

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

---

The Stuart Constitution  
1603–1688

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

The  
Stuart Constitution  
1603–1688

*Documents and commentary*

SECOND EDITION

EDITED AND INTRODUCED BY

J. P. KENYON



Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

Published by the Press Syndicate of the University of Cambridge  
The Pitt Building, Trumpington Street, Cambridge CB2 1RP  
40 West 20th Street, New York, NY 10011-4211, USA  
10 Stamford Road, Oakleigh, Melbourne 3166, Australia

© Cambridge University Press 1986

First published 1986  
Reprinted 1987, 1989, 1993

*British Library cataloguing in publication data*

The Stuart constitution 1603-1866: documents  
and commentary. - 2nd ed.

1. Great Britain - History - Stuarts, 1603-1714  
I. Kenyon, J. P.  
941.06 D8375

*Library of Congress cataloguing in publication data*

Main entry under title:

The Stuart Constitution, 1603-1688.

Bibliography; p.

Includes index.

1. Great Britain - Politics and government - 1603-1714.
2. Great Britain - Constitutional history.  
I. Kenyon, J. P. (John Philipps), 1927-  
JN191.S78 1985 941.06 85-12773  
ISBN 0 521 30810 0 hard covers  
ISBN 0 521 31327 9 paperback

Transferred to digital printing 1999

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

---

FOR  
JACK PLUMB

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

## CONTENTS

<i>Table of documents</i>	<i>page ix</i>
<i>Preface to the second edition</i>	xv
<i>Preface to the first edition</i>	xvi
<i>Acknowledgments</i>	xvii
<i>List of abbreviations</i>	xviii
<b>INTRODUCTION</b>	<b>1</b>
<b>BOOK I: THE ANCIENT CONSTITUTION, 1603–40</b>	
<b>1 THE MONARCHY</b>	<b>7</b>
<b>2 PARLIAMENT</b>	
<b>I Status and privilege</b>	<b>21</b>
<b>II Finance</b>	<b>46</b>
<b>3 THE JUDICIARY</b>	
<b>I The Crown and Common Law</b>	<b>74</b>
<b>II Law and politics</b>	<b>87</b>
<b>III Star Chamber</b>	<b>104</b>
<b>4 THE ESTABLISHED CHURCH</b>	
<b>I The Jacobean Church</b>	<b>111</b>
<b>II The Laudian revolution</b>	<b>130</b>
<b>III High Commission</b>	<b>158</b>
<b>IV The Catholic problem</b>	<b>165</b>
<b>BOOK II: THE ERA OF EXPERIMENT, 1640–60</b>	
<b>5 THE BREAKDOWN, 1640–2</b>	<b>175</b>
<b>6 THE PURITAN FAILURE, 1641–8</b>	<b>229</b>

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

viii

## CONTENTS

7	GOVERNMENT AND ARMY, 1642–9	243
8	THE INTERREGNUM, 1649–60	296

## BOOK III: THE RESTORED CONSTITUTION

9	THE RESTORATION SETTLEMENT	335
10	AREAS OF CONFLICT, 1660–88	360
	I Finance	362
	II Foreign policy	370
	III Religion	374
	IV The judiciary	391
11	LORDS AND COMMONS	412

## BOOK IV: GOVERNMENT

12	THE PRIVY COUNCIL	429
13	LOCAL GOVERNMENT	443
	<i>Books Cited</i>	469
	<i>Index</i>	474

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

## TABLE OF DOCUMENTS

*In chronological order*

<i>Number</i>		<i>page</i>
39	Millenary Petition, 1603	117
I	Introduction to the Commons Journals, 1604	10
10	Form of Apology and Satisfaction, 20 June 1604	29
11	King's speech, 7 July 1604	36
40	Proclamation enjoining conformity, 16 July 1604	119
41	The canons of 1604	122
55	Act for suppressing popish recusants, 1606	168
18	Bate's Case, 1606	54
19	King's answer to the Commons' Petition of Grievances, 19 November 1606	56
2	Canon II, 1606	11
28	Prohibitions del Roy, 1607	80
3	Earl of Salisbury's speech, 8 March 1610	11
4, 29	King's speech, 21 March 1610	11, 81
42	Proclamation for suppressing Dr Cowell's <i>Interpreter</i> , 25 March 1610	126
27a	Candict and Plomer's Case, 1610	77
12	Commons committee: debate on a petition of right, 22 May 1610	38
20	James Whitelocke's speech on impositions, 29 June 1610	60
43	Commons' Petition on Religion, July 1610	126
53	High Commission, patent of 1611	160
27b	Archbishop of York and Sedgwick's case, 1612	79
31	Lord Ellesmere's comments on Coke's <i>Reports</i> , c. 1615	86
30	King's speech in Star Chamber, June 1616	84
140	The judges' Instructions to the Justices of the Peace, 1618	450
33	Impeachment of Mompesson, 1621	91
13	Commons' Petition on Foreign Policy, 3 December 1621	39
14	Commons' Protestation, 18 December 1621	42

