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**More 12**

6 May 2012

### **Britain's Constitution, 'The most stupendous invention'**

by **David Abbott & Catherine Glass Abbott**

A country's constitution resembles the rules for a sport. The rules of sport say how you play the game. The rules of a constitution say how a nation is governed, and can determine whether its people win or lose at the game called life.

As early as 1175, the people of Britain played a riotous game in which as many as one hundred men on a team would try to kick, carry, and blast a ball past their opponents. The authorities took a dim view of these pastimes, and a number of kings prohibited games of 'foote balle'. Naturally Brits played the game whenever they could. Over the years, rules were developed then ignored. You didn't know whether you were playing football (today most of the world calls the game soccer) or rugby. Ultimately Brits sorted it out. They knew that applying clear rules fairly and consistently intensifies pleasure. They relished the idea that rules can promote enjoyment. In the same way Brits sorted out their country's essential principles, knowing that the right constitution could promote wellbeing, prosperity, and happiness.

If you said that your country's constitution would affect whether you were likely to be murdered and whether your murderer would be brought to justice, whether you were able to make scientific discoveries, play music, and stand freely under the night stars, whether you could raise children safely and happily, drink wine with friends, and speak the true thoughts of your heart, you would be right. Your life depends on your country's constitutional principles and whether the people of your country abide by them. So it's interesting that some people claim that Britain has no constitution.

For instance, historian Vernon Bogdanor said that Britain's Constitution doesn't exist. Sir John Baker, Downing Professor of the Laws of England in the University of Cambridge, suggests that Britain's constitution is unwritten.

No constitution, or nothing in writing? Are Baker and Bogdanor correct?

### **EVIDENCE FROM ABROAD**

If we turn to history, can we find evidence that Britain had and has a written Constitution? We think so, though some of the evidence lies outside Britain—in three continents thousands of miles away.

One piece of evidence is this: In the Americas, Asia, and Australasia, people created constitutions based on what they thought Britain's Constitution was. In the eighteenth

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century the people of the United States based their government and civil liberties on Britain's. John Adams, the lawyer who influenced the framing of America's Constitution, and became the second U.S. President, described Britain's Constitution as 'the most stupendous fabric of human invention' in history. In the nineteenth century, Britain's Parliament wrote the Constitution of Canada. Where did Parliament get its ideas except from Britain's own Constitution?

In the early twentieth century, the people of Australia created a constitution, which was based on Britain's constitutional monarchy and parliamentary system and on America's federalism. The people of New Zealand created a constitutional monarchy with power exercised in a democratically elected parliament, executive, and judiciary. In India, in the mid-twentieth century, the people created a constitution with civil liberties, which came directly from Britain. It's hard to imagine that all these peoples were suffering from a delusion, seeing and speaking of a constitution where none existed.

Those who disbelieve the histories of five nations will hardly be persuaded by a government official, but we can reveal that Eirian Walsh Atkins, Head of the United Kingdom's Constitutional Policy at the Ministry of Justice, expressly told David Abbott that Britain has a written Constitution.

In a letter to David written in January 2009, she said: 'You are right to point out that parts of the British Constitution are written and we can confirm that statutes that you mention such as the Bill of Rights 1688/9 and Act of Settlement 1701 are some of the many statutes that make up our *uncodified* constitution.' By uncodified Atkins means that Britain's Constitution has not been systematically arranged into one document.

When Scotland joined England, which included Wales, in a political union in 1707, the English Constitution became the United Kingdom's Constitution. In 1800, a further act of union made it the Constitution of the United Kingdom of Great Britain and Ireland. In 1927, the kingdom and name changed to the United Kingdom of Great Britain and Northern Ireland. The United Kingdom of today is also referred to as Britain, which is why we call it Britain's Constitution.

## **JOURNEY INTO THE FUTURE**

Taken together the evidence suggests that Britain has a Constitution, but we can't look at one founding document because Britain doesn't have one. However we can see Britain's Constitution through the men and women whose journey into the future wrote the Constitution, and shaped our lives. They are a scholarly warrior king, three unarmed men who conquered evil, a young knight, a pregnant woman, a prisoner, a doctor, a musician, and a gambler. They walk through the mists of time, but they are as close as the mobile phone in our hands when we listen to their voices and look at them in action.

We're going to show you some of them and give you a swift overview of their constitutional achievements. All of them are described in our book [see Reference].

Start with the one person most likely to be mentioned in a constitution and the one person outside your family, friends, and job most likely to affect your life. That would

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be the leader of your country. Unfortunately all leaders seem to come with some built-in bugs.

## TACKLING THE KING

In tenth century England, no one was more aware of the bugs, and more interested in them, than Dunstan. He had identified the one person who can destroy trust between people, send men and women into war, and corrupt the economy. Kings, presidents, prime ministers, and religious leaders can become monsters if they possess unchecked authority. Dunstan fought this evil, and as a result was beaten within an inch of his life, and thrown into a cesspool to drown.

He survived, and began to think about how to limit a king's rule and make him accountable. It took him decades, but in AD 973, St Dunstan designed England's most famous tradition. He created a covenant between Britain's people and their leader and set it inside a Coronation Ceremony, which made their mutual pledge spectacular and sacred. Dunstan based the covenant on an extraordinary teaching from Jesus Christ, who gave us one of the most radical ideas of all time: *The one who rules should be like one who serves* (Luke 22:26).

In the thousand-year-old Coronation Ceremony at Westminster Abbey, the king or queen swears a Coronation Oath to the people and before God, to serve them and to defend justice and equity. He or she promises to be their servant king. The people freely pledge to give their loyal support. The Coronation ring is the symbol of their covenant. When kings broke their covenant—think John, Edward II, Richard II, Charles I, and James II—the people of the islands sent them packing.

The shooting of William Rufus in the New Forest in 1100 has always been described as an accident, but it may have been murder. If so, William II can be added to our list of monarchs who broke their coronation oaths, and paid the price. There were many men who would gladly have loosed the bolt that killed him. William II had claimed common land held by local people, and he mutilated men who were caught hunting in the forest he said was his.

