excerpt from*True Law of Free Monarchies*, 1598

by James I of England (aka James VI of Scotland)

THE KINGS THEREAFTER in Scotland were before any estates or ranks of men within the same, before any Parliaments were held or laws made; and by them was the land distributed (which at the first was wholly theirs), states (created), and forms of government devised and established. And it follows of necessity that the Kings were the authors and makers of the laws and not the laws of the Kings. . . . And according to these fundamental laws already alleged, we daily see that in the Parliament (which is nothing else but the head court of the King and his vassals) the laws are but craved by his subjects, and only made by him at their rogation (request) and with their advice. For even though the King made daily statutes and ordinances, enjoining such pains as he thinks meet, without any advice of Parliament or Estates, yet it lies in the power of no Parliament to make any kind of law or statute without his sceptre be to it for giving it the force of a law. . . . And as ye see it manifest that the King is overlord of the whole land, so is he master over every person that inhabited the same, having power over the life and death of every one of them. For although a just prince will not take the life of any of his subjects without a clear law, yet the same laws whereby he take them are made by himself or his predecessors, and so the power flows always from himself, as by daily experience we see good and just princes will from time to time make new laws and statutes, adjoining the penalties to the breakers, which before the law was made had been no crime to the Subject to have committed. Not that I deny the old definition of a King and of a law which makes the King to be a speaking law and the law a dumb King; for certainly a King that governs not by his law can neither be countable to God for his administration nor have a happy and established reign. For albeit it be true, that Ihave at length proved, that the King is above the law as both the author and giver of strength, yet a good King will not only delight to rule his subjects by the law, but even will conform himself in his own actions; always keeping that ground, that the health of the commonwealth be his chief law.

**Source:**

James I, "True Law of Free Monarchies," as reprinted in J. R. Tanner, Constitutional

Documents of the Reign of James I 1602-1625 (1930), p 187.

What is James argument?

excerpt from*The Petition of Rights*, 1628

Submitted by the Parliament of England to Charles I, King of England

To the King's Most Excellent Majesty,

We 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 *Stratutum de Tellagio 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 five-and-twentieth 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:

II. 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 been constrained to . . . 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. . . .

III. 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 disseized of his freehold 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. . . .

V. 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 whereas of late great companies of soldiers and mariners have been dispersed into divers counties of this realm, and the inhabitants, against their will, 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. . . .

X. They [Parliament] do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any loan, gift, 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.

XI. 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 honor of your Majesty, and the prosperity of this kingdom.

**Source:**

Robinson , James Harvey, *Readings in European History*, Boston: Ginn & Company,

1906 , 2 vols, 2: 221-223.

What is Parliament asking of Charles I?