ACTIVITY 1.3: THE LANDMARK ENGLISH DOCUMENTS

EXCERPTS FROM THE MAGNA CARTA (1628)

1. [W]e . . . confirm by this our present Charter in perpetuity for us and our heirs forever that the English Church shall be free and shall have her whole rights and her liberties inviolable [secure from harm] . . .

9. Neither we nor our bailiffs shall seize any land or rent for any debt while the chattels [possessions] of the debtor are sufficient for the payment of debt . . .

12. No scutage [tax] or aid [subsidy] shall be imposed in our kingdom, unless by the common counsel of our kingdom . . .

14. And also to have the common council of the kingdom to assess and aid . . . and for the assessing of scutages, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons . . . And besides, we will cause to be summoned . . . all those who hold of us in chief, at a certain day . . . and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who have been summoned have not come . . .

39. No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

40. To none will we sell, to none will we deny, to none will we delay right or justice.

41. All merchants shall have safety and security in coming into England, and going out of England, and in staying and in traveling through England . . . to buy and sell, . . . excepting in the time of war, and if they be of a country at war against us . . .

42. It shall be lawful to any person . . . to go out of our kingdom, and to return safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom . . .

52. If any have been disseised [deprived] or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them . . .

63. Wherefore our will is . . . that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions . . . fully and entirely, to them and their heirs, . . . in all things and places forever.

EXCERPTS FROM THE PETITION OF RIGHT (1628)

The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning diverse Rights and Liberties of the Subjects . . .

X. 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 would 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 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 color of them any of your Majesty’s subjects be destroyed or put to death contrary to the laws and franchise of the land.

EXCERPTS FROM THE ENGLISH BILL OF RIGHTS (1689)

. . . [T]he Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation . . . declare

That the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

Questions

Answer on a separate sheet of paper.
1. What protections did each landmark document ensure?
2. What rights did each landmark document guarantee?
3. The English Bill of Rights and The Petition of Right guarantee many of the same rights and protections as the Magna Carta. Why do you think it was necessary to restate the same guarantees in later documents?