

The English Bill of Rights, 1689

This act was the key piece of legislation produced by the Glorious Revolution, which saw the virtually bloodless expulsion and abdication of one king (James II) and the installation of another (William III and Mary). In the Bill of Rights, the Parliamentary leaders who had orchestrated this change asserted the supremacy of Parliament over the king in making laws and in raising taxes, the key powers of government. The Bill of Rights also guaranteed a number of other key political and civil rights, including free speech (at least for members of Parliament), the right to bear arms (at least for Protestants), the right to petition the government for grievances, etc. Although social elites (especially the 'gentry') would long continue to control Parliament politically, they did so in the name of the English people as a whole, and the members of the House of Commons, which dominated Parliament, served as elected representatives of local districts. Thus the Glorious Revolution marks the end of true monarchical rule, the advent of a Parliamentary or republican form of government, and a shift in the justification for government from divine right to popular sovereignty—the idea that the people themselves are sovereign, that government leaders should be the people's elected representatives, that government itself is under the law, and that the people's basic rights must be respected. For the full text, see: http://avalon.law.yale.edu/17th_century/england.asp

An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown. 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 on Feb. 13, 1689 present to their Majesties William and Mary... a certain declaration in writing made by the said Lords and Commons in the words following:

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

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

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

[c] 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;

[d] 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;

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

[f] By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

[g] By violating the freedom of election of members to serve in Parliament;

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

[i] 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;

[j] And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects; [k] And excessive fines have been imposed;

[l] And illegal and cruel punishments inflicted;

[m] 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;

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 [William], the prince of Orange (whom it hath pleased Almighty God to make 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, and boroughs..., for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster on January 22nd [1689], ...so that their religion, laws and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made;

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 and liberties declare:

[1] That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

[2] That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

[3] 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;

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

[5] That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

[6] That the raising or keeping of a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

[7] That the subjects which are Protestants may have arms for their defense suitable to their conditions and as allowed by law;

[8] That election of members of Parliament ought to be free;

[9] 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;

[10] That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

[11] That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

[12] That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

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

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties... 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... 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... [and those present took oaths of allegiance and loyalty to the new monarchs]...

Upon which their said Majesties accepted 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 Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence... [declare] 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...