

A NEW MAGNA CARTA

1648

Containing the many new, large, and ample liberties, customs, and franchises of late freely granted and confirmed to our Sovereign Lord King Charles, his heirs, and successors, the Church and state of England and Ireland, and all the freemen and freeborn people of the same

Enacted and confirmed by the High and Mighty States, the remainder of the Lords and Commons now sitting at Westminster in empty Parliament under the command and wardship of Sir Thomas Fairfax, Lieutenant-General Cromwell (our present Sovereign Lord the King, now residing at his royal palace in Whitehall), and Prince Ireton, his son, and the army under their command.

First, for the honour of Almighty God and in pursuance of the Solemn League and Covenant, which we made in the presence of Almighty God for the reformation and defence of religion, the honour and happiness of the King, and the peace and safety of the three Kingdoms of England, Scotland, and Ireland, we have granted and by this present Charter confirmed that the Church of England shall be free to deny the perpetual ordinances of Jesus Christ, to countenance spreading heresies, cursed blasphemies, and general looseness and profanes, and that all laws and statutes formerly made against the aforesaid offences for the punishment and restraining thereof shall be utterly repealed, that so all men may freely enjoy what religion soever they please without restraint.

And we will that all archbishops, bishops, and their dependents shall be eternally suppressed, and all their manors, lands, and possessions sold to defray and advance the public faith; that all ministers shall be plundered and thrust out of their livings and freeholds by our Committee of Plundering Ministers¹ without oath or legal trial, upon bare information of such of their parishioners who are indebted to them for tithes or have any kinsman to prefer to their livings; and to supply the want of ministers, that all officers, soldiers, cobblers, tinkers, and gifted brethren and sisters shall freely preach and propagate the Gospel to the people, and new dip and re-baptize them without punishment.

Item, we will that the King's Majesty's person may be maintained and his authority preserved by seizing his person at Holdenby with a party of horse and imprisoning him in the army, endangering his life at Hampton Court, and by colour thereof conveying him secretly in the Isle of Wight, removing from him all his attendants, disposing of his revenue, children, forts, ships, castles, and kingdoms, and by this putting in execution these our votes:

That no more addresses be made from the Parliament to the King, nor any letters or message received from him. That it shall be treason for any persons whatsoever to deliver any message to the King or receive any message or letters from him without leave from both Houses of Parliament. That a committee draw up a declaration to be published to satisfy the Kingdom of the reason of passing these votes, that so the world may bear witness with our consciences of our loyalty and that we have no thoughts or intentions to diminish His Majesty's just power and greatness, according to the words of the Solemn League and Covenant.

Item, we give and grant to the freemen of the realm these liberties underwritten: first, that no sheriffs shall make due returns of the citizens and burgesses elected to serve in Parliament, nor make due elections of knights nor in convenient time; nor the ablest, wisest, nor discreetest shall be returned, but all fraud and deceit shall be used in elections, and persons not duly elected nor eligible by law shall be Members of the House of Commons, and those to be our sons, kindred, servants, officers, and such as will comply with us.

Item, no Member shall sit in the House of Commons with freedom and safety that endeavours to settle religion in the purity thereof according to the Covenant, to maintain the ancient and fundamental government of the

¹ The Long Parliament created the Committee for Plundered Ministers in 1643 to replace those clergy loyal to Charles I

Kingdom, or to preserve the rights and liberties of the subject, or that lays hold on the first opportunity of procuring a safe and well-grounded peace in the three kingdoms, or that keeps a good understanding between the two kingdoms of England and Scotland according to the grounds expressed in the Solemn League and Covenant. And who ever offends against this article, we will that such Members be impeached of high treason by the army, suspended the House before any particular impeachment, forced to accuse themselves by stating their cases for want of an accuser and witnesses to prove them criminal, and at last cast out of the House without answer, hearing the evidence, or privity of those that elected them whose persons they represent.

Item, we grant that neither we, nor any by colour of authority derived from us, shall interrupt the ordinary course of justice in the several courts and judicatures of the Kingdom, nor intermeddle in causes of private interest other where determinable, save only our Committees of Indemnities, Plundered Ministers, Complaints, Sequestration, Excise, and the Army, who shall judge and contradict the laws and statutes of the realm, vacate and repeal all indictments, verdicts, and justice, imprison all manner of persons and turn them out of their freeholds, estates, goods, and chattles without the lawful judgment of their peers and against the fundamental laws of the land.

