

P-14 such as our Statutes, to oblige Men, to comply with, what the Love of Justice would not, but the Fear of Punishment, might induce them to comply with, and to punish the Disobedient, and Refractory. All which have been found by Experience, to be little enough, to keep Ill Men, in Order; or secure Good Men, from Violence, and Oppression. This hath been the Case, in England itself; A Nation, that has abounded, with Men of great Abilities, great Interest, and opulent Fortunes; that were Patrons of Liberty, Lovers of Justice, and such as preferr'd the Good of their Country to All their own particular Concerns: And that were therefore, Checks to Oppressors, and Violators of Laws, and the Rights of Mankind: Yet the Virtue, Resolution, and Endeavours of these Worthies, were not sufficient, to secure themselves, or their Fellow Subjects, in the Enjoyment of their Rights and Liberties; or the Law, from being polluted by Ill Men, in Authority; or turn'd to the Destruction of the Best, for opposing the Ruin of their Country. That this, hath often been the Case in England, everybody knows, who is at all acquainted with its History; and I believe it has been so, in all other Nations. Such calamitous Circumstances, were not to be born, by a Free-People, who were possessed of the Means, to provide for their own Safety.

Magna Charta was made, which as all eminent Lawyers agree, is, and indeed, by the Words of it, appears to be, A Declaration of the Common-Law: † The 29th Chapter is not long, and ought to be read by every Body, and (in my humble Opinion,) taught to Children, with their first Rudiments; the Words of it are, "No Freeman shall be taken, or imprisoned, or disseised of his Frechold, or Liberty, or free Customs; or outlawed, or exiled, or any way destroyed: Nor (says the King) will we pass sentence upon him, but by lawful judgment of his peers or by the law of the land:"

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† I Inst. 81.

P-15 "To None will we sell; To None will we deny; To None will we defer Justice, or Right." If new Rights, or Liberties were granted, they would be particularly granted; and there would be no Occasion to refer to the Laws of the Land.

By another Statute, Subsequent to Magna Charta, it is provided "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 into answer, by due Process of Law." (a) This Statute, directs no new Process of Law; and enacts over again, what seems to have been provided for,

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(a) 28 Edw. 3, cap. 3.