

PROPOSITIONS OF PEACE PROPOUNDED BY BOTH HOUSES OF PARLIAMENT TO THE KINGS MAIESTY pdf

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schema:name " Propositions of peace: propounded by both Houses of Parliament to the Kings Maiesty: for a reconciliation of the differences between His Majesty and both Houses of Parliament. Ordered by the Lords and Commons in Parliament, that these propositions be forthwith printed and published.

The Answer was written for Charles by two of his moderate advisers, Sir John Colepeper and Lucius Cary, Viscount Falkland—men who had worked in the Long Parliament the previous year to rein in the expanded royal prerogative. The passage in which the king endorses the idea of being one of three estates in Parliament—thus excluding the bishops from membership and reducing the position of the Crown to coordinate membership—was penned by Colepeper. He later pleaded inadvertence, claimed Colepeper had been misled by some lawyers, and that clergymen had misunderstood. It is even unclear whether the king actually read the crucial passage, although he assuredly glanced at, and gave his approval to, the lengthy reply. In important respects it does not reflect views Charles espoused before or afterward. There is much of interest in the entire reply. Because historians have focused almost exclusively upon its crucial constitutional concessions, however, the answer has seldom been reprinted in its entirety. As a result its tone has been misread. It is notable that two editions published in either omitted the reference to the three estates of Parliament or the entire section on the English constitution. Propositions made by both Houses of Parliament, to the Kings most excellent Majestie, touching the differences between His Majestie and the said Houses. And such as shall presume to do anything to the contrary, shall be reserved to the Censure and Judgement of Parliament: That no publicke Act concerning the Affairs of the Kingdom, which are proper for your Privie Councill, may be esteemed of any validity, as proceeding from the Royall Authority, unlesse it be done by the advice and consent of the major part of your Councill, attested under their hands. And in the Intervals of Parliaments by assent of the major part of the Councill, in such manner as is before expressed in the choice of Councillors. And that all such Servants as are now about them, against whom both Houses shall have any just exception, shall be removed. And that the said Penalty shall not be pardoned or dispensed with, but by the consent of both Houses of Parliament. That the Laws in force against Jesuites, Priests, and Popish Recusants, be strictly put in execution, without any Toleration or Dispensation to the contrary; and that some more effectull Course may be Enacted, by Authoritie of Parliament, to disable them from making any disturbance in the State, or eluding the Law by Trusts, or otherwise. That your Majestie will be pleased to Consent, That such a Reformation be made of the Church-Government, and Liturgie as both Houses of Parliament shall advise, wherein they intend to have Consultations with Divines, as is expressed in the Declaration to that purpose; and that your Majestie will contribute your best Assistance to them for the raising of a sufficient Maintenance for Preaching Ministers thorowout the Kingdom: And that your Majestie will be pleased to give your consent to Laws for the taking away of Innovations and Superstition, and of Pluralities, and against Scandalous Ministers. That your Majestie will be pleased to rest satisfied with that Course that the Lords and Commons have appointed for Ordering the Militia,¹ untill the same shall be further settled by a Bill: And that you will recall your Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it. That such Members of either House of Parliament, as have, during this present Parliament, been put out of any Place and Office,² may either be restored to that Place and Office, or otherwise have satisfaction for the same, upon the Petition of that House, whereof he or they are Members. That all Privie Councillors and Judges may take an Oath, the form whereof to be agreed on, and settled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by this Parliament, which shall be mentioned by both Houses of Parliament: That all the Judges and all Officers placed by approbation of both Houses of Parliament, may hold their Places, Quam diu bene se gesserint. That the justice of Parliament may passe upon all Delinquents, whether they be within the Kingdom, or fled out of it; And that all Persons cited by either House of Parliament, may appear and abide the censure of Parliament. That the Generall Pardon

