

PROTESTANT RELIGION AND LIBERTY

*Loco sigilli.*

*Je maintiendray.*

The Declaration of His Highness William Henry, by the Grace of God, Prince of Orange, etc., of the reasons inducing him to appear in arms in the Kingdom of England, and for preserving the Protestant religion, and for restoring the laws and liberties of England, Scotland, and Ireland.

It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved where the law, liberties, and customs, established by the lawful authority in it, are openly transgressed and annulled; more especially, where the alteration of religion is endeavoured, and that a religion, which is contrary to law, is endeavoured to be introduced; upon which those who are most immediately concerned in it are indispensably bound to endeavour to preserve and maintain the established laws, liberties, and customs, and above all the religion and worship of God that is established among them, and to take such an effectual care, that the inhabitants of the said state or kingdom may neither be deprived of their religion, nor of their civil rights; which is so much the more necessary, being the greatness and security both of kings, royal families, and of all such as are in authority, as well as the happiness of their subjects and people, depend in a most especial manner upon the exact observations and maintenance of these their laws, liberties, and customs.

Upon these grounds it is that we cannot any longer forbear to declare that, to our great regret, we see that those counsellors, who have now the chief credit with the King, have overturned the religion, laws, and liberties of these Realms, and subjected them in all things relating to their consciences, liberties, and properties to arbitrary government, and that not only by secret and indirect ways, but in an open and undisguised manner.

Those evil counsellors, for the advancing and colouring this with some plausible pretexts, did invent and set on foot the King's dispensing power, by virtue of which they pretend that, according to law, he can suspend and dispense with the execution of laws, that have been enacted by the authority of the King and Parliament for the security and happiness of the subjects, and so have rendered those laws of no effect; though there is nothing more certain than that as no laws can be made, but by the joint concurrence of King and Parliament, so likewise laws, so enacted, which secure the public peace and safety of the nation, and the lives and liberties of every subject in it, cannot be repealed or suspended but by the same authority.

For thought the King may pardon the punishment that a transgressor has incurred, and to which he is condemned, as in the cases of treason and felony, yet it cannot be with any colour of reason inferred from thence, that the King can entirely suspend the execution of those laws relating to treason or felony; unless it is pretended that he is clothed with a despotic and arbitrary power, and that the lives, liberties, honours, and estates of the subjects depend wholly on his goodwill and pleasure, and are entirely subject to him, which must infallibly follow on the King's having a power to suspend the execution of the laws and to dispense with them.

Those evil counsellors, in order to the giving some credit to this execrable maxim, have so conducted the matter, that they have obtained sentence from the judges, declaring that this dispensing power is a right belonging to the Crown, as if it were in the power of the twelve judges to offer up the laws, rights, and liberties of the whole nation to the King, to be disposed of by him arbitrarily and at his pleasure, and expressly contrary to laws enacted for the security of the subjects. In order to the obtaining this judgement, these evil counsellors did beforehand examine secretly the opinion of the judges, and procured such of them, as could not in conscience concur in so pernicious a sentence, to be turned out, and others to be substituted in their room, till by the

changes which were made in the courts of judicature they at last obtained that judgment. And they have raised some to those trusts who have made open profession of the popish religion, though those are by law rendered incapable of such employments.

It is also manifest and notorious, that as His Majesty was, upon his coming to the Crown, received and acknowledged by all the subjects of England, Scotland, and Ireland, as their King, without the least opposition, though he then made open profession of the popish religion, so he did then promise, and solemnly swear at his coronation, that he would maintain his subjects in the free enjoyment of their laws and liberties, and, in particular, that he would maintain the Church of England as it was established by law. It is likewise certain, that there hath been at diverse and sundry times several laws enacted for the preservation of those rights, and liberties, and of the Protestant religion; and among other securities it has been enacted, that all persons whatsoever that are advanced to any ecclesiastical dignity, or bear office in either University, and all others that should be put into any employment, civil or military, should declare that they were not papists, but were of the Protestant religion, and that by their taking the Oaths of Allegiance and Supremacy and the Test, yet those evil counsellors have in effect annulled and abolished all those laws, both with relation to ecclesiastical and civil employments.

