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QUEEN'S UNIVERSITY AT KINGSTON
KINGSTON ONTARIO CANADA
A REMONSTRANCE
OF THE
Lords and Commons
Assembled in Parliament,
OR,
The Reply of both Houses, to a printed Book, under His Majesties name,
Called,
His Majesties Answer to a printed Book, entitled, A Remonstrance, or the Declaration of the Lords and Commons now assembled in Parliament the 26 of May 1642. in answer to a Declaration under His Majesties name, concerning the businesse of Hull.

November 2. 1642.

Ordered by the Lords and Commons assembled in Parliament, that this Remonstrance be forthwith printed and published.

J. Brown Cler. Parliamentorum,

LONDON,
Printed for I. Wright, Novemb. 3. 1642.
Translation of the

First and Comment

Alexander Leisenturc

The Rul of the Sea Piages, etc.

A Preparation and Navigation Through

Forty and Forty

H. B.
To the Reader.

Qu will wonder (it may be) that this reply to the Declaration under His Majesty's name, intitled, An Answer to the Declaration or Remonstrance of the Lords and Commons in Parliament of the 26 of May, 1642, comes forth no sooner, and yet comes forth now so long after the said answer; That it comes forth no sooner, is not for that it it was no sooner ready, but having passed
passed the House of Commons divers Moneths since, the waughtly and ur-
gent affaires of the Kingdom did not afford an opportunity for reading of it in the Lords House before. That it comes forth now, is to free as well both Houses of Parliament from those ca-
lumnies, scandals, and false imputa-
tions, which by the contriver of the Answer are cast upon them, as to vin-
dicate the Parliaments just priviled-
ges, and the Kingdomes Rights, and Liberties, all which you will find so clearly done in the ensuing Treatise, as I doubt not but will give ample satisfaction to every impartial Reader.
A Declaration of the Lords and Commons assembled in Parliament.

However looks over the late Declaration under his Majesties name, carrying the title of an Answer to our Remonstrance concerning the business of Hull, will find that it is as farre from being an answer thereunto, as it is full of groundleffe and unheard offscandalls and imputations upon both Houses of Parliament, which wee hold as necessary to wipe off from us, as wee should otherwise have thought it needless to have made any reply; And because the nature and language of that Declaration is such and so full of scandal about both Houses of Parliament; Wee are constrained to shape our answer more proportionably to the true Authors and framers of that Declaration than to the name it beareth, and as his Majestie cannot be imagined to be the framer and Penner of Declarations of that length and nature, so wee profess from our hearts that wee would be understood only to speake of the Contrivers and Penners of that Declaration, and of the evill Counsellours about his Majestie so often as wee mention any of their wicked desigines against this and all Parliaments, and in them against our Religion, Lawes, and Liberties, and their odious and most unjust slanderes and calumnies upon the Parliament, which wee will take in order as they are layd against us, in that Declaration.

The first that is raised upon us is, That wee promise much to his Majestie and performe little; say wee will make him great, honourable, and rich, and doe the contrary. This is a scandal that hath beene often cast upon the Parliament, and as often answered. Wee have wholly in a manner supported his Majesties publick Charges both by Sea and Land, both in
England and Ireland, and have borne also a great proportion of his private expences out of the publick Stocke, and all this while we have not diminished one penny of his just Revenue, which either his Majesty or any of his Ancestors could justly claim, but the evill Counsellours about his Majesty have beene the true cause that wee have not beene able to compass in that measure that we desire, our earnest and most sincere endeavours and intentions of honour, greatnesse, and plenty unto his Majesty, suitable to our expressions; And wee cannot expect till the dross be removed from the silver, and the wicked from about the Throne, that it will ever shine in its proper and native lustre, which shall always be our hearty prayer, and earnest endeavour that it may. In like manner for the plaine English, wherein wee are said to tell the King, That wee can doe him no wrong, because he is not capable of receiving any, & that we have taken nothing from him, because he never had any thing of his own to loose; In what part of that Declaration is this told the King in plaine English or by any good inference, unless it must needs follow, that because the King hath not a right of property in the Townes, Forts, Subjects, publick Treasure and Offices of the Kingdom, nor in the Kingdom it selfe, to dispose of at his pleasure and for his owne private advantage, but onely a trust for the common good of Himselfe and his subjects (as it is most cleare he hath them no otherwise) that therefore he cannot have a property in any of his Lands or Goods as subjects have in theirs, and yet it is a truth that the more publicke any person is, the more interest the publick hath even in those things that belong to him as a private man, in which regard the King hath not the like liberty in disposing of his owne Person, or of the Persons of his Children (in respect of the interest the Kingdom hath in them) as a private man may have.

The truth of that Digression (whereof there was no occasion given in our Declaration) concerning words supposed to be spoken (which in truth were not) by some Gentlemen, and by the Contrivers and penners of that Declaration, insinuated to have beene allowed by either House of Parliament, had been more reasonably examined by his Majestie (if he would have taken notice at all of any thing spoken in Parliament before he had
had suffered it to be published under his name, \\
\textit{we might justly complain of a most high and shocking
breach} of privilege of Parliament therein well known, and often
remonstrated unto his Majesty himselfe, that his Majesty should take notice of
any thing spoken in Parliament, and not so only, but also
threaten a further examination, and enquiry into it, after satis-
faction or censure given thereupon by that House wherein it
was spoken, and out of the walls whereof it cannot be judged
without their consent. But sure we have forfeited all freedom
and privilege of Parliament (for of late none will be afforded
us) and why; \\
\textit{We are no Parliament, it is arrogancy in the,}
\textit{two Houses of Parliament, to call themselves the Parliament}
\textit{and in the Major part of both Houses, to call themselves both
Houses. And why must the two Houses relinquish the title of}
\textit{the Parliament as aunciently belonging to them, as the King}
\textit{and his Parliament had a being, and as usually to taken in}
\textit{Statutes, and in common speech as the King and his Councell}
\textit{And the King himselfe till very lately hath continually so used}
\textit{it in his Messages and Declarations, but now since it was re-
olved to use such language to both Houses as to terms them
Hypocrites and a faction of Schismaticall Malignant and ambi-
trious Persons and the like, that is applied in that, and the late
Declarations unto them, and since there was an intention to
follow such words, which no English ear never endure to
heare of a Parliament, with such Indignities and acts of
violence and force, as no English heart could ever suffer
should be offered to a Parliament, it was thought fit to dis-
solve the name of Parliament, before they destroy the being of
it: And why must not the Major part of both Houses present
(according to the constant practice of all times) be the two Hou-
ses of Parliament and how are both Houses of Parliament be-
come a Faction, a thing never heard of before, and not easie
to understand how it can be, and why a Faction? Because they
will not doe, or leave undone whatsoever these new compro-
lers of a Parliament, the Malignant party about his Majestie
suggest to the King as fit to be done, or not to be done; and
that is according to, or contrary unto his prerogative; who
doethe not see that this new Doctrine must needs call in question

and
and put all Laws made or to be made (either for the advantage of King or people) into an unavoidable and irremediable uncertainty, if the Major part of both Houses present, shall not be esteemed both Houses; And if both houses shall at the pleasure of the Prince be called and accounted a Faction. But this Malignant Faction the two Houses of Parliament have, and always had a design to alter the whole frame of Government both of Church and State. How doth that appeare, and out of what evidence doth it arise? A ful narration of that shall be made hereafter, what justice, what conscience is there in that, to defame in so high a degree (as a higher cannot bee imagined) not private persons, but a Parliament throughout the whole Kingdom, upon a narration to be made hereafter which they hope will be satisfactory. And when shall this Narration bee made? when they have force enough to make men see Cause to judge it satisfactory? Or if that fail, they may happily see as good cause to relinquish the accusation as they first laid cause, (which no man els law or beleived) for to make it, and by this time we doubt not) but every man doth plainly discern through the mask and vizard of their hyprocricie, what their design is, to subject both King Parliament and Kingdom to their needy, avaricious and ambitious spirits, and to the violent Laws, Marshall Law of governing the people by guard, and by the soldiers. The Contrivers and Penners of that Declaration wil needs make the world beleive, (for they care not what they affirme, knowing that their Declarations are, and will be spread with more diligence then the answers of the Parliament are)[ that we have spent our time since the recess soley in Declarations, Remonstrances, and Invectives against his Majesty and his government, or in preparing matter for them ] was the Bill for taking the Bishops votes of the Lords House (so much desired by the whole Kingdom, and so much for the good thereof) were the severall Bills for the defence of the Sea nothing but Declarations and Invectives against the King and his Government, have the preparations of the Bills against scandalous Ministers for the taking away of Pluralities, against Innovations and Superstitions in Religion for the calling of an Assembly of Divines for the better settling of the matters in Religion (most
of which have passed both Houses, and want nothing but the Royall Assent) beene onely preparations for matter of Declaration and invectives against his Majestie and His government; have the many Bills for the supplies and relief of Ireland; have all our endeavours for the redemption of our Religion, and Nation out of the bloody hands of the Popish Rebels in that Kingdome (which God hath beene pleased to honour with good success, and the current whereof is so much endeavoured to be interrupted by the malignant spirit of division amongst us) been only Declarations and Invectives against the King and his government, are the preparations of moneys and other necessaries for Ireland, both heretofore and at this present (wherein never any Parliament took that paines and engaged their own particular persons and estates at any time, or in any case as this Parliament hath done, and without which the Rebels in Ireland might have been our Masters there, and our mates in this Kingdome) are all these preparations only preparations of matter for Declarations and Invectives against his Majestie and his government? Wee might have expected such a construction of our actions from the Rebels in Ireland, but not in a Declaration published in his Majesties name. And if his Majestie did not invite us to any expence of time in Declarations, by beginning arguments of that nature yet the evil Counsellors about his Majesty, and their wicked instruments dispersed throughout the whole Kingdome, induced us to prepare antidotes against the poision which they had infused into the people against the Parliament; and the proceedings thereof, and for the printing and publishing of our Declarations, Votes and Petitions, all this doth not make up an evidence of an appeal to the people cannot we publish our proceedings for the satisfaction of them by whom and for whom we are trusted, in those things wherein they are so much concerned, and whereas they have of late beene so much and so maliciously misinformed, but it must needs be an appeale unto them as Judges; Doe they not rather appeale unto them as Judges, who decline the highest Court of Judicature within this Kingdome, and having recourse to the people, arraigne and condemn before them the judgements and resolutions of that Court from whence there can be no appeale but by dissolving of the whole
frame and constitution of the civill policy and government of this Kingdom into the original Law of nature, in which natural capacity (since it must be so) in Gods name, let the people judge every man within his owne breast of the persons that they have trusted, and of the persons that they have not trust- ed, which are those of the counterfeit imaginary great Counsell of Peers at Yorke, together with their guard of Cavalliers, and let them consider with themselves whether they have so much cause to mistrust the great Counsell of the Kingdom, which they never yet knew to have brought in, or to have endeavoured to bring in an Arbitrary government, but often to have been the remedie thereof, or a few evill Counsellors about his Majestie whom by frequent and late experience there, have known to have endeavoured it, and also to have done it.

Wee call God to witness, that though our quarrell be against the malignant party for his Majesties sake, yet not in that sense as is here affirmed, but out of our loyalty and hearty affection to his Majestie, and our expressions against that party is, to give his Majestie a lively sense of the damage, danger and dishonour that his Majestie sustaineoth by their Counsellors and suggestions.

But there is no malignant party about his Majestie, we name them not, we prove them not to be evill Counsellors. And how doe the framers of that Declaration prove, or by what of our proceedings is it evident? That by the malignant party wee int- end all the Members of both Houses who agree not with us in Opinion, and all the persons of the Kingdom who like not of our Actions. By what Declaration or Vote of either, or both Houses was that distinction made of good and bad Lords, or by what allowance or countenance of both or either Houses were any pre- scribed, and their names listed and read in tumults? Although it is possible that some Members of one or both Houses, may discover such a constant Bias from publick interestes to their pri- vate ends, that they may hear ill abroad for it, which the Houses of Parliament cannot helpe, nor are bound to hinder. As for those persons whose transcendent vertues (so largely here described) brought them to his Majesties knowledge and fa- vour; as wee must profess that the two Houses of Parliament (which are the Eyes of the Body Politique of this Kingdom)
cannot discern many such in favour with his Majesty, so we are sure nothing that ever we have said or done, can give any ground for any man to collect that we intended to brand any Persons with the name of Malignants for such Counsells and Actions as those; but if any man's Conscience hath brought that home to himselfe which our Declaration did not, who formerly might seeme forward for Religion and publick interestes, and since hath beene an instrument in division betweene his Majesty and his great Counsell the Parliament; Wee shall not thinke hee is lesse malignant or more worthy of his Majesties knowledge and favour because hee is an Apostat, but the Counsellors shall try the Counsellors, that is the Tryall wee put them upon. It is said, [That it is no ill counsell for the King to withdraw himselfe so farre, and so long from the Parliament; because at London, He, and many whose affections were eminent towards him, were in danger every day to be borne in pieces, and at Yorke, his Majesty, and all such as will there put themselves under his protection, may live securely, and that thorough the affection and loyalty of that good people.]