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offered by your Majestie, may be granted with such Exceptions, as shall be advised by both Houses of Parliament. That the Forts and Castles of this Kingdom, may be put under the Command and Custody of such Persons as your Majestie shall appoint, with the approbation of your Parliaments: That the extraordinary Guards, and Millitary Forces,⁴ now attending your Majestie, may be removed and discharged; and that for the future you will raise no such Guards or extraordinary Forces, but according to the Law, in case of actuall Rebellion or Invasion. That your Majestie will be pleased to enter into a more strict Alliance with the States of the United Provinces, and other neighbour Princes and States of the Protestant Religion, for the defence and maintenance thereof against all Designes and Attempts of the Pope and his Adherents, to subvert and suppress it, whereby your Majestie will obtain a great accesse of Strength and Reputation, and your Subjects be much encouraged and enabled in a Parliamentary way, for your aid and assistance in restoring your Royall Sister and her Princely Issue to those Dignities and Dominions which belong unto them,⁵ and relieving the other distressed Protestant Princes who have suffered in the same Cause. That your Majestie will be pleased, by Act of Parliament, to cleer the Lord Kimbolton, and the five Members of the House of Commons,⁶ in such manner that future Parliaments may be secured from the consequence of that evill precedent. That your Majestie will be graciously pleased to passe a Bill for restraining Peers made hereafter from Sitting or Voting in Parliament; unlesse they be admitted thereunto with the consent of both Houses of Parliament. We shall likewise put the Town of Hull into such hands as your Majestie shall appoint,⁷ with the Consent and Approbation of Parliament; and deliver up a just accompt of all the Magazine; and cheerfully imploy the uttermost of our Power and Endeavour in the reall expression and performance of our most dutifull and loyall affections to the preserving and maintaining the Royall Honour, Greatnesse, and Safetie of your Majestie and your Posterity. Before we shall give you Our Answer to your Petition and Propositions, we shall tell you, That we are now cleerly satisfied, why the Method, which we traced out to you by Our Message of the twentieth of January,⁸ and have since so often pressed upon you, as the proper way to compose the Distractions of this Kingdom, and render it truly happy, hath been hitherto declined, and is at length thought fit to be lookt upon. We now see plainly and desire that you, and all other Our good Subjects, should do so too that the Caballists of this Businesse, have, with great prudence, reserved themselves untill due preparations should be made for their designe. If they had unseasonably vented such Propositions, as the wisdom and modesty of your Predecessors never thought fit to offer to any of Our Progenitors, nor We in honour or regard to Our Regall Authoritie which God hath intrusted Us with for the good of Our people could receive without just indignation, and such many of your present Propositions are their hopes would soon have been blasted, and those persons to whom Offices, Honours, Power and Commands were designed, by such ill-timing of their Businesse, would have failed of their expectation, not without a brand upon the attempt. Therefore, before any of this nature should appear, they have certainly with great wisdom in the conduct of it thought fit to remove a troublesome rub in their way, the Law. To this end that they might undermine the very foundations of it a new Power hath been assumed to interpret and declare Laws without Us, by extemporary Votes, without any case judicially before either house, which is in effect the same thing as to make Laws without Us Orders and Ordinances made only by both houses tending to a pure Arbitrary power were pressed upon the people, as Laws, and their obedience required to them. Their next step was to erect an upstart Authority without Us in whom, and only in whom, the Laws of this Realm have placed that power to command the Militia; very considerable to this their designe. They have as injuriously, as presumptuously though we conceive by this time Impudence itself is ashamed of it attempted to cast upon Us Aspersion of an unheard of nature, as if We had favoured a Rebellion in Our own bowels. They have likewise broached new Doctrine, That we are obliged to passe all Laws that shall be offered to Us by both Houses howsoever Our own Judgement and Conscience shall be unsatisfied with them a point of policie, as proper for their present businesse, as destructive to all Our Rights of Parliament. They have restrained the attendance of Our ordinary and necessary household servants, and seized upon those small sums of Money which Our credit had provided to buy Us Bread; with Injunctions, That none shall be suffered to be conveyed or returned to Us to York, or any of Our Peers or

