

4. *No Man exiled*, that is, Banish'd, or forced to depart or stay out of *England* without his consent. By the Law of the Land, no Man can be Exiled or Banished out of his Native Country, but either by Authority of Parliament, or in Case of Abjuration for Felony by the Common Law: And so when our Books, or any Record, speak of Exile, or Banishment, other than in case of Abjuration, it is to be intended to be done by Authority of Parliament, as *Belknap* and other Judges, &c. banished into *Ireland*, in the Reign of *Richard* the II.

This is a Beneficial Law, and is construed benignly; and therefore the King cannot send any Subject of *England* against his Will, to serve him out of this Realm, for that should be an Exile, and he should *perdere Patriam*: No, he cannot be sent against his Will into *Ireland*, to serve the King or his Deputy there, because it is out of the Realm of *England*: For if the King might send him out of his Realm to any Place, then under pretence of Service, as Ambassador or the like, he might send him unto the farthest part of the World, which being an Exile, is prohibited by this Act.

5. *No Man destroyed*, that is, fore-judged of Life or Limb, or put to Torture, or Death, every Oppression against Law, by colour of any usurped Authority, is a kind of Destruction. And the Words *Aliquo modo* (any otheewise) are added to this Verb *destroyed*, and to no other Verb in this Chapter, and therefore all things, by any manner of means, tending to Destruction, are prohibited; as if a Man be accused or indicted of Treason or Felony, his Lands or Goods cannot be granted to any, no not so much as by Promise, nor any of his Lands or Goods seized into the King's Hands before he is attainted; for when a Subject obtaineth a Promise of the Forfeiture, many times undue Means, and more violent Prosecution is used for private Lucre, tending to Destruction, than the quiet and just Proceeding of the Law would permit, and the Party ought to live of his own until Attainder.

6. *By lawful Judgment of his Peers*, that is, by Equals, Men of his own Rank and Condition. The general Division of Persons, by the Law of *England*, is either *one that is Noble*, and in respect of his Nobility of the Lords House of Parliament, or *one of the Commons*, and in respect thereof, of the House of Commons in Parliament. And as there be divers degrees in Nobility, as Dukes, Marquesses, Earls, Viscounts and Barons, and yet all of them are comprehended under this Word *Peers*, and are Peers of the Realm:

So