William's brother Henry, who had been hunting in the New Forest with him when he was shot, became king by swearing a great oath at his coronation in Westminster Abbey. Chronicler William of Malmesbury described Henry I's election and the oath, as did *The Anglo Saxon Chronicle*, and it did not take the English long to understand its importance: 'The statesmen then nigh at hand, chose his brother Henry to be king. And . . . before the altar at Westminster, he promised God and all the people, to annul all the unrighteous acts that took place in his brother's time, and to maintain the best laws that were valid in any king's day before him.'

The English considered this oath so significant they called it the Charter of Liberties. Then they forgot all about it.

Henry had promised to restore and abide by the law. This was the common law established by Alfred the Great, and will figure in our account. You can immediately grasp why Henry's oath was groundbreaking. His oath meant that *even the king had to obey the law*. Nine hundred years later, this remains one of Britain's fundamental

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constitutional principles. Without leaders who uphold the law, most of their people will have a terrible time.

## **AN UNCOMMON LAW**

But what are those laws, and who creates them? In England, the people created them, and Alfred collected them.

Alfred (849-899) sang songs, translated Latin histories into English, and defied a painful, chronic illness while wielding a battleaxe in more than a dozen desperate battles to protect his people from Viking attacks. He believed that his Christian faith asked him to turn his cheek to insult. He did not believe that his faith asked him to turn the cheek of an innocent child so she could be hit a second time - or raped or enslaved.

Alfred transformed devastating defeat into victory, and made peace with the Vikings. He shared their love of poetry and song, and respected their courage and fortitude. He did not want to crush their strength, but to channel it. He did not kill the captive Vikings, as many, including the Vikings, had expected. Instead he invited them to embark on a new way of life, governed by certain ideas, ideals, and laws. This has been called a forced conversion to Christianity, and perhaps it was.

Alfred then did something staggering. He chose from existing laws those which agreed with Christ's teachings to speak the truth, treat others fairly, and refrain from murder, theft, and fraud. He collected them into one common law—one law for all—the same law for every person. This was an uncommon thing to do. Alfred's common law for all encouraged peace and equality between Britons, Anglo-Saxons, and Vikings, peoples who had previously been at war with each other. One law for all may seem an obvious concept to us, but it was not obvious then, and it is under attack today.

The people of Britain had created laws, and Alfred had collected and codified them in the common law. For the next millennium the people built on them.

Here is one example of building: Anselm, an Italian, ran away from an abusive father, crossed the Alps on foot, joined a monastery, and later became the Archbishop of Canterbury. In 1102, Anselm called the Council of Westminster, and told the assembled Christians that slavery was contrary to Christ's teaching. He asked the Council to outlaw it.

The Council did, asserting 'Let no one hereafter presume to engage in that nefarious trade in which hitherto in England men were sold like brute animals' and promising excommunication for slavers. 1102 may be the most important, forgotten date in English history.

Britons 'never will be slaves', but centuries later Africans were brought to Britain as slaves. So Christian evangelical Granville Sharp, who was a musician, taught himself law. Based on the 1102 Council of Westminster and common law precedents in 1762 and 1765, he won a common law ruling, which declared that any slave brought to England would immediately become free.

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The people created a common law that was independent of kings and parliaments. Their juries tried to evaluate the facts of individual cases rationally and fairly. They believed that you are free to live as you choose unless the law says otherwise. You can speak freely. In court, you must speak truthfully. You cannot defraud or murder your neighbour, and if you do, you will be held to account. If you have not broken a law, you cannot be punished. All this may sound remote, but it is the remoteness of a dam, which holds back the waters of corruption, envy, malice, and anarchy, which might otherwise sweep us away.

Like the American founders, Alfred the Great knew that men and women were not angels. He also understood that the English detested unfairness. They needed just laws, grounded in common sense, which punished the guilty. They also needed something else because the law is never enough.

## **AN UNWRITTEN PART OF THE CONSTITUTION**

You know that the laws cannot make everyone honest and kind. Countries where most people live by the values of honesty and kindness are places where people trust each other, businesses flourish, artists can be creative, and peace rather than mayhem is the rule. You could say that these values, shared by most people, are part of a country's unwritten constitution. You might think they are more important than anything written in any constitution.

We won't try to explain how these values are encouraged, but we think you'll agree they make a wonderful difference to how we live. Toward the end of his life King George VI, who had gallantly led Britain through World War II, asked, 'I wonder if we realise just how precious this spirit of friendliness and kindness is.'

## **AN UNNECESSARY CULTURAL EXPLANATION?**

We've mentioned Jesus Christ a few times. Some people are reluctant to acknowledge Christ's profound influence on English history. This is rather like a person who visits Athens, and, because he doesn't believe in the goddess Athena, decides that worship of the goddess had nothing to do with the building of the Parthenon. There is no way to ignore the influence of Christianity on England and Britain's Constitution. To describe Britain without describing this influence would be like trying to describe Saudi Arabia without talking about the Prophet Mohammad or to describe Tibet without talking about the Buddha. Faith in a personal relationship with God inspired many of the men and women who fought for freedom and constitutional protections in England. One of them was the formidable man behind Magna Carta.

## **MAGNA CARTA, THE GREAT CHARTER OF LIBERTY**

Stephen Langton was an older man who, without any visible weapons, confronted the corrupt, treacherous, and murderous King John. John ruled with a flagrant disregard for the law. Crowned king in 1199, he spent the next decade in hyperactive, criminal mode. He extorted money in exchange for justice. He used crooked sheriffs to exploit the English and Welsh people. His heavy taxes and capricious regulations exacted a heavy toll from small businesses. He embarked on ruinous wars, and treated opponents with sickening cruelty.



John did all this with impunity until a coalition of barons, knights, bishops and abbots, the people of Wales, and the people of England put a stop to it. Unfortunately they have been written out of most modern histories. G.M. Trevelyan's account in *A Shortened History of England* (1988) summarizes the prevailing narrative: 'Acting selfishly and class-consciously', the English barons who fought King John made 'limited and practical' demands, 'and for that reason successfully initiated a movement that led in the end to yet undreamt-of liberties for all'. This unlikely storyline fails to answer a question, which will have occurred to you: *Exactly how did selfish men with limited demands generate the undreamt-of liberties of Magna Carta?*

Magna Carta is the first great constitutional document in the history of the world to protect the individual against the oppression of the state. In our book [see Reference] we describe the return to England of Stephen Langton, the exiled Archbishop of Canterbury, and his search for the century-old, forgotten document, the Charter of Liberties. Stephen thought the Charter could protect the English from the king. Led by Biblical teachings, he defied both king and pope, and inspired the frightened baron-knights.