The complaint of Tumults so often urged, and so often answered by us, hath served for many ends, and most of them tending to the dissolution of this Parliament. But what was the danger his Majesty was in, and those whose affections were eminent to him? to be borne in pieces, and how have all they seaped that stayed here till some few daies since, and those that stay here still, and yet would be very ill pleased if it should be thought their affections were not eminent towards his Majesty. It is said [That his Majesty and those that were best affected to him were in danger of being borne in pieces] but they by whom it is supposed it should be done were in truth borne in pieces, and mangled in a most cruel and barbarous way by a company of Souldiers and other rude persons, who were harboured in his Majesties owne house; and that Act of their connived if not countenanced by his Majesty himselfe, when complaint was made thereof unto him. And now it appears clearly who were the Authors and occasions of those Tumults and disorders (never in the least degree countenanced or connived
at by both or either Houses of Parliament) whatever is most untruly spread abroad to the contrary, they were the soldiers, and other ill-affected persons joining with them who stirred them up here) where since their departure all is quiet) and have raised them since at York, where the Gentlemen & inhabitants of several Counties addressing themselves to his Majesty in an humble way of Petition have been affronted and assaulted, and the Messengers from the Parliament abused and beaten. In a word, shall the coming downe of a company of boyes and Prentiles two or three times in the Holy-daies, and making great noyse against Bishops (for which they were well beaten) be esteemed a just and a perpetuall ground for his Majesty and other Members of Parliament to absent themselves from the Parliament? shall not the present quiet face of this City, shall not the frequent Protestations of both Houses of Parliament for his Majesties security to the uttermost power that the Law can give to them, or they unto the Law? shall not the forwardness of both Houses in appointing a Committee for his Majesties satisfaction to inquire into all disorders of that kind, and to heare what the Kings Counsell would informe concerning them who answered they had as yet nothing to informe) be sufficient to take away that pretence of danger to his Majesties Person which no man can believe that will be faithfull to himselfe? But that we may take off the Vizard and clearly disover the true intent of his Majesties abode at York (which is plainely enough expressed in this very place) if his Majesty be not so well satisfied with the City of London, is there never a County near the Parliament, in whose loyalty and affection his Majesty may rest secure? Was his Majesty in danger to be tore in pieces when hee was at Hampton Court? was his Majesty in danger whilst hee was in Kent? was his Majesty in danger when he was at Theobalds, or at New-Market? if York be so secure a place for his Majesties Person, and that thorough the affection and loyalty of that good people (as we doubt not but that it is secure enough without a Guard) what neede is there of such an extraordinary Guard of Horse and Foot? The truth is that Guard, and all the Forces that are preparing to be added to it, and that place is
to shelter all Delinquents who may come and put themselves under his Majesty's Protection there, and so be kept from the Justice of the highest Court, and serve to make up the number of those that must helpe by force to trample under foot all the power and Priviledges of the high Court of Parliament, in their summones and processes, and make void their Orders, grounded on the fundamentall Lawes of the Land, and necessary for the peace and preservation thereof: and therefore as we said, so we will say still, that they which counsell his Majesty to bee at this distance in place from his Parliament, which can be to no other end, but the better to foment and increase the distance of Affection between them, are evill Counsellors, and of the malignant Party. In the next place it is said, That it is no evill Counsell for the King to forsake the Advice of his great Counsell of Parliament, and to follow the advice of private men, contrary therunto, and that because wee say wee are above his Majesty, and by his owne Authority, may do with him what wee please, and that we would dispose of the Subjects Lives, and Fortunes, by our Votes, contrary to the knowne Lawes of the Land: This is in plaine English, as that wee had bin told, that the King did not looke upon us any longer as his great Counsell, but as Conspirators against him, and the Kingdom, not as his Parliament, but as Traytors against him, and all his Subjects: It is not lawfull for the high Court of Parliament, to Judge of the Kings actions, and of his evill Counsellors, and of their Counsels: and shall it be lawfull for the King and his evill Counsellors to judge, arraigne, and condemne a Parliament, which is the highest Court, which is the representative body of the whole Kingdom.

Did we say, that the Kings Authority (which all good Princes will, and his Majesty hath profess'd, that he ought to maintaine with the Sacrifice of his life) is above his Person, and that his personal Commands ought not to comtroll those that proceed from his Authority, which resides in his Courts, and his Lawes, and in his Person, acting by the one, and according to the other: and are they good Counsellors that persuade the King to the contrary? Doe we dispose of all the Subjects lives and Fortunes, by our owne Votes, contrary to the Law of the Land, because wee will not suffer the Lives, Fortunes, and Honours of all the Subjects, to be at the Devotion, and to be disposed of by the Votes of evill Counsellors, and Cavaliers, contrary to the Votes
of, both Houses of Parliament. 

(10)

Doe we dispose of the lives and fortunes of all the Kings good Subjects, contrary to the Knowne Law of the Land, because we will not admit that to be the Knowne Law of the Land, which those men have declared to be so, contrary to the Judgement of both Houses of Parliament, of whom all the Judges of England once said, they were not to be judges of them, who were Judges of the Law: As we said before, so we lay still, and it stands good, that they which draw away his Majesties Person and affection from his Parliament, they that would subject the Counsels and determinations of the greatest Court, and highest Counsell, to the opinions of private men, they that will make the Law their Rule by their private interpretations against the judgement of the highest Court, that is the competent Judge thereof, and they that to make all this good, are preparing force to destroy, first the Power and Priviledges, and then the persons of both Houses of Parliament, are evil Counsellors, and of the malignant Party: and if they are so confident that these are good Counsels, why are they ashamed or afraid to owne them? let them discover their Names, and wee doubt not but the Law will find a name for their fault, and a punishment for their fault: But he is pronounced accursed that harbours in his Heart a thought against the publike Liberty and Religion of this Kingdome, or the just freedome and priviledge of Parliament: let then the King and his Throne be guiltlesse; it is our desire, it is our Prayer, but accursed be they that wickedly and maliciously advise his Majesty to wayes of force against his Parliament, which is the bond and assurance of the publique liberty, and profession of the true Religion within this Kingdome, and let all th. people say Amen. And we wish that the People may not have cause to curse them also (whom we pray God to forgive) that after so many good Lawes to take away Ship-Money, Coate and Conduct Money, and to free our persons from pressing, imprisoning, and being disposed of at pleasure, have advised his Majesty at one blow to destroy all these Lawes, and revive all those grievances, by setting on foot an old antiquated illegall Commission of Array (which never was but Temporary,) and to protect and defend those, that in a warlike manner, with Banners displayed, have attempted to put it in Execution, and rescued themselves from the Justice of Parliament.
And them that have advised his Majesty, having withdrawne himselfe so long and so far from his Parliament, to command also away the Members of both Houses upon their Allegiance, and after to lay an imputation of weakenesse upon the Parliament, in respect of the absence of their Members, and of wickednesse, as if those Members had withdrawne themselves out of Horror of the proceedings of both Houses of Parliament, or had bin by fraud and violence driven from their Councils, and them that have advised his Majesty to send for the Lord Keeper away, with the great Seal, whose attendance with the Seal upon the Parliament, is so necessary in many particulars, and under colour of Proclamations under the Great Seal, and otherwise by Declarations and Messages, to contradict the just and necessary Resolutions of the highest Court within this Kingdom, which is the Parliament, and to cast insufferable and heretofore unheard of Scandals and Calumnies upon their persons and proceedings: And they that have counselled his Majesty to forbid the Summons of Parliament to be obeyed, which reduceth the knowne and undoubted Power and Priviledge of the highest Court of Justice to nothing, yea, to scorne and contempt (which is worse then nothing) and them that persuaded his Majesty to protect Delinquents from the Justice of Parliament, and to countenance the abusing and beating of Messengers, sent from both or either House of Parliament, and rescuing out of their hand a Delinquent, and that a knowne Reculant, (which was the Case of Beckwith) and that amongst other things, for secretly plotting and conspiring by practice with some of the Officers of the Garrison of Hull, to possesse himselfe of that Towne and Fort (by which example, the world may see what kind of people they are, that are most active to get that Towne out of the hands whereunto both Houses of Parliament have intrusted it.) Wee say wee could wish, that all such as have counselled his Majesty to so frequent, so evident, so high breaches of priviledges of Parliament, could truly say they had never harbouredd a thought against the just freedome and priviledge of Parliament; and we pray God to forgive them for it.

For that concerning our inclination to be Slaves, it is affirmed, That his Majestie said nothing which might imply any such inclination in
but sure, whatever be our inclination, Slavery would be our condition, if we should goe about to overthrow the Lawes of the Land, and the proprietie of every mans estate, and the libertie of his person. For therein we must needs be as much Patiencs as Agents, and must every one in his turne suffer our selves, whatever we should impose upon others; as in nothing we have layd upon others, we have ever refused to doe or suffer our selves, and that in a high proportion. But there is a strong and vehement presumption, that we affect to be Tyrants; & what is that? Because we will not admit no Rule to govern by, but our own wils: and what presumption either strong or weake, is there for that? Certainly, the presumption is stronger and more vehement, that they will admit no other Rule to governe by, but their owne wils; that will not admit the Rule to be their Guide in any other sense then they themselves please to understand it, against the judgement of the competent Judges thereof, which is the high Court of Parliament. And as the miserie of Athens was at the highest, when it suffered under thirtie Tyrants; so will the miserie of England be at the highest, when it shall be at the devotion of three hundred Cavaliers, and protected against the Parliament by the Souldierie.

We shall never refuse to acknowledge the Acts of grace & favour receied from his Majesty, when there is occasion so to do: but we must confesse, we did not thinke that the season nor the place to doe it in, when we were to Vindicate both Houses of Parliament from a horrid and caufeless imputation of countenancing Treason by an Order of Parliament, by whose advice and means it is well knowne those Acts were all obtained and procured.

And for the insolencies & injuries whereby we are charged: If the design of bringing up the Army to awe the Parliament, carried on in severall wayes, and more then once repeated ( for which, there are not onely bare Votes, but Depositions upon Oath:) If the accusation of the Members of Parliament without Witness, and without any Cause shoune to this day: If that unparalleled Act of his Majesties comming to the House of Commons, to take away the Members thereof by violence out of that House, which should be as free from Apprehensions of Force, as from Imputations of Faction: If vile Slanders and horrid Crimes, charged upon both Houses of Parliament, together with the unpresidented breaches...
breaches of privilege of Parliament (before specified) tending to the destruction of the very being of Parliaments, have been things done to us this Parliament. And if we did put it in issue, whether any such thing had been done by any of his Majesties Predecessors as had been done (we did not say by his Majestie) to us this Parliament, and that no such thing, nor any thing near it, hath been alleged; where is the Injuries? where is the Insolencies? But most injuriously, most maliciously it is affirmed by the contrivers of this Answer, That we told the King, that we might without want of modestie and duty depose him. Did we do such as once name that word, the signification whereof we profess, that we did not suffer so much as to enter into our thoughts? Did we say, that with duty and modestie we might depose the King, because we said we never suffered it to enter into our thoughts? Or do not they rather say it, that will needs make Presidents to be Rules and Patternes? Sure, when we said, That some Presidents were such, as that they ought not to be Rules for us to follow, wee might by any ingenious Reader, with much more probability, been thought to have intended those of deposing Kings; then to have said, that with duty and modestie Kings might be deposed; because we affirmed that we had not suffered such things to enter into our thoughts. Whosoever reads that Clause of our Declaration, will see clearly, that our Discourse tendeth to this only, That as there was little reason to bind us up to Presidents, because some were not good, and all might fall short of the present case and occasion; so there was little reason, if we should make all Presidents Patternes to upbraid us, as impudent and disloyall, in comparison of former Parliaments, when all the world knoweth they had done more then we would suffer our selves to entertaine into our thoughts.

And now we leave it to every man to judge, with what candor our words and actions are represented to the view of his Majestie and of the Kingdom; and whether, in stead of answering of our Reasons, it hath not beene the principall ayme of the Contrivers of that, and other late Declarations, by any means (how unjust, how untrue soever) to render the Parliament odious to simple people, who they hope will never examine the truth.
truth and grounds of what is said, and to whom they cause their Declarations to be read so carefully in the Churches. And although they would persuade his Majestie, That there is little confidence to be placed in our modestie and dutie; yet, as God is witeffe of our thoughts, so shall our Actions witnesse to all the world, that to the honor of our Religion, and of those that are most zealous in it (so much strucken at by the contrivers of that Declaration under odious names) we shall suffer more from and for our Soveraigne, then we hope God will ever permit the malice of wicked Counsellors to put us to, and though the happiness of this and all Kingdomes dependeth chiefly upon God, yet we acknowledge that it doth so mainly depend upon his Majestie and the Royall branches of that Root. That as we have heretofore, so we shall hereafter esteeme no hazard too great, no reproach too vile, but that we shall willingly goe through the one, and under goe the other. That we, and the whole Kingdome may enjoy that happiness, which we cannot in an ordinary way of providence expect from any other Fountaine or Streames, then those from whence (were the poison of evill Counsellors once removed from about them) we doubt not, but we and the whole Kingdome should be satisfied most abundantly.