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Servants with Us; so that in effect they have blocked Us up in that County. They have filled the ears of the people with the noise of Fears and Jealousies though taken up upon trust tales of Skippers, Salt Fleets, and such like, by which alarms they might prepare them to receive such impressions as might best advance this Designe, when it should be ripe. And now, it seems, they think We are sufficiently prepared for these bitter Pills. We are in a handsome posture to receive these humble desires which probably are intended to make way for a superfetation or a yet higher nature if we had not made this discovery to you for they doe not tell Us this is all. In them We must observe, That these Contrivers the better to advance their true ends disguised, as much as they could their intents, with a mixture of some things really to be approved by every honest man; others, specious and popular and some which are already granted by Us. All which are cunningly twisted and mixed with those other things of their main designe of ambition and private Interest, in hope that at the first view, every eye may not so cleerly discern them in their proper colours. We would not be understood, That We intend to fix this Designe upon both, or either House of Parliament, We utterly professe against it, being most confident of the Loyaltie, good Affections, and Integritie of the Intentions of that great Bodie; and knowing well, That very many of both Houses were absent, and many dissented from all those particulars We complain of. And therefore since these Propositions come to Us in the name of both Houses of Parliament, We shall take a more particular notice of every of them. But being read and understood by all, We cannot but assure Ourselves, that this Profession joined to these Propositions, will rather appear a Mockery and a Scorn. The Demands being such, as we were unworthy of the trust reposed in Us by the Law, and of Our dessent, from so many great and famous Ancestors, if We could be brought to abandon that power which only can inable Us to perform what We are sworn to, in protecting Our people and the Laws, and so assume others into it, as to devest Ourselves of it; although not only Our present condition which it can hardly be were more necessitous than it is, and We were both vanquisht, and a Prisoner, and in a worse condition than ever the most unfortunate of Our Predecessors have been reduced to, by the most criminall of their Subjects. And therefore all Men knowing that those accommodations are most easily made and most exactly observed, that are grounded upon reasonable and equall Conditions; We have great cause to beleeve, That the Contrivers of these had no intention of settling any firm Accommodation; but to increase those Jealousies, and widen that division, which not by Our fault is now unhappily fallen between Us and both Houses. It is asked, That all the Lords, and others of Our Privy Councill, and such We know now what you mean by such, but We have cause to think you mean all great Officers and Ministers of State, either at home, or beyond the Seas, for Care is taken to leave out no person or place, that Our dishonour may be sure not to be bounded within this Kingdom, though no subtill Insinuations at such a distance can probably be beleevd to have been the cause of Our distractions and Dangers should be put from Our Privie Councill, and from those Offices and Employments, unlesse they be approved by both Houses of Parliament, how faithfull soever We have found them to Us and the Publike, and how far soever they have been from offending against any Law, the only Rule they had, or any others ought to have to walk by. But that, without any shadow of a fault objected, only perhaps because they follow their conscience, and preserve the established Laws, and agree not in such Votes, or assent not to such Bills, as some persons, who have now too great an Influence even upon both Houses, judge or seem to judge, to be for the Publique good, and as are agreeable to that new Utopia of Religion and Government, into which they endeavour to transform this Kingdom; for We remember what Names, and for what Reasons you left out in the Bill offered Us concerning the Militia, which you had yourselves recommended in the Ordinance. We will never consent to the displacing of any, whom for their former merits from, and affection to Us and the publike, We have intrusted, since We conceive, That to do so, would take away both from the affection of Our Servants, the care of Our Service, and the honour of Our Justice. And We the more wonder, that it should be askt by you of Us, since it appears by the twelfth Demand, That yourselves count it reasonable, after the present turn is served, That the Judges and Officers, who are then placed, may hold their places quam diu se bene gesserint; and We are resolved to be as carefull of those We have chosen, as you are of those you would chuse, and to remove none, till they appear to Us to have otherwise behaved themselves,

