



Written by [Joe Wolverton, II, J.D.](#) on June 6, 2023

The Petition of Right of 1628: A Forgotten Cornerstone of Our Constitution

Three hundred and ninety-five years ago this week, one of the most important documents in the history of the creation of the United States Constitution became law, though today there are few who have heard it taught. That seminal statute is the [Petition of Right of 1628](#). This is my humble attempt to restore its rightful position as a revered and *read* piece of constitutional history.

The Petition of Right of 1628 stands as a significant milestone in the development of English constitutional history. A response to the arbitrary and despotic rule of King Charles I, this document reasserted ancient and fundamental rights and liberties, solidifying the power of Parliament and shaping the future of government in England and her colonies.



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The early 17th century witnessed a struggle for power between the monarchy and Parliament in England. King Charles I sought to exercise absolute authority, often ignoring Parliament and levying burdensome taxes to increase his and his courtiers' personal revenue. Dissatisfaction with the king's autocratic rule reached a tipping point, prompting Parliament to assert its authority under the ancient constitution and challenge the monarch's power by standing as a bulwark between a tyrannical ruler and the people of his kingdom. Ultimately, the Petition of Right emerged as a key response to the abuses of the Crown and the oppression of the people.

The Petition of Right, formally presented to Charles I on May 26, 1628, sought to restore and safeguard fundamental liberties that were being undermined. It consisted of four main grievances and corresponding requests for redress: Firstly, it challenged the imposition of taxes without parliamentary approval, demanding that such actions be discontinued. Secondly, it addressed the arbitrary imprisonment of individuals without legal cause, seeking habeas corpus protections. Thirdly, it condemned the quartering of soldiers in private homes during peacetime, calling for an end to this violation of property rights. Lastly, it contested the use of martial law to try civilians, emphasizing the importance of due process and the rule of law.

Though King Charles I initially assented to the petition, his subsequent disregard for its provisions fueled tensions between the Crown and Parliament, eventually leading to the English Civil War in 1642. The conflict resulted in the temporary abolition of the monarchy and the establishment of the Commonwealth under Oliver Cromwell.

However, even during this turbulent period, the ideals and principles enshrined in the Petition of Right persisted, shaping the political landscape and influencing future generations.



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The Petition of Right of 1628 serves as a testament to the enduring struggle for liberty and the constitutional preeminence of Parliament. It represented a crucial moment in English history when Parliament sought to curb the unchecked power of the monarchy and establish a framework for constitutional government based on the rule of law and the ancient British constitution.

The Petition of Right of 1628 played a pivotal role in shaping English constitutional history. By demanding parliamentary consent for taxes, habeas corpus protections, property rights, and due process, this landmark document laid the groundwork for the protection of individual liberties and the establishment of parliamentary authority. It remains an enduring symbol of the triumph of the rule of law over autocracy.

The document's emphasis on individual liberties and protections, such as habeas corpus and property rights, laid the foundation for future legal and constitutional reforms. The principles set forth in the Petition of Right became cornerstones of subsequent documents, including the English Bill of Rights of 1689 and the United States Bill of Rights, which drew inspiration from it.

In fact, the Petition of Right of 1628 holds a significant place not only in the annals of British constitutional development, but also in the shaping of the United States Constitution. As a beacon of individual liberties and a testament to the triumph of the rule of law over autocracy, the Petition of Right left an indelible imprint on the minds of the American Founding Fathers, influencing the principles enshrined in the U.S. Constitution.

The core values articulated in the document, including the demand for due process, protection against arbitrary imprisonment, and the right to property echoed through the halls of the Constitutional Convention in Philadelphia in 1787. The delegates gathered there, drawing upon their knowledge of British constitutional history and the rule of law, sought to establish a system that safeguarded individual rights and prevented the concentration of power through the system of federalism upon which the Constitution was founded.

Although few school children today are ever taught this, several provisions of the U.S. Constitution can be traced back to the Petition of Right. The inclusion of the habeas corpus clause in Article I, Section 9, which protects against unjust detention, and the Fifth Amendment, with its guarantee of due process and protection against self-incrimination, resonate with the principles outlined in the petition.

The right to confront witnesses as protected by the Sixth Amendment and the right to a trial by jury as guaranteed by the Seventh Amendment are also direct descendants of clauses in the Petition of Right of 1628.

Furthermore, the Petition of Right's emphasis on the necessity of parliamentary consent for taxation found its way into the U.S. Constitution through Article I, Section 7, which mandates that revenue bills originate in the House of Representatives, reflecting the Founders' desire to ensure that the power to levy taxes resides with the elected representatives of the people.

The impact of the Petition of Right on the U.S. Constitution extends beyond specific provisions. The spirit of limited government and the protection of individual liberties that permeate the American constitutional system can be attributed, in great measure, to the principles championed by Parliament and the English people in the petition. Our Founding Fathers recognized the undeniable, historically proven importance of checks and balances, the separation of powers, and the rule of law in preventing tyranny and preserving individual freedoms.

Truly, its significance reverberates through the centuries, even to today as Americans carry on the fight



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to force the federal beast back inside its constitutional cage. Patriots must be taught to revere the Petition of Right of 1628 as one of the iron bars of which that cage is constructed.



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