

English Organic Documents



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Magna Carta

June 15, 1215

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and all bailiffs and his faithful people greeting. Know that by the inspiration of God and for the good of our soul and those of all our predecessors and of our heirs, to the honor of God and the exaltation of holy church, and the improvement of our kingdom, by the 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, and Benedict of Rochester, bishops; of Master Pandulf, sub-deacon and member of the household of the lord Pope, of Brother Aymeric, master of the Knights of the Temple in England; and of the noblemen William Marshall, earl of Pembroke, William, earl of Salisbury, William, earl of Warren, William, earl of Arundel, Alan of Galloway, constable of Scotland, Warren Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh, steward of Poitou, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Bassett, Alan Bassett, Philip d'Albini, Robert de Roppelay, John Marshall, John Fitz-Hugh, and others of our faithful.

1. In the first place, we have granted to God, and by this our present charter confirmed, for us and for our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured; and we will that it be thus observed; which is shown by this, that the freedom of elections, which is considered to be most important and especially necessary to the English church, we, of our pure and spontaneous will, granted, and by our charter confirmed, before the contest between us and our barons had arisen; and obtained a confirmation of it by the lord Pope Innocent III.; which we shall observe and which shall be observed in good faith by our heirs forever.

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

2. If any of our earls or barons, or others holding from us in chief by military service shall have died, and when he has died his heir shall be of full age and owe relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl for the whole barony of an earl a hundred pounds; the heir or heirs of a baron for a whole barony a hundred pounds; the heir or heirs of a knight for a whole knight's fee a hundred shillings at most; and who owes less let him give less according to the ancient custom of fiefs.

3. If moreover the heir of any one of such shall be under age, and shall be in wardship, when he comes of age he shall have his inheritance without relief and without a fine.

4. The custodian of the land of such a minor heir shall not take from the land of the heir any except reasonable products, reasonable customary payments, and reasonable services, and this without destruction or waste of men or of property; and if we shall have committed the custody of the land of any such a one to the sheriff or to any other who is to be responsible to us for its

proceeds, and that man shall have caused destruction or waste from his custody we will recover damages from him, and the land shall be committed to two legal and discreet men of that fief, who shall be responsible for its proceeds to us or to him to whom we have assigned them; and if we shall have given or sold to any one the custody of any such land, and he has caused destruction or waste there, he shall lose that custody, and it shall be handed over to two legal and discreet men of that fief who shall be in like manner responsible to us as is said above.

5. The custodian moreover, so long as he shall have the custody of the land, must keep up the houses, parks, warrens, fish ponds, mills, and other things pertaining to the land, from the proceeds of the land itself; and he must return to the heir, when he has come to full age, all his land, furnished with ploughs and implements of husbandry according as the time of wainage requires and as the proceeds of the land are able reasonably to sustain.

6. Heirs shall be married without disparity, so nevertheless that before the marriage is contracted, it shall be announced to the relatives by blood of the heir himself.

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

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

9. Neither we nor our bailiffs will seize any land or rent for any debt, so long as the chattels of the debtor are sufficient for the payment of the debt; nor shall the pledges of a debtor be distrained so long as the principal debtor himself has enough for the payment of the debt; and if the principal debtor fails in the payment of the debt, not having the wherewithal to pay it, the pledges shall be responsible for the debt; and if they wish, they shall have the lands and the rents of the debtor until they shall have been satisfied for the debt which they have before paid for him, unless the principal debtor shall have shown himself to be quit in that respect towards those pledges.

10. If any one has taken anything from the Jews, by way of a loan, more or less, and dies before that debt is paid, the debt shall not draw interest so long as the heir is under age, from whomsoever he holds; and if that debt falls into our hands, we will take nothing except the chattel contained in the agreement.

11. And if any one dies leaving a debt owing to the Jews, his wife shall have her dowry, and shall pay nothing of that debt; and if there remain minor children of the dead man, necessaries shall be provided for them corresponding to the holding of the dead man; and from the remainder shall be paid the debt, the service of the lords being retained. In the same way debts are to be treated which are owed to others than the Jews.

12. No scutage or aid shall be imposed in our kingdom except by the common council of our kingdom, except for the ransoming of our body, for the making of our oldest son a knight, and for once marrying our oldest daughter, and for these purposes it shall be only a reasonable aid; in the same way it shall be done concerning the aids of 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. Moreover, we will and grant that all other cities and boroughs and villages and ports shall have all their liberties and free customs.

14. And for holding a common council of the kingdom concerning the assessment of an aid otherwise than in the three cases mentioned above, or concerning the assessment of a scutage, we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons by our letters under seal; and besides we shall cause to be summoned generally, by our sheriffs and bailiffs all those who hold from us in chief, for a certain day, that is at the end of forty days at least, and for a certain place; and in all the letters of that summons, we will express the cause of the summons, and when the summons has thus been given the business shall proceed on the appointed day, on the advice of those who shall be present, even if not all of those who were summoned have come.

15. We will not grant to any one, moreover, that he shall take an aid from his free men, except for ransoming his body, for making his oldest son a knight, and for once marrying his oldest daughter; and for these purposes only a reasonable aid shall be taken.

16. No one shall be compelled to perform any greater service for a knight's fee, or for any other free tenement than is owed from it.

17. The common pleas shall not follow our court, but shall be held in some certain place.

18. The recognitions of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be held only in their own counties and in this manner: we, or if we are outside of the kingdom our principal justiciar, will send two justiciars through each county four times a year, who with four knights of each county, elected by the county, shall hold in the county and on the day and in the place of the county court the aforesaid assizes of the county.

19. And if the aforesaid assizes cannot be held within the day of the county court, a sufficient number of knights and free-holders shall remain from those who were present at the county court on that day to give the judgments, according as the business is more or less.

20. A free man shall not be fined for a small offence, except in proportion to the measure of the offence; and for a great offence he shall be fined in proportion to the magnitude of the offence, saving his freehold; and a merchant in the same way, saving his merchandise; and the villain shall be fined in the same way, saving his wainage, if he shall be at our mercy; and none of the above fines shall be imposed except by the oaths of honest men of the neighborhood.

21. Earls and barons shall be fined only by their peers, and only in proportion to their offence.

22. A clergyman shall be fined, like those before mentioned, only in proportion to his lay holding, and not according to the extent of his ecclesiastical benefice.

23. No manor or man shall be compelled to make bridges over the rivers except those which ought to do it of old and rightfully.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold pleas of our crown.

25. All counties, hundreds, wapentakes, and trithings shall be at the ancient rents and without any increase, excepting our demesne manors.

26. If any person holding a lay fief from us shall die, and our sheriff or bailiff shall show our letters-patent of our summons concerning a debt which the deceased owed to us, it shall be lawful for our sheriff or bailiff to attach and levy on the chattels of the deceased found on his lay fief, to the value of that debt, in the view of legal men, so nevertheless that nothing be removed thence until the clear debt to us shall be paid; and the remainder shall be left to the executors for the fulfilment of the will of the deceased; and if nothing is owed to us by him, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

27. If any free man dies intestate, his chattels shall be distributed by the hands of his near relatives and friends, under the oversight of the church, saving to each one the debts which the deceased owed to him.

28. No constable or other bailiff of ours shall take anyone's grain or other chattels, without immediately paying for them in money, unless he is able to obtain a postponement at the good will of the seller.

29. No constable shall require any knight to give money in place of his ward of a castle if he is willing to furnish that ward in his own person or through another honest man, if he himself is not able to do it for a reasonable cause; and if we shall lead or send him into the army he shall be free from ward in proportion to the amount of time by which he has been in the army through us.

30. No sheriff or bailiff of ours or any one else shall take horses or wagons of any free man for carrying purposes except on the permission of that free man.

31. Neither we nor our bailiffs will take the wood of another man for castles, or for anything else which we are doing, except by the permission of him to whom the wood belongs.

32. We will not hold the lands of those convicted of a felony for more than a year and a day, after which the lands shall be returned to the lords of the fiefs.

33. All the fish-weirs in the Thames and the Medway, and throughout all England shall be done away with, except those on the coast.

34. The writ which is called *praecipe* shall not be given for the future to any one concerning any tenement by which a free man can lose his court.

35. There shall be one measure of wine throughout our whole kingdom, and one measure of ale, and one measure of grain, that is the London quarter, and one width of dyed cloth and of russets and of halbergets, that is two ells within the selvages; of weights, moreover, it shall be as of measures.

36. Nothing shall henceforth be given or taken for a writ of inquisition concerning life or limbs, but it shall be given freely and not denied.

37. If any one holds from us by fee farm or by soccage or by burgage, and from another he holds land by military service, we will not have the guardianship of the heir or of his land which is of the fief of another, on account of that fee farm, or soccage, or burgage, nor will we have the custody of that fee farm, or soccage, or burgage, unless that fee farm itself owes military service. We will not have the guardianship of the heir or of the land of any one, which he holds from another by military service on account of any petty serjeanty which he holds from us by the service of paving to us knives or arrows, or things of that kind.

38. No bailiff for the future shall place any one to his law on his simple affirmation, without credible witnesses brought for this purpose.

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

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

41. All merchants shall be safe and secure in going out from England and coming into England and in remaining and going through England, as well by land as by water, for buying and selling, free from all evil tolls, by the ancient and rightful customs, except in time of war, and if they are of a land at war with us; and if such are found in our land at the beginning of war, they shall be attached without injury to their bodies or goods, until it shall be known from us or from our principal justiciar in what way the merchants of our land are treated who shall then be found in the country which is at war with us; and if ours are safe there, the others shall be safe in our land.

42. It is allowed henceforth to any one to go out from our kingdom, and to return, safely and securely, by land and by water, saving their fidelity to us, except in time of war for some short time, for the common good of the kingdom; excepting persons imprisoned and outlawed according to the law of the realm, and people of a land at war with us, and merchants, of whom it shall be done as is before said.

43. If any one holds from an escheat as from the honor of Wallingford, or Nottingham, or Boulogne, or Lancaster, or from other escheats which are in our hands and are baronies, and he dies, his heir shall not give any other relief, nor do to us any other service than he would do to the baron,

if that barony was in the hands of the baron; and we will hold it in the same way as the baron held it.

44. Men who dwell outside the forest shall not henceforth come before our justiciars of the forest, on common summons, unless they are in a plea of, or pledges for any person or persons who are arrested on account of the forest.

45. We will not make justiciars, constables, sheriffs or bailiffs except of such as know the law of the realm and are well inclined to observe it.

46. All barons who have founded abbeys for which they have charters of kings of England, or ancient tenure, shall have their custody when they have become vacant, as they ought to have.

