

## Petition of Right (1628)

Dieses Dokument ist noch in Bearbeitung. Die Petition of Right ist ein englisches Gesetz, dem Karl I im Jahre 1629 zugestimmt hat. Es ist von der Verfassungsurkunde "[Bill of Rights \(1689\)](#)" zu unterscheiden.

Ein [Abdruck](#) des Textes findet sich in *Samuel R. Gardiner (Hrsg.): The Constitutional Documents of the Puritan Revolution 1628-1660*, Oxford 1889, S. 1-5.

Einige Auszüge gibt es als [Unterrichtsfassung](#) mit deutscher Übersetzung.

The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's royal answer thereunto in full Parliament.

To the King's Excellent Majesty,

1. Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward I., commonly called Statutum de Tallagio non Concedendo, that no tallage or aid shall be laid or levied by the king or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm; and by authority of Parliament holden in the 25th year of the reign of King Edward III., it is declared and enacted, that from thenceforth no person should be compelled to make any loans to the king against his will, because such loans were against reason and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition called a benevolence, nor by such like charge; by which statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge not set by common consent, in Parliament.

2. Yet nevertheless of late divers commissions directed so sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound and make appearance and give utterance before your Privy Council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty, or your Privy Council, against the laws and free customs of the realm.

3. And whereas also 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 customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgement of his peers, or by the law of the land.

4. And in the 28th year of reign of King Edward III., it was declared and enacted by authority of Parliament, that no man, of what estate or condition 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 answer by due process of law.

5. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed; and when of their deliverance they were brought before your justices by your Majesty's writs of Habeas corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might take answer according to the law.

6. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them so sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people.

7. And whereas also by authority of Parliament, in the 25th year of the reign of King Edward III., it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter and the law of the land; and by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm. Either by the customs of the same realm, or by acts of parliament; and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

8. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they

had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed.

9. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborne to proceed against such offenders according to the same laws and statutes upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid, which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

10. They do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by act of Parliament; and that none be called to make answer, or take such oath, or give attendance, or be confined, or otherwise molested or disquieted concerning the same or for refusal thereof, and that no freeman, in any such manner as is before mentioned, be imprisoned or detained; and that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be burdened in time to come; and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death contrary to the laws and franchise of the land.

11. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, that the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.

Qua Quidem petitione lecta eet plenus intellecta per dictum dominum regem taliter est responsum in pleno parlamento, viz. Soit droit fait comme est desiré.

## Petition of Right (1628)

Der vollständige Titel des Dokuments lautet: The Petition exhibited to His Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's Royal Answer thereunto in full Parliament.

To the King's Most Excellent Majesty. Humbly show unto our Sovereign Lord the King, the Lords [...] in Parliament assembled, that whereas [...] no tallage or aid shall be laid or levied by the King [...] and] no person shall be compelled to make any loans to the King against his will [...]

Yet nevertheless, of late divers commissions directed to sundry Commissioners in several counties with instructions have issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty [...]

And where also [...] it is declared and enacted, that no freeman may be taken or imprisoned or be disseised of his freeholds or liberties [...]

Nevertheless [...] divers of your subjects have of late been imprisoned without any cause showed, and [...] no cause was certified, but that they were detained by your Majesty's special command [...]

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses [...]

They do therefore humbly pray your Most Excellent Majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament; [...]

and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained;

and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; [...]

All which they most humbly pray of your Most Excellent Majesty, as their rights and liberties according to the laws and statutes of this realm: [...]

An des Königs höchste Majestät. In aller Bescheidenheit unterbreiten unserem souveränen Herrn, dem König, die im Parlament versammelten Lords [...], dass obgleich [...] keine Zölle und Abgaben vom König auferlegt oder erhoben werden sollten [...] und] niemand gezwungen werden sollte, gegen seinen Willen dem König irgendwelche Darlehen zu geben [...]

gleichwohl wurden kürzlich verschiedene Aufträge an Kommissare in mehreren Landkreisen erteilt mit Anweisungen, wonach das Volk an diversen Orten versammelt und gezwungen wurde, bestimmte Summen Geldes an ihre Majestät zu leihen [...]

Und obgleich auch [...] geregelt und in Kraft gesetzt ist, dass kein freier Mann verhaftet oder inhaftiert oder seiner Güter und Freiheiten beraubt werden dürfe [...]

gleichwohl [...] wurden in jüngerer Zeit mehrere eurer Untertanen ohne Begründung eingesperrt und [...] es wurde kein Grund dargelegt, ausser dass sie inhaftiert seien aufgrund eurer Majestät besonderen Befehl [...]

Und da jüngst grosse Einheiten von Soldaten und Matrosen ausgesandt wurden in verschiedene Landkreise des Reichs und die Einwohner gegen ihren Willen genötigt wurden, diese in ihre Häuser aufzunehmen [...]

Darum bitten sie eure höchste Majestät, dass fortan kein Mann mehr gezwungen werden möge, ein Geschenk, eine Leihe, Spende, Steuer oder ähnliche Abgabe zu machen oder zu überlassen ohne die allgemeine Zustimmung durch Parlamentsgesetz; [...]

und dass kein freier Mann in irgendeiner der zuvor erwähnten Weisen eingesperrt oder gefangen gehalten werde;

und dass eure Majestät freundlichst die besagten Soldaten und Matrosen entfernen möge, damit Euer Volk in Zukunft nicht so belastet werde; [...]

