

PARLIAMENT AUTHORITIES

Justifying the Proceedings of the Commons against
the Four Impeached Lords.

Submitted to the Commons in Parliament.

AT a Parliament held at *Westminster*, the Monday after the *Purification* of our Lady, in the 11th Year of King *Richard* the 2d, The Commons petitioned, That none be about the King's Person, nor intermeddle with any Affairs of the Realm, other than those named and appointed in Parliament; and that all Persons of ill Fame be removed from all Places about the King: the which that King granted. See the Rolls of that Parliament, N. 23, 24.

At a Parliament held at *Westminster* on Monday in *Easter* Week, in the 15th of *Edw.* 3. That the Chancellor, and all other great Officers be chosen in Parliament, and that Men of Evil Fame be removed. See the Roll, N. 15, 16.

At a Parliament held at *Westminster*, in the Quindean of *St. Michael*, 1 *Rich.* 2d. The Commons prayed the King would be pleased to name, in that Parliament, 17 Persons of good Note and Fame, to be always about him, and in the interval of Parliaments, to negotiate the Affairs of the Kingdom; to which the King assented. Parliament Roll, N. 18, 19, 20.

In the same Parliament, That Privy-Counsellors, or great Officers about the King, shall take no Grant nor Gift from the King, during their being in the Service of the King. Roll, N. 23, 24, 25.

The like was done in the Parliament held at *Westminster* the 3d day after *All-Souls*, 5 *Rich.* 2. See the Roll, N. 20, 21, 22, 27, 28. and all granted at the Request of the Commons.

In the Parliament held at *Westminster* the 3d day in *Lent*, 6 *Rich.* 2d. The Commons prayed that such as misbehaved themselves, may be removed from the King, and that Persons of good Note and Fame may be put in their Places, and sworn in full Parliament. Roll, N. 26.

At a Parliament held at *Westminster* the 1st of *October*, 10 *Rich.* 2. The Commons impeached Sir *Michael de la Poole*, Earl of *Suffolk*, and Chancellor of *England*, articulated against him, and got that King to remove the Chancellor before Judgment. Parl. Roll, N. 6, 7, 8. An Abstract of the Articles against the Chancellor, see in a Book intituled, *The Rights and Liberties of Englishmen asserted*, newly printed, Pag. 8, 9, 10.

In the 11th of *Rich.* 2. Divers Lords, Justices, and others, were accused in Parliament for Treason, and Misdemeanors, and some of them banished into *Ireland*. But it is here to be noted, That when the Trials for Treason came on, the Lords Temporal proceeded, and the Lords Spiritual made their Protestation, saving to them their Rights to be in Parliament in all Cases excepting Blood; as by the same Protestation (made in Latin, and to be seen upon the Roll) appears, wherein they say expressly, in relation to Blood, *De jure interesse non debemus*: And the Ordinance made in the 21st *Hen.* 2. positively requires, that no Clergy-man be present upon any Trial of Life and Death, all being forbidden by the Canon Law (*Agitare Judicium Sanguinis*) upon pain of being deprived of Dignity and Order, and to suffer the Penalty and Punishment of the greater Excommunication. We have no mention throughout all our Rolls of Parliament, that ever the Prelates were present, or voted in Cases of Life and Death, till that of Sir *John Fenwick*. It is true, that at Assizes and Sessions they are present, but not as Judges; and when Judgment of Death is pronouncing in these Places, the Clergy did use to walk out of Court: but in Sir *John Fenwick's* Case the Lords Spiritual did indeed *Agitare Judicium Sanguine*, against the Canon and Common Law. The Bishops Protestation against such matters is entred upon the Roll of that Parliament, N. 9, 10.

In the 7th *Rich.* 2. The Commons granted to the King a Subsidy according to the tenour of a Schedule indented, and delivered in Parliament, requiring it may be Enrolled in the Journals of that Parliament; in which Schedule is the following Protestation, viz. That it is not the meaning of the Commons to give the said Subsidy, without the King's granting to the Commons the following Conditions.

1. That the Clergy having the third part of the Kingdom in their hands, shall in proportion grant the like Subsidy.

2. That the Bishop of *Norwich*, and others, be compelled to answer and repay all such Sums as he and they have received for the Service by them undertaken, and not performed. Parl. Roll, N. 13. And that the King remove from his Presence such Persons as the Commons look upon to be pernicious to the Publick. To which the King assented.

