

THE HUMBLE PETITION AND ADVICE

25 May 1657

To His Highness, the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging; the humble petition and advice of the knights, citizens, and burgesses now assembled in the Parliament of this Commonwealth.

We, the knights, citizens and burgesses in this present Parliament assembled, taking into our most serious consideration the present state of these three nations, joined and united under Your Highness' protection, cannot but in the first place, with all thankfulness, acknowledge the wonderful mercy of Almighty God in delivering us from that tyranny and bondage, both in our spiritual and civil concerns, which the late King and his party designed to bring us under, and pursued the effecting thereof by a long and bloody war; and also that it has pleased the same gracious God to preserve your person in many battles, to make you an instrument for preserving our peace, although environed with enemies abroad and filled with turbulent, restless, and unquiet spirits in our own bowels, that as in the treading down the common enemy and restoring us to peace and tranquility the Lord has used you so eminently, and the worthy officers and soldiers of the army (whose faithfulness to the common cause we, and all good men, shall ever acknowledge and put a just value upon). So also that He will use you and them in the settling and securing our liberties as we are men and Christians, to us and our posterity after us, which are those great and glorious ends which the good people of these nations have so freely, with the hazard of their lives and estates, so long and earnestly contended for.

We consider likewise the continual danger which your life is in from the bloody practices both of the malignant and discontented party (one whereof through the goodness of God you have been lately delivered from¹), it being a received principle amongst them that no order being settled in your lifetime for the succession in the government, nothing is wanting to bring us into blood and confusion, and them to their desired ends, but the destruction of your person. And in case things should thus remain at your death, we are not able to express what calamities would in all human probability ensue thereupon, which we trust Your Highness (as well as we) do hold yourself obliged to provide against, and not to leave a people, whose common peace and interest you are entrusted with, in such a condition as may hazard both, especially in this conjuncture, when there seems to be an opportunity of coming to a settlement upon just and legal foundations.

Upon these considerations, we have judged it a duty incumbent upon us to present and declare these, our most just and necessary desires, to Your Highness.

1. That Your Highness will be pleased by and under the name and style of Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions and territories thereunto belonging, to hold and exercise the office of chief magistrate of these nations, and to govern according to this petition and advice in all things therein contained, and in all other things according to the laws of these nations, and not otherwise.

That Your Highness will be pleased during your lifetime to appoint and declare the person who shall, immediately after your death, succeed you in the government of these nations.

2. That Your Highness will for the future be pleased to call Parliaments consisting of two Houses (in such manner and way as shall be more particularly afterwards agreed and declared in this petition and advice) once in three years at furthest, or oftener, as the affairs of the nation shall require, that being your great council, in whose affection and advice yourself and this people will be most safe and happy.

¹ Edward Sexby and Titus published *Killing No Murder*, which argued the Bible condoned killing Cromwell, which led to several assassination attempts against the Protector.

3. That the ancient and undoubted liberties and privileges of Parliament (which are the birthright and inheritance of the people, and wherein every man is interested) be preserved and maintained; and that you will not break or interrupt the same, nor suffer them to be broken or interrupted; and particularly that those persons who are legally chosen by a free election of the people to serve in Parliament may not be excluded from sitting in Parliament to do their duties but by judgment and consent of that House whereof they are Members.
4. That those who have advised, assisted, or abetted the rebellion of Ireland, and those who do or shall profess the Popish religion, be disabled and made incapable forever to be elected, or to give any vote in the election of any Member to sit or serve in Parliament.

And that all and every person and persons who have aided, abetted, advised, or assisted in any war against the Parliament, since 1 January 1641 (unless he or they have since borne arms for the Parliament or Your Highness, or otherwise given signal testimony of his or their good affection to the Commonwealth, and continued faithful to the same), and all such as have been actually engaged in any plot, conspiracy, or design against the person of Your Highness, or in any insurrection or rebellion in England or Wales since 16 December 1653, shall be forever disabled and made incapable to be elected, or give any vote in the election of any Member to sit or serve in Parliament.