We doe still acknowledge, that it were a very great crime in us, if we had or should doe any thing whereby the Title and interest of all the Subjects to their Lands were destroyed, But doe we destroy his Majesties, or any mans propriety, because we say the Parliament may dispose of such things wherein they have a right (suppose of propriety) in such away as the Kingdome may not be indangered thereby?

But we call our selves the Parliament, And did not our Ancestours doe so in all times, since there were Parliaments? But we challenge that power without his Majesties consent: And did we not seeke his Majesties consent? If his Majestie, seduced by wicked Counsell, will not hearken to us in those things that are necessary, for the preservation of the Peace and safety of the Kingdome, shall we stand and looke on, whilst the Kingdome runs to evident ruine and destruction? But we arrogate to our selves alone the judgement of this danger, this necessity, this common good of the Kingdome, and thereby unsettle
unsettle the security of all mens Estates, and expose them to an Arbitrary power of our owne; And doe not they doe the like and worse, that attribute the sole judgement of this danger, this necessity, to themselves, (who are no Judges at all) against the judgement of the Representative Body of the whole Kingdom, or at least to his Majesty alone, who out of his Courts is not Judge of the least damage, or trespass done to the least of his Subjects?

There must be a Judge of that Question wherein the safety of the Kingdom depends (for it must not lye undetermined) If then there be not an agreement betwene his Majesty and his Parliament, either his Majesty must be the Judge against his Parliament, or the Parliament without his Majesty; If his Majesty against his Parliament, why not as well of the necessity in the Question of making a Law without and against their consent, as of denying a Law against their desire and Advice. The Judge of the necessity in either case by like reason is Judge in both; Besides, if his Majesty in this difference of opinions should be Judge, he should bee Judge in his owne case, but the Parliament should be Judges betwene his Majesty and the Kingdom, as they are in many, if not in all cases. And if his Majesty should be Judge, he should be Judge out of his Courts and against his highest Court, which he never is, but the Parliament should onely judge without his Majesties personall consent, which is a Court of judicature, it alwayes doth, & all other Courts as well as it, if the King be for the Kingdom, & not the Kingdom for the King. And if the Kingdom be of the best knows what is for its owne good and preservation, and the Parliament, and the Parliament be the Representative Body of the Kingdom, it is easie to judge, who in this case should be the Judge; But it is not to easily to understand what is the danger of unsettling, by this means the security of all mens Estates; Is all this danger kept off us by his Majesties single Vote? Are all mens Estates without security, and opposed to an Arbitrary Power, because in all Courts of Justice, and in the high Court of Parliament (and that without any appeale from it) mens Estates and interestes are judged without his Majesties personall Assent? We doe not say this, as if the Royall Assent were not requisite in the passing of Lawes nor does or ever did we say, That because his Maj. is bound to give
his consent to good Lawes, presented unto him by his people in Parliament: that therefore they shall be Lawes without his consent or at all Obligatory. Saving onely for the necessary preservation of the Kingdome whilst that necessity lasteth, and such consent cannot be obtained. But wee said it, to this end, that the Kingdome may see that the Contrivers of the late Declarations secke to possess the people with feares and jealousies of an Arbitrary power in the Parliament, upon far lesse ground, then we are said to amuse them with feares of forraigne Forces, whereof the danger might be apparent (which is ground enough for prevention) though not reall, and reall, though not effectuall, because prevented or diverted; But we are no Parliament, no Major part of both Houses, but a Faction prevailing against a Major part of both Houses, and pretending them to be evil. Counsellors, a Malignant party about his Majesty &c. This is something indeed, this would goe far in answer to our Declaration, which without it were not so easie to be answered. A Faction prevailing against the Major part of both Houses, & pretending them to be a Malignant party, is like indeed to destroy the rights both of King and people. And we will add too, the common right also of all the people, and the conservatory of all their rights, which is the Parliament. And because this is so, therefore doe we beleev this is endeavoured to be done by the Malignant party about his Majesty, which by cunning and force, labours to prevale against the true Major part of both Houses, pretending them to be a Faction of Malignant, Schismaticall, and ambitious persons, that would subject both King and people, to their owne lawlesse Arbitrary power and government.

But a Faction prevailing against a Major part of both Houses. Where is that Major part? about his Majesty? impossible; Shall some twenty of the House of Commons, and some thirty of the Lords (whereof none can Act any thing there, in the capacity of a Member of Parliament) be the Major part of both Houses at London, that a Faction hath prevailed against? when? How did that Faction prevail against them? by cunning; when were the Major part so foolish, as to bee prevailed over by cunning, and that they should suffer themselves to bee Voted a Malignant Partie? Why were they not so wise when they understood it, to unvote
Unvote themselves, and vote that faction a Malignant party? What Parliaments, what Lawes shall be unquestionable, if this may passe for an exception? By force that faction prevailed; that were something indeed, but what was that force? when did that force begin? when shall it end? It were well we knew what or whether any of the Acts made this Parliament shall hold good or no. Why did not the major part of both Houses Vote that force? and why did not they agree with his Majesty to adjourne themselves to York, that they might be free from that force? By absence that faction prevailed against them: And why were they absent? why doe they not come when all meanes are used by the Houses to make them attend the service of Parliament? why are they commanded? why are they kept away? and yet neither House is so thin as the penners of that Declaration would make the world beleive; and if the major part of those that are absent had been of a contrary opinion to the major part of these that are present or comming together, could have made the major part present, neither had they been absent, nor had the Major part present been called a faction which overthrowes all Lawes and Parliaments that have been heretofore.

By accident the major part was prevail'd against:

What is meant by that we understand not, but we understand well that such exceptions as these, may be made use of to overthrow Magna Charta and all the Parliaments and Lawes that ever have been heretofore, or shall be made hereafter.

For the Tragedie cited out of Mr. Hooker, no doubt the contrivers of that Declaration intended rather to Act a Comedy upon both Houses of Parliament, then that they could beleive in their own hearts, that they were so fanaticall in their own opinions (however it serves their turne to represent them under such names and notions to the people) or so low in their fortunes, as that they should need to take up a vizard of hippocracie and abuse holy Scripture, for to make spoyle of every mans Estate and goods, and as we must leave the framers of so odious a comparison to the judgement of God, who knowes whom they meane under that name of Anabaptists, and with what heart and Spirit they so needlessly and impertinently, at this time mentioned the talking of nothing but Faith and the true feare of God, so if ever God shall discover the soule Authors of so false a Calumnie, we doubt not but the Kingdome will be very sens-
fible of it, and esteeme that they can never doe themselves right, but by bringing to condigne punishment, such persons as could find in their hearts to lay so vile an imputation upon the Parliament; a name that alwaies hath, and we hope alwaies shall be of so great honour and Reverence within this Kingdome.

If the contrivers of that Declaration, which undertake to declare what i. Law, against the judgement of Parliament, do it no better then they declare Logick and sense, the Kingdom must needs be very ill satisfied both in their Law and in their Logick: Doth not all man-kind know, that a severall right is not the same right, what Logick is this? Severall men have severall rights in the same thing; Therefore severall men may have the same right in the same thing. Was it not demanded in that Declaration under his Majesties name, What right any man had to his Land or House, that the King had not to his Towne of Hull? Was it not demanded, What Title any man had to his money or Plate, that His Majesty had not to his Magazine there? If it had been said one-ly that the King had an interest in them, that is of Seignirie and Trust for the publique good, we had taken no exception to it; but when it was affirmed, that it was the same right that every man hath to his Lands, Houses, and Plate, we said, and we say to still, that it confounded and destroyed the property of every particular man, for severall men and the same men, may have the same right in severall things, and also a severall right in the same things, but severall men cannot have the same right in the same thing, and the one not confound the other. The Lord Paramount, the Msme Lord and the Tenant have the same right, viz. of propriety, but not in the same things; the Lord Paramount hath it in som chiefe Rents and services and other things, the Meme Lord in others, and the Tenant hath propriety in the rest, and neither hath the Tenant any thing to doe with those chiefe Rents and services that belong to the Meme Lord, nor the Meme Lord with what belongs to the Lord Paramount but the objects and extents of their rights are distinct and different; On the other side the Right of the King, as King is in the same things, and of the same extent with that of the proprietary, but it is of a different nature and for different ends: That of the Proprietary, is a right of propriety, which he may dispose of as he pleaseth according to his own discretion, for his own advan-
tage, so it be not contrary to the publique good; but the right of the King is only a right of Truft, which he is to manage in
such wayes and by such Councells as the Law doth direct, and only for the publique good, and not to his private advantages, nor to the prejudice of any mans particular Inter
est, much lesse of the publique; And in this way there is noth
ing that a man hath a propriety in, but the King hath an inter
est in it in relation to the government of the Kingdom: A man cannot dispose of his Person or Lands to the assittance of Tray
tors; he cannot receive a Traytor into his houfe, he cannot give him a peney of money, fo that a mans houfe, his person, every foot of his Land, every peney in his purs, are subject to his Majesty, according to the nature of his trust for the publique good, and no otherwise; and in all other respects belong to the owner to dispose of to his own privat advantages as he shall think good: And if some men have a right in Leates or Lands which they cannot let nor sell, yet some men have such a Right in their Houses and Lands, that they can both let and sell them, and dispose of them as they please, and therefore some men have a Right in their Houses and Lands which His Majesty hath not in his Towne of Hull: And for those that have their Interests limited to certaine uses, if they have them to their own use, there is hardly any so limited, but that they may dispose of them by gift or sale to some body, (as to those to whom they belong in reversion) if not to any bodie that they please, at least (which is only to our purpose) as we doe grant, that an Interest which any man hath, may not be taken from him, because it is limited to certaine uses; so must it also be granted to us, that because it is limited to such uses, it may not be imployed to any other, especially they that have Interests onely to the use of others (as all Interests of Trusts are) cannot imploy them to their own or any other use then that for which they are intrust
ed: And if the Houses of Parliament could have been assured that they, who advised His Majesty to goe to Hull, intended that no other use should have been made of that Towne and Maga
zine but for the publique good and safety of the Kingdom, for which they were entrufted to him, there never had bin so much dispute about that business.

For the Magazine, we say still as we said before, it is not taken from His Majesty because it is taken from Hull, and if it were bought with the publique money, it could not be given away, sold or disposed of to private uses, and was onely intrusted to His Majesty for the use of the publique:
But we only conceived it to have been bought with publick money.

And had we not good reason so to doe, when we had it in evidence from the Accompts of the Collections of Tonnage and Poundage, that 32272l. was imploied out of those moneys to that use, and that the Armes of the Trained Bands of severall Counties were deposited there.

But a trust cannot be recalled or destroyed at pleasure.

We say so too, and that we have neither destroyed nor invaded that of his Majesty, because we directed it (as to us it did appertaine) into the right way and to the right ends.

No, but we have nothing to do with the managing of his Majesties Trust, or to advise his Majesty therein, or to have any accoimpts of the discharge thereof, because it belongeth only to his Majesty and his heires, and we are to have no accoimpt at all of it?

Doth His Majesty owe an Accompt to his other Kingdoms of his Office and dignity of a King in this Kingdom, a strange Paradox! yet declared in His Majesties name in His Antwerp to our Remonstrance of the 19. of May. And is there no Accompt due to this Kingdom? But how doth it appear that the Houses of Parliament have nothing to doe with the discharge of his Majesties Trust.

Because the people that sent us could not place such a trust in us, since they could not looke upon us otherwise then as upon an uncertaine and temporary Body, called at pleasure, dissoluble at pleasure.

The experience of former sufferings, hath a little awakened us, and we have reason still, hearing this kind of discourse, to be watchfull in this point of calling and dissolving Parliaments which never was other then a trust reposed in the Kings of this Realm, and never intended as a Prerogative, wherein they might use their pleasure whatsoever the exigence of the Kingdom should be; if this were a thing depending wholly upon their pleasure, all our Laws which we have by and for Parliaments and all remedies which we can expect from Parliaments in point of justice and in point of Law, and Parliaments themselves, would be very little worthious: did the people intrust the King with a power to call them together in Parliament once every yeare by two express Statutes, and other if need required and to dissimile them when all Petitions and grievances were heard and redresed, and not before, and did they it with an intent that whatsoever the necessity of the Kingdom should be, it might be uncall'd or abruptly broken off at pleasure? If the Ports of a Towne be intrusted
to the Governor thereof, to open and shut for the use and security of the inhabitants, is it with an intent that he should shut them in the day, when every body should goe about his affaires, and let them open at midnight when unruly persons might have the better opportunity to commit disordes? It ever an equa-
ble sence of the Law had place, here it hath; but we have no
need of it this Parliament, and what we now enjoy by Act, of
Parliament, our Ancesitros did claime the same in effect, as of
common right, that no Parliament should be dissolved so long
as any Petition remained unheard and undetermined.