Item, we will and ordain that the great and unusual payments imposed upon the people, and the extraordinary ways that were taken for procuring moneys (contrary to the trust reposed in us), be still burdensome and daily increased more and more upon the people by our bare votes and ordinances without the common consent by Act of Parliament. And in case of refusal, forcibly levied by troops of horse and soldiers according to the laws of decolled Strafford, of all which moneys ourselves and Members will be sole treasurers and disposers. Free quarter shall be still tolerated, and countenance given by us to the exactions and extortions of the soldiers to whom we have granted an act of indemnity for all murders, felonies, rapes, robberies, injuries, and trespasses committed by them, and all such offences as they shall commit, to the end they may protect us against the clamours and complaints of the oppressed people either by land or sea. And we do rain that all freemen shall henceforth be tried by martial and committee law, and impeached of new high treason at our pleasure, to confiscate their estates to our Exchequer.

Item, we will that such persons as have done faithfully and valiantly in the Parliaments cause, according to the declaration of England and Scotland, shall be publicly disgraced and dishonored and without cause thrust from their commands and employments, both civil and martial, without pay, hearing, conviction, or reparation for their losses. And that the general and respective lieutenants, governors, and old garrison soldiers of the Tower of London, Newcastle, York, Bristol, Plymouth, Gloucester, Exeter, Chester, Pendennis Castle, and the Isle of Wight be removed with disgrace by our new Generalissimo's mere arbitrary power, notwithstanding our former votes and ordinances for their particular settlement, and new, mean, seditious sectaries of our confederacy put into their places.

Item, we will that a just difference be made between such persons as never departed from their covenant and duty, and such as were detestable neutralists and oppressors of the people. And to that end, we will that the Commission of the Peace be renewed at the pleasure of our flying speakers, who are to provide that such be omitted as agree not with the frame and temper of the army and us from their Lords and Commons sitting at Westminster, and others be added in their places who have complied with the enemy and oppressed the people. And to that end we agree that the Earl of Suffolk, Earl of Middlesex, William, Lord Maynard, William Hicks, Knight and Baronet, John Parsons, Knight, Richard Pigot, Knight, Edward King, Esquire, Thomas Welcome, Esquire, and divers others be omitted, and that John Lockley, Thomas Welby, William Godfrey, Richard Brian, Sir Richard Earl, Baronet, and others of that stamp be added, of whose integrity and faithfulness.

Item, we will that for the perpetual honour of the lords and barons of this realm, whose ancestors purchased for us with the expence of their lives and blood from King John and Henry III the Great Charter, that they shall from henceforth be impeached of high treason committed, imprisoned, and put out of the House of Peers, and forfeit their lives and estates to our disposing if they defend that Great Charter, the lives and liberties of the

subjects, and Parliament against a perfidious and rebellious army and us the fugitive Lords and Commons who fled from our Houses to the army without cause, and there entered into a traitorous covenant and engagement to live and die with the army, and to destroy the faithful Members that stayed behind at Westminster, and all the freedom of this and future Parliaments. And we will that henceforth there shall be no House of Peers distinct from Commons, but that all peers and peerage be forever abolished, and all great and rich men's estates leveled and made equal to their poorest neighbours for the better relief and encouragement of the poor saints.

Item, we will that the City of London shall have all her ancient liberties and customs in as full and ample manner as her predecessors ever had; and for that end we will that the army shall march in a warlike manner towards that City and pass like conquerors over the same in triumph; that all the fortifications and lines about it shall be slighted and thrown down, the Tower taken out of their hands and put into our generals' and fortified to overawe them; the militia of the City changed and divided from that of Westminster and Southwark; the Lord Mayor, Recorder, and Aldermen and some leading men of the Common Counsel by crafty, sinister, and feigned informations impeached of high treason and other great misdemeanours, imprisoned, and disabled, and others by our appointment and nomination put into their places, and the citizens and Common Council men shall henceforth make no free elections of governors and officers; that Whitehall, the Muse, Minorities, Ely House, and other places shall be made citadels, that the posts and chains in the City and suburbs be taken away, their gates and portcullises pulled down, their arms delivered into a common magazine by our appointment, to disable them from all future possibility of self-defence or disobedience to our imperial commands; that so they may willingly deliver us up the remainder of their exhausted treasures and estates when we see cause to require the same; and made as absolute freemen for all their expence of treasure and blood in our defence as our English galley slaves now are in Algier.

