

In the matter of English Constitution Society v. British Government, Parliament, Monarchy

Remedy antiquo

We, the English Constitution Society on behalf of the subjects of the Jurisdiction of England and Wales hereby petition this Honourable Court to declare that the repeals and amendments made to the original English Bill of Rights are illegal, and to restore the Bill of Rights to its pristine antiquo form.

The original English Bill of Rights 1689, as ratified between 22 January and 12 February 1689 [21 days of the convention parliament], represented the foundational principles upon which our nation was built. It was intended to provide essential protections to safeguard the individual liberties of our subjects. These rights were not to be subject to the whims of changing political tides but were enshrined as immutable safeguards against government overreach.

The framers of our Constitution including Lord Sommers, in their wisdom, recognized the need for stability in these fundamental rights and did not grant the government the power to repeal or amend them outside of the original convention parliament that enshrined them. Any changes to these rights could only be made during the limited period of the English convention parliament ensuring that they remain unassailable.

However, over time, various amendments and repeals have been passed with relative ease, thereby eroding the essential protections the Bill of Rights was meant to provide. These actions are in direct contradiction to the spirit and intent of the Constitution, which sought to preserve these rights "antiquo," or in their original form, unaltered and inviolable.

We submit that these amendments and repeals, which have diluted and compromised the Bill of Rights, are illegal, as they were enacted without the requisite adherence to the Constitution's strict requirements for altering such foundational principles. In restoring the Bill of Rights to its "antiquo" form, we seek to reinstate the sacred protections that were intended by our Founding Fathers and ratified by the people.

We respectfully demand and pray that this Honourable Court take into consideration the original intent of the framers and declare all repeals and amendments to the Bill of Rights null and void. Let us return these rights to their "antiquo" glory, reaffirming our commitment to the principles that have guided this nation for centuries.

An Act **declareing the Rights and Liberties of the Subject** and Setleing the Succession of the Crowne.

The Heads of Declaration of Lords and Commons, recited.

Whereas the late King James the Second **by the Assistance of diverse evill Councillors Judges and Ministers employed** by him **did endeavour to subvert and extirpate the Protestant Religion and the Lawes and Liberties of this Kingdome.**

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

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

2. The red parts (shown below) were unlawfully repealed and changed the meaning of the above paragraph.

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

3. Lord John Somers, the Lord Keeper of the Great Seal of England, Lord Chancellor and legal architect of the Bill of Rights 1688 "expressly forbid any changes outside of the convention parliament window".

| Reign and Chapter | Short Title | 1ST SCH. —cont. |
|----------------------------|--|--------------------|
| 1 Will. & Mar. | c. 21. An Act for enabling Lords Commissioners for the Great Seale to execute the Office of Lord Chancellor or Lord Keeper. In part, namely,— Sections seven and eight. | |
| | c. 30. An Act to Repeale the Statute made in the fifth yeare of King Henry the Fourth against the Multiplying Gold and Silver. In part, namely,— In section three the words to “aforesaid that.” | |
| 1 Will. & Mar. Sess. 2: | c. 2. The Bill of Rights. In part, namely,— In section two the words to “ of Parlyament ” and the words from “ and except in ” to the end of the section. | |
| | c. 9. An Act for the better Security and Reliefe of their Majesties Protestant Subjects of Ireland. The whole Act. | |

4. This provision of the Bill of Rights 1688 protected all the English Laws and charters prior to 1688 including the rights of Englishmen.

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5. UK Public General Act 1867 c. 59, Page 374:

8. Now swap out the word ECA with “The English Bill of Rights 1689”

9. Paragraph 63: *“Ordinary statutes may be impliedly repealed. Constitutional statutes may not. For the repeal of a constitutional Act or the abrogation of a fundamental right to be effected by statute, the court would apply this test: is it shown that the legislature's actual – not imputed, constructive or presumed – intention was to effect the repeal or abrogation? I think the test could only be met by express words in the later statute, or by words so specific that the inference of an actual determination to effect the result contended for was irresistible. The ordinary rule of implied repeal does not satisfy this test. Accordingly, it has no application to constitutional statutes. I should add that in my judgment **general words could not be supplemented**, so as to effect a repeal or significant amendment to a constitutional statute, by reference to what was said in Parliament by the minister promoting the Bill pursuant to *Pepper v Hart* [1993] AC 593. A constitutional statute can only be repealed, or amended in a way which significantly affects its provisions touching fundamental rights or otherwise the relation between citizen and State, by unambiguous words on the face of the later statute.”*

10. It follows that a general act - UK Public General Act 1867 c. 59 cannot repeal the Bill of Rights 1688 provisions!

“The incorporeal rights at issue, which encompass both constitutional and fundamental rights, constitute an integral aspect of the legal fabric safeguarding individual liberties. These rights, grounded in principles of justice, equity, and the rule of law, bestow upon individuals a shield against arbitrary governmental actions that may encroach upon their core rights and freedoms. They are enshrined within the foundational principles of our legal framework, serving as the bedrock upon which the legitimacy of government authority and the protection of individual dignity converge”.

Charles Edward Staple

11. In the words of Lord John Somers the chief architect and drafter of the declaration of Rights, the Bill of Rights 1688, Act of Settlement 1701 and the Acts of Union 1706/7 to name a few. He was also Solicitor General, Lord keeper of the Great seal of England, Lord Chancellor, Lord President of the Council and other positions of state.

12. *The Security of Englishmen's Lives, or, The Trust, Power, and Duty of the Grand Juries of England* John Somers

But juries "are bound by their Oaths to present the Truth, the whole Truth, and nothing but the Truth, to the best of their own, not the Judges', Knowledge"

"THE Principal Ends of all Civil Government, and of Humane Society, were the Security of Mens Lives, Liberties and Properties, mutual Assistance, and Help, each unto other, and Provision for their common Benefit and Advantage; and where the Fundamental Laws and Constitution of any Government have been wisely adapted unto those Ends, such Countries and Kingdoms have increased in Virtue, Prowess, Wealth and Happiness, whilst others through the want of such excellent Constitutions, or neglect of preserving them, have been a Prey to the Pride, Lust and Cruelty of the most Potent, and the People have had no Assurance of Estates, Liberties or Lives, but from their Grace and Pleasure: They have been many times forced to welter in each other's Blood in their Masters quarrel for Dominion, and at best they have served like Beasts of Burden, and by continual, base subserviency to their masters Vices, have lost all sense of true Religion, Virtue and Manhood. Our Ancestors have been famous in their Generations for Wisdom, Piety, and courage, in forming and preserving a Body of Laws to secure themselves and their Posterities from Slavery and Oppression, and to maintain their Native Freedoms; to be subject only to the Laws made by their own Consent in their general Assemblies, and to be put in Execution chiefly by themselves, their Officers and Assistants, to be guarded and defended from all Violence and Force, by their own Arms, kept in their own hands, and used at their own charge under their Princes Conduct; entrusting nevertheless an ample Power to their Kings, and other Magistrates, that they may do all the Good, and enjoy all the Happiness that the largest Soul of man can honestly wish; and carefully providing such means of correcting and punishing their Ministers and Councillors, if they transgressed the Laws, that they might not dare to abuse or oppress the People, or design against their Freedom or Welfare." - Lord John Somers