PROPOSITIONS OF PEACE PROPOUNDED BY BOTH HOUSES OF PARLIAMENT TO THE KINGS MAIESTY pdf

or shall be evicted by legall proceedings to have done so. But this Demand as unreasonable as it is is but one link of a great Chain, and but the first round of that Ladder, by which Our Just, Ancient, Regall Power is endeavoured to be fetched down to the ground: For it appears plainly, That it is not with the persons now chosen, but with Our chusing, that you are displeas'd: For you demand, That the persons put into the places and imployments of those, who shall be removed, may be approved by both Houses; which is so far as to some it may at first sight appear from being lesse than the power of nomination, that of two things of which We will never grant either. We would sooner be content, That you should nominate, and We approve, then you approve, and We nominate; the meer nomination being so far from being anything, That if We could do no more, We would never take the pains to do that, when We should only hazard those, whom We esteemed, to the scorn of a refusall, if they happened not to be agreeable, not only to the Judgement, but to the Passion, Interest, or Humour of the present major part of either House: Not to speak now of the great Factions, Animosities, and Divisions which this Power would introduce in both Houses, between both Houses, and in the severall Countreys, for the choice of persons to be sent to that place where that power was, and between the persons that were so chosen. Neither is this strange Potion prescribed to Us only for once, for the cure of a present, pressing, desperate Disease, but for a Diet to Us and Our Posteritie. It is demanded, That Our Councillors, all chief Officers both of Law and State, Commanders of Forts and Castles, and all Peers hereafter made as to Voting, without which how little is the rest be approved of that is, chosen by them from time to time; and rather than it should ever be left to the Crown to whom it only doth and shall belong if any place fall void in the intermission of Parliament; the major part of the approved Councill is to approve them. Neither is it only demanded, That We should quit the power and right Our Predecessors have had of appointing Persons in these places, but for Councillors, We are to be restrained as well in the number as in the persons, and a power must be annex't to these places, which their Predecessors had not; and indeed if this power were past to them, it were not fit We should be trusted to chuse those who were to be trusted as much as We. It is demanded, That such matters as concern the publike, and are proper for the high Court of Parliament which is Our great and supream Councill may be debated, resolved and transacted only in Parliament, and not elsewhere, and such as presume to do anything to the contrary shall be reserved to the Censure and Judgement of Parliament, and such other matters of State, as are proper of Our Privie Councill, shall be debated and concluded by such of Our Nobility though indeed, if being made by Us, they may not Vote without the consent of both Houses, We are rather to call them Your Nobility and others, as shall be from time to time chosen for that place, by approbation of both Houses of Parliament; and that no publike Act concerning the affairs of the King dom, which are proper for Our Privie Councill, may be esteemed of any validitie, as proceeding from the Royall Authority, unlesse it be done by the Advice and Consent of the major part of Our Councill, attested under their hands: Which Demands are of that Nature, that to grant them were in effect at once to depose both Ourselves and Our Posteritie. We may have Swords and Maces carried before Us, and please Ourselves with the sight of a Crown and Scepter, and yet even these Twigs would not long flourish, when the Stock upon which they grew were dead but as to true and reall Power We should remain but the outside, but the Picture, but the signe of a King. And We heartily wish, that they would be as carefull not to extend their Debates and Resolutions beyond what is proper to them, that multitudes of things punishable, and causes determinable by the Ordinarie Judicatures, may not be entertained in Parliament, and to cause a long, chargeable, fruitlesse attendance of Our people, and by degrees draw to you as well all the causes, as all the faults of Westminster-Hall, and divert your proper businesse. That the course of Law be no wayes diverted, much lesse disturbed, as was actually done by the stop of the proceedings against a Riot in Southwark, 12 by Order of the House of Commons, in a time so riotous and tumultuous, as much increased the danger of popular Insolencies, by such a countenance to Riots, and discountenance of Law. That you descend not to the leasure of recommending Lecturers to Churches, nor ascend to the Legislative power, by commanding the Law not having yet commanded it that they whom you recommend be received, although neither the Parson nor Bishop do approve of them; And that the Refusers according to the course so much