According to Roger of Wendover's chronicle *Flores Historiarum*, c1225, Stephen encouraged the baron-knights, and read the Charter of Liberties aloud to them. A year later they met secretly at the Abbey of Bury St Edmunds, and swore to confront the king. When John hired mercenaries to crush them, they rose in rebellion. Calling themselves the Army of God and Holy Church, they rode with Stephen Langton, hoping that the English people would support them. Seeing their banners, Londoners threw open the gates of the city. On June 15, 1215, at Runnymede, John was forced to fix his seal to Magna Carta, the Great Charter of Liberties. Three months later the knights were fighting for Magna Carta and for their lives.

It's worth doing something only a few people do—read what Magna Carta actually says. The first thing we see is that the baron-knights won practical relief for themselves in ten clauses among more than sixty. Many hands seem to have been involved in the drafting of the charter, and one of the strongest was Stephen Langton's. Magna Carta held king and government to a great promise: 'To no one will we sell, to no one will we deny or delay right or justice.'

This principle did not come out of nowhere. It grew out of the prophetic voices of the Old Testament who insisted that God wanted justice and out of Christ's teaching to respect the dignity of every person.

Magna Carta affirmed four principles vital to us: Honest justices and sheriffs versed in the law; *habeas corpus*—no person can be arrested and kept in prison indefinitely without being charged and tried under the law of the land; if charged, we have a right to a trial by jury of our peers in public with credible witnesses; and, if convicted, punishment to fit, not exceed, the crime. Centuries later, in 1789, Thomas Jefferson wrote to Thomas Paine: 'I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution'. Juries will become a line of defence against oppression by refusing to convict persons charged under unconstitutional laws.

Trial by jury was not new to England. As long ago as the eleventh century, in Bury St Edmunds, the people had risen in protest at the treatment of a farmer named Ketel, who had been convicted without a jury trial of a crime he did not commit, and had been executed. His outraged neighbours established ever after the right to trial by jury in their community. Magna Carta affirmed this constitutional principle for the whole country.

Magna Carta respected a person's livelihood and property and therefore the opportunity to be free from servitude. We are vulnerable indeed if anyone can lawlessly seize our homes. The Heritage Foundation makes the case that countries without protections for fairly acquired private property are the poorest, most corrupt countries on earth. Magna Carta leaned heavily on lenders who had loaned money to a husband or father who subsequently died. Widows and orphans were protected from having to pay interest on the loans, a clause which protected them but hurt the lenders.

Magna Carta linked leader and people in a covenant, which affirmed the people's right to justice, freedom, and peace from a servant king. The church was declared free of government. The rights and liberties of self-governing towns were reaffirmed. Welsh lands, freedoms, and hostages were restored. Widows were protected from forced marriages. The right of merchants to travel freely was returned. Magna Carta was a magnificent achievement, which had to be defended.

Told by the pope to excommunicate the rebels, Stephen refused. Instead he handed crucial Rochester Castle to them. Fortunately John died, and Stephen and several important knights were able to reissue Magna Carta. Winston Churchill said about it: 'In subsequent ages when the state swollen with its own authority has attempted to ride roughshod over the rights and liberties of the people it is to this doctrine that appeal has again and again been made and never as yet without success.'

Seven hundred years later, the American Bar Association raised a Memorial to Magna Carta at Runnymede. India's tribute reads: 'To historic Magna Carta, a source of inspiration throughout the world . . .'

Magna Carta's idea of an advisory council to the king planted the seed for Britain's next great constitutional advance, which would be carried to the edge of doom by a group of young knights.

## **THE BACHELORS OF ENGLAND & PARLIAMENT**

Four decades after Magna Carta, the people of England found they were fighting the same iniquities their grandfathers had struggled against. Henry III, John's son, sat on the throne, and the profiteering of Crown bureaucrats, the corruption and viciousness of sheriffs, the king's heavy taxes and expensive foreign adventures were back with a vengeance.

With a nod to Tolkien's *Two Towers*, we note that folks found themselves struggling against events almost beyond their control. Village constables, university students, farmers, fishermen, blacksmiths, carpenters, Londoners, merchants, the great earls of England, bishops, and abbots all united in opposing the king's high-handed, self-dealing government (*The Oxford Illustrated History of Medieval England*, 2001).

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They had plenty of chances to run only they didn't. The bachelor knights were the youngest to rebel, the most passionate about reform, and the most faithful when things went wrong.

Two men were their leaders. Both carried the surname Montfort, but they were not related. Peter de Montfort held the castle of Beaudesert, not far from Simon de Montfort's Kenilworth Castle. Simon was brother-in-law to the king. He was bold, and by most accounts, arrogant. Peter was a good horseman, an excellent swordsman, and a cool and skilled mediator in the hectic campaigns of the mid-thirteenth century. His eldest son, Piers, was one of the young bachelor knights calling for reform.

In 1258, Simon, Peter, Piers, and a host of bachelor knights met in Oxford. They swore a sacred oath and embarked on a campaign 'imbued with the ideal of justice for all' (*Oxford DNB*, Simon de Montfort).

They compelled Henry III to agree to the Provisions of Oxford, which took their inspiration from Magna Carta. The Provisions called for honest sheriffs and established a council that would meet three times a year as a 'parliament' to approve or reject taxes, discuss affairs of the realm, and advise the king. The idea of a parliament was not entirely new—Iceland's Althing, the Isle of Man's Tynwald, and England's Witan could stand as role models.

The subsequent Provisions of Westminster (1259) helped tenants with grievances against their landlords win a fair hearing. People in the shires and towns supported the provisions, but some of the big landlords, disliking rules designed to curb their power over their tenants, began to slink away.

The reformers' initial success turned to dust. Henry III undermined the provisions with bribes, threats, delays, and administrative sleight of hand. In 1264 the King and his son Prince Edward repudiated the provisions and fielded an army to punish the reformers. Simon de Montfort led supporters, including Londoners and the bachelor knights, to confront the King. Montfort rode more than 50 miles on horseback with a broken leg.