That for Scotland none be capable to elect, or be elected to sit or serve in Parliament who have been in arms against the Parliament of England, or against the Parliament in Scotland, before 1 April 1648 (except such as have since borne arms in the service of the Parliament of England or Your Highness, or given other signal testimony of their good affection), nor any that since the said 1 April 1648 have been in arms, or otherwise aided, abetted, advised, or assisted in any war against the Parliament of England or Your Highness, except such as since 1 March 1651² have lived peaceably, and thereby given testimony of their good affection to the Parliament and Your Highness.

Provided that nothing in this Article contained shall extend to put any incapacity upon any English or Scotch Protestants in Ireland, either to elect or be elected to serve in Parliament, who, before 1 March 1649 have borne arms for the Parliament or Your Highness, or otherwise given signal testimony of their good affection to this Commonwealth, and continued faithful to the same;

That all votes and elections, given or made contrary, or not according to the qualifications aforesaid, shall be void and of none effect; and that if any person or persons so incapable as aforesaid shall give his or their vote for election of Members to serve in Parliament, all and every such person or persons so electing shall lose and forfeit one year's value of his and their respective real estates, and one full third part of his and their respective personal estates. The one moiety to Your Highness, and the other moiety to him or them who shall sue for the same in any court of record by action of debt, bill, plaint, or information, wherein no essoine, wager of law, or protection shall be allowed.

And that the persons who shall be elected to serve in Parliament be such, and no other than such, as are persons of known integrity, fearing God, and of good conversation, and being of the age of twenty-one years, and not such as are disabled by the Act of the seventeenth year of the late King entitled "An Act for Dis-Enabling all Persons in Holy Orders to Exercise any Temporal Jurisdiction or Authority, nor Such as are Public Ministers or Public Preachers of the Gospel." Nor such as are guilty of any of the offences mentioned in an Act of Parliament bearing date 9 August 1650 entitled "An Act Against Several Atheistical, Blasphemous, and Execrable Opinions Derogatory to the Honour of God and Destructive to Human Society;" no common scoffer or reviler of religion, or of any person or persons professing thereof; no person that has married or shall marry a wife of the Popish religion, or has trained or shall train up his child or children, nor any other child or children under his tuition or government, in the Popish religion, or that

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shall permit or suffer such child or children to be trained up in the said religion, or that has given or shall give his consent that his son or daughter shall marry any of that religion; no person that shall deny the Scriptures to be the Word of God, or the sacraments, prayer, magistracy, and ministry to be the ordinances of God; no common profaner of the Lord's Day, no profane swearer or curser, no drunkard or common haunter of taverns or alehouses.

And that these qualifications may be observed, and yet the privilege of Parliament maintained, we desire that it may be by Your Highness' consent ordained that forty-one commissioners be appointed by act of Parliament who, or any fifteen or more of them, shall be authorised to examine and try whether the Members to be elected for the House of Commons in future Parliaments be capable to sit, according to the qualifications mentioned in this petition and advice; and in case they find them not qualified accordingly, then to suspend them from sitting until the House of Commons shall, upon hearing of their particular cases, admit them to sit.

Which commissioners are to stand so authorised for that end until the House of Commons in any future Parliament shall nominate the like number of other commissioners in their places; and those other commissioners so to be nominated in any future Parliament to have the same powers and authorities; that the said commissioners shall certify in writing to the House of Commons, on the first day of their meeting, the causes and grounds of their suspensions of any persons so to be elected as aforesaid; that the accusation shall be upon the oath of the informer, or of some other person, that a copy of the accusation shall be left by the party accusing, in writing under his hand, with the party accused or, in his absence, at his house in the county, city, or town for which he shall be chosen, if he have any such house, or if not, with the sheriff of the county, if he be chosen for a county, or with the chief magistrate of the city or borough for which he is chosen; and that the number of persons to be elected and chosen to sit and serve in Parliament for England, Scotland, and Ireland, and the distribution of the persons so chosen within the counties, cities, and boroughs of them respectively, may be according to such proportions as shall be agreed upon and declared in this present Parliament.

