

MARY OF SCOTLAND DEPOSITION

1567 **Mary Queen of Scots forced to abdicate 24 July 1567**

[for details of the reign and abdication of Mary of Scotland, see David M Walker, *A Legal History of Scotland*, Volume III, The Sixteenth Century, T & T Clark Ltd., Edinburgh, 1995, pp. 75-85.]

JAMES VI

1567 **James VI of Scotland** (later James I of England) succeeds 24 July 1567; crowned Holy Rood Church, 29 July 1567

Crowned according to protestant ceremony, John Knox preaching the sermon; Morton and possibly Lord Hume swearing on behalf of the infant king that he would maintain the protestant religion.—See David M Walker, *A Legal History of Scotland*, Volume III, The Sixteenth Century, T & T Clark Ltd., Edinburgh, 1995, at p. 84, and note 156, sourced to R.P.C., I, 537

SCOTS CORONATION OATH ACT

1567 **Coronation Oath Act, 1567 [Scotland], 1567 c.8**

From *Statutes in Force*, Official revised Edition, Coronation Oath Act, 1567 [S], 1567 c.8, revised to 1st February 1978; HMSO, London, 1978, Short Title give by Statute Law Revision (Scotland) Act 1964 (c.80). Sch. 2. [The text has been broken up into convenient paragraphs for easier reading; in the Statute, it is all one paragraph.]

Anent the Kingis oth to be geuin at his Coronatioun

Item Because that the incres of vertew and suppressing of Idolatrie crauis that the Prince and the peple be of ane perfyte Religioun quhilk of Goddis mercie is now presentlie professit within this Realme

Thairfoir it is statute and ordanit be our Souerane Lord my Lord regent and thre estatis of this present Parliament that all Kingis and Princes or magistratis quhatumeuer halding thair place quhilkis heirefter in ony tyme sall happin to Regne and beir reule ouer this Realme at the tyme of thair coronatioun and ressait of thair princely autoritie mak thair faithfull promise be aith in presence of the eternall God that induring the hail cours of their lyfe thay sall serue the samin eternall God to the vtermaist of thair power according as he hes requyrit in his maist haly word reuelit and contenit in the new and auld Testamentis

And according to the samin word sall mantene the trew Religioun of Jesus Christ the preicheing of his haly word and dew and rycht ministratioun of the Sacramentis now ressaifit and preichit within this Realme

And sall abolische and gainstand all fals Religioun contrare to the samin

And sall reule the pepill committit to thair charge according to the will and command of God reuelit in his foirsaid word and according to the louabill Lawis and constitutionis ressaifit in this Realme nawyse repugnant to the said word of the eternal God

And sall procure to the vtermaist of thair power to the Kirk of God and hail cristiane pepil trew and perfyte peice in all tyme cuming

The rychtis and rentis with all iust priulegeis of the Crowne of Scotland to preserue and keip inuiolatit nouthir sal thay transfer nor alienat the samin

Thay sal forbid and repres in all estatis and degreis reif oppressioun and all kynde of wrang

In all Jugementis thay sal command and procure that Justice and equitie be keipit to all creaturis without exceptioun as the Lord and father of all mercyis be mercifull to thame

And out of thair landis and Empyre thay salbe cairfull to ruite out all heretykis and enemeis to the trew worschip of God that salbe conuict be the trew Kirk of God of the foirsaidis crymis

And that thay sall faithfullie affirme the thingis abone written be thair somempnit aith.

ARAGON

1573 **Spain;** François Hotman's rendition of the so-called 'Aragonese Oath', supposedly put to the kings of Aragon on their coronation, and dating possibly from as early as the eighth century. From his work *Franco Gallia*, [ed. Geneva, 1573, pp. 85-86], and quoted in Ralph E Giesey, *If Not, Not, The Oath of the Aragonese and the Legendary Laws of Sobrarbe*, Princeton University Press, Princeton, 1968, see p. 160, and Appendix 1.

Sed ex his gentium fere omnium institutis nullum aequè insigne memoratur, ut illud Hispanorum, qui cum in communi Arragoniae concilio Regem creant, rei memoriaeque consignandae causa fabulum peragunt, hominemque inducunt, cui Juris Arragonici nomen imponunt, quem rege majorem ac potentiorē esse communi populi decreto sanciunt, tandemque Regem certis legibus et conditionibus creatum his affantur verbis, quae propter eximiam ac plane singularem gentis illius in frendendo Rege fortitudinem proferemus: NOS QUI VALEMOS TANTO COME VOS, Y PODEMOS MAS QUE VOS, VOS ELEGIMOS REY, CON ESTAS Y ESTAS CONDICIONES, INTRA VOS Y NOS, UN QUE MANDA MA QUE VOS. Id est, Nos qui tanti sumus, quanti vos & plusquam vos possumus, Regem vos eligimus, his atque conditionibus. Inter vos & nos unus majore cum imperio est, quam vos.

For the sake of the occasion at hand as well as for the memorializing of the deed, they carry out a drama: they bring forward a man, to whom they give the name 'the Aragonese Law' [Juris Arragonici nomen], whom they establish by general decree of the people to be greater and more powerful than the king, and at the end they address the king, who is begot by fixed laws and conditions, with these words: WE WHO ARE WORTH AS MUCH AS YOU...

HENRY III OF FRANCE

1573 **Henry III elected King of Poland**

—From Jean Bodin, *Le Six Livres de la République*, Paris, 1576, Book I, Chapter 8, p. 136-137 [French edition], Julian H Franklin, (ed. and trans.) Book I, Chapter 8, 'On Sovereignty' from *Jean Bodin, On Sovereignty, Four Chapters from The Six Books of the Commonwealth*, Cambridge University Press, Cambridge, 1992, p. 17

But some kings take a more restrictive oath, (serment plus precis) like the oath of Henry III, king of France and Poland, which runs as follows:

Ego Henricus Rex Poloniae, etc. iuro Deo omnipotenti, quod omnia iura, libertates, privilegia publica et privata, iuri communi non contraria, ecclesiis, principibus, baronibus, nobilibus, civibus, incolis per meos praedecessores Reges, etc. quoscunque principes dominos regni Poloniae iuste donata, ab ordinibusque tempore interregni statuta, sancta, nobis oblata, observabo, etc. iustitiamque omnibus incolis iuxta iura publica administrabo. Et si (quo absit) sacramentum meum violavero, nullam nobis incolae regni obedientiam praestare debebunt, etc. sic me deus adiuvet.

I, Henry, king of Poland etc., swear by almighty God that I will observe all rights, liberties, and privileges public and private not contrary to common law that have been justly granted to churches, princes, barons, nobles, citizens, and inhabitants by the kings my predecessors or by any princes who were lords of the kingdom of Poland, including those established, confirmed, and presented to us by the Estates during the Interregnum; and that I will administer justice to all inhabitants in accordance with established public law. And if (may it never come to pass) I should violate my oath, the inhabitants of the kingdom shall not be bound to render me obedience etc., so help me God.

As for laws which concern the state of the kingdom and its basic form, since these are annexed and united to the crown like the Salic law, the prince cannot detract from them. And should he do so, his successor can nullify anything that has been done in prejudice of the royal laws on which sovereign majesty is founded and supported. [and added in L88: And if there is any detraction from these fundamental laws (*leges imperii*) the magistrates normally correct it once the prince is dead. They will not acknowledge any decree of his that goes against the fundamental laws, such as a diminution of the rights of sovereignty or a usurpation of the commonwealth's domain.]'

BODIN

1576 **Jean Bodin** , referring to ancient **Aragon 'Oath'**: *Le Six Livres de la République*, Paris, 1576, Book I, Chapter 8, p. 129-130 [French edition], Julian H Franklin, (ed. and trans.) Book I, Chapter 8, 'On Sovereignty' from *Jean Bodin, On Sovereignty, Four Chapters from The Six Books of the Commonwealth*, Cambridge University Press, Cambridge, 1992, p. 9; refers to the Aragon 'Oath' outlined above, thus:

Despite what is written about the kingdom of Aragon, the ancient procedure they used for the kings of Aragon is no longer followed unless the king assembles the Estates... The procedure used to be that the great magistrate, whom they call the justice of Aragon, addressed the king in these words:

Nos qui valemos tanto como y vos, y podemos mas que vos, vos elegimos Re con estas condiciones entra vos y nos un que mande mas que vos. That is, 'We who count as much as you, and can do more than you, elect you king on such and such conditions between you and us, that there is one whose command is more powerful than yours.'

1576 **Jean Bodin** , referring to **Oath of Great King of Tartary**: *Le Six Livres de la République*, Paris, 1576, Book I, Chapter 8, p. 128-129 [French edition], Julian H Franklin, (ed. and trans.) Book I, Chapter 8, 'On Sovereignty' from *Jean Bodin, On Sovereignty, Four Chapters from The Six Books of the Commonwealth*, Cambridge University Press, Cambridge, 1992, p. 8

...after the death of the Great King of Tartary. The prince and the people, to whom the right of election belongs, choose any representative of the deceased that they please, provided that he is a son or nephew, and after seating him on a golden throne, they pronounce these words, 'We beg you, and also wish and bid you, to reign over us.' The king then says, 'If that is what you want of me, you must be ready to do as I command, and whom I order killed must be killed forthwith and without delay, and the whole kingdom must be entrusted to me and put into my hands.' The people answers, 'So be it.' Then the king continuing says, 'The word that I speak shall be my sword,' and all the people applaud him. After that he is taken hold of, removed from his throne, and set on the ground seated on a bench, and the princes address him in these words: 'Look up and acknowledge God, and then look at this lowly bench on which you sit. If you govern well, you will have your every wish; otherwise you will be put down so low and so completely stripped, that even this bench on which you sit will not be left to you.' This said, he is lifted on high, and acclaimed king of the Tartars. This power is absolute and sovereign, for it has no other condition than what is commanded by the law of God and of nature.

1576 **Jean Bodin** , referring to ancient **Oath of Carinthia**: *Le Six Livres de la République*, Paris, 1576, Book I, Chapter 8, p. 129 [French edition], Julian H Franklin, (ed. and trans.) Book I, Chapter 8, 'On Sovereignty' from *Jean Bodin, On Sovereignty, Four Chapters from The Six Books of the Commonwealth*, Cambridge University Press, Cambridge, 1992, pp. 9-10

...Here in a meadow near the city of Saint Vitus, one can still see a marble rock which is mounted by a peasant, to whom this office belongs by right of succession, with a black cow on his right side, a skinny mare on his left, and the people all around. The person coming forward to be the duke walks amidst a great number of lords dressed in red, with ensigns carried in front of him, and everything in good order except for the duke, who is dressed like a poor shepherd and carries a crook. The man standing on the rock calls in Slavic, 'Who is this who walks so proudly?' The people answer that he is their prince. Then the peasant asks, 'Is he a [true] judge? Does he seek the welfare of the country? Is he of free status, worthy of honour, respectful of religion?' They answer, 'He is, and will be.' Then the peasant gives the duke a light blow, and the peasant now becomes exempt from all public burdens, while the duke climbs up on to the rock brandishing his sword and, speaking to the people,

promises to be just. Still in shepherd's dress he goes to Mass, then assumes a ducal garb and returns to the rock to receive homages and oaths of fealty....

1587 **Mary Queen of Scots executed, 8 February, 1587, Fotheringhay Castle**

JAMES VI

1587 **James VI of Scotland, first parliament; swears coronation oath.**

Swore coronation oath on his own behalf, and also swore to observe the Act of James II of 1455, annexing certain lordships to the crown inalienably.

—see David M Walker, *A Legal History of Scotland*, Volume III, The Sixteenth Century, T & T Clark Ltd., Edinburgh, 1995, at p. 123, and n. 22, sourced to *King's Majority Act*, (Scotland), 1587, A.P.S., III, 442, c. 1.

JAMES VI AND I

1603 **James I of England**, succeeded 24 March 1603 (**James VI of Scotland**, succeeded 24 July 1567, crowned Holy Rood Church, 29 July 1567)

1603 **James I (England and Ireland), James VI (Scotland)** crowned king of England, Monday, 25 July 1603, St James' Day, consecrated by John Whitgift, Archbishop of Canterbury.

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, pp. 79-80.

Extract from *The Life and Reign of James I*, by Arthur Wilson

All this came accompanied with a great Plague, where of about 30,000 died; Yet who will not venture for a Crown, for in the Heat of it, on the 25 of July, being the day dedicated to St James, the King, with his wife, Queen Anne, were both crowned at Westminster, fulfilling that old Prophecy, or rather Fancy, current among the Scots, (as they report) before Edward I brought the Royal Chaire out of Scotland, with the same Stone in it, and placed it at Westminster to crown our Kings in, which Stone some old Saws deliver to be the same that Jacob rested his Head on.

Fate hath design'd

That whereso'er this Stone

The Scots shall find,

There they shall hold the Throne.

When these ceremonies were past, the King retir'd from the Cloud of Infection.

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Juramentum Regis Jacobi, 1603¹

Archbishop. Sir, will you grant and keep and by your oath confirm to your people of England the laws and customs to them granted by the kings of England your lawful and religious predecessors; and namely the laws, customs and franchises granted to the clergy and to the people by the glorious king, St Edward, your predecessor, according and conformable to the laws of God and true profession of the gospel established in this kingdom², and agreeing to the prerogatives of the kings thereof and to the ancient customs of this realm?

King. I grant and promise to keep them.

A. Will you keep peace and agreement entirely, according to your power, both to God, the holy church, the clergy and the people?

K. I will keep it.

A. Will you to your power cause law, justice and discretion in mercy and truth to be executed in all your judgments?

K. I will.

A. Sir, will you grant to hold and keep the laws and rightful customs which the commonalty of your kingdom have, and to defend and uphold them to the honour of God, so much as in you lieth?

K. I grant and promise so to do

Sequitur admissio episcoporum, &c.

Our lord and king, we beseech you to grant and preserve unto us and every one of us and the churches committed to our charge all canonical privileges and due law and justice, and that you would protect and defend us as every good king in his kingdom ought to be a protector and defender of the bishops and churches under their government.

K. With a willing and devout heart I promise and grant that I will preserve and maintain to you and every of you and the churches committed to your charge all canonical privileges and due law and justice, and that I will be your protector and defender to my power by the assistance of God, as every good king in his kingdom ought to protect and defend the bishops and churches under their government.

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—From The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902.

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¹ This text is taken from the Tanner manuscript, in the Bodleian Library (Tanner MSS. (Bodl.), vol. 94, f. 121, as reproduced at p. 391 in *Select Statutes and other Constitutional Documents illustrative of the reigns of Elizabeth and James I*, edited by G W Prothero, 1st ed. 1894; 4th ed. reprinted 1963, Clarendon Press, Oxford.

² *ibid.*, Note the words 'In this kingdom' were according to Legg included in the oath of James II (*supra*, at p. 296), but not in the oath of Charles I, (*supra*, at p. 251), where the words 'in the Church of England' are used; Legg says, at p. 245, that the service for Charles I is 'nearly the same' as that used for James I, with some omissions and emendations as noted in his footnotes; nowhere however does he say that the words 'in the kingdom' were used by James I; he implies on the contrary that the same words, i.e., 'in the Church of England', were used by James I. However, in Legg's record of the order for James II, he has the words 'in this Kingdom' appearing instead of 'in the Church of England', (see Legg, p. 296); however he also says that 'The oath remained the same as before.' i.e. that James II's oath was the same as Charles II's oath. (Legg, at p. 287). I can only conclude that Legg's records are not authoritative with regard to the oath.

1610 **James I (England and Ireland), James VI (Scotland), Speech to Parliament, 21 March 1610**

—From James I, King, *Works*, London, 1616, quoted in *The Stuart Constitution, Documents and Commentary*, J P Kenyon, Cambridge University Press, Cambridge, 1965, pp. 12-14, at pp. 13-14:

...; so in the first original of kings, whereof some had their beginning in conquest, and some by election of the people, their wills at that time served for law, yet how soon kingdoms began to be settled in civility and policy, then did kings set down their minds by laws, which are properly made by the king only, but at the rogation of the people, the king's grant being obtained thereunto. And so the king became *lex loquens*, after a sort, binding himself by a double oath to the observation of the fundamental laws of the kingdom: tacitly, as by being king, and so bound to protect as well the people as the laws of his kingdom; and expressly, by his oath at his coronation. So, as every just king in a settled kingdom is bound to observe that paction made to his people by his laws, in framing his government agreeable thereto, according to that paction which God made with Noah after the deluge, ...; and therefore a king governing in a settled kingdom leaves to be a king, and degenerates into a tyrant, as soon as he leaves off to rule according to his laws....'

CHARLES I

1625 **Charles I (England) Charles I (Scotland) succeeded 27 March 1625**

1626 **Charles I (England and Ireland) Charles I (Scotland)** (King, 1625; crowned Candlemass, [known as the Feast of the Purification of the Blessed Virgin Mary], 2 February 1626) Consecrated by George Abbott, Archbishop of Canterbury (Pemberton, p. 80)

English Coronation Oath

This text following is taken from Legg, at pp. 251-252, who uses the manuscript text [Brit. Mus. Harl. 5,222, see p. 246.]

The Sermon being done, the ArchBp. goeth to the King, and asketh his Ma^y willingness to take the Oath, usually taken by his predecessors.

The King sheweth himself willing thereunto.

The ArchBp. ministereth the Questions, and ye King answereth them seuerally.

Archb. Sire. Will you graunt and keepe, and by your oath Confirm, to the people of England, the Lawes and Customes to them graunted, by the Kings of England your lawfull and religious predecessors; and namely the Lawes Customes and fraunchesses granted to the Cleargie [and to the people - this phrase was in James I's order of service oath but not in Charles I's, or James II's, according to Legg]¹ by the glorious King St. Edward your predecessor according to the Lawes of God, the true profession of the Gospell established in the Church of England [this Kingdom, are the words Legg puts in James II's oath, and these words are also in Prothero's text for James I]², and agreeable to the prerogative of y^e Kinge therof, and the auncient Customes of this Realm?

¹Legg, *Coronation Records*, notes in n. 1, at p. 251, that 'In Ashm. MS. 863. p. 269. (the Coronation order of James I) the words *and the people*, which are to be found in the *Liber Regalis*, appear after *Clergy*. it would seem that a very important change was made here in the coronation oath of Charles I.'

² The coronation order of James II reproduces Charles I's oath, but with the words 'established in this Kingdom', appearing instead of 'established in the Church of England'. see Legg, *supra*, p. 296

King. I graunt and promise to keepe them.

Archb. Sire. Will you keepe peace and godly agreement, intirely according to your power, both to God, the holy Church, y^e Cleargie y^e People?

King. I will keepe it.

Arch. Sire. Will you to your power cause Lawe Justice and Discretion, in Mercie and truth, to be executed in all your Judgements?

King. I will.

Archb. Will you graunt to hold and keepe, the Lawes and rightfull Customes, which the Commaltie of this yo^r Kingdome haue: and will you defend, and vphold them to the honor of God, so much as in you lyeth?

King. I graunt and promise so to doe.

*Sequitur requisitio siue admonitio Episcoporum ad Regem, et legitur: at ¶ vno Episcopo coram omnibus, clara voce dicendo.*¹

One of the Bishops shall say

Our Lord and King : Wee beseech you to pardon and to grant, and to preserue unto vs and y^e Churches committed to our Charge, all Canonical privileges, and due Lawe and Justice ; And that you would protect and defend vs, as every good King in his Kingdome, ought to be Protecto^r, and Defendor ofthe Bishoppes, and the Churches vnder their government.

The King answereth,

With a willing and devout heart, I grant My Pardon; and promise that I will preserue, and mayntaine to you, and the Churches committed to yo^r Charge, all Canonical Privileges, and due Lawe, and Justice ; and that I wilbe your protector and defendor to my power, by the assistance of God, as every good King in his Kingdome, in right ought to protect and defend the B^es and Churches vnder their government.

Then shall the King arise out of his Chaire, and by them that before assisted him, be ledd to the highe Altare, and there he shall make a solempne Oath, in the sighte of all the People, to obserue the premisses; and laying his hande uppon the Booke shall say.

Juramentum Regis.

These things, w^{ch} before I have promised I shall performe and keepe, Soe helpe mee God, and the Contentes of this Booke.

After the Oath thus taken, the King retourneth to his Chaire, and kneeleth at his faldstoole, whilst the ArchBp. Begineth the Hymne.²

Charles I Scotland: Scottish Coronation Oath

I can find no firm evidence on this. John Morril, in *The Oxford Illustrated History of Tudor & Stuart Britain*, Oxford University Press, Oxford, 1996, says at p. 366

...Charles was Scots by birth and he stammered in a Scottish accent; but he never made any real attempt to understand the ways in which his powers in Scotland and Ireland differed from his powers in England.

