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Papers on English Legal History John Baker, 2013-10-31 Over the last forty years Sir John Baker has written on most aspects of English legal history and this collection of his writings includes many papers that have been widely cited Providing points of reference and foundations for further research the papers cover the legal profession the inns of court and chancery legal education legal institutions legal literature legal antiquities public law and individual liberty criminal justice private law including contract tort and restitution and legal history in general An introduction traces the development of some of the research represented by the papers and cross references and new endnotes have been added A full bibliography of the author's works is also included **The Oxford History of the Laws of England: 1483-1558** John Hamilton Baker, 2003

This volume in The Oxford History of the Laws of England covers the years 1483 1558 a period of immense social political and intellectual changes which profoundly affected the law and its workings **The publications of the Selden Society** Selden Society, 2000 The King Can Do No Wrong Marie-France Fortin, 2024-07-05 The king can do no wrong remains one of the most fundamental yet misunderstood tenets of the common law tradition Confusion over the phrase's historical origins and differing meanings has had serious consequences making it easier for the state to escape liability for the harm caused to individuals by governmental officials or institutions In the first dedicated monograph on the topic Marie France Fortin traces the historical evolution of the king can do no wrong in constitutional and public law to shed new light on our current understanding of crown liability The different meanings conveyed by the phrase in the common law world are clarified the contradictions between them revealed Adopting a historical constitutional approach the book delves deep into traditional legal sources to develop an intellectual history of this key legal idea It explains the mutation from the king can do no wrong to the crown can do no wrong at the end of the nineteenth century analyzing the resulting departure from core tenets of the constitutional arrangement of the seventeenth century The study of the evolution of the king can do no wrong in English legal thinking mirrored in Canada is complemented by a comparative analysis of the idea in Australia Ireland and the United States where its relationship with the concept of sovereign immunity is scrutinized Retracing the evolution of the king can do no wrong in legal thinking this book enhances academics students practitioners and judges understanding of the law of governmental liability in the common law world *The Oxford History of the Laws of England Volume VI* John Baker, 2003-09-18 This volume covers the years 1483 1558 a period of immense social political and intellectual changes which profoundly affected the law and its workings It first considers constitutional developments and addresses the question

of whether there was a rule of law under king Henry VIII In a period of supposed despotism and enhanced parliamentary power protection of liberty was increasing and habeas corpus was emerging The volume considers the extent to which the law was affected by the intellectual changes of the Renaissance and how far the English experience differed from that of the Continent It includes a study of the myriad jurisdictions in Tudor England and their workings and examines important procedural changes in the central courts which represent a revolution in the way that cases were presented and decided The legal profession its education its functions and its literature are examined and the impact of printing upon legal learning and the role of case law in comparison with law school doctrine are addressed The volume then considers the law itself Criminal law was becoming more focused during this period as a result of doctrinal exposition in the inns of court and occasional reports of trials After major conflicts with the Church major adjustments were made to the benefit of clergy and the privilege of sanctuary was all but abolished The volume examines the law of persons in detail addressing the impact of the abolition of monastic status the virtual disappearance of villeinage developments in the law of corporations and some remarkable statements about the equality of women The history of private law during this period is dominated by real property and particularly the Statutes of Uses and Wills designed to protect the king's feudal income against the consequences of trusts which are given a new interpretation Leaseholders and copyholders came to be treated as full landowners with rights assimilated to those of freeholders The land law of the time was highly sophisticated and becoming more so but it was only during this period that the beginnings of a law of chattels became discernible There were also significant changes in the law of contract and tort not least in the development of a satisfactory remedy for recovering debts

Law and Judicial Duty

Philip HAMBURGER, 2009-06-30 Philip Hamburger's *Law and Judicial Duty* traces the early history of what is today called judicial review The book sheds new light on a host of misunderstood problems including intent the status of foreign and international law the cases and controversies requirement and the authority of judicial precedent The book is essential reading for anyone concerned about the proper role of the judiciary

