

Magna Carta

Headnote: After several years of unsuccessful foreign policies and heavy taxation demands, by 1215 England's King John was faced with a possible rebellion by the country's powerful barons. Giving in to pressure, he agreed to a charter of liberties known as the Magna Carta (or Great Charter). That document sought to place him and all of England's future sovereigns within a **rule of law**. Though it was not initially successful, the document was amended and reissued, eventually serving as the foundation for the English system of law. Later generations of Englishmen would celebrate the Magna Carta as a symbol of freedom from oppression, as would the Founding Fathers of the United States of America, who in 1776 used the Magna Carta as a basis for asserting their liberty from the English crown.

Excerpt from the full-text translation of the 1215 edition

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

(1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also **granted, for us and our heirs for ever, all the liberties written out below**, to have and to keep for them and their heirs, of us and our heirs:

...(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place...

...(30) No sheriff, royal official, or other person shall take horses or carts for transport from any free man, **without his consent**...

...(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, **without the consent of the owner**...

...(38) In future no official shall place a man on trial upon his own unsupported statement, **without producing credible witnesses to the truth of it**...

...(39) **No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land**...

...(61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, **for the better ordering of our kingdom, and to allay the discord that has arisen between us and our barons**, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

...Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the above mentioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (i.e. 1215: the new regnal year began on 28 May).

English Bill of Rights

Headnote: The Glorious Revolution, also called the Revolution of 1688, was the overthrow of King James II of England (James VII of Scotland) by members of Parliament, with the assistance of the Dutch rulers William and Mary. This peaceable and largely bloodless Revolution was in response to perceived abuses of power by James II. The Revolution brought an end to the old theory of the divine right of kings (the doctrine that kings derive their authority from God, not from their subjects) and clearly established the supremacy of Parliament. The English Bill of Rights was an act of Parliament passed on December 16, 1689. The Bill of Rights 1689 is not a bill of rights like the Bill of Rights in the United States. Rather than identify individual rights of the people, it addressed only the

Excerpt from the 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, . . . , a certain declaration in writing made by the said Lords and Commons in the words following, viz.:

Whereas the late King James the Second, by the assistance of divers[e] evil counsellors, judges and ministers employed by him, did [try] to subvert and [eliminate] the Protestant religion and the laws and liberties of this kingdom;...

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

That the commission for erecting [special courts for suppressing the Protestant religion], and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown . . . without grant of Parliament. . . 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 [sic] suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

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

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

That 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 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.

Source: http://avalon.law.yale.edu/17th_century/england.asp