47. All forests which have been afforested in our time shall be disafforested immediately; and so it shall be concerning river banks which in our time have been fenced in.

48. All the bad customs concerning forests and warrens and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians shall be inquired into immediately in each county by twelve sworn knights of the same county, who shall be elected by the honest men of the same county, and within forty days after the inquisition has been made, they shall be entirely destroyed by them, never to be restored, provided that we be first informed of it, or our justiciar, if we are not in England.

49. We will give back immediately all hostages and charters which have been liberated to us by Englishmen as security for peace or for faithful service.

50. We will remove absolutely from their bailiwicks the relatives of Gerard de Athyes, so that for the future they shall have no bailiwick in England; Engelard de Cygony, Andrew, Peter and Gyon de Chancelles, Gyon de Cygony, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew and their whole retinue.

51. And immediately after the re-establishment of peace we will remove from the kingdom all foreign-born soldiers, crossbow men, servants, and mercenaries who have come with horses and arms for the injury of the realm.

52. If any one shall have been dispossessed or removed by us without legal judgment of his peers, from his lands, castles, franchises, or his right, we will restore them to him immediately; and if contention arises about this, then it shall be done according to the judgment of the twenty-five barons, of whom mention is made below concerning the security of the peace. Concerning all those things, however, from which any one has been removed or of which he has been deprived without legal judgment of his peers by King Henry our father, or by King Richard our brother, which we have in our land, or which others hold, and which it is our duty to guarantee, we shall have respite till the usual term of crusaders; excepting those things about which the suit has been begun or the inquisition made by our writ before our assumption of the cross; when, however, we shall return

from our journey or if by chance we desist from the journey, we will immediately show full justice in regard to them.

53. We shall, moreover, have the same respite and in the same manner about showing justice in regard to the forests which are to be disafforested or to remain forests, which Henry our father or Richard our brother made into forests; and concerning the custody of lands which are in the fief of another, custody of which we have until now had on account of a fief which any one has held from us by military service; and concerning the abbeys which have been founded in fiefs of others than ourselves, in which the lord of the fee has asserted for himself a right; and when we return or if we should desist from our journey we will immediately show full justice to those complaining in regard to them.

54. No one shall be seized nor imprisoned on the appeal of a woman concerning the death of any one except her husband.

55. All fines which have been imposed unjustly and against the law of the land, and all penalties imposed unjustly and against the law of the land are altogether excused, or will be on the judgment of the twenty-five barons of whom mention is made below in connection with the security of the peace, or on the judgment of the majority of them, along with the aforesaid Stephen, archbishop of Canterbury, if he is able to be present, and others whom he may wish to call for this purpose along with him. And if he should not be able to be present, nevertheless the business shall go on without him, provided that if any one or more of the aforesaid twenty-five barons are in a similar suit they should be removed as far as this particular judgment goes, and others who shall be chosen and put upon oath, by the remainder of the twenty-five shall be substituted for them for this purpose.

56. If we have dispossessed or removed any Welshmen from their lands, or franchises, or other things, without legal judgment of their peers, in England, or in Wales, they shall be immediately returned to them; and if a dispute shall have arisen over this, then it shall be settled in the borderland by judgment of their peers, concerning holdings of England according to the law of England, concerning holdings of Wales according to the law of Wales, and concerning holdings of the borderland according to the law of the borderland. The Welsh shall do the same to us and ours.

57. Concerning all those things, however, from which any one of the Welsh shall have been removed or dispossessed without legal judgment of his peers, by King Henry our father, or King Richard our brother, which we hold in our hands, or which others hold, and we are bound to warrant to them, we shall have respite till the usual period of crusaders, those being excepted about which suit was begun or inquisition made by our command before our assumption of the cross. When, however, we shall return or if by chance we shall desist from our journey, we will show full justice to them immediately, according to the laws of the Welsh and the aforesaid parts.

58. We will give back the son of Lewellyn immediately, and all the hostages from Wales and the charters which had been liberated to us as a security for peace.

59. We will act toward Alexander, king of the Scots, concerning the return of his sisters and his

hostages, and concerning his franchises and his right, according to the manner in which we shall act toward our other barons of England, unless it ought to be otherwise by the charters which we hold from William his father, formerly king of the Scots, and this shall be by the judgment of his peers in our court.

60. Moreover, all those customs and franchises mentioned above which we have conceded in our kingdom, and which are to be fulfilled, as far as pertains to us, in respect to our men; all men of our kingdom as well clergy as laymen, shall observe as far as pertains to them, in respect to their men.

61. Since, moreover, for the sake of God, and for the improvement of our kingdom and for the better quieting of the hostility sprung up lately between us and our barons, we have made all these concessions; wishing them to enjoy these in a complete and firm stability forever, we make and concede to them the security described below; that is to say, that they shall elect twenty-five barons of the kingdom, whom they will, who ought with all their power to observe, hold, and cause to be observed, the peace and liberties which we have conceded to them, and by this our present charter confirmed to them; in this manner, that if we or our justiciar, or our bailiffs, or any of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay. And if we shall not have corrected the transgression or, if we shall be out of the kingdom, if our justiciar shall not have corrected it within a period of forty days, counting from the time in which it has been shown to us or to our justiciar, if we are out of the kingdom; the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and let these twenty-five barons with the whole community of the country distress and injure us in every way they can; that is to say by the seizure of our castles, lands, possessions, and in such other ways as they can until it shall have been corrected according to their judgment, saving our person and that of our queen, and those of our children; and when the correction has been made, let them devote themselves to us as they did before. And let whoever in the country wishes take an oath that in all the above-mentioned measures he will obey the orders of the aforesaid twenty-five barons, and that he will injure us as far as he is able with them, and we give permission to swear publicly and freely to each one who wishes to swear, and no one will we ever forbid to swear. All those, moreover, in the country who of themselves and their own will are unwilling to take an oath to the twenty-five barons as to distressing and injuring us along with them, we will compel to take the oath by our mandate, as before said. And if any one of the twenty-five barons shall have died or departed from the land or shall in any other way be prevented from taking the above mentioned action, let the remainder of the aforesaid twenty-five barons choose another in his place, according to their judgment, who shall take an oath in the same way as the others. In all those things, moreover, which are committed to those five and twenty barons to carry out, if perhaps the twenty-five are present, and some disagreement arises among them about something, or if any of them when they have been summoned are not willing or are not able to be present, let that be considered valid and firm which the greater part of those who are present arrange or command, just as if the whole twenty-five had agreed in this; and let the aforesaid twenty-five swear that they will observe faithfully all the things which are

said above, and with all their ability cause them to be observed. And we will obtain nothing from any one, either by ourselves or by another by which any of these concessions and liberties shall be revoked or diminished; and if any such thing shall have been obtained, let it be invalid and void, and we will never use it by ourselves or by another.

62. And we have fully remitted and pardoned to everyone all the ill-will, indignation and rancour that have arisen between us and our men, clergy and laity, from the time of the quarrel. Furthermore, we have fully remitted to all, clergy and laity, and as far as pertains to us have completely forgiven, all trespasses occasioned by the same quarrel between Easter in the sixteenth year of our reign and the restoration of peace. And, besides, 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 and of the aforementioned bishops and of master Pandulf about this security and the aforementioned concessions.

63. Wherefore we wish and firmly enjoin that the English church shall be free, and that the men in our kingdom shall have and hold all the aforesaid liberties, rights and concessions well and peacefully, freely and quietly, fully and completely, for themselves and their heirs from us and our heirs, in all matters and in all places for ever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these things aforesaid shall be observed in good faith and without evil disposition. Witness the above-mentioned and many others. Given by our hand in the meadow which is called Runnymede between Windsor and Staines on the fifteenth day of June, in the seventeenth year of our reign.

Confirmatio Cartarum

November 5, 1297

EDWARD, *by the grace of God, King of England, Lord of Ireland, and Duke of Guian, to all those that these present letters shall hear or see, greeting.* Know ye that we, to the honour of God and of Holy Church, and to the profit of our realm, have granted for us and our heirs, that the Charter of liberties, and the Charter of the forest, which were made by common assent of all the realm, in the time of King HENRY our father, shall be kept in every point without breach. (2) And we will that the same charters shall be sent under our seal, as well to our justices of the forest, as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs, in the which it shall be contained, that they cause the foresaid charters to be published, and to declare to the people that we have confirmed them in all points; (3) and that our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law, and the Charter of the forest, for the wealth of our realm.

2. AND we will, That if any judgement be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers that hold plea before them against the points of the charters, it shall be undone, and holden for nought.

3. AND we will, That the same charters shall be sent, under our seal, to cathedral churches throughout our realm, there to remain, and shall be read before the people two times by the year.

4. AND that all archbishops and bishops shall pronounce the sentence of excommunication against all those that by word, deed, or counsel do contrary to the foresaid charters, or that in any point break or undo them. (2) And that the said curses be twice a year denounced and published by the prelates aforesaid. (3) And if the said prelates, or any of them, be remiss in the denunciation of the said sentences, the archbishops of *Canterbury* and *York* for the time being shall compel and distrein them to the execution of their duties in form aforesaid.

5. AND *for so much as divers people of our realm are in fear that the aids and tasks which they have given to us befortime towards our wars and other business, of their own grant and good will (howsoever they were made) might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and likewise for the prises taken throughout the realm by our ministers:* (2) We have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises into a custom, for any thing that hath been done heretofore, be it by roll or any other precedent that may be founden.

6. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy church, as also to earls, barons, and to all the communalty of the land, that for no business from henceforth we shall take such manner of aids, tasks, nor prises, but by the common assent of the realm, and for the common profit thereof, saving the ancient aids, and prises due and accustomed.

7. AND *for so much as the more part of the communalty of the realm find themselves sore grieved with the maletent of woolls, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same;* We at their requests have yearly released it, and have for granted us and our heirs, that we shall not take such things without their common assent and good will, saving to us and our heirs the custom of woolls, skins, and leather, granted before by the communalty aforesaid. In witness of which things we have caused these our letters to be made patents. Witness EDWARD our son at *London* the tenth day of *October*, the five and twentieth year of our reign.

Petition of Right

June 7, 1628

To the King's most excellent majesty.

HUMBLY shew unto our sovereign lord the King, the lords spiritual and temporal, and commons in parliament assembled, That whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First commonly called *Statutum de tallagio non concedendo*, That no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm; (2) and by authority of parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; (3) and by other laws of this realm it is provided, That none should be charged by any charge or imposition called a benevolence, nor by such like charge: (4) by which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, That they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent in parliament.

II. Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administred unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; (2) and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty, or your privy council, against the laws and free customs of the realm.

