

ENGLISH BILL OF RIGHTS

Following the flight of her father in 1688, Mary and her husband William were offered the Throne of England, if they accepted a Parliamentary statement of fundamental rights. They agreed to Parliament's declaration of rights, and were crowned in April 1689. Late that same year, the declaration to which the sovereigns agreed, the Bill of Rights, was formally recognized as a fundamental law of England and remains a constitutional foundation for much of the English-speaking world.

16 DECEMBER 1689

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight present unto Their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following, viz:

Whereas the late King James the Second, by the assistance of divers evil counselors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this Kingdom:

By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws without consent of Parliament;

By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power;

By issuing, and causing to be executed a commission under the Great Seal for erecting a court, called "The Court of Commissioners for Ecclesiastical Causes;"

By levying money for and to the use of the Crown by pretence of prerogative, for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this Kingdom in time of peace, without consent of Parliament, and quartering of soldiers contrary to law;

"Bill of Rights," *I William and Mary, Session 2, Chapter 2* (1688).

By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law;

By violating the freedom of election of Members to serve in Parliament;

By prosecutions in the Court of King's Bench for matters and causes cognizable
5 only in Parliament; and by divers other arbitrary and illegal courses;

And whereas, of late years partial, corrupt, and unqualified persons have been returned and served on juries in trials; and particularly divers jurors in trials for high treason which were not freeholders;

And excessive bail has been required of persons committed in criminal cases to
10 elude the benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed;

And illegal and cruel punishments inflicted;

And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied;

15 All which are utterly and directly contrary to the known laws and statutes and freedom of this realm.

And whereas the said late King James the Second having abdicated the government, and the throne being thereby vacant:

His Highness the Prince of Orange (whom it has pleased Almighty God to make
20 the glorious instrument of delivering this Kingdom from Popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs, and Cinque Ports for the choosing of such persons to represent
25 them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year 1688, in order to such an establishment as that their religion, laws, and liberties might not again be in danger of being subverted.

Upon which letters, elections having been accordingly made:

30 And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights
35 and liberties, declare,

That the pretended power of suspending of laws, or the execution of laws, by regal authority without consent of Parliament, is illegal.

That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it has been assumed and exercised of late, is illegal.

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious. 5

That levying of money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.

That it is the right of the subject to petition the King; and all commitments and prosecutions for such petitioning are illegal. 10

That the raising and keeping a standing army within this Kingdom in time of peace, unless it be with consent of Parliament, is against law.

That the subjects which are Protestants may have arms for their defence, suitable to their condition, and as allowed by law.

That election of Members of Parliament ought to be free. 15

That the freedom of speech and debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That jurors ought to be duly impaneled and returned; and jurors which pass upon men in trials for high treason ought to be freeholders. 20

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently. 25

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To all which demand of their rights they are particularly encouraged by the declaration of His Highness the Prince of Orange as being the only means for obtaining a full redress and remedy therein. 30

Having, therefore, an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights, and liberties: 35

The said Lords Spiritual and Temporal and Commons, assembled at Westminster, do resolve that William and Mary, Prince and Princess of Orange, be and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging; to hold the Crown and royal dignity of the said kingdoms
 5 and dominions, to them the said Prince and Princess, during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said crown and royal dignity of the said kingdoms and dominions to be to
 10 the heirs of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange.

And the said Lords Spiritual and Temporal and Commons do pray the said Prince and Princess of Orange to accept the same accordingly....

15 Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

And thereupon Their Majesties were pleased that the said Lords Spiritual and
 20 Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with Their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this Kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to
 25 act accordingly.

Now in pursuance of the premises the said Lords Spiritual and Temporal and Commons in Parliament assembled for the ratifying, confirming, and establishing the said declaration and the articles, clauses, matters, and things therein contained by the force of law made in due form by authority of Parliament, do pray that it
 30 may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said
 35 declaration, and all officers and ministers whatsoever shall serve Their Majesties and their successors according to the same in all time to come....