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

x	TABLE OF DOCUMENTS	
44	Directions to Preachers, 1622	128
32	Sir Edward Coke's Case, 1623	86
15	King's speech, 19 February 1624	43
34	Impeachment of Cranfield, 1624	93
21	Monopolies Act, 1624	62
22	Subsidy Act, 1624	64
45	Laud <i>et al.</i> to Buckingham, 2 August 1625	136
16	Dudley Carleton's speech, 12 May 1626	45
46	Proclamation for the peace and quiet of the Church of England, 16 June 1626	138
5	Roger Manwaring, sermon, 4 July 1627	13
35	Case of the Five Knights, November 1627	95
23	King's speech, 17 March 1628	67
6	Impeachment of Manwaring, 1628	14
24	Petition of Right, 1628	68
7	Wentworth's speech to the Council of the North, December 1628	16
47	Proposals of the Commons' sub-committee for religion, 24 February 1629	140
25	Commons' Protestation, 2 March 1629	71
26	Proclamation of the causes which moved the king to dissolve the last parliament, 10 March 1629	71
17	Proceedings against Sir John Eliot <i>et al.</i> , King's Bench, 12 February 1630	46
141	The Book of Orders, 1631	451
38b	<i>Earl of Suffolk v. Sir Richard Grenville</i> , 1632 (Star Chamber)	108
54a	Case of the Newington Sectaries, 14 June 1632 (High Commission)	163
142	Proclamation enjoining residence in the country, 20 June 1632	455
38c	<i>Allen v. Jemmatt and others</i> , 1632 (Star Chamber)	109
48	Ecclesiastical Instructions, 1633	142
38a	<i>Attorney-general v. Moody and others</i> , 1633 (Star Chamber)	107
49	Archbishop of Canterbury, returns for 1636	143
36	Case of ship-money ( <i>Rex v. Hampden</i> , 1637–8)	98
37	Clarendon on ship-money	103
50a	Laud's <i>apologia</i> , Star Chamber, 14 June 1637	147
56	John Pym, speech on grievances, 17 April 1640	183
132	Committee on Scots Affairs, 5 May 1640	433

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

TABLE OF DOCUMENTS		xi
<b>51</b>	The canons of 1640	149
<b>57</b>	Pym, speech on the state of the nation, 7 November 1640	189
<b>58a</b>	Pym, speech against Strafford, 25 November 1640	191
<b>52</b>	The Root and Branch Petition, 11 December 1640	154
<b>72</b>	Lords' resolutions on ecclesiastical innovations, 16 January 1641	235
<b>8</b>	King's speech, 25 January 1641	17
<b>50b</b>	Laud's answer to charges of impeachment, 26 February 1641	148
<b>59</b>	Triennial Act, 1641	197
<b>58b</b>	Strafford's last speech, 13 April 1641	193
<b>58c</b>	Pym's reply, 13 April 1641	195
<b>60</b>	Commons' Protestation, 3 May 1641	200
<b>71</b>	Explanation of the Protestation, 12 May 1641	235
<b>61</b>	The Ten Propositions, 24 June 1641	201
<b>62</b>	Act abolishing Star Chamber, 1641	204
<b>63</b>	Act abolishing High Commission, 1641	206
<b>73</b>	Commons' resolutions on ecclesiastical innovations, 1 September 1641	236
<b>72</b>	Lord's resolutions on the same, 9 September 1641	236
<b>64</b>	The Grand Remonstrance, November 1641	207
<b>65</b>	Impeachment of the Five Members, 3 January 1642	217
<b>74</b>	Bishops' Exclusion Act, 1642	237
<b>66</b>	Militia Ordinance, 5 March 1642	219
<b>67</b>	Remonstrance of both Houses, 26 May 1642	220
<b>68</b>	The Nineteen Propositions, 1 June 1642	222
<b>69</b>	Declaration of both Houses, 6 June 1642	226
<b>9</b>	King's Answer to the Nineteen Propositions, 18 June 1642	18
<b>70</b>	Answer of both Houses to the king, 6 September 1642	227
<b>78</b>	Ordinance for the Assessment, 24 February 1643	253
<b>79</b>	Sequestration Ordinance, 27 March 1643	256
<b>75</b>	Ordinance setting up the Westminster Assembly, 12 June 1643	237
<b>80</b>	Excise Ordinance, 22 July 1643	258
<b>76</b>	Solemn League and Covenant, September 1643	239
<b>81</b>	Minutes of the Staffordshire Committee, 1643	261
<b>77</b>	Ordinance against Christmas, 19 December 1644	242
<b>82</b>	Declaration of the army, 14 June 1647	263