III. And where also by the statute called *The great charter of the liberties of England*, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight and twentieth year of the reign of King Edward the Third, it was declared and enacted by authority of parliament, That no man of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death without being brought to answer by due process of law:

V. Nevertheless against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause shewed; (2) and when for their deliverance they were brought before your justices by your

Majesty's writs of *habeas corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law:

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people:

VII. And whereas also by authority of parliament, in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That no man should be forejudged of life or limb against the form of the great charter and the law of the land; (2) and by the said great charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: (3) and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial:

VIII. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed:

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborn to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: (2) which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

X. They do therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act of parliament; (2) and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; (3) and that no freeman, in any such manner as is before-mentioned, be imprisoned

or detained; (4) and that your Majesty would be pleased to remove the said soldiers and manners, and that your people may not be so burthened in time to come; (5) and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed, or put to death contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people in any of the premisses, shall not be drawn hereafter into consequence or example; (2) and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom. *Qua quidem petitione lecta & plenius intellecta per dictum dominum regem taliter est responsum in pleno parlamento, viz. Soit droit fait come est desire.*

Abolition of the Star Chamber

July 5, 1641

An act for the regulating of the privy council, and for taking away the court commonly called the star-chamber.

WHEREAS by the great charter many times confirmed in parliament, it is enacted, That no freeman shall be taken or imprisoned, or disseised of his freehold or liberties, or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him, or condemn him; but by lawful judgment of his peers, or by the law of the land: (2) and by another statute made in the fifth year of the reign of King Edward the Third, it is enacted, That no man shall be attached by any accusation, nor forejudged of life or limb, nor his lands, tenements, goods nor chattels seized into the King's hands, against the form of the great charter and the law of the land: (3) and by another statute made in the five and twentieth year of the reign of the same King Edward the Third, it is accorded, assented and established, That none shall be taken by petition or suggestion made to the King, or to his council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ original at the common law, and that none be put out of his franchise or freehold, unless he be duly brought in to answer, and forejudged of the same by the course of the law, and if any thing be done against the same, it shall be redressed and holden for none: (4) and by another statute made in the eight and twentieth year of the reign of the same King Edward the Third, it is amongst other things enacted, That no man of what estate or condition soever he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, without being brought in to answer by due process of law: (5) and by another statute made in the two and fortieth year of the reign of the said King Edward the Third, it is enacted, That no man be put to answer, without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land, and if any thing be done to the contrary, it shall be void in law, and holden for error: (6) and by another statute made in the six and thirtieth year of the same King Edward the Third, it is amongst other things enacted, That all pleas which shall be pleaded in any courts before any the King's justices, or in his other places, or before any of his other ministers, or in the courts and places of any other lords within the realm, shall be entred and enrolled in latin: (7) and whereas by the statutes made in the third year of King Henry the Seventh, power is given to the chancellor, the lord treasurer of England for the time being, and the keeper of the King's privy seal, or two of them, calling unto them a bishop and a temporal lord of the King's most honourable council, and the two chief justices of the King's bench and common pleas for the time being, or other two justices in their absence, to proceed as in that act is expressed, for the punishment of some particular offences therein mentioned: (8) and by the statute made in the one and twentieth year of King Henry the Eighth, the president of the council is associated to join with the lord chancellor and other judges in the said statute of the Third of Henry the Seventh mentioned; (9) but the said judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted:

II. And forasmuch as all matters examinable or determinable before the said judges, or in the court commonly called the star-chamber, may have their proper remedy and redress, and their due punishment and correction, by the common law of the land, and in the ordinary course of justice elsewhere; (2) and forasmuch as the reasons and motives inducing the erection and continuance of that court do now cease: (3) and the proceedings, censures and decrees of that court, have by experience been found to be an intolerable burthen to the subjects, and the means to introduce an arbitrary power and government; (4) and forasmuch as the council-table hath of late times assumed unto it self a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject, contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischief and inconveniencies have arisen and happened, and much uncertainty by means of such-proceedings hath been conceived concerning mens rights and estates; for settling whereof, and preventing the like in time to come,

III. Be it ordained and enacted by the authority of this present parliament, That the said court commonly called the star-chamber, and all jurisdiction, power and authority belonging unto, or exercised in the same court, or by any the judges, officers, or ministers thereof, be from the first day of *August* in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away and determined; (2) and that from the said first day of *August* neither the lord chancellor, or keeper of the great seal of *England*, the lord treasurer of *England*, the keeper of the King's privy seal, or president of the council, nor any bishop, temporal lord, privy counsellor or judge, or justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever, in the said court commonly called the star-chamber, or to make, pronounce or deliver any judgment, sentence, order or decree, or to do any judicial or ministerial act in the said court: (3) and that all and every act and acts of parliament, and all and every article, clause and sentence in them, and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said court commonly called the star-chamber, or unto all or any the judges, officers or ministers thereof, or for any proceedings to be had or made in the said court, or for any matter or thing to be drawn into question, examined or determined there, shall for so much as concerneth the said court of star-chamber, and the power and authority thereby given unto it, be from the said first day of *August* repealed and absolutely revoked and made void.

IV. And be it likewise enacted, That the like jurisdiction now used and exercised in the court before the president and council in the marches of *Wales*; (2) and also in the court before the president and council established in the northern parts; (3) and also in the court commonly called the court of the duchy of *Lancaster*, held before the chancellor and council of that court; (4) and also in the court of exchequer of the county palatine of *Chester*, held before the chamberlain and council of that court; (5) the like jurisdiction being exercised there, shall from the said first day of *August* one thousand six hundred forty and one, be also repealed and absolutely revoked and made void; any law, prescription, custom or usage, or the said statute made in the third year of King *Henry* the Seventh, or the statute made the one and twentieth of *Henry* the Eighth, or any act or acts of parliament heretofore had or made, to the contrary thereof in any wise notwithstanding: (6) and that from henceforth no court, council or place of judicature, shall be erected, ordained, constituted or appointed within this realm of *England*, or dominion of *Wales*, which shall have, use or exercise the

same or the like jurisdiction as is or hath been used, practised or exercised in the said court of star-chamber.

V. Be it likewise declared and enacted by authority of this present parliament, That neither his Majesty, nor his privy council, have or ought to have any jurisdiction, power or authority, by *English* bill, petition, articles, libel or any other arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary courts of justice, and by the ordinary course of the law.

VI. And be it further provided and enacted, That if any lord chancellor, or keeper of the great seal of *England*, lord treasurer, keeper of the King's privy seal, president of the council, bishop, temporal lord, privy counsellor, judge or justice whatsoever, shall offend, or do any thing contrary to the purport, true intent and meaning of this law, then he or they shall for such offence forfeit the sum of five hundred pounds of lawful money of *England* unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon, to be recorded in any court of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance: (2) and if any person against whom any such judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend again in the same, then he or they for such offence shall forfeit the sum of one thousand pounds of lawful money of *England* unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon, to be recorded in any court of record at *Westminster*, by action of debt, bill, plaint or information, in which no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint shall be in any wise prayed, granted or allowed, nor any more than one imparlance: (3) and if any person against whom any such second judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend again in the same kind, and shall be thereof duly convicted by indictment, information, or any other lawful way or means, that such person so convicted shall be from thenceforth disabled, and become by virtue of this act incapable *ipso facto*, to bear his and their said office and offices respectively; (4) and shall be likewise disabled to make any gift, grant, conveyance, or other disposition of any of his lands, tenements, hereditaments, goods or chattels, or to take any benefit of any gift, conveyance or legacy to his own use.

VII. And every person so offending shall likewise forfeit and lose unto the party grieved, by any thing done contrary to the true intent and meaning of this law, his treble damages which he shall sustain and be put into by means or occasion of any such act or thing done, the same to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance.

VIII. And be it also provided and enacted, That if any person shall hereafter be committed, restrained of his liberty, or suffer imprisonment, by the order or decree of any such court of star-chamber, or other court aforesaid, now or at any time hereafter, having or pretending to have

the same or like jurisdiction, power or authority to commit or imprison as aforesaid, (2) or by the command or warrant of the King's majesty, his heirs or successors, in their own person, or by the command or warrant of the council-board, or of any of the lords or others of his Majesty's privy council; (3) that in every such case every person so committed, restrained of his liberty, or suffering imprisonment, upon demand or motion made by his counsel, or other employed by him for that purpose, unto the judges of the court of King's bench or common pleas, in open court, shall without delay, upon any pretence whatsoever, for the ordinary fees usually paid for the same, have forthwith granted unto him a writ of *habeas corpus*, to be directed generally unto all and every sheriffs, gaoler, minister, officer or other persons in whose custody the party committed or restrained shall be, (4) and the sheriffs, gaoler, minister, officer or other person in whose custody the party so committed or restrained shall be, shall at the return of the said writ, and according to the command thereof, upon due and convenient notice thereof given unto him, at the charge of the party who requireth or procureth such writ, and upon security by his own bond given, to pay the charge of carrying back the prisoner, if he shall be remanded by the court to which he shall be brought, as in like cases hath been used, such charges of bringing up and carrying back the prisoner to be always ordered by the court, if an difference shall arise thereabout, bring on cause to be brought the body of the said party so committed or restrained unto and before the judges or justices of the said court from whence the same writ shall issue, in open court, (5) and shall then likewise certify the true cause of such his detainer or imprisonment, and thereupon the court, within three court-days after such return made and delivered in open court, shall proceed to examine and determine whether the cause of such commitment appealing upon the said return be just and legal, or not, and shall thereupon do what to justice shall appertain, either by delivering, bailing or remanding the prisoner: (6) and if any thing shall be otherwise wilfully done or omitted to be done by any judge, justice, officer or other person afore-mentioned, contrary to the direction and true meaning hereof, that then such person so offending shall forfeit to the party grieved his treble damages, to be recovered by such means, and in such manner as is formerly in this act limited and appointed for the like penalty to be sued for and recovered.

IX. Provided always, and be it enacted, That this act and the several clauses therein contained shall be taken and expounded to extend only to the court of star-chamber, (2) and to the said courts holden before the president and council in the marches of *Wales*, (3) and before the president and council in the northern parts, (4) and also to the court commonly called the court of the duchy of *Lancaster*, holden before the chancellor and council of that court, (5) and also in the court of exchequer of the county palatine of *Chester*, held before the chamberlain and council of that court, (6) and to all courts of like jurisdiction to be hereafter erected, ordained, constituted or appointed as aforesaid; and to the warrants and directions of the council-board, and to the commitments, restraints and imprisonments of any person or persons made, commanded or awarded by the King's majesty, his heirs or successors, in their own person, or by the lords and others of the privy council, and every one of them.