This was made all too plain during his first visit to Scotland as its monarch in 1633, especially in a spectacularly provocative coronation ceremony which was modelled on the English ceremony and which incorporated part of the English coronation oath instead of the Scottish oath laid down by Scottish statute. The setting—not Scone or Stirling, but Holyrood Palace, decked out with a railed

¹ Legg, at pp 251-252.

² Legg, at p. 252

altar and arras containing a woven golden crucifix—only added to the alarm and the gloom. This visit created a deep antipathy between Charles and many leading Scottish nobles... [no source given]

1627 *The Five Knights Case (Darnel's case)*, 3 Charles I, 1627, Cobbett's Complete Collection of State Trials, Vol. III, p. 1

Sir Robert Phillips: [in Parliament] 'It is well known, the people of this state are under no other subjection, than what they did voluntarily consent unto, by the original contract between king and people, and as there are many prerogatives and privileges conferred on the king, so there are left to the Subject many necessary Liberties and Privileges, as appears by the common laws and acts of parliament...[65]

1637 *Shipmoney Case, The King against John Hampden, esq.*, Cobbett's Complete Collection of State Trials, Vol. III, 13 Charles I, 1637, p 926

Sir Robert Berkley, Judge at Court of Kings Bench

'Though the King hath a monarchical power, and hath 'jura summæ majestatis' and hath an absolute trust settled in his crown and person, for government of his subjects; yet his government is to be 'secundum lege regni,' – it is one of the questions in the 'juramentum regis' at his coronation (see the old Magna Charta, fol. 164) 'Concedis justa leges et consuetudines regni esse tuendus?' And the king is to answer 'Concedo'. By those laws the subjects are not tenants at the kings will, of what they have... They have a birthright in the laws of the kingdom. No new laws can be put upon them; none of their laws can be altered or abrogated without common consent in parliament..

'Thus much I speak to avoid misapprehensions and misreports upon that which I shall say in this case; not as if there were any cause of saying so much on the king's side. We have in print his majesty's own most gracious Declaration that it is his maxim, that the people's liberties strengthen the king's prerogative, and that the king's prerogative is to defend the people's liberties [1090]

1642 *English 'House of Commons' Remonstrance of 26 May 1642*

This text of the coronation oath below is the one which was reproduced by the two houses of 'parliament', such as they were, in the Remonstrance of 26 May 1642, as reported by Edward, Earl of Clarendon in his *History of the Rebellion and Civil Wars in England*, written between 1641 and 1648, in Book V paragraphs 225 and 226, at Vol. II, (Books V and VI), p. 123 of the 'edition re-edited from a fresh collation of the original MS. in the Bodleian Library', by W Dunn Macray, in six Volumes, Clarendon Press, Oxford, 1888; reprinted Oxford University Press, Oxford, 1958.

{p. 123} '224...And because the advice of both Houses of parliament had, through the suggestions of evil counsellors, been so much undervalued of late, and so absolutely rejected and refused,' they said, 'they held it fir to declare unto the kingdom, whose honour and interest was so much concerned in it, what was the privilege of the Great council of Parliament herein, and what was the obligation that lay upon the kings of this realm to pass such bills as are offered to them by both Houses of parliament in the name and for the good of the whole kingdom, whereunto they stand engaged both in conscience and in justice to give their royal assent.

'225. In conscience, in regard to the oath that is, or ought to be, taken by the kings of this realm at their coronation, as well to confirm by their royal assent such good laws as the people shall choose, and to remedy by law such inconveniences as the kingdom may suffer, as to keep and protect the laws already in being; as may appear both by the form of the oath upon record, and in books of good authority, and by the statute of the 25 of Edward III. entitles, The Statute of Provisors of Benefices; the form of which oath, and the clause of the statute that concerneth it, are as followeth:

'226. Rot. Parliament. [1] H. IV. n. 17 [n. 1 Rot. Parl. vol. III. p. 417

'Forma juramenti soliti et consueti præstari per reges Angliæ in eorum coronatione.

Servabis ecclesie Dei, cleroque et populo, pacem ex integro et concordiam in Deo secundum vires tuas? Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis, æquam et rectam justiciam, et discretionem in misericordia et veritate secundum vires tuas? Respondebit, Faciam.

Concedis justas leges et consuetudines esse tenendas et promittis eas per te esse protegendas, et ad honorem Dei corroborandas, quas vulgas elegerit, secundum vires tuas? Respondebit. Concedo et promitto.

Adjicianturque predictis interrogationibus quæ justa fuerint. Praenunciatisque omnibus, confirmet Rex se omnia servaturum sacramento super altare prestito coram cunctis.

[and at paragraph 227, at p. 124 of the 1956 reprint, the Remonstrance goes on:

{p. 124} '227 A clause in the preamble of a statute made 25 Edw. III. entitled,

The Statute of Provisors of Benefices. [n.1 Rot Parl. Vol. II. pp. 232-3; in French.]

Whereupon the said Commons have prayed our said lord the King, That sith the right of the Crown of England, and the law of the said realm, is such, that upon the mischieves and damages which happen to this realm, he ought, and is bound by his oath, with the accord of his people in his Parliament, thereof to make remedy and law, and, in removing the mischieves and damages which thereof ensue, that it may please him thereupon to ordain remedy

Our lord the King, seeing the mischieves and damages before mentioned, and having regard to the statute made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always in his force, and was never defeated, repealed or annulled in any point, and by so much he is bounden by his oath to cause the same to be kept as the law of his realm, though that by sufferance and negligence it hath been sithence attempted to the contrary;

[This statute is reproduced as Anno 25 Edw. III. Stat. 6, and Anno Dom. 1350 at p. 260 of Vol. I of The Statutes at Large, from Magna Carta to the twenty-fifth year of the reign of George III, edited by Owen Ruffhead; Eyre, Strahan, Woodfall and Strahan, His Majesty's Printers, London, 1764; revised edition, Charles Runnington, (ed.), 1786, Eyre, Strahan, Woodfall and Strahan, His Majesty's Printers, London. The text as quoted in the 'Remonstrance' appears in the original French and the English translation at p. 262.]

228. 'Here,' they said, 'the Lords and Commons claim it directly as the right of the Crown of England, and of the law of the land, and that the King is bound by his oath, with the accord of the people in parliament, to make remedy and law upon the mischieves and damages which happen to this realm; and the King doth not deny it, although he takes occasion from a statute formerly made by his grandfather, which was laid as part of the grounds of this petition, to fix his answer upon another branch of his oath, and pretermits that which is claimed by the Lords and Commons; which he would not have done if it might have been excepted against.

229. 'In justice,' they said, 'they are obliged thereunto, in respect of the trust reposed in them; which is as well to preserve the kingdom by the making of new laws, where there shall be need, as by observing of laws already made; a kingdom being many times as much exposed to ruin for the want of a new law as by the violation of those that are in being; and this is so clear a right that, no doubt, his majesty would acknowledge it to be as due to his people as his protection. But how far forth he was obliged to follow the judgement of his parliament therein, that is the question. And certainly, besides the king's oath referring unto such laws as the people shall choose, as in such things as concern the public weal and good of the kingdom they are the most proper judges who are sent from the whole kingdom for that very purpose, so they did not find that since the laws have passed by way of bills, (which are read thrice in both House, and committed, and every part and circumstance of them fully weighed and debated upon commitment, and afterwards passed in both houses,) that ever the kings of this realm did deny them otherwise than is expressed in that usual answer, le Roy l'avisera; which signifies rather a suspension than a refusal of the royal assent...

1642 Charles I's (England and Scotland) reply to the English Commons' Remonstrance of 26 May 1642, and his statement of his coronation oath.

—From Edward, Earl of Clarendon in his *History of the Rebellion and Civil Wars in England*, written between 1641 and 1648, in Book V, paragraphs 292 ff., at Vol. II, (Books V and VI), p. 155 of the 'edition re-edited from a fresh collation of the original MS. in the Bodleian Library', by W Dunn Macray, in six Volumes, Clarendon Press, Oxford, 1888; reprinted Oxford University Press, Oxford, 1958.

{p.155} [292.] - (Clarendon is directly quoting the King's reply) - 'But now, to justify heir invasion of his majesty's ancient, unquestioned, undoubted, right, settled and established on his majesty and his posterity by God himself, confirmed and strengthened by all possible titles of compact, laws, oaths, perpetual and uncontradicted custom, by his people; {p. 154} what had they alleged to declare to the kingdom (as they say,) the obligation that lieth on kings of this realm to pass all such bills as are offered unto them by both Houses of Parliament? A thing never heard of till that day : and an oath (authority enough for them to break all theirs,) that is or ought to be taken by the kings of this realm, which is, as well to remedy by law such inconveniences the king may suffer, as to keep and protect the laws already in being : and the form of this oath, (they said,) did appear upon a record there cited, and by a clause in the preamble of a statute in the 25th year of Edward III.'

[293.] His majesty said, 'he was not enough acquainted with records to know whether that were fully and ingeniously [n. 1. 'ingeniously,' MS.] cited: and when, and how, and why, the several clauses had been inserted, or taken out of the oaths formerly administered to the kings of this realm : yet he could not possibly imagine the assertion that Declaration made could be deduced from the words or the matter of that oath : for, unless they had a power of declaring Latin as well as law, sure elegerit signified hath chosen, as well as will choose; and that is signified so there, (besides the authority of the perpetual practice of all succeeding ages [n. 2. 'trial practice of all preceding times,' MS.])¹ a better interpreter than their votes,) it was evident by the reference it had to customs, consuetudines quas vulgus elegerit: and could that be a custom which the people should choose after this oath taken? And should a king be sworn to defend such customs? Besides, could it be imagined that he should be bound by oath to pass such laws, (and such a law was the bill they brought to him of the militia,) as should put the power wherewith he was trusted out of himself into the hands of other men, and divest and disable himself of all possible power to perform the great business of the oath, which was, to protect them? If his majesty gave away all his power, or it were taken from him, he could not protect any man ; and what discharge would it be for his majesty, either before God or man, when his good subjects, whom God and the law had committed to his charge, should be worried and spoiled, to say that he trusted others to protect them, that is, to do that duty for him which was essentially and inseparably his own. But that all his good subjects might see how faithfully these men, who assumed this trust from them, desired to discharge their trust, he would be contented to publish, for their satisfaction, a matter notorious enough, but what he himself never thought to have been put to publish, and of which the framers of that Declaration might as well as made use as of a [Latin] record they knew many of his subjects could not, and many of themselves did not, understand, the oath itself he took at his coronation, warranted and enjoined to it by the customs and directions of his predecessors; and the ceremony of their and his taking it; they might find it in the records of the Exchequer. This is it:

[294.] The sermon being done, the archbishop goeth to the King, and asks his willingness to take the oath usually taken by his predecessors.

[295] The King sheweth himself willing, [ariseth] and goeth to the altar. The archbishop administereth these questions, and the King answers them severally: -

{p.157} [296] Episcopis. Sir, will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors ; and namely the laws, customs, and franchises granted to the clergy, by the glorious King St. Edward your predecessor, according to the laws of God, the true profession of the Gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the ancient customs of this realm?

Rex . I grant, and promise to keep them.

[297] Episc. Sir, will you keep peace, and godly agreement entirely, (according to your power,) both to God, the holy Church, the clergy, and the people?

¹ I have to say that I think that Clarendon's original words are more meaningful than the editor's preference. Surely Clarendon meant 'trial practice', as the king must surely have been reminding the commons of previous decisions in courts of the past? cf. deposition of Edward II.

Rex . I will keep it.

[298] Episc. Sir, will you (to your power) cause law, justice and discretion, in mercy and truth, to be executed in all your judgments?

Rex. I will.

[299] Episc. Sir, will you grant to hold and keep the laws and rightful customs, which the commonalty of this your kingdom have: and will you defend and uphold them to the honour of God, so much as in you lieth?

Rex. I grant, and promise so to do.

[300] Then one of the bishops reads this admonition to the King, before the people, with a loud voice:

[301] Our Lord and King, we beseech you to pardon, and to grant, and to preserve unto us, and to the churches committed to our charge, all canonical privileges, and due law and justice : and that you would protect and defend us, as every good king in his kingdom ought to be protector and defender of the bishops and the churches under their government.

The King answereth,

[302] With a willing and devout heart I promise, and grant my pardon; and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges and due law, and justice ; and that I will be your protector and defender, to my power, by the assistance of God, as every good king in his kingdom in right ought to protect and defend the bishops and churches under their government.

[303] Then the King ariseth, and is led to the Communion table : where the makes a solemn oath, in sight of all the people, to observe the premises; and, laying his hand upon the book, saith,

The Oath

[304] These things, which I have before promised, I shall perform and keep : so help me God, and the contents of this book,

[305] His majesty said, 'All the world might judge, whether such doctrine, or such conclusions, as those men brought, could follow, or have the least pretence, from that oath.

.....

{158} [307] 'All this considered, the contriver of that message, (since they would afford his majesty no better title,) whom they were angry with, did not conceive the people of this land [to be] so void of common sense as to believe his majesty, (who had denied no one thing for the ease and benefit of them which in justice or prudence could be asked, or in honour and conscience could be granted,) to have cast off all care of the subjects' good; and the framers and devisers of that Declaration (who had endeavoured to render his majesty odious to his subjects, and them disloyal to him, [by] [n. 4. 'they' MS.] pretending such a trust in them) to have only taken it up : neither, he was confident, would they be satisfied, when they felt the misery and the burdens which the fury and malice of those people would bring upon them, with being told that calamity proceeded from evil counsellors whom nobody could name, from plots and conspiracies which no man could discover, and from fears and jealousies which no man understood; and therefore, that the consideration of it should be left to the conscience, reason, affection, and loyalty of his good subjects, who do {p. 159} understand the government of this kingdom,' his majesty said, 'he was well content.'

[Numerous copies of coronation orders and apparent drafts of the oath are held in the Public Records Office - see *Calendar of State Papers, Domestic Series, Charles I*, I, 1625-1626; Preserved in the State Paper Department of Her Majesty's Public Record Office, (ed.) John Bruce, First published by HMSO, London, 1858; reprinted by arrangement with HMSO by Kraus Reprint Ltd, Nendeln, Lichtenstein, 1967; see particularly those items indicated as numbers 111, 112, and 113 of Vol. XIX (p. 243); numbers 8, 9, 10, 11, 12, 13, 14, and 15, (pp. 245-46) of Vol. XX.]

PRYNNE

1643 William Prynne prints *THE SOVERAIGNE POWER OF PARLIAMENTS & KINGDOMS or Second Part of the treachery and Disloyalty of Papists to their Sovereignes. Wherein the Parliaments and Kingdomes Right and Interest in, and Power over the Militia, Ports, Forts, Navy, Ammunition of the Realme, to dispose of them unto Confiding Officers hands, in the times of danger; Their Right and Interest to nominate and Elect all needful Commanders, to exercise the Militia for the Kingdomes safety and defence : As likewise, to Recommend and make choice of the Lord Chancellor, Keeper, Treasurer, Privy Seale, Privie Counsellors, Iudges and Sheriffes of the Kingdome, when they see just cause; That the King hath no absolute negative voice in passing publicke Bills of Right and Iustice for the safety peace and common benefit of the People, when both Houses deeme them necessary and just : are fully vindicated and confirmed, by pregnant Reasons and variety of Authorities, for the satisfaction of all Malignants, Papists, Royallists, who unjustly Censure the Parliaments proceedings, Claims and Declarations, in these Particulars;* printed by Michael Sparke, Senior, by Oarder of the Committee of the House of Commons concerning Printing, 28, March 1643. Facsimile copy made from the copy in the British Library (1129.h.6) by Garland Publishing Inc, New York, 1979.

at p. 75 Prynne says

That publicke or private Bills are of two sorts. First, Bills only of meere grace and favour; not of common right: such are all general pardons, Bills of naturalisation, indenization, confirmation, or concession of new franchises, and Priviledges to Corporations, or private persons, and the like; in all which the King, no doubt, hath an absolute negative voice to passe or not to passe them; because they are all acts of meere grace (which delights to be ever free and arbitrary), because the king by his oath and duty, is no way obliged to assent thereto; neither can any subjects of justice or right require them at his hands, it being in the Kings free power, to dispense his favours freely when and where he pleaseth, and cōtrary [sic] to the very nature of free grace, to be either merited or cōstrained. Secōdly Bills of common right and justice, which the King by duty and oath is bound to administer [76] to his whole kingdome in generall, and every subject whatsoever in particular without denyall or delay: Such are all Bills for the preservation of the publicke peace and safety of the kingdome; the Liberties, Properties, and Priviledges of the Subject: the prevention, removall, or punishment of all publicke or private grievances, mischiefs, wrongs, offences, frauds in persons or callings; the redress of the defects or inconveniences of the Common Law; the advancing or regulating of all sorts of Trade; the speedy or better execution of Justice, the Reformation of Religion, and Ecclesiasticall abuses, with sundry other Lawes, enacted in every Parliament, as occasion and necessity require. In all such Bills as these, which the whole state in parliament shall hold it necessary or expedient to be passed, I conceive it very clear, that the king hath no absolute negative voyce at all, but is bound in point of office, duty, Oath, Law, justice, conscience, to give his royall assent unto them when they passed both houses, unlesse he can render such substantial reasons against the passing of them, as shall satisfy both Houses. This being the only point in controversie, my reasons against the Kings absolute over-swaying negative Voyce to such kinde of Bills as these, are:

- [1. contrary to the law of God
- [2. against Magna Charta
- [3. inconsistent with the office and duty of king and the end for which he was instituted]

‘Fourthly, because it is repugnant to the very Letter and meaning of the kings Coronation Oath solemnly made to his subjects; TO GRANT , FULFILL, and defend ALL RIGHTFULL LAWES which THE COMMONS OF THE REALMNE SHALL CHVSE, AND TO STRENGTHEN AND MAINTAINE THEM after his power. Which Clause of the Oath (as I formerly manifested at large, and the Lords and Commons in their Remonstrance of May 26 and 2 November [1642] prove most fully, extens onely, or most principally to the kings Royall assent to such new rightfull and necessary Lawes as the Lords and Commons in Parliament (not the king himself) shall make choice of.

LAUD

1643 Trial of Archbishop Laud

—from Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England with Notes and introduction, with reproductions of the two celebrated pictures in medieval coronation Mss., inserted by special permission, with three pictures, viz: the Coronation of James II, and the vestments used thereat*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902

[—Pemberton, pp. 81-83]

Extracts from the Diary of William Laud, Archbishop of Canterbury.

January 4th, Wednesday. [1626] we met at White Hall, to consult of the Ceremonies of the Coronation. I sent my servant to bring my Books, who brought them. That night I placed them in order in my study. And it was high time. For while we were in consultation about the ceremonies, the Right Hon. The Earl of Pembroke ... delivered to me the King's order to be ready against the 6 day of February to preach that day at the opening of Parliament. [81]

...

Jan. 23. I have a perfect Book of the Ceremonies of the Coronation ready, agreeing in all things with the Liber Regalis. [82]

Jan. 31. The Bishops and Peers before nominated by the King to consult of the Ceremonies of the Coronation, that the Ancient Manner might be observed, by His Majesties command went together to him. The King viewed all the Regalia, Put on St. Edward's Tunicks, Commanded me to read the Rubricks of directions. All being read, we carried back the Regalia to the Church of Westminster and laid them up in their place. [82]

Extract from *The Tryal of the most Reverend Father in God, William Laud, Archbishop of Canterbury*; which began March 12, 1643. Wrote by himself during his imprisonment in the Tower, from *State Tryals*, London, 1719, Vol. IV, p. 427, [Pemberton, pp. 83-84.]