Another Reason alleaged by them to shew that wee have no-
thing to doe to intermedle with the Kings trust is, because by our
writ we are called onely to Counsell the King, not to command and controul
him, and to Counsell him onely in somethings not in all (in quibusdam
rduis) and the example of Wentworth his Commitment is alleaged to
his purpose. We are a Counsell, and are we not his Majefties great
Counsell; and as fuch, are wee not to advise his Majeftie in the
managing of the trust reposed in him? it is said that wee are not to
advise in all things. It is true, because all things are not worthy of
a Parliament, but if they are proper to advise his Majeftie, in the
greatest and most difficult matters (which therefore are expressed
in the writ) are they not to bee hearkened to in matters of race
importance, or is not the matter in question, of a great, high,
and difficult nature? or is the Parliament bound up onely to
those ends for which the King calls them? And have they no-
thing to say or do in the behalfe of the Kingdom? and as for that
example of the Commitment of Wentworth, we know the best times
often produce the worst presidents in some particulars, and in
Queen Elizabeths time, (though generally a time of great honour
and happinesse to this Kingdom) yet there were some very ill
Presidents whereof this was one.

But the Parliament is a Counsell.

And is it not also a Court, and doth not that Court call to an
accont all other Courts of Justice, and all Officers and Minis-
ters under his Majestie, even for such things as they shall doe a-
against the Law, though by his Majesties xpresse command; and
what is this but to taka an accompt of the discharge of His Ma-
jefties trust? The Law exempts His Majeftie from accompt in no
other sence then it exempts him from fault, because he is to doe
Publique affaires of the Kingdom, by his Officers and Ministers
of State, and not by himselfe, and they are to give an accompt of
that which the King doth by them, in which respect Sir William Thorpe Chief Justice in Edward the third his time, was charged for breaking the Kings Oath, as much as in him lay.

We are said to be a Counsell.

And are we not also two Estates, and two Estates comprising the Persons of all the Peeres, and the representative Body of all the Commons of England? and shall the Collectiv Body of all the Kingdom have nothing to do to look into the discharge of that Trufi that is only for the use and benefit of the Kingdom? nor be inable with any power, to prevent danger & ruine, that they fee ready to seize upon the Kingdom.

A third Reason alledged, why we are not to intermeddle in the managing of His Majesties Trufi is.

Because it exceeds the bounds of our Trufi, for that the Oaths (that they which sent us, and we ourselves have taken) make us incapable to give, and us to receive such a Trufi.

What are these Oaths? Those wherein it is expressed, that His Majestie is Supream Head and Governour over all Persons, and in all Causes within his Dominions, and therefore we have no power to see that His Majesties Trufi be managed, according to the true intent and Condition thereof; if we should say the King hath in Populo regendo Superior, Legem per quam factus est, et Cui iam sum videlicet Comites et Barones, &c. it were no new Doctrine, we have an ancient Author for it.

Fleta librio 1mo Capite Decimo septimo de Justiciarum Substituendis

If we should say, rex est major singulis minor universis; it were no new learning, and certainly this of Supream Head & Governour over all Persons in all Causes, as it is meant of singular Persons rather then of Courts, or of the Collectiv Body of the whole Kingdom, so it is meant in Curianon in Camera, in His Courts, that His Majestie is Supream Head and Governour over all Persons in all Causes, and not in his private Capacitie. And to speake properly, it is only in his high Court of Parliament, wherein, and where- with his Majestie hath absolutely the Supream power, and consequently is absolutely Supream Head and Governour, from whence there is no appeale: And if the high Court of Parliament may take an accont of what is done by His Majestie in his inferior Courts, much more of what is done by him, without the Authority of any Courts. We are sorry that we are invited, or rather inforced to Questions of this Nature, but we cannot avoyd it, when such Doctrine shall bee Preached to the Peo-
ple (for these Declarations are read to them by Ministers in their Churches) that by the King's Supremacie is meant a Power inherent in the King's Person, without, above, against all his Courts, the high Court of Parliament not excepted, so that he may comprome the proceedings of any Court, whereby the excellent constitution of this well governed Kingdom, wherein the Laws are the rule of the King's Government, and Actions and his Courts, the Judges of the Laws would be turned into a meer Arbitrary Government depending solely, and wholly upon the will and pleasure of the Prince as Supream Head and Governour, not only over particular Subjects, but also over all his Courts, and consequently over his Laws.

For those high and groundleffe aspersions cast upon us. As if we did abuse our Trust to the destruction of His Majestie, the dissolution of his Government and Authority, and to make our selves perpetual distractors, over the King and People &c.

They are of the like Nature; with many more of that kind, wherewith that Declaration is stuff, which as they are without all ground of proof: So there will be no end or necessity of anwering them; but as we never allowed the People to make an equitable construction of the Lawes and Statutes, so it cannot in reason be denied to the Supream Court of Judicature, for to doe it when there is a cause so to doe: And we hope the People will never bee carried away with a noise of words and reproaches against the Parliament, without any colour of proof, to make any such equitable construction of the Act for continuance of this Parliament as may tend to the dissolution thereof, and their own destruction therein, and that of the Kingdome of Ireland, together with them; As we said before, so we say still, that we shall never allow by way of consent and not of compromelement, (in which sense we hope the expression is humble and dutifull enough) that His Majestie should bee Judge of the Law out of his Courts: So we must avow that the high Court of Parliament is the competent and highest Judge of the Law, and yet we neither make our selves Popes, nor Rebells in saying so, or doing so: we did not say that the Parliament without his Majestie had a power of declaring the Law. So as their Declaration should be a general rule to all cases but to declare the Law in a particular case in Question before them, it is no more then they alwastes did, and his Majestie himselfe in a former Declaration granteth
Wherein is a former Declaration granteth that we have power to do.

But what if the Parliament judge that to be Law, which all the World sees is not Law.

And what if his Majestie and a few private Persons about him Judge that not to be Law, which all the World sees to be Law? whether the presumption doe not lie stronger, where the Law hath placed no power of Judicature, then where it hath placed it in the highest and last resort, let all the World judge. For the Rebell in Ireland, as that Kingdom is very different from this, so is their case from ours: we destroy none, we murder none, we rob none, by our Ordinance of War: But the arguments that are drawne out of this discourse against the power of judging what is Law by the Parliament, are two, one is drawne from inconvenience, the other from absurdity.

From inconvenience because if a major part in Parliament should bee judges of the Law, Rebell or the Malignant party might come to be the major part, and then what should become of the Kingdom? From absurdity, that a thing which was not necessary nor Law, whilst the two Houses disagreed, should after become necessary and Law.

The answer to that Argument of Inconvenience and danger; if the Major part of both Houses of Parliament, should be Judges of the Law, is, that of two dangers, the lesse is to be chosened, there would be more danger if the judgement of the Law should bee in the breast of one man who is more liable to mistakes and passions and particular respects unto himself, to the prejudice of the Publicke, then such a Body chosen out of the whole Kingdom is like to bee, and if a Kingdom must suffer it suffers not justly from it selfe as it doth when it suffers from a Parliament whom they have chosen, and whose act is their owne.

For the Absurditie wherein doth it appeare that the Lords House should be of one opinion at one time, and afterwards bee of another? or rather that this alteration in the Votes of the Lords House should make that necessary and Law one day, that was neither necessary nor Law the day before? We doe not say so, it was as necessary before and it was as much Law before that in such cases of necessity, the Houses of Parliament should have a power to provide for the safety of the Kingdom, but that necessity, that Law was not to unquestionable before, nor was the rule to elect for them that should obey as when it was judged by the Chiefest Court of Judicature within this KINGDOME. But now followeth an high and heavy Charge
Charge against us, That to justify the Invasion of his Majesties ancient unquestioned undoubted right, settled and established on his Majestie and his posteritie by God himselfe, confirmed and strengthened by all possible Titles of compact Lawes, Oathes, perpetual and uncontradicted Custome by his People, wee have alleged an Oath, that is or ought to be taken by the Kings of this Realme, as well to remedy by Law, such inconveniences as the Kingdom may suffer, as to keepe and protect the Lawes already in being.

Wee confesse the Framers and Penners of that answer might have had some colour to have taxed us, for the breach of our Oathes, if wee had invaded the ancient unquestionable undoubted Rights of his Majestie, wherewith the People of this Nation by the Lawes and Customes of this Land, have invested his Majestie, and his Posteritie; and God also himselfe hath ratified unto them by confirming and strengthening those Lawes, Customes, and Compacts. But wherein consists the Invasion of any such unquestionable undoubted Right of his Majestie, and wherein consists the Justification of any such Invasion; In that wee have declared (as they say) that there lyeth an Obligation of an Oath upon the Kings of this Realme, to passe all such Bills as are offered unto them by both Houses of Parliament.

Wee did not say so, but wee did and doe say, that the Oath which is or ought to be taken by the Kings of this Realme, doth oblige them to passe all such Bills as are offered unto them by both Houses of Parliament, in the name and for the good of the whole Kingdom, and as well to remedy by Law such Inconveniences as the Kingdom may suffer, as to keepe and protect the Lawes already in being; and to all the exceptions that have been taken, to what wee have alleged concerning the Oath, which ought to be taken by the Kings of this Realme at their Coronation, wee shall give such answers as wee doubt not but will be very cleere and satisfactory, to every man that shall read, and consider them.
The first exception is; That it is a thing that was never heard of till this day, that any such use should be made of that Oath.

This exception wee shall have sufficiently cleared, when wee shall have made it appear, that it hath been ordinarily so taken heretofore, and that also, amongst others, by a learned Judge (so termed by his Majestie himselfe in a late Proclamation) and that the Lords and Commons some hundred yeares since, have so taken it, and so claimed it of the King, who did not deny it, and that another King afterwards expressly declared and acknowledged it in Parliament, as appeareth upon Record. That it hath beene ordinarily so taken, appears by a Memorandum upon Record at the Coronation of Richard the Second, wherein the heads of the Oath being set downe, that Clause of the Oath, concerning the Kings strengthening such Lawes as the people have chosen or shall choose, the matter is not great whether way it be render'd, so it be understood alwayes that the Lawes referre in that Clause to the Royall assent, as a thing future and not pass'd (as they doe) is render'd thus; Ac de faciendo per ipsum Dominum Regem eos esse protégendos, & ad honorem Dei; Corroborandum quas vulgo jusse & rationabiliter eligit; which expression, with that qualification, which the people should justly and reasonably choose, clearly relates to new Lawes that should be chosen by the people; And in all the Alterations in the forme of the Oath, that wee can finde, excepting that which was taken by his Majestie, and his Father King James, (wherein the word Choose is wholly left out, as well hath Chosen as will Choose) that Clause is understood of new Lawes to be made, as in that Oath which Henry the Eighth Corrected and interlined with his owne hand, (whereof there is a Copie amongst the Memorials of the Archbishop of Canterbury at Lambeth) the Clause in question, that is, [and affirme them which the folke and people have made and chosen] is interlined by him thus: Instead of Folke he put Nobles and people,
ple, and after the words, Made and Chosen, he added, with
my consent. And in the Oath of Edward the Sixt, which is
to be seen at Lambeth also, the Lord Protector and the oth-
ner Coexecutors holding it necessary to correct the Ceremo-

Monies and Observances used at the Coronation of the Kings
of this Realme, in respect of the tedious length of the same;
and also for that they conceived, that many points of the
same were such, as by the Lawes of this Realme, at that
present, were not allowable (as is there expressed) they al-
terred severall Clauses in the Oath, and the Clause in question
they changed into this following:

[ Do you grant to make no new Lawes, but such as
shall be to the honour and glory of God, and to the good of
the Common-wealth, and that the same shall be made by
the Consent of your people, as hath beene accustomed. ]

By all which it clearly appears, that in that Clause of the
Oath; Et ad honorem Dei, Corroborandum quas vulgus elige-
rit; His Majesties royall assent to new Lawes was gene-
rally understood to be meant. And for the learned Judge
wee spake of, it was Justice Hutton, who not onely taketh
the Oath in this sense, but publiquely declareth in his Ar-
gument in Master Hampdens Case, concerning Ship-money,
that he conceived that it was in respect to their Oath, that
the Kings of this Realme never make a direct denyall to
such Bills as are tendred unto them from both Houses, but
onely give that Answer, Le Roy Satisera.