X. And lastly, provided, and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this present act, unless the party supposed to have so offended shall be sued or impleaded for the same within two years at the most after such time wherein the said offence shall be committed.

Habeas Corpus Act

May 27, 1679

WHEREAS great delays have been used by sheriffs, gaolers and other officers, to whose custody any of the King's subjects have been committed for criminal or supposed criminal matters, in making returns of writs of habeas corpus to them directed, by standing out an alias and pluries habeas corpus, and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the King's subjects have been and hereafter may be long detained in prison, in such cases where by law they areailable, to their great charges and vexation:

II. For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; (2) be it enacted by the Kings most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority thereof, That whensoever any person or persons shall bring any *habeas corpus* directed unto any sheriff or sheriffs, goaler, minister or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison with any of the under-officers, under-keepers or deputy of the said officers or keepers, that the said officer or officers, his or their under-officers, under-keepers or deputies, shall within three days after the service thereof as aforesaid (unless the commitment aforesaid were for treason or felony, plainly and specially expressed in the warrant of commitment) upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same, and endorsed upon the said writ, not exceeding twelve pence *per* mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought according to the true intent of this present act, and that he will not make any escape by the way, make return of such writ; (3) and bring or cause to be brought the body of the party so committed or restrained, unto or before the lord chancellor, or lord keeper of the great seal of *England* for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto and before such other person or persons before whom the said writ is made returnable, according to the command thereof; (4) and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is or shall be residing; and if beyond the distance of twenty miles, and not above one hundred miles, then within the space of ten days, and if beyond the distance of one hundred miles, then within the space of twenty days, after such delivery aforesaid, and not longer.

III. And to the intent that no sheriff, gaoler or other officer may pretend ignorance of the import of any such writ; (2) be it enacted by the authority aforesaid, That all such writs shall be marked in this manner, *Per statutum tricesimo primo Caroli secundi Regis*, and shall be signed by the person that awards the same; (3) and if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for felony or treason plainly expressed in the warrant of commitment, in the vacation-time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convict or in execution by legal process)

or any one on his or their behalf, to appeal or complain to the lord chancellor or lord keeper, or any one of his Majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; (4) and the said lord chancellor, lord keeper, justices or barons or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons, or any on his, her or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an *habeas corpus* under the seal of such court whereof he shall then be one of the judges, (5) to be directed to the officer or officers in whose custody the party so committed or detained shall be, returnable *immediate* before the said lord chancellor or lord keeper, or such justice, baron or any other justice or baron of the degree of the coif of any of the said courts, (6) and upon service thereof as aforesaid, the officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or their deputy, in whose custody the party is so committed or detained, shall within the times respectively before limited, bring such prisoner or prisoners before the said lord chancellor or lord keeper, or such justices, barons or one of them, before whom the said writ is made returnable, and in case of his absence before any other of them, with the return of such writ, and the true causes of the commitment and detainer; (7) and thereupon within two days after the party shall be brought before them, the said lord chancellor or lord keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the court of King's bench the term following, or at the next assizes, sessions or general gaol-delivery of and for such county, city or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or recognizances into the said court where such appearance is to be made; (8) unless it shall appear unto the said lord chancellor or lord keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for the which by the law the prisoner is not bailable.

IV. Provided always, and be it enacted, That if any person shall have wilfully neglected by the space of two whole terms after his imprisonment, to pray a *habeas corpus* for his enlargement, such person so wilfully neglecting shall not have any *habeas corpus* to be granted in vacation-time, in pursuance of this act.

V. And be it further enacted by the authority aforesaid, That if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand shall not deliver, to the person so demanding, a true copy of the warrant or warrants

of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly, -all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of one hundred pounds; (2) and for the second offence the sum of two hundred pounds, and shall and is hereby made incapable to hold or execute his said office; (3) the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the King's courts at *Westminster*, wherein no essoin, protection, privilege, injunction, wager of law, or stay of prosecution by *Non vult ulterius prosequi*, or otherwise, shall be admitted or allowed, or any more than one imparlance; (4) and any recovery or judgment at the suit of any party grieved, shall be a sufficient conviction for the first offence; and any after recovery or judgment at the suit of a party grieved for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.

VI. And for the prevention of unjust vexation by reiterated commitments for the same offence; (2) be it enacted by the authority aforesaid, That no person or persons which shall be delivered or set at large upon any *habeas corpus*, shall at any time hereafter be again imprisoned or committed for the same offence by any person or persons whatsoever, other than by the legal order and process of such court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause; (3) and if any other person or persons shall knowingly contrary to this act recommit or imprison, or knowingly procure or cause to be recommitted or imprisoned, for the same offence or pretended offence, any person or persons delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he or they shall forfeit to the prisoner or party grieved the sum of five hundred pounds; any colourable pretence or variation in the warrant or warrants of commitment notwithstanding, to be recovered as aforesaid.

VII. Provided always, and be it further enacted, That if any person or persons shall be committed for high treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term, or first day of the sessions of *oyer* and *terminer* or general gaol-delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of *oyer* and *terminer* or general gaol-delivery, after such commitment; it shall and may be lawful to and for the judges of the court of King's bench and justices of *oyer* and *terminer* or general gaol-delivery, and they are hereby required, upon motion to them made in open court the last day of the term, sessions or gaol-delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail, unless it appear to the judges and justices upon oath made, that the witnesses for the King could not be produced the same term, sessions or general gaol-delivery; (2) and if any person or persons committed as aforesaid, upon his prayer or petition in open court the first week of the term or first day of the sessions of *oyer* and *terminer* and general gaol-delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions of *oyer* and *terminer* or general gaol-delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

VIII. Provided always, That nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause, but that after he shall he

discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to the law, for such other suit.

IX. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, subjects of this realm, shall be committed to any prison or in custody of any officer or officers whatsoever, for any criminal or supposed criminal matter, that the said person shall not be removed from the said prison and custody into the custody of any other officer or officers; (2) unless it be by *habeas corpus* or some other legal writ; or where the prisoner is delivered to the constable or other inferior officer to carry such prisoner to some common gaol; (3) or where any person is sent by order of any judge of assize or justice of the peace, to any common workhouse or house of correction; (4) or where the prisoner is removed from one prison or place to another within the same county, in order to his or her trial or discharge in due course of law; (5) or in case of sudden fire or infection, or other necessity; (6) and if any person or persons shall after such commitment aforesaid make out and sign, or countersign any warrant or warrants for such removal aforesaid, contrary to this act; as well he that makes or signs, or countersigns such warrant or warrants, as the officer or officers that obey or execute the same, shall suffer and incur the pains and forfeitures in this act before mentioned, both for the first and second offence respectively, to be recovered in manner aforesaid by the party grieved.

X. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any prisoner and prisoners as aforesaid, to move and obtain his or their *habeas corpus* as well out of the high court of chancery or court of exchequer, as out of the courts of King's bench or common pleas, or either of them; (2) and if the said lord chancellor or lord keeper, or any judge or judges, baron or barons for the time being, of the degree of the coif, of any of the courts aforesaid, in the vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of *habeas corpus* by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of five hundred pounds, to be recovered in manner aforesaid.

XI. And be it declared and enacted by the authority aforesaid, That an *habeas corpus* according to the true intent and meaning of this act, may be directed and run into any county palatine, the cinque-ports, or other privileged places within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and the islands of *Jersey* or *Guernsey*; any law or usage to the contrary notwithstanding.

XII. And for preventing illegal imprisonments in prisons beyond the seas; (2) be it further enacted by the authority aforesaid, That no subject of this realm that now is, or hereafter shall be an inhabitant or resiant of this kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, shall or may be sent prisoner into *Scotland*, *Ireland*, *Jersey*, *Guernsey*, *Tangier*, or into parts, garrisons, islands or places beyond the seas, which are or at any time hereafter shall be within or without the dominions of his Majesty, his heirs or successors; (3) and that every such imprisonment is hereby enacted and adjudged to be illegal; (4) and that if any of the said subjects now is or hereafter shall be so imprisoned, every such person and persons so imprisoned, shall and may for

every such imprisonment maintain by virtue of this act an action or actions of false imprisonment, in any of his Majesty's courts of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, sent prisoner or transported, contrary to the true meaning of this act, and against all or any person or persons that shall frame, contrive, write, seal or countersign any warrant or writing for such commitment, detainer, imprisonment or transportation, or shall be advising, aiding or assisting, in the same, or any of them; (5) and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given, shall not be less than five hundred pounds; (6) in which action no delay stay or stop of proceeding by rule, order or command, nor no injunction, protection or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule; (7) and the person or persons who shall knowingly frame, contrive, write, seal or countersign any warant for such commitment, detainer or transportation, or shall so commit, detain, imprison or transport any person or persons contrary to this act, or be any ways advising, aiding or assisting therein, being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or any of the islands, territories or dominions thereunto belonging; (8) and shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and praemunire made in the sixteenth year of King *Richard* the Second; (9) and be incapable of any pardon from the King, his heirs or successors, of the said forfeitures, losses or disabilities, or any of them.

XIII. Provided always, That nothing in this act shall extend to give benefit to any person who shall by contract in writing agree with any merchant or owner of any plantation, or other person whatsoever, to be transported to any parts beyond the seas, and receive earnest upon such agreement, although that afterwards such person shall renounce such contract.

XIV. Provided always, and be it enacted, That if any person or persons lawfully convicted of any felony, shall in open court pray to be transported beyond the seas, and the court shall thin}i fit to leave him or them in prison for that purpose, such person or persons may be transported into any parts beyond the seas, this act or any thing therein contained to the contrary notwithstanding.

XV. Provided also, and be it enacted, That nothing herein contained shall be deemed, construed or taken, to extend to the imprisonment of any person before the first day of *June* one thousand six hundred seventy and nine, or to any thing advised, procured, or otherwise done, relating to such imprisonment; any thing herein contained to the contrary notwithstanding.

XVI. Provided also, That if any person or persons at any time resiant in this realm, shall have committed any capital offence in *Scotland* or *Ireland*, or any of the islands, or foreign plantations of the King, his heirs or successors, where he or she ought to be tried for such offence, such person or persons may be sent to such place, there to receive such trial, in such manner as the same might have been used before the making of this act; any thing herein contained to the contrary notwithstanding.

XVII. Provided also, and be it enacted, That no person or persons shall be sued, impleaded, molested, or troubled for any offence against this act, unless the party offending be sued or impleaded for the same within two years at the most after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison; and if he shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

XVIII. And to the intent no person may avoid his trial at the assizes or general gaol-delivery, by procuring his removal before the assizes, at such time as he cannot be brought back to receive his trial there; (2) be it enacted, That after the assizes proclaimed for that county where the prisoner is detained, no person shall be removed from the common gaol upon any *habeas corpus* granted in pursuance of this act, but upon any such *habeas corpus* shall be brought before the judge of assize in open court, who is thereupon to do what to justice shall appertain.