In order to ecclesiastical dignities and offices, they have not only without any colour of law, but against most expressive laws to the contrary, set up a commission of a certain number of persons, to whom they have committed the cognizance and direction of all ecclesiastical matters; in which commission there hath been, and still is, one of His Majesty's Ministers of State who makes now public profession of the popish religion, and, at the time of his first professing of it, declared that for a great while before he had believed that to be the only true religion. By all which the deplorable state to which the Protestant religion is reduced is apparent, since the affairs of the Church of England are now put into the hands of persons, who have accepted of a commission that is manifestly illegal, and who have executed it contrary to all law; and that now one of their chief members has abjured the Protestant religion and declared himself a papist, by which he is become incapable of holding any public employment.

The said commissioners have hitherto given such proof of their submission to the directions given them, that there is no reason to doubt, but they will still continue to promote all such designs as will be most agreeable to them; and those evil counsellors take care to raise none to any ecclesiastical dignities, but persons who have no zeal for the Protestant religion, and that hide now their unconcernedness for it under the specious pretence of moderation.

The said commissioners have suspended the Bishop of London, only because he refused to obey an order that was sent him to suspend a worthy divine, without so much as citing him before him to make his own defence, or observing the common form of process. They have tuned out a President chosen by the Fellows of Magdalen College, and afterwards all the Fellows, without so much as citing them before any court that could take legal cognizance of that affair, or obtaining any sentence against them by a competent judge. And the only reason that was given for their turning them out was their refusing to choose for their President a person that was recommended to them by the instigation of those evil counsellors, though the right of a free election belonged undoubtedly to them. But they were tuned out of their freeholds, contrary to law, and to that express provision of *Magna Carta*, that no man shall lose his life, or goods, but by the law of the land. And now those evil counsellors have put the said College wholly into the hands of papists, though, as it is abovesaid, they are incapable of all such employments, both by the law of the land and the statutes of the College.

The Commissioners have also cited before them all the Chancellors and Archdeacons of England, requiring them to certify to them the names of all such clergymen, as have read the King's [Declaration for Liberty of Conscience](#), and of such as have not read it, without considering that the reading of it was not enjoined the clergy by the Bishops, who are their ordinaries.

The illegality and incompetency of the said Court of Ecclesiastical Commissioners was so notoriously known, and it did so evidently appear that it tended to the subversion of the Protestant religion, that the most reverend Father in God, William, Archbishop of Canterbury, Primate and

Metropolitan of All England, seeing that it was raised for no other end, but to oppress such persons as were of eminent virtue, learning, and piety, refused to sit or to concur in it.

And though there are many express laws against all churches and chapels for the exercise of the popish religion, and also against all monasteries and convents, and, more particularly against the Order of the Jesuits, yet those evil counsellors have procured orders for the building of several churches and chapels for the exercise of that religion.

They have also procured diverse monasteries to be erected, and, in contempt of the law, they have not only set up several colleges of Jesuits in diverse places, for the corrupting of youth, but have raised up one of the order to be a Privy Counsellor and Minister of State.

By all which they do evidently shew that they are restrained by no rules of law whatsoever, but that they have subjected the honours and estates of the subjects and the established religion to a despotic power and arbitrary government: in all which they are served and seconded by these Ecclesiastical Commissioners.

They have also followed the same method in relation to civil affairs, for they have procured orders to examine all Lords Lieutenants, Deputy Lieutenants, Sheriffs, Justices of the Peace, and all others that were in any public employment, if they would concur with the King in the repeal of the Test and penal laws; and all such, whose conscience did not suffer them to comply with their designs, were tuned out, and others put in their places, who, they believed, would be more compliant to them in their designs of defeating the intent and execution of those laws, which have been made with so much care and caution for the security of the Protestant religion. And in many of these places they have put professed papists, though the law has disabled them, and warranted the subjects not to have any regard to their orders.

They have also invaded the privileges and seized on the charters of most of those towns, that have a right to be represented by their burgesses in Parliament, and have procured surrenders to be made by them, by which the magistrates in them have delivered up all their rights and privileges to be disposed of at the pleasure of these evil counsellors, who have thereupon caused new magistrates in those towns, such as they can most entirely confide in; and in many of them they have popish magistrates, notwithstanding the incapacities under which the law has put them.

And whereas no nation whatsoever can subsist without the administration of good and impartial justice, upon which men's lives, liberties, honours, and estates do depend, those evil counsellors have subjected these to an arbitrary and despotic power. In the most important affairs they have endeavoured to discover beforehand the opinions of the judges, and have turned out such as they have found would not conform themselves to their intentions, and have put others in their places, of whom they were more assured, without any regard to their abilities. And they have not stuck to raise even professed papists to the courts of judicature, notwithstanding their incapacity by law, and that no regard is due to any sentences flowing from them.