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formerly complained of to have been used at the Councell Table be not sent for to attend to shew cause. At least, that you would consider Conveniencie, if not Law, and recommend none, but who are well known to you to be Orthodox, Learned, and Moderate, or at least such as have taken Orders, and are not notorious depravers of the Book of Common Prayer; A care which appeareth by the Discourses, Sermons and persons of some recommended by you, not to have been hitherto taken, and it highly concerns both you in dutie, and the Common-wealth in the consequences, that it should have been taken; That neither one estate transact what is proper for two, nor two what is proper for three, and consequently, that contrary to Our declared will Our Forts may not be seized; Our Arms may not be removed; Our Moneys may not be stopt; Our legall Directions may not be countermanded by you, nor We desired to countermand them Ourself, nor such entrances made upon a Reall War against Us, upon pretence of all imaginarie War against you, and a Chimaera of necessitie. So far do you passe beyond your limits, whilst you seem by your Demand to be strangely straitened within them. At least We could have wisht you would have expressed, what matters you meant as fit to be transacted only in Parliament, and what you meant by only in Parliament. You have of late been perswaded by the new doctrines of some few, to think that proper for your debates, which hath not used to be at all debated within those walls, but been trusted wholly with Our Predecessors and Us, and to transact those things which without the Regall Authority, since there were Kings of this Kingdom, were never transacted. It therefore concerns Us the more that you speak out, and that both We and Our people may either know the bottom of your Demands, or know them to be bottomlesse. For whatsoever of Regality were by the Modesty of Interpretation left in Us in the first part of the second Demand, as to the Parliament, is taken from Us in the second part of the same, and placed in this new fangled kinde of Councillors, whose power is such, and so expressed by it, that in all publike Acts concerning the Affairs of this Kingdom, which are proper for Our Privy Councell for whose Advice all publike Acts are sometimes proper, though never necessary they are desired to be admitted joint Patentees with Us in the Regalitie, and it is not plainly expressed whether they mean Us so much as a single Vote in these Affairs. But it is plain they mean Us no more at most than a single Vote in them, and no more power than every one of the rest of Our Fellow Councillors; only leave to Us, out of their respect and duty, and that only is left of all Our ancient Power a Choice, whether these that are thus to be joined with or rather set over Us, shall be fifteen; or twenty five; and great care is taken that the Oath which these Men shall take, shall be such, in the framing the form of which though sure We are not wholly unconcerned in it We may be wholly excluded, and that wholly reserved to be agreed upon by both Houses of Parliament. And to shew that no more Care is taken of Our safetie, than of Our Power, after so great indignities offered to Us, and countenanced by those who were most obliged to resent them: After Our Town and Fort¹³ kept from Us from which, if it were no otherwise Ours than the whole Kingdom is, We can no more legally be kept out, than out of Our whole Kingdom, which sure yourselves will not deny to be Treason. Our Arms, Our Goods sent away, and Our Money stopt from Us, Our Guards in which We have no other Intention than to hinder the end of these things from being proportionable to their beginnings are not only desired to be dismissed before satisfaction for the Injurie, punishments of the Injurers, and care taken for Our future Securitie from the like. But it is likewise desired and for this Law is pretended, and might as well have been for the rest, which yet with some ingenuitie are it seems acknowledged to be but Desires of Grace that We shall not for the future raise any Guards or extraordinarie Forces, but in case of actuall Rebellion or Invasion, which if it had been Law, and so observed in the time of Our famous Predecessors, few of those Victories which have made this Nation famous in other parts, could have been legally atchieved, nor could Our blessed Predecessor Queen Elizabeth have so defended Herself in And if no Forces must be levied till Rebellions and Invasions which will not stay for the calling of Parliaments, and their consent for raising Forces be actuall, they must undoubtedly at least most probably be effectuall and prevalent. We suppose these Demands by this time to appear such as the Demanders cannot be supposed to have any such reall fear of Us as hath been long pretended, they are too much in the style, not only of equals, but of Conquerors, and as little to be intended for removing of Jealousies for which end they are said to be asked, and that is not as Merchants ask at first much more than they will take,