XIX. Provided nevertheless, That after the assizes are ended, any person or persons detained, may have his or her *habeas corpus* according to the direction and intention of this act.

XX. And be it also enacted by the authority aforesaid, That if any information, suit or action shall be brought or exhibited against any person or persons for any offence committed or to be committed against the form of this law, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit or action, and the said matter shall be then as available to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth or alledged the same matter in bar or discharge of such information suit or action.

XXI. *And because many times persons charged with petty treason or felony, or as accessaries thereunto, are committed upon suspicion only, whereupon they are bailable, or not, according as the circumstances making out that suspicion are more or less weighty, which are best known to the justices of peace that committed the persons, and have the examinations before them, or to other justices of the peace in the county;* (2) be it therefore enacted, That where any person shall appear to be committed by any judge or justice of the peace and charged as accessory before the fact, to any petty treason or felony, or upon suspicion thereof, or with suspicion of petty treason or felony, which petty treason or felony shall be plainly and specially expressed in the warrant of commitment, that such person shall not be removed or bailed by virtue of this act, or in any other manner than they might have been before the making of this act.

Bill of Rights

December 16, 1689

An act for declaring the rights and liberties of the subject, and settling the succession of the crown.

WHEREAS the lords spiritual and temporal, and commons assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty eight, present unto their Majesties, then called and known by the names and stile of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said lords and commons, in the words following; viz.

WHEREAS the late King James the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.
2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.
3. By issuing and causing to be executed a commission under the great seal for erecting a court called, The court of commissioners for ecclesiastical causes.
4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament.
5. By raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law.
6. By causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.
7. By violating the freedom of election of members to serve in parliament.
8. By prosecutions in the court of King's bench, for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses.
9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

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

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons, upon whom the same were to be levied .

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James the Second having abdicated the government, and the throne being thereby vacant, his highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords spiritual and temporal, and divers principal persons of the commons) cause letters to be written to the lords spiritual and temporal, being protestants; and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the choosing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the two and twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted: upon which letters, elections have been accordingly made,

And thereupon the said lords spiritual and temporal, and commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid; do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare;

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

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

3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature are illegal and pernicious.

4. That levying money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all committments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be

with consent of parliament, is against law.

7. That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law.

8. That election of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

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

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

12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

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

And they do claim, demand, and insist upon all and singular the premisses, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premisses, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his highness the prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, That his said highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties.

II. The said lords spiritual and temporal, and commons, assembled at Westminster, do resolve, That William and Mary prince and princess of Orange be, and be declared, King and Queen of England, France and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said prince and princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said prince of Orange, in the names of the said prince and princess, during their joint lives; and after their deceases, the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said princess; and for default of such issue to the princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of

the body of the said prince of Orange. And the lords spiritual and temporal, and commons, do pray the said prince and princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of 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, that 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.

IV. 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.

V. 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.

VI. Now in pursuance of the premisses, 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 a 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 times to come.

VII. 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, stiles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and intirely invested and incorporated, united and annexed.

VIII. 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, tranquillity, 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 premisses 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 intire, 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 premisses 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 her body; and for default of such issue, to 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 any thing to the contrary.

IX. 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.

X. 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, intituled, *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 said declaration at his or her coronation, or the first day of the meeting of the first parliament as aforesaid, what shall first happen after such King or Queen shall have attained the said age of twelve years.

XI. 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.

XII. 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.

XIII. 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 then as if this act had never been made.

Treaty (Act) of Union, 1707

Whereas articles of union were agreed on, the twenty second day of July, in the fifth year of Your Majesty's reign, by the commissioners nominated on behalf of the Kingdom of England, under Your Majesty's Great Seal of England, bearing date at Westminster the tenth day of April then last past, in pursuance of an act of Parliament made in England, in the third year of Your Majesty's reign, and the commissioners nominated on the behalf of the Kingdom of Scotland, under Your Majesty's Great Seal of Scotland, bearing date the twenty seventh day of February, in the fourth year of Your Majesty's reign, in pursuance of the fourth act of the third session of the present Parliament of Scotland, to treat of and concerning an union of the said kingdoms: and whereas an act has passed in the Parliament of Scotland at Edinburgh, the sixteenth day of January, in the fifth year of Your Majesty's reign, wherein it is mentioned, That the Estates of Parliament considering the said articles of union of the two kingdoms had agreed to and approved of the said articles of union with some additions and explanations, and that Your Majesty, with advice and consent of the Estates of Parliament for establishing the Protestant religion and Presbyterian church government within the Kingdom of Scotland, had passed in the same session of Parliament an act, intituled An act for securing of the Protestant religion and Presbyterian church government, which by the tenor thereof was appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty or union in all times coming: the tenor of which articles, as ratified and approved of, with additions and explanations by the said act of parliament of Scotland, follows:

Article I

That the two Kingdoms of England and Scotland shall upon the first day of May, which shall be in the year one thousand seven hundred and seven, and forever after, be united into one Kingdom by the name of Great Britain; and that the ensigns armorial of the said United Kingdom be such as Her Majesty shall appoint, and the crosses of St George and St Andrew be conjoined in such manner as Her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

Article II

That the succession of the monarchy to the United Kingdom of Great Britain, and of the dominions thereto belonging, after Her most sacred Majesty, and in default of issue of Her Majesty, be, remain, and continue to the most excellent Princess Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body being Protestants, upon whom the Crown of England is settled by an act of Parliament made in England in the twelfth year of the reign of His late Majesty King William the Third, intituled An act for the further limitation of the crown, and better securing the rights and liberties of the subject: and that all papists, and persons marrying papists, shall be excluded from, and forever incapable to inherit, possess or enjoy the Imperial Crown of Great Britain, and the dominions thereto belonging, or any part thereof; and in every such case, the crown and government shall from time to time descend to, and be enjoyed by such person, being a

Protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another act of Parliament in England in the first year of the reign of Their late Majesties King William and Queen Mary, intituled An act declaring the rights and liberties of the subject, and settling the succession to the crown.

Article III

That the United Kingdom of Great Britain be represented by one and the same Parliament, to be styled the Parliament of Great Britain.

Article IV

That the subjects of the United Kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

Article V

That all ships or vessels belonging to Her Majesty's subjects of Scotland, at the time of ratifying the treaty of union of the two kingdoms in the Parliament of Scotland, though foreign built, be deemed and pass as ships of the built of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months after the first of May next, making oath, That at the time of ratifying the treaty of union in the Parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects in Scotland, to be particularly named, with the place of their respective abodes; and that the same does then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, has any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath; and the oath being so administered shall be attested by the officer or officers who administered the same; and being registered by the said officer or officers, shall be delivered to the master of the ship for security of her navigation; and a duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

Article VI

That all parts of the United Kingdom forever, from and after the union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export, settled in England when the union commences, shall, from and after the union, take place, throughout the

whole United Kingdom; excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which after the union, are to remain safe and entire to them in all respects, as before the same. And that from and after the union, no Scots cattle carried into England, shall be liable to any other duties, either on the public or private accounts, than those duties to which the cattle of England are or shall be liable within the said kingdom. And seeing by the laws of England there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that from and after the union, when oats shall be sold at fifteen shillings sterling per quarter or under, there shall be paid two shillings and six pence sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and that the bear of Scotland have the same rewards as barley: and in respect the importation of victuals into Scotland from any place beyond sea would prove a discouragement to tillage, therefore that the prohibition as now in force by the law of Scotland against importation of victuals from Ireland or any other place beyond sea into Scotland do after the union remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain for discouraging the importation of the said victuals from beyond sea.

Article VII

That all parts of the United Kingdom be forever from and after the union liable to the same excises upon all excisable liquors, excepting only that the thirty four gallons of English barrel of beer or ale, amounting to twelve gallons Scots present measure sold in Scotland by the brewer at nine shillings six pence sterling excluding all duties, and retailed including duties and the retailers profit at two pence the Scots pint or eighth part of the Scots gallon, be not after the union liable on account of the present excise upon excisable liquors in England to any higher imposition than two shillings sterling upon the aforesaid thirty four gallons English barrel, being twelve gallons the present Scots measure: and that the excise settled in England on all other liquors when the union commences take place throughout the whole United Kingdom.

Article VIII

That from and after the union, all foreign salt which shall be imported into Scotland, shall be charged at the importation there, with the same duties as the like salt is now charged with being imported into England, and to be levied and secured in the same manner: but in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchant importers, and the officers employed for levying the duties upon salt, and that the merchant may have what quantity thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives payable in six months. But Scotland shall for the space of seven years from the said union be exempted from paying in Scotland for salt made there the duty or excise now payable for salt made in England; but from the expiration of the said seven years shall be subject and liable to the same duties for salt made in Scotland as shall be then payable for salt made in England, to be levied and secured in the same manner and with

proportionable drawbacks and allowances as in England, with this exception, that Scotland shall after the said seven years remain exempted from the duty of two shillings four pence a bushel on home salt imposed by an act made in England in the ninth and tenth of King William the Third of England; and if the Parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings four pence of excise on the bushel of home salt, Scotland shall after the said seven years bear a proportion of the said fund and have an equivalent in the terms of this treaty; and that during the said seven years they shall be paid in England for all salt made in Scotland and imported from thence into England, the same duties upon the importation as shall be payable for salt made in England to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England; and that after the said seven years as long as the said duty of two shillings four pence a bushel upon salt is continued in England, the said two shillings and four pence a bushel shall be payable for all salt made in Scotland and imported into England to be levied and secured in the same manner; and that during the continuance of the duty of two shillings four pence a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt and proportionably for a greater or lesser quantity for which the carrier as well as the owner shall be liable jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace by the space of six months without bail and until the penalty be paid. And for establishing an equality in trade that the flesh exported from Scotland to England and put on board in Scotland to be exported to parts beyond the seas, and provisions for ships in Scotland and for foreign voyages, may be salted with Scots salt paying the same duty for what salt is so employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures, and provisions for preventing of frauds as are mentioned in the laws of England; and that from and after the union, the laws and acts of Parliament in Scotland, for pining, curing, and packing of herrings, white fish and salmon for exportation with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the Parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas which shall be cured with foreign salt only and without mixture of British or Irish salt shall have the same eases, premiums, and drawbacks as are or shall be allowed to such persons as export the like fish from England; and that for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of Great Britain, during the present allowances for other fish, ten shillings five pence sterling for every barrel of white herrings which shall be exported from Scotland; and that there shall be allowed five shilling sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the Parliament of Great Britain; and if any matters of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

Article IX

That whensoever the sum of one million nine hundred ninety seven thousand seven hundred and sixty three pounds, eight shillings, and four pence halfpenny shall be enacted by the Parliament of

Great Britain to be raised in that part of the United Kingdom now called England, on land and other things usually charged in acts of Parliament there for granting an aid to the Crown by a land tax, that part of the United Kingdom now called Scotland shall be charged by the same act with a further sum of forty eight thousand pounds free of all charges as the quota of Scotland to such tax, and so proportionably for any greater or lesser sum raised in England by any tax on land and other things usually charged together with the land; and that such quota for Scotland in the cases aforesaid be raised and collected in the same manner as the cess now is in Scotland; but subject to such regulations in the manner of collecting as shall be made by the Parliament of Great Britain.