5. That your Highness will consent that none be called to sit and vote in the either House but such as are not disabled, but qualified according to the qualifications mentioned in the former Article, being such as shall be nominated by Your Highness, and approved by this House, and that they exceed not seventy in number, nor be under the number of forty (whereof the quorum to be one-and-twenty), who shall not give any vote by proxies; and that as any of them do die, or be legally removed, no new ones be admitted to sit and vote in their rooms but by the consent of the House itself.

That the other House do not proceed in any civil causes, except in writs of error, in cases adjourned from inferior courts into the Parliament for difficulty, in cases of petitions against proceedings in courts of equity, and in cases of privileges of their own House.

That they do not proceed in any criminal causes whatsoever against any person criminally but upon an impeachment of the Commons assembled in Parliament, and by their consent.

That they do not proceed in any cause, either civil or criminal, but according to the known laws of the land, and the due course and custom of Parliament.

That no final determinations or judgments be by any Members of that House in any cause there depending, either civil, criminal, or mixed, as commissioners or delegates, to be nominated by that House; but all such final determinations and judgments to be by the House itself, any law or usage to the contrary notwithstanding.

6. That in all other particulars which concern the calling and holding of Parliaments, Your Highness will be pleased that the laws and statutes of the land be observed and kept; and that no laws be altered, suspended, abrogated, or repealed, or new law made, but by act of Parliament.

7. And to the end there may be a constant revenue for support of the government, and for the safety and defence of these nations by sea and land, we declare our willingness to settle forthwith a yearly revenue of £1.300.000 pounds, whereof £1.000.000 for the navy and army, and £300.000 for the support of the government, and no part thereof to be raised by a land tax.

And this not to be altered without the consent of the three estates in Parliament.

And to grant such other temporary supplies according as the Commons assembled in Parliament shall from time to time adjudge the necessities of these nations to require.

And do pray Your Highness that it be declared and enacted that no charge be laid, nor no person be compelled to contribute to any gift, loan, benevolence, tax, tallage, aid, or other like charge without common consent by act of Parliament, which is a freedom the people of these nations ought by the laws to inherit.

8. That none may be added or admitted to the Privy Council of Your Highness or successors but such as are of known piety and undoubted affection to the rights of these nations, and a just Christian liberty in matters of religion, nor without consent of the Council to be afterwards approved by both Houses of Parliament, and shall not afterwards be removed but by consent of Parliament, but may in the intervals of Parliament be suspended from the exercise of his place by Your Highness, or your successors and the Council, for just cause.

And that the number of the Council shall not be above one-and-twenty, whereof the quorum to be seven, and not under; as also that after Your Highness' death, the commander-in-chief under your successors of such army or armies as shall be necessary to be kept in England, Scotland, or Ireland, as also all such field-officers at land or generals at sea which, after that time shall be newly made and constituted by your successors, be by the consent of the Council, and not otherwise.

And that the standing forces of this Commonwealth shall be disposed of by the chief magistrate, by consent of both Houses of Parliament, sitting the Parliament; and in the intervals of Parliament, by the chief magistrate, by the advice of the Council; and also that Your Highness and successors will be pleased to exercise your government over these nations by the advice of your Council.

9. And that the Chancellor, Keeper or Commissioners of the Great Seal of England, the Treasurer or Commissioners of the Treasury there, the Admiral, the chief Governor of Ireland, the Chancellor, Keeper or Commissioners of the Great Seal of Ireland, the Chief Justices of both the Benches, and the Chief Baron in England and Ireland, the Commander-in-Chief of the forces in Scotland, and such officers of state there as by act of Parliament in Scotland are to be approved by Parliament, and the judges in Scotland hereafter to be made shall be approved of by both Houses of Parliament.
10. And whereas Your Highness out of your zeal to the glory of God and the propagation of the Gospel of the Lord Jesus Christ has been pleased to encourage a godly ministry in these nations, we earnestly desire that such as do openly revile them or their assemblies, or disturb them in the worship or service of God, to the dis-honour of God, scandal of good men, or breach of the peace may be punished according to law; and where the laws are defective, that Your Highness will give consent to such laws as shall be made in that behalf.
11. That the true Protestant Christian religion, as it is contained in the Holy Scriptures of the Old and New Testament, and no other, be held forth and asserted for the public profession of these nations.