Monday, May 27th, 1664 (sic) ... After this Day's Work was ended. It instantly spread through all the City, that I had altered the King's Oath at his Coronation, and from thence to all parts of the Kingdom; as if it must be true which was said at the Bar against me, what Answer soever I made. The People, and some of the Synod now crying out, That this one Thing was enough to take away my Life. And tho this was all that was charged this Day concerning this Oath, yet seeing how this Fire took, I thought fit the next Day that I came to the Bar to desire [84] that the Books of the Coronation of Former Kings, especially those of Queen Elizabeth and King James might be seen and compared, and the Copies brought into the Court, both from the exchequer, and such as were in my Study at Lambeth, and an Inquisition made into the Business; in regard I was as innocent from this Crime, as when my Mother bare me into the world. A Salvo was entered for me upon this. And every Day that I after came to the Bar, I called upon this Business; But somewhat or other was still pretended by them which managed the Evidence, that I could not get the Books to be brought forth, nor anything to be done, till almost the last day of My hearing. Then no books could be found in the Exchequer, nor in my Study, but only that of King James; whereas when the Keys were taken from me, there were divers Books there, as is confessed in the printed Votes of this Parliament, and one of them is a Watchet-Sattin Cover, now missing; And whether this of King James (had not me secretary, who knew the Book, seen it drop out of Mr Pryn's bag) would not have been concealed too, I cannot tell. At last the Book of King James his Coronation, and the other urged against me concerning King Charles, were seen and compared openly in the Lord's House, and found to be the same Oath in both, and no Interlining or Alteration in the Book charged against me.

CHARLES I—DEATH

1649 Charles I's (England and Ireland and Scotland) Reasons for Declining the Jurisdiction of the English High Court of Justice. 21 January

—From Rushworth, vii. 1403; quoted in *The Constitutional Documents of the Puritan Revolution 1625-1660*, by S W Gardiner, Clarendon Press, Oxford, 1889, 3rd ed. 1906; revised and reprinted 1951.

'Having already made my protestations, not only against the illegality of this pretended Court, but also, that no earthly power can justly call me (who am your King) in question as a delinquent, I would not any more open my mouth upon this occasion, more than to refer myself to what I have spoken, were I in this case alone concerned : but the duty I owe to God in the preservation of the true liberty of my people will not suffer me at this time to be silent : for, how can any free-born subject of England call life or anything he possesseth his own, if power without right daily make new, and abrogate the old fundamental laws of the land which I now take to be the present case? Wherefore when I am come hither, I expected that you would have endeavoured to satisfy me concerning these grounds which hinder me to answer your pretended impeachment. But since I see that nothing I can say will move you to it (though negatives are not so naturally proved as affirmatives) yet I will show you the reason why I am confident you cannot judge me, nor indeed the meanest man in England: ...

'There is no proceeding just against any man, but what is warranted, either by God's laws or the municipal laws of the country where he lives. Now I am most confident this day's proceeding cannot be warranted by God's laws; for, on the contrary, the authority of obedience unto Kings is clearly warranted, and strictly commanded in both the Old and New Testament...

'...Then for the law of this land, I am no less confident, that no learned lawyer will affirm that an impeachment can lie against the King, they all going in his name: and one of their maxims is, that the King can do no wrong. Besides, the law upon which you ground your proceedings, must be either old or new : if old, show it; if new, tell what authority, warranted by the fundamental laws of the land, hath made it, and when. But how the House of Commons can erect a Court of Judicature, which was never one itself (as is well known to all lawyers) I leave to God and the world to judge. And it were full strange, that they should pretend to make laws without King or Lords' House, to any that have heard speak of the laws of England.

'.... Thus you see that I speak not for my own right alone, as I am your King, but also for the true liberty of all my subjects, which consists not in the power of government, but in living under such laws, such a government, as may give themselves the best assurance of their lives, and property of their goods; nor in this must or do I forget the privileges of both Houses of Parliament, which this day's proceedings do not only violate, but likewise occasion the greatest breach of their public faith that (I believe) was ever heard of, ...

'...I was suddenly surprised and hurried from thence a prisoner; upon which account I am against my will brought hither; where since I am come, I cannot but to my power defend the ancient laws and liberties of this kingdom, together with my own just right.

'.....I cannot submit to your pretended authority, without violating the trust which I have from God for the welfare and liberty of my people, ...

1649 The [English] Charge against the King (Charles I)

—Taken from *The Constitutional Documents of the Puritan Revolution 1625-1660*, selected and edited by S W Gardiner, Oxford University Press, Oxford, 1889; 3rd ed. 1906; reprinted, Clarendon Press, Oxford, 1951; at p. 371 ff.

[January 20 1648/9. Rushworth, vii. 1396. See *Great Civil War*, iv, 299]

That the said Charles Stuart, being admitted King of England, and therein trusted with a limited power to govern by and according to the laws of the land, and not otherwise; and by his trust, oath, office, being obliged to use the power committed to him for the good and benefit of the people, and [p. 372] for the preservation of their rights and liberties; yet nevertheless.... hath traitorously and maliciously levied war against the present Parliament,

[p. 373]... All which wicked designs, wars, and evil practices of him, the said Charles Stuart, have been, and are, carried on for the advancement and upholding of a personal interest of will, power, and pretended prerogative to himself and his family, [p. 374] against the public interest, common right, liberty, justice, and peace of the people of this nation, by and for whom he was entrusted as aforesaid.

By all which it appeareth that the said Charles Stuart hath been, and is the occasioner, author, and continuer of the said unnatural, cruel and bloody wars; and therein guilty of all treasons, murders, rapines, burnings, spoils, desolations, damages and mischiefs to this nation, acted and committed in the said wars, or occasioned thereby.

1649 **Charles I Trial in England, 1649** – From *Cobbett's Complete Collection of State Trials*, Vol. IV, pp. 959 ff. [* Note: In the original all the Proceeding in this Case are stated to occur in 1648, agreeably to the old computation of the commencement of the year from March 25th. But here the year is computed to begin on January 1st, and the dates are altered accordingly. Similar alterations are made generally throughout this work.', p. 959]

5 December 1648

[p. 959] The king's Answer to the Propositions voted a Ground for the House to proceed upon, for Settlement of the Peace of the Kingdom. † [note † 'Upon this question Prynne made his celebrated Speech, maintaining the sufficiency of His Majesty's answer, as a Ground, &c. See 3 Cobb. Parl. Hist. 1152. To find that the most strenuous and the most powerful efforts on his favour upon this most critical occasion had been made by Prynne, whom he had suffered his ministers in the Star Chamber to punish so barbarously [See the Cases A.D. 1633, 16337, vol. 3, pp. 562, 711] must have been a shock to the feelings of Charles, nearly as severe as that afterwards given to the feelings of his son [sic?] James by the reply of the aged father of Lord Russell. See Notes to Lord Russell's Case, A.D. 1683, post.']

[The following was taken by Cobbett from 'A Perfect NARRATIVE of the whole PROCEEDINGS of the HIGH COURT OF JUSTICE in the Trial of the KING, in Westminster Hall. With the several speeches of the King, Lord President, and Solicitor General. Published by Authority, to prevent false and impertinent Relations. January 20-27. A.D. 1649. Licensed by Gilbert Mabbot.' see p. 993]

20 January 1649

[p. 996] King. I would know by what power I am called hither. ... Remember I am your king, your lawful king, and what sins you bring upon your heads, and the judgment of God upon this land; think well upon it, I say, before you go further from one sin to a greater : therefore let me know by what lawful authority I am seated here, and I shall not be unwilling to answer. In the mean time, I shall not betray my trust; I have a trust committed to me by God, by old and lawful descent; I will not betray it, to answer to a new unlawful authority: therefore resolve me that, and you shall hear more of me.

Lord President ...you would have known by what authority... which authority requires you, in the name of the people of England, of which you are elected King, to answer them

King. No Sir I deny that.

Lord President: If you acknowledge not the authority of the court, they must proceed.

King: I do tell them so; England was never an elective kingdom, but an hereditary kingdom for near these thousand years; therefore let me know by what authority I am called hither : I do stand more for the Liberty of my people, than any here that come to be my pretended judges; and therefore let me know by what lawful authority I am seated here, and I will answer it; otherwise I will not answer it.

King: ... I will stand as much for the privilege of the house of commons, rightly understood, as any man here whatsoever...let me tell you, it is not a light thing you are about. [p. 997]I am sworn to keep the peace, by that duty I owe God and my country, and I will do it to the breath of my body; and therefore ye do well to satisfy first God, and then the country, by what authority you do it; ... Satisfy me in that and I will answer; otherwise I betray my trust, and the Liberties of the People: ...

22 January

[p. 598] King: ... but it is not my case alone, it is the Freedom and Liberty of the People of England...

23 January

[p.1002] King: For the charge, I value it not a rush; it is the Liberty of the People of England [p. 1003] that I stand for. For me to acknowledge a new court that I never heard of before, I that am your king, that should be an example to all the people of England, for to uphold justice, to maintain the old laws; indeed I do not know how to do it. You spoke very well the first day that I came here.. of the obligations that I had laid upon me by God, to the maintenance of the Liberties of my people; the same obligation you spake of, I do acknowledge to God that I owe to him and to my people, to defend as much as in me lies the antient laws of the kingdom: therefore, until that I may know that this is not against the fundamental laws of the kingdom, by your favour I can put in no particular [answer]..

The Sentence

[p. 1017]

The Clerk read the sentence, which was drawn up on parchment:

Whereas the Commons of England in Parliament had appointed them an High Court of Justice, for the trying of Charles Stuart, King of England, before whom he had been three times convened; and at the first time a Charge of High-Treason, and other crimes and Misdemeanors, was read on behalf of the Kingdom of England," &c [Here the Clerk read the Charge.] Which charge being read unto him. as aforesaid, he the said Charles Stuart was required to give his Answer : But he refused so to do; and so expressed the several Passages of his trial in refusing to answer. - For all which Treasons and Crimes this Court doth adjudge, That the said Charles Stuart, as a Tyrant, Traitor, Murderer, and a Public Enemy, shall be put to death, by the severing his Head from his Body.

1649

Charles' Speech on the Scaffold, 30 January, 1649.

— From *The Trial of King Charles the First*, by J G Muddiman, William Hodge & Company Limited, London, 1928, Appendix D, p. 260 ff., at pp 262-263.

... Believe it you will never do right, nor God will never prosper you , until you give God his due, the King his due (that is, my successors) and the people their due, I am as much for them as any of you. You must give God his due by regulating rightly His Church (according to the Scripture) which is now out of order. For to set you in the way particularly now I cannot, but onely this. A national synod freely called, freely debating among themselves, must settle this, when that every opinion is freely and clearly heard.

For the King, indeed I will not, then turning to a gentleman that touched the Ax said, hurt not the ax, that may hurt me [Marginal note. "Meaning if he did blunt the edge]. For the King, the laws of the land will clearly instruct you for that. Therefore because it concerns my own particular, I onely give you a touch of it.

For the people. And truly I desire their liberty and freedom as much as anybody whomsoever. But I must tell you that their liberty and freedom consists in having of government; those laws by which their life and their goods may be most their own. It is not for having a share in government, sir, that is nothing pertaining to them. A subject and a sovereign are clean different things, and therefore until they do that, I mean, that you do put the people in that liberty as I say, certainly they will never enjoy themselves.

....

In troth, Sirs, my conscience in religion I think is very well knowne to all the world : and, therefore, I declare before you all that I die a christian, according to the profession of the Church of England, as I found it left me by my father. ...

HALE

1640–1649

Sir Matthew Hale's *The Prerogatives of the King*, edited for the Selden Society by D E C Yale, Selden Society, London, 1976;

King is not under the coercive power of the law

But the king is bound by the directive power of the law i), by his office, and ii) by his oath at coronation where he swears to govern according to the laws.[at p. 14]

'The jus summi imperii remain(s) in the king of England. Neither could nor can he part with that right in all or any part of his dominions, but by consent of the people [and] states of the kingdom in parliament, for the relation and the bond is reciprocal.' [at p. 15]

[at pp. 65-67] [65]...The coronation or solemn inauguration of the king consisted:

(1) of some things preparatory which was a proclamation of the time of it, and anciently a command of persons that held a knight's fee or £40 per annum to come, then to receive the order of knighthood and summons [to] the nobility to attend. Claus. I E. I; class. I E. 2, dorso per totum. [note 6: *Cal. C.R.*(1307-1313), p. 53]

(2) The things concomitant with it or the solemnity itself, whereof the principal parts [66] were these. First, the solemn oath of the king for the due government and protection of the people. Secondly, the profession and recognition of the people unto the king. Thirdly, the unction of the king. Fourthly, the investing of the king with the ensigns of majesty, his crown, sceptre, and ball. Fifthly, the enthroning of him in his throne. Sixthly, the homages done to him. A word of each of these.

(a) Concerning the king's oath at his coronation.

The king's coronation oath was various in ancient times according to the variety of the occasions and the prevalence of parties that sought thereby to secure some particular interest. *Vide apud Matthew* [83] *Paris in coronatione regis Stephani*. [note 1: *Chronica Majora* (Rolls ed.), II, p. 163 (Stephen); II, pp. 348-350 (Richard); II, pp. 455-456 (John); III, pp. 1-2 (Henry)]. His oath was to grant free elections of bishops, mitigation of the oppression of the forests, relaxation of danegelds &c. *Vide apud eundem in coronatione Ricardi primi*. *Juravit quod [in] populo sibi commisso rectam justiciam exercebit, et quod malas leges et iniquas consuetudines delebit, et bonas observabit. Vide eundem in coronatione Johannis. Quod sanctam ecclesiam et ejus ordinatos diligeret et eam ab incursione malignantium indemnem conservaret, et quod perversis legibus destructis, bonas substitueret et rectam justiciam in regno Angliae exerceret. Vide eundem in coronatione Henrici tertii. Juravit coram clero et populo quod honorem pacem et reverentiam portabit deo et sanctae ecclesiae et ejus ordinatis, omnibus diebus vitae suae, et quod [in] populo sibi commisso, rectam justiciam tenebit et quod malas leges et iniquas consuetudines delebit, et bonas observabit, et observari faciet. Vide Bracton who wrote in his time, lib. 3, cap. 9* [note 2: fo 107r.]

In the coronation of Edward 2.[note 3: Rot. claus. 1 Edw. 2, m.10 (schedule); *Cal. C.R.* (1307-1313) p.12; *Foedera*, iii, 63, for coronation Oath]

Sieur, voilez vous graunter et garder et per votre serement confirmer au peuple d'Angleterre les leyes et les custumes a eux grauntees per les anciens royes d'Angleterre vos predecessors droitures et devotes a Dieu et nomenent les leys et custumes et franchises graunts au clergy et au peuple par le glorieus roy [seint] Edward votre predecessor ?

Respons. Jeo les graunt et promett.

Sieur, garderez vous a Dieu et a Saint Eglise et au clergy, et au peuple paix et accord au dieu entyrement selonc votre poer ?

Respons. Jeo les garderai.

Sieur ferrez vous faire en toutes vos judgements, ovele et droit justice et discretion in misericord et verite a votre poer ?

Respons. Jeo le ferrai.[84]

Sieur, grant nus a tener et garder les leyes et les custumes droitures, lesquelles le communaute de votre royaume aura esleu, et les defender et afforcerez alhonor de Dieu a votre poer?

Respons. Jeo le grant et promett.

This is the entry of the oath, [rot. claus.] 1 E. 2, m. 10 dorso. [note 4: *Supra*, p. 65, n. 6, and *supra*, n. 3—{these references are to *Cal. C. R.* (1307-1313), p. 53, and to the preceding footnote above}]. The entry of the oath in *veteri magna carta*, fol. 164, agrees in substance with the former, and with that of [67] Richard 2 hereafter mentioned, and with the oath in the parliament roll, 1 H. 4, n. 17, [note 1: R.P. iii, 417b.]

uz. Metropolitanus vel episcopus mediocri distinctaque voce eum interroget. Leges et consuetudines et antiquis justis et eas denotis plebi Anglorum concessas cum sacramenti confirmatione eidem plebi concedere et servare voluerit et presertim leges et consuetudines et libertates a glorioso rege Edwardo clero populoque concessas. Si autem his omnibus assentire se velle promiserit, exponat ei Metropolitanus vel episcopus de quibus jurabit ita dicendo; servabis Ecclesiae Dei clero et populo pacem ex integro et concordiam in Deo secundum vires tuas:

Respondebit, servabo.

Facies fieri in omnibus judiciis tuis, equam et rectam justiciam et discretionem in misericordia et veritate secundum vires tuas?

Respondebit, faciam.

Concedis justas leges et consuetudines esse tenendas et promittis eas per te esse protegendas, et ad honorem Dei corroborandas, quas vulgas elegerit, secundum vires tuas?

Respondebit, concedo et promitto.

Adjicianturque predictis interrogationibus quae justa fuerint. Praenunciatisque omnibus, confirmet [rex] se omnia servaturum sacramento super altare prestito coram cunctis.

This oath hath been in substance continued, some small alterations being therein made by Henry 8. And now whether elegerit be the preterperfect or the future tense hath been an occasion of great difference. But the French and English make it plain to my judgement to be the preterperfect tense, and indeed so doth the sense also of the clause. [85]

(b) After the oath made the archbishop comes to the people, acquaints them with the kings oath and enquires of them si ipsi consentire vellent ad habendum regem et dominum suum ligeum, et ad obediendum ei tanquam regi et domino suo ligeo, qui utique unanimiter consenserunt. Though in truth they have not any negative voice, yet this formality is used of the oath of the king's part, and a consent on the people's to superadd a mutual stipulation between them and to signify the same to the kingdom. But it contributes nothing to the essence of the kingly regality when lawfully descended to him.

(c) The unction of the king. The kings of England have been anointed *in capite, in pectore et in brachio dextro* according to Matthew Paris *in coronatione Ricardi primi* [note 2: *Chronica Majora* (Rolls ed.), II, p. 349: 'in scapulis' for 'in pectore'], or according to Becket's letter to Henry 2, [note 3: *Chronica Majora* (Rolls ed.), II, p. 235] *in capite, in pectore et in brachiis, quod significat gloriam, sanctitatem et fortitudinem*, and according to the yearbook, 33 E. 3, *Ayd de roy, 103*, [note 4: Fitzherbert's Abridgement, citing Hil. 33 Edw. 3.], this is at least a sign of their capacity of ecclesiastical jurisdiction: *reges sancto oleo uncti sunt, capaces spiritualis jurisdictionis*.

(d), (e), (f) The ensigns of majesty and empire, the crown and coronation, the delivery of the sceptre and ball, the enthronization, and then the homage done by the temporal and ecclesiastical lords, and the several prayers and solemnities thereof, *vide inde optime Selden, Tit[uli] Honoris, lib. 1, cap. 8*, [note 5: *Opera Omnia* III, 234 et seq.], and therefore I omit them, and rather [68] choose to insert *verbatim* those two *formulae coronationis* which are entered of record, *uz.* that of Edward 2 and that of Richard 2.

Claus. 1 E. 2, m. 12 dorso: [note 1: *Cal. C. R.* (1307-1313), p. 51; *Foedera*, iii, 51-53. The king by several writs to the bishops and barons and other persons of eminence, signifies the time of his intended coronation, and commands *vobis mandamus quod hujusmodi coronationis nostrae solemnii personaliter intersitis*, and by writs directed to the several sheriffs of England commands the sheriffs to proclaim the day of the coronation: *et quod omnes milites cives et burgenses et alios [de comitatu] quos fore videris invitandos invitari facias quod intersint etc.* [86] And then the form of the coronation is entered. [note 2: *Claus. 1 Edw. 2, m. 10d; Foedera*, iii, 63.]

Memorandum quod die dominica proxima post festum Sancta Petri in cathedra, anno domini 1307, anno viz. Bisextili, concurrente litera dominicale F., coronatus fuit in Regem et inunctus Dominus Edwardus filius Regis Edwardi anno regni sui primo in Ecclesia beati Petri Westmonasterii ante magnum altare per manus venerabilis patris Henrici Wintoniensis Episcopi cui venerabilis pater Robertus Archiepiscopus Cantuariensis tunc agens in partibus transmarinis commiserat quoad hoc vices suas, et Praelati, Comites et alii nobiles subscripti deferebant insignia regalia infra scripta, viz. Willielmus le Mareschall portavit calcaria magna deaurata, post eum veniebant, Comes Herefordiae portans sceptrum regale in cuius summitate erat crux, Henricus de Lancastre portans virgam regalem in cuius summitate erat columba. Post eos venerunt Comes Lancastriae, Comes Lincoliae et Comes Warwick portantes tres gladios. Et gladium qui vocatur Curtana portavit Comes Lancastriae. Postea portabatur unum scaccarium magnum super quod erant vestes regales quod portabant Comes Arandul, Thomas de Veere, filius et heres Comitis Oxoniae, Hugo [le] J Despencer et Rogerus de Mortuomari de Wygemor. Postea sequebatur Thesaurus Regis, portans patenam de calice Sancti Edwardi. Deinde venit Cancellarius Regis portans ipsum calicem. Deinde venit Petrus de Gavaston Comes Cornubiae portans coronam regalem. Deinde sequebatur ipse coronandus. Et cum venisset Rex ad magnum altare optulit super illud unam libram auri. Et fuerunt [87] verba Regis in

coronatione praedicta sub juramento praestita ut patet in cedula annexa. And then ensues the oath which is inserted verbatim in this chapter before.

