The Petition of Right

1627 CHAPTER 1 3 Cha 1

To the kings most Excellent Majestie.
Humbly shew unto our Soveraigne Lord the King the Lords Spirituall and Temporall and Co[m]mons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the tyme of the Raigne of King Edward the first co[m]monly called Statutum de Tallagio non concedendo, That no Tallage or Ayde should be layd or levyed by the King or his Heires in this Realme without the good will and assent of the Archbishopps Bishopps Earles Barons Knights Burgesses and other the Freemen of the Co[m]monaltie of this Realme, And by Authoritie of Parliament holden in the five and twentith yeare of the raigne of King Edward the third, it is declared and enacted, That from thenceforth no p[er]son should be compelled to make any Loanes to the King against his will because such Loanes were against reason and the franchise of the Land, And by other Lawes of this Realme it is p[ro]vided, that none should be charged by any charge or Imposicion called a Benevolence nor by such like Charge by which the Statutes before mencioned and other the good Lawes and Statutes of this Realme your Subjects have inherited this Freedome That they should **[**[X1]not**]** be compelled to contribute to any Taxe Tallage Ayde or other like Charge not sett by co[m]mon consent in Parliament.

II. **and that Commissions have of late issued on which Proceedings have been had contrary to Law.**

Yet neverthelesse of late divers Co[m]missions directed to sundry Co[m]missioners in severall Counties with Instruccions have issued, by meanes whereof your people have been in divers places assembled and required to lend certaine so[m]mes of mony unto your Majestie, and many of them uppon their refusall soe to doe have had an Oath administred unto them not warrantable by the Lawes or Statutes of this Realme and have been constrayned to become bound to make apparance and give attendance before your Privie Councell and in other places; and others of them have been therefore imprisoned confined and sondry other waies molested and disquieted And divers other charges have been laid and levied upon your people in severall Counties by Lord Lieuten'nts Deputie Lieuten'nts Co[m]missioners for Musters Justices of Peace and others by Co[m]and or Direccion from your Majestie or your Privie Councell against the Lawes and free Customes of the Realme.

III. **Reciting 9 Hen. III. M.C. c. 29.**

And where alsoe by the Statute called The great Charter of the Liberties of England, It is declared and enacted, That no Freeman may be taken or imprisoned or be disseised of his Freehold or Liberties or his free Customes or be outlawed or exiled or in any manner destroyed, but by the lawfull Judgment of his Peeres or by the Law of the Land.

IV. **28 Edw. III. c. 3.**

And in the eight and twentith yeere of the raigne of King Edward the third it was declared and enacted by authoritie of Parliament, that no man of what estate or

condicion that he be, should be put out of his Land or Tenements nor taken nor imprisoned nor disherited nor put to death without being brought to aunswere by due p[ro]cesse of Lawe.

V. and that divers Subjects have been imprisoned without Cause shewn, or Cause of Detainer certified;

Neverthelesse against the tenor of the said Statutes and other the good Lawes and Statutes of your Realme to that end p[ro]vided, divers of your Subjects have of late been imprisoned without any cause shewed: And when for their deliverance they were brought before your Justices by your Majesties Writts of Habeas corpus there to undergoe and receive as the Court should order, and their Keepers co[m]maunded to certifie the causes of their detayner, no cause was certified, but that they were deteined by your Majesties speciall co[m]maund signified by the Lords of your Privie Councell, and yet were returned backe to severall prisons without being charged with any thing to which they might make aunswere according to the Lawe.

VI. and that Soldiers have been dispersed in divers Counties, and Inhabitants compelled to receive them.

And whereas of late great Companies of Souldiers and Marriners have been dispersed into divers Counties of the Realme, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourne against the Lawes and Customes of this Realme and to the great greivance and vexacion of the people.

VII. 25 E. III.

and that Commissions have issued under the Great Seal for Proceedings according to Martial Law.

And whereas alsoe by authoritie of Parliament in the five and twentith yeare of the Raigne of King Edward the third it is declared and enacted that no man should be forejudged of life or limbe against the forme of the Great Charter and the Lawe of the Land, And by the said Great Charter, and other the Lawes and Statutes of this your Realme no man ought to be adjudged to death but by the Lawes established in this your Realme, either by the customes of the same Realme or by Acts of Parliament. And whereas no offendor of what kinde soever is exempted from the p[ro]ceedings to be used and punishments to be inflicted by the Lawes and Statutes of this your Realme, Neverthelesse of late **[**^{X2}tyme**]** divers Co[m]missions under your Majesties great Seale have issued forth, by which certaine p[er]sons have been assigned and appointed Co[m]missioners with power and authoritie to p[ro]ceed within the land according to the Justice of Martiall Lawe against such Souldiers or Marriners or other dissolute p[er]sons joyning with them as should co[m]mitt any murther robbery felony mutiny or other outrage or misdemeanor whatsoever, and by such su[m]mary course and order as is agreeable to Martiall Lawe and as is used in Armies in tyme of warr to p[ro]ceed to the tryall and condemnacion of such offenders, and them to cause to be executed and putt to death according to the Lawe Martiall.

By p[re]text whereof some of your Majesties Subjects have been by some of the said Co[m]missioners put to death, when and where, if by the Lawes and Statuts of the land they had deserved death, by the same Lawes and Statuts alsoe they might and by no other ought to have byn judged and executed.

And alsoe sundrie greivous offendors by colour thereof clayming an exempcion have escaped the punishments due to them by the Lawes and Statutes of this your Realme,

by reason that divers of your Officers and ministers of Justic[e] have unjustlie refused or forborne to p[ro]ceed against such Offendors according to the same Lawes and Statutes uppon p[re]tence that the said offendors were punishable onelie by Martiall law and by authoritie of such Co[m]missions as aforesaid. Which Co[m]missions and all other of like nature are wholly and directlie contrary to the said Lawes and Statutes of this your Realme.

~~VIII. The Petition.~~

They doe therefore humblie pray your most Excellent Majestie, that no man hereafter be compelled to make or yeild any Guift Loane Benevolence Taxe or such like Charge without co[m]mon consent by Acte of Parliament, And that none be called to make aunswere or take such Oath or to give attendance or be confined or otherwise molested or disquieted concerning the same or for refusall thereof. And that no freeman in any such manner as is before mencioned be imprisoned or deteined. And that your Majestie would be pleased to remove the said Souldiers and Mariners and that your people may not be soe burthened in tyme to come. And that the aforesaid Co[m]missions for p[ro]ceeding by Martiall Lawe may be revoked and annulled. And that hereafter no Co[m]missions of like nature may issue forth to any p[er]son or p[er]sons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesties Subjects be destroyed or put to death contrary to the Lawes and Franchise of the Land.

All which they most humblie pray of your most Excellent Majestie as their Rights and Liberties according to the Lawes and Statutes of this Realme, And that your Majestie would alsoe vouchsafe to declare that the Awards doings and p[ro]ceedings to the p[re]judice of your people in any of the p[re]misses shall not be drawen hereafter into consequence or example. And that your Majestie would be alsoe graciouslie pleased for the further comfort and safetie of your people to declare your Royall will and pleasure, That in the things aforesaid all your Officers and Ministers shall serve you according to the Lawes and Statutes of this Realme as they tender the Honor of your Majestie and the prosperitie of this Kingdome.

Qua quidem Petic[i]oe al[ia]ca & plenius intettca p[er] Dem Regem talit[er] est responsum in pleno Parliamento videal[ia]st. R°. Soit droit fait come est desire.