



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Creation and Ratification of the Bill of Rights > Origins of the American Bill Of Rights > English Precedents

English Bill of Rights, 1689

The seventeenth century was a tumultuous time for England. With the death of Queen Elizabeth I in 1603 without an immediate heir, James I ascended to the throne, the first of four Stuart kings. James I, an advocate of the divine right of kings, wanted to rule like the absolutist kings on the Continent. James was soon embroiled in conflicts with Parliament over taxation and the treatment of Catholics. With James's death in 1625, his son Charles I assumed the throne. Far less politically adroit than his father, Charles experienced worsening problems with Parliament over taxation and religion. These clashes triggered the English Civil War, during which Charles was executed, the monarchy and the House of Lords were eliminated, and a written constitution (the instrument of government) was adopted.

Soon, Oliver Cromwell, who had led the New Model Army against Charles, was appointed lord protector and ruled arbitrarily. After two years of chaos following Cromwell's death in 1658, the monarchy and house of lords were re-established and Charles II was invited to return from his French exile. Old conflicts between king and Parliament returned with a heavier emphasis on the religious conflict. The situation worsened when Charles II died in 1685 and was succeeded by his brother James II. Armed conflict occurred and James was forced into exile. James's Protestant daughter Mary and her Dutch husband William of Orange were invited to assume the throne, but only after they agreed to a Declaration of Rights that stipulated many of the violations of rights and English law by James. In 1689, the Convention Parliament passed the Declaration into a Bill of Rights that William and Mary agreed to abide by before their assumption to the throne was accepted.

*An act for 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 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 stile 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 counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.

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

3. 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*.

4. 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.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.

7. By violating the freedom of election of members to serve in parliament.

8. 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.

9. 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.

10. 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.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

12. 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 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, 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;

1. That the pretended power of suspending of 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 pretence 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 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 defence 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 premisses 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 premisses 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.

II. 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 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 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. . . .

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXXVII: Bill of Rights [1] (Madison, Wis.: Wisconsin Historical Society Press, 2019), 4–8.