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but as most necessary to effect it, which if they be God help this poor Kingdom, and those who are in the hands of such Persons, whose Jealousies nothing else will remove which indeed is such a way, as if there being differences and suits between two persons, whereof one would have from the other severall parcells of his ancient Land, he should propose to him by way of Accommodation, that he would quit to him all those in question, with the rest of his Estate, as the most necessary and effectuall means to remove all those suits and differences. There being three kindes of Government amongst men, Absolute Monarchy, Aristocracy and Democracy, and all these having their particular conveniencies and inconveniencies. The experience and wisdom of your Ancestors hath so moulded this out of a mixture of these, as to give to this Kingdom as far as human prudence can provide the conveniencies of all three, without the inconveniencies of any one, as long as the Balance hangs even between the three Estates, and they run jointly on in their proper Chanell begetting Verdure and Fertilitie in the Meadows on both sides and the overflowing of either on either side raise no deluge or Inundation. The good of Monarchy is the uniting a Nation under one Head to resist Invasion from abroad, and Insurrection at home. The good of Aristocracie is the Conjunction of Counsell in the ablest Persons of a State for the publike benefit. The Government according to these Laws is trusted to the King, Power of Treaties of War and Peace, of making Peers, of chusing Officers and Councillors for State, Judges for Law, Commanders for Forts and Castles, giving Commissions for raising men to make War abroad, or to prevent or provide against Invasions or Insurrections at home, benefit of Confiscations, power of pardoning, and some more of the like kinde are placed in the King. And this kinde of regulated Monarchie having this power to preserve that Authoritie, without which it would be disabled to preserve the Laws in their Force, and the Subjects in their Liberties and Proprieties, is intended to draw to him such a Respect and Relation from the great Ones, as may hinder the ills of Division and Faction, and such a Fear and Reverence from the people, as may hinder Tumults, Violence, and Licentiousnesse. Again, that the Prince may not make use of this high and perpetuall power to the hurt of those for whose good he hath it, and make use of the name of Publike Necessitie for the gain of his private Favourites and Followers, to the detriment of his People, the House of Commons an excellent Conserver of Libertie, but never intended for any share in Government, or the chusing of them that should govern is solely intrusted with the first Propositions concerning the Levies of Moneys which is the sinews as well of Peace, as War and the Impeaching of those, who for their own ends, though countenanced by any surreptitiously gotten Command of the King, have violated that Law, which he is bound when he knows it to protect, and to the protection of which they were bound to advise him, at least not to serve him in the Contrary. And the Lords being trusted with a Judicatory power, are an excellent Screen and Bank between the Prince and People, to assist each against any Incroachments of the other, and by just Judgements to preserve that Law, which ought to be the Rule of every one of the three. For indeed We professe to beleieve, that the preservation of every Law concerns Us, those of Obedience being not secure, when those of Protection are violated. And We being most of any injured in the least violation of that, by which We enjoy the highest Rights and greatest Benefits, and are therefore obliged to defend no lesse by Our Interest, than by Our Duty, and hope that no Jealousies to the contrary shall be any longer nourished in any of Our good people, by the subtill insinuations, and secret practices of men, who for private ends are disaffected to Our Honour and Safety, and the Peace and Prosperity of Our People. And to shew you, that no just indignation at so reproachfull offers shall make Us refuse to grant what is probable to conduce to the good of Our good People, because of the ill company it comes in, We will search carefully in this heap of unreasonable Demands, for so much as We may complying with Our Conscience, and the duty of Our Trust assent unto, and shall accordingly agree to it. In pursuance of which Search, in the fourth Proposition, under a Demand which would take from Us that trust which God, Nature, and the Laws of the Land have placed in Us, and of which none of you could endure to be deprived, We find something to which We give this Answer, That We have committed the principall places about Our Children to persons of Qualitie, Integritie and Pietie, with speciall regard that their tender yeers might be so seasoned with the Principles of the true Protestant Religion, as by the blessing of God upon this Our care this whole Kingdom may in due time reap the fruit thereof. And as We have been

PROPOSITIONS OF PEACE PROPOUNDED BY BOTH HOUSES OF PARLIAMENT TO THE KINGS MAIESTY pdf

likewise very carefull in the choice of Servants about them, that none of them may be such, as by ill Principles, or by ill Examples to crosse Our endeavours for their Pious and Vertuous Education, so if there shall be found for all Our care to prevent it any person about Our Children or about Us, which is more than you ask against whom both Houses shall make appear to Us any just exception, We shall not only remove them, but thank you for the Information. Only We shall expect, that you shall be likewise carefull that there be no underhand dealing by any to seek faults, to make room for others to succeed in their places. For the fifth Demand, as We will not suffer any to share with Us in Our power of Treaties, which are most improper for Parliaments, and least in those Treaties in which We are neerliest concerned, not only as a King but as a Father, yet We do such is Our desire to give all reasonable satisfaction assure you by the word of a King, that We shall never propose or entertain any Treaty whatsoever for the marriage of any of Our Children, without due regard to the true Protestant Profession, the good of Our Kingdoms, and the Honour of Our Family. For the sixth Demand, concerning the Laws in force against Jesuites, Priests, and Popish Recusants, We have by many of Our Messages to you, by Our voluntarie promise to you so solemnly made never to pardon any Popish Priest, by Our strict Proclamations lately published in this point, and by the publike Examples which We have made in that case since Our Residence at York, and before at London, sufficiently expressed Our Zeal herein. Why do you then ask that in which Our own Inclination hath prevented you? And if you can yet finde any more effectuall Course to disable them from Disturbing the State or eluding the Law by trusts or otherwise, We shall willingly give Our Consent to it.

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2: Early English Books Online 2

Add tags for "Propositions of peace propounded by both Houses of Parliament to the Kings Maiesty: for a reconciliation [sic] of the differences between His Majesty and both Houses of Parliament: November 5."