Thomas More's Trial by Jury

Henry Ansgar Kelly, Louis W. Karlin, Gerard Wegemer, 2011 This book challenges the recently established consensus that the trial was a carefully prepared and executed judicial process in which the judges were amenable to reasonable arguments Thomas More's treason trial in 1535 is one of history's most famous court cases yet never before have all the major documents been collected translated and analyzed by a team of legal and Tudor scholars This edition serves as an important sourcebook and concludes with a docudrama reconstructing the course of the trial based on these documents Legal experts H A Kelly and R H Helmholz take different approaches to the legalities of this trial and four experienced judges including Justice of the Queen's Bench Sir Michael Tugendhat discuss the trial with some disagreements notably on the meaning and requirement of malice called for in the Parliamentary Act of Supremacy More's own accounts of his interrogations in prison are analyzed and the trial's procedures are compared to and contrasted with 16th century concepts of natural law and also modern judicial

practices and principles The book is a must read not only for students of law and Tudor history but also for all concerned with justice and due process As a whole the book challenges Duncan Derrett's conclusions that the trial was conducted in accord with contemporary legal norms and that More was convicted only on the single charge of denying Parliament the power to declare Henry VIII Supreme Head of the English Church testified to by Richard Rich a position that has been uniformly accepted by historians since 1964 HENRY ANSGAR KELLY is past Director of the Center for Medieval and Renaissance Studies UCLA LOUIS W KARLIN is an attorney with the California Court of Appeal and Fellow of the Center for Thomas More Studies University of Dallas GERARD B WEGEMER is Director of the Center for Thomas More Studies

The Constitutionalist Revolution Alan Cromartie, 2006-08-17 An innovative account of English constitutional ideas from the mid fifteenth century to the time of Charles I showing how the emergence of grand claims for common law the country's strange unwritten legal system shaped England's cultural development Though he does not neglect the role of narrowly religious disagreements Cromartie brings out the way that religious and secular values came to be closely intertwined to the majority of Charles's subjects the rights of the clergy and the king were legal rights the institutional structure of Church and state was an expression of monarchical power obedience to the king and to the law was a religious duty A proper understanding of this cluster of ideas reveals why Charles found England so difficult to control and why both parties in the civil war believed that they were fighting for established institutions

Seeking Sanctuary Shannon McSheffrey, 2017-06-30 Seeking Sanctuary explores a curious aspect of premodern English law the right of felons to shelter in a church or ecclesiastical precinct remaining safe from arrest and trial in the king's courts This is the first volume in more than a century to examine sanctuary in England in the fifteenth and sixteenth centuries Looking anew at this subject challenges the prevailing assumptions in the scholarship that this medieval practice had become outmoded and little used by the fifteenth and sixteenth centuries Although for decades after 1400 sanctuary seeking was indeed fairly rare the evidence in the legal records shows the numbers of felons seeking refuge in churches began to climb again in the late fifteenth century and reached its peak in the period between 1525 and 1535 Sanctuary was not so much a medieval practice accidentally surviving into the early modern era as it was an organism that had continued to evolve and adapt to new environments and indeed flourished in its adapted state Sanctuary suited the early Tudor regime it intersected with rapidly developing ideas about jurisdiction and provided a means of mitigating the harsh capital penalties of the English law of felony that was useful not only to felons but also to the crown and the political elite Sanctuary's resurgence after 1480 means we need to rethink how sanctuary worked and to reconsider more broadly the intersections of culture law politics and religion in the years between 1400 and 1550

Henry VII's New Men and the Making of Tudor England Steven J. Gunn, 2016 Reconstructs the lives of Henry VII's new men low born ministers with legal financial political and military skills who enforced the king's will as he sought to strengthen government after the Wars of the Roses examining how they exercised power gained wealth and spent it to

sustain their new found status **Selling the Church** Robert C. Palmer,2003-10-15 In the years of expanding state authority following the Black Death English common law permitted the leasing of parishes by their rectors and vicars who then pursued interests elsewhere and left the parish in the control of lay lessees But a series of statutes enacted by Henry VIII between 1529 and 1540 effectively reduced such clerical absenteeism Robert Palmer examines this transformation of the English parish and argues that it was an important part of the English Reformation Palmer analyzes an extensive set of data drawn from common law records to reveal a vigorous and effective effort by the laity to enforce the new statutes Motivated by both economic and traditional ideals the litigants made the commercial activities of leaseholding and buying for resale and profit the exclusive domain of the laity and acquired the power to regulate the clergy According to Palmer these parish level reformations presaged and complemented other initiatives of the crown that have long been considered central to the reign of Henry VIII Making Legal History Anthony Musson,Chantal Stebbings,2012-01-26 The first book to address the way that the broad and inclusive subject of legal history is researched and written **Objectivity in Jurisprudence, Legal Interpretation and Practical Reasoning** Villa-Rosas, Gonzalo,Fabra-Zamora, Jorge L.,2022-10-18 This thought provoking book explores the multifaceted phenomenon of objectivity and its relations to various aspects of jurisprudence legal interpretation and practical reasoning Featuring contributions from an international group of researchers from differing legal contexts it addresses topics relevant not only from a theoretical point of view but also themes directly connected with legal and judicial practice

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