But *Claus. 1 R. 2, m. 45*, [note 3 : *Cal. C. R.* (1377-1381), pp. 1-5; *Monumenta Gildhallae* (Rolls ed.) II, pt. II, pp. 456 *et seq.*], the solemnity is set out fuller. Where after the claim of the duke of Lancaster to be High steward of England allowed by the king himself, there follows the claims of those offices of honour to be performed in the coronation solemnity by reason of charter, tenure or prescription. Which are made before the High Steward and allowed or disallowed according to the satisfaction they gave thereof. And all these claims are entered and drawn up. And then ensues the processus coronationis drawn up by the High Steward and then delivered in the Chancery and there enrolled. [note 4 : F.H. inserts in B.M. Harg. MS. 94 : "Here Lord Hale's manuscript introduces at length the processus coronationis of 1 R. 2, which is now printed in Rymer's *Foedera*, vol. 7, p. 157." This edition adopts Hargrave's omission of the text, from p. 87 to p. 93 of the autograph; see *Foedera*, vii, 157-160, from *claus. 1 Ric. 2, m. 44*.]

—Note here that the processus factus ad coronacionem domini Regis Anglie Ricardi secundi post conquestum Anno regni sui primo which is reproduced by Legg in *English Coronation Records* at p. 131 ff., sources the document to Close Roll 1 Ric. II, m 45, not m. 44. Note also that the text of the coronation oath written in that document for Richard II is different from that recorded by Hale in Latin for Henry IV, and that included in the *Liber Regalis*, and from the oath in French recorded by Hale from the roll for Edward II.—see Richard II above.

CHARLES II—SUCCEEDS

1651 **Charles II (England) Charles II (Scotland) Crowned at Scone, Wednesday, 1 January 1651**

—see *England in the Reign of Charles II*, David Ogg, Clarendon Press, Oxford, 1934; 2nd ed. 1956; reprinted 1962, at p. 182.

CROMWELL

1655 **Provision for Investiture Oath for His Highness the Lord Protector**, in the draft Constitution of 1655—Draft 'coronation oath'

By 1655, the House of Commons was speaking of the Lord Protector, Oliver Cromwell, as 'His Highness'. A 'Constitutional Bill of the First Protectorate' for a Constitution was drawn up in 1655¹, which provided for an elected Protector, the present Protector being required to :

take and subscribe a solemn oath for the due calling of Parliaments, and the good government of these nations, and every future Lord protector, immediately after his election, and before he enter upon the government, shall take and subscribe the same solemn oath for the due calling of Parliament, and the good government of these nations; that such solemn oath shall be taken in parliament, if the Parliament be then sitting, and in the intervals of Parliament in such public place and manner as the Council shall appoint.

That this shall be the oath to be ministered to the Lord Protector, viz. :²

'I do, in the presence and by the name of God Almighty, promise and swear that to the uttermost of my power, I will uphold and maintain the true reformed Protestant christian religion in the purity thereof, as it is contained in the Holy scriptures of the Old and New Testament, and encourage the profession and professors of the same;

and will duly cause Parliaments to be summoned and called;

¹ From a MS. In the possession of Lord Braye, quoted in full in Gardiner, *Constitutional Documents*, *loc. cit.*, at pp. 427-447.

² I have separated the clauses of the proposed oath, so as to enable clearer comparison with the Stuart coronation oath.

and that I will not wittingly or willingly violate nor infringe the liberties and privileges of Parliament, or any of the matters or things contained in the Act of Parliament declaring and settling the government of the Commonwealth of England, Scotland and Ireland;

and will in all things, to the best of my understanding, govern according to the laws, statutes, customs, and liberties of the people of these nations; and will seek their peace and welfare according to those laws, customs and liberties;

and cause justice and law to be equally and duly administered.

...

...the exercise of the Chief Magistracy over this Commonwealth and the people thereof shall be in the Lord Protector assisted with the council, and the exercise of which power shall be in according to the respective laws and customs of these nations of England Scotland, and Ireland, and the dominions thereunto belonging.¹

1657 **Humble Petition and Advice, 25 May, 1657, and 26 June, 1657: Oath of Lord Protector**

The new parliament requested Cromwell to become king²; Cromwell did not agree, but the amended versions of the Humble Petition and Advice enabled him to choose his successor, and to name life-long members of 'the other House', which was to replace the old House of Lords.³ The first Petition again noted that it would not become law if Cromwell did not assent; and also reiterated the need for him and his successors to take an oath, 'in such form as shall be agreed upon by your Highness and this present parliament, to govern these nations according to the law.'⁴ The Additional Petition spelled out the oath which he and his successors were to take 'according to the usage of former Chief Magistrates in these nations,... for the better satisfaction of the people':

I do, in the presence and by the name of God Almighty, promise and swear, that to the utmost of my power I will uphold and maintain the true reformed Protestant Christian religion, in the purity thereof, as it is contained in the Holy scriptures of the Old and New testament, to the uttermost of my power and understanding, and encourage the professions and professors of the same;

And that to the uttermost of my power I will endeavour as Chief Magistrate of these three nations, the maintenance and preservation of the peace and safety, and of the just rights and privileges of the people thereof;

And shall in all things according to my best knowledge and power, govern the people of these nations according to law.⁵

1657 **Investiture of His Highness Oliver Cromwell as Lord Protector, 26 June, 1657**

—This information is from a note in J Wickham Legg, (ed.) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, p. xxix, note 1, from a 'description of this affair in a tract with this general title: *A Further Narrative of the Passage of these times in the Common-Wealth of England...An exact relation of the ...solemn Investiture...of His Highness the Lord Protector at*

¹ See the proposed Constitutional Bill of the First Parliament of the Protectorate, quoted in Gardiner, *Constitutional Documents*, loc. cit., at pp. 427-447, at p. 429.

² See the first draft of Humble Petition and Advice, referred to in Gardiner, *Constitutional Documents*, loc. cit., at p. lxi.

³ See Gardiner, *Constitutional Documents*, loc. cit., at p. lxi, and p. 448, and Humble Petition and Advice, 25 May, 1657, Clause 1, and Clauses 2 and 5 (Gardiner, pp. 448-449, and p. 452).

⁴ See Humble Petition and Advice, 25 May, 1657, Clause 18 and 17 respectively, Gardiner p. 458.

⁵ The Additional Petition and Advice, 26 June, 1657, amendments to Article 7, at Gardiner, pp. 461-462.

Westminster, June 26 1657, printed by M S for Thomas Jenner, at the South entrance of the Royal Exchange.[British Museum press mark: E. 1954] p. 30.

His Highness being entred on the place, and standing under the Cloth of Estate, Master Speaker did in the name of the Parliament, present severall things (ready laid upon the table) to his Highness, viz. A Robe of purple Velvet, lined with Ermine, being the habit anciently used at the solemn investiture of princes. Next a larg Bible richly gult and boss'd; next a sword; and lastly a Scepter, being of Massy Gold: which being so presented, Mr Speaker came from his Chair, took the Robe, and therewith vested his Hignesse, being assisted therein by the earle of Warwick, the Lord Whitelock and others. Which being done, the Bible was delivered unto his Highness; after that, mr Speaker girt about him the sword; and lastly, delivered his Highness the Scepter.

These things being performed, Mr Speaker returned to his Chair, and administred the Oath to his Highness, prepared by the Parliament, the form whereof is as followeth. [and here Legg unfortunately ceases his quotation from the tract]]

CHARLES II

1660 **Charles II (England) and Charles II (Scotland) Declaration of Breda, 4/15 April, 1660, in the twelfth year of his reign**

...If the general distraction and confusion which is spread over the whole kingdom doth not awaken all men to a desire and longing that those wounds which have so many years together been kept bleeding may be bound up, all we can say will be to no purpose. However, after this long silence we have thought it our duty to declare how much we desire to contribute thereunto, and that, as we can never give over the hope in good time to obtain the possession of that right which God and Nature hath made our due, so we do make it our daily suit to the Divine Providence that he will, in compassion to us and our subjects, after so long misery and sufferings, remit and put us into quiet and peaceable possession of that our right, with as little blood and damage to our people as is possible. Nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice throughout the land, and extending our mercy where it is wanted and deserved.

And to the end that the fear of punishment may not engage any, conscious of themselves of what is passed, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country in the restoration of both king, peers and people to their just, ancient and fundamental rights, we do grant a free and general pardon...to all our subjects... who within forty days after the publishing hereof lay hold upon this our grace and favour, and shall by any public act declare their so doing, and that they return to the loyalty and obedience of good subjects [excepting those who shall be excepted by parliament]...

...upon the word of a king, ...no crime whatsoever committed against us or our royal father before the publication of this shall ever rise in judgement or be brought in question against any of them...
...we desiring and ordaining that henceforward all notes of discord, separation and difference of parties be utterly abolished among all our subjects, whom we invite and conjure to a perfect union among themselves, under our protection, for the resettlement of our just rights and theirs in a free Parliament, by which, upon the word of a king, we will be advised.

...we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion which do not disturb the peace of the kingdom...'

— (*Lords Journals*, XI, 7-8), for text see J P Kenyon, *The Stuart Constitution, Documents and Commentary*, Cambridge University Press, Cambridge, 1965 , pp. 357-358.

1661 **Charles II(England and Ireland) Charles II (Scotland), king from 1649; coronation Westminster, 23 April, 1661, St George's Day. Consecrated by William Juxton, Archbishop of Canterbury (Pemberton, p. 85.)**

— The Rev. Joseph H Pemberton., *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, pp. 89 ff.

Extract from A Brief Narrative of His Majesty's Coronation, &c., by John Ogilby, London, 1662.

Sermon being ended the Bishop of London came near and asked the King if he would take the oath of his Progenitors, to confirm the Laws to the People and the Franchises to the Clergy, granted by St Edward the Confessor, to maintain the Gospel established in the Kingdom &c., The Bishop of London also reading the Bishop's Petition, praying that they and the Churches under their Government might be protected &c. All which His Majesty promised to perform, and assisted by the Bishops of Durham, and Bath and Wells, ...went to the Altar and took the oath to perform what he had promised, and in like manner returned to his Chair of State, where...toward the end ...the Archbishop of Canterbury came out of St Edward's Chapel concluding the service...[then the anointing]

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—from *England in the Reign of Charles II*, David Ogg, Clarendon Press, Oxford, 1934; 2nd ed. 1956; reprinted 1962, at p. 182:

'There [at the Abbey], Gilbert Sheldon, bishop of Lincoln, turning to south, west, and north, called on the people to say whether they accepted Charles as their sovereign; the answer was vociferous; in their turn, the nobility gave an answer as emphatic. After the anthem, the king, surrounded by the nobility and bishops, proceeded to the altar, on which were placed the regalia; there the king knelt and prayed. Then followed a sermon by Morley, bishop of Worcester, on Proverbs xxviii. 2: 'For the transgression of a land many are the princes thereof: but by a man of understanding and knowledge the state thereof shall be prolonged.' Sheldon then tendered the Coronation Oaths, while Warner, bishop of Rochester, requested, in the ancient formula, that the king would preserve the privileges of the Church and the Bishops. These were among the preliminaries to the Anointing, for which solemnity the king removed some of his vestments. First the palms of the hands, then the breasts, next the back and shoulders, then the 'bowing of the arms', and finally the head, were anointed by the archbishop, and never did inunction prove more efficacious; for Charles was to effect more cures for the King's Evil than any other sovereign in recorded history....'

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1661 Charles II (England and Ireland) Charles II (Scotland) English Coronation Oath
crowned 23 April 1661

—From C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at 118; and see *The Law and Working of the Constitution: Documents 1660-1914*, W C Costin and J Steven Watson (eds.) Adam and Charles Black, London, 1961, reprinted 1967, 2 Vols.; Vol. I, pp. 57 ff. at p. 58; they source their text to 'From the Forms of Prayers etc. of the Coronation... London, Printed for Randal Taylor, 1689'.

Sir, will you grant and keep, and by your oath confirm to the people of England the Laws and Customs to them granted by the kings of England, your lawful and religious predecessors ; and namely the Laws, Customs, and Franchises granted to the clergy by the glorious King St. Edward your predecessor, according to the laws of God, the true profession of the Gospel established in this Kingdom, and agreeing to the prerogative of the Kings thereof, and the ancient Customs of the Realm?

King. I grant, and promise to keep them.

Archb. Sir, will you keep peace and godly agreement entirely according to your power both to God, the holy Church, the Clergy, and the people?

King. I will keep it.

Archb. Sir, will you to your power cause law justice and discretion in mercy and truth to be executed in all your judgments?

King. I will.

Archb. Sir, will you grant to hold and keep the Laws and rightful customs which the commonalty of this your Kingdom have: and will you defend and uphold them to the honour of God, so much as in you lieth?

King. I grant, and promise so to do.

Our Lord and King, we beseech you to pardon and to grant and to preserve unto us and to the churches committed to our charge all canonical privileges, and due law and justice, and to protect and defend us, as every good King in his Kingdom ought to be Protector and Defender of the Bishops and the Churches under their Government.

The King answereth. With a willing and devout heart I promise and grant you my pardon : and that I will preserve and maintain to you and the churches committed to your charge all canonical privileges and due law and justice ; and that I will be your Protector and Defender to my power by the assistance of God, as every good King in his Kingdom ought in right to protect and defend the bishops and churches under their government.

These things which I have here promised I shall perform and keep : so help me God, and the contents of this Book.

Scots Oath Charles II (Scotland)

I can find no firm evidence on this; the assumption I have made is that Charles took the Scots oath of 1567, else it would have been used against him, as James II's failure to take the Scots oath was later used against him

James VII and II

1685 **James II (England and Ireland) James VII (Scotland)**¹ succeeded 6 February, 1685; crowned Thursday, 23 April 1685, St George's Day, Consecrated by William Sandcroft (*sic*), Archbishop of Canterbury [died chateau of Saint Germain-en-Laye, near Versailles, 6 September 1701—converted to Catholicism 1668?.

—This text is taken from Legg, at p. 296-297; he sources the text to a manuscript held at St John's College, Cambridge, MS. L. 14. (see p. 288). There is a further text which is reproduced in Lois G Schwoerer in 'The Coronation of William and Mary, April 11, 1689', *The Revolution of 1688-1689 - Changing Perspectives*, Lois G Schwoerer (ed) Cambridge University Press, Cambridge, 1992, Appendix, pp. 128-130, at p. 128. She sources her text to 'the Coronation Order of James II'. Her text and that reproduced in Legg are identical.

The Oath

The Sermon being ended; ye King uncovers his Head : and ye Archbishop ariseth, and goeth to him, and standing before him, asketh him;

Sir, are you willing to take ye Oath usually taken by your predecessors?

And ye King answering

I am willing

¹ Legg, at pp 296-297

ye Archbishop ministereth these Questions; and ye King (having a Book in his Hand) answereth them severally, as followeth.

(While this is in doing, the Queen sits by in her Chair of State.)

Archbishop. Sir, will you grant, and keep, and by your Oath confirm, to ye people of England ye Laws, and Customs to them granted by ye Kings of England, your lawfull, and Religious predecessors; And namely ye Laws Customs and Franchises granted to the Clergy by ye glorious King St. Edward, your predecessor; According to ye Laws of God, ye true profession of ye Gospel establish'd in this Kingdom, and agreeing to ye prerogative of ye Kings thereof, and ye ancient Customs of ye realm?

King. I grant and promise to keep them.

Archbishop. Sir, will you keep peace, and godly Agreement entirely according to your power, to ye holy Church, ye Cleargy, and the people?

King. I will keep it.

Archb. Sir, will you to your power cause Law Justice and Discretion in Mercy, and Truth, to be executed in all your Judgements?

King. I will.

Archb. Sir, will you grant and hold, and keep ye rightfull Customes, w^{ch} ye Commonaltie¹ of this your Kingdom have? And will you defend, and uphold them, to the Honour of God, so much as in you lieth?

King. I grant, and promise so to do.

The shall follow ye petition, or request of ye Bishops to ye King; to be read wth a clear voice by one of them in ye Name of ye Rest, standing by.

Bishop. Our Lord and King. We beseech you to pardon Us; and to grant and preserve unto Us and ye Churches committed to our Charge all Canonical privileges, and due Law and Justice : And ye you will protect, and defend Us; as every good King in his Kingdom ought to be a protectour, and defender of ye Bishops, and Churches under their Government.

The King answereth,

King. With a will and devout Hart I promise and grant You my Pardon; and that I will preserve, and maintein unto you, and the Churches committed to your charge all Canonical privileges, and due Law, and Justice. And that I will be your protector, and defender to my power by the Assistance of God; as every good King in his Kingdom ought to protect, and defend the Bishops and Churches under their Government.

Then the King arising out of his Chair, supported as before, and assisted by ye Lord great Chamberlain. (ye Sword of State being carried before him) shall go to Altar; and there make a solemn Oath in ye Sight of all ye people to observe ye premises; and laying his Hand upon Holy Gospels, shall say,

King. These things I have here before promis'd, I will perform and keep: so help me God, and ye Contents of this Book.

Then ye King kisseth the Book; w^{ch} was when Charles II was crown'd, ye great Bible cover'd with gold; w^{ch} stands usually upon the Altar in ye Kings Chapell at Whitehall.²

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¹ J Wickham Legg's text uses the word 'Communalty' here; see below.

² Legg, at pp 296-297

—text from J Wickham Legg, (ed.) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, Appendix 1, p. 65; [Taken from Francis Sandford, *The History of...James II. In the Savoy*, Thomas Newcombe, 1687, p. 88]

[p. 65] Sect V. The Oath

Sermon being ended, the KING uncovered His Head, and the Archbishop arose, and repaired to His MAJESTY, and asked Him,

SIR, Are You willing to take the Oath usually taken by Your Predecessors?

And the KING answered,

I am willing.

Then the Archbishop Ministred these Questions: To which the KING (having a Book in His Hand) answered severally as followeth.

ARCHB. SIR, Will You Grant and Keep, and by Your Oath Confirm to the People of England, the Laws and Customs to them Granted by the Kings of England, Your Lawful and Religious Predecessors; and namely, the Laws, Customs and Franchises Granted to the Clergy by the Glorious King St Edward Your Predecessor, according to the Laws of God, the True Profession of the Gospel established in this Kingdom, and agreeing to the Prerogatives of the Kings thereof, and the Antient Customs of this Realm?

KING. I grant and promise to keep them.

ARCHB. SIR, Will You keep Peace and Godly Agreement intirely, according to Your Power, to the Holy Church, the Clergy, and the People?

KING. I will keep it.

ARCHB. SIR, Will you to Your Power cause Law, Justice, and Discretion, in Mercy and Truth, to be Executed in all Your Judgements?

KING. I will.

ARCHB. SIR, Will You Grant to hold and keep the Rightfull Customs which the Communality of this Your Kingdom have, and will You defend and uphold them to the Honour of God, so much as in You lieth?

KING. I Grant and Promise so to do.

Then the Petition or Request of the Bishops to the KING was read by the Bishop of Gloucester, with a clear Voice, in the Name of the rest standing by.

Our LORD and KING, We beseech You to Pardon Us, and to Grant and Preserve unto Us, and the Churches committed to Our Charge, all Canonical Privileges, and due Law and Justice, and that You will Protect and Defend Us, as every King in His Kingdom ought to be Protector and Defender of the Bishops and Churches under Their Government.

The KING answered,

With a Willing Heart, I Promise and Grant you My Pardon; and that I will Preserve and Maintain to You, and the Churches committed to Your Charge, all Canonical Privileges, and due Law and Justice; And that I will be Your Protector and Defender to My Power, by the assistance of God, as every good King in His Kingdom ought in Right to Protect and Defend the Bishops and Churches under Their Government.

Then the KING arose from his Chair, and being attended by the Lord Great Chamberlain, and supported by the Two Bishops, and the Sword of State carried before Him, He went to the Altar, and laying His Hand upon the Evangelists, took the Oath following:

The Things which I have here before promised, I will perform and keep. So help me God, and the Contents of this Book.

And then kissed the Book.

1687 (1688) James II (England and Ireland) James VII (Scotland) - son born, June

Son was named James Francis Edward, called by the Jacobites James VIII of Scotland.

