

ACT ERECTING A HIGH COURT OF JUSTICE

27 December 1648 [OS]

Whereas it is notorious that Charles Stuart, the now King of England, not content with those many encroachments which his predecessors had made upon the people in their rights and freedoms, has had a wicked design totally to subvert the ancient and fundamental laws and liberties of this nation, and in their place to introduce an arbitrary and tyrannical government, and that besides all other evil ways and means to bring this design to pass, he has prosecuted it with fire and sword, levied and maintained a civil war in the land against the Parliament and Kingdom, whereby the country hath been miserably wasted, the public treasure exhausted, trade decayed, thousands of people murdered, and infinite other mischiefs committed, for all which high and treasonable offences the said Charles Stuart might long since justly have been brought to exemplary and condign punishment.

Whereas also the Parliament, well hoping that the restraint and imprisonment of his person, after it had pleased God to deliver him into their hands, would have quieted the distempers of the Kingdom, did forbear to proceed judicially against him, but found, by sad experience, that such their remissness served only to encourage him and his accomplices in the continuance of their evil practices and in raising new commotions, rebellions, and invasions.

For prevention therefore of the like or greater inconveniences, and to the end no chief officer or magistrate whatsoever may hereafter presume, traitorously and maliciously, to imagine or contrive the enslaving or destroying of the English nation and to expect impunity for so doing, be it enacted and ordained by the Commons in Parliament, and it is hereby enacted and ordained by the authority thereof, that Thomas, Lord Fairfax, Oliver Cromwell, Henry Ireton, [and 132 more names] shall be and are hereby appointed and required to be commissioners and judges for the hearing, trying, and adjudging of the said Charles Stuart.

And the said commissioners, or any twenty or more of them, shall be and are hereby authorised and constituted an High Court of Justice, to meet and sit at such convenient time and place as by the said commissioners, or the major part of twenty or more of them, under their hands and seals, shall be appointed and notified by public proclamation in the Great Hall or Palace Yard of Westminster. And to adjourn from time to time, and from place to place, as the said High Court, or the major part thereof meeting, shall hold fit. And to take order for the charging of him, the said Charles Stuart, with the crimes and treasons above mentioned, and for receiving his personal answer thereunto, and for examination of witnesses upon oath (which the court has hereby authority to administer) or otherwise, and taking any other evidence concerning the same. And thereupon, or in default of such answer, to proceed to final sentence according to justice and the merit of the cause. And such final sentence to execute, or cause be to executed, speedily and impartially.

And the said Court is hereby authorised and required to appoint and direct all such officers, attendants, and other circumstances as they, or the major part of them, shall in any sort judge necessary or useful for the orderly and good managing of the premises. And Thomas, Lord Fairfax, the General, and all officers and soldiers under his command, and all officers of justice and other well-affected persons, are hereby authorised and required to be aiding and assisting unto the said Court in the due execution of the trust hereby committed. Provided that this Act, and the authority hereby granted, do continue in force for the space of one month from the date of the making hereof, and no longer.