As to the Clame of the Lords and Commons, it was in
Edward the Thirds time, and the King denied it not, as may
appeare by the Preamble of the Statute cited by us in our
Declaration to this purpose, and recited by the Penners of
that Answer, but without those words, which were the
words, for which wee cited it, that is, Hee ought and is
bound by his Oath: For the express Declaration and Ac-
knowledgement of it by another King in Parliament; It
appeares out of the Parliament Rolls 3. E. 2. p. 38. and
40. where the Commons desiring a Grant of new power

Justice Hutton
in his Argument in Mr. Hampdens Case
Page 32.
to the Justices of Peace, to inquire into Extortions which the Bishops and Clergie conceiving that it might extend to the Bishops and their Ordinaries, they made their Protestation against this new Grant, yet professed that if it were restrained only to what was Law already, they would consent to it, but if it gave any new or further power, they would never give their Consent to it. The King answereth, that notwithstanding their Protestation, or any words contained therein, he would not forbear to passe this new Grant, and that by his Oath at his Coronation, he was obliged to do as it.

By this time we hope it appeares, that wee have broached no new Doctrine in this point; and for the second Exception that is taken to what wee alledged concerning the Oath, it is this; That no such thing as wee supposed, could be collected either out of the words or matter of that Oath, nor out of the words, because Elegerit signifieth, hath Chosen, as well as will Choose, and that it doth signifie so in the Oath; the constant practice of all ages, and the word Customes, whereunto it is joyned; and which cannot have reference to such Customes as the people should choose after this Oath taken, doe (as they conceive) make it evident. Nor from the matter of the Oath can it be collected, Because the most materiall point in that Oath, might be destroyed by such a Construction thereof; and so a King might be sworne to doe that which would disable him to doe that which he was mainly sworne to doe; that is, to protect his people; of which power hee might wholly desist himselfe, if hee were bound to passe all Bills offered to him by the Houses. As in particular by passing the Bill of the Militia, his Majestie (as the Framers of this Answer make the world beleev) should have done.

We doe not deny but (Elegerit) may signifie, hath Chosen, as well as shall choose; In which sense wee take it; and it may signifie, shall choose, as well as have chosen; and it is usually so taken, for which wee neede not goe farther for an instance then to that Clause which is added
ded in the close of those questions, Adjiciantur predictis inter-
rogationibus qua justa fuerint: which is not to be interpreted,
that such things may be added to the aforesaid questions
which have been just, but which shall be just, and it seemes
above an hundred yeares ago, (shall choose) was thought as
proper a Translation, as (have chosen) as may appeare in
an old book in the Heralds Office, which belonged to Cla-
ren-cieux Hanley, that lived in Hen. 8. time, where the Oath
is found three several times in English, and in all of them it
is rendred (shall) and not (have). But as we said before, it
importeth not much whether way it be rendred, if still the sense
be (as it may and ought to be understand) that the Choice
should referre to such Laws as the People from time to time
shall have chosen; and not onely to some Laws and Customes
which were made before the taking of this Oath, and that
it doth referre to such Laws as though they have been
chosen and passed by the People, yet have not been passed
by the Royall assent; and this we doubt not when we shall
have cleared the Objections, to make very plain and evi-
dent.

The first Objection is, From the perpetuall practife of all
succeeding Ages which is said to be a better Interpreter then our
Votes.

What doth the perpetuall Practife of all succeeding Ages
interpret? that this Oath did onely looke backwards to
the Ages preceding the first Administration of it to any
King of this Realme; This would exclude a great part of
the Laws in being, and haply Magna Charta it selfe, from
being compris'd within this Oath, not onely as to the ma-
king, but also for the observation of them, and is expressly
contrarie to what hath been constantly acknowledged by
the Kings of this Realme, that they are bound by their
Oath to the Observation of all the Laws made by their An-
cestours, and also that shall be made by themselves after the
taking of their Oath; But at least the constant Practife of
all Ages interprets their Oath to be meant onely of Laws al-
ready.
ready made, and not of the making of new Laws, because they have ordinarily denied Laws presented unto them by their People in all Ages.

We know well what Kings have done in this point; but we know also, that what they have done is no good Rule always to interpret what they ought to have done; For that they are bound to the observation of Laws by their Oath is out of question, and yet the contrary practice in all Ages will appear as often, and in as many particulars as in the denyall of Laws which their People have desire of them, and it is well knowne that the Laws for holding a Parliament once a yeere lay asleepe for a long time, (yet the practice was no argument against the Right.) But it appears upon the Parliament Roll, 2, H. 5. That the Commons acknowledged the King might grant something in their Petitions and Wen (that's their word) others as he pleased we deny it not, they did so, but those were Petitions of the Commons only, which they presented to the King by Writ, or by the mouth of their Speaker (as is expressed in the same Roll) and it doth not appear that the King denied any part of them; But by the advice of his Earles, Barons, and other great men (that is of the Lords House) by whose advice it is expressed, that he consented to such points of them as he did assent to, and those Petitions of the Commons which they presented by Writ or by Mouth of their Speaker, as they were not weighed and passed with that consideration and formalitie as Bills are, so they contained divers things of a different nature, and so the King might have reason to deny some of them, because they might be mere Petitions of Grace, and of such things wherein the King was to part from some thing that belonged to him as of particular right and interest, and of that nature those things that have been denied will be found to have been for the most part, if not altogether. But that Kings have ordinarily denied publique Bills concerning the Government and Common good of the Kingdome, that had passed both Houses we are yet to seeke, or that ever they denied any Bill otherwise then in that usual answer, Le Roy Savisera, which
which if it be not a Consent, it is not a denyall, nor doth a liberty of deliberation always exclude a necessitie of Consent; for the Will taketh Counsell of the Understanding. And yet all men hold it ought, and many that it necesarilly must follow the last and ultimate dictate of the understanding; And yet we do not say, or ever did, but that some thing is left to his Majesties Judgement and Conscience in the passing of Laws, but he hath the obligation of an Oath lying upon him to discharge that trust. And if some Kings have taken too great a latitude to themselves in judging Laws to be ill or unreasonable by their own private Judgements, contrary to the Judgement of their great Counsell the Parliament. It doth not follow, that the Obligation was lesse upon them, or that they ought not to have been very tender in going contrary to the advice of their great Counsell in a matter concerning the good of the whole Kingdom, and wherein they lay under the eye and obligation of an Oath.

For that which is said concerning Customes, That the Oath could not be meant of Customes, that the people should chuse after the taking of this Oath. What is more ordinary, then in a Clause wherein some words may belong to one part and some to another, to interpret it, Reddendo singula singulis: Though Customes could not be chosen, yet Laws might, and Customes might be kept, and protected; which words are in the Clause as well as those of Chusing and strengthening. But why may not Customes be confirmed as well as Laws enacted? what is more usull then to confirm Customes by Statutes? for Customes being Lawes, that grow up by a Tacite Consent of the People, they are more subject to question then Statutes, especially from the King, without whole assent they are taken up of the People, and therefore as the first part of the Kings Oath, is to keep all the Laws and Customes granted by his Ancestors, and especially those of King Edward the Consllossor; So in this Clause, he swears to keep, protect, and give strength to such Laws as shall be enacted for the good of the Kingdom, and such just customes as had not yet been expressly granted by his Ancestors, which his People should desire to have ratified and confirmed to them; For that Argument which is taken from
from the matter of this Oath, That it cannot be meant that the
King should be obliged to deverse himself of a Power to protect his
Subjects, which is the great business of that Oath. If we had said
(as we did not) that the King had been bound to passe all Bills
that should be offer'd to him by both Houses of Parliament,
without any limitation or qualification of Reason and Justice,
yet such a supposition as this could not fall upon a Parliament:
as if they could desire such a thing, much less, that a King were
obliged for to grant it ; But how unproperly this is applied to
our Bill concerning the Militia, we leave it to every Man to
dispatch, when they shall consider how necessary, how just, and
how reasonable that Bill was, and how much they mistake the
way and manner wherein his Majesty is to protect his Subjects
that have advis'd him to deny that Bill; and to set up a Com-
misson of Array so destructive to Liberty, and to the propri-
etie of the Subject; was it not necessary that the kingdom should
be put into a posture of defence? on all hands is agreed, the
people petitioned for it, the Parliament make it the ground of
their Ordinance, the King maketh it the ground of his Com-
misions, All the question is concerning the way; And we shall
make it good, that the maine point wherein his Majesty differ-
ed from us in the Bill concerning the Militia was this, That
we desired the Power of the Militia should be put into the
hands of Persons approved by his Majesty and both Houses, to
be answerable to the Law for the discharge of their duties, and
his Majesty would not admit of it, unless he might be Judge
both of the time when, the Cause why, and the manner how,
that Power should be exercis'd; And that in his own person
out of his Courts; for in them he might have called them to
an account for not doing, or doing what they should have
done; or not have done; And if it is by the Law, and by the
Courts of Justice judging of the Law, and by the Militia
to maintain the proceedings in them according to Law;
That his Majesty is to protect his Subjects, our Bill for the
Militia was so farre from deversing him of that Power,
that it did give him a Power ( which he had not legally be-
tore ) to command the whole Militia in the Kingdome in
in an orderly and effectual way, and all those to whom it was committed to obey and assist him in the protection of all his good subjects in their persons and estates according to law; but if by the protection of his Majesties subjects, be meant the protection of them from the summons and proceedings of his Courts, even of his highest Courts, and the making of himself sole judge of the necessities and dangers of the Kingdom, against the opinion of the representative body thereof, and of the Law, against the judgement of the highest Court in the Kingdom; If this be the protection which is intended to the subjects by the soldiery, it is more like to that we hear of in other Countries and never desire to see in this, then to that under which the subjects have for so many yeeres lived with so much freedom and security in this Kingdom. And we must leave it to every man to consider within his own breast, whether our Bill for the Militia is so monstrous, as it is represented, and must lay it upon the consciences of those that advised his Majesty to refuse it, and to take up such other ways in opposition to it, whether they have not been without all cause the chiefe if not the only cause of all the distractions and miseries that are like to ruine this unhappy Kingdom.

And now that we have taken away the objections, there is no indifferent man that will not be perswaded by the Authorities before cited out of Statutes, and otherwise, that this clause of the oath taken by the Kings of this Realm at their Coronation is meant of new Lawes to be made; and if it were not so, it could not well be understood what should be the meaning of the word (Corroborare) which signifies together with others to give strength to a thing, for what strength could lawes that had passed the King and both Houses receive more then they had before, or to what purpose should those words (Quas vulgus elegerit) be put in but to puzzle the whole fence, if it had been meant only of keeping the Lawes? and therefore in the oath which is set down in English, in that answer to our Declaration, the word (chosen) is quite left out, as altogether superfluous, as indeed it would be if it had not relation to such Lawes as were to be offered and presented to his Majesty by his people. In the last place it is charged upon us, That we have not dealt faithfully in the making use of a Latin Record when we might as well have set forth the form of the Kings Oath in English, even of that very Oath which
which his Majesty took at his Coronation, which is said to be found in the records of the Exchequer.

The reason why we did not make use of an English record, was, because we could find none, nor can we yet finde any though we have caused diligent search to be made for it, yet do beleive that was the form of the Oath which was taken by his Majesty, and by his Majesties father King James, for we finde it among the memorials of the Archbishop of Canterbury concerning the Coronation of King James, and his Majesty, but we finde in the same memorials, the form of the Oath in Latin particularly agreeing with that which was cited by us, and also in French fully agreeing with the Latin, and with the records thereof in French in E. 2. and E. 3. time. Therefore the form of the Oath appearing to be the same in Latine and French, for divers hundred yeares, and there appearing no such form as was used in English by his Majesty and his father before their time, & there appearing no alteration to have bin made but only in the English and that only since Henry 8. his time, and it being our purpose to cite the oath (not that was taken by his Majesty) but that anciently was, and of right ought to be taken by the Kings of this realm (which we do not conceive any had power to alter without an Act of Parliament) we should have had no reason to have made use of that forme, if we had found it upon record, and the English being but a Translation out of the Latine and the French (in which language it was anciently taken by the kings of this realm) we should not stand in need of much Latine or French to finde this form of the Oath set down in that answer, and which is said to have been taken by his Majesty to be no good translation, either of the Latine or of the French, and particularly as to the clause of the Oath in question that (Elegerit) doth not signifie only (Hanc) and no more, and for the full satisfaction of every man we shall set down the form of the Oath, as we finde it upon record in Latin and French, and in English, as we finde it translated out of the French in an old booke in the Heraulds Office belonging to Clarenceux Hanley who lived in Henry the 8. his time, and though there be two other forms of the Oath in English in the same booke, whereas one is said to have been used at the Coronation of Hen. the 8. and the word (Elegerit) in both of those formes rendered in the future tense, yet we shall make use
use of that which is there expressed to have relation to the Oath as it is in French, because we find that translation to agree with the French, which we finde upon record to have been taken by \\e the 2. and E. the 3.

Sir, Will you grant and keep, and by your oath confirme to the people of England, the Laws and Customes granted to them by ancient Kings of England, rightfull men, and devout to God; and namely, the Lawes and Customes, and Franchises granted to the Clergy and to the people by the glorious King Edward, to your power.

Sir, Yee keep to God and to holy Church to the Clergy and to the people peace and accord wholy after your power.

Sir, Yee do to be kept in all your dooms and judgments true and even righteoufnnes with mercy and truth.