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

xii

## TABLE OF DOCUMENTS

<b>83</b>	The Heads of the Proposals, 1 August 1647	268
<b>84</b>	The Agreement of the People, 28 October 1647	274
<b>85</b>	The Levellers' Humble Petition, 11 September 1648	276
<b>86</b>	The Remonstrance of the army, 16 November 1648	281
<b>87</b>	Commons' Resolutions, 4 January 1649	292
<b>88a</b>	King's statement submitted to the High Court of Justice, 22 January 1649	292
<b>88b</b>	King's speech on the scaffold, 30 January 1649	293
<b>89</b>	Act abolishing the kingship, 17 March 1649	306
<b>90</b>	Act for subscribing the Engagement, 2 January 1650	307
<b>91</b>	The Instrument of Government, December 1653	308
<b>92a</b>	Ordinance for approbation of public preachers, 20 March 1654	313
<b>92b</b>	Ordinance for ejecting scandalous ministers, 28 August 1654	314
<b>93</b>	Cromwell's speech to parliament, 12 September 1654	316
<b>94</b>	Instructions for the major-generals, October 1655	322
<b>95</b>	The Humble Petition and Advice, 25 May 1657	324
<b>127</b>	Viscount Saye and Sele to Lord Wharton, 29 December 1657	420
<b>96</b>	Oath to the Lord Protector, 18 January 1658	330
<b>97</b>	Declaration of Breda, 4 April 1660	331
<b>98</b>	Act of Oblivion, 1660	339
<b>99</b>	Act for confirmation of judicial proceedings, 1660	344
<b>100, 128</b>	Clarendon's speech to both Houses, 29 December 1660	347, 421
<b>101</b>	Clarendon's speech to both Houses, 10 May 1661	348
<b>102</b>	Militia Act, 1661	349
<b>103</b>	Act concerning Commissioners for Ecclesiastical Causes, 1661	350
<b>104</b>	Corporation Act, 1661	351
<b>105</b>	Uniformity Act, 1662	353
<b>112</b>	King's declaration, 26 December 1662	379
<b>107</b>	Supply Act, 1665	364
<b>108</b>	Supply Act, 1666	366
<b>109</b>	Act for taking the public accounts, 1667	366
<b>119</b>	Commons' examination of LCJ Keeling, 1667	397
<b>133</b>	Privy Council, standing orders, 12 February 1668	435
<b>129</b>	<i>Skinner v. East India Company</i> , 1668–70	422
<b>106</b>	Conventicles Act, 1670	356
<b>120</b>	Bushel's Case, 1670	399