Item, we will that the command of the navy and all ships at sea, for the honour of this nation and our own, be committed into the hands and government of a vice-admiral (without and against the consent of the Lords), of late but a skipper's boy, a common soldier in Hull, a Leveller in the army, impeached by the General for endeavoring to raise a mutiny at the late rendezvous, and since that taken with a whore in a bawdy house, who rode down in triumph to the Downs to take possession of his place in a coach and four horses with a trumpeter and some troopers riding before and after it, sounding the trumpet in every town and village as they passed to give notice of his new Excellency's arrival, and make the common people vail bonnet and strike sail to his coach. And at his late return from the Isle of Wight to the Downs, was rowed from the ship to the town of Deal with the ensign in the stern, the boatswain and all the rowers bare-headed like so many galley slaves (a new kind of state which never any Lord Admiral in England, though the greatest peer, yet took upon him, but the King only).¹ And to maintain this new pomp and state of his, we will and ordain that all merchants, as well natives as foreigners, shall pay such new customs, impositions, and excise for all manner of goods and merchandise whatsoever, imported or exported, as we in our arbitrary wisdoms shall judge meet, under pain of forfeiture of all their said goods and merchandize and such other penalties as we shall impose.

Item, we will and ordain for the ease and relief of the almost-famished poor in these times of dearth and decay of trade, that excise shall still be paid by them and every of them for every drop of small beer they drink and for all oils, dying stuffs, and mercers' wares they shall have occasion to use about their trades and manufactures. And that the lusty young soldiers who are able to work and get their livings by the sweat of their brows shall ramble abroad through all the Kingdom, and like so many sturdy rogues take free quarter for themselves, horses, and companions from place to place, refusing to work, shall eat up all the provisions in gentlemen's, yeomen's, clothiers', and other rich men's houses who formerly relieved the poor with their alms and the able with work.

¹ Thomas Rainsborough (1610–1648), officer in both the Parliamentary army and navy, Rainsborough spoke for the Levellers at the Putney Debates (Oct–Nov 1647). Though not in fact impeached, Cromwell and Ireton held Rainsborough in deep suspicion even though they affirmed his January 1648 appointment as vice-admiral. *[Rainsborough was also the brother-in-law of John Winthrop]*

Item, we will that William Lenthall,¹ our Speaker for the time being, shall have a monopoly and plurality of all kind of offices for the maintenance of his state and dignity, and recompence of his infidelity in the defecting the true House of Commons, notwithstanding the Self-Denying Ordinance² to the contrary. And to this end we ordain that he shall be our perpetual Speaker and eternally take 5s for every ordinance that passes the Commons' House, with all other incident (new acted) fees and gratuities; that he shall with his office enjoy the custody and profits of the great Seal of England, the Duchy of Lancaster, together with the Mastership of the Rolls, and as many other places as we shall be able to confer upon him or his son. And that his honoured brother, Sir John Lenthall, for his great affection to and care of the subjects' liberties committed to his custody, shall have free license to suffer what prisoners he pleases to escape out of prison.³ And Sir Lewis Dive, though voted by us to be arraigned and tried for high treason this term, and all persons lying in execution for debts, to go and lie abroad at their own houses and make escape at pleasure, to the defrauding of creditors, without being prosecuted or put out of his office for the same, provided they always give him a good gratuity for this, their liberty of escape.⁴

Item, we will that our distressed brethren in Ireland may enjoy the benefit of this our new Great Charter, and all the liberties therein comprised, and that by virtue thereof the supplies, reliefs, men, moneys, and the monthly tax of £60.000 designed for them shall be totally interrupted, mis-employed, and diverse by King Cromwell and Prince Ireton, his son-in-law, to maintain, pay, and recur their supernumeraries and the army here; that the noble and valiant Lord Inchiquin,⁵ who has done such gallant service against the rebels, shall be accused and blasted in both our Houses and pamphlets and mercenary diurnal for a traitor and confederate with the rebels by the Lord Lisle⁶ and his confederates, who wears much of Ireland's embezzled treasure on his back and has much more of it in his purse, taking no less than £10 or £15 as Lord Deputy of that realm only for riding about London streets in his coach in state, and victorious honest Colonel Jones discountenanced, discouraged, and both of them removed this spring from their commands to advance the Independent cause and godly party in that realm.