They have carried this so far, as to deprive such judges, who, in the common administration of justice, showed that they were governed by their consciences, and not by the directions which the others gave them. By which it is apparent that they design to render themselves the absolute masters of the lives, honours, and estates of the subjects, of what rank or dignity soever they may be, and that without having any regard either to the equity of the cause, or to the consciences of the judges, whom they will have to submit in all things to their own will and pleasure: hoping by such means to intimidate those who are yet in employment, as also such others as they shall think fit to put in the room of those whom they have turned out; and to make them see what they must look for, if they should at any time act in the least contrary to their good liking, and that no failings of that kind are pardoned in any persons whatsoever. A great deal of blood has been shed in many parts of the Kingdom by judges governed by those evil counsellors, against all the rules and forms of law, without so much as suffering the persons that were accused to plead in their own defence.

They have also, by putting the administration of justice into the hands of papists, brought all the

matters of civil justice unto great uncertainties, with how much exactness and justice soever that these sentences may have been given: for, since the laws of the land do not only exclude papists from all places of judicature, but have put them under an incapacity, none are bound to acknowledge or obey their judgments, and all sentences given by them are null and void of themselves; so that all such persons, as have been cast in trials before such popish judges, may justly look on their pretended sentences as having no more force and efficacy, than the sentences of any private and unauthorized person whatsoever; so deplorable is the case of the subjects, who are obliged to answer such judges, that must in all things stick to the rules which are set them by those evil counsellors, who, as they raised them up to such employments, so can turn them out at pleasure; and who can never be esteemed lawful judges, so that all their sentences are in the construction of the law of no force or efficacy.

They have likewise disposed of all military employments in the same manner, for though the laws have not only excluded papists from all such employments, but have, in particular, provided that they should be disarmed, yet they in contempt of these laws have not only armed the papists, but have likewise raised them up to the greatest military trusts, both by sea and land, and that strangers as well as natives, and Irish as well as English; that so, by that means having rendered themselves masters both of the affairs of the Church, of the government of the nation, and of the course of justice, and subjected them all to a despotic and arbitrary power, they might be in a capacity to maintain and execute their wicked designs by the assistance of the Army, and thereby to enslave the nation.

The dismal effects of this subversion of the established religion, laws, and liberties in England appear more evidently to us by what we see done in Ireland, where the whole government is put in the hands of papists, and where the Protestant inhabitants are under the daily fears of what may be justly apprehended from the arbitrary power which is set up there; which has made great numbers of them leave that Kingdom, and abandon their estates in it, remembering well that cruel and bloody massacre which fell out in that island in the year 1641.

Those evil counsellors have also prevailed with the King to declare in Scotland that he is clothed with absolute power, and that all the subjects are bound to obey him without reserve, upon which he has assumed an arbitrary power, both over the religion and laws of that Kingdom; from all which it is apparent what is to be looked for in England, as soon as matters are duly prepared for it.

Those great and insufferable oppressions, and the open contempt of all law, together with the apprehensions of the sad consequences that must certainly follow upon it, have put the subjects under great and just fears, and have made them look after such lawful remedies as have been allowed of in all nations, yet all has been without effect. And these evil counsellors have endeavoured to make all men apprehend the loss of their lives, liberties, honours, and estates, if they should go about to preserve themselves from this oppression by petitions, representations, or other means authorized by law.

Thus did they proceed with the Archbishop of Canterbury, and the other bishops, who, having offered a most humble [petition](#) to the King in terms full of respect, and not exceeding the number limited by law, in which they set forth in short the reasons for which they could not obey that order, which by the instigation of those evil counsellors was sent them, requiring them to appoint their clergy to read in their churches the [Declaration for Liberty of Conscience](#), were sent to prison, and afterwards brought to a trial, as if they had been guilty of some enormous crime. They were not only obliged to defend themselves in that pursuit, but to appear before professed papists, who had not taken the Test, and, by consequence, were men whose interest led them to condemn them; and the judges who gave their opinions in their favours were thereupon turned out.

And yet it cannot be pretended that any kings, how great soever their power has been, and how arbitrary and despotic soever they have been in the exercise of it, have ever reckoned it a crime for their subjects to come in all submission and respect, and in a due number, not exceeding the limits of the law, and to represent to them the reasons that made it impossible for them to obey their orders.

Those evil counsellors have also treated a Peer of the Realm as a criminal, only because he said that the subjects were not bound to obey the orders of a popish justice of the peace, although it is evident that they being by law rendered incapable of all such trusts, no regard is due to their orders; this being the security which the people have by law for their lives, liberties, and estates, that they are not to be subjected to the arbitrary proceedings of papists, that are, contrary to law, put into any employments, civil or military.

