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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

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 seeing 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

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

Criminal-Inquisitorial Trials in English Church Trials Henry Ansgar Kelly, 2023-09-22 After inquisitorial procedure was introduced at the Fourth Lateran Council in Rome in 1215 the same year as England's first Magna Carta virtually all court trials initiated by bishops and their subordinates were inquisitions That meant that accusers were no longer needed Rather the judges themselves leveled charges against persons when they were publicly suspected of specific offenses like fornication or witchcraft or simony Secret crimes were off limits including sins of thought like holding a heretical belief Defendants were allowed full defenses if they denied charges These canonical rules were systematically violated by heresy inquisitors in France and elsewhere especially by forcing self incrimination But in England due process was generally honored and the rights of defendants preserved though with notable exceptions In this book Henry Ansgar Kelly a noted forensic historian describes the reception and application of inquisition in England from the thirteenth century onwards and analyzes all levels of trial proceedings both minor and major from accusations of sexual offenses and cheating on tithes to matters of religious dissent He covers the trials of the Knights Templar early in the fourteenth century and the prosecutions of followers of John Wyclif at the end of the century He details how the alleged crimes of criminous clerics were handled and demonstrates that the judicial actions concerning Henry VIII's marriages were inquisitions in which the king himself and his queens were defendants Trials of Alice Kyteler Margery Kempe Eleanor Cobham and Anne Askew are explained as are the unjust trials condemning Bishop Reginald Pecock of error and heresy 1457 59 and Richard Hunne for defending English Bibles 1514 He deals with the trials of Lutheran dissidents at the time of Thomas More's chancellorship and trials of bishops under Edward VI and Queen Mary including those against Stephen Gardiner and Thomas Cranmer Under Queen Elizabeth Kelly shows there was a return to the letter of papal canon law which was not true of the papal curia In his conclusion he responds to the strictures of Sir John Baker against inquisitorial procedure and argues that it compares favorably to the common law trial by jury

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