The King shall answer, I shall do it.

Sir, Will you grant, fulfill, and defend all rightfull Lawes and Customes, the which the Commons of your realm shall choose, and

shall
shall strengthen and maintain them to the worship of God after
year power.

The King shall answer, I grant and behete.


Sequitur forma juramenti soliti & conficii præstatis, per Reges Ang-
glie in coronatione quod Archiepiscopus Cantuar. ab illis
Regibus exigere & recipere consumvit prout in libris Pontificialum Ar-
chiepisc. & Episc. plenius continetur.

Quod quidem juramentum Richardus Rex Anglie post Conquestam
secundum in Coronatione sua præstitit & ab Archiepisc. Cantuar. orat
receptum & illud quidem juramentum dictus Rex post modum iteravit prout
in Rot. Cancellarii plenius reperiri poserit de recordis.

Servabis Ecclesie Dei Cleroque & populo pacem ex integro & con-
cordiam in Deo secundum vires tuas.

Respondebit, servabo.

Facies sibi in omnibus judiciis tuis aquam & rectam justitiam & dis-
cretionem in misericordia & veritate secundum vires tuas.

Respondebit, servabo.

Concedis justas leges & consuetudines esse tenendas & promittis pro-
t e cas esse protegendas, & ad honorem Dei corroborans, quas vulgu ele-
gerit secundum vires tuas.

Respondebit concedo & promitto.

Adjicanturque predictis interrogationibus quæ justa furent præ-
nun-ciatisque omnibus confers Rex se omnia servaturum Sacramente
super Altare praestito eorum cum his.


Afterwards the foresaid Archbishop of Canterbury having taken
the corporall Oath of our Lord the King to grant and keep, and with
his Oath to confirm the Lives and Customes granted to the people
of the Kingdom of England, by ancient just and devout Kings of
England, the progenitors of the said King, and especially the Lawcs,
Customes and Freedomes granted to the Clergy and people of the
said Kingdom by the most glorious and most holy King Edward, to
keep
Keep to God, and the holy Church of God, and to the Clergy and people peace and concord in God intirely according to his power, and to cause equal and right justice to be done, and discretion in mercy and truth, and also to hold and keep the just Lawes and Customs of the Church, and to cause that by our said Lord the King they should be protected, and to the honour of God strengthened, which the people should justly and reasonably choose to the power of the said Lord the King; the aforesaid Archbishop going to the four sides of the said Scaffold declared and related to all the people how that our Lord the King had taken the said Oath, enquiring of the same people if they would consent to have him their King and Liege-Lord, to obey him as their King and Leige Lord; who, with one accord consented thereunto.

Ex Rot Clausar. de An. 1. Ric. 2 M. 44.

Let now all the World judge whether wee have broached any new or any false Doctrine, and whether the conclusion that wee drew from the Oath doth not naturally and necessary follow out of it, that is, That by the Oath which the Kings of this Realme have or ought to take, there lieth an Obligation upon them to passe such Lawes as are offered unto them by their people in the name and for the good of the whole Kingdome, and by accord with their People in Parliament to make remedy and Law upon such mischieves and dammages as may happen to the Kingdome: and as we acknowledge that mischieves ought to be remedied by Law; so it is most true that if the remedy of Law be not in time applied to them, they many times grow to that height as to be past remedy of Law; And as we did not determine that Question how farre forth the King is obliged to follow the judgement of his Parliament, so as to conclude, that a new Law might be made without His consent, So we doe acknowledge that the contrary may be truly inferred out of all that we said, For to what end a trust, and an Oath to performe that trust, if it might be don otherwi[se? yet we gave reasons (which are not answered) That Kings ought to attribute very much to the judgement of their Parliament, And this the gentlenesse of their usuall answer doth cleerely shew (if it signifie no more) and that was the scope of all that we said in this point, and the very end for which we at this time cited the Oath usually taken by the Kings of this Realme at their Coronation, was that neither His Majesty nor the Kingdome should be any longer lead away with that false position which of late hath beene so usually and openly declared, that all new Lawes are Acts of grace, and that His Majesty is absolutely at liberty to passe them or not, as he pleaseth, how good soever, or how necessary soever they may be for the Kingdome. Whereas by the Oath that ought to be taken by the Kings of this realme at their Coronation, the contrary doth appeare, and from thence it doth necessarily follow, that the Kings of this realme ought to be very tender in denying both Houses of Parliament in any thing that concerns the publique government and good of the Kingdome, and that they ought to deny themselves and their owne understandings very farre, before they deny them,
them, and that upon this ground, because they lie under the Obligation of an Oath to passe such Lawes if they be just and good for the Kingdome, and it must then be a tender point for a Prince to judge otherwise of those Lawes that are represented unto him, as such by the representative body of the whole Kingdome; the care is not the like in private Bills, nor in publique Acts of grace, as pardons and the like, which may in some sense be called publique, when they are generall, although they are rather Acts of grace in many particulars, then to all the Common-wealth in generall, and in so farre as the penalties and forfeitures are remitted, His Majesty departeth from his particular right and interest, and in all such Acts of grace, wee cannot expect that His Majesty should grant them as of right, neither is hee thereunto obliged by his Oath, neither doe we share with His Majesty in the power of pardoning, because the high Court of Parliament hath a power of condemning and absolving, that is of judging aswell without as with His Majesties personall consent, Nor is His Majesties power of pardoning any whit empaird because hee hath not a power of condemning or acquitting out of His Courts and making any actions criminall or not criminall as he pleaseth, All this considered, We cannot yet believe the people of this Land to be so void of common sense as to thinke that the Bill for the Militia (which hath been denied as by the advise of evil counsellors enemies to the peace of this Kingdom); was not a thing for their ease and benefit, yea for their safety and security, and such a thing as he could neither in prudence or faithfullnesse to them by whom we are trusted forbeare to aske, or that his Majesty had any cause in Honour, Justice or Conscience for to deny, or that we have endeavoured to render his Majesty odious to his Subjects and them disloyall to his Majesty, because wee have endeavoved by all means to procure His Majesty to leave the advise of private and evill Counsellors and to hearken to his great Councell, and to obtaine from his Majesty, Acts of grace justice and protection for his people, that their hearts may be united unto him as one man when he shall appeare unto them as the fountaine from whence all good floweth unto them. Neither (wee are confident) when they see the present distractions and dangers still growing upon them from the same evill
evill counsellors from whence they did alwaies arise, and when they
shall feel the miseries, and burthens multiplied upon them from
the same hands that have alwaies laid them upon them, and when
they shall heare that some of the Authors of the secret plots and
conspiracies against the Parliament, are now preparing by open
force and warre to destroy it, will they be satisfied with being told
that calamities proceed from an arbitrary Government which no
man feeleth, from tumults which no man feareth, and from treasons
which no man understands, and not rather from evill Counsellors
which no man needs name, from plots and conspiracies which
no man can deny, and we are well content that it should be left to
the conscience, reason, affection, and serious consideration of all his
Majesties good subjects, whether they that have been at so great
charge, taking such incessant paines, exposed themselves to so
many perills and hazards to procure them so many acts of Justice
and so many good Lawes as they have obtained for them this Parlia-
ment, or they that to furiously carry on the preparations of a civill
war against the Parliament and Kingdome be the more like to ruine
them.

For his Majesties absenting him selfe from his Parliament, and re-
fusing to let the Magazine be removed from Hull upon the desire of
both houses of Parliament they that can believe that the Papists both
in England and Ireland do not make advantage of His Majesties ab-
scence from His Parliament; and the distractions that ensue there-
upon, and that Papists and ill affected persons both at home and
from abroad might not have taken advantage by the Magazine at
Hull, may happily be induced to believe that Sir John Hotham de-
nied His Majesties entrance into Hull out of disaffection or dis-
loyalty to His Majesty; and that the Houses of Parliament intend
to make some private advantage of that Towne or Magazine.

For the message of the 20 of January, we were not ignorant of the
breach of priviledge in the way and manner that it came to us from
the beginning, and the reason why wee were content to passe it
over in silence, we have already given, but the prescribing of a
method to both or either House of Parliament by His Majesty
for the time and manner of their proceedings, especiallie
In matters of money is so known a breach of Privilege of Parliament, and hath so often been remonstrated to be so in former Parliaments, that we are confident the framers of that Declaration would never have affirmed the contrary: But that they believe the People (unto whom these Declarations seem especially to be directed) did not understand it so well as every man else doth, that knoweth any thing of the proceedings of Parliament.

For the instances that we gave of an inclination in some about His Majesty to a Civill War; We are contented they should bee Examined again, and compared with other more evident Symptoms thereof, that have, and do daily discover themselves in that behalfe; was not His Majesty's going to the Houfe of Commons in that manner that hee did, the seed of all our late Distractions, and evidently tending to the Interruption of the Peace of the Kingdom? And for the appearance in a warlike manner at Kingston upon Thames; Its true we find in a Declaration under His Majesties Name, That the Lord Digby went with a Coach and six Horses to visit some Officers there, but wee heare nothing of Waggons loaden with Pistols, Carbines, and Ammunition, nor of great Horses armed with Pistols; nor that those Officers, together with other Souldiers and Cavalliers, were some hundreds, nor that they were lifted and taken into pay, and an Invitation made to such Gentlemen as wou'd mount and maintaine them selves for a Month, that afterwards they should bee taken into pay, and bee of His Majesties Guard for their lives; Nor of the unruly carriage of that Company assembled there, discharging their Pistols, and threatening the Inhabitants, that they would have the heads of some of them within foure dayes, to the great terror and amazement of the poore people: If all this will not amount to a Warlike appearance and preparation, we leave it to every man to judge: And we do grant that our appearance at Kingston upon Hull was very different from it, because it was upon very different grounds and to better ends and purposes.

What is meant by the drawing of Swords at Yorke, and demanding who would bee for the King; If it bee knowne to few in Yorke, it is unknowne to few in Yorkshire; And if inquiry bee made concerning it at London, there will be found both eye and
ear witnesses of the truth of it: For his Majesties going to Hull, which no man can ever believe to have bin intended onely for a visit) whether it were to prevent a Civill war, is very obvious to any that will consider the effects, that have and were always likely to have entred thereupon, and how little necessity there was of his Majesties going thither when he did, more then when hee came first to Yorke, and for the declaring of Sir John Hotham a Traytor, before the Message sent to the Parliament (under whole name, and by whose authority Sir John Hotham avowed his actions) and the making of propositions to the Gentry of York-shire, to affist his Majesty in a way of force against him, before any answer was, or could be received from the Parliament; we leave it to every man to judge, whether notwithstanding all that is alleged in that Declaration, it were not a very dangerous violation of the Subjects Liberty, and the founding of a Trumpet to war, whilst the matter was in a way of Iustice, and to anticipate and prevent a faire and judicall proceeding therein, and because the not giving of satisfaction to his Majesty against Sir John Hotham is alleged as a sufficient cause for his Majesty to stop all the Summons of Parliament, and to damme up the course of Iustice at the fountaine, we desire every man to consider of what consequence this would bee, if his Majesty should doe the like to all Courts of Iustice (as hee might as well and better) and stop the whole course of Iustice, because those that are Judges, will not make themselves onely executioners at his command: for if his Majesty sent to his high Court of Parliament to demand Iustice as from Judges, why did he not rest satisfied in their Judgement, from whence there is no appeals, and if he sent to them onely as Executioners, is it reason that any Court, but especially the highest Court of Iustice, should have a hand to strike, and not withall an eie to see? But if these may seeme weake Sympotmes of an intention in some aboue his Majesty to raise a combustion within this Kingdome, because they tooke not effect, and that so many came not to their Lure, as was expected, are there not now strange and cleare tokens of it, running still in the same veine, and rising from the same fountaine of the same evill Counsellors? Is there not a cleere intention, if not an actual
actual beginning to make war against the Parliament? What
means then the often summoning and calling together the Gentry
and Inhabitants of the County of York, they that doe be-
lieve his Majesties journey to Hull was onely to make a visit of
the Towne and Fort, may happily be perswaded, that when all
these people were gathered together at Heworth-moore, the third of
June, it was not to make any proposition unto them (had they been
disposed as was expected) but only to ride about them, to take a
view of them, and to heare them shout: And if there be no inten-
tion of War against the Parliament, what means those Troopes of
Horse and Foot, lately raised at York, and what such preparations
of Armes and Moneyes going to York, and what mean the en-
deavours of leavying of Horses in divers places, under pretence
of his Majesties service, and with great promise of large pay, and
tome by colour of true or faine Letters from his Majesty for that
purpose. And all this before any preparation, made by us, of
Horse, Money, or Plate, for our own defence. But we are mistaken
all this is only for a Guard to His Majesties Person. And did his Ma-
jecty stand more in need of a Guard when he first raisd those forces
than when he came first to York? Did not his Majesty when he
first propos'd the raising of this Guard to the Gentlemen of Yorks-
shire, the 13. May, and required their assistance, therein express
to them what he meant by the safety of his Person, that is the recovery
of His Magazine taken from him (as is said) by the Parliament,
the making voyd the Ordinance of the Militia established by the
Parliament, the punishments of Sir John Hotham as a Traytor, for
what he had done by order of Parliament, and the protecting of
them, & the Laws, and the true Protestant Profession from affronts
and injuries and all this to be done by a Guard for His Majesties
Person, and all this but a Guard for His Majesties Person? Is the
making voyd of the Judgements and Acts of both Houses of Par-
liament by force, the Guarding of His Majesties Person? Is the
sheltering of Delinquents from the Summons and Justice of Par-
liament by means of this force, (a clear Invasion of their
power and knowne Priviledges) a Guarding only of His
Majesties Person? Doth not his Majesty in his Letter
to the Major, Aldermen and Sherifls of London of the 14 of June,
say that he will raise Force for the protecting of the Law? and doth
he not continually declare that by the protection of the Law His
Majesty meaneth the making void of the Ordinance for the Mi-
itia? which is by force of Armes to make himself Judge in his own
case and in His own Person, against the Judgement of the highest
Court; can any man believe that His Majesty charging both
Houses with countenancing of Treason, and a Rebellion within
20 miles of Him, and for endeavouring to overthrow the Govern-
ment of the Kingdom, and under pretence of a Trust from the
Kingdome, to designe to ruine not only of His Person, but of Mo-
narchy itself? Can (or had be reason if these things were true)
to intend any thing else by these preparations, but the destruction
of such persons as His Majesty to openly charged with Rebellion
and Treason against himselfe and the whole Kingdom? or can any
man believe that the preparations at Amsterdam in Holland, of so
many thousand Pistols and Carabines, and so many thousand great
Saddles, and so many Canons and of Morters for Granados, and of
so much Poudre and other warlike provisions (bought, as we are
informed, with moneys raised upon the credits of the Jewels of
the Crown, pawned or forsd to that purpose) were only inten-
ded as a Guard for His Majesties Person? But now since some of
the warlike provisions are arrived from beyond the Seas (which
were long before preparing) and since his Majesty hath besieged
the Town of Hull, it appears what were his intentions from the
beginning, when he first raised Forces under colour of a Guard for
his Person, and now at length in his late Proclamation hee hath
proclaimed War against Sir John Hotham, and all that adhere to
him, that is the Parliament: And let all the world judge if it bee
not high time for us to thinke of some meanes for our defence.