Article X

That during the continuance of the respective duties on stamped paper, vellum and parchment by the several acts now in force in England, Scotland shall not be charged with the same respective duties.

Article XI

That during the continuance of the duties payable in England on windows and lights, which determine on the first day of August, 1710, Scotland shall not be charged with the same duties.

Article XII

That during the continuance of the duties payable in England on coals, culm and cinders, which determine the thirtieth day of September, 1710, Scotland shall not be charged therewith for coals, culm and cinders consumed there, but shall be charged with the same duties as in England for all coals, culm and cinders not consumed in Scotland.

Article XIII

That during the continuance of the duty payable in England upon malt, which determines the twenty-fourth day of June, 1707, Scotland shall not be charged with that duty.

Article XIV

That the kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the union except these consented to in this treaty, in regard it is agreed that all necessary provision shall be made by the Parliament of Scotland for the public charge and service of that kingdom for the year 1707; provided nevertheless that if the Parliament of England shall think fit to lay any further impositions by way of customs, or such excises with which by virtue of this treaty Scotland is to be charged equally with England, in such case Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of Great Britain; with this further provision, that any malt to be made and consumed in that part of the United Kingdom now called Scotland shall not be charged with any imposition on male during this present war. . . .

Article XV

That whereas by the terms of this treaty the subjects of Scotland, for preserving an equality of trade throughout the United Kingdom, will be liable to several customs and excises now payable in England which will be applicable towards payment of the debts of England contracted before the union, it is agreed that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England, in all particulars whatsoever in manner following, viz., that before the union of the said kingdoms the sum of £398,085, 10 shillings be granted to Her Majesty by the Parliament of England for the uses aftermentioned, being the equivalent to be answered to Scotland for such parts of the said customs and excises upon all excisable liquors with which that kingdom is to be charged upon the union as will be applicable to the payment of the said debts of England, according to the proportions which the present customs in Scotland, being £30,000 per annum, do bear to the customs in England, computed at £1,341,559 per annum, and which the present excises on excisable liquors in Scotland, being £33,500 per annum, do bear to the excises on excisable liquors in England, computed at £947,602 per annum, which sum of £398,085, 10 shillings shall be due and payable from the time of the union. And in regard that after the union, Scotland becoming liable to the same customs and duties payable on import and export and to the same excises on all excisable liquors as in England, as well upon that accmpt as upon the accmpt of the increase of trade and people (which will be the happy consequence of the union) the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made, yet nevertheless for the reasons aforesaid there ought to be a proportionable equivalent answered to Scotland, it is agreed that after the union there shall be an accmpt kept of the said duties arising in Scotland, to the end it may appear what ought to be answered in Scotland as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter mentioned, it is agreed that from and after the union the whole increase of the revenues of customs and duties on import and export and excises upon excisable liquors in Scotland over and above the annual produce of the said respective duties as above stated shall go and be applied for the term of seven years to the uses hereafter mentioned, and that upon the said accmpt there shall be answered to Scotland annually from the end of seven years after the union an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England, and generally that an equivalent shall be answered to Scotland for such parts of the English duties as Scotland may hereafter become liable to pay by reason of the union, other than such for which appropriations have been made by Parliament in England of the customs or other duties on export and import, excises on all excisable liquors, in respect of which debts equivalents are herein before provided. And as for the uses to which the said sum of £398,085, ten shillings to be granted as aforesaid, are to be applied, it is agreed that in the first place out of the aforesaid sum what consideration shall be found necessary to be had for any losses which private persons may sustain by reducing the coin of Scotland to the standard and value of the coin of England may be made good; in the next place that the capital stock or fund of the African and Indian Company of Scotland advanced, together with interest for the said capital stock after the rate of five per cent per annum, from the respective times of the payment thereof, shall be paid, upon payment of which capital stock and interest it is agreed the said Company be dissolved and cease; . . . and as to the overplus of the said sum of £398,085, ten shillings, . . . and also the whole increase of the said

revenues of customs, duties and excises above the present value which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland, after the said term, and also as to all other sums which according to the agreements aforesaid may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become liable towards payment of the debts of England, it is agreed that the same be applied in manner following, viz., that all the public debts of the kingdom of Scotland as shall be adjusted by this present Parliament shall be paid, and that £2,000 per annum for the space of seven years shall be applied towards encouraging and prowoolng the manufacture of coarse woll within those shires which produce the wool, and that the first £2,000 sterling be paid at Martinmas next, and so yearly at Martinmas during the space aforesaid, and afterwards the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland as may most conduce to the general good of the United Kingdom; and it is agreed that Her Majesty be empowered to appoint commissioners who shall be accomptable to the Parliament of Great Britain for disposing the said sum of £398,085, ten shillings, and all other moneys which shall arise to Scotland upon the agreements aforesaid, to the purposes before mentioned. . . .

Article XVI

That from and after the union, the coin shall be of the same standard and value throughout the United Kingdom as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England, and the present officers of the mint continued, subject to such regulations and alterations as Her Majesty, her heirs or successors, or the Parliament of Great Britain shall think fit.

Article XVII

That from and after the union, the same weights and measures shall be used throughout the United Kingdom as are now established in England, and standards of weights and measures shall be kept by those burghs in Scotland to whom the keeping the standards of weights and measures now in use there does of special right belong: all which standards shall be sent down to such respective burghs from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations as the Parliament of Great Britain shall think fit.

Article XVIII

That the laws concerning regulation of trade, customs, and such excises which Scotland is by virtue of this treaty to be liable be the same in Scotland from and after the union as in England; and that all other laws in use within the Kingdom of Scotland do after the union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to or inconsistent with this treaty), but alterable by the Parliament of Great Britain; with this difference between the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government may be made the same throughout the whole United Kingdom; but that no alteration be made in laws which concern private right

except for evident utility of the subjects within Scotland.

Article XIX

That the Court of Session or College of Justice do after the union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations for the better administration of justice as shall be made by the Parliament of Great Britain, and that hereafter none shall be named by Her Majesty or her royal successors to be ordinary Lords of Session but such who have served in the College of Justice as advocates or principal Clerks of Session for the space of five years, or as writers to the signet for the space of ten years, with this provision, that no writer to the signet be capable to be admitted a Lord of the Session unless he undergo a private and public trial on the civil law before the faculty of advocates and be found by them qualified for the said office two years before he be named to be a Lord of the Session, yet so as the qualifications made or to be made for capacitating persons to be named ordinary Lords of Session may be altered by the Parliament of Great Britain. And that the Court of Justiciary do also after the union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations as shall be made by the Parliament of Great Britain and without prejudice of other rights of justiciary. And that all Admiralty jurisdictions be under the Lord High Admiral or Commissioners for the Admiralty of Great Britain for the time being; and that the Court of Admiralty now established in Scotland be continued, and that all reviews, reductions or suspensions of the sentences in maritime cases competent to the jurisdiction of that court remain in the same manner after the union as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole United Kingdom, so as there be always continued in Scotland a Court of Admiralty such as in England for determination of all maritime cases relating to private rights in Scotland competent to the jurisdiction of the Admiralty Court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that the heritable rights of Admiralty and Vice-Admiralities in Scotland be reserved to the respective proprietors as rights of property, subject nevertheless as to the manner of exercising such heritable rights to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that all other courts now in being within the kingdom of Scotland do remain, but subject to alterations by the Parliament of Great Britain; and that all inferior courts within the said limits do remain subordinate as they are now to the supreme courts of justice within the same in all time coming. And that no causes in Scotland be cognoscible by the Courts of Chancery, Queen's Bench, Common Pleas or any other court in Westminster Hall; and that the said courts or any other of the like nature after the union shall have no power to cognosce, review or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same. And that there be a Court of Exchequer in Scotland after the union for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases as the Court of Exchequer has in England; and that the said Court of Exchequer have power of passing signatures, gifts, tutories, and in other things as the Court of Exchequer at present in Scotland has; and that the Court of Exchequer that now is in Scotland do remain until a new Court of Exchequer be settled by the Parliament of Great

Britain in Scotland after the union. And that after the union the Queen's Majesty and her royal successors may continue a Privy Council in Scotland for preserving of public peace and order until the Parliament of Great Britain shall think fit to alter it or establish any other effectual method for that end.

Article XX

That all heritable offices, superiorities, heritable jurisdictions, offices for life and jurisdictions for life be reserved to the owners thereof as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding this treaty.

Article XXI

That the rights and privileges of the royal burghs in Scotland as they now are do remain entire after the union and notwithstanding thereof.