WILLIAM OF ORANGE

1687 (1688) William of Orange, Declaration to the English People, 30 September 1688 (10 October)

—from W Cobbett, *Parliamentary History of England*, 1806-1812, Vol. V, p. 1, extracted in E N Williams, *The Eighteenth Century Constitution, 1688-1815, Documents and Commentary*, Cambridge University Press, Cambridge, 1st edn. 1960, reprinted 1965, 1970, at pp. 10-16

—also more complete text in D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), *Source Book of Constitutional History from 1600*, Longmans, Green and Co., London, 1930, pp. 83-92

The proclamation of William of Orange to the English People

The declaration of His Highness William Henry, by the Grace of God, Prince of Orange &c. of the reason inducing him to appear in arms in the Kingdom of England, for preserving of the Protestant religion, and for restoring the laws and liberties of England, Scotland, and Ireland.

It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved where the Laws, Liberties, and Customs, established by the lawful authority in it are openly transgressed and annulled; more especially where the alteration of Religion is endeavoured, and that a religion, which is contrary to law, is endeavoured to be introduced;

.... It is also manifest and notorious, that as his majesty was, upon his coming to the crown, received and acknowledged by all the subjects of England, Scotland, and Ireland, as their king, without the least opposition, though he then made open profession of the Popish Religion, so he did then promise and solemnly swear at his coronation, that he would maintain his subjects in their free enjoyment of their laws, rights, and liberties; and in particular, that he would maintain the Church of England, as it was established by law.

....

Therefor it is, that we have thought fit to go over to England, and to carry over with us a force sufficient, by the blessing of God, to defend us from those evil Counsellors; and we, being desirous that our intention in this may be rightly understood, have for this end, prepared this Declaration.....;... this our expedition is intended for no other design, but to have a free and lawful Parliament assembled as soon as is possible; ...

Given...at our Court in the Hague, the Tenth day of October, in the year of our Lord 1688,

William Henry, Prince of Orange

By his Highness special command,

C Huygens

1687 (1688) William of Orange, Declaration to the Scottish People, 30 September 1688 (10 October)

—From D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), *Source Book of Constitutional History from 1600*, Longmans, Green and Co., London, 1930, pp. 95-100. Dykes notes (n. 1), 'This is evidently an adaptation of the English Proclamation to the Scottish conditions, and should be compared with the English version. It is reprinted from a contemporary print.'

[This Declaration is much more conciliatory in tone than that to the English; it makes no mention of the coronation oath, as James had not taken the Scots oath; William of Orange was a Calvinist, while many of the Lowland Scots were Presbyterians, a not dissimilar faith].

The proclamation of William of Orange to the People of Scotland

The declaration of His Highness William Henry, by the Grace of God, Prince of Orange &c. of the Reasons inducing him to appear in arms for preserving of the Protestant religion, and for restoring the laws and liberties of the Ancient Kingdom of Scotland.

It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved where the Laws, Liberties, and Customs, established by the lawful authority in it are openly transgressed and annulled; more especially where the alteration of Religion is endeavoured, and that a religion, which is contrary to law, is endeavoured to be introduced;

....

And therefore, We persuade ourselves that our endeavours to give the best assistance we can for the relief of so distressed a kingdom, shal not only not be misconstrued, but shall also be accompanied by a chearful and universal concurrence of the whole Nation, that even those who have been the instruments for the enslaving of it, will now show their dislike of what they have done, by their timeous and reasonable diligence for its rescue; and that if any shall not give us that assistance which their conscience to God and their respect to their Country oblige them to, they shall be justly charged with all the Evils that may be the effects of such a want of duty....

...

Given...at our Court in the Hague, the Tenth day of October, in the year of our Lord 1688,

William Henry, Prince of Orange

By his Highnesses special command,

C Huygens

1688 (1689) **Resolution of the English Lords and Commons, 28 January, 1688 (1689)**

"That King James the Second having endeavoured to subvert the constitution of this kingdom by breaking the original contract between King and People, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of the kingdom, had abdicated the Government and that the throne is thereby vacant." - Journals of the House of Commons, 1547-1832, x. 14)

—From C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at p. 129.

1688 (1689) English Declaration of Rights, 12 February agreed to by Lords and Commons; presented to William and Mary 13 February, accepted by them, new King and Queen proclaimed 13 February 1688

1688 (1689) William and Mary proclaimed king and Queen of England 13 February 1688 (1689)

BILL OF RIGHTS

1688 (1689) **English Bill of Rights**, (1 Will. & Mar. Sess. 2 c. 2) [final form given when passed second session of the Parliament of 1689, when the original declaration was embodied in a bill to which the royal assent was given on 16 December - 1 Will. and Mar. Sess. 2, cap. 2, 1689 - see C Grant Robertson,, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at p. 129]

From *Statutes in Force, Official Revised Edition, Bill of Rights*, An Act declaring the Right and Liberties of the Subject and Settling the Succession of the Crowne. (*Rot. Parl.* pt. 3, nu. 1), revised to 1st February 1978; HMSO, London, 1978; Short Title give by Short Titles Act 1896, (c. 14), Sch. 1; Act declared to be a Statute by Crown and Parliament Recognition Act 1689 (c.1)

Whereas the Lords Spirituall and Temporall and Comons assembled at Westminster lawfully fully and freely representing all the Estates of the People of this Realme did upon the thirteenth day of February in the yeare of our Lord one thousand six hundred and eighty eight present unto their Majesties then called and known by the Names and Stile of William and Mary Prince and Princess of Orange being present in their proper Persons a certaine Declaration in Writing made by the said Lords and Comons in the words following viz;

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.

.....

And whereas the said late King James the second having Abdicated the Government and the Throne being thereby Vacant His Highnesse the Prince of Orange (whome it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdome from Popery and Arbitrary Power) did (by the advice of the Lords Spirituall and Temporall and diverse principall persons of the Commons) cause Letters to be written to the Lords Spirituall and Temporall being Protestants and other Letters to the severall Countyes Cities Universities Burroughs and Cinque Ports for the choosing of such Persons to represent them as were of right to be sent to Parlyament to meete and sit at Westminster upon the two and twentyeth day of January in this yeare One thousand six hundred eighty and eight in order to such and Establishment as that their Religion Lawes and Liberties might not again be in danger of being Subverted, upon which Letters Elections haveing been accordingly made.

And thereupon the said Lords Spirituall and Temporall and Commons pursuant to their respective Letters and Elections being now assembled in a full and free Representative of this Nation takeing into their most serious consideration the best Meanes for attaining the Ends aforesaid Doe in the first place (as their Auncestors in like case have usually done) for the Vindicating and asserting their Ancient Rights and Liberties, Declare

....

..... The said Lords Spirituall and Temporall and Commons assembled at Westminster doe Resolve That William and Mary prince and Princess of Orange be and be declared King and Queene of England France and Ireland and the Dominions thereunto belonging to hold the Crowne and Royall Dignity of the said Kingdomes and Dominions to them the said Prince and Princess during their lives and the Life of the Survivor of them And that the sole and full exercise of the Regall Power be onely in and executed by the said Prince of Orange in the names of the Prince and Princessesse during their joynt Lives And after their Deceases the said crowne and Royall Dignite of the said Kingdomes and Dominions to be to the Heires of the Body of the said Princessesse. And for default of such Issue to the Princessesse Anne of Denmark and the Heirs of her Body and for Default of such Issue to the Heires of the Body of the said Prince of Orange. And the Lords Spirituall and Temporall doe pray the said Prince and Princessesse to accept the same accordingly.

.....

Upon which their said Majestyes did accept the Crowne and Royall Dignity of the Kingdoms of England France and Ireland and the Dominions thereunto belonging according to the resolution and desire of the said Lords and Commons contained in the said Declaration.

... And the said Lords and Commons.....do hereby recognise acknowledge and declare That King James the Second having abdicated the Crowne and Royall dignitie as aforesaid Their said Majesties did become were are and of right ought to be by the Lawes of this Realme our Sovereigne Liege Lord and Lady King and Queen of England France and Ireland and Dominions thereunto belonging in and to whose Princely Persons the Royall State Crowne and Dignity of the said Realms with all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining are most fully rightly and intirely invested incorporated united and annexed....

the said Lords Spiritual and temporal and Commons do further pray that it be enacted That all and every person and persons that is or are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist shall be excluded and be for ever incapable to inherit possesse or enjoy the Crowne and Government of the Realme and Ireland and the Dominions thereunto belonging or any part of the same or to have or exercise any Regall Power Authority or Jurisdiction within the same [And in all and every such Case or Cases the People of these realmes shall be and hereby absolved of their Allegiance] And the said crowne and Government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons soe reconciled holding Communion or Professing or Marrying as aforesaid were naturally dead [And that every King and Queen of this Realme who at any time hereafter shall come to and succede in the Imperiall crowne of this Kingdome shall on the first day of the meeting of Parliament next after his or her coming to the crowne sitting in his or her Throne in the House of Peers in the presence of the lords and Commons therein assembled or at hi or her Coronation before such person or persons who shall administer the Coronation Oath to him or her at the time of his or her taking the said Oath (which shall first happen) make subscribe and audibly repeate the Declaration mentioned in the Statute made in the thirtieth yeare of the Raigene of King Charles the Second intituled an Act for the more effectual Preserving the Kings Person and Government by disabeling papists from sitting in either House of Parliament....

1678 **30 Car. II, Stat. 2, cap. 1 The Second English Test Act** ; From Statutes of the Realm, V, 894-896, reproduced in English Historical Documents, Vol. VIII, (ed.) Andrew Browning, David D Douglas (gen. ed.), Eyre & Spottiswoode, London, 1966, at p. 391-394, p.392

I, A B, do solemnly swear and sincerely in the presence of God profess, testify and declare that I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever; and that the mass, as they are now used in the Church of Rome, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify and declare that I do make this declaration and every part thereof in the plain and ordinary sense of the words read to me, as they are commonly understood by English Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted to me for this purpose by the Pope or any other authority or person whatsoever, or without thinking that I am or can be acquitted before God or man or absolved of this declaration or any part thereof, although the Pope or any other person or persons whatsoever should dispense with or annul the same, or declare that it was null and void from the beginning.

WILLIAM III AND MARY II

1688 (1689) William and Mary King and Queen of England and Ireland and Its Dominions—English Coronation Oath - crowned 11 April 1689 [not a Holy Day] Consecrated by H Compton, Bishop of London (Pemberton, p. 97)

—The archbishop of Canterbury, the Bishops Thomas of Worcester, Lake of Chichester, Turner of Ely, Lloyd of Norwich, Ken of Bath and Wells, Frampton of Gloucester, and White of Peterborough, refused to take the oath of allegiance to William and Mary (Pemberton, The Rev. Joseph H, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, p. 99) [Five of these seven bishops were among those seven bishops who had petitioned the king, opposing the reading of the Declaration of Indulgence from the pulpit, which in turn resulted in the *Seven Bishop's case*; those seven bishops were; Canterbury, Bath & Wells, Chichester, Bristol, St Asaph, Ely, Peterborough—see Kenyon, *Stuart Constitution*, p. 441-442

*

This text from 1 Will. & Mary c.6, 1688¹; *Statutes in Force*, Official Revised Edition, Revised to 1st February 1978, Her Majesty's Stationery Office, London, 1978 gives this citation. This text is also the text of the Act as

¹ *Statutes in Force*, Official Revised Edition, Revised to 1st February 1978, Her Majesty's Stationery Office, London, 1978 gives this citation, and text. Note that it states that the 'Short Title given by Statute Law Revision Act 1948 (c.62), Sch. 2.'

reproduced in Ruffhead, Owen, (ed.), *The Statutes at Large, Magna Charta to the Twenty-fifth year of the reign of inclusive*, Vol. 3, Charles Eyre and Andrew Strahan, London, 1786, at p. 393.

Whereas by the Law and Ancient Usage of this Realme the Kings and Queens thereof have taken a Solemne Oath upon the Evangelists at Their respective Coronations to maintaine the Statutes Laws and Customs of the said realme and all the People and Inhabitants thereof in their Spirituall and Civill Rights and Properties But forasmuch the Oath it selfe on such Occasion Administred hath heretofore bene framed in doubtfull Words and Expressions with relation to ancient Laws and Constitutions at this time unknowne To the end therefore that One Uniforme Oath may be in all Times to come taken by the Kings and Queens of this realme and to Them respectively Administred at the times of Their and every of Their Coronation.

May it please Your Majesties [That it may be Enacted And bee it Enacted by the King and Queens most excellent Majestys by and with the advice and consent of the lords spirituall and temporall and commons in this present Parlyament assembled and by the authoritie of the same!] That the Oath herein Mentioned and hereafter Expressed shall and may be Administred to their most Excellent Majestyes King William and Queene Mary (whome God long preserve) at the time of Their Coronation in the presence of all Persons that shall be then and there present at the Solemnizing thereof by the Archbishop of Canterbury or the Archbishop of Yorke or either of them or any other Bishop of this Realme whome the King's Majesty shall thereunto appoint and who shall be hereby thereunto respectively Authorized which Oath followeth and shall be Administred in this Manner That is to say,

The Arch-Bishop or Bishop shall say,

Will You solemnly Promise and Swear to Governe the People of the Kingdome of England and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King and Queene shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King and Queene,

I will

Arch Bishop or Bishop,

Will You to the utmost of Your power maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion established by Law? And will you preserve unto the Bishops and Clergy of this Realme and to the Churches there committed to their Charge all such Rights and Priviledges as by Law doe or shall appertain unto them or any of them?

King and Queene.

All this I Promise to doe

'After this the King and Queene laying His and Her Hand upon the Holy Gospells, shall say,

King and Queene

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King and Queene shall kisse the Booke.

'And the said Oath shall be in like manner Administred to every King or Queene who shall Succeede to the Imperiall Crowne of this Realme at their respective Coronations by one of the Archbishops or Bishops of this Realme of England for the time being to be thereunto appointed by such King or Queene respectively and in the Presence of all Persons that shall be Attending Assisting or otherwise present at such their respective Coronations Any Law Statute or Usage to the contrary notwithstanding.'

1688 (1689) The Church Of England's view of the Oath

¹ These words are in the extract in Costin and Watson, and also in Ruffhead, but are not in the text in *Statutes in Force* (revised to 1978). The text in *Statutes in Force* shows no indication of any amendment, nor any marginal notes. However the text in *Halsbury's Statutes of England and Wales*, 4th ed., 1995 reissue, Butterworths, London, Volume 10, Constitutional Law, at p. 29, does include these words.

² Note the distinction here between this text and the text reproduced below.

— From the Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England with Notes and introduction, with reproductions of the two celebrated pictures in medieval coronation MSS., inserted by special permission, with three pictures, viz. the Coronation of James II, and the vestments used thereat*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, p. 15:

We need not dwell upon the terms and nature of the present existing Oath. It is administered under the statute of 1 William III cap. 6, passed when the kingdom was in a very unsettled condition. The Church is in no way responsible for its terminology, as shown by the employment of the word, 'Protestant', a word never once used in any official document of the Church of England.

— See Pemberton, *The Coronation Service*, *loc. cit.*, p. 43, note 1:

The existing form of the oath is administered under the statute of 1 William III cap. 6, and has no ecclesiastical authority. The Church is not responsible for the terms under which the Church of England is designated in the third question.

— See Pemberton, *The Coronation Service*, *loc. cit.*, p. 43, note 2:

The Protestant Reformed Religion established by Law. This is a phrase which the State in the seventeenth century employed to denote the Church of England. The Church does not call herself 'Protestant' in any of her official documents. It is here used by the State as the antithesis of the Papal supremacy, and is not intended as the opposite of 'Catholic'. Compare the words of the above promise with those which accompany the presentation of the Ring: 'Receive this Ring ... of defence of the Catholic Faith.'

1688 (1689) William and Mary English Coronation Oath

The following text is taken from C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at p. 116, gives the citation as 1 Will. and Mar. cap. 6, 1689. This text is also the text reproduced by Lois G Schwoerer in 'The Coronation of William and Mary, April 11, 1689', *The Revolution of 1688-1689 - Changing Perspectives*, Lois G Schwoerer (ed.) Cambridge University Press, Cambridge, 1992

Whereas by the Law and Ancient Usage of this Realme the Kings and Queens thereof have taken a Solemne Oath upon the Evangelists at Their respective Coronations to maintaine the Statutes Laws and Customs of the said realme and all the People and Inhabitants thereof in their Spirituall and Civill Rights and Properties But forasmuch the Oath it selfe on such Occasion Administred hath heretofore bene framed in doubtfull Words and Expressions with relation to ancient Laws and Constitutions at this time unknowne To the end therefore that One Uniforme Oath may be in all Times to come taken by the Kings and Queens of this realme and to Them respectively Administred at the times of Their and every of Their Coronation.

May it please Your Majesties That it may be Enacted And bee it Enacted by the King and Queens most excellent Majestys by and with the advice and consent of the lords spirituall and temporall and commons in this present Parlyament assembled and by the authoritie of the same That the Oath herein Mentioned and hereafter Expressed shall and may be Administred to their most Excellent Majestyes King William and Queene Mary (whome God long preserve) at the time of Their Coronation in the presence of all Persons that shall be then and there present at the Solemnizeing thereof by the Archbishop of Canterbury or the Archbishop of Yorke or either of them or any other Bishop of this Realme whome the King's Majesty shall thereunto appoint and who shall be hereby thereunto respectively Authorized which Oath followeth and shall be Administred in this Manner That is to say,

[As prescribed by the Coronation Oath Act [1689]]

The Archbishop or Bishop shall say,

Will You solemnly Promise and Sweare to Governe the People of the Kingdome of England [this Kingdom of Great Britain]¹ and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King and Queene shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King and Queene,

I will.

Arch Bishop or Bishop,

Will You to the utmost of Your power maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion established by Law? [And will You maintain and Preserve inviolately the settlement of the Church of England and Ireland and the doctrine, worship, discipline, and government thereof as by law established, within the Kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick-upon-Tweed, and the territories thereto belonging?]² {these words obviously inserted after Anne, in compliance with the English requirement in the Act of Union} And will you preserve unto the Bishops and Clergy of this Realme and to the Churches there committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

¹ C Grant Robertson erroneously uses these words in brackets for William and Mary; they would have sworn in the terms of the Coronation Oath Act which referred only to England, as Great Britain did not come into existence until after the Act of Union in 1707.

² These words are in the text in C Grant Robertson; but are not in Ruffhead, *Statutes in Force*, nor in Costin (supra), nor yet in Halsbury nor Schwoerer. Note, however, that Halsbury's *Statutes of England and Wales*, Fourth edition, Volume 41, 1995 Reissue, Butterworths, London, 1995, in relation to the Interpretation Act 1978, (p. 985 ff.), at p. 1005, states: 'England. This provision is expressed to be subject to any alterations of boundaries made under the Local Government Act 1972, Pt IV (ss. 46-78), as to which see the note "Local government Act 1972, s1, Part IV" below. In any Act passed before 1974 (when Monmouthshire became part of Wales), any reference to England includes a reference to Berwick upon Tweed and Monmouthshire, and in any Act passed before the Welsh Language Act 1967 (now repealed) (i.e. before 27 July 1967) it includes a reference to Wales, see Sch 2, Pt 1, para 5(a) post. This definition of 'England' applies to subordinate legislation made at any time before 1 January 1979 as it applies to Acts passed at that time; see Sch 2, Pt II, para 6 post.' And at p. 1014 Halsbury states: 'Berwick upon Tweed. Berwick upon Tweed, being on the Scottish side of the River Tweed, was included in that country until captured by Edward I in 1302. It was retaken by the Scots for a period in the fifteenth century, but from 1482 onwards was represented in the English parliament. This chequered history led to the practice of mentioning Berwick specifically in statutory provisions dealing with the extent of Acts; see e.g. the Habeas Corpus Act 1679, s 11, Vol. 6, title Civil Rights and Liberties. Any need for specific mention disappeared on the enactment of the Wales and Berwick Act 1746, s 3, (repealed by Sch 3 post) which provided that references in Acts to England should be taken to include the town of Berwick upon Tweed. Under the Local Government Act 1933, s 1, and Sch 1, Pt III (repealed by the Local Government Act 1972, s 272, Sch 30), Berwick was a non-county borough in the administrative county of Northumberland. Under the Local Government Act 1972, s 1 and Sch 1, Pt II, Vol. 25, title Local Government, it is a district within the non-metropolitan county of Northumberland.¹ Clearly the words as included by C Grant Robertson are the original text of the oath, not merely because of this convoluted history as revealed in Halsbury, but also because of the remnants of them which continued to be included in the oath down to the time of Elizabeth II. The words in brackets are, however, words prescribed to be taken by the monarch at his coronation under Article XXV (III) of the Act of Union (the Act for an Union of the two kingdoms of England and Scotland), (6 *Annae*, cap. 11; 1707), p. 680 ff. of *English Historical Documents*, Vol. VIII.