And that a confession of faith, to be agreed by Your Highness and the Parliament, according to the rule and warrant of the Scriptures, be asserted, held forth, and recommended to the people of these nations, that

none may be suffered or permitted, by opprobrious words or writing, maliciously or contemptuously to revile or reproach the confession of faith to be agreed upon as aforesaid.

And such who profess faith in God the Father, and in Jesus Christ His eternal Son, the true God, and in the Holy Spirit, God co-equal with the Father and the Son, one God blessed forever, and do acknowledge the Holy Scriptures of the Old and New Testament to be the revealed will and Word of God, and shall in other things differ in doctrine, worship, or discipline from the public profession held forth, endeavours shall be used to convince them by sound doctrine and the example of a good conversation; but that they may not be compelled thereto by penalties nor restrained from their profession, but protected from all injury and molestation in the profession of the faith and exercise of their religion, whilst they abuse not this liberty to the civil injury of others or the disturbance of the public peace.

So that this liberty be not extended to Popery or prelacy, or to the countenancing such who publish horrible blasphemies, or practice or hold forth licentiousness or profaneness under the profession of Christ.

And that those ministers or public preachers who shall agree with the public profession aforesaid in matters of faith, although in their judgment and practice they differ in matters of worship and discipline, shall not only have protection in the way of their churches and worship respectively, but be esteemed fit and capable, notwithstanding such difference (being otherwise duly qualified and duly approved), of any trust, promotion, or employment whatsoever in these nations, that any ministers who agree in doctrine, worship, and discipline with the public profession aforesaid are capable of.

And all others who agree with the public profession in matters of faith, although they differ in matters of worship and discipline as aforesaid, shall not only have protection as aforesaid, but be esteemed fit and capable (notwithstanding such difference, being otherwise duly qualified) of any civil trust, employment, or promotion in these nations. But for such persons who agree not in matters of faith with the public profession aforesaid, they shall not be capable of receiving the public maintenance appointed for the ministry.

Provided that this clause shall not be construed to extend to enable such ministers or public preachers or pastors of congregations, but that they be dis-enabled, and they are hereby dis-enabled, to hold any civil employment, which those in orders were or are dis-enabled to hold by an Act entitled "An Act for Dis-Enabling all Persons in Holy Orders to Exercise any Temporal Jurisdiction or Authority." And that Your Highness will give your consent that all laws, statutes, ordinances, and clauses in any law, statute, and ordinance, so far as they are contrary to the aforesaid liberty, be repealed.

12. That all acts and ordinances of Parliament made for the abolishing of archbishops and bishops, and for the abolishing of deans, deans and chapters, canons, prebends, and other offices and titles of, or belonging to, any cathedral or collegiate church or chapel, and for the sale or other disposition of the lands, rents, and hereditaments unto any or either of them belonging, or for the sale or other disposition of the lands, rents, and hereditaments of the late King, Queen, or Prince; or of the lands of delinquents, fee-farm, or other rents, forest-lands, or any of them; or any other lands, tenements, rents, or hereditaments lately belonging to the Commonwealth shall no way be impeached, but that they do remain good and firm; and that the security given by act and ordinance of Parliament for any sum or sums of monies by any of the said lands, the excise, or by any other public revenue; and also the securities given by the public faith of the nation, and the engagement of the public faith for satisfaction of debts, may remain firm and good, and not be made void by any pretence whatsoever.
13. That all and every person and persons who have aided, abetted, advised, or assisted in any war against the Parliament since 1 January 1649 (unless he or they have since borne arms for the Parliament or your Highness, or otherwise given signal testimony of his or their good affection to the Commonwealth, and continued faithful to the same); and all such as have been actually engaged in any plot, conspiracy, or

design, against the person of Your Highness, or in any insurrection or rebellion, in England or Wales since 16 December 1653. And for Scotland, that all and every person and persons who have been in arms against the Parliament of England, or against the Parliament in Scotland, before 1 April 1648 (except such as have since borne arms in the service of the Parliament of England or Your Highness, or given other signal testimony of their good affection); and every person or persons that since the said 1 April 1648 have been in arms, or otherwise aided, abetted, advised, or assisted in any war against the Parliament of England or Your Highness (except such persons who having been in arms, or otherwise abetted, advised, or assisted in any war against the Parliament of England or Your Highness since 1 April 1648), and were not in arms against the Parliament of England, or against the Parliament of Scotland, before 1 April 1648; and have since 1 March 1651 lived peaceably, and thereby given testimony of their good affection to the Parliament and Your Highness, be made incapable forever of holding or enjoying of any office or place of public trust in these three nations, or any of them.

