

illegal and void

### **Division 2—Habeas corpus**

[1640] 16 Charles I c. X

An Act for the regulating of the privy council, and for taking away the court commonly called the star-chamber:-

- (1) Whereas by the great charter many times confirmed in parliament, it is enacted, that no freeman shall be taken or imprisoned, or disseised of his freehold or liberties or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him, or condemn him; but by lawful judgement of his peers, or by the law of the land, and
- (2) By another statute made in the fifth year of the reign of King Edward the Third, it is enacted, that no man shall be attached by any accusation, nor forejudged of life or limb, nor his lands, tenements, goods or chattels seized into the King's hands, against the form of the great charter and the law of the land, and
- (3) By another statute made in the eight and twentieth year of the reign of the same King Edward the Third, it is amongst other things enacted, that no man of what estate or condition forever he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, without being brought in to answer by due process of law, and
- (4) By another statute made in the two and fortieth year of the reign of the said King Edward the Third, it is enacted, That no man be put to answer, without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land, and if any thing be done to the contrary, it shall be void in law, and holden for error:

### **Division 3—Justice and liberty Freedom)**

[1297] 25 Edward I (Magna Carta) c. XXIX

No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties or free customs, or be outlawed or exiled, or any other wise destroyed; nor will we pass upon him, nor condemn him, but by lawful judgement of his peers, or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right.

#### **[1351-2] 25 Edward III St. V c. IV**

Item, whereas it is contained in the great charter of the franchises of England that one shall be imprisoned nor put out of his freehold, nor of his franchises nor free custom, unless it be by the law of the land; it is accorded assented, and stablished, that from henceforth none shall be taken by petition or suggestion made to our Lord the King, or to his council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ original at the common law; nor that none be out of his franchises, nor of his freeholds, unless he be duly brought into answer, and forejudged of the same by the course of the law; and if any thing be done against the same, it shall be redressed and holden for none.

#### **[1354] 28 Edward III c. III**

Item, that no man of what estate or condition that he be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law.

#### **[1368] 42 Edward III c. III**

. . . It is assented and accorded, for the good governance of the commons, that no man be put to answer without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land; And it any thing from henceforth be done to the contrary, it shall be void in the law and holden for error.