

Human Rights Submissions Extract

With regards to the present submissions on individual human rights, the great Magna Carta 1297 contains passages directly relevant. In the British Common Law jurisdictions, in particular the Commonwealth of Australia, the Imperial Acts, including but not limited to the Magna Carta or Magna Charta or Edward I 1297 as it is alternately named, is current law in operation, pursuant to the Australian High Court Ruling of Mabo 2 (2000).

Following are the paragraphs quoted from the Magna Carta 1297 which are directly relevant to this submission:

Know ye that we, unto the honour of Almighty God, and for the salvation of the souls of our progenitors and successors, Kings of England, to the advancement of holy Church, and amendment of our Realm, of our meer and free will, have given and granted to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, and to all freemen of this our realm, these liberties following, to be kept in our kingdom of England for ever.

[1] First, We have granted to God, and by this our present Charter have confirmed, for us and our Heirs for ever, That the Church of England shall be free, and shall have her whole rights and liberties inviolable. We have granted also, and given to all the freemen of our realm, for us and our Heirs for ever, these liberties underwritten, to have and to hold to them and their Heirs, of us and our Heirs for ever.

[14] A Freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his

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contenement; and a Merchant likewise, saving to him his Merchandise; and any other's villain than ours shall be likewise amerced, saving his wainage, if he falls into our mercy. And none of the said amerciaments shall be assessed, but by the oath of honest and lawful men of the vicinage. Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. No man of the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay- tenement, and after the quantity of his offence.

[28] No Bailiff from henceforth shall put any man to his open Law, nor to an Oath, upon his own bare saying, without faithful Witnesses brought in for the same.

[29] 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 otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment 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.

[30] All Merchants (if they were not openly prohibited before) shall have their safe and sure Conduct to depart out of England, to come into England, to tarry in, and go through England, as well by Land as by Water, to buy and sell without any manner of evil Tolts, by the old and rightful Customs, except in Time of War. And if they be of a land making War against us, and such be found in our Realm at the beginning of the Wars, they shall be attached without harm of body or goods, until it be known unto us, or our Chief Justice, how our Merchants be intreated there in the land making War against us; and if our Merchants be well intreated there, theirs shall be likewise with us.

There are other relevant extracts from the Magna Carta 1297 which shall be addressed later. 3.3