



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

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

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Claim of Right Act 1689. (See end of Document for details)

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

By Imposing 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 Imploying the officers of the army as Judges through the Kingdome and Imposing 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 imposing exorbitant fines to the value of the pairties Estates exacting extravagant Baile and disposing 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 imposing 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 Imposing 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 contrairy 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

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Claim of Right Act 1689. (See end of Document for details)

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 Employing 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 Employing 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

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Claim of Right Act 1689. (See end of Document for details)

That the granting personall protectiones for civil Debts is contrary to law

That the forceing the leidges to Depone against themselves in capitall Crymes however the punishment be restricted is Contrary to law

That the using torture without evidence or in ordinary Crymes is Contrary to law

That the Sending of ane army in ane hostile manner upon any pairt of the Kingdome in a peaceable tyme and Exacting of Locality and any manner of free quarters is Contrary to law

That the chargeing of the leidges with lawborrowes at the Kings instance and the imposeing of bonds without the authority of Parliament and the suspending advocats from their Employment for not Compearing when such bonds were offered were Contrary to Law

That the putting of Garisones on privat mens houses in tyme of peace without their Consent or the authority of Parliament is Contrary to law

That the opinions of the Lords of Sessione in the two Cases following were Contrary to Law videlicet (1.) That the concealing the Demand of a Supply for a forefaulted persone altho not given is treason (2.) That persones refusing to discover what are their privat thoughts and judgements in relation to points of treason or others mens actions are guilty of treason

That the fyneing husbands for ther wives withdrawing from the church was Contrary to law

That Prelacy and the superiority of any office in the Church above presbyters is and hath been a great and insupportable greivance and trouble to this Nation and contrary to the Inclinationes of the generality of the people ever since the reformatione (they haveing reformed from popery by presbyters) and therfor ought to be abolished

That it is the right and priviledge of the subjects to protest for remeed of law to the King and Parliament against Sentences pronounced by the lords of Sessione Provydeing the samen Do not stop Execution of these sentences

That it is the right of the subjects to petition the King and that all Imprisonments and prosecutiones for such petitioning are Contrary to law

That for redress of all greivances and for the amending strentneing and preserveing of the lawes Parliaments ought to be frequently called and allowed to sit and the freedom of speech and debate secured to the members

And they Doe Claim Demand and insist upon all and sundry the premisses as ther undoubted right and liberties And that no Declaraciones Doeings or proceedings to the prejudice of the people in any of the said premisses ought in any wayes to be drawne hereafter in Consequence or Example But that all forefaultors fynes loss of offices Imprisonments Banishments pursuits persecutiones tortures and rigorous Executiones be Considered and the pairties læsed be redressed

To which Demand of ther rights and redressing of their greivances they are particularly Encouraged by his Majesty the King of England his Declaration for the Kingdome of Scotland of the day of October last as being the only means for obtaining a full redress and remedy therin

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects
for the Claim of Right Act 1689. (See end of Document for details)*

Haveing therfor ane entire confidence that his said Majesty the King of England will perfect the Delyverance so far advanced by him and will still preserve them from violation of their Rights which they have here asserted and from all other attempts upon their Religion lawes and liberties

The said Estates of the Kingdome of Scotland Doe resolve that William and Mary King and Queen of England France and Ireland Be and be Declared King and Queen of Scotland To hold the Crowne and Royall Dignity of the said Kingdome of Scotland To them the said King and Queen dureing ther lives and the longest liver of them and that the sole and full exercise of the regall power be only in and Exercised by him the said King in the names of the said King and Queen Dureing ther joynt lives And after ther decease The said Croune and Royall Dignity of the said Kingdome to be to the heirs of the body of the said Queen which failing to the Princess Ann of Denmark and the airs of her body which also failing to the aires of the Body of the said William King of England

And they do Pray the said King and Queen of England to accept the same accordingly

And that the Oath hereafter mentioned by taken by all protestants of whom the oath of allegiance and any other oathes and Declarationes might be required by law instead of them And that the said oath of Allegiance and other oaths and Declarationes may be abrogated

I A : B : Do sincerely promise and swear That I will be faithfull and bear true allegiance to their Majesties King William and Queen Mary So help me God

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Claim of Right Act 1689.