Both we ourselves, and our dearest and most entirely beloved consort, the Princess, have endeavoured to signify, in terms full of respect to the King, the deep and just regret which all these proceedings have given us; and, in compliance with His Majesty's desires, signified unto us, we declared both by word of mouth to his envoy, and in writing, what our thoughts were touching the repealing of the Test and penal laws, which we did in such a manner, that we hoped we had proposed an expedient, by which the peace of these Kingdoms, and an happy agreement amongst the subjects of all persuasions, might have been settled.

But those evil counsellors have put such ill constructions on those our good intentions, that they have endeavoured to alienate the King more and more from us, as if we had designed to disturb the quiet and happiness of this Kingdom.

The last and great remedy for all these evils is the calling of a Parliament for securing the nation against the evil practices of the wicked counsellors, but this could not be yet compassed, nor can it be easily brought about; for these men apprehending that a lawful Parliament, being once assembled, they would be brought to an account for all their open violations of law, and for their plots and conspiracies against Protestants, between those of the Church of England and the dissenters: the design being laid to engage Protestants, that are equally concerned to preserve themselves from popish oppression, into mutual quarellings, that so, by these, some advantages might be given them to bring about their designs, and that both in the election of the Members of Parliament, and afterwards in the Parliament itself.

For they see well that, if all Protestants could enter into a mutual good understanding, one with another, and concur together in the preserving of their religion, it would not be possible for them to compass their wicked ends.

They have also required all persons in the several counties of England, that either were in any employment, or were in any considerable esteem, to declare beforehand that they would concur in the repeal of the Test and penal laws; and that they would give their voices in the elections to Parliament only for such as would concur in it.

Such as would not thus pre-engage themselves were tuned out of all employments, and others, who entered into those engagements, were put in their places, many of them being papists; and contrary to the charters and privileges of those boroughs, that have a right to send burgesses to Parliament, they have ordered such regulations to be made, as they thought fit and necessary for assuring themselves of all the members that are to be chosen by those corporations.

And by this means they hope to avoid that punishment which they have deserved, though it is apparent that all acts made by popish magistrates are null and void of themselves, so that no Parliament can be lawful for which the elections and returns are made by popish sheriffs and mayors of towns; and, therefore, as long as the authority and magistracy is in such hands, it is not possible to have any lawful Parliament.

And though according to the ancient constitution of the English government and immemorial custom, all elections of Parliament men ought to be made with an entire liberty, without any sort of force, or requiring the electors to choose such persons as shall be named unto them, and the persons, thus freely elected, ought to give their opinions freely upon all matters that are brought before them, having the good of the nation ever before their eyes, and following in all things the dictates of their conscience;

yet now the people of England cannot expect a remedy from a free Parliament, legally called and chosen, but perhaps they may see one called, in which all elections will be carried by fraud or force, and which will be composed of such persons, of whom those evil counsellors hold

themselves well assured, in which all things will be carried on according to their direction and interest, without any regard to the good or happiness of the nation. Which may appear evidently from this, that the same persons tried the members of the last Parliament, to gain them to consent to the repeal of the Test and penal laws, and procured that Parliament to be dissolved when they found that they could not, neither by promises, or threatenings, prevail with the members to comply with their wicked designs.

But, to crown all, there are great and violent presumptions inducing us to believe that those evil counsellors, in order to their carrying on their ill designs, and to the gaining to themselves more time for effecting the same, for the encouraging of their accomplices, and for the discouraging all good subjects, have published that the Queen hath brought forth a son: though there have appeared, both during the Queen's pretended bigness, and in the manner in which the birth was managed, so many just and visible grounds of suspicion, that not only we ourselves, but all the good subjects of these Kingdoms, do vehemently suspect that the pretended Prince of Wales was not born by the Queen.

And it is notoriously known to all the world, that many both doubted of the Queen's bigness, and of the birth of the child, and yet there was not any one thing done to satisfy them, or put an end to their doubts.