King and Queene.

All this I Promise to doe.

‘After this the King and Queene laying His and Her Hand upon the Holy Gospells, shall say,

King and Queene

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King and Queene shall kisse the Booke.

[As prescribed by the Coronation Order of James II [1685]]

Archbishop.

Sir, will you grant, and keep, and by your Oath confirm, to ye people of England ye Laws, and Customs to them granted by ye Kings of England, your lawfull, and Religious predecessors; And namely ye Laws Customs and Franchises granted to the Clergy by ye glorious King St. Edward, your predecessor; According to ye Laws of God, ye true profession of ye Gospel establish’d in this Kingdom, and agreeing to ye prerogative of ye Kings thereof, and ye ancient Customs of ye realm?

King.

I grant and promise to keep them.

Archbishop.

Sir, will you keep peace, and godly Agreement entirely according to your power, to ye holy Church, ye Cleargy, and the people?

King.

I will keep it.

Archbishop.

Sir, will you to your power cause Law Justice and Discretion in Mercy, and Truth, to be executed in all your Judgements?

King.

I will.

Archbishop.

Sir, will you grant and hold, and keep ye rightfull Customes, wch ye Commonaltie of this your Kingdom have? And will you defend, and uphold them, to the Honour of God, so much as in you lieth?

King.

I grant, and promise so to do.

Bishop.

Our Lord and King. We beseech you to pardon Us; and to grant and preserve unto Us and ye Churches committed to our Charge all Canonical privileges, and due Law and Justice : And yt you will protect, and defend Us; as every good King in his Kingdom ought to be a protectour, and defender of ye Bishops, and Churches under their Government.

The King answereth,

King.

With a will and devout Hart I promise and grant You my Pardon; and that I will preserve, and maintain unto you, and the Churches committed to your charge all Canonical privileges, and due Law, and Justice. And that I will be your protector, and defender to my power by the Assistance of God; as every good King in his Kingdom ought to protect, and defend the Bishops and Churches under their Government.

Then King arising out of his Chair, supported as before, and assisted by ye Lord great Chamberlain. (ye Sword of State being carried before him) shall go to Altar; and there make a solemn Oath in ye Sight of all ye people to observe ye premises; and laying his Hand upon Holy Gospels, shall say,

King.

These things I have here before promis'd, I will perform and keep: so help me God, and ye Contents of this Book

'And the said Oath shall be in like manner Administred to every King or Queene who shall Succeede to the Imperiall Crowne of this Realme at their respective Coronations by one of the Archbishops or Bishops of this Realme of England for the time being to be thereunto appointed by such King or Queene respectively and in the Presence of all Persons that shall be Attending Assisting or otherwise present at such their respective Coronations Any Law Statute or Usage to the contrary notwithstanding.'

Note: C Grant Robertson, at p. 117 states: 'The chief differences in the Coronation Oath.... are between the form prescribed in 1660 and that in the Coronation Oath Act of 1689. As between 1689 and 1902 the differences are mainly verbal corrections and determined by historical events, e.g. on p. 119 the omission in column 3 of the reference to the Irish Church, to Berwick-on-Tweed, etc. But careful comparison of the form of 1660 (col. 1) with that of 1689 (col. 2) reveals a deliberate revision throughout, based on the intention to enforce the contractual character of the Crown, as defined in the Declaration of Rights, and to eliminate all phrases which savoured of the claims of a divine-right monarchy. For example, the omission of the opening clause in column 1 referring to the "Laws.... *granted* by the King" and to "the Prerogative of the Kings." Similarly, on page 119, the language both of the Oath administered and the King's reply (in 1660) is coloured by conceptions and principles incompatible with the Revolution principles of 1689. In 1660 the men of the Restoration wished to *restore* the Church and Sate of 1625, and , incidentally, to extirpate the doctrines of the Great Rebellion and the Commonwealth; in 1689, the men of the Revolution were determined to end the monarchy restored in 1660. The coronation Oath Act of 1689 is as decisive on this point as are the Declaration of Rights and the subsequent Act of settlement.'

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1688 (1689) English Commons' discussion of the English coronation oath March 28, 1688 (1689)

—From *The History of England*, by Lord Macaulay, 1836; (Popular Edition in Two Volumes), Longmans, Green, and Co., London, new impression 1906; Vol. I, at p. 712-713:

[p.712] These debates were interrupted for a short time, by the solemnities and festivities of the Coronation. When the day fixed for that great ceremony drew near, the House of Commons resolved itself into a committee for the purpose of settling the form of words in which our sovereigns were thenceforth to enter into a covenant with the nation. All parties were agreed as to the propriety of requiring the king to swear that, in temporal matters, he would govern according to law, and would execute justice in mercy. But about the terms of the oath which related to the spiritual institutions of the realm there was much debate. Should the chief magistrate promise simply to maintain the Protestant religion established by law, or should he promise to maintain that religion as it should be hereafter established by law? The Majority preferred the former phrase. The latter phrase was preferred by those Whigs who were for a Comprehension. But it was admitted that the two phrases really meant the same thing, and that the oath, however it might be worded, would bind the Sovereign in his executive capacity only. This was indeed evident from the very nature of the transaction. Any compact may be annulled by the free consent of the party who alone is entitled to claim the performance. It was never doubted by the most rigid casuist that a debtor, who has bound himself under the most awful imprecations to pay a debt, may lawfully withhold payment if the creditor is willing to cancel the obligation. And it is equally clear that no assurance, exacted from a King by the Estates of his kingdom, can bind him to refuse compliance with what may at a future time be the wish of those Estates.

'A bill was drawn up in conformity with the resolutions of the Committee, and was rapidly passed through every stage. After the third reading, a foolish man stood up to propose a rider, declaring that the oath was not meant to restrain the Sovereign from consenting to any change in the ceremonial of the Church, provided that always the episcopate and a written form of prayer were retained.. The gross absurdity of this motion was exposed by several eminent members. The coronation oath, they said, was never intended to trammel him in his legislative capacity. Leave that oath as it is now drawn, and no prince can misunderstand it. No prince can seriously imagine that the two Houses mean to extract from him a promise that he will put a Veto on laws which they may hereafter think necessary to the wellbeing of the country. Or if any prince should so strangely misapprehend the nature of the contract between him and his subjects, any divine, any lawyer, to whose advice he may have recourse, will set his mind at ease. But if this rider should pass, it will be impossible to deny the coronation oath is meant to prevent the King from giving his assent to bills which may be presented to him by the Lords and Commons; and the most serious inconveniences may follow. These arguments were felt to be unanswerable, and the proviso was rejected without a division. [Journals, March 28, 1689; Grey's Debates.]

'Every person who has read these debates must be fully convinced that the statesmen who framed the coronation oath did not mean to bind the King in his legislative capacity.

[Macaulay's note: I will quote some expressions which have been preserved in the concise reports of these debates. Those expressions are quite decisive as to the sense in which the oath was understood by the legislators who framed it. Musgrave said, "There is no occasion for this proviso. It cannot be imagined that any bill from hence will ever destroy the legislative power." Finch said, "The words 'established by law,' hinder not the King from passing any bill for the relief of Dissenters. The proviso makes the scruple, and gives the occasion for it." Sawyer said, "This is the first proviso of this nature that ever was in a bill. It seems to strike at the legislative power." Sir Robert Cotton said, "Though the proviso looks well and healing, yet it seems to imply a defect. Not able to alter laws as the occasion requires! This, instead, of one scruple, raises more, as if you were so bound up in the ecclesiastical argument that you cannot make any new laws without such a proviso." Sir Thomas Lee said, "It will, I fear, creep in that other laws cannot be made without such a proviso; therefore I would lay it aside."]

Unhappily, more than a hundred years later, [713] a scruple, which those statesmen thought too absurd to be seriously entertained by any human being, found its way into a mind, honest indeed, and religious,, but narrow and obstinate by nature, and at once debilitated and excited by disease. Seldom indeed, have the ambition and perfidy of tyrants produced evils greater than those which were brought on our country by that fatal conscientiousness. a conjuncture singularly auspicious, a conjuncture at which wisdom and justice might perhaps have reconciled races and sects long hostile, and might have made the British islands one truly United Kingdom, was suffered to pass away. The opportunity, once lost, returned no more. Two generations of public men have since laboured with imperfect success to repair the error which was then committed; nor is it improbable that some of the penalties of that error may continue to afflict a remote posterity.

'The bill by which the oath was settled passed the Upper House without amendment. All the preparations were complete; and on the eleventh of April, the coronation took place.'

Blackstone [William Blackstone, *Commentaries on the Laws of England, A Facsimile of the First Edition of 1765-1769*, with an introduction by Stanley N Katz, University of Chicago Press, Chicago, 1979, Vol. I, at p. 228] rehearses the oath as set out above and adds as part of the oath:

“After this the king or queen, laying his or her hand upon the holy gospels, shall say, The things which I have here before promised I will perform and keep: so help me God. And then shall kiss the book”

Blackstone goes on to say, at p. 228:

This is the form of the coronation oath, as it is now prescribed by our laws: the principle articles of which appear to be at least as ancient as the mirror of justice (cap. I. §.2), and even as the time of Bracton (l. 3. tr. I. C. 9.): but the wording of it was changed at the revolution, because (as the statute alleges) the oath itself had been [229] framed in doubtful words and expressions, with relation to antient laws and constitutions at this time unknown [and here Blackstone footnotes with the text of an old coronation oath, see below]. However, in what form soever it be conceived, this is the most indisputably a fundamental and original express contract; though doubtless the duty of protection is impliedly as much incumbent on the sovereign before the coronation as after: in the same manner as allegiance to the king becomes the duty of the subject immediately on the descent of the crown, before he has taken the oath of allegiance, or whether he takes it at all. This reciprocal duty of the subject will be considered in its proper place. At present we are only to observe, that in the king's part of this original contract are expressed all the duties that a monarch can owe to his people; viz. to govern according to law: to execute judgment in mercy: and to maintain the established religion.

Blackstone's footnote h, at p. 229 [see *supra*, under Edward IV]

1688 (1689) William and Mary of England and Ireland and their Dominions, from Coronation order of King William III and Queen Mary II, 11 April 1689, taken from Heralds' College, L. 19, as quoted in Legg, *English Coronation Records*, p. 317 ff., at p. 325. [The Order and Manner of the Coronation of the Kings and Queens of England, together with the Office and Service to be performed on the Day.]

The Sermon being ended, the King uncovers his head; and the Abp ariseth and goeth to the King and Queen, and standing before them, [326] asketh them;

Are your Majesties willing to take the Oath usually taken by yr. Predecessors?

And the King and Queen each of them answering

I am willing;

the Abp. Ministereth these questions; and the King and Queen having each of them their book in their hand, answer each Question severally, as followeth;

Archbishop. Will you solemnly promise and Swear to govern the People of this Kingdome of England, and the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and ye Laws and Customs of ye same?

King and Queen. I solemnly promise so to do.

Archbishop. Will you to yo^r. Power cause Law and Justice in Mercy to be Executed in all yo^r Judgments?

King and Queen I will.

Archbishop. Will You to the Utrmost of yo^r. Power maintaine the Laws of God, the true Profession of y^e Gospell and the Protestant Reformed Religion Established by Law; and will you preserve unto

y^e Bishops and Clergy of this Realm and to y^e Churches committed to their Charge, all such Rights and Privileges as by Law do or shall appertain unto them or any of them¹.

King and Queen All this I Promise to doe.

Then the King and Queen arising out of their Chairs, supported as before, and assisted by the Lord great Chamberlain, the Sword of State being carried before them, shall go to the altar, and there make a solemn Oath in the sight of all the People to observe the Premises, each of them laying their right hands upon the holy Gospels in the great Bible, (which was before carried in the Procession, and is now brought from the Altar by the ABP, and tendered to them as he kneels upon the steps) and saying these words each of them

The things which I have here before promised, I will perform and keep; so help Me God.

Then each of them kisseth y^e book.

[Then follows the anointing]

*

1689 William and Mary King William I and Queen Mary II of Scotland

1689 William and Mary take Scottish Coronation Oath, (17?) May 1689

His Majesty's gracious letter to the Meeting of the Estates of His Ancient Kingdom of Scotland, taken from a contemporary print, 'by order of the Convention of Estates', quoted in full in D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), *Source Book of Constitutional History from 1600*, Longmans, Green and Co., London, 1930, at pp. 127-128

His Majesty's gracious letter to the Meeting of the Estates of His Ancient Kingdom of Scotland

William R

My Lords and Gentlemen, The Commissioners sent by you have presented your Letter to Us, with your Petition, or Claim of Right, the Grievances, and your Address for turning you into a Parliament, which were all read in Our Presence ; after which the Queen and We did take and sign the Oath tendered to Us by your said Commissioners, which (by God's assistance) We will religiously observe.

At Our first engaging in this undertaking, We had particular regard for Scotland, and therefore We emitted a Declaration for that as well as for this Kingdom, which We intend to make good and effectual to you, and you shall always find us ready to protect you, and assist you in making such laws as may secure your Religion, Liberties, and Properties and prevent or redress what ever may be justly grievous to you.

We shall never believe, that the true interest of the People and Crown can be opposite ; and shall always account that Our greatest Prerogative. To enact such laws as may promote Truth, Peace and Wealth of Our Kingdoms.

¹ This cannot be the text of the oath as it was taken in 1689; the text provided in C Grant Robertson is more detailed; and the text reproduced for Victoria by Legg himself (see *English Coronation Records*, p. 363) which is taken from the official publication of 1838, *The Form and Order of the Coronation of Her Majesty Queen Victoria*, published by Eyre and Spottiswoode, London, is much more detailed than that which he produces for William and Mary. But see preceding footnote: the Act of Union of 1707 prescribed an additional part of the oath relating to the Church of England.

At your desire, We have resolved to turn you (who are the full Representatives of the Nation) into a Parliament; But , because the instructions to Our Commissioner, and other things necessary, cannot be expected before the Twenty-one instant, to which you are adjourned; Therefore We do authorise you to adjourn yourselves to the fifth day of June next, against which time you are to require all your Members to be present v; That then you may proceed with unity, and alacrity, to dispatch what affairs do most conduce to the right settlement of that Nation. And as We do assure you that on Our part, that We will not put the advantages of the Crown may have, in the balance, with the true interests of the Kingdom : so We do expect on yours, that (all animosities and private interests being laid aside) you will cheerfully concur with Us in settling the welfare of the Kingdom by such Laws as may procure your own happiness, and establish the public Good. And so We bid you heartily Farewell.

Given at Our Court, at Hampton Court, the seventeenth day of May, one thousand six hundred and eighty-nine and of Our reign the First year,

By His Majesty's Command,

MELVILL.

CLAIM OF RIGHT

1688 (1689) *Claim of Right Act [Scotland , (1689 c. 28), [1689 c. 13]]*

Scottish Title— Declaration of the Estates of the Kingdom of Scotland, containing the Claim of Right, and the Offer of the Crown of Scotland to their Majesties King William and Queen Mary, reproduced in full in D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), Source Book of Constitutional History from 1600, Longmans, Green and Co., London, 1930, pp. 122-127. In note 1, p. 122, Dykes says : 'Adopted by the Estates, April 11, 1689', Sourced to Thompson's Acts, vol. ix, p. 37.

—From *Statutes in Force*, Official Revised Version, revised to 1st February 1978; HMSO, London, 1978; The Declaration of the Estate of the Kingdom of Scotland containing the Claim of Right and the offer of the Croune to the King and Queen of England.' Short Title given by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 2.

Whereas 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 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 fundamental Constitution of the Kingdome And altered it from a legall limited monarchy to ane Arbitrary Despotick power....

.....

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 Exercise 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 forfeaulted the right to the Croune and the throne is become vacant

.....

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 until he or she swear the Coronation Oath

....

1689 **Response By Scottish Estates to the taking of the Scots Coronation Oath (May-June?) 1689**

A Letter from the Meeting of the Estates of the Kingdom of Scotland to the King of England, from Thomson's *Acts*, Vol. IX, p. 20, quoted in full in D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), *Source Book of Constitutional History from 1600*, Longmans, Green and Co., London, 1930, at pp. 129-130. [no date given].

A Letter from the Meeting of the Estates of the Kingdom of Scotland to the King of England

In answer to His Majesty's letter directed to them

May it please your Majesty,

As Religion, Liberty and Law are the dearest concerns of Mankind, so the deep sense of extream hazards these were exposed to, must produce suitable Returns from the Kingdom of Scotland to your Majesty, whom in all sincerity and gratitude we acknowledge to be, under God, our great and seasonable Deliverer; and we heartily congratulate, that as God has honoured your Majesty to be an eminent Instrument for the preservation of His truth; so He hath rewarded your undertakings with success, in the considerable progress which you have made in delivering us, and in preserving to us the Protestant religion.

We return our most dutiful thanks to your Majesty, for Your accepting the administration of Public Affairs, and convening the Estates of this Kingdom; and we shall with all convenient diligence, take your gracious Letter into our consideration, hoping shortly by the Blessing of God, to fall upon such resolutions as may be acceptable to your Majesty, secure the Protestant religion, and establish the Government, Laws and Liberties of this Kingdom upon solid foundations, most agreeable to the general Good and Inclination of the People.

As to the proposal of the Union, We doubt not, your Majesty will so dispose that matter that there may be an equal readiness in the Kingdom of England to accomplish it, as one of the best means for securing the happiness of these Nations, and settling a lasting Peace.¹

...

Signed in the name of us the Estates of this Kingdom of Scotland, by our President,

May it please your Majesty,

Your Majesty's most Humble,

most Faithful and Obedient Servant,

HAMILTON P.

Schramm on Scotland

—From Schramm: 'By the Act of Union of 1707 there was discovered the constitutional formula whereby England, Scotland, and eventually Ireland were made a United Kingdom, and the Scottish coronation, disused since the reign of James II, can no longer be held. [at p. 103]

at p. 13 'Scotland lay in a position between the two. It borrowed from the Irish the custom, which became of great importance, of making the monarch either sit or stand upon a stone, while from time to time English customs were also copied, so that, by the end of the middle ages, the rite of royal consecration in Scotland was no longer essentially different from that used by its southern neighbour. [n.2] These reason justify us in leaving the Celts entirely out of consideration'. Detailed notes on available material is in Schramm's endnote 2 to page 13, see p. 243

¹ See William's letter to the estates in Vol. IX, Thomson's *Acts of the Scottish Parliament*, p. 9, referred to in the response by the Estates and referred to by Dykes, *Source Book of Constitutional History*, loc. cit., at p. 129, n. 2.

ACT OF SETTLEMENT

1700 (1701) English Act of Settlement, 12 and 13 Will. 3 c. 2; *Statutes in Force, Official Revised Edition, Bill of Rights*, An Act for the Further Limitation of the Crown and better securing the Rights and Liberties of the Subject. (*Rot. Parl.* 12 & 13 Gul. III. p.1, n.2.), revised to 1st February 1978; HMSO, London, 1978; Short Title give by Short Titles Act 1896, (c. 14), Sch. 1

s. 2 And that every King and Queen of this Realme who at any time hereafter shall come to and succede in the Imperiall crowne of this Kingdome by vertue of this Act shall have the Coronation Oath administered to him or her or them at their respective Coronations according to the Act of Parliament made in the First Year of the Reign of His Majesty and the said late Queen Mary intituled an Act for establishing the Coronation Oath and shall make subscribe and repeat the declaration in the Act first recited above mentioned or referred to in the Manner and Form thereby prescribed.

[—This declaration was changed by The Accession Declaration Act 1910, 10 Edw. 7 and 1 Geo 5 c. 29; *Statutes in Force, Official Revised Edition*, revised to 1st February 1978; HMSO, London, 1978]

s. 3. That whosoever shall hereafter come to the possession of this Crown shall joyn in Communion with the Church of England as by Law established. ...

s. 4. And whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same The Lords Spiritual and Temporall and Commons do therefore further humbly pray that all Laws and Statues of this Realm for securing the established Religion and the Rights and Liberties of the People thereof and all other Laws and Statutes of the same now in Force may be ratified and confirmed And the same are by His Majesty by and with the Advice and Consent of the said Lords Spirituall and Temporall and Commons and by the authority of the same ratified and confirmed accordingly.