For the businesse of Hull which is said, to stick with us, it sticked
faster upon those that were advisers of his Majesty to that journey,
whereby they have blown a coale which is like to kindle a flame,
that threatens us with a general combustion. And as to the que-
estion concerning the Earle of New-castle, we answered it indeed by a que-
stion, Which whether it have received a full Answer or no, wee
leave it to every man to judge, but for that which is called, an Im-
putation
petition cast upon that Earle, and instinmated to be a vile affersion continued by unknown hands and upon unknown and unimaginable grounds. The hands we had it from, were none but such as attested their hands with their Oaths, and we never knew that depositions upon Oath were esteemed unknown or unimaginable grounds before: But whether the Accusation of the 6 Members of Parliament were not contrived by unknown hands, and upon unknown and unimaginable grounds, let every Man judge.

Whereas it is objected against us, That we have received Petitions against things that are established by Law, and that we have allowed those Petitions to carry the title and to seem to carry the desires of Cities, Towns & Counties, when of either City, Town or County very few known or considerable persons have been privy to such Petitions. We acknowledge that we have received Petitions for the removal of all things established by Law, and we must say, and all that know what belongeth to the course and practice of Parliament, will say, that we ought so to do, and that both our Predecessors & his Majesties Ancestors have constantly done it, there being no other place wherein Laws that by experience may be found grievous and burthenome can be altered or repealed and there being no other due and legall way, wherein they which are aggrieved by them, can seek redress: And for the title of such Petitions as have been received by us, we never allowed them any higher title than they brought unto us; Nor did ever make them seem to carry the desires of more than of those whose desires they did appear to be, nor did they ever appear to carry the desires of Cities, Towns or Countries, but they were always attested by great numbers of hands, and amongst them of persons considerable, not a few. And for the Petition of the Gentlemen of Yorkshire, for the continuance of the Magazin of Hull, whether by the title of (The humble Petition of the Gentry and Commons of the County of Yorke) they meant only some of them, we know not, but under that title it came to us from very many and very good hands.

The sooner all His Majesties good Subjects understand What is it meant by his Majesties authority signified by both Houses of Parl. and by his other Courts of Justice: the sooner they will understand how little is meant by his Majesties Authority, signified privatly
under his hand or by his Proclamation, when they are contrary to Law and Common right, as they always are when they are against the legall proceedings or Judgements of any Court (much more of the highest Court, and by expresse Statutes are declared to be of no Authority: And that such Courts and other Officers of Justice must proceed to do Right, notwithstanding any such figification under the privy Signet or under the great Seale it selfe; and it is high time now for the whole Kingdom to understand that his Majesties Authority is more in his Courts without his person, than in his person without his Courts; when the power of declaring the Law shall be denied to the high Court of Parliament, in particular causes before them (for me have claimed it, we have exercised it no otherwise to bee obligatory as a Judicial Declaration of the Law) and shall be attributed to his Majesty to do it in generall by his Proclamations, without relation to a particular case and making his interpretation of the Law to be a Rule in all Cases, as in divers late Proclamations he hath done.

But how doth the world now see in what miserable case his Majesty would have been in if he had past our Bill concerning the Militia, and that we would have raised all the Armes of the Kingdom to have beaten him from Yorke, and pursued him out of the Kingdom, as we have kept him out of Hull: Doth not all the world see rather that if his Majesty had past the Bill concerning the Militia, his Majesty had been at London by this time, consenting and agreeing with his Parliament to the generall contentment of all his people and happiness of all his Kingdomes. But although the Contrivers of that Declaration have no better opinion of the representative body of the whole Kingdom, than they use to express yet wee wonder they expressed no better an opinion of the whole Kingdom (in which they seem to place so great confidence) than to thinke they would have followed us in any acte of disloyalty against his Majesty, If we should have been so wicked as to have lead them on to do it: Have we not better grounds to believe that if we had let alone the Illegall Commissions of Lieutenancy, or should submit to the more Illegall and enslaving Commission of Array, those evil Councillors should have by this time, or would not be longer erre they had beaten us out of the Houses of Parliament by force, as they per-
lsaved His Majesty to come into the House of Commons by force to take away the Members thereof, Caufelgly and groundlessly ac-
cused of Treafon: and why muft it be thought that wee will im-
ploy His Majefties Magazine (which they will needs have to bee
taken from him) againft him, because we did not thinke it safe at
that time to be imploied at Hull without His Majefties Authority
signified by both Houses of Parliament? May wee not upon as
good grunds suppose that the Malignant Party, the evil Councill-
ors would needs keep it at Hull, againft the defire of both Houses
of Parliament, 
that they might imploie it not againft both Houses
of Parliament; but againft a faction called, both Houses of Parlia-
ment, as they fuggest unto His Majefty, that we are like to implo-
it against him, not againft his Authority, and to kill the evil
Councillors, the Malignant Party: but His Majefty? May wee
not with better reason declare, 
that it were imploied to kill those
evil Councillors, that Malignant party about His Majefty; 
It would be for His Majefties good, and the publique good, than
they may perswade His Majefty; That if it were imploied to diftro-
by both Houses of Parliament, it would be for the good of King and King-
dome, in delivering them from the Faction and Arbitrary Government
of a Parliament?

But we have made an interpretation of the Statute of the 25. Edward
3. that would leave the King of England absolutely leffe provided, for
then the meanefl subject in the Kingdom? How doth that appeare? 
Becauft, We say its Treafon to deftroy the Kingdom of England, as
well as the King of England, and because we lay, that the King of En-
gland hath not a power to deftroy the Laws and People of England, and
what is that interpretation of that Statute, that no learned Lawyer
will fet his hand to? that Treafon may be committed against the
Kings Authority, though not directed against his Person: Do
there want presidents or Book Cass to make this good, or is it not
that they cannot fee Wood for Trees, that look after Presidents to
prove this, which at length is acknowledged in his Majefties Pro-
clamation of the 19 of June? Is it then that interpretation of the
Statute, that the raising of force in the maintenance of His Majefties
Authority, and of the Laws against those that would deftroy both it
and them, is no Treafon, though such Acts of Traitors and Rebels
should be in pursuance of his Majefties Perfonall Commands and
ac-
accompanied with his presence; And have we cited no presidents to that purpose? What are those then of Alexander Arch-Bishop of York, Robert de Leere Duke of Ireland and the rest in the time of Rich. the 2. which we caused to be published; whose Leaving of Forces against the Authority of the Parl. and to put to death divers principall Members of both Houses, by the Kings express command, which hee promised to accompany with his presence, was by two Acts of Parl. Judged Treason; and the Act of such Leavied Forces to suppress them, was judged good service to the Common-wealth: These Presidents are said to be grounded upon repealed Statutes, and we have indeed heard it said so twice, but wee never heard the Statute that repealed them cited once, and whether the Parl. of 11. Rich. 2. was more a forced Parl. than that of the 21. Rich. 2. which repealed the Acts thereof, and whether that of the 1.H.4. which repealed that of the 21. Rich. 2. and all the Acts thereof and revived that of 11. Rich. 2. & all the Acts made therein, was ever yet repealed, and consequently whether those two Acts of 11. Rich. 2. & 1. Hen. 4. do not still stand in force none that are acquainted with the Records and History of that time can deny, or so much as doubt? But do we need Presidents in this Case; Is it not a knowne rule in the Law, that the Kings illegall commands, though accompanied with his presence, do not excuse those that obey them? and how then shall it excuse Rebels and Traitors, and how shall it hinder the Kings Courts and Ministers, to proceed against them judicially, if they submit, or by force, if they make opposition with force? If the King might Controwle all the Courts in Westmin.Hall & the high Court of Parl it selfe, and make it good by force, what were become of the knowne legall government of this Kingdom, or what a Iewell had we of the Law, or what benefit by being governed according to Law, if all Laws might by force be overthrown, and by force might not bee upheld and maintaine? Nay by the Law of that Declaration, and of the Proclamation bearing date 18 of June if all that which is falsely and scandalously is affirmed of his Majesty by the Rebels of Ireland were true, that they do all by his Majesties commands, and if His Majesty should accompany such commands which his presence (as they do not spare for their own advantage in like manner to give out that he will) it were not lawfull for the whole representatiue body of the Kingdom to raise force for the suppressing such Force as they have raised, and such Acts as they have done. Without
without all doubt; This is such an interpretation of that Statute, which no learned Lawyer will set under his hand.