The reformers won. Imagine a John Lennon singing about their victory. A relieved poet of the time sang: 'England breathes in the hope of liberty.'

In a momentous step toward a government that represents all the people, the reformers invited the shires and towns to elect representatives and send them to a national parliament. On January 20, 1265, elected representatives from all over England gathered in London at Westminster Hall. They met to hold the king accountable and to enforce the reforms.

Inviting the towns and shires to send elected representatives has been called a pragmatic move, to generate support. It may well have been, but as we think you'll agree, there's no reason that idealism shouldn't also be practical. It's only necessary that idealism be principled as well as practical in both its ends and its means.

In its first act, Parliament affirmed the reforms, and the government prepared to enforce them. But at the height of their success, the reformers lost the support of the



big barons. In August 1265, they faced the vast army of Prince Edward, who had taken them by surprise.

Simon de Montfort, knowing that chivalry would not prevail in the battle to come, urged the young bachelor knights to escape. They refused. Gazing at the forces arrayed against them at Evesham, Simon is said to have observed, 'They have our bodies. God has our souls.'

Refusing to hurt Henry III, whom they held in their power, they rode into battle, and fought to the bitter end. Peter and Simon were killed. Simon was hacked into pieces. Piers was wounded. He became one of the 'Dispossessed', losing everything but his principles.

Yet this was not the end. It might almost be said, as Jesus had said, 'Unless a grain of wheat falls into the earth and dies, it remains alone, but if it dies it bears much fruit.' The reformers who survived continued to defy prince and king, and the people of England supported them. In 1275, the Statute of Westminster affirmed the principle of honest elections to Parliament, and thereby affirmed Parliament's existence as well.

Some of The Dispossessed regained the land they had lost by paying heavy fines. Piers donated a substantial part of his recovered inheritance to help his friend Walter de Merton build Merton College, Oxford. Today a medallion of Simon de Montfort hangs in the U.S. House of Representatives, in tribute to the man who helped to lay the foundations of representative government.

Let's review the road, which the English had taken by the end of the thirteenth century. Constitutionally they had 1) defined the monarch as someone who serves the people, and attempted to establish a binding covenant between monarch and people; 2) created a common law which strove to be rational and fair, was based on Christian ethical teachings, and embodied the principle that no one, not even the king is above the law; and 3) set up an elected Parliament. Documents such as Magna Carta mapped out the protections of the individual and the limitations of state power.

They still had a long way to go. They will meet setbacks, and wander down dead-ends. But as you observe, they are already inventing a government made up of three powers, which check and balance each other. They feel they possess freedoms, though some are not down in writing: They have the right to own property, to defend themselves against attack, and to speak freely, though how freely they can speak is a variable thing. Freedom of conscience—the freedom to worship as you choose or not to worship at all—does not yet exist.

## **IN THE NORTH**

If you can survive them, your adversaries will strengthen and enlarge you. In Scotland, the English were perceived as adversaries to the freedom of the Scots. Fighting the English king's domination, thirty-eight Scottish Lords meet at Arbroath Abbey in 1320, and formally and passionately declared that their King was Robert the Bruce, and that 'Scotland will be forever independent of England'.

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They had already testified to these intentions on the battlefield. Abbot Bernard de Linton helped them to write the Declaration of Arbroath. There they asserted that they spoke for the whole community of the realm of Scotland, and affirmed: ‘As long as but a hundred of us remain alive, never will we on any conditions be brought under English rule. It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom—for that alone, which no honest man gives up but with life itself.’

We acknowledge and honour Scots who have upheld the ideal of freedom for themselves and many other peoples.

## **THE FURTHER ADVENTURES OF PARLIAMENT, BRIEFLY TOLD**

The English Parliament was shaped by its struggle to control the sovereign’s power and hold monarchs responsible to Parliament. In the seventeenth century Parliament fought to curb the power of a king who had acquired the dangerous and mistaken notion that kings ruled by divine right. In particular Charles tried to avoid Parliament’s right to approve or reject his tax proposals. In 1649 Charles I was executed after a bloody Civil War.

In 1688/89, in the Glorious Revolution, a convention of the people ratified a new agreement with their monarchs, and Parliament subsequently ratified the agreement as the Bill of Rights, ‘An Act Declaring the Rights and Liberties of the Subject’. The phrase ‘rights and liberties’ sounds like a drumbeat in the Bill, which refers repeatedly to ‘ancient rights and liberties’, ‘undoubted rights and liberties’, ‘the rights and liberties asserted and claimed’, and ‘the true, ancient and indubitable rights and liberties of the people of this kingdom’. The Bill of Rights reaffirms specific rights—to trial by jury, to the right to bear arms (limited to Protestants), and the right to be free of foreign rule. There are denunciations of excessive bail, excessive fines, and illegal and cruel punishments.

Britain’s ‘ancient rights and liberties’ were not completely spelled out in these documents. However, they were spelled out in one place by a people who were quite sure they knew what they were.

## **‘ANCIENT RIGHTS & LIBERTIES’ IN A NEW-FOUND LAND**

Americans claimed ‘the bright inheritance of English freedom’ as theirs. (The phrase appears in a letter from New Yorkers to the Mayor of London in 1775.) Their eighteenth century War of Independence was a gauntlet hurled in the faces of King and Parliament who had refused to recognise the ‘ancient rights and liberties’ of British subjects living abroad. The American Bill of Rights, which came into effect December 15, 1791, protected liberties fought for and defended in Britain over the previous thousand years:

The right to habeas corpus and to trial by jury  
The right not to be fined excessively or punished cruelly  
The right to be silent under interrogation  
The right to bear arms  
The right to your property and house, free of government searches or seizure—‘your home is your castle’

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The freedom to own and sell property  
The right to petition your government  
The right not to have soldiers quartered in your home  
The right to freedom of conscience  
The right to freedom of speech.

## **A SECOND UNWRITTEN PART OF BRITAIN'S CONSTITUTION**

Later amendments would be added to the U.S. Bill of Rights, and American wrongs, such as slavery, would be righted. The constitutions of Britain and America shared a common, invisible principle.