[C Grant Robertson,, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th edn. enlarged, 1928, at p. 152 notes that the title of [his present majesty King George V] to the Crown rests on the statutory rights created by Parliament in 1701, which gave final ratification to the principles of the revolution settlement laid down in 1689]

ANNE

1702 Anne I of England succeeded 8 March 1702

1702 Anne I Queen of England and Ireland and Her Dominions crowned Thursday, 23 April 1702, St George's day. Consecrated by Thomas Tennison, Archbishop of Canterbury (Pemberton, p. 99)

English Coronation oath

The sermon was preached by John Sharp, Archbishop of York, on the text from Isaiah, 'Kings shall be thy nursing fathers, and their queens thy nursing mothers.' [He indicated he would not speak long] the hopes thus raised were fulfilled; for the reading of what stands in print would hardly require ten minutes ; and yet it is a very full though concise precept on the reciprocal duties of sovereign and people in a constitutional kingdom. The sermon was followed by two transactions more significant and solemn than State ceremonies—the parliamentary test and the coronation oath. These sanctions were among the many items of legislation ingenuously designed for keeping King James and his son from the throne; and it was at (p. 47) the accession of his daughter Anne that they became a feature in the ceremony of the coronation. It may be proper to repeat them at large. The words of the 'Test', otherwise called 'the Declaration', are : 'I do solemnly and sincerely, in the presence of God, profess, testify and declare that I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary or any other saint, and that the sacrifice of the Mass—as they are now used in the Church of

Rome—are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify and declare that I do make this declaration and every part thereof, in the plain and ordinary sense of the words read to me, as they are commonly understood by English Protestants, without any evasive equivocation, or mental reservation whatsoever, and without any dispensation already granted to me for this purpose by the Pope, or any other authority or person whatsoever, or without thinking that I am or may be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.’ [footnote 1—The declaration is not easily found in the statute book. It is set forth in an Act of the year 1677, 30 Charles II, chap. I, called ‘An Act for more effectually preserving the King’s person and Government by disabling Papists from sitting in either House of parliament’. It was imposed on the sovereigns succeeding William and Mary by the ‘Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.’—1 William and Mary, chap. 36.]

(p. 48) The coronation oath was established by statute immediately after the Revolution. ... assent is required to the following propositions:—

‘Will you solemnly promise to governe the people of this kingdom of England and the Dominions thereto belonging according to the statutes in Parliament agreed on and the laws and customs of the same?’

‘Will you to your power cause law and justice in mercy to be executed in all your judgements.’

‘Will you to the utmost of your power maintaine the laws of God the true profession of the gospel and the Protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realme and to the churches there committed to their charge all such rights and privileges as by law do or shall appertain unto them or any of them’ [footnoted to 1 William and Mary, chap. 6]

These obligations by the sovereign to her subjects — the counter-equivalent of the oaths of allegiance taken by the subject as holding public office, or under other specified conditions—might be out of harmony with the divine-right doctrines of half a century earlier; but they were in accordance with the old notions of the coronation as an occasion when the rights and obligations of both high contracting parties were adjusted and sworn to.

(p. 49)...

(p. 50) [At the banquet] ‘Just before the second course, Charles Dymoke, Esq., her Majesty’s champion, in complete armour, between the lord high constable and earl marshal... performed the challenge; after which the kings-of-arms and heralds proclaimed her majesty’s style in Latin, French, and English.’

—from John Hill Burton, Historiographer-Royal for Scotland, *A History of the Reign of Queen Anne*, in three volumes, Vol. I., William Blackwood and Sons, Edinburgh and London, MDCCCLXXX (1880), pp. 45-51

[sourced by Burton at p. 51, note 1, to the following Authorities. *An Account of the Ceremonies observed in the Coronations of the Kings and Queens of England*, 1760, 4 to. *The History of the Reign of Queen Anne digested into Annals*, vol. i, p. 25 et seq. *The Round Table*—the order and solemnities of the Crowning the King and the Dignities of his Peerage: 1820—8 vo. Collections relating to the claims at the Coronations of several of the Kings of England, beginning with King Richard II. *A Key to the Regalia; or, the Emblematic design of the various forms observed in the Ceremonial of the Coronation*, by the Rev. Jonas Dennis, 1820. *A Faithful account of the Processions and Ceremonies observed in the Coronation of the Kings and Queens of England, &c.*, edited by Richard Thomson: 1820. *Chapters on Coronations*: 1838. *Regal Records; or, a Chronicle of the Coronations of the Queens regnant of England*, by J R Planché: 1838.]

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J Wickham Legg (ed.) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, in his notes on William and Mary’s coronation order notes that Anne, George I, George II and George II made the declaration against transubstantiation, invocation of saints and the sacrifice of the mass at the coronation before the coronation oath—see p. 140; there is an inference that all these monarchs, and all later ones down to the time of Victoria took the coronation oath in that same form, though they made their declarations against transubstantiation etc to the parliament. took the same coronation oath as William and Mary. [he notes elsewhere that Arthur Taylor gives a History of the oath in *Glory of Regality*, London, 1829; but I have been unable to find a copy of this book, even through international inter-library loan.

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, at p. 99, says Anne's coronation followed that of William and Mary..

1702

Anne Queen of Scotland**Scottish Coronation oath.**

The first steps of Anne were reassuring to the late King's Scottish ministers. In the presence some twelve of them she took the coronation oath, the omission of which had been held such a grave offence on the part of her father.

—from P Hume Brown, *History of Scotland*, in Three volumes, Vol. II, *From the Revolution of 1689 to the Disruption, 1843*, Cambridge University Press, Cambridge, 1909; reprinted by Octagon Books, New York, 1971, p. 77, and n. 1, sourced to Burnet, *History of his own Time*, Oxford, 1822, V, 20.

SCOTLAND 1704

1704

Scots Act for the Security of the Kingdom, 1704 (Act 1704, c. 3, Passed 5 August, 1704)

Reproduced in full in D Oswald Dykes, (Professor of Constitutional Law and Constitutional History in the University of Edinburgh), *Source Book of Constitutional History from 1600*, Longmans, Green and Co., London, 1930, at pp. 138-140.

Our Sovereign Lady, the Queen's majesty, with advice and consent of the estates of Parliament, doth hereby statute and ordain,

That in the event of Her Majesties death, or of the death of any of her majesties Heirs or Successors, kings and Queens of this Realm; This present Parliament or any other Parliament that shall then be in being, shall not be dissolved by the said death :

And if the said Parliament be under Adjournment the time of the said death, it shall notwithstanding meet precisely at Edinburgh the twentieth day after the said death, excluding the day thereof...

And... in case there shall be no Parliament in being at the time of the Death aforesaid, without regard to any Parliament that may be indicted, but never met or constitute, shall meet at Edinburgh on the Twentieth day after the said Death...

And the said Estates of Parliament, appointed, in case of the Death foresaid, to continue to meet as above, are hereby authorised and impowered to act and administrate the Government in the manner aftermentioned;

That is, that upon the Death of Her Majesty, having Heirs of her own Body, or failing thereof lawful Successors designed or appointed by her Majesty and Estates of Parliament, or upon the death of any succeeding King or Queen, leaving lawful Heirs and Successors, as said is,

The said Estates of Parliament are authorised and impowered, after having read to the said Heir or Successor the Claim of Right, and desiring them to accept the Government in the terms thereof, to require of, and administrate to the said Heir or Lawful Successors by themselves, or such as they shall commissionat, the Coronation Oath...

And further, upon the Death of Her Majesty, without Heirs of her Body, or in case of any other King or Queen thereafter succeeding and deceasing without lawful heir os Successor, the estates...are hereby authorised and impowered to nominat and declare the Successor to the Imperial Crown of this Realm, and to settle the succession thereof upon the Heirs of the said Successor's Body, the said Successor and heirs...being always of the Royal Line of Scotland and of the true Protestant Religion.

Providing always, that the same be not Successor to the Crown of England, unless that in this present session of Parliament, or in any other session during Her Majesties reign there be such conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom, the freedom, frequency and power of parliaments, the Religion, liberty and trade of the Nation from English or any foreign influence, with power to add such further conditions as they shall think necessary...

...

And it is hereby expressly provided and declared it shall be High Treason for any person or persons to administer the Coronation Oath, or be witnesses to the administration thereof, but by the appointment of the Estates of Parliament in manner above-mentioned, or to own or acknowledge any person as King or Queen of this Realm in the event of Her Majesties decease, leaving heirs of her own Body until they have sworn the Coronation Oath and accepted the Crown in the terms of the Claim of Right ;

And in the event of her majesties decease without heirs of her Body, until they swear the Coronation Oath, and accept on the terms of the Claim of Right, and of such other condicions of Government as shall be settled in this or any ensuing parliament, or added in the said meeting of Estates, and be thereupon declared and admitted as above, which crime shall be irremissible without consent of Parliament.

UNION OF SCOTLAND AND ENGLAND

1707 **Great Britain Act of Union** ; *Statutes of the Realm*, VIII, pp. 566-577, 6 Annae, cap. 1; An Act for an Union of the Two Kingdoms of England and Scotland; *English Historical Documents*, Vol. VIII, 1660-1714, Andrew Browning (ed.) Eyre and Spottiswoode, London, 1966, p. 680, at p. 690, and p. 692 Article XXV: (II)

.... Therefore her Majesty, with advice and consent of the said estates of Parliament, doth hereby establish and confirm the said true Protestant religion, and the worship, discipline and government of this church, to continue without any alteration to the People of this Land in all succeeding generations ; and more especially her majesty, with advice and consent as aforesaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of King William and Queen Mary, intituled, an Act ratifying the Confession of Faith and settling Presbyterian Church Government; with all others Acts of Parliament relating thereto, in prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, bearing the date the Eleventh of April one thousand six hundred and eighty-nine : and her Majesty, with advice and consent aforesaid, expressly provides and declares that the foresaid true Protestant religion contained in the above-mentioned Confession of Faith [*Act re-establishing Presbyterianism, Acts of Scotland*, IX, pp. 133-134, 1690; *Act Ratifying the Confession of Faith and Settling Presbyterian Church Government*], with the form and purity of worship presently in use within this Church, and its Presbyterian Church government and discipline, that is to say the government of the church by kirk sessions, presbyteries, provincial synods and general assemblies, all established by the aforesaid Acts of Parliament pursuant to the *Claim of Right*, shall remain and continue unalterable, and that the said Presbyterian government shall be the only government of the Church within the kingdom of Scotland.

.....; and lastly that after the decease of her present Majesty (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of Great Britain shall in all time coming, at his or her accession to the crown, swear and subscribe that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline and privileges of the Church as above established by the laws of this kingdom in prosecution of the *Claim of Right*.

Article XXV: (III)

..... And be it further enacted that after the demise of Her Majesty (whom God long preserve) the sovereign next succeeding to Her Majesty in the royal government of the kingdom of Great Britain, and so for ever hereafter every king or queen succeeding and coming to the royal government of the kingdom of Great Britain, at his or her coronation shall in the presence of all persons who shall be attending, assisting or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England and the doctrine, worship,

discipline and government thereof as by law established within the kingdoms of England and Ireland, the dominions of Wales and town of Berwick-upon-Tweed and the territories thereunto belonging.

Note: 1800: *The Act for Union with Ireland*, 39 & 40 Geo. III, c.67, 1800, provided that from 1 January 1801 Ireland and Great Britain to be united and known as The United Kingdom of Great Britain and Ireland (Art. 1); succession to the crown of the United Kingdom to continue limited and settled according to existing laws and to the terms of the union between England and Scotland (Art. 2); parliament to be known as the Parliament of the United Kingdom of Great Britain and Ireland (Art. 3); 'the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called The United Church of England and Ireland; and that the Doctrine, Worship, Discipline and Government of the said United Church shall be, and shall remain in force for ever, as the same now by law established for the Church of England; and that the Continuance and Preservation of the said United Church shall be deemed and taken to be an essential and fundamental part of the Union; and that in like Manner the Doctrine, Worship, Discipline, and Government of the Church of Scotland, shall remain and be preserved as the same are now established by Law, and by the Acts for the Union of the two Kingdoms of England and Scotland.' (Art. 5)

Note: 1869: By the Irish Church Act 1869 the Irish Church was disestablished. See A Berniedale Keith, *The King and the Imperial Crown, the Powers and Duties of His Majesty*, Longmans Green and Co, London, 1936, at p. 7

GEORGE I

1714 **George I, king of Great Britain and Ireland and His Dominions, acceded 1 August 1714;** crowned Wednesday, 20 October 1714; Consecrated by Thomas Tennison, Archbishop of Canterbury (Pemberton, p. 100)

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, pp. 100-101.

The King was crowned with the usual solemnities. ... The King could not speak English, and did not understand it. Few, on the other hand, knew German, 'so the ceremonies had to be explained his Majesty in such Latin as those near him could command' (sourced to *Chapters on Coronations*)

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—From *The Coronation Book of Edward VII, King of All the Britains and Emperor of India*, by W J Loftie, Cassell & Company, London, 1902:

[113] 'The first of the Hanoverian kings, long as he must have known that he was in all probability to succeed to the throne of Queen Anne, seems never to have been at the trouble of learning the language of his future subjects. He understood a little Latin, and, instead of conducting the service in English, it seems odd that no one suggested a return to the Latin in which it had been read for so many centuries. "As it was", says Stanley, "the ceremonies had to be explained by the Ministers, [114] who could not speak German, to the King, who could not speak English, in Latin, which they must both have spoken very imperfectly. Hence the saying that much "bad language" passed between them".

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—From Sir H M Imbert-Terry, *A Constitutional King, George the First*, John Murray, London, 1927, pp. 151-152

As the King knew no English and the Ministers no German, he directed them to converse with him in French, which few of them spoke well, and to conduct all their correspondence in the same language in order that he, the Sovereign, might obtain at least a modicum of information concerning the affairs of his realm.

Walpole, however, possessed no acquaintance with any language except his own, and therefore carried on his intercourse with George by means of such Latin phrases as an incomplete acquaintance with that tongue supplied; as he himself once observed, he controlled the King 'by bad

Latin and good punch,' for which beverage the occupant of the throne quickly acquired a pronounced inclination.

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— J Wickham Legg (*ed.*) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, in his notes on William and Mary's coronation order notes that Anne, George I, George II and George III made the declaration against transubstantiation, invocation of saints and the sacrifice of the mass at the coronation before the coronation oath—see p. 140; there is an inference that all these monarchs, and all later ones down to the time of Victoria took the coronation oath in that same form, though they made their declarations against transubstantiation etc to the parliament. took the same coronation oath as William and Mary. [he notes elsewhere that Arthur Taylor gives a History of the oath in *Glory of Regality*, London, 1829; but I have been unable to find a copy of this book, even through international inter-library loan.] He notes also that the signing of the oath began at the time of George I, and continued in later orders.

*

C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th edn. enlarged, 1928, at pp. 118-120, gives this as the text for William and Mary; but this cannot be correct. The additional words concerning the settlement of the church of England are those included in the *Act of Union*, and it seems likely that these were rather the words which formed the basis of the oath taken by George I.

1714 George I, King of Great Britain and Ireland and His Dominions —Coronation Oath; crowned 17 October, 1714

George I had no queen, as he had imprisoned his wife, Sophia Dorothea of Celle, 'in a virtual state prison in Ahlden, and in prison, as her unforgiving and tyrannical husband intended, she died, the world forgetting, by the world forgot.' Sophia had had a lover, the Swedish Count Königsmarck, who died in mysterious circumstances, probably murdered by or at the direction of George I.—see C Grant Robertson, *England under the Hanoverians*, Vol. VI in *A History of England*, Sir Charles Oman (*ed.*), Methuen & Co Ltd, London, 1911, 9th edn., 1928, at pp. 17-18 and Appendix I.

The Archbishop or Bishop shall say,

Will You solemnly Promise and Swear to Govern the People of this Kingdom of Great Britain¹ [the Kingdome of England] and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King [and Queene] shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King [and Queene],

¹ These words would presumably have been inserted for George I, as the Union of Scotland and England occurred under Anne in 1707.

I will.

Arch Bishop or Bishop,

Will You to the utmost of Your power maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion established by Law? [And will You maintain and Preserve inviolately the settlement of the Church of England and Ireland and the doctrine, worship, discipline, and government thereof as by law established, within the Kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick-upon-Tweed, and the territories thereto belonging?]{*these words obviously inserted after Anne, in compliance with the English requirement in the Act of Union*}¹ And will you preserve unto the Bishops and Clergy of this Realme and to the Churches there committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

King [and Queene].

All this I Promise to doe.

'After this the King [and Queene] laying His and Her Hand upon the Holy Gospells, shall say,

King [and Queene]

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King [and Queene] shall kisse the Booke.

¹ These words are in the text in C Grant Robertson; but are not in Ruffhead, *Statutes in Force*, nor in Costin (supra), nor yet in Halsbury nor Schwoerer. Note, however, that *Halsbury's Statutes of England and Wales*, Fourth edition, Volume 41, 1995 Reissue, Butterworths, London, 1995, in relation to the *Interpretation Act* 1978, (p. 985 ff.), at p. 1005, states: '**England**. This provision is expressed to be subject to any alterations of boundaries made under the Local Government Act 1972, Pt IV (ss. 46-78), as to which see the note "Local government Act 1972, s1, Part IV" below. In any Act passed before 1974 (when Monmouthshire became part of Wales), any reference to England includes a reference to Berwick upon Tweed and Monmouthshire, and in any Act passed before the Welsh Language Act 1967 (now repealed) (i.e. before 27 July 1967) it includes a reference to Wales, see Sch 2, Pt 1, para 5(a) post. This definition of 'England' applies to subordinate legislation made at any time before 1 January 1979 as it applies to Acts passed at that time; see Sch 2, Pt II, para 6 post.' And at p. 1014 *Halsbury* states: '**Berwick upon Tweed**. Berwick upon Tweed, being on the Scottish side of the River Tweed, was included in that country until captured by Edward I in 1302. It was retaken by the Scots for a period in the fifteenth century, but from 1482 onwards was represented in the English parliament. This chequered history led to the practice of mentioning Berwick specifically in statutory provisions dealing with the extent of Acts; see e.g. the Habeas Corpus Act 1679, s 11, Vol. 6, title Civil Rights and Liberties. Any need for specific mention disappeared on the enactment of the Wales and Berwick Act 1746, s 3, (repealed by Sch 3 post) which provided that references in Acts to England should be taken to include the town of Berwick upon Tweed. Under the Local Government Act 1933, s 1, and Sch 1, Pt III (repealed by the Local Government Act 1972, s 272, Sch 30), Berwick was a non-county borough in the administrative county of Northumberland. Under the Local Government Act 1972, s 1 and Sch 1, Pt II, Vol. 25, title Local Government, it is a district within the non-metropolitan county of Northumberland.' Clearly the words as included by C Grant Robertson are the original text of the oath, not merely because of this convoluted history as revealed in Halsbury, but also because of the remnants of them which continued to be included in the oath down to the time of Elizabeth II. The words in brackets are, however, words prescribed to be taken by the monarch at his coronation under Article XXV (III) of the Act of Union (the Act for an Union of the two kingdoms of England and Scotland), (6 *Annae*, cap. 11; 1707), p. 680 ff. of *English Historical Documents*, Vol. VIII.

GEORGE II

1727 **George II king of Great Britain and Ireland and His Dominions** acceded 11 June, 1727; crowned Wednesday, 11 October 1727; consecrated by William Wake, archbishop of Canterbury (Pemberton, p. 102)

— J Wickham Legg (ed.) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, in his notes on William and Mary's coronation order notes that Anne, George I, George II and George II made the declaration against transubstantiation, invocation of saints and the sacrifice of the mass at the coronation before the coronation oath—see p. 140; there is an inference that all these monarchs, and all later ones down to the time of Victoria took the coronation oath in that same form, though they made their declarations against transubstantiation etc to the parliament. took the same coronation oath as William and Mary. [he notes elsewhere that Arthur Taylor gives a History fo the oath in *Glory of Regality*, London, 1829; but I have been unable to find a copy of this book, even through international inter-library loan.

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, p. 102 : ‘

No change was made for the coronation of George II, and Caroline, Queen consort, but the attendance of the Herb woman, omitted since the coronation of James II, was revived.... The general apathy of the times in this respect was reflected in the action of the King, who, it is stated, took but little interest in his coronation, it being manifest that he ‘was weary of the long tedious forms.’ (quotation sourced to *Chapters on Coronations*.)