Dies alles erbitten sie in aller Bescheidenheit von ihrer höchsten Majestät als ihre Rechte und Freiheiten gemäss den Gesetzen und Statuten dieses Reiches: [...]

## PART I.

### FROM THE PETITION OF RIGHT TO THE MEETING OF THE LONG PARLIAMENT.



#### 1. THE PETITION OF RIGHT.

[June 7, 1628. 3 Car. I, cap. I. Statutes of the Realm, v. 23. See  
*Hist. of Engl.* vi. 274-309.]

*The Petition exhibited to His Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's Royal Answer thereunto in full Parliament.*

To the King's Most Excellent Majesty.

Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, commonly called, *Statutum de Tallagio non concedendo*<sup>1</sup>, that no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonalty of this realm : and by authority of Parliament holden in the five and twentieth year of the reign of King Edward the Third<sup>2</sup>, it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land ; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, or by such like charge<sup>3</sup>, by which the statutes before-mentioned, and other the good

<sup>1</sup> This is now held not to have been a statute. See Stubbs, *Const. Hist.* (ed. 1875), ii. 143, *Select Charters*, p. 87.

<sup>2</sup> I have failed to discover this statute.

<sup>3</sup> In 1484, 1 Ric. III. c. 2.

laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in Parliament :

Yet nevertheless, of late divers commissions directed to sundry Commissioners in several counties with instructions have issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do, have had an oath administered unto them, not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted : and divers other charges have been laid and levied upon your people in several counties, by Lords Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace and others, by command or direction from your Majesty or your Privy Council, against the laws and free customs of this realm :

And where also by the statute called, 'The Great Charter of the Liberties of England<sup>1</sup>,' it is declared and enacted, that no freeman may be taken or imprisoned or be dis-seised of his freeholds or liberties, or his free customs, or be outlawed or exiled ; or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land :

And in the eight and twentieth year of the reign of King Edward the Third<sup>2</sup>, it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law :

Nevertheless, against the tenor of the said statutes<sup>3</sup>, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause showed, and when for their deliverance they were brought before your Justices, by your Majesty's writs of Habeas Corpus, there to undergo and receive as the Court should order, and their keepers commanded to certify the causes of their detainer ; no cause

<sup>1</sup> 9 Hen. III. 29.

<sup>2</sup> 28 Ed. III. 3.

<sup>3</sup> 37 Ed. III. 18 ; 38 Ed. III. 9 ; 42 Ed. III. 3 ; 17 Ric. II. 6.

was certified, but that they were detained by your Majesty's special command, signified by the Lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law :

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people :

And whereas also by authority of Parliament, in the 25th year of the reign of King Edward the Third<sup>1</sup>, it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter, and the law of the land : and by the said Great Charter and other the laws and statutes of this your realm<sup>2</sup>, no man ought to be adjudged to death ; but by the laws established in this your realm, either by the customs of the same realm or by Acts of Parliament : and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm : nevertheless of late divers commissions under your Majesty's Great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law martial :

By pretext whereof, some of your Majesty's subjects have been by some of the said Commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been, adjudged and executed :

And also sundry grievous offenders by colour thereof,

<sup>1</sup> 25 Ed. III. 9.

<sup>2</sup> 9 Hen. III. 29 ; 25 Ed. III. 4 ; 28 Ed. III. 3.

claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid, which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm :

They do therefore humbly pray your Most Excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament ; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof ; and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained ; and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come ; and that the foresaid commissions for proceeding by martial law, may be revoked and annulled ; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.

All which they most humbly pray of your Most Excellent Majesty, as their rights and liberties according to the laws and statutes of this realm : and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example : and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.

[Which Petition being read the 2nd of June 1628, the King's answer was thus delivered unto it.

The King willeth that right be done according to the laws and customs of the realm ; and that the statutes be put in due execution, that his subjects may have no cause to com-

plain of any wrong or oppressions, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative.

On June 7 the answer was given in the accustomed form, *Soit droit fait comme il est désiré.*]

## 2. THE REMONSTRANCE AGAINST TONNAGE AND POUNDAGE.

[June 25, 1628. Rushworth, i. 628. See *Hist. of Engl.* vi. 323.]

Most Gracious Sovereign, your Majesty's most loyal and dutiful subjects, the Commons in this present Parliament assembled, being in nothing more careful than of the honour and prosperity of your Majesty, and the kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your people, do with much sorrow apprehend, that by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majesty hath determined to end this Session, they cannot bring to maturity and perfection divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good: amongst other things they have taken into especial care the preparing of a Bill for the granting of your Majesty such a subsidy of Tonnage and Poundage, as might uphold your profit and revenue in as ample a manner as their just care and respect of trade (wherein not only the prosperity, but even the life of the kingdom doth consist) would permit: but being a work which will require much time, and preparation by conference with your Majesty's officers, and with the merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: wherefore considering it will be much more prejudicial to the right of the subject, if your Majesty should continue to receive the same without authority of law, after the determination of a Session, than if there had been a recess by adjournment only, in which case that intended grant would have related to the first day of the Parliament; and assuring themselves that your Majesty is resolved to observe that your royal answer, which you have lately made to the Petition of Right of both Houses of Parliament; yet doubting lest your Majesty may be misinformed concerning this particular case, as if you might continue to take those subsi-