It is here to be noted, That the Clergy excepted against the first Condition, and said, they were not to be taxed by the Commons, but that they would use their own Discretion. To which the Commons replied, That if the Clergy would not condescend to pay a third part of the Subsidy, that as they insisted upon Ecclesiastical Privileges, so they should not have any share in Temporal matters in Parliament. Upon which the Bishops went out of the House for that time.

In the 29th H. 6. The Commons addressed the King to banish all Persons of evil Fame, and evilly thought of by the Commons, viz. Edmund Duke of Somerset, Alice Dutcheffs of Suffolk, William Bishop of Chester, the Bishop of London, the Abbót of St. Peters in the County of Gloucester, the Baron of Dudley, Thomas Lord Hastings, Thomas Pulford Esq; Sir John Sutton, Sir Tho. Hungerford, and twenty seven Persons more of the King's Retinue, Attendants, and Favourites: All of them, upon the bare desire of the Commons, without any Accusation, by Word or Article exhibited, only upon common ill Fame, were compelled in that Parliament to leave the King's Presence, and never to come within 12 Miles of the Court during their Lives. The King seemed unwilling to part with some, but would leave them to be punished by Law, according to their demerits, and to be removed from his Person for one Year: But the Commons insisted; and the King, rather than disoblige them, assented. Parl. Roll, N. 16.

At a Parliament held at Westminster, the next day after St. Hilary, in the 5th of Hen. 4. On Monday the 14th of January, being the first day of that Parliament, the King accorded that four special Persons should be removed from his Person, at the request of the Commons, viz. the King's Confessor, the Abbot of Dore, Mr. Richard Durham, and Mr. Crossbey of the Chamber: whereupon Saturday the 9th of February, the said Confessor, Durham, and Crossbey came into the Parliament, before the King and Lords, where the King excused them, saying, That he then knew no Cause why they should be removed, but only that they were hated of the People, and therefore charged them to be gone from his House according to the Commons desire; and the like Sentence was pronounced against the Abbot, tho then absent. Parl. Roll, N. 16. and Sir Robert Cotton's Abridgment, Pag. 426, 427.

In 1 Jac. 1. the 21st of May, The Commons accused the Bishop of London for speaking ill of them and their Proceedings, in the Lords House; but the Bishop of London cried *Pec-cavi*, and pleaded his own mistake: which shews that both Houses have their distinct and separate Privileges independant one of another.

The Commons have an undoubted Right to exercise their Authority within their own House, and to accuse whom they please, without respect of Persons, and to exhibit their Charge by Surmise, Word, or by Articles generally or specially, as it was resolved in the Cases of John de Worsenham, and Walter de la Chariton, in the 50th Edw. 3. and likewise in the Case of Hugh de Spencer, in the 15th Edw. 2. as also in the Case of the Duke of Buckingham, in the 5th Cha. 1. Which shews the Authority of the Commons within their own House hath no limitation; and that they may make Precedents, as well as be guided by such (especially where the Grievances of the Publick require to be redressed) extrajudicially, if not otherwise to be obtained, as in the unprecedented Case of Sir John Fenwick.

And as the Commons of England, from the first Institution of Parliaments, have been the great Conservators of English Liberties, and the safety of both Kingdoms at this critical Juncture, when our All seems to be indangered, depends alone (under God) upon their Conduct: so it is the common Interest of the People, that the Commons, according to their wonted Privileges, do displace or banish all insulting, overgrown, corrupt Ministers, or such as by their Male-Administration at the Helm, have discover'd their Principles by their pernicious practices: Otherwise we may in time bid adieu to our Rights, and to Parliaments too. We may justly expect, from the Change in the State in 1688. to have all the Abuses imputed to the late Ministers, rather redressed than improved by their Successors: for it was seldom known that ever any People abandon'd one Prince, and set up another, but with intent to better their Conditions, and to free themselves from what they feared might attend them before such Revolution: But if we should find our selves frustrated in our Expectations, after it had cost us within 12 Years, sixty Millions to defend our Rights and Liberties (as by the Lords Journals appear) so should not we have reason to say, that we have acted the part of an unskilful Pilot, after we have sailed a vast way about to avoid splitting upon one Rock, to be afterward cast away upon another, and that when we thought our selves in a secure Harbour?

T H E E N D.