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

TABLE OF DOCUMENTS		xiii
<b>I30</b>	Commons' Resolutions, 13–20 April 1671	424
<b>I43</b>	Game Act, 1671	457
<b>II3</b>	Declaration of Indulgence, 15 March 1672	382
<b>II4a</b>	King's message, 24 February 1673	383
<b>II4b</b>	Commons' answer, 26 February 1673	384
<b>II5</b>	Test Act, 1673	385
<b>II0</b>	Commons' examination of Buckingham, 14 January 1674	371
<b>I31</b>	<i>Shirley v. Fagg</i> , 1675	425
<b>IIIa</b>	Commons' address on foreign policy, 25 May 1677	372
<b>IIIb</b>	Debate on the address, same date	373
<b>IIIc</b>	King's reply, 28 May 1677	373
<b>I34</b>	Danby's memoranda for an audience with the king, June 1677	437
<b>I44</b>	Sir Peter Leicester, charge to the grand jury, 2 October 1677	458
<b>I30</b>	Commons' resolutions, 3 July 1678	425
<b>I36</b>	Minutes, Committee of Intelligence, 8 September 1678	438
<b>II6</b>	Second Test Act, 1678	386
<b>I35</b>	Lord Carnarvon's speech to the Lords, 23 December 1678	438
<b>I37</b>	King's speech, Privy Council, 21 April 1679	440
<b>I21</b>	Habeas Corpus Amendment Act, 1679	401
<b>II7</b>	Exclusion Bill, November 1680	387
<b>I38</b>	Sir Leoline Jenkins to Lord Conway, 5 October 1681	441
<b>I45</b>	Proceedings on the Leicester Charter, 1684	460
<b>I22</b>	<i>Rex v. Rosewall</i> , 1684	403
<b>I46</b>	Correspondence of the Duke of Norfolk, 1685	463
<b>I23</b>	<i>Godden v. Hales</i> , 1686	403
<b>I24</b>	The deserter's case, 1687	405
<b>II8</b>	Declaration of Indulgence, 4 April 1687	389
<b>I39</b>	The Privy Council, October 1687	442
<b>I25</b>	Petition of the Seven Bishops, 18 May 1688	406
<b>I26</b>	Trial of the Seven Bishops, 29 June 1688	407
<b>I47</b>	Instructions to election agents, 1688	466
<b>I46</b>	The Duke of Norfolk and the Revolution, December 1688	463

Throughout the book figures in bold type refer to documents

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

## PREFACE TO THE SECOND EDITION

I am very grateful to the Press for allowing me to revise this book thoroughly, instead of just tinkering with it. Thus I have not only been able to incorporate the results of the latest research – which in any case only called for adjustments of detail – but also to review the selection of documents and adjust the balance of the book.

When I came to re-read *The Stuart Constitution* after a lapse of some years, it was at once apparent that the opening sections were too much influenced by the late J. R. Tanner, not only by the detailed collection of documents for the reign of James I he published in 1930, but also by his approach to the period 1603–25 in general. Such matters as impositions and prohibitions loom less large in our eyes than his, and his treatment of King James, though conventional enough at that time, did him less than justice.

Secondly, it has been pointed out to me many times that my coverage of the period 1647–60 was inadequate. This I accept, and I have done my best to rectify it. But critics must bear in mind that a longer and therefore more expensive book was out of the question, so that for every new document inserted an old one has had to be removed. (As it is, I have ended up with one document more.)

It is also clear to me now, and no doubt to others, that chapters 12 and 13 in the first edition, on 'The Judiciary 1660–1688' and 'The Catholic Problem and the Revolution' respectively, were an indulgence on my part, albeit an unconscious one; they too much reflected my personal research interests at that time. I have pruned them both drastically, and distributed the second across the book.

At an early stage I consulted a cross-section of my colleagues working in the field, either verbally or by correspondence. Some of them gave hugely of their time, all of them went out of their way to be helpful and constructive, and I am very grateful. I gladly list their names here, on the understanding that they bear no responsibility for the final result, especially since I was simply unable to follow all their recommendations. They are: Professor Gerald Aylmer, Professor Geoffrey Elton, Professor Kenneth Haley, Dr John Miller, Dr John Morrill, Professor Ivan Roots, Dr Kevin Sharpe, Dr Nicholas Tyacke and Professor Austin Woolrych. In addition Dr Ian Green, Professor Mark Kishlansky, Dr Sheila Lambert and Dr David Stevenson gave me advice and information on specific points, and Dr Lambert lent me a paper of hers in advance of publication (as did Professor Woolrych).

All of them had kind words to say of the first edition; I can only hope that the second will meet with their approval.

J. P. K.

*St Andrews*

*January 1985*

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

## PREFACE TO THE FIRST EDITION

This volume is intended to provide a representative and easily accessible selection of documents concerned with, and often in themselves comprising, the political and constitutional history of the seventeenth century in England. It overlaps two older collections, J. R. Tanner's *Constitutional Documents of the Reign of James I* and S. R. Gardiner's *Constitutional Documents of the Puritan Revolution*. Since they were published in a less affluent society each is comparable in size with the present volume, and they retain their value as source books, as a glance at my footnotes will show. But Tanner's commentary is in many respects out of date, while Gardiner offered none at all, apart from a short introduction, and his choice of documents was geared to the requirements of the Oxford Schools in the closing years of the nineteenth century.