1727 **George II king of Great Britain and Ireland and His Dominions—Coronation Oath**
; crowned Wednesday, 11 October 1727

C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th edn. enlarged, 1928, at pp. 118-120, gives this as the text for William and Mary; but in fact these are the words used for George I and George II, the additional words concerning the settlement of the church of England being those included in the *Act of Union*.

The Archbishop or Bishop shall say,

Will You solemnly Promise and Swear to Governe the People of [the Kingdome of England] this Kingdom of Great Britain and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King [and Queene] shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King [and Queene],

I will.

Arch Bishop or Bishop,

Will You to the utmost of Your power maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion established by Law? And will You maintain and Preserve inviolately the settlement of the Church of England and Ireland and the doctrine, worship, discipline, and government thereof as by law established, within the Kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick-upon-Tweed, and the territories thereto belonging?¹ And will you preserve unto the Bishops and Clergy of this Realme and to the Churches there committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

King [and Queene].

All this I Promise to doe.

‘After this the King [and Queene] laying His and Her Hand upon the Holy Gospels, shall say,

King [and Queene]

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King [and Queene] shall kisse the Booke.

GEORGE III

1760 George III king of Great Britain succeeds, 25 October, 1760

1760 George III’s views on the English constitution

—from Bute MSS., Mount Stuart, in the possession of the Marquess of Bute, (12 January 1760-29 February 1760), as reproduced in Peter D G Thomas, “Thoughts on the British Constitution”, by George III in 1760’, *BIHR*, Vol. LX, 1987, 361-363 (written at the age of 21, a few months before his accession to the throne; a modern copy, headed ‘in the handwriting of George III’.

²Not intending this as anything more than thoughts on the British Constitution, we shall not confine ourselves to any kind of order.

We must necessarily mention the three kinds of Government, to one of which that in every dominion must resemble, the English one indeed is a mixture of all three.³

¹ Article XXV (III) of the *Act of Union* (the Act for an Union of the two kingdoms of England and Scotland), (6 *Annae*, cap. 11; 1707), p. 680 ff. of *English Historical Documents*, Vol. VIII.

² The punctuation and spelling here are as represented in the article as being that of George.

³ The views in these paragraphs are very similar to those enunciated by William Blackstone in his *Commentaries on the Laws of England*, which were published in four volumes from 1765-1769—see Blackstone, William, *Commentaries on the Laws of England, A Facsimile of the First Edition of 1765-1769*, with an introduction by Stanley N Katz, University of Chicago Press, Chicago, 1979, in 4 Volumes, especially Volume I, at pp. 50-52.

When the Sovereign command is in the community that Government is called a Democracy, when in a part of them an Aristocracy, & when in one person a Monarchy.

By the British Constitution the Legislative power is executed by the King, lords & Commons no one of which constituent part can levy Taxes or institute Laws without the consent of the other two. As to the Executive, that is administered by the King alone.

The Sovereign succeeds by descent & also the Lords, to their seats in Parliament, but the Commons (who are divided into representatives of Shires & those of Towns) are elected only for the duration of Parliament.

The King & people may in some degree be looked upon as contending partys, & the Lords as a mediating power to keep the true balance. The power of the Lords is indeed now much diminished this owing to the leave given them in the reign of Henry VII to sell their lands; to the extinction of Monasterys in the time of his son, whose Lands were chiefly bought by the Commons, who thus got nearly as much landed interest as the Peers; but more especially to Queen Anne's creating twelve new Lords on some particular debate in 1712. That it might be carry'd to her mind; this last step may serve as an example to future Monarchs with tyrannical notions to overturn the libertys of this poor country; it were therefore much to be wished that the number of Peers were limited; for if the power of the Lords should be annihilated, Despotism would instantly follow the loss of liberty.

Every form of Government has some principle to which its laws & rules of Action ought to be agreeable; in Democracy's & Aristocracy's this is virtue, in Monarchy, honour; in Despotism pride, avarice & sloth.

The British Constitution being a mixture of the three forms of Government, honour & virtue ought to be equally thought of.

[... and he goes on to speak about the military]

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1761 **George III king of Great Britain** acceded 25 October, 1760; crowned Thursday, 22 September 1761. Consecrated by Thomas Secker, Archbishop of Canterbury. (Pemberton, p. 103)

—J Wickham Legg (ed.) *Three Coronation Orders*, for the Henry Bradshaw Society, Vol. XIX, printed for the society by Harrison and Sons, London, 1900, in his notes on William and Mary's coronation order notes that Anne, George I, George II and George III made the declaration against transubstantiation, invocation of saints and the sacrifice of the mass at the coronation before the coronation oath—see p. 140; there is an inference that all these monarchs, and all later ones down to the time of Victoria took the coronation oath in that same form, though they made their declarations against transubstantiation etc to the parliament.. [he notes elsewhere that Arthur Taylor gives a History fo the oath in *Glory of Regality*, London, 1829; but I have been unable to find a copy of this book, even through international inter-library loan.

1761 **George III king of Great Britain and Ireland and His Dominions—Coronation Oath** Thursday 22 September 1761

C Grant Robertson, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th edn. enlarged, 1928, at pp. 118-120, gives this as the text for William and Mary; but in fact these are the words used for George I and George II, the additional words concerning the settlement of the church of England being those included in the *Act of Union*. The specific words relating to Wales and Berwick-upon-Tweed were rendered unnecessary of inclusion by virtue of the *Wales and Berwick Act* 1746, s 3, (later repealed) which provided that references in Acts to England should be taken to include the town of Berwick upon Tweed and Wales, and thus probably would not have been included in the oath taken by George III..

The Archbishop or Bishop shall say,

Will You solemnly Promise and Sweare to Governe the People of the [Kingdome of England] Great Britain and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King [and Queene] shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King [and Queene],

I will.

Arch Bishop or Bishop,

Will You to the utmost of Your power maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion established by Law? And will You maintain and Preserve inviolately the settlement of the Church of England and Ireland and the doctrine, worship, discipline, and government thereof as by law established, within the Kingdoms of England and Ireland, [the dominion of Wales, and the town of Berwick-upon-Tweed]¹ and the territories thereto belonging?² And will you preserve unto the Bishops and Clergy of this Realme and to the Churches there committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

King [and Queene].

All this I Promise to doe.

'After this the King [and Queene] laying His and Her Hand upon the Holy Gospells, shall say,

¹ *Halsbury's Statutes of England and Wales*, Fourth edition, Volume 41, 1995 Reissue, Butterworths, London, 1995, in relation to the *Interpretation Act 1978*, (p. 985 ff.), at p. 1005, states: 'England. This provision is expressed to be subject to any alterations of boundaries made under the Local Government Act 1972, Pt IV (ss. 46-78), as to which see the note "Local government Act 1972, s1, Part IV" below. In any Act passed before 1974 (when Monmouthshire became part of Wales), any reference to England includes a reference to Berwick upon Tweed and Monmouthshire, and in any Act passed before the Welsh Language Act 1967 (now repealed) (i.e. before 27 July 1967) it includes a reference to Wales, see Sch 2, Pt 1, para 5(a) post. This definition of 'England' applies to subordinate legislation made at any time before 1 January 1979 as it applies to Acts passed at that time; see Sch 2, Pt II, para 6 post.' And at p. 1014 *Halsbury* states: '**Berwick upon Tweed.** Berwick upon Tweed, being on the Scottish side of the River Tweed, was included in that country until captured by Edward I in 1302. It was retaken by the Scots for a period in the fifteenth century, but from 1482 onwards was represented in the English Parliament. This chequered history led to the practice of mentioning Berwick specifically in statutory provisions dealing with the extent of Acts; see e.g. the Habeas Corpus Act 1679, s 11, Vol. 6, title Civil Rights and Liberties. Any need for specific mention disappeared on the enactment of the Wales and Berwick Act 1746, s 3, (repealed by Sch 3 post) which provided that references in Acts to England should be taken to include the town of Berwick upon Tweed. Under the Local Government Act 1933, s 1, and Sch 1, Pt III (repealed by the Local Government Act 1972, s 272, Sch 30), Berwick was a non-county borough in the administrative county of Northumberland. Under the Local Government Act 1972, s 1 and Sch 1, Pt II, Vol. 25, title Local Government, it is a district within the non-metropolitan county of Northumberland.'

² Article XXV (III) of the *Act of Union* (the Act for an Union of the two kingdoms of England and Scotland), (6 *Annae*, cap. 11; 1707), p. 680 ff. of *English Historical Documents*, Vol. VIII.

King [and Queene]

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King [and Queene] shall kisse the Booke.

*

—From C Grant Robertson,, *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at p. 117

[re the coronation oath] 'The authorities cited by Macaulay (I, 712) prove beyond question that the oath to maintain the Church of England and Ireland "as by law established" was not intended in 1689 to bind the sovereign in his legislative, but only in his executive, capacity. Hence the interpretation put upon these words by George III was neither historically nor legally tenable.'

*

—From *The History of England*, by Lord Macaulay, 1836; (Popular Edition in Two Volumes), Longmans, Green, and Co., London, new impression 1906; Vol. I, at p. 712-713.

'A bill was drawn up in conformity with the resolutions of the Committee, and was rapidly passed through every stage. After the third reading, a foolish man stood up to propose a rider, declaring that the oath was not meant to restrain the Sovereign from consenting to any change in the ceremonial of the Church, provided that always the episcopacy and a written form of prayer were retained.. The gross absurdity of this motion was exposed by several eminent members. The coronation oath, they said , was never intended to trammel him in his legislative capacity. Leave that oath as it is now drawn, and no prince can misunderstand it. No prince can seriously imagine that the two Houses mean to extract from him a promise that he will put a Veto on laws which they may hereafter think necessary to the wellbeing of the country. Or if any prince should so strangely misapprehend the nature of the contract between him and his subjects, any divine, any lawyer, to whose advice he may have recourse, will set his mind at ease. But if this rider should pass, it will be impossible to deny the coronation oath is meant to prevent the King from giving his assent to bills which may be presented to him by the Lords and Commons; and the most serious inconveniences may follow. These arguments were felt to be unanswerable, and the proviso was rejected without a division. [Journals, March 28, 1689; Grey's Debates.]

'Every person who has read these debates must be fully convinced that the statesmen who framed the coronation oath did not mean to bind the King in his legislative capacity.

[Macaulay's note: I will quote some expressions which have been preserved in the concise reports of these debates. Those expressions are quite decisive as to the sense in which the oath was understood by the legislators who framed it. Musgrave said, "There is no occasion for this proviso. It cannot be imagined that any bill from hence will ever destroy the legislative power." Finch said, "The words 'established by law,' hinder not the King from passing any bill for the relief of Dissenters. The proviso makes the scruple, and gives the occasion for it." Sawyer said, "This is the first proviso of this nature that ever was in a bill. It seems to strike at the legislative power." Sir Robert Cotton said, "Though the proviso looks well and healing, yet it seems to imply a defect. Not able to alter laws as the occasion requires! This, instead, of one scruple, raises more, as if you were so bound up in the ecclesiastical argument that you cannot make any new laws without such a proviso." Sir Thomas Lee said, "It will, I fear, creep in that other laws cannot be made without such a proviso; therefore I would lay it aside."]

Unhappily, more than a hundred years later, [713] a scruple, which those statesmen thought too absurd to be seriously entertained by any human being, found its way into a mind, honest indeed, and religious,, but narrow and obstinate by nature, and at once debilitated and excited by disease. Seldom indeed, have the ambition and perfidy of tyrants produced evils greater than those which were brought on our country by that fatal conscientiousness. a conjuncture singularly auspicious, a conjuncture at which wisdom and justice might perhaps have reconciled races and sects long hostile, and might have made the British islands one truly United Kingdom, was suffered to pass away. The opportunity, once lost, returned no more. Two generations of public men have since laboured with imperfect success to repair the error which was then committed; nor is it improbable that some of the penalties of that error may continue to afflict a remote posterity.'

BLACKSTONE

1765-1769

Blackstone's Commentaries

Blackstone [William Blackstone, *Commentaries on the Laws of England, A Facsimile of the First Edition of 1765-1769*, with an introduction by Stanley N Katz, University of Chicago Press, Chicago, 1979, Vol. I, at p. 228] rehearses the oath [of William and Mary]

Blackstone goes on to say, at p. 228:

This is the form of the coronation oath, as it is now prescribed by our laws: the principle articles of which appear to be at least as ancient as the mirror of justice (cap. I. §.2), and even as the time of Bracton (l. 3. tr. I. C. 9): but the wording of it was changed at the revolution, because (as the statute alleges) the oath itself had been [229] framed in doubtful words and expressions, with relation to antient laws and constitutions at this time unknown [and here Blackstone footnotes with the text of an old coronation oath, (the Lettou/Machlinia oath)]. However, in what form soever it be conceived, this is the most indisputably a fundamental and original express contract; though doubtless the duty of protection is impliedly as much incumbent on the sovereign before the coronation as after : in the same manner as allegiance to the king becomes the duty of the subject immediately on the descent of the crown, before he has taken the oath of allegiance, or whether he takes it at all. This reciprocal duty of the subject will be considered in its proper place. At present we are only to observe, that in the king's part of this original contract are expressed all the duties that a monarch can owe to his people; viz. to govern according to law: to execute judgment in mercy : and to maintain the established religion.

GEORGE III

1760-1780? George III on Authority and Government.

—Written by George III and preserved by his secretary, Lieutenant-General Sir Herbert Taylor, said by Taylor to have been written in the early period of his reign. Reproduced in part in Donald Grove Barnes, *George III and William Pitt, 1783-1806*, 1939, reprinted Octagon Books, New York, 1965, pp. 38-39, and sourced to Ernest Taylor, *The Taylor Papers: Being a Record of Certain Reminiscences, Letters and Journals in the Life of Lieut.-Gen. Sir Herbert Taylor*, Longmans, Green & Company, London, 1913, pp. 62-64.

The Nature of man is the same in all places, and in all times, but varied, like their statures, and features, by the influence of the several climates where they are born, and by the educations and manners they adopt; these produce generally the same forms of Government in the same sort of countries. ...

For there seems to be but two general kinds of Government ; the one exercised according to the arbitrary command of a single person; the other according to certain laws introduced by custom and agreement, and not to be changed without the consent of many ; but under these may be classed the various distinctions that are, by the authors who treat this subject, so fully expatiated upon.

All Government is a restraint upon liberty, and under all, the dominion is equally absolute where it is the last resort.

So that when men seem to be contending for liberty, they are in reality only attempting to change those that rule, or to regain the forms of Government they formerly had been accustomed to ; though when they enjoyed them it was not without some pressure and complaint.

Authority arises from opinion of wisdom, goodness, and valour, in the persons who possess it.

Wisdom enables men to judge what are the best ends, and what the best means of attaining them.

Goodness obliges men to prefer their duty and their promise before their passions or their interests, and is properly the object of trust, and consequently best expressed by the name of honesty.

Valour ensures respect, and promises protection.

Eloquence, beauty, and nobility have also some effect on the opinion of the vulgar ; to which may be added another source from which usually springs greater authority than from the rest, which is the opinion of Divine favour or designation of the persons or of the races that govern.

Piety, prosperity, and splendour in palaces also beget authority yet authority is confirmed and strengthened by nothing so much as by custom.

Power follows authority in civil bodies, as in natural (bodies) the motions of the body follow those of the mind. ...

Governments founded on contract may have succeeded those built on authority ; but they seem rather to have been agreements between princes and subjects, than between men of equal rank and power.

It is needless to enter into the arguments or comparisons of the several forms of government that have been, or are in the world ; that cause seems best that is supported by the ablest advocates ; they have all their advantages and disadvantages ; and that form suits best a nation that has been longest by use and custom established there. And in general those are the best Governments where the best men govern ; and the difference is not so great in the forms of Magistracy, as in the persons of the Magistrate.

1775 **George III**—from *The Oxford Illustrated History of the British Monarchy*, John Cannon and Ralph Phillips, Oxford University Press, Oxford, New York, 1988; reprinted with corrections 1989, 1992.

George III –

‘Every measure against the colonies had been carried in Parliament by large majorities: ‘I am fighting the battle of the legislature,’ declared the king in December 1775 (at p. 508)

1783 **George III Threat to Abdicate**

– (from *The Oxford Illustrated History of the British Monarchy*, John Cannon and Ralph Phillips, Oxford University Press, Oxford, New York, 1988; reprinted with corrections 1989, 1992, at p. 511) ‘On 27 February (1782) a motion against the further prosecution of the war in America was carried in the Commons. The king’s mind turned to his Hanoverian dominions, once despised, and he drafted a declaration of abdication in favour of his son:

His Majesty is convinced that the sudden change of sentiments of one branch of the legislature has totally incapacitated him from either conducting the war with effect or from obtaining any peace but on conditions which would prove destructive to the commerce as well as to the essential rights of the British nation.

His Majesty therefore with much sorrow finds he can be of no further utility to his native country which drives him to the painful step of quitting it forever.

It was never delivered.’

1795 **George III to Lord Kenyon; from Queen’s House, March 7th, 1795**

H Philpotts (ed.), *Letters from His late Majesty to the late Lord Kenyon on the Coronation Oath, etc.* (1827). p. 5; as quoted in *The Eighteenth Century Constitution, Documents and Commentary*, compiled and introduced by E N Williams, Cambridge University Press, Cambridge, 1960; reprinted 1965, 1970; at pp. 347-348

‘... The following queries in the present attempt to abolish all distinctions in Religion in Ireland, with the intention of favouring the Roman Catholics in that Kingdom, are stated from the desire of learning whether this can be done, without affecting the Constitution of this Country; if not, there is no occasion to view whether this measure in itself be not highly improper.

‘The only laws which now affect the Papists in Ireland are the Acts of Supremacy and Uniformity, the Test Act, and the Bill of Rights. It seems to require very serious investigation how far the King

can give His assent to a Repeal of any one of those Acts, without a breach of His Coronation Oath, and of the Articles of Union with Scotland.

'The construction put on the Coronation Oath by the Parliament at the Revolution seems strongly marked in the Journals of the House of Commons, when the Clause was proposed by way of Rider to the Bill establishing the Coronation Oath, declaring that nothing contained in it should be construed to bind down the King and Queen, their Heirs and Successors, not to give the Royal Assent to any Bill for qualifying the Act of Uniformity so far as to render it palatable to protestant Dissenters, and the Clause was negatived on a division. This leads to the implication that the Coronation Oath was understood at the Revolution to bind the Crown not to assent to any Repeal of any of the existing Laws at the Revolution, or which were then enacted, for the maintenance and defence of the Protestant Religion as by Law established.

'If the Oath was understood to bind the Crown not to assent to the Repeal of the Act of Uniformity in favour of Protestant Dissenters, it would seem to bind the Crown full as strongly not to assent to the Repeal of the Acts of Supremacy, or the Test Act, in favour of Roman Catholics

'Another question arises from the provisions of the Act limiting the Succession to the Crown, by which a forfeiture of the Crown is expressly enacted, if the King upon the Throne should hold communion, or be reconciled to the Church of Rome, may not the Repeal of the Act of Supremacy and the establishing the Popish Religion in any of the Hereditary Dominions, be construed as amounting to a reconciliation with the Church of Rome?

'Would not the Chancellor of England incur some risk in affixing the Great Seal to a Bill for giving the Pope a concurrent Ecclesiastical Jurisdiction with the King?

1800 George III king of the United Kingdom of Great Britain and Ireland, and His Dominions

Act of Union with Ireland

The Act for Union with Ireland, 39 & 40 Geo. III, c.67, 1800, provided that from 1 January 1801 Ireland and Great Britain to be united and known as The United Kingdom of Great Britain and Ireland (Art. 1); succession to the crown of the United Kingdom to continue limited and settled according to existing laws and to the terms of the union between England and Scotland (Art. 2); parliament to be known as the Parliament of the United Kingdom of Great Britain and Ireland (Art. 3); 'the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called The United Church of England and Ireland; and that the Doctrine, Worship, Discipline and Government of the said United Church shall be, and shall remain in force for ever, as the same now by law established for the Church of England; and that the Continuance and Preservation of the said United Church shall be deemed and taken to be an essential and fundamental part of the Union; and that in like Manner the Doctrine, Worship, Discipline, and Government of the Church of Scotland, shall remain and be preserved as the same are now established by Law, and by the Acts for the Union of the two Kingdoms of England and Scotland.' (Art. 5)

Note: 1869: By the Irish Church Act 1869 the Irish Church was disestablished. See A Berniedale Keith, *The King and the Imperial Crown, the Powers and Duties of His Majesty*, Longