

ment. By the course of the evidence, it appears, there was an address to the king, an address to the house of commons, and an address to my Lord Cornbury, and a petition or address to the lieutenant governor and council; but all the evidence is very lame and weak, as to the three first, if we should admit the making or signing of them to be any fault or crime, more especially if the same should amount to treason; for by none of the evidence does it appear that the prisoner signed these addresses; here is not so much as the likeness or comparison of hands produced, alleged, or proved, though if it were, that would not do.

But I shall not dwell upon the evidence; it is certainly the right of the subject to petition the king, whenever he conceives himself aggrieved. In the Bishops' trial, Mr. Pollexfen says, "I never thought it, nor hath it since been thought by any body else, to be a crime to petition the king." Sergeant Levinz affirms, "the subjects have a right of petitioning the king in all their grievances." So say all our books of law; so says the statute of the 13th of Charles II; they may petition. Sir Thomas Powys, then attorney general, acknowledges that access to the king by petition is open to every body; the most inferior person is allowed to petition the king. Mr. Justice Holloway says, "it is the birthright of the subject to petition the king." If it is the birthright of the subject to petition the king, to procure or draw in men to do what is their birthright to do can never amount to a crime.

The CHIEF JUSTICE. I do not say petitioning the king is a crime, but it may be to petition the House of Commons in the plantations, where the king governs by prerogative.

Mr. Nicholl. I cannot think it is a crime for the subjects of the plantations to petition the House of Commons; it is every day's practice. Consult the votes in every session, you will find many addresses, petitions, and complaints from the subjects of the plantations. It seems to be the right of the subjects to petition the House of Commons. The statute of the 13th of Charles II, chap. 5, restrains the common law;