high court of parliament is not only a court of judicature, enabled by the laws to adjudge and determine the

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rights and liberties of the kingdom against such patents and grants of his majesty as are prejudicial thereunto, although strengthened both by his personal command and by his proclamation under the great seal; but it is likewise a council to provide for the necessities, prevent the imminent dangers, and preserve the public peace and safety of the kingdom, and to declare the king's pleasure in those things as are requisite thereunto. And what they do herein hath the stamp of the royal authority although his majesty, seduced by evil counsel, do in his own person oppose or interrupt the same; for the king's supreme and royal pleasure is exercised and declared in this high court of law and council, after a more eminent and obligatory manner than it can be by personal act or resolution of his own.

Seeing therefore the lords and commons, which are his majesty's great and high council, have ordained that, for the present and necessary defence of the realm, the trained bands and militia of this kingdom should be ordered according to that ordinance ... , the lords and commons do require and command all constables, petty constables, and all other his majesty's officers and subjects whatsoever to muster, levy, raise, march, and exercise, or to summon or warn any, upon warrants from the lieutenants, deputy lieutenants, captains, or other officers of the trained bands, and all others, according to the said ordinance of both houses; and [they] shall not presume to muster, levy, raise, march, or exercise by virtue of any commission or other authority whatsoever, as they will answer the contrary at their perils. And in their so doing they do further declare that they shall be protected by the power and authority of both houses of parliament; and that whosoever shall oppose, question, or hinder them in the execution of the said ordinance, shall be proceeded against as violators of the laws and disturbers of the peace of the kingdom.

Ibid., V, 112 f.

(P) The Nineteen Propositions (1 June 1642)

Your majesty's most humble and faithful subjects, the lords and commons in parliament, having nothing in their thoughts and desires more precious and of higher esteem — next to the honour and immediate service of God — than the just and faithful performance of their duty to your majesty and this kingdom ... , do in all humility and sincerity present to your majesty their most dutiful petition and advice, that out of your princely wisdom ... you will be pleased to grant and accept these their humble ... propositions, as the most necessary effectual means, through God's blessing, of removing those jealousies and differences which have unhappily fallen betwixt you and your people ...: —

1. That the lords and others of your majesty's privy council and ... great officers and ministers of state, either at home or beyond the seas, may be put from your privy council and from those offices and employments, excepting such as shall be approved of by both houses of parliament; and that the persons put into the places and employments of those that are removed may be approved of by both houses of parliament; and that all privy councillors shall take an oath for the due execution of their places in such form as shall be agreed upon by both houses of parliament.

2. That the great affairs of the kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn councillors; but that such matters as concern the

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public and are proper for the high court of parliament, which is your majesty's great and supreme council, may be debated, resolved, and transacted only in parliament, and not elsewhere. And such as shall presume to do anything to the contrary shall be reserved to the censure and judgment of parliament. And such other matters of state as are proper for your majesty's privy council shall be debated and concluded by such of the nobility and others as shall from time to time be chosen for that place, by approbation of both houses of parliament. And that no public act concerning the affairs of the kingdom, which are proper for your privy council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of your council, attested under their hands. And that your council may be limited to a certain number, not exceeding twenty-five, nor under fifteen. And if any councillor's place happen to be void in the intervals of parliament, it shall not be supplied without the assent of the major part of the council; which choice shall be confirmed at the next sitting of parliament, or else to be void.

3. That the lord high steward of England, lord high constable, lord chancellor, or lord keeper of the great seal, lord treasurer, lord privy seal, earl marshal, lord admiral, warden of the Cinque Ports, chief governor of Ireland, chancellor of the exchequer, master of the wards, secretaries of state, two chief justices, and chief baron, may always be chosen with the approbation of both houses of parliament....

4. That he or they unto whom the government and education of the king's children shall be committed shall be approved of by both houses of parliament....