Lastly, all these new customs and liberties aforesaid which we have granted to be holden in our realm of England and Ireland, as much as appertains to us, we shall observe. And all men of these realms, as well nobles as commons, shall enjoy and observe the same against all persons in likewise. And for this, our gift and grant of these liberties, the nobles and commons are become our men from this day forward of life and limb and earthly worship, and unto us shall be slaves and vassals forever. And we have granted further that neither we nor any of us shall procure or do anything whereby all or any the liberties in this Charter contained shall be ever hereafter infringed or broken. And further we ordain that our postmaster Edmund Prideaux, one of our fugitive and army engaged members, who by fraud got into that office and keeps it by force against common right, do send posts with copies of this, our Charter, into all counties, cities, and places of our dominions, for recompence of which service he shall still forcibly enjoy that office;⁷ and that our sheriffs, committees, and new-made justices cause the same to be speedily published accordingly in all our country courts, these being our witnesses to this Charter:

¹ William Lenthall (1591–1662), Speaker of the House of Commons (1640–1653, 1654–1655, 1657–1660), Master of the Rolls (1643–1659), Commissioner of the Great Seal (1646–1648)

² The Self-Denying Ordinance of 3 April 1645 ordered all Members of Parliament to resign their commissions in the army.

³ Parliament received numerous petitions demanding Sir John Lenthall (1624–1681), Keeper of the King's Bench, "answer for the liberty he allows" his prisoners, who "walk abroad at [their] pleasure," "never likely to pay [their] debts," "prodigally spend [their] money," and "leave the debts of honest creditors unsatisfied." [*Proceedings of the House of Commons, 1640–1649*]

⁴ Parliament in 1643 impeached the Royalist officer Sir Lewis Dive (1599–1669) for referring to the Rump Parliament as "the pretended Parliament." At that time serving in the army of Prince Rupert, Dives avoided imprisonment. Captured in 1645 at the siege of Sherborne, he was imprisoned until 1647, when he escaped. Re-captured, he was again imprisoned and escaped a second time.

⁵ Murrough O'Brien (1614–1674), Baron Inchiquin. A Royalist commander in Ireland, he reluctantly declared for Parliament in 1644 as the only way to protect Irish Protestants, but once again declared for Charles I in April 1648.

⁶ Philip Sidney (1619–1698), Viscount Lisle, M.P. for Yardley (1640–1653) and Lord Lieutenant of Ireland (1646–1647)

⁷ Edmund Prideaux (–1659), M.P. for Lyme Regis (1640–1659). Parliament in 1644 appointed him Master of the Post after sequestering the Royalist incumbent. Allegations of fraud and corruption surrounded both his appointment and subsequent renewals.

William Laud, Lord Archbishop of Canterbury¹
Sir John Hotham, Governor of Hull³

Thomas, Earl of Strafford²
Lieutenant-General John Hotham⁴

all four beheaded by our command at the Tower Hill for the breach of old Magna Carta and treachery. Nathaniel Fiennes condemned to lose his head by a counsel of war for delivering up Bristol to our enemies and yet spared by us to be one of the grand committee for the Safety of this Kingdom and Ireland instead of the exploded Scotch Commissioners.⁵

G. Dyfnallt Owen, ed., *Cecil Papers: 1648, Calendar of the Cecil Papers in Hatfield House* (London: Royal Commission on Historical Manuscripts, 1971), XXII:402–415.

¹ William Laud (1573–1645), Archbishop of Canterbury (1633–1645). Executed under a Bill of Attainder, despite Charles I's pardon.

² Thomas Wentworth (1593–1641), Earl of Strafford. Executed under a Bill of Attainder.

³ Sir John Hotham (1610–1645), Parliamentary commander in the Civil War, but gradually became disenchanted and opened negotiations with Queen Henrietta Maria, resulting in his conviction by court martial and subsequent execution.

⁴ Lieutenant-General John (–1645), Baronet Hotham, held Hull for Parliament (1642), but later opened negotiations with the Royalists, which resulted in the court martial and execution of both Hotham and his son.

⁵ Nathaniel Fiennes (c. 1608–1669), captured Bristol for Parliament in February 1643, but in July of the same year surrendered to Prince Rupert after a 3-day siege. In December 1643, a Council of War convicted Fiennes of treason and sentenced him to death. Cromwell pardoned him, and after some time on the Continent, Fiennes was appointed to the Committee of Safety on 3 January 1648.