

will secure Men from all Degrees of Oppression. Violence, and Injustice; it tells the Magistrate what he has to do, and leaves him little Room, to gratify his own Passion, and Resentment, at the Expence of his Fellow-Subject. It suits the Degrees of Pun-

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(1) I. Inst. 142.

p.5 ishment, to the Nature and Degrees of Offences, with a due Regard to the Circumstances of Aggravation and Extenuation; as well as to the Frailties and Infirmities of Human Nature. 'Twas of this Law, that it was truly said, by an honest, bold Patriot, an hundred Years since, in Parliament; "Our Laws, which are the Rules of Justice, are the Ne plus ultra, to King, and Subject; and as They are the Hercules Pillars, so are they the Pillar to every Hercules, to every Prince, which He must not pass. (2)

It was upon the Foundation of this Law, that it was resolved in the House of Commons, in March, 1628, *Nemine contradicente*,

I. "That no Freeman ought to be detained, or kept in Prison, or otherwise restrained, by command of the King, or of the Privy Council, or any Other, unless some Cause of the Commitment, Detainer, or Restraint, being express'd. for which, by Law, He ought to be committed, detained, or restrained.

II. "That the Writ of Habeas Corpus, may not be denied; but ought to be granted to every Man, that is committed, or detained in Prison, or otherwise restrained, though it be by command of the King, the Privy Council, or any other; He praying the same.

III. "That if a Freeman be committed, or detained in Prison, or otherwise restrained, by the Command of the King, the Privy Council, or any other; no Cause of such Commitment, Detainer, or Restraint being expressed, for which by Law, he ought to be committed, detained, or restrained; and the same be returned, upon a Habeas Corpus granted for the said Party; then He ought to be delivered or bailed.

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(2) Mr. Creswell's Speech, March, 1627; Rushworth's Collections, Vol. 1, p. 506.

p.6 "That it is the antient, and indubitable Right of every Freeman, that He hath full and absolute Property, in his Goods and Estate; that no Tax, Tallage, Loan, Benevolence, or other like Charge,