



Claim of Right Act 1689

1689 CHAPTER 28

The Declaration of the Estates of the Kingdom of Scotland containing the Claim of Right and the offer of the Crowne to the King and Queen of England.

Wheras King James the Seventh Being a profest papist did assume the Regall power and acted as King without ever takeing the oath required by law wherby the King at his access to the government is obliged to swear To maintain the protestant religion and to rule the people according to the laudable lawes And Did By the advyce of wicked and evill Counsellors Invade the fundamentall Constitution of this Kingdome And altered it from a legall limited monarchy to ane Arbitrary Despotick power and in a publick proclamation asserted ane absolute power to cass annull and dissable all the lawes particularly arrainging the lawes Establishing the protestant religion and did Exerce that power to the subversion of the protestant Religion and to the violation of the lawes and liberties of the Kingdome

Annotations:

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 2](#)
- C2 This act is listed in 12mo edition as [1689 c. 13](#).

By Erecting publick schooles and societies of the Jesuites and not only allowing mass to be publickly said But also inverting protestant Chappells and Churches to publick Mass houses Contrair to the express lawes against saying and hearing of Mass

By allowing popish bookes to be printed and dispersed by a gift to a popish printer designeing him Printer to his Majesties household Colledge and Chappell Contrair to the lawes

By takeing the children of Protestant Noblemen and gentlemen sending and keeping them abroad to be bred papists makeing great fonds and dotationes to popish schooles and Colledges abroad bestowing pensiones upon preists and perverting protestants from ther Religion by offers of places preferments and pensiones

By Dissarmeing protestants while at the same tyme he Employed papists in the places of greatest trust civil and military such as Chancellor Secretaries Privie Counsellors and

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Lords of Session thrusting out protestants to make roome for papists and Intrusting the forts and magazins of the Kingdome in ther hands

By Imposinge oathes Contrair to law

By Giveing gifts and grants for exacting money without consent of Parliament of Conventione of Estates

By levying or Keeping on foot a standing army in tyme of Peace without Consent of Parliament which army did exact localitie free and dry quarters

By Employing the officers of the army as Judges through the Kingdome and Imposinge them wher ther were heretable offices and jurisdictiones by whom many of the leidges were put to death summarly without legall tryall jury or record

By imposinge exorbitant fines to the value of the pairties Estates exacting extravagant Baile and disposinge fines and forefaultors befor any proces or Conviction

By Imprisoning persones without expressing the reasone and delaying to put them to tryall

By Causeing persue and forefault severall persones upon stretches of old and obsolete lawes upon frivolous and weak pretences upon lame and defective probationes as particularly the late Earle of Argyle to the scandal and reproach of the justice of the Natione

By Subverting the right of the Royal Burghs The third Estate of Parliament imposinge upon them not only magistrats But also the wholl toune Councill and Clerks contrary to their liberties and express chartours without the pretence either of sentence surrender or consent so that the Commissioners to Parliaments being chosen by the magistrats and Councill The King might in effect alswell nominat that entire Estate of Parliament and many of the saids magistrats put in by him were avowed papists and the Burghes were forced to pay money for the letters Imposinge these illegall magistrats and Councils upon them

By Sending letters to the chiefe Courts of Justice not only ordaining the Judges to stop and desist sine die to determine causes But also ordering and Commanding them how to proceed in cases depending befor them Contrair to the express lawes and by chainging the nature of the Judges gifts ad vitam aut culpam and giveing them Commissions ad beneplacitum to dispose them to compliance with arbitrary Courses and turneing them out of their offices when they did not comply

By granting personall protectiones for civill Debts contrair to Law

All which are utterly and directly contrary to the knoune lawes statutes and freedoms of this realme

Therfor the Estates of the kingdom of Scotland Find and Declaire That King James the Seventh being a profest papist Did assume the Regall power and acted as king without ever takeing the oath required by law and hath by the advyce of Evill and wicked Counsellors Invaded the fundamentall Constitution of the Kingdome and altered it from a legall limited monarchy To ane arbitrary despotick power and hath Exercised the same to the subversione of the protestant religion and the violation of the lawes and liberties of the Kingdome inverting all the Ends of Government wherby he hath forfaulted the right to the Croune and the throne is become vacant

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And whereas His Royall Highness William then Prince of Orange now King of England whom it hath pleased Almighty God to make the glorious instrument of delyvering these Kingdomes from Popery and arbitrary power did By the advyce of severall Lords and Gentlemen of this Nation at London for the tyme call the Estates of this Kingdome to meet the fourteenth of March last In order to such an Establishment as that their Religion lawes and liberties might not be again in danger of being subverted And the saids Estates being now assembled in a full and free representative of this Nation Takeing to their most serious Consideratione the best meanes for attaining the ends aforesaid Do In the first place as their ancestors in the like cases have usually done for the vindicating and asserting their antient rights and liberties Declare

That by the law of this Kingdome no papist can be King or Queen of this realme nor bear any office whatsoever therein nor can any protestant successor exercise the regall power untill he or she swear the Coronation Oath

That all Proclamations asserting ane absolute power to Cass annull and Dissable lawes The Erecting Schools and Colledges for Jesuits The Inverting protestant Chappells and Churches to publick Mass houses and the allowing Mass to be said are Contrair to Law

That the allowing Popish bookes to be printed and Dispersed is Contrairy to law

That the takeing the children of Noblemen Gentlemen and others sending and Keeping them abroad to be bred papists The makeing fonds and Dotations to popish schooles and Colledges The Bestowing pensiones on preists and the perverting protestants from ther religion by offers of places preferments and pensiones are Contrary to law

That the Dissarming of protestants and Imploying papists in the places of greatest trust both Civil and military the thrusting out protestants to make roome for papists and the intrusting papists with the forts and magazines of the Kingdome are Contrary to Law

That the Imposing oathes without authority of Parliament is Contrair to law

That the giving gifts or grants for raiseing of money without the Consent of Parliament of Convention of Estates is Contrary to law

That the Imploying the officers of the army as Judges through the Kingdome or imposeing them wher ther were heretable offices and Jurisdictiones and the putting the leidges to death summarly and without legall tryall jury or record are Contrary to Law

That the Imposing of extraordinary fynes The exacting of exorbitant Baile and the disposeing of fynes and forefaultors befor sentence are Contrary to law

That the Imprisoning persones without expressing the reason therof and delaying to put them to tryall is contrary to law

That the causeing persue and forefault persones upon stretches of old and obsolete lawes upon frivolous and weak pretences upon lame and defective probation as particularly the late Earle of Argyll are Contrary to law

That the nominating and Imposing the magistrats councils and clerks upon burghes contrary to ther liberties and express Chartors is Contrary to law

That the Sending letters to the courts of Justice Ordaining the Judges to stop or desist from determining Causes or ordaining them how to proceed in Causes depending befor them and the changeing the nature of the Judges gifts ad vitam aut culpam Into Commissions durante beneplacito are Contrary to law