Article XXII

That by virtue of this treaty, of the peers of Scotland at the time of the union sixteen shall be the number to sit and vote in the House of Lords, and forty five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain; and that when Her Majesty, her heirs or successors shall declare her or their pleasure for holding the first or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further provisions therein, a writ do issue under the Great Seal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen peers who are to sit in the House of Lords to be summoned to Parliament, and forty five members to be elected to sit in the House of Commons of the Parliament of Great Britain, according to the agreement of this treaty, in such manner as by an act of this present session of the Parliament of Scotland is or shall be settled; which act is hereby declared to be as valid as if it were a part of and engrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the Privy Council of Scotland into the court from whence the said writ did issue. And that if Her Majesty, on or before the first day of May next, on which day the union is to take place, shall declare under the Great Seal of England, That it is expedient that the Lords of Parliament of England and Commons of the present Parliament of England should be the members of the respective houses of the first Parliament of Great Britain for and on the part of England, then the said Lords of Parliament of England and Commons of the present Parliament of England shall be the members of the respective houses of the first Parliament of Great Britain for and on the part of England: and Her Majesty may by her royal proclamation, under the Great Seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as Her Majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued under the Great Seal of Great Britain, directed to the Privy Council of Scotland for the summoning the sixteen peers and for electing forty five members by whom Scotland is to be represented in the Parliament of Great Britain. And the Lords of Parliament of England and the sixteen peers of Scotland, such sixteen peers being summoned and

returned in the manner agreed in this treaty, and the members of the House of Commons of the said Parliament of England and the forty five members for Scotland, such forty five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in the respective houses of the Parliament of Great Britain at such time and place as shall be so appointed by Her Majesty, and shall be the two houses of the first Parliament of Great Britain; and that Parliament may continue for such time only, as the present Parliament of England might have continued if the union of the two kingdoms had not been made unless sooner dissolved by Her Majesty. And that every one of the Lords of Parliament of Great Britain and every member of the House of Commons of the Parliament of Great Britain in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy by an act of Parliament made in England in the first year of the reign of the late King William and Queen Mary, intituled An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths, and make, subscribe, and audibly repeat the declaration mentioned in an act of Parliament made in England in the thirtieth year of the reign of King Charles the Second, intituled An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of Parliament; and shall take and subscribe the oath mentioned in an act of Parliament made in England in the first year of Her Majesty's reign, intituled An act to declare the alterations in the oath appointed to be taken by the act, intituled An act for the further security of His Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; at such time, and in such manner as the members of both houses of Parliament of England are by the said respective acts directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, That these words, This realm, The crown of this realm, and The Queen of this realm, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England shall be understood of the crown and realm of Great Britain; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the Parliament of Great Britain.

Article XXIII

That the aforesaid sixteen peers of Scotland mentioned in the last preceding article to sit in the House of Lords of the Parliament of Great Britain shall have all privileges of Parliament which the peers of England now have, and which they, or any peers of Great Britain shall have after the union, and particularly the right of sitting upon the trials of peers, and in case of the trial of any peer, in time of adjournment or prorogation of Parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial as any other peers of Great Britain. And that in case any trials of peers shall hereafter happen where there is no Parliament in being, the sixteen peers of Scotland who sat in the last preceding Parliament shall be summoned in the same manner and have the same powers and privileges at such trials as any other peers of Great Britain; and that all peers of Scotland and their successors to their honours and dignities shall from and after the union be peers of Great Britain and have rank and precedence next and immediately after the peers of the like orders and degrees in England at the time of the union, and before all peers

of Great Britain of the like orders and degrees who may be created after the union, and shall be tried as peers of Great Britain and shall enjoy all privileges of peers as fully as the peers of England do now, or as they or any other peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords and the privileges depending thereon and particularly the right of sitting upon the trials of peers.

Article XXIV

That from and after the union there be one Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now used in either kingdom: and that the quartering the arms and the rank and precedence of the Lyon King of Arms of the Kingdom of Scotland, as may best suit the union, be left to Her Majesty: and that in the mean time, the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all public acts, instruments and orders of state which concern the whole United Kingdom, and in all other matters relating to England, as the Great Seal of England is now used: and that a seal in Scotland after the union be always kept and made use of in all things relating to private rights or grants, which have usually passed the Great Seal of Scotland, and which only concern offices, grants, commissions, and private rights within that kingdom; and that until such seal shall be appointed by Her Majesty, the present Great Seal of Scotland shall be used for such purposes: and that the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of courts now used in Scotland be continued; but that the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make. And that the crown, scepter, and sword of state, the records of Parliament, and all other records, rolls and registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the United Kingdom now called Scotland; and that they shall so remain in all time coming, notwithstanding this union.

Article XXV

That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any of them, shall, from and after the union, cease and become void, and shall be so declared to be, by the respective parliaments of the said kingdoms.

As by the said articles of union, ratified and approved by the said act of Parliament of Scotland, relation being thereunto had, may appear.

II. And the tenor of the aforesaid act for securing the Protestant religion and Presbyterian church government within the Kingdom of Scotland, is as follows:

Our sovereign Lady, and the Estates of Parliament, considering that by the late act of Parliament, for a treaty with England for an union of both kingdoms, it is provided, That the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and

government of the church of this kingdom as now by law established: which treaty being now reported to the Parliament, and it being reasonable and necessary that the true Protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured: therefore Her Majesty, with advice and consent of the said Estates of Parliament, does hereby establish and confirm the said true Protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land in all succeeding generations; and more especially Her Majesty, with advice and consent aforesaid, ratifies, approves, and forever confirms the fifth act of the first Parliament of King William and Queen Mary, intituled Act ratifying the confession of faith, and settling Presbyterian church government; with all other acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this kingdom, containing the claim of right, bearing date the eleventh of April, one thousand six hundred and eighty nine: and Her Majesty, with advice and consent aforesaid, expressly provides and declares, That the aforesaid true Protestant religion, contained in the above mentioned confession of faith, with the form and purity of worship presently in use within this church, and its Presbyterian church government and discipline (that is to say) the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the aforesaid acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable, and that the said Presbyterian government shall be the only government of the church within the Kingdom of Scotland.

And further, for the greater security of the aforesaid Protestant religion, and of the worship, discipline, and government of this church, as above established, Her Majesty, with advice and consent aforesaid, statutes and ordains, That the universities and colleges of Saint Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom forever; and that in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school within this kingdom, be capable to be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed or to be prescribed by the acts of Parliament; as also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the aforesaid confession of faith, as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective presbyteries of their bounds, by whatsoever gift, presentation or provision they may be thereto provided.

And further, Her Majesty, with advice aforesaid, expressly declares and statutes, That none of the subjects of this kingdom shall be liable to, but all and every one of them forever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with the aforesaid true Protestant religion and Presbyterian church government, worship, and discipline, as above established; and that the same within the bounds of this church and kingdom, shall never be imposed upon, or required of them, in any sort. And lastly, That after the decease of Her present Majesty (whom God long preserve), the sovereign succeeding to her in the royal government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown, swear and subscribe that they shall inviolably maintain and preserve the aforesaid settlement of the true Protestant

religion with the government, worship, discipline, right, and privileges of this church, as above established by the laws of this kingdom in prosecution of the claim of right.

And it is hereby statute and ordained, That this act of Parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or union to be concluded between the two kingdoms, without any alteration thereof, or derogation thereto in any sort forever: as also, That this act of Parliament, and settlement therein contained, shall be insert and repeated in any act of Parliament that shall pass for agreeing and concluding the aforesaid treaty or union between the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union in all time coming: which articles of union, and act immediately above-written, Her Majesty, with advice and consent aforesaid, statutes, enacts, and ordains to be an continue, in all time coming, the sure and perpetual foundation of a complete and entire union of the two kingdoms of Scotland and England, under the express condition and provision, that this approbation and ratification of the aforesaid articles and act shall be no ways binding on this kingdom, until the said articles and act be ratified, approved, and confirmed by Her Majesty, with and by the authority of the Parliament of England, as they are now agreed to, approved and confirmed by Her Majesty, with and by the authority of the Parliament of Scotland; declaring nevertheless, that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the said Kingdom of England, and not derogating from the security above provided for establishing of the Church of Scotland within the bounds of this kingdom; as also the said Parliament of England may extend the additions and other provisions contained in the articles of union, as above insert, in favours of the subjects of Scotland, to and in favours of the subjects of England; which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in Parliament of Scotland.

And lastly, Her Majesty enacts and declares, That all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, as above-mentioned, shall from and after the union cease and become void.

III. And whereas an act has passed in this present session of Parliament intituled, An act for securing the Church of England as by law established, the tenor whereof follows.

Whereas by an act made in the session of Parliament held in the third and fourth year of Her Majesty's reign, whereby Her Majesty was empowered to appoint commissioners under the Great Seal of England to treat with commissioners to be authorized by the Parliament of Scotland concerning an union of the kingdoms of England and Scotland, it is provided and enacted that the commissioners to be named in pursuance of the said act should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline or government of the Church aestablishedtablihsed within this realm, . . . and whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the Church of England and the doctrine, worship, discipline and government thereof should be effectually and unalterably secured, be it enacted . . . that an act made in the thirteenth year of the reign of Queen Elizabeth of famous

memory intituled, An act for the ministers of the Church to be of sound religion, and also another act made in the thirteenth year of the reign of the late King Charles II intituled, An act for the uniformity of the public prayers and administration of sacraments and other rites and ceremonies, and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the Church of England (other that such clauses in the said acts or either of them as have been repealed or altered by any subsequent act or acts of Parliament), and all and singular other acts of Parliament now in force for the establishment and preservation of the Church of England and the doctrine, worship, discipline and government thereof shall remain and be in full force for ever.

And be it further enacted . . . that after the demise of Her Majesty (whom God long preserve) the sovereign next succeeding to Her Majesty in the royal government of the Kingdom of Great Britain, and so for ever hereafter every king or queen succeeding and coming to the royal government of the Kingdom of Great Britain, at his or her coronation shall in the presence of all persons who shall be attending, assisting or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England and the doctrine, worship, discipline and government thereof aestablishedtablised within the kingdoms of England and Ireland, the dominion of Wales and town of Berwick-upon-Tweed and the territories thereunto belonging.

And be it further enacted . . . that this act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a fundamental and essential part of any treaty of union to be concluded between the said two kingdoms, and also that this act shall be inserted in express terms in any act of Parliament which shall be made for settling and ratifying any such treaty of union, and shall be therein declared to be an essential and fundamental part thereof.

IV. May it therefore please your most excellent Majesty that it may be enacted, and be it enacted, . . . that all and every the said articles of union, as ratified and approved by the said act of Parliament of Scotland as aforesaid and herein before particularly mentioned and inserted, and also the said act of Parliament of Scotland for establishing the Protestant religion and Presbyterian Church government within that kingdom intituled, Act for securing the Protestant religion and Presbyterian Church government, and every clause, matter and thing in the said articles and act contained shall be, and the said articles and act are hereby, for ever ratified, approved and confirmed.

V. And it is hereby further enacted, . . . that the said act passed in this present session of Parliament intituled, An act for securing the Church of England establishedtablised, and all and every the matters and things therein contained, and also the said act of Parliament of Scotland intituled, Act for securing the Protestant religion and Presbyterian Church government, with the establishment in the said act contained, be and shall for ever be held and adjudged to be and observed as fundamental and essential conditions of the said union, and shall in all times coming be taken to be, and are hereby declared to be, essential and fundamental parts of the said articles and union, and the said articles of union so as aforesaid ratified, approved and confirmed by act of Parliament of Scotland and by this present act, and the said act passed in this present session of parliament intituled, An act for securing the Church of England as by law established. and also the said act passed in the Parliament of Scotland intituled, Act for securing the Protestant religion and

Presbyterian Church government, are hereby enacted and ordained to be and continue in all times coming the complete and entire union of the two kingdoms of England and Scotland.

