

ABOLITION OF THE COURT OF HIGH COMMISSION

5 July 1641

Whereas in the Parliament held in the first year of the reign of the late Queen Elizabeth, late Queen of England, there was an Act made and established entitled “An Act Restoring to the Crown the Ancient Jurisdiction over the State Ecclesiastical and Spiritual,” and abolishing all foreign power repugnant to the same;

In which Act, amongst other things, there is contained one clause, branch, article, or sentence whereby it was enacted to this effect: namely, that the said late Queen’s Highness, her heirs, and successors, Kings or Queens of this realm, should have full power and authority by virtue of that Act, by letters patent under the Great Seal of England, to assign, name, and authorize, when and as often as Her Highness, her heirs, or successors should think meet and convenient, and for such and so long time as should please Her Highness, her heirs, or successors, such person or persons, being natural born subjects to Her Highness, her heirs, or successors, as Her Majesty, her heirs, or successors should think meet to exercise, use, occupy, and execute under Her Highness, her heirs, and successors, all manner of jurisdictions, privileges, and pre-eminence in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these, her realms of England and Ireland, or any other Her Highness’ dominions and countries, and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which, by any manner spiritual or ecclesiastical power, authority, or jurisdiction can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm.

And that such person or persons so to be named, assigned, authorized, and appointed by Her Highness, her heirs, or successors, after the said letters patent to him or them made and delivered as aforesaid, should have full power and authority by virtue of that Act and of the said letters patent under Her Highness, her heirs, or successors, to exercise, use, and execute all the premises, according to the tenor and effect of the said letters patent, any matter or cause to the contrary in any wise notwithstanding;

And whereas by color of some words in the foresaid branch of the said Act whereby commissioners are authorized to execute their commission according to the tenor and effect of the King’s letters patent, and by letters patent grounded thereupon, the said commissioners have, to the great and insufferable wrong and oppression of the King’s subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that Act, and divers other great mischiefs and inconveniences have also ensued to the King’s subjects by occasion of the said branch and commissions issued thereupon, and the executions thereof.

Therefore, for the repressing and preventing of the foresaid abuses, mischiefs, and inconveniences in time to come, be it enacted by the King’s most excellent Majesty, and the Lords and Commons in this present Parliament assembled, and by the authority of the same, that the foresaid branch, clause, article, or sentence contained in the said Act, and every word, matter, and thing contained in that branch, clause, article, or sentence, shall from henceforth be repealed, annulled, revoked, annihilated, and utterly made void forever; anything in the said Act to the contrary in any wise notwithstanding.

And be it also enacted by the authority aforesaid, that no archbishop, bishop, nor vicar-general, nor any chancellor, official, nor commissary of any archbishop, bishop, or vicar-general, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical judge, officer, or minister of justice, nor any other person or persons whatsoever exercising spiritual or ecclesiastical power, authority, or jurisdiction by any grant, license, or commission of the King’s Majesty, his heirs, or successors, or by any power or authority derived from the King, his heirs, or successors, or otherwise, shall from and after the first day of August, which shall be in the year of our Lord God 1641, award, impose, or inflict any pain, penalty, fine, amercement, imprisonment, or other corporal punishment upon any of the King’s subjects for any contempt, misdemeanor, crime, offense, matter, or

thing whatsoever belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give, or minister unto any church-warden, sides-man, or other person whatsoever any corporal oath whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse him or herself of any crime, offence, delinquency, or misdemeanor, or any neglect matter, or thing whereby, or by reason whereof, he or she shall or may be liable or exposed to any censure, pain, penalty, or punishment whatsoever, upon pain and penalty that every person who shall offend contrary to this statute shall forfeit and pay treble damages to every person thereby grieved, and the sum of £100 to him or them who shall first demand and sue for the same; which said treble damages and sum of £100 shall and may be demanded and recovered by action of debt, bill, or plaint, in any court of record wherein no privilege, essoin, protection, or wager of law shall be admitted or allowed to the defendant.

And be it further enacted that every person who shall be once convicted of any act or offence prohibited by this statute, shall for such act or offence be from and after such conviction utterly disabled to be or continue in any office or employment in any court of justice whatsoever, or to exercise or execute any power, authority, or jurisdiction, by force of any commission or letters patent of the King, his heirs, or successors.

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

Henry Gee and William John Hardy, eds., *Documents Illustrative of English Church History* (London: MacMillan and Company, 1914):547–551.