This is the idea that your rights and liberties are your birthright. They are not the gift of government, and government has no right to take them away. Government exists not to give us freedom but to protect freedom.

'Ancient rights and liberties' may seem old hat to some, but millions of people from all over the world have voted their approval of Britain's and America's constitutions with their feet—by moving to Britain and America.

Our books describe the American Revolution and before that the astonishing courage of men and women willing to die at fiery stakes in order to establish freedom of conscience. Freedom of religion is recognised today in Britain and is part of America's Bill of Rights. It is one of the great creations of the people.

There is another, which has evolved directly out of the rights and freedoms of Britain's Constitution. It's the free economy.

## **THE FREE ECONOMY**

The free economy is based on a mutual covenant freely entered into – a promise from one person or set of people to provide services or goods and a promise from another person to provide payment. Those who promise falsely and break their covenant are rightly punished by the law and scorned. At its best this free and mutual covenant helps us to prosper.

In the free economy, sometimes crudely called capitalism, we are all constantly absorbing and generating information, buying and selling, competing, but also working together. Profit moves us, but so does empathy and the realization we prosper better together.

There are problems with the free economy, but they are not the fatal problems of a centralized economy. It is the free economy, which has produced inventions such as the worldwide web and made it available to millions.

Creating the free economy required courage and imagination from men and women. They had to oppose serfdom and slavery, abolish the African slave trade, and defend fair laws and wages for all people. They had and have to battle monopolies and big government-big business cronyism. They had and have to reduce heavy taxes and tariffs, eliminate corruption and withering regulations, and protect their water, air and

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earth. Businesses have the challenge of surviving, making a profit, and being fair to their employees. All the people have to defend equality of opportunity and a level playing field.

It is not perfect, but the free economy's results speak for its virtues. These include the overcoming of tremendous difficulties, such as the widespread unsettlement caused by the Industrial Revolution; the achievement of prosperity so great that millions of poor people have entered the middle class; and a dedication to generous responsibility so strong that private individuals created everything from schools and universities to theatres and festivals, hospitals and hospices, societies to help the blind, scholarships for children, the protection of animals from cruelty and the London Eye.

The free economy is an unwritten part of Britain's Constitution. Its loss would destroy millions of lives.

## **WRAP-UP**

Every person has a constitution—his or her strength, physical characteristics, and health. Every country has a constitution—ideas and laws, which its people live by. Their health depends on their country's constitution. Because Britain's Constitution is uncoded, its exact contents are not spelled out. We suggest that Britain's Constitution includes at least:

**The Coronation Oath**

**Common Law**

**Magna Carta**

**Establishment of elected Parliament 1265**

**Declaration of Rights/Bill of Rights**

**Ancient rights and liberties and unwritten parts**

## **THE CONSTITUTION & SCIENTIFIC DISCOVERY**

Many books describe Britain's extraordinary scientific discoveries and inventions, but few acknowledge the role of Britain's Constitution.

In the twelfth century English scientists believed that God had given them rational minds to understand the cosmos. This attitude differs markedly from cultures whose religious beliefs suggest that the world is a strange mystery, ruled by an unpredictable God, and best left unexplored. The English obtained Arabic astronomical data, and made celestial and computational studies in an effort to answer an essential question: *How do we prove the truth of observations and calculations?*

In the thirteenth century Robert Grosseteste and Roger Bacon ('Dr Mirabilis') taught five ideas crucial to proving the truth of observations and scientific discovery:

- 1. From specific observations you may be able to infer a theory or demonstrate that a theory is false.*
- 2. If your theory holds water, you should be able to predict facts and outcomes.*
- 3. You must constantly test your conclusions.*
- 4. Mathematics is necessary to science.*
- 5. Use controlled experiments to test your hypothesis.*

Thinking rationally and exploring scientifically will create almost every comfort and technological advance we take for granted. In turn, rational thought and scientific development will depend on Britain's Constitution and commitment to justice, peace, and freedom. This is so because people who are constantly defending themselves from violence and injustice do not have much time for scientific discovery.

## ONWARD

After many historic struggles, Parliament had triumphed over the monarch and, by the nineteenth century, reduced the sovereign's dominating role. This was good, but taken too far had the negative effect of diminishing the balance of powers between the sovereign, judiciary, and parliament. That balance is part of Britain's Constitution. Logically it will be clear to you that if Parliament's effort to control royal power has ended with Parliament becoming all-powerful, then one tyrant has been replaced with another.

People in Parliament today like to say that 'Parliament is sovereign'. We wonder how far they think this idea goes. We hardly imagine they mean that Parliament, which is the servant of the people, has the sovereign right to abolish itself and deprive the people of representative government?

The people loan power to their elected representatives to act in their behalf. A loan of power does not give Parliament the power to do anything it likes. Constitutionally Parliament is bound to protect, not to attack, 'the ancient rights and liberties' of the British people. Constitutionally Britain's MPs are the people's servants. They may have to be reminded of this fact.

Almost one thousand years after Dunstan administered the Coronation Oath to a king in AD 973, HM Elizabeth II explained to Canadians what the people should receive from their constitutional sovereign:

'The role of a Constitutional Monarch is to personify the democratic state, to legitimate authority, to assure the legality of its measures and to guarantee the execution of its popular will' (1964).

It is 'to assure the legality of its measures' and to protect the 'ancient rights and liberties' of her people that Britain's sovereign retains the right to refuse Royal Assent to any parliamentary bill, which strikes her as unconstitutional. We are not aware that HM has ever refused Assent.

Britain's Constitution has changed over the centuries, and may change again. A constitution is shaped by the people who create and protect it. In turn, a constitution shapes the lives of people who live under its rules and protections.

One thing history tells us: We are the heirs of men and women who for a thousand years defended freedom and justice. One thing history asks us: Will we defend and build on our constitutional inheritance?