VI. And whereas since the passing the said act in the Parliament of Scotland for ratifying the said articles of union one other act intituled, Act settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain, has likewise passed in the said Parliament of Scotland at Edinburgh the fifth day of February, 1707, the tenor whereof follows.

Our sovereign lady considering that by the twenty-second article of the treaty of union . . . it is provided that . . . of the peers of Scotland at the time of the union sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of the representatives of Scotland in the House of Commons of the Parliament of Great Britain, . . . therefore Her Majesty, with advice and consent of the Estates of Parliament, statutes, enacts and ordains that the said sixteen peers who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this treaty shall be named by the said peers of Scotland whom they represent, their heirs or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present and of the proxies for such as shall be absent, . . . declaring also that such peers as are absent . . . may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present and given in the said list; and in case of the death or legal incapacity of any of the said sixteen peers, that the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers in manner before and after mentioned. And that of the said forty-five representatives of Scotland in the House of Commons in the Parliament of Great Britain thirty shall be chosen by the shires of stewartries and fifteen by the royal burghs as follows, viz., one for every shire and stewartry excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first decision; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election. . . . And that the said fifteen representatives for the royal burghs be chosen as follows, viz., that the town of Edinburgh shall have right to elect and send one member to the Parliament of Great Britain, and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the Parliament of Scotland, which commissioners and burghs (Edinburgh excepted) being divided in fourteen classes or districts shall meet at such time and burghs within their respective districts as Her Majesty, her heirs or successors shall appoint, and elect one for each district, viz., the burghs of Kirkwall, Wick, Dornoch, Dingwall and Tain, one; the burghs of Fortrose, Inverness, Nairn and Forres, one; the burghs of Elgin, Cullen, Banff, Inverurie and Kintore, one; the burghs of Aberdeen, Inverbervie, Montrose, Aberbrothock and Brechin, one; the burghs of Forfar, Perth, Dundee, Cupar and St. Andrews, one; the burghs of Crail, Kilrenny, Anstruther Easter, Anstruther Wester and Pittenweem, one; the burghs of Dysart, Kirkcaldy, Kinghorn and Burntisland, one; the burghs of Inverkeithing, Dunfermline, Queensferry, Culross and Stirling, one; the burghs of Glasgow, Renfrew, Rutherglen and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lauder and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow and Lanark, one; the burghs of Dumfries, Sanquhar, Annan, Lochmaben and Kirkcudbright, one; the burghs of

Wigtown, New Galloway, Stranraer and Whithorn, one; and the burghs of Ayr, Irvine, Rothesay, Campbeltown and Inveraray, one. And it is hereby declared and ordained that where the votes of the commissioners for the said burghs met to choose representatives from their several districts to the Parliament of Great Britain shall be equal, in that case the president of the meeting shall have a casting or decisive vote, and that by and according to his vote as a commissioner from the burgh from which he is sent, the commissioner from the eldest burgh presiding in the first meeting, and the commissioners from the other burghs in their respective districts presiding afterwards by turns in the order as the said burghs are now called in the rolls of the Parliament of Scotland. . . . It is always hereby expressly provided and declared that none shall be capable to elect or be elected for any of the said estates but such as are twenty-one years of age complete and Protestant, excluding all papists or such who being suspect of popery and required refuse to swear and subscribe the formula contained in the third act made in the eighth and ninth sessions of King William's Parliament intituled, Act for preventing the growth of popery; and also declaring that none shall be capable to elect or be elected to represent a shire or burgh in the Parliament of Great Britain for this part of the United Kingdom except such as are now capable by the laws of this kingdom to elect or be elected as commissioners for shires or burghs to the Parliament of Scotland. . . . And whereas by the said twenty-second article it is agreed that if Her Majesty shall on or before the first day of May next declare that it is expedient the Lords and Commons of the present Parliament of England should be the members of the respective Houses of the first Parliament of Great Britain for and on the part of England, they shall accordingly be the members of the said respective Houses for and on the part of England, Her Majesty, with advice and consent aforesaid, in that case only doth hereby statute and ordain that the sixteen peers and forty-five commissioners for shires and burghs who shall be chosen by the peers, barons and burghs respectively in this present session of Parliament and out of the members thereof, in the same manner as committees of parliament are usually now chosen, shall be the members of the respective Houses of the said first Parliament of Great Britain for and on the part of Scotland. . . .

VII. As by the said act passed in Scotland for settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain may appear, be it therefore further enacted . . . that the said last-mentioned act passed in Scotland for settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the Parliament of Great Britain as aforesaid shall be, and the same is hereby declared to be, as valid as if the same had been part of and engrossed in the said articles of union, ratified and approved by the said act of Parliament of Scotland and by this act as aforesaid.

The Act of Union

40 Geo. III c. 67 (1800)

The parliaments of Great Britain and Ireland have resolved to concur in measures for uniting the two kingdoms:

WHEREAS in pursuance of his Majesty's most gracious recommendation to the two Houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two Kingdoms, the two Houses of the Parliament of Great Britain and the two Houses of the Parliament of Ireland have severally agreed and resolved that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British Empire, it will be advisable to concur in such measures as may best tend to unite the two Kingdoms of Great Britain and Ireland into one Kingdom, in such a manner, and on such terms and conditions, as may be established by the Acts of the respective Parliaments of Great Britain and Ireland.

And whereas, in furtherance of the said Resolution, both Houses of the said two Parliaments respectively have likewise agreed upon certain Articles for effectuating and establishing the said purposes, in the tenor following:

Article First

That it be the first Article of the Union of the Kingdoms of Great Britain and Ireland, that the said Kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one Kingdom, by the name of The United Kingdom of Great Britain and Ireland; and that the royal style and titles appertaining to the Imperial Crown of the said United Kingdom and its dependencies; and also the ensigns, armorial flags and banners thereof shall be such as his Majesty, by his royal Proclamation under the Great Seal of the United Kingdom, shall be pleased to appoint.

Article Second

That it be the second Article of Union, that the succession to the Imperial Crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of Great Britain and Ireland now stands limited and settled, according to the existing laws, and to the terms of union between England and Scotland.

Article Third

That it be the third Article of Union that the said United Kingdom be represented in one and the same Parliament, to be styled The Parliament of the United Kingdom of Great Britain and Ireland.

Article Fourth

That it be the fourth Article of Union that four Lords Spiritual of Ireland by rotation of sessions, and 28 Lords Temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the Parliament of the United Kingdom; and 100 commoners (two for each County of Ireland, two for the City of Dublin, two for the City of Cork, one for the University of Trinity College, and one for each of the 31 most considerable Cities, Towns and Boroughs) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom:

That such Act as shall be passed in the Parliament of Ireland previous to the Union, to regulate the mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, shall be considered as forming part of the Treaty of the Union, and shall be incorporated in the Acts of the respective Parliaments by which the said Union shall be ratified and established.

That any person holding any peerage in Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit . . . for any county, city or borough of Great Britain, in the House of Commons of the United Kingdom, unless he shall have been previously elected as above, to sit in the House of Lords of the United Kingdom; but that so long as such peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged.

That all questions touching the election of members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are, or at any time hereafter shall by law be heard and decided, subject nevertheless to such particular regulations in respect of Ireland as, from local circumstances, the Parliament of the United Kingdom may from time to time deem expedient:

That the qualifications in respect of property of the members elected on the part of Ireland to sit in the House of Commons of the United Kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively in that part of the United Kingdom called England, unless any other provision shall hereafter be made in that respect by Act of Parliament of the United Kingdom...

That when H.M., his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent Parliament of the United Kingdom, a Proclamation shall issue, under the Great Seal of the United Kingdom, to cause the Lords Spiritual and Temporal, and Commons, who are to serve in the Parliament thereof on the part of Ireland, to be returned in such manner as by any Act of this present Session of the Parliament of Ireland shall be provided; and that the Lords Spiritual and Temporal and Commons of Great Britain shall together with the Lords Spiritual and Temporal and Commons so returned as aforesaid on the part of Ireland, constitute the two Houses

of the Parliament of the United Kingdom.

Article Fifth

That it be the fifth Article of Union, that the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called, The United Church of England and Ireland; and that the doctrine, worship, discipline and government of the said United Church shall be, and shall remain in full force for ever, as the same are now by law established for the Church of England; and that the continuance and preservation of the said united Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law, and by the Acts for the Union of the two kingdoms of England and Scotland.

Article Sixth

That it be the sixth Article of Union, that his Majesty's subjects of Great Britain and Ireland shall, from and after the first day of January 1801 be entitled to the same privileges, and be on the same footing, as to encouragements and bounties on the like articles being the growth, produce or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and that in all treaties made by his Majesty, his heirs and successors with any foreign Power, his Majesty's subjects of Ireland shall have the same privileges and be on the same footing as his Majesty's subjects of Great Britain . .

Article Seventh

That it be the seventh Article of Union, that the charge arising from the payment of interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the Union, shall continue to be separately defrayed by Great Britain and Ireland respectively, except as hereinafter provided: that for the space of 20 years after the Union shall take place, the contribution of Great Britain and Ireland respectively towards the expenditure of the United Kingdom in each year shall be defrayed in the proportion of fifteen parts for Great Britain, and two parts for Ireland; and that at the expiration of the said 20 years, the future expenditure of the United Kingdom (other than the interest and charges of the debt to which either country shall be separately liable) shall be defrayed in such proportion as the Parliament of the United Kingdom shall deem just and reasonable upon a comparison of the real value of the exports and imports of the respective countries, upon an average of the three years next preceding the period of revision; or on a comparison of the value of the quantities of the following articles consumed within the respective countries, on a similar average; videlicet, beer, spirits, sugar, wine, tea, tobacco and malt; or according to the aggregate proportion resulting from both these considerations combined; or on a comparison of the amount of income in each country, estimated from the produce for the same period of a general tax, if such shall have been imposed on the same descriptions of income in both countries; and that the Parliament of the United Kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than 20 years,

nor less than seven years from each other; unless, previous to any such period, the Parliament of the United Kingdom shall have declared, as hereinafter, provided, that the expenditure of the United Kingdom shall be defrayed indiscriminately, by equal taxes imposed on the like articles in both countries.

Article Eighth

That it be the eighth Article of Union, that all laws in force at the time of the Union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require.

And whereas the said Articles having, by Address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same; and to recommend it to his two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said Articles: in order, therefore, to give full effect and validity to the same, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said foregoing recited Articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed and approved, and be and they are hereby declared to be the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the year of our Lord one thousand eight hundred and one;; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect, in the like manner, the said foregoing recited Articles.