Provided, that nothing in this Article contained shall extend to put any incapacity in this Article mentioned upon any English or Scotch Protestants in Ireland who before 1 March 1649 have borne arms for the Parliament or Your Highness, or otherwise given signal testimony of their good affection to this Commonwealth, and continued faithful to the same.

14. And that Your Highness will be pleased to consent that nothing in this petition and advice contained, nor Your Highness' assent thereto, shall be construed to extend to the dissolving of this present Parliament, but that the same shall continue and remain until such time as Your Highness shall think fit to dissolve the same.
16. And that nothing contained in this petition and advice, nor Your Highness' consent thereunto, shall be construed to extend to the repealing or making void of any act or ordinance which is not contrary hereunto, or to the matters herein contained, but that the said acts and ordinances not contrary hereunto, shall continue and remain in force in such manner as if this present petition and advice had not at all been had or made, or Your Highness' consent thereunto given.
17. And that all writs issued out of the Chancery, and all writs and patents of the Justices of the one Bench, and of the other, Barons of the Exchequer, commissions of *oyer* and *terminer*, coal-delivery, and justices of the peace, and all other commissions, patents, and grants made and passed under the Great Seal of England, Scotland, or Ireland shall stand good and effectual in the law, notwithstanding this petition and advice, or Your Highness' assent thereunto, or any law, statute, or custom to the contrary; and that all writs, and all commissions, indictments, informations, process, actions, suits, bills, or complaints taken out or now depending in any court of record at Westminster, or any other court of record in England, Scotland, or Ireland, or in the town of Berwick-upon-Tweed; and all process, pleas, demurrers, continuances, and proceedings in every such writs, indictments, informations, actions, suits, bills, and complaints shall be returnable, stand good and effectual, and be prosecuted and sued forth in such manner and form, and in the same state, condition, and order, the style and test of proceedings, after passing of these presents, being made conformable thereunto, this present petition and advice, or Your Highness' assent thereunto, or any law, custom, or usage to the contrary thereof in any wise notwithstanding; and that any variance that shall be occasioned by reason thereof touching any the said writs, process, or proceedings in the name, style, test, or otherwise shall not be in any wise material as concerning any default or error to be alleged or objected thereunto.
18. And that Your Highness and your successors will be pleased to take an oath, in such form as shall be agreed upon by Your Highness and this present Parliament, to govern these nations according to the law.

And in case Your Highness shall not be satisfied to give your consent to all the matters and things in this humble petition and advice, that then nothing in the same be deemed of force to oblige the people of these nations in any the particulars therein contained.

And these, our desires, being granted by Your Highness, we shall hope (through the rich mercy and goodness of God) that it will prove some remedy to those dangers, distractions, and distempers which these nations are now in, and be an effectual means to remove those jealousies and fears which remain in the minds of many men concerning the government of this Commonwealth.

And thereby we shall be enabled and encouraged with all cheerfulness to the settling of such things which shall be further necessary for the good of these nations, and be most ready to join with you in promoting the work of reformation, happily begun by Your Highness, the regulating courts of justice, and abridging both the delays and charges of lawsuits, and apply ourselves to such other courses and counsels as may be most like to heal our breaches and divisions, and to restore these poor nations to a union and consistency with themselves, and to lay a foundation of further confidence between Your Highness and them, to the rejoicing of the hearts of our friends and terror of our enemies.

Samuel Rawson Gardiner, ed. *The Constitutional Documents of the Puritan Revolution, 1628–1660* (Oxford: Clarendon, 1889):334–345