

“Lands, Tenements, Hereditaments, Goods, or Chattels, of any of the Subjects of this Kingdom; but that the same, ought to be tryed, and determined, in the ordinary Courts of Justice, and by the ordinary Course of the Law.” * Great Officers transgressing this Law, are liable to severe Penalties.

The Preamble to the Habeas Corpus Act, shews, what Shifts, and Evasions, were used, to elude the Force of the Laws, that were instituted, to secure the Subject's Liberty: the Words

(*) 16 Car. c. 10.

D. 17 are: “Whereas, great Delays have been used, by Sheriffs, Goalers, and other Officers; to whose Custody, any of the King's Subjects, have been committed, for criminal, or supposed criminal Matters; in making Returns, of Writs of Habeas Corpus, to them directed; by standing out an Alias, Pluries Habeas Corpus; and sometimes more, and by other Shifts, to avoid their yielding Obedience to such Writs; contrary to their Duty, and the known Laws of the Land; whereby many of the King's Subjects, have been, and hereafter may be, long detained in Prison, in such Cases, where by the Law they areailable; to their great Charges and Vexation. (I) Therefore, Provision is made, to oblige all Officers to perform their Duty, and to punish such as shall not do so. There is no Part of the Royal Prerogative, abridged, or retrenched by these Statutes; no new Liberties, or Priviledges are granted to the Subject. Here are ample, and large Declarations in Parliament, of the Subject's Rights; loud Complaints of the Violation of those Rights: The Rights, themselves, confirmed; and the knavish Chicanes, and crafty Inventions, that were introduced to deprive the Subject of his Rights, are abolished; and more easy, plain, and direct Ways, for the Subject, to come at the Benefit of Laws, established in their Room.

By the first Act for settling the Succession of the Crown, a Parliamentary Declaration, of the Rights, and Liberties of the Subject, was thought necessary; not because the Subject had forfeited his Rights, and Liberties; or demanded new: But because, those that antiently belonged to him, had been invaded, and violated.*

From what hath been said, it is evident: that the English Subject, had very ample Rights, and Priviledges, by the Common Law: and it is manifest by the several Statutes already mentioned;

(I) 3: Car. 2. C. 2. (*) 1 W. & M. C. 2.