5. That no marriage shall be concluded or treated for any of the king's children with any foreign prince or other person whatsoever, abroad or at home, without the consent of parliament....

6. That the laws in force against Jesuits, priests, and popish recusants be strictly put in execution, without any toleration or dispensation to the contrary....

7. That the votes of popish lords in the house of peers may be taken away....

8. That your majesty would be pleased to consent that such a reformation be made of the church government and liturgy as both houses of parliament shall advise....

9. That your majesty will be pleased to rest satisfied with that course that the lords and commons have appointed for ordering the militia until the same shall be further settled by a bill; and that your majesty will recall your declarations and proclamations against the ordinance made by the lords and commons concerning it.

10. That such members of either house of parliament as have, during this present parliament, been put out of any place and office may either be restored to that place and office or otherwise have satisfaction for the same, upon the petition of that house whereof he or they are members.

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11. That all privy councillors and judges may take an oath, the form whereof to be agreed on and settled by act of parliament, for the maintaining of the Petition of Right and of certain statutes made by this parliament, which shall be mentioned by both houses of parliament....

12. That all the judges and all the officers placed by approbation of both houses of parliament may hold their places *quam diu bene se gesserint*.^[12]

13. That the justice of parliament may pass upon all delinquents, whether they be within the kingdom or fled out of it...

14. That the general pardon offered by your majesty may be granted, with such exceptions as shall be advised by both houses of parliament.

15. That the forts and castles of this kingdom may be put under the command and custody of such persons as your majesty shall appoint with the approbation of your parliament....

16. That the extraordinary guards and military forces now attending your majesty may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces, but according to the law, in case of actual rebellion or invasion.

17. That your majesty will be pleased to enter into a more strict alliance with the states of the United Provinces, and other neighbouring princes and states of the Protestant religion....

18. That your majesty will be pleased, by act of parliament, to clear the lord Kimbolton and the five members of the house of commons^[13] in such manner that future parliaments may be secured from the consequence of that evil precedent.

19. That your majesty will be graciously pleased to pass a bill for restraining peers made hereafter from sitting or voting in parliament, unless they be admitted thereunto with the consent of both houses of parliament.

And these our humble desires being granted by your majesty, we shall forthwith apply ourselves to regulate your present revenue in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it as shall be sufficient to support your royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this kingdom to your majesty's royal predecessors....

Ibid., V, 97 f.

^[1] Elaborate provision is made for the assembling of parliament even should such royal officials fail to carry out their oath. Penalties are established for disobedience. And it is provided that this act shall be read annually in local courts and assizes.

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^[2] The poundage on tin was double the normal rate. Wool, wool-fells, and woollen cloth were excepted from the force of this article, being taxed according to a separate schedule placed in the article following. Finally, it was provided that tobacco from the English plantations should pay only *2d.* on the pound.

^[3] Here is recited the clause in the statute of 1559 (no. 81A) establishing the court of high commission.

^[4] See above, p. 470.

^[5] The preamble here reviews the proceedings in Hampden's case (no. 94C).

^[6] The preamble recites the recent abuses in this connection; cf. no. 93C.

^[7] Other articles provide for inquests under parliamentary commission to enforce these enactments.

^[8] The preamble recites the recent exactions made for this purpose; see no. 93A.

^[9] This royal letter, dated December 23, was made in answer to a petition of the house of commons, dated December 1, that accompanied the Grand Remonstrance. The latter document was a long enumeration of parliamentary grievances alleging in particular a "malignant and pernicious design of subverting the fundamental laws and principles of government" on the part of papists, certain members of the clergy, and unscrupulous courtiers. The articles of the petition, which was designed to meet the evils thus enumerated, are clearly rehearsed in the king's reply.

^[10] When the king refused to sign this enactment in the form of a bill, it was turned into an ordinance of parliament.

^[11] Similar appointments are made for the other counties.

^[12] During good behaviour.

^[13] The five members whom Charles had tried to arrest in the famous scene on 4 January 1642.
