

**IMPRISONMENT FOR DEBT  
UNCONSTITUTIONAL AND OPPRESSIVE:  
PROVED FROM THE  
FUNDAMENTAL PRINCIPLES OF THE  
BRITISH CONSTITUTION AND THE RIGHTS  
OF NATURE, PP. 1-156**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649611607

Imprisonment for Debt Unconstitutional and Oppressive: Proved from the Fundamental Principles of the British Constitution and the Rights of Nature, pp. 1-156 by Edward Farley

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**EDWARD FARLEY**

**IMPRISONMENT FOR DEBT  
UNCONSTITUTIONAL AND OPPRESSIVE:  
PROVED FROM THE  
FUNDAMENTAL PRINCIPLES OF THE  
BRITISH CONSTITUTION AND THE RIGHTS  
OF NATURE, PP. 1-156**



Rev. Lib  
Hitt  
Professor William H. Buntin  
10.21.14.1930

---

## INTRODUCTION.

THE great national evil of Imprisonment for Debt still continuing, carrying with it all those destructive consequences, which have already been pointed out in both Houses of Parliament, and which, at this time in particular, from the peculiar distresses of the middling and lower ranks of people, is now more felt, than when the kingdom was in a state of prosperity, calls aloud for the exertion of every independent mind to restore the constitution to its original purity, to reconcile the interests of the Creditor with the personal liberty of the Debtor, and to give the blessings of a free constitution equally alike to all the subjects of the British empire; that the man, whose personal labor tends to the support of government and the maintenance of his family, may be considered as

A

facred

sacred as the personal liberty of the Peer or Commoner, whose duty it is to preserve inviolate our excellent constitution. Any attempt therefore to call forth the attention of the public to the importance of the subject, will, I flatter myself, be deemed useful; and my past endeavors, though they have not had the success I could have wished, have nevertheless had that sanction and approbation given them, that encourages me to persevere, in hopes, like Mr. Wilkes in the case of General Warrants, I may see that power annihilated, which is contrary to those laws handed down to us by our glorious ancestors, and which it is our duty to leave uncorrupted to our posterity. Amongst other encouraging instances, the sentiments of Mr. Sawbridge, conveyed to me in the following letter, demand my particular thanks, and, as they are the honest ideas of an upright senator, deserve to be recorded.

“ S I R, *Olantigh, Aug. 29, 1785.*

“ I HAVE long been convinced, that Imprisonment for Debt was not only contrary to the  
“ spirit

" spirit of this free constitution, but absolutely  
 " against the letter of the law; however, a practice  
 " immemorial, and the selfish disposition of a great  
 " part of mankind, have given a sanction, which  
 " it will be difficult to prevail against by the most  
 " solid arguments. Should you nevertheless be  
 " inclined to attempt the subject, you may de-  
 " pend on any support in my power to assist you  
 " with, as I feel it an object of great national  
 " concern.

" I am,

" S I R,

" Your most obedient,

" humble servant,

" JOHN SAWBRIDGE.

" *Mr. Edward Farley.*"

I can now only assure the public, that my hum-  
 ble endeavors shall be exerted to lay down the  
 principles of our constitution; to shew how far  
 the practice is repugnant to those principles; to  
 point out the detriment that accrues to both Cre-  
 ditor and Debtor from the present mode of Impri-

fonment for Debt ; and explain the most easy and beneficial law for recovery of Debts, with the least injury to the Debtor, agreeable to the spirit of the common law of the land.

THE AUTHOR.

IMPRI-



---

IMPRISONMENT FOR DEBT  
UNCONSTITUTIONAL

**T**HE Constitution of England is allowed by the greatest law-writers to be the noblest institution of law and justice in the known world.

The common law is the absolute perfection of reason, for nothing that is contrary to reason is consonant to law.

Common law is common right.

The law is the subject's best birthright.

The law respects the order of nature.

It always intendeth the best.

The law forceth no man to that which is impossible or vain.

The law provides a remedy for every wrong.

Where one hath several remedies, he may use which he will.

The law hath a delight in giving a remedy.

The law favoereth life, liberty, and dower.

Things of necessity are to be excepted out of a general law.

The ignorance of law cannot excuse.

The act of law never doth wrong.

Where the construction of any act is left to the law, the law will never construe it to work a wrong.

The agreement of parties cannot make that good which the law makes void.

No law can be abrogated but by act of parliament; but no act of parliament can repeal Magna Charta, or alter the fundamental principles of the British constitution.

The exposition of acts of parliament belongs to the Judges of the common law.

Statutes must be interpreted by reasonable construction, according to the meaning of the legislators.

They may be construed according to equity, especially when they give remedy for wrong, or are for expedition of justice, or to prevent delays,

delays, for law-makers cannot comprehend all cases.

The construction of a statute must be suppression of the mischief, and an advancement of the remedy.

It must be construed, that no innocent man may, by a literal construction, receive damage.

Acts of parliament that are against reason, or impossible to be performed, shall be judged void.

As the life of every man is under the protection of the law, and all wrongs against it are punished, so the members of every subject are under the protection of the King, that he may serve him and his country: therefore a rogue, for causing his companion to strike off his left hand, thereby to have a pretence to beg, was indicted and fined with his companion; and it is a grand maxim at common law, that the body of the Debtor shall always be free, that he may serve the King in his wars.

The reputation also of a person is under the protection of the law; for persons in their