Triall of conscience in a quotidian exercise written by Tho. Also, a list of the earls, lords, and knights, that are expelled the kingdom of Scotland, and not to come within the verge of the court. Together, with the raising of every fourth man in Scotland; the number of the horse and foot, and their advance nearer to the borders of England: Hackers regiment, and some other of the Parl. The second, concerning His Majesties coming to Oatlands, and the proceedings of His Excellency Sir Thomas Fairfax, concerning his speedy comming to Londo n [sic]; as also the time. Wherein they set forth, the reasons of their near approach, and their advancing toward the said city. Together, with their demands to the Right Honourable the Lord Mayor, concerning the Kings most excellent Majestie, the Honourable Houses of Parliament assembled at Westminster, and the enemies of this kingdome who endeavour to raise a second warre. VVhereunto is annexed, the answer of the Lord Mayor, to the demands and desires of the army. Published at the desire of the army, for generall satisfaction to the whole kingdome. And the armies propositions for peace, to both Houses of Parliament; together with the Parliaments answer, and his Excellency Sir Thomas Fairfax his reply. And wherein also is proved, that baptizing is dipping, and dipping baptizing. As also the nature of the divers covenants made with Abraham and his seed, briefly opened and applied. Riveley, Benedict, or Rivers, Thomas Savage, Earl, ca. As it was related by Dr. Rivet, tutor to the Prince of Orange. Also, the declaration of the states of Hamborough, concerning the Parliament of England; and the proceedings of the Queen of Swedens Ambassador, touching the declared King of Scots. Written in Latine by that famous and learned doctor Laz. Riverius, counsellour and physician to the present King of France, and professor in the Vniversity of Montpelier. Exactly translated into English by VVilliam Carr practitioner in physick. Wherein is set downe a true relation of a most wonderfull apparition and terrible spectacle that was seene upon a mountaine in Province, February 4. Vnto the amazement of all the spectators, to the number of above two thousand. Faithfully translated into English, according to the French copie. Written in Latin by Iohn Riuius:

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3: Staff View: A message to both Houses of Parliament,

A message ordered by both houses of Parliament to be sent to the King's most Excellent Majesty, to pass the propositions for peace, (that His Majesty may come to London, and sit with the Parliament) on Tuesday next, Septemb.

WHAT glimpses we have of the earliest assemblies or gemots of England reveal the characteristic powers of ancient Teutonic assemblies, — the exercise of authority over tribal or national affairs, and the combining of judicial with legislative functions. Alfred, having compiled a body of laws from old sources, declared in their promulgation, "I then, Alfred, king of the West Saxons, showed these to all my Witan, and they then said that it liked them well so to hold them. Bede tells how Ethelbert made, "with the advice of his Witan, decrees and judgments. It elected kings, and on occasion deposed them. It adopted laws, levied taxes, made treaties of peace and alliance, raised military and naval forces, gave grants of folkland, appointed and removed bishops, ealdormen, and other chief ecclesiastical and civil officers, and authorized the enforcement of decrees of the Church. It possessed also the functions of a supreme court of justice. By the close of the Saxon epoch the crown had absorbed many of its functions, though its right to advise and consent in the making of laws and in the levy of taxes was ever recognized. As the Witenagemot survived the Norman Conquest, the same powers must be theoretically regarded as belonging to it after, as belonged to it before, that event. Its meetings became infrequent, and the proceedings at them were, in general, devoid of reality. Yet, though minimizing its influence, the Norman kings carefully observed old forms, and professed to act by its "counsel and advice. Even John, in the earlier half of his reign, made formal show of respect for his authorized advisers. And before the time of Henry III. Its old right to a share in making the laws became an actuality. Its judicial functions, at least in the case of high offenders, were put in exercise. It dealt with foreign alliances, with the organization of the national defence, and with questions of peace and war. During the absence of the sovereign it practically arranged the regency, and by a series of acts of electing and acknowledging kings, it reaffirmed its ancient privilege of regulating the royal succession. Attaining under Edward I. But only by repeated alternations of ascendancy over, and subordination to, the crown, did this authority gradually come to be recognized by the king and the nation as a really co-ordinate element in the government. Even Edward, though consulting his full Parliament on grave affairs, put in its place, for much of the ordinary work of administration, his inner or Privy Council, and was slow in admitting the new House of Commons to the rights conceded to the older assembly of the Lords. The fourteenth century, covering the reigns of Edward II. A height of parliamentary influence was reached in the earlier part of the reign of Richard II. And legislative potency and privilege grew and flourished greatly under the House of Lancaster. A succession of more serious alternations began with the ascension of the House of York. At first many causes combined to weaken Parliament, which dwindled to a mere instrument for registering the royal will. But stubborn assertion of the old privileges confronted James I. In creating a commonwealth, however, the Commons went too far, and at the Restoration the pendulum swung back once more, and a revival of arbitrary executive rule ensued under Charles II. Nevertheless, the fate of the Stuarts was to promote parliamentary independence by opposing it, and the Revolution of settled forever the power of the legislature by establishing, beyond further question, the great parliamentary functions. Thus it came about that under William and Mary, and Queen Anne, the executive and legislative branches of the government enjoyed a mutually independent relation. And although the gradual rise of the Cabinet system into political potency, together with the feebleness of the first two sovereigns of the House of Hanover, prepared the way for changes in the England of to-day by which Parliament has come to control the crown, yet George III. As this particular phase of the long constitutional development, with a distinct executive and legislature, neither dominated by the other, was akin to the theory and practice of executive and legislative relations in the American colonies, and as it was contemporaneous with the period of American independence, it naturally, almost inevitably, left its impress upon the Constitution of the United States. Having thus briefly reviewed the process by which parliamentary influence was evolved, it will be instructive to take a nearer view of the chief

