

## Appendix A

Bill of Rights 1688

Preamble and full title

“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.”**

For the Judges to allow the modification or repeal of these two sections they follow in some of their professional ancestors’ footsteps, this acquiescence led to civil war. It was by good fortune and the character and integrity of Lord Somers and others we regained the dignity of England for her Subjects.

“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.”

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.

This was unlawfully removed by fraud and deceit removed by the British parliament without the knowledge of the people. The removal of the parts in red completely and unlawfully changed the meaning of section 2, to the detriment of the subjects of England.

| Reign and Chapter          | Short Title  | 1ST SCH.<br>—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.<br>In part, namely,—<br>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.<br>In part, namely,—<br>In section three the words to “aforesaid that.” |                    |
| 1 Will. & Mar.<br>Sess. 2: | c. 2. <b>The Bill of Rights.</b><br>In part, namely,—<br>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.<br>The whole Act.  |                    |

This provision of the Bill of Rights 1688 protected all the English Laws and charters prior to 1688

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.

UK Public General Act 1867 c.

59 Page 374

nor shall this Act affect any Principle or Rule of Law or Equity, or established Jurisdiction, Form or Course of Pleading, Practice, or Procedure, or existing Usage, Franchise, Liberty, Custom, Privilege, Restriction, Exemption, Office, Appointment, Payment, or Emolument, notwithstanding that the same respectively may have been in any Manner affirmed, recognized, or derived by, in, or from any Enactment hereby repealed ;

nor shall this Act revive or restore any Jurisdiction, Office, Duty, Drawback, Fee, Payment, Franchise, Liberty, Custom, Right, Title, Privilege, Restriction, Exemption, Usage, Practice, or Procedure, not now existing or in force ;

and this Act shall not extend to repeal any Enactment so far as the same may be in force in any Part of Her Majesty's Dominions out of the United Kingdom, except where otherwise expressed in the said Schedule.

And

|                                 |   |  |
|---------------------------------|---|--|
| 1 Gul. & Mar.<br>Sess. 2. c. 1. | An Act for a Grant to Their Majestyes of an Ayd of Two shillings in the Pound for One Year.   |  |
| e. 2.<br>in part.               | An Act declareing the Rights and Liberties of the Subject and Settling the Succession of the Crowne - } in part ; namely, —<br>Section Three <sup>(1)</sup> . |  |
| e. 3.                           | An Act for preventing all Doubts and Questions concerning the Collecting the Publique Revenue.  |  |
| e. 4.                           | An Act for punishing Officers or Soldiers who shall Mutiny or Desert Their Majestyes Service and for punishing False Musters.                                 |  |

<sup>(1)</sup> Section 3. in Ruffhead's Edition.

<sup>(2)</sup> This part of Section 2. forms Section 7. in Ruffhead's Edition.

<sup>(3)</sup> Section 2. in Ruffhead's Edition.

<sup>(4)</sup> Section 13. in Ruffhead's Edition.

### The Law:

"We should recognise a hierarchy of Acts of Parliament: as it were "ordinary" statutes and "constitutional" statutes." Sir John Laws -

<https://www.bailii.org/ew/cases/EWHC/Admin/2002/195.html> paragraph 62

"(b).The special status of constitutional statutes follows the special status of constitutional rights. Examples are the Magna Carta, the Bill of Rights 1689, the Act of Union, the Reform Acts which distributed and enlarged the franchise, the HRA, the Scotland Act 1998 and the Government of Wales Act 1998. The ECA clearly belongs in this family. It incorporated the whole corpus of substantive Community rights and obligations, and gave overriding domestic effect to the judicial and administrative machinery of Community law. It may be there has never been a statute having such profound effects on so many dimensions of our daily lives. The ECA is, by force of the common law, a constitutional statute."

Now swap out the word ECA with "The English Bill of Rights 1689" and examine convention vs ordinary parliament.

Paragraph 63 "Ordinary statutes may be impliedly repealed. Constitutional statutes may not..."

"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.”

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." GM

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.

*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