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David Abbott & Catherine Glass Abbott

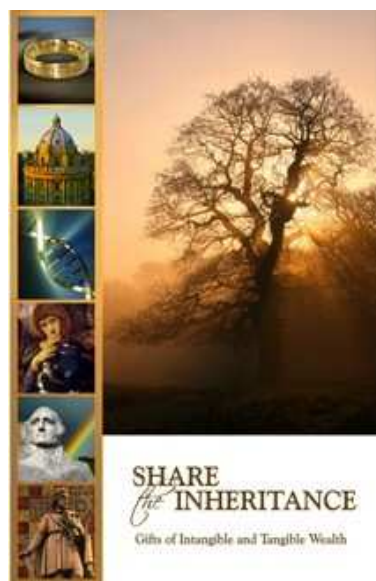


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An Englishman, David Abbott has practiced medicine in Britain, America & Canada for the last four decades. He believes in the principles of Magna Carta and the Bill of Rights. He is a father, grandfather, bell ringer, environmental and civil rights campaigner, and marathoner. An American, Catherine Glass Abbott received her degree in Classical Greek from Columbia University, New York. She worked in arts administration and in publishing for twenty years, and voluntarily helped the homeless for seven years in Oregon. David and Catherine are responsible for the website [www.britsattheirbest.com](http://www.britsattheirbest.com). They are married and live in Shawford, England, just a few hundred yards from Red Lane, where the body of William II was dragged by cart to Winchester.

### Reference:

David Abbott & Catherine Glass Abbott are the authors of an eBook, *Share the Inheritance, 12 Gifts from Great Britain*, and of the related illustrated hardcover book, *Share the Inheritance, Gifts of Intangible and Tangible Wealth*.



Two appendices are here provided giving the text of Magna Carta of 1215 and the text of the English Bill of Rights of 1689.

## Appendix I Magna Carta 1215

Note that the numbering of the clauses of Magna Carta is a modern convenience. Included here is Clause 61, which was omitted in subsequent releases of the Charter.

According to Gerald Murphy and Nancy Troutman of the Cleveland Free-Net who helped to prepare and make available the text (see below, Acknowledgements), this is but one of three different translations of Magna Carta, which was originally written in Latin, probably by Archbishop Stephen Langton. Magna Carta was almost immediately violated by King John, and the knight-barons went to war over the breach. Just over a year later, with no resolution in sight, John died, and was succeeded by his 9-year-old son, Henry III. Magna Carta was reissued again, without the security clause (61), in 1216, 1217 and 1225. Murphy and Troutman believe that the version presented here is the one that preceded all of the others.

### MAGNA CARTA

#### The Great Charter of Liberty

##### Preamble

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishop, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, stewards, servants, and to all his bailiffs and liege subjects, greetings. Know that, having regard to God and for the salvation of our soul, and those of all our ancestors and heirs, and unto the honor of God and the advancement of his holy Church and for the rectifying of our realm, we have granted as underwritten by advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England and cardinal of the holy Roman Church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; of Master Pandulf, subdeacon and member of the household of our lord the Pope, of brother Aymeric (master of the Knights of the Temple in England), and of the illustrious men William Marshal, earl of Pembroke, William, earl of Salisbury, William, earl of Warenne, William, earl of Arundel, Alan of Galloway (constable of Scotland), Waren Fitz Gerold, Peter Fitz Herbert, Hubert De Burgh (seneschal of Poitou), Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip d'Aubigny, Robert of Roppesley, John Marshal, John Fitz Hugh, and others, our liegemen.

1. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and

this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

2. If any of our earls or barons, or others holding of us in chief by military service shall have died, and at the time of his death his heir shall be full of age and owe "relief", he shall have his inheritance by the old relief, to wit, the heir or heirs of an earl, for the whole barony of an earl by £100; the heir or heirs of a baron, £100 for a whole barony; the heir or heirs of a knight, £100s, at most, and whoever owes less let him give less, according to the ancient custom of fees.

3. If, however, the heir of any one of the aforesaid has been under age and in wardship, let him have his inheritance without relief and without fine when he comes of age.

4. The guardian of the land of an heir who is thus under age, shall take from the land of the heir nothing but reasonable produce, reasonable customs, and reasonable services, and that without destruction or waste of men or goods; and if we have committed the wardship of the lands of any such minor to the sheriff, or to any other who is responsible to us for its issues, and he has made destruction or waste of what he holds in wardship, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall be responsible for the issues to us or to him to whom we shall assign them; and if we have given or sold the wardship of any such land to anyone and he has therein made destruction or waste, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall be responsible to us in like manner as aforesaid.

5. The guardian, moreover, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, stanks, mills, and other things pertaining to the land, out of the issues of the same land; and he shall restore to the heir, when he has come to full age, all his land, stocked with ploughs and wainage, according as the season of husbandry shall require, and the issues of the land can reasonable bear.

6. Heirs shall be married without disparagement, yet so that before the marriage takes place the nearest in blood to that heir shall have notice.

7. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage portion and inheritance; nor shall she give anything for her dower, or for her marriage portion, or for the inheritance which her husband and she held on the day of the death of that husband; and she may remain in the house of her husband for forty days after his death, within which time her dower shall be assigned to her.

8. No widow shall be compelled to marry, so long as she prefers to live without a husband; provided always that she gives security not to marry without our consent, if she holds of us, or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs will seize any land or rent for any debt, as long as the chattels of the debtor are sufficient to repay the debt; nor shall the sureties of the

debtor be distrained so long as the principal debtor is able to satisfy the debt; and if the principal debtor shall fail to pay the debt, having nothing wherewith to pay it, then the sureties shall answer for the debt; and let them have the lands and rents of the debtor, if they desire them, until they are indemnified for the debt which they have paid for him, unless the principal debtor can show proof that he is discharged thereof as against the said sureties.

10. If one who has borrowed from the Jews any sum, great or small, die before that loan be repaid, the debt shall not bear interest while the heir is under age, of whomsoever he may hold; and if the debt fall into our hands, we will not take anything except the principal sum contained in the bond.

11. And if anyone die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if any children of the deceased are left under age, necessities shall be provided for them in keeping with the holding of the deceased; and out of the residue the debt shall be paid, reserving, however, service due to feudal lords; in like manner let it be done touching debts due to others than Jews.

12. No scutage nor aid shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

14. And for obtaining the common counsel of the kingdom concerning the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moreover cause to be summoned generally, through our sheriffs and bailiffs, and others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

15. We will not for the future grant to anyone license to take an aid from his own free tenants, except to ransom his person, to make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.

