

English Bill of Rights

- Date** ■ December 16, 1689
Place ■ London, England
Type of Source ■ Government Document (original in English)
Author ■ English Parliament
Historical Context ■ In 1685 James II, a Roman Catholic, was crowned king of England and Scotland. James' at-times vicious suppression of opponents led to fears of an absolute monarchy and the restoration of the Catholic Church. In what became known as the Glorious Revolution, Parliament conspired with Dutch leader William of Orange, James' son-in-law, to overthrow the king. In 1688 William landed an army in Britain. James escaped to France. Parliament insisted that William and his wife Mary agree to a bill of rights before acknowledging them as joint monarchs. Many viewed this as an example of John Locke's theory of social contract. The Bill of Rights is a major part of the British constitution and became the basis for most later human rights documents around the world.

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-[nine] [**old style date**] 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[e] evil counsellors, 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[e] **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 soldiers contrary to law;

Lords Spiritual and Temporal

the House of Lords, the bishops and nobility

Commons

the House of Commons, elected members of Parliament

Westminster

Westminster Palace in London is the where Parliament meets.

thirteenth day of February

On February 13, 1689, Parliament presented William and Mary with the Declaration of Right. The Bill of Rights is essentially the same but it was passed by an official parliament and approved by a monarch.

old style date

England did not yet use the Gregorian calendar that we use today because it was issued by the Pope. These dates use the Julian calendar, which was about 11 days ahead of the modern calendar.

Orange

Prince of Orange was one of William's hereditary titles.

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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 only in Parliament, and by divers[e] 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[e] jurors in trials for high treason which were not **freeholders**;

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;

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;

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 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[e] 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 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 one thousand six hundred eighty and eight [old style date], 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;

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:

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

the late

the former. King James was not dead in 1689.

worthy prelates

James II had arrested seven bishops after they petitioned against the mandatory reading of a royal decree on religious tolerance.

great seal

The Great Seal of the Realm is used in all royal documents and represents royal power.

Court of Commissioners...

This court was a revival of the Star Chamber Court, abolished in 1641. Accused were required to give evidence against themselves under oath, usually for religious crimes. Reaction against the court led to the right against self-incrimination.

levying money

taxes or raising money

papists

an insulting name for Roman Catholics

Court of King's Bench

one of the main English court systems. It was noted for being the fastest court.

freeholders

property holders

abdicated

resigned as king. James II never formally abdicated. Parliament declared that by leaving England and dropping the Great Seal in the Thames River, he had abdicated.

popery

an insulting name for Roman Catholicism

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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;

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;

That levying 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 subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the 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 conditions and as allowed by law;

That election of members of Parliament ought to be free;

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 impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

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.

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 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.

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, the said Lords Spiritual and Temporal and Commons assembled at Westminster do resolve that William and Mary, prince and princess of

universities

By tradition, universities were governed by their own laws, not those of their town.

cinque ports

several (originally five) ports in southeastern England that had special privileges

like

similar. Here Parliament is reminding the king and queen of the Magna Carta and other similar revolts.

the same

the grant (permission) of Parliament

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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 and dominions to them, the said prince and princess, during their lives and **the life of the survivor to 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 same kingdoms and dominions to be to 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 Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept the same accordingly.

And that the oaths hereafter mentioned be taken by all persons of whom the oaths have allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

"I, **A.B.**, do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary. So help me God."

"I, A.B., do swear that I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position, that princes excommunicated or deprived by the Pope or any authority of the **see** of Rome may be **deposed or murdered by their subjects** or any other whatsoever. And I do declare that **no foreign prince**, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, **ecclesiastical or spiritual**, within this realm. So help me God."

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 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 act accordingly...

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince, or by **any king or queen marrying a papist**, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or

France

Since the beginning of the Hundred Years' War (1337), English kings insisted that they were the rightful kings of France. None had made a serious effort to enforce that claim since the 1400s.

Scotland was also ruled by the kings of England, but not by the English Parliament. The Scottish Parliament supported William and Mary at roughly the same time as the English.

the life of the survivor to them

This section allowed William or Mary to continue ruling when the other died. Mary died in 1694, while William continued to rule for another eight years on his own.

heirs of the body of the said princess

the biological children of Mary

Princess Anne of Denmark

Mary's sister and wife of Prince George of Denmark. This kept Anne and Mary's Catholic half-brother James (then a baby) from ever becoming king. Anne was queen from 1702 to 1714.

A.B.

Insert person's name here.

see

diocese, region ruled by a bishop, in this case the Pope

deposed or murdered by their subjects

In the past, the Pope had declared that Protestant kings could be overthrown without the act being a sin.

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shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying as aforesaid were naturally dead; and that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the **coronation oath** to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, An Act for the more effectual preserving the king's person and government by disabling papists from sitting in either House of Parliament. But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years.

All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly...

no foreign prince

This is meant as a reference to the Pope, who was the political ruler of the Papal States as well as the head of the Catholic Church.

ecclesiastical or spiritual

church-related or religious. This is another anti-Catholic clause because it denied the authority of the Pope over their church. It also re-enforced the British monarch as supreme head of the English Church.

any king or queen marrying a papist

The previous four queens had been Catholic and were often believed, falsely, to be center of Catholic plots against Protestant England. This prohibition remains part of English law.

coronation oath

Part of the oath contains the promise to uphold the Protestant Church. James II had been allowed to alter the oath his brother had sworn.

Source: "English Bill of Rights 1689," *Avalon Project*, 2008, <http://avalon.law.yale.edu/17th_century/england.asp> (May 26, 2011).