And since our dearest and most entirely beloved consort, the Princess, and likewise we ourself, have so great an interest in this matter, and such a right, as all the world knows, to the succession of the Crown;

since also the English did in the year 1672, when the States General of the United Provinces were invaded in a most unjust war, use their utmost endeavours to put an end to that war, and that in opposition to those who were then in government, and, by their so doing, they ran the hazard of losing both the favour of the Court and their employments; and since the English nation has ever testified a most particular affection and esteem, both to our dearest consort, the Princess, and to ourself, we cannot excuse ourself from espousing their interest in a matter of so high consequence, and from contributing all that lies in us for the maintaining both the Protestant religion and the laws and liberties of these Kingdoms, and for the securing to them the continual employment of all their rights; to the doing of which we are most earnestly solicited by a great many lords, both spiritual and temporal, and by many gentlemen and other subjects of all ranks.

Therefore it is, that we have thought fit to go over into England, and to carry over with us a force sufficient, by the blessing of God, to defend us from the violence of these evil counsellors. And we, being desirous that our intentions in this matter be rightly understood, have for this end prepared this Declaration, in which as we have hitherto given a true account of the reasons inducing us to it, so we now think fit to declare, that this our expedition is intended for no other design, but to have a free and lawful Parliament assembled, as soon as possible; and that, in order to this, all the late charters by which the election of burgesses is limited, contrary to the ancient custom, shall be considered as null and of no force; and likewise all magistrates, who have been unjustly turned out, shall forthwith reassume their former employments, as well as the boroughs of England shall return again to their ancient prescriptions and charters; and, more particularly, that the charter of the ancient and famous City of London shall again be in force; and that the writs for the Members of Parliament shall be addressed to the proper officers, according to custom; that also none be suffered to choose, or to be chosen, Members of Parliament, but such as are qualified by law; and that the Members of Parliament being thus lawfully chosen, they shall meet and sit in full freedom, that so the two Houses may concur in the preparing [of] such laws, as they upon free and full debate shall judge necessary and convenient, both for confirming and executing the law concerning the Test, and such other laws as are necessary

for the securing and maintenance of the Protestant religion; as likewise for making such laws as may establish a good assurance between the Church of England and the Protestant dissenters, as also for the covering and securing of all such, who will live peaceably under the government as becomes good subjects, from all persecution upon the account of their religion, even papists themselves not excepted,

and for the doing of all things, which the two Houses of Parliament shall find necessary for the peace, honour, and safety of the nation, so that there may be no more danger of the nation's falling at any time hereafter under arbitrary government. To this Parliament we will also refer the enquiry into the birth of the pretended Prince of Wales, and of all things relating to it, and to the right of succession.

And we, for our part, will concur in everything that may procure the peace and happiness of the nation, which a free and lawful Parliament shall determine, since we have nothing before our eyes, in this our undertaking, but the preservation of the Protestant religion, the covering of all men from persecution for the[ir] consciences, and the securing to the whole nation the free enjoyment of all their laws, rights, and liberties, under a just and legal government.

This is the design that we have proposed to ourselves in appearing upon this occasion in arms, in the conduct of which we will keep the forces under our command under all the strictness of martial discipline, and take especial care, that the people of the countries through which we must march shall not suffer by their means: and as soon as the state of the nation will admit of it, we promise that we will send back all those foreign forces that we have brought along with us.

We do, therefore, hope that all people will judge rightly of us, and approve of these our proceedings; but we chiefly rely on the blessing of God for the success of this our undertaking, in which we place our whole and only confidence.

We do in the last place invite and require all persons whatsoever, all the Peers of the Realm, both Spiritual and Temporal, all Lords Lieutenants, Deputy Lieutenants, and all gentlemen, citizens, and other commons of all ranks to come and assist us, in order to the executing of this our design against all such as shall endeavour to oppose us; that so we may prevent all those miseries, which must needs follow upon the nation's being kept under arbitrary government and slavery, and that all the violences and disorders, which have overturned the whole constitution of the English government, may be fully redressed in a free and legal Parliament.

And we do likewise resolve, that, as soon as the nation is brought to a state of quiet, we will take care that a Parliament shall be called in Scotland for restoring the ancient constitution of that Kingdom, and for bringing the matters of religion to such a settlement, that the people may live easy and happy, and for putting an end to all the unjust violences that have been in a course of so many years committed there.

We will also study to bring the Kingdom of Ireland to such a state, that the settlement there may be religiously observed, and that the Protestant and British interest there may be secured. And we will endeavour by all possible means to procure such an establishment in all the three Kingdoms, that they may all live in a happy union and correspondence together; and that the Protestant religion, and the peace, honour, and happiness of these nations may be established upon lasting foundations.

Given under our hand and seal, at our Court in The Hague, the 10th day of October in the year 1688.

William Henry, Prince of Orange

By His Highness's special command,

C. Huygens