16. No one shall be distrained for performance of greater service for a knight's fee, or for any other free tenement, than is due therefrom.

17. Common pleas shall not follow our court, but shall be held in some fixed place.

18. Inquests of novel disseisin, of mort d'ancestor, and of darrein presentment shall not be held elsewhere than in their own county courts, and that in manner following:

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We, or, if we should be out of the realm, our chief justiciar, will send two justiciaries through every county four times a year, who shall alone with four knights of the county chosen by the county, hold the said assizes in the county court, on the day and in the place of meeting of that court.

19. And if any of the said assizes cannot be taken on the day of the county court, let there remain of the knights and freeholders, who were present at the county court on that day, as many as may be required for the efficient making of judgments, according as the business be more or less.

20. A freeman shall not be amerced for a slight offense, except in accordance with the degree of the offense; and for a grave offense he shall be amerced in accordance with the gravity of the offense, yet saving always his "contentment"; and a merchant in the same way, saving his "merchandise"; and a villein shall be amerced in the same way, saving his "wainage" if they have fallen into our mercy: and none of the aforesaid amercements shall be imposed except by the oath of honest men of the neighborhood.

21. Earls and barons shall not be amerced except through their peers, and only in accordance with the degree of the offense.

22. A clerk shall not be amerced in respect of his lay holding except after the manner of the others aforesaid; further, he shall not be amerced in accordance with the extent of his ecclesiastical benefice.

23. No village or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.

24. No sheriff, constable, coroners, or others of our bailiffs, shall hold pleas of our Crown.

25. All counties, hundred, wapentakes, and trithings (except our demesne manors) shall remain at the old rents, and without any additional payment.

26. If anyone holding of us a lay fief shall die, and our sheriff or bailiff shall exhibit our letters patent of summons for a debt which the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and enroll the chattels of the deceased, found upon the lay fief, to the value of that debt, at the sight of law worthy men, provided always that nothing whatever be thence removed until the debt which is evident shall be fully paid to us; and the residue shall be left to the executors to fulfill the will of the deceased; and if there be nothing due from him to us, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest kinsfolk and friends, under supervision of the Church, saving to every one the debts which the deceased owed to him.

28. No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefore, unless he can have postponement thereof by permission of the seller.



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29. No constable shall compel any knight to give money in lieu of castle-guard, when he is willing to perform it in his own person, or (if he himself cannot do it from any reasonable cause) then by another responsible man. Further, if we have led or sent him upon military service, he shall be relieved from guard in proportion to the time during which he has been on service because of us.

30. No sheriff or bailiff of ours, or other person, shall take the horses or carts of any freeman for transport duty, against the will of the said freeman.

31. Neither we nor our bailiffs shall take, for our castles or for any other work of ours, wood which is not ours, against the will of the owner of that wood.

32. We will not retain beyond one year and one day, the lands those who have been convicted of felony, and the lands shall thereafter be handed over to the lords of the fiefs.

33. All kydells for the future shall be removed altogether from Thames and Medway, and throughout all England, except upon the seashore.

34. The writ which is called praecipe shall not for the future be issued to anyone, regarding any tenement whereby a freeman may lose his court.

35. Let there be one measure of wine throughout our whole realm; and one measure of ale; and one measure of corn, to wit, "the London quarter"; and one width of cloth (whether dyed, or russet, or "halberget"), to wit, two ells within the selvedges; of weights also let it be as of measures.

36. Nothing in future shall be given or taken for a writ of inquisition of life or limbs, but freely it shall be granted, and never denied.

37. If anyone holds of us by fee-farm, either by socage or by burage, or of any other land by knight's service, we will not (by reason of that fee-farm, socage, or burage), have the wardship of the heir, or of such land of his as if of the fief of that other; nor shall we have wardship of that fee-farm, socage, or burage, unless such fee-farm owes knight's service. We will not by reason of any small serjeancy which anyone may hold of us by the service of rendering to us knives, arrows, or the like, have wardship of his heir or of the land which he holds of another lord by knight's service.

38. No bailiff for the future shall, upon his own unsupported complaint, put anyone to his "law", without credible witnesses brought for this purposes.

39. No freemen shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers *and / or* by the law of the land.

[Note that Magna Carta was written in Latin and the Latin word *vel* may be translated as OR or AND. The great Magna Carta scholar William Sharp McKechnie, who wrote, [MAGNA CARTA - A COMMENTARY](#) believes the correct translation is AND. The drafters are emphasising that whatever judgement is given must be given

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lawfully. "Lawful judgment of one's peers" – a trial by jury – has to be given according to the laws of the land otherwise it could not be called "lawful".]

40. To no one will we sell, to no one will we refuse or delay, right or justice.

41. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

42. It shall be lawful in future for anyone (excepting always those imprisoned or outlawed in accordance with the law of the kingdom, and natives of any country at war with us, and merchants, who shall be treated as if above provided) to leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy - reserving always the allegiance due to us.

43. If anyone holding of some escheat (such as the honor of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands and are baronies) shall die, his heir shall give no other relief, and perform no other service to us than he would have done to the baron if that barony had been in the baron's hand; and we shall hold it in the same manner in which the baron held it.

44. Men who dwell without the forest need not henceforth come before our justiciaries of the forest upon a general summons, unless they are in plea, or sureties of one or more, who are attached for the forest.

45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

46. All barons who have founded abbeys, concerning which they hold charters from the kings of England, or of which they have long continued possession, shall have the wardship of them, when vacant, as they ought to have.

47. All forests that have been made such in our time shall forthwith be disafforsted; and a similar course shall be followed with regard to river banks that have been placed "in defence" by us in our time.

48. All evil customs connected with forests and warrens, foresters and warreners, sheriffs and their officers, river banks and their wardens, shall immediately be inquired into in each county by twelve sworn knights of the same county chosen by the honest men of the same county, and shall, within forty days of the said inquest, be utterly abolished, so as never to be restored, provided always that we previously have intimation thereof, or our justiciar, if we should not be in England.

49. We will immediately restore all hostages and charters delivered to us by Englishmen, as sureties of the peace of faithful service.