The Civil Wars and the Interregnum make it impossible to submit the seventeenth century to a static analysis, which is why this volume falls into three books, divided at 1640 and 1660, with a fourth book dealing with certain themes that persisted throughout the period. Moreover, the immense volume of printed material produced in an age of almost continuous crisis in Church and state has obliged me to omit a great deal which I regard as desirable and some will think essential.

I have been fortunate in coming after Dr G. R. Elton, whose *Tudor Constitution* not only provided me with a model but also treated of some organs common to the Tudor and Stuart state so fully and admirably that I have been able to omit them altogether or mention them only briefly. My book, therefore, should be read in conjunction with his, even though it must be to my disadvantage. I might add that without Dr Elton's firm encouragement at every stage I doubt whether I would ever have completed this book. He also gave me the benefit of his advice on several specific points, read the whole of the first draft in typescript and helped me to reduce it by one-third to its present size. That is not to say that he, or anyone else mentioned in this preface, is responsible for errors of fact or judgement remaining.

I am also grateful to Professor William Haller, for answering questions on specific points, and to Professor G. E. Aylmer, who discussed the project with me at an early stage, to my great advantage. Mr J. Anthony Williams placed at my disposal his specialised knowledge of seventeenth-century recusancy, and thereby contributed a great deal to chapter 13. I also owe much to the staff of the University Library, Hull, and particularly Mr Peter Sheldon. My wife and my secretary, Mrs Kay Austin, between them typed the final draft of the book; a thankless task performed with great patience and accuracy.

Finally, I must acknowledge the patience and consideration of two successive secretaries to the Syndics, who have waited five years for this book and never doubted that it would be completed.

J. P. K.

Hull

April 1965

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

---

## ACKNOWLEDGMENTS

Thanks are due to the following for permission to reprint the documents indicated: Yale University Press (33), (57); Oxford University Press (41); Manchester University Press (81); Columbia University Press (85); Harvard University Press (94); Messrs Jackson Son & Co. Ltd (134); City of Manchester Leisure Services Committee (140); The Chetham Society (144); and also to the Public Record Office and Dr Williams' Library for their assistance. Particulars of sources are given at the end of each extract.

Cambridge University Press

978-0-521-31327-8 - The Stuart Constitution 1603-1688: Documents and Commentary,  
Second Edition

Edited by J. P. Kenyon

Frontmatter

[More information](#)

## ABBREVIATIONS

<i>APC</i>	<i>Acts of the Privy Council</i>
<i>BIHR</i>	<i>Bulletin of the Institute for Historical Research</i>
<i>CJ</i>	<i>Commons Journals</i>
<i>CSPD</i>	<i>Calendars of State Papers Domestic</i>
<i>EHR</i>	<i>English Historical Review</i>
<i>GCD</i>	S. R. Gardiner (ed.) <i>Constitutional Documents of the Puritan Revolution</i> , 3rd edn, Oxford 1906
<i>HLQ</i>	<i>Huntington Library Quarterly</i>
<i>HJ</i>	<i>Historical Journal</i>
<i>HMC</i>	<i>Historical Manuscripts Commission</i>
<i>JBS</i>	<i>Journal of British Studies</i>
<i>JMH</i>	<i>Journal of Modern History</i>
<i>LJ</i>	<i>Lords Journals</i>
<i>OPH</i>	' <i>The Old Parliamentary History</i> '; vere, <i>The Parliamentary or Constitutional History of England</i> , 24 vols. London 1751–61
<i>PCD</i>	G. W. Prothero (ed.) <i>Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I</i> , 4th edn, Oxford 1913
<i>PH</i>	William Cobbett (ed.) <i>The Parliamentary History of England</i> , 36 vols. London 1806–20
<i>PRO</i>	Public Record Office, London
<i>SR</i>	<i>Statutes of the Realm</i>
<i>SRP</i>	<i>Stuart Royal Proclamations</i> , vol. I: <i>James I</i> , ed. James F. Larkin and Paul L. Hughes. Oxford 1973, vol. II: <i>Charles I</i> , ed. James F. Larkin. Oxford 1983
<i>ST</i>	W. Cobbett and T. B. Howell (eds.) <i>State Trials</i> , 33 vols. London 1809–26
<i>TCD</i>	J. R. Tanner (ed.) <i>Constitutional documents of the Reign of James I</i> . Cambridge 1930
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>

The spelling and punctuation in the documents have been modernised wherever it is possible to do so without losing the sense or the emphasis.

All dates are in the old style, but the year is taken as beginning on 1 January.