For our Priviledges, it is a very great mistake to make the Cases of Treason, Felony, and breach of the Peace, the same with other Cases, because the Houfes doe sometymes give way to Proceedings against their Members: For although in some Cases only, wherein the Priviledge of Parliament may feeme to be extended beyond the intention thereof, the Houfes may give way to proceedings against their Members; yet they cannot give away the Priviledges of their Members without their contents, at least they are not bound to doe it as in the Cases of Treason, Felony, and breach of the Peace, they are bound either to proceed against them themselves, if it be proper for the Parliament, or to suffer them to be proceeded against elsewhere, after they have been satisfied of the Fact, and of the grounds of their Acculation; And for the absurdity of murtherers, and taking of purses, if we had laid (as it is here suggested) That no Member of either House of Parliament might be medled with, till the Houfe wherof he is a Member be acquainted with his Fact, there might have been some shew of an absurdity and inconvenience: But we said, he was not to be proceeded against, nor judged, and we will adde, nor taken away or detaine from the service of the Houfe, whereof he is a Member, untill such time as that Houfe hath satisfaction concerning the Cause; But we never denied, but that either by the Officers of Parliament, or any other Ministers of Justice he might in such Cases be arrested, To the intent only, That he may be brought to the Parliament, Corpus cum causa, and also detained in safe custody, untill such time as he may be brought to the Parliament, but not to be proceeded against in any inferior Court before such time as the Cause be heard in Parliament, and dismisst from it; And now we hope no man will be afraid of having his purfe taken from him by Parliament men, between London and Yorke, notwithstanding our Declaration. We forbeare such like odious suppositiones in the perfon of a King: But by the Lawes of that Declaration, No force raife by him to any ends or purpojes whatsoever, or in any manner howsoever exercisid, may bee opposed with force by any Persons or Authoritie whatsoever, or by any meanes, or in any manner howsoever. And this is the Doctrine that these men would have all the people to believe, Thas by their oaths of Supremacy and Allegiance, and by their Protestation they are bound to defend. Whereas that which
we affirmed to be a Priviledge of Parliament, is to cleare and in-
fentially a priviledge of Parliament that the whole freedome thereof dependeth upon it; For who sees not that by this means, under falle pretences of crimes and accusations, such and so many Members of both or either House of Parliament may be taken out of it, at any time by any Persons to serve a turne, and to make a major part of whom they will at pleasure, And as the grand In-
quelt of the whole Kingdome, should be (by this means) subject to the grand Inquest of one particular County; So the whole re-
representative Body of the kingdome, should be at the devotion of a Middlesex Jury; And therefore as the freedom of Parl. dependeth in a great part upon this Priviledge, and the freedome of this Nation upon the freedome of Parliaments: We have good reason to be-
lieve, That the people of England knowing their Lives and Fortu-
tunes are bound up in this bundle, will venture their lives and fortu-
tunes in this quarrell. For the Statute of the 11th yeare of Henry the 7th (to omit what we are said to declare, concerning the mean-
ness of His Majesties Person, and the mistakes in the understanding of the Statute of the 25th of Edward the third, which we have already sufficiently answered) We are told, That we proceed in the Spirit of declaring to certify His Majesties good Subjects, in the mistaking which near 150 yeares, have been received concerning that Statute. And what is that deep and ancient fence of that Statute, that we had so much need of the Spirit of Revelation to discover the mi-
staking in it? That who soever shall serve the King in his Warres in any case whatsoever, though it be to overthrow Religion, Laws, Liberties; and though it were to do whatsoever Acts of barbarous Cruelties have bin done by the Rebels in Ireland, or what else so-
ever can be imagined more horrid inhumane (for & there is no case exempted) by vertue of this Statute, he shall be free from all pu-
ishment: And this is the opinion that is said to be received con-
cerning it for 150 yeares together. Certainly we have need of a
great deale of faith to beleive it, and to our Spirit of declaring, a large Spirit also of suffering and slavery to submit unto it. And what was our interpretation of that Statute? We say (That by ser-
vong of the King for the time being, was not mean of a Perkin War-
becke, or any that should call himselfe King, but such a one as was re-
cived for such by the Kingdom; the Act whereof cannot be clearly dis-
cerned but in Parliament (if there should be any question con-
cerning it) and can any man thinke that Henry the 7th did mean
That whosoever did follow Perkin Warbeck should be free from all crime and penalty, or needed any man to have asked the question, whether His Majesty were not allowed and received by the Kingdom? They that ask such a question are more to blame then they that would not affirm it, lest it should be thought to need an affirmation, it being a thing so notorious, that both in himselfe and in his Ancestors he is and ought so to be received and allowed.

And God be thanked the case is not now as it was at that time when this Statute was made to secure the Subjects from that continual uncertainty and danger they were exposed unto, in respect of the different titles of Yorke and Lancaster, the one prevailing one while, and the other another time, and therefore by this Statute it was provided, That whosoever should serve the King for the time being (what ever his title may prove) should be free from all crime and penalty whatsoever, then the Parliament had at that time received in the behalf of the Kingdom, he must undoubtedly have been accounted the King for the time being, and consequently the people secured in following him, though another and happily a better title had been set up against him (as if there had been a true Duke of Yorke living, a better might have been set up against him, Henry the 7th then his owne)

We say then, as we said before if it be against reason and conscience that men should suffer that guide themselves by the judgement of the highest Court, which is also the representative body of the whole Kingdom; and if by this Statute the Parliament is made Judge in the Question who is King, much more are they to be Judge in the Question what is the best service of the King and Kingdom, and they ought to be free from all crime and punishment that follow the judgement thereof upon the very grounds and reasons of this Statute, which we do agree, That His Majesty's good Subjects may read with comfort, because it lays down a ground which delivers them from uncertainty in their obedience in the most difficult and highest Gales whatsoever.

As for that which is said concerning a dark mist of words and urging over old Privileges. We confess we are left in a dark mist, for we understand not what it means.
That we did and do say, that every Court of Justice, and much more the high Court of Parliament hath a power of jurisdiction, which in plain English is of declaring the Law in particular Cases in question before them; and that which is so declared by the high Court of Parliament being the highest Court of judicature, ought not afterwards to be questioned by His Majesty, or any of his Subjects, for that there is no appeale from them to any person or Court whatsoever so that the right and safety both of King and People shall depend upon the Law, and the Law for its Interpretation upon the Courts of Justice, which are the competent Judges thereof, and not upon the pleasure and interpretation of private persons, or of publicke in a private capacity.

To the second we answer,

That we did and do say, that some Presidents ought not to be rules, and no Presidents can be bounds to the proceedings of a Parliament, because some are such as ought not to be followed, and all may fall short, and be different from the present case & condition of things; And if this were not a Truth, in stead of doing what we please, we should be obliged to doe whatsoever our Ancestors pleased to doe, whether they did well or ill; And how different or unlike soever, their case and condition should be to ours.

To the third we answer,

That we did and do say, That a Parliament may dispose of any thing wherein the King or any Subject hath a right, in such a way as that the kingdom may not be in danger thereby; And that if the King being humbly sought into by his Parliament, shall refuse to joyn with them in such Cases, the representative Body of the kingdom is not to sit still, and see the kingdom perish before their eyes, and all the danger they are Judges, and Judges superior to all others, that legally have any power of judicature within this kingdom, And for the consequence that is here inferred, we acknowledge it not, it is none of ours, neither did we speake any thing of the major part of both Houses at any times present, or by any wayes and meanes procured so to be, nor yet of the Members of both Houses absent, or by any wayes and meanes procured so to be, though we had reason enough so to have done.
To the fourth we Answer;

We did not say, that no Member of either House ought to be medled withall for Treason, Felony, or any other crime, without the cause first brought before them, that they may judge of the fact, and their leave obtained to proceed; but we did, and do say, that no member of either House ought to be declared or adjudged a Traitor, or proceeded against in any other Court or way than in Parliament, whereby he may be taken or detained from the service of Parliament, or the Parliament deprived of a member without their consent, but that he may be arrested in such cases, or detained in order to his appearance before the Parliament; and to the intent that he may be brought with his cause before the Parliament, we did not, nor cannot deny.

To the fifth we Answer; We did, and do say, That the Soveraigne power doth reside in the King, and both Houses of Parliament, and that his Majesties negative voice doth not impaire a liberty, for his Majesty to deny anything as he pleasedeth, though never so requisite and necessary for the kingdom; and yet we did not, nor do say, that such Bills as his Majestie is bound, both in Conscience and Justice to passe, shall notwithstanding be Law, without his consent, to farre are we from taking away his negative Voice.

To the sixth we Answer; We did, and do say; That the levying of Forces against the personall commands of the King, (though accompanied with his presence) and not against his Lawes and Authority, but in the maintenance thereof, is not levying war against the King, but the levying of war against his Lawes and Authority, though not against his Person, is levying war against the King. And we believe no learned Lawyer will let his hand to the contrary, nor need any man to be learned in the Lawes to understand that Treason is not committed against the Kings Person, as he is a man, but as he is a King, and as his Person hath relation to his Office, who knowes not that it is no Treason to steale the Kings Horse, nor to make an entry, or commit a Riot upon his Land, but to faigne (which is to steale) his Signet or great Seale (because of the relation it hath to his Office) or to invade any part of his kingdom, as it is part of his Dominions, is Treason. And as Treason is not against the Kings Person, as it is void of all relation to his Office and Trust, to much lesse as it stands in a relation opposite and contrary thereunto; and therefore, as it it hath
relation to his Trust, so also to the discharge of that trust, that being the Cause, and indeed the onely cause, why the Law hath provided more for the protection of his Person, then of any other, because it hath placed in his Person a power to protect all other persons, and yet we did not say, or meane that no treason can be committed against the King; but when he is in the actual discharge of his trust, no, nor when he is in the actual violation of his trust, because the Act may either in the manner or in the measure exceed the bounds of a legall and necessary defence and opposition against the violation and breach of Trust, and so fall to be either against the Kings Authority, or against his person, as it standeth invested with that authority, but if it exceed not these bounds in so farre as it is such, it is so far from having any thing of Treason in it, that it hath a great deale of dutie and loyalty in it to the King as King, and to the kingdome, in relation to, and for which hee is King; And for the power of judging of the discharge of his Majesties trust, as it hath reference to a question of Treason, to say the Parliament hath power to judge of it, is no more then to say, That it hath power to judge in cases of Treason which inferior Courts have, and the high Court of Parliament, as well as they in all cases, and in some cases above and beyond them.

To the seventh we Answer,

That we neither did it, nor doe say it, We never suffered that word of deposing the King to goe out of our mouths, nor the thing to enter into our thoughts, nor can it be collected out of any thing that we have said: And now, for the Propositions wherewith we are said to assault his Majesty, and endeavour to deprest him of all his regall Rights and Dignities, we doubt not but that wee shall make it appeare to all the world, that what may seeme highest in our Propositions, hath bee in effect asked and obtained by our Ancestors before us, and by our neighbours beside us; and that we have more reason to aske it and to obtaine it then either the one or the other, and yet to testifie to all the world, how much we desire peace, and to avoid the miseries and confusion of a civill war; wee have not, nor shall insist upon any thing but what wee hold necessary for the preservation of the safety and peace of the kingdome; and for the security of our Religion and Liberties, and those good laws which we already have, and hope further to obtaine by the frequent meeting and free sitting of Parliament: and as, wee have beein careful to decline all appearance of any private respects in them.
them to our selves, so having the honour of God and of his Majesty and the peace, freedome & prosperity of this kingdom chiefly before our eyes in these our propositions, and in all our actions, we rest assured that both God & man, will abhorre and abominate that monstrous and most injurious charge laid upon the representative body of this whole kingdom, of designing the ruine, not only of his Majesty's Person, but of Monarchie it self: and we appeal to all the world, whether worse words then these can be given us, And whether we may not justly expect the worst actions that the malice & power of the malignant party about his Majesty can produce; And whether it be not high time for us to stand upon our defence, which nature teacheth every man to provide for; and this kingdom (unless it be very unnaturall, and very unmindfull of itself) cannot but afford to them whom it hath intrusted, and by whom it is represented; And if the Major part of both Houses may sit free from force we doubt not, but that they will not onely make it good that they have done themselves and the whole kingdom right in that their Declaration, and offered no wrong, nor done any prejudice at all to his Majesty, but also be very sensible of the great indignity offered to the representative body of this whole kingdom by the contrivers of that Answer, and will make such persons (that delight to foule their own nests, and to cast dirt in the face of the kingdom,) instances of their exemplary justice, so soon as they shall be discovered, and brand both them and their doctrine (whereof we will give a taste what it is in some particulars) with the marks of their perpetuall scorn and indignation.

This is the Doctrine of that Declaration, and these are the Positions of the contrivers of it.

1. That the King, when hee pleaseth, may declare the major part present of both Houses, a faction of malignant schismaticall and ambitious persons, so that all Parliaments that have been heretofore, and shall be hereafter, and all lawes made in them may by this means be called in question at pleasure.

2. That his Majesty may declare what is the knowne law of the Land against the judgement of his highest Court, and consequent-ly against all his Courts, so that the safety and right of King and people, and the Law it selfe, must depend upon his Majesties pleasure.

3. That the Parliament must doe nothing without a president;
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so the kingdome must perish if there be not a president for it's proper remedy.

4. That the King hath a propriety in his Townes, Forts and kingdomes so he may dispose of them as he pleaseth, and the reprelentative body of the whole kingdome may not intermeddle in the discharge of his Majesties trust, though by the advice of evil Councellors they see it diverted to the hazard of the publike peace and safety of the kingdome.

5. That his Majelty, or any other person may upon suggestions and pretences of Treaton, Felony, or breach of the peace, take the members of Parliament out of either House of Parliament without giving satisfaction to the House whereof they are members, of the grounds of such suggestion or accusation, and without and against their consent, so they may dismember a Parliament when they please, and make it what they will, when they will.

6. That whosoever shall follow the King in his wars, e the case what it will, though it were to destroy Lawes, Liberty, Religion it selfe, and the whole kingdome, yet he shall be free from all crime and punishment by the Statute of the 11. H.7. and that this hath bin the received sense and interpretation thereof for 150. yeeres together; and that on the other side to oppose by force any such force, though in the most legall way, & by authority of the representative body of the whole kingdome, is to levie war against the King, and treason within the Letter of the Statute of the 25. Edw. 3: to our lands, Liberties, Lives, Religion, and Lawes themselves (whereby all the Rights both of King and people are due to them and preserved for them) shall be at the sole will and pleasure of the Prince.

7. That the representative body of the whole kingdome is a faction of malignant schismaticall and ambitious persons, whose designe is, and always hath been, to alter the whole frame of Government both of Church and State, and to subject both King and people to their own lawlesse arbitrary power & government, and that they designe the ruine of his Majesties Person, and of Monarchie it selfe, and consequently that they are Traytors, and all the kingdome with them (for their Act is the Act of the whole kingdome) and whether their punishment and ruine may not also involve the whole kingdom in conclusion, and reduce it into the condition of a conquered Nation, no man can tell, but experience sheweth us, that successfull often drawes men not onely beyond their professions, but also many times beyond their first intentions.

FINIS.