50. We will entirely remove from their bailiwicks, the relations of Gerard of Athee (so that in future they shall have no bailiwick in England); namely, Engelard of Cigogne, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogne, Geoffrey of Martigny with his brothers, Philip Mark with his brothers and his nephew Geoffrey, and the whole brood of the same.

51. As soon as peace is restored, we will banish from the kingdom all foreign born knights, crossbowmen, serjeants, and mercenary soldiers who have come with horses and arms to the kingdom's hurt.

52. If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseised or removed, by our father, King Henry, or by our brother, King Richard, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from the expedition, we will immediately grant full justice therein.

53. We shall have, moreover, the same respite and in the same manner in rendering justice concerning the disafforestation or retention of those forests which Henry our father and Richard our brother afforested, and concerning the wardship of lands which are of the fief of another (namely, such wardships as we have hitherto had by reason of a fief which anyone held of us by knight's service), and concerning abbeys founded on other fiefs than our own, in which the lord of the fee claims to have right; and when we have returned, or if we desist from our expedition, we will immediately grant full justice to all who complain of such things.

54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.

55. All fines made with us unjustly and against the law of the land, and all amercements, imposed unjustly and against the law of the land, shall be entirely remitted, or else it shall be done concerning them according to the decision of the five and twenty barons whom mention is made below in the clause for securing the peace, or according to the judgment of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may wish to bring with him for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided always that if any one or more of the aforesaid five and twenty barons are in a similar suit, they shall be removed as far as concerns this particular judgment, others being substituted in their places after having been selected by the rest of the same five and twenty for this purpose only, and after having been sworn.

56. If we have disseised or removed Welshmen from lands or liberties, or other things, without the legal judgment of their peers in England or in Wales, they shall be immediately restored to them; and if a dispute arise over this, then let it be decided in

the marches by the judgment of their peers; for the tenements in England according to the law of England, for tenements in Wales according to the law of Wales, and for tenements in the marches according to the law of the marches. Welshmen shall do the same to us and ours.

57. Further, for all those possessions from which any Welshman has, without the lawful judgment of his peers, been disseised or removed by King Henry our father, or King Richard our brother, and which we retain in our hand (or which are possessed by others, and which we ought to warrant), we will have respite until the usual term of crusaders; excepting those things about which a plea has been raised or an inquest made by our order before we took the cross; but as soon as we return (or if perchance we desist from our expedition), we will immediately grant full justice in accordance with the laws of the Welsh and in relation to the foresaid regions.

58. We will immediately give up the son of Llywelyn and all the hostages of Wales, and the charters delivered to us as security for the peace.

59. We will do towards Alexander, king of Scots, concerning the return of his sisters and his hostages, and concerning his franchises, and his right, in the same manner as we shall do towards our other barons of England, unless it ought to be otherwise according to the charters which we hold from William his father, formerly king of Scots; and this shall be according to the judgment of his peers in our court.

60. Moreover, all these aforesaid customs and liberties, the observances of which we have granted in our kingdom as far as pertains to us towards our men, shall be observed by all of our kingdom, as well clergy as laymen, as far as pertains to them towards their men.

61. Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the barons choose five and twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault towards anyone, or shall have broken any one of the articles of this peace or of this security, and the offense be notified to four barons of the foresaid five and twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay. And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five and twenty barons, and those five and twenty barons shall, together with the community of the whole realm, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us. And let whoever in the

country desires it, swear to obey the orders of the said five and twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to everyone who wishes to swear, and we shall never forbid anyone to swear. All those, moreover, in the land who of themselves and of their own accord are unwilling to swear to the twenty five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect foresaid. And if any one of the five and twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the foresaid provisions being carried out, those of the said twenty five barons who are left shall choose another in his place according to their own judgment, and he shall be sworn in the same way as the others. Further, in all matters, the execution of which is entrusted to these twenty five barons, if perchance these twenty five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty five had concurred in this; and the said twenty five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null, and we shall never use it personally or by another.

62. And all the will, hatreds, and bitterness that have arisen between us and our men, clergy and lay, from the date of the quarrel, we have completely remitted and pardoned to everyone. Moreover, all trespasses occasioned by the said quarrel, from Easter in the sixteenth year of our reign till the restoration of peace, we have fully remitted to all, both clergy and laymen, and completely forgiven, as far as pertains to us. And on this head, we have caused to be made for them letters testimonial patent of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, of the bishops aforesaid, and of Master Pandulf as touching this security and the concessions aforesaid.

63. Wherefore we will and firmly order that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent. Given under our hand - the above named and many others being witnesses - in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

#### **Acknowledgments**

**The text for this version of Magna Carta was prepared by Nancy Troutman (The Cleveland Free-Net - aa345), to whom thanks. It is distributed by the Cybercasting Services Division of the National Public Telecomputing Network (NPTN). Permission is given by the preparer and distributor to download, reprint, and/or otherwise redistribute this file, provided appropriate point of origin credit is given to the preparer of the text and the National Public Telecomputing Network.**



## **Appendix II English Bill of Rights 1689**

### **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 upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight [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 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 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;

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 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 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;

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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 [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;

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;

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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 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. 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 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 declaration, and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all time to come. And the said Lords Spiritual and Temporal and Commons, seriously considering how it hath pleased Almighty God in his marvellous providence and merciful goodness to this nation to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, that King James the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the royal state, crown and dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed. And for preventing all questions and divisions in this realm by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquility and safety of this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and Commons do beseech their Majesties that it may be enacted, established and declared, that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties and the survivor of them during their lives and the life of the survivor of them, and that the entire, perfect and full exercise of the regal power and government be only in and executed by his Majesty in the names of both their Majesties during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her Majesty, and for default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the body of his said Majesty; and thereunto the said Lords

Spiritual and Temporal and Commons do in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs and posterities for ever, and do faithfully promise that they will stand to, maintain and defend their said Majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary. 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 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.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by *‘non obstante’* of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

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III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

**Acknowledgement**

**The above text of the English Bill of Rights of 1689 was published online by  
Yale University's Avalon Project, to whom thanks.**

**Reference: [http://avalon.law.yale.edu/17th\\_century/england.asp](http://avalon.law.yale.edu/17th_century/england.asp)**

[ENDS]