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FOURE True and Considerable P O S I T I O N S for the
sitting M E M B E R S, the New Court of Justice, and New Judges, Sheriffs,
Officers, Lawyers, Iustices, and others to Ruminare upon.

1 **T**hat the whole House of Commons in no age had any Power, Right or Lawfull Authority to make any Valid or binding Act or Ordinance of Parliament; or to impose any Tax, Oath, Forfaiture, or capitall punishment upon any person or freeman of this Realme, without the Lords or Kings concurrent assents: much lesse then can a small remnant only of the Members of that house doe it, sitting under an armed force (which nulls and vacates all their Votes and proceedings, as the Ordinance of 20. August 1647. declares) whilst most of their fellow members are forcibly detained and driven thence, as Master St. Iohn proves in his Speech concerning Ship-mony. p. 33. and in his Argument concerning the Earle of Straffords attainder. p. 70, 71. 76, 77, 78. and Sr. Edward Cook in his 4 Instit. ch. 1.

2 That the few Members now sitting in, and the House of Commons being no Court of Justice of it selfe, and having no power to heare and determine any civill or criminall causes, nor to give an oath in any case whatsoever, cannot by the lawes and statutes of the realme, nor by any pretext of authority whatsoever, erect any new Court of Justice, nor give power or authority to any new Iudges, Iustices, or Commissioners to arraigne, try, condemne or execute any subject of meanest quality, for any reall or pretended crime whatsoever; much lesse their owne Sovereigne Lord the King, or any Peers of this Realme; who ought to be tryed by their Peers, and by the Law of the Land alone, and not otherwise. And that the condemning and executing the King, or any Peere or other Subject by pretext of such an illegall authority, is no lesse then High Treason and wilfull murther, both in the members, the Commissioners, Judges or Iustices giving and executing sentence of death in any such arbitrary and lawlesse void Court, or by virtue of any such void and illegall Commissions.

3 That the House of Commons, and members now sitting, have no power, nor authority to make or alter the great Seale of England, or grant any Commissions to any Commissioners, Iudges, Sheriffs, Iustices of the peace, or any other. That all the commissions granted by them, under their New, or any other Seale, are meerly void and illegall; and all the new writs and proceedings in Law or Equity, before any Iudges, Iustices, Sheriffs, or other Officers made by them, meerly void in Law to all intents, & coram non iudice.

4 That the deniall of the Kings title to the Crowne, and plotting the means to deprive him of it, or to set it upon anothers head, is High Treason, within the statute of 25. E. 3: ch. 2. And that the endeavouring to subvert the Fundamentall Lawes and Government of the Realme of England (by King, Lords, and Commons) and to introduce a tyrannicall or arbitrary Government against law, is High Treason at the common law, (especially in Iudges and Lawyers) not taken away by any statute. Both which Mr. St. IOHN in his Argument at law, concerning the Bill of attainder of high treason of Thomas Earle of Strafford, published By Order of the Commons House. Anno 1641. p. 8. 14 to 33. and 64, to 78. And in his Speech, at a conference of both houses of Parliament, concerning shipmony Anno 1640. hath proved very fully by many reasons and precedents, and Cook in his 7 Report f 10 11 12, and 3 Institutes ch. 1. That the commons now sitting, in making a New Great Seal, without the Kings image or stile, in granting new illegall commissions to Iudges, Iustices of Peace, Sheriffes, and other Officers in the name of Custodes Angliae in the generall, in omitting and altering the Kings name, stile and title in writs, processe, inditements, and proceedings at the common law, and thereby endeavouring to dis-inherit the Prince, (now lawfull King by and since his Fathers bloody murther,) and to alter and subvert the fundamentall lawes and government of the realme, by such commissions and proceedings, and by the power of an Army to enforce them; and the Iudges, Iustices, Sheriffes and other Officers who accept of such commissions, and all those (especially Lawyers) who volentarily assist, consent, and submit to such commissions and alterations by such usurped illegall authority, and the commissioners sitting in the new courts of Justice are most really guilty of both these high Treasons (in which there are no accessories) & lesse excusable then Strafford or Canterbury; whom some of these new Iudges and sitting Members impeached and prosecuted to death, for those very Treasons themselves now act, in a more apparent and higher degree then they, and (in respect of their Oathes, Covenant, callings, and places) are more obliged to maintaine the Kings title, the fundamentall lawes and government, the rights and liberties of the Kingdome and Parliament then they; and therefore (if they persevere therein) may justly expect the selfe same capitall punishments they underwent, if not farre worse: especially since they attempt to reduce the antientest Kingdome of all Christendome, into the puniest and most contemptible state in all the World; and thereby to render us the most infamous, perfidious, and dishonourable Nation under Heaven, both to the present and all succeeding ages: which must needs make the contrivers and abettors thereof, the most detestable traytors and publique enemies to their King and native Country, that ever this realme brought forth in any age. Repent therefore of these your treasons, and amend your lives, if you expect the least hope of pardon from God or Man: And expiate all your former high misdemeanours; by engaging all your power and endeavours to settle all things in Church and State, according to your primitive engagements, instead of accumulating one sinne and Treason to another, which will prove your certaine ruine in conclusion, not your safety.

* Wherupon six Judges refused to accept any New Commissions, or to act as Judges,

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Charles I.