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points wherein the American Congress derives its powers from this legislative past. We cannot do better than begin with a characteristic point of procedure, by examining the origin of bills. In Saxon times, and under the Norman and early Plantagenet kings, legislation was usually initiated by the sovereign, propositions being laid by him before the Council with a view to its advice and consent. But as parliamentary organization approached completion, Parliament itself came to take the initiative, and in the fourteenth century nearly all legislation arose from its petitions to the king. The Constitution of the United States perpetuates this usage by providing for the initiation of laws by either house in the form of bills, and by limiting the executive to simple veto or approval. The chief of these which have made their way into the Constitution of the United States are the judicial rights of the Senate, and the right of impeachment and that of initiating money bills which belong to the House of Representatives. The judicial powers usual to ancient Teutonic assemblies were put in operation, as already stated, by the Witenagemot of England, and eventually descended to the House of Lords. The judicial power which at one time lodged in the whole Parliament was declared in , at the suggestion of the Commons themselves, to reside in the Lords only. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present. By the terms of Article I. Another point of interest in the same connection concerns the pardoning power in cases of impeachment. But the Commons resolved, "that the pardon so pleaded was illegal and void, and ought not to be allowed in bar of the impeachment of the Commons of England. But in the year following the Revolution of the Commons again voted, that "a pardon is not pleadable in bar of an impeachment. The President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. A question on the subject having arisen between the houses, Henry IV. The latter even held that money bills should not be so much as amended by the Lords; and whenever such amendments actually were made, and were thought desirable by the Commons, contest over the point of privilege was avoided by dropping the amended bill altogether, passing a fresh one embodying the purpose of the amendments, and sending it up for the simple assent of the upper chamber. The right of the Lords "to pass all or reject all without diminution or alteration" was admitted by the Commons in and in ; but the peers seldom put the right into practice. At the period of the formation of the American Constitution it was matter of fresh parliamentary history, that although only the lower house could originate money bills, the Lords were not without practical voice regarding them. The Constitution of the United States provides, in language closely copied from the State constitutions of Massachusetts and New Hampshire, "that all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose and concur with amendments as on other bills. But during the first three centuries of the existence of the House of Commons, the Speaker and individual members were frequently proceeded against by the crown for utterances in Parliament. Claims to freedom of speech were early made by the Commons; and the first of the Lancastrians, Henry IV. The privilege was finally confirmed by the Bill of Rights, the ninth article of which provides, "that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament. Ethelbert, in a law of the Kingdom of Kent in the sixth century, ordained: During the reign of Edward I. Immunity was eventually extended to the servants and to the property of members, "an abuse on the side of Parliament. But in , just before the period of American independence, the right was restricted to its ancient limitations, giving freedom from arrest to members only.

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