

DEFINING THE PREROGATIVE I

The Case of Proclamations and the Star Chamber Decree

Nullus liber homo capiatur, vel imprisonetur, aut disseisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum vel per legem terrae.

Nulli Vendemus, nulli Negabimus aut differemus rectum aut iusticiam.

Magna Carta - Art. 29 Of the 1225 Reissue

No freeman shall be arrested or imprisoned or disseised or outlawed or exiled or in any other way harmed. Nor will we proceed against him, or send others to do so, except according to the lawful judgment of his peers and according to the law of the land.

To no one will we sell, to no one will we refuse or delay, right or justice.



FRVDENA CNI PATIENS

ÆTATIS SVÆ . 41 .
AN. D. 1534

LONDINIE
CUIUS ADVOCATVS
SOLICITATOR
GENERALIS DOCTOR
REGIÆ RECTOR
ET PROLOCUTOR
PARLIAMENTI 20
FEBRUARII 1534
ANNO REGNI
REGINÆ ELIZABETHÆ
3^æ.

Given by His Descendant Thomas William Coke Esq. 1804.



King James on Law and Equity from his "*Basilikon Doron*".

"For albeit be true that I have at length proved that the king is above the law, as both author and giver of strength thereto; yet a good king will not only delight to rule his subjects by the law, but even will conform himself in his own actions thereunto, always keeping that ground, that the health of the commonwealth be his chief law; and where he sees the law doubtsome or rigorous, he may interpret or mitigate the same, lest otherwise summa ius be summa iniuria: and therefore general laws, made publicly in Parliament, may upon known respects to the king by his authority be mitigated, and suspended upon causes only known to him."



The Star Chamber Decree

“For as much as Mercy and Justice be the true Supporters of our Royal Throne, and that it properly belongeth unto us in our Princely Office to take Care and provide that our Subjects have equal and indifferent Justice ministered unto them: And that where their Case deserveth to be relieved in Course of Equity by a Suit in our Court of Chancery, they should not be abandoned and exposed to perish under the Rigour and Extremity of our Laws, We in our Princely Judgment having well weighed and with mature Deliberation considered the several Reports of our learned Counsel ... do will and command that our Chancellor ... shall not hereafter desist to give unto our Subjects, upon their several complaints now or hereafter to be made, such Relief in Equity (notwithstanding any Proceedings at the Common Law against them) as shall stand with the Merit and Justice of their Cause.”

DEFINING THE PREROGATIVE II

The Forced Loan, The Five Knights Case
and the Petition of Right





Writ of Habeas Corpus

- Elizabeth The Second, by the Grace of God etc.

- To the Governor of Our Prison

Greeting:

- We command you that you have in the Queen's Bench Division of our High Court of Justice at the Royal Courts of Justice, Strand, London, on the day and at the time specified in the notice served with this writ, the body of A.B being taken and detained under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called therein, that Our Court may then and there examine and determine whether such cause is legal, and have you there then this writ.

- Witness Lord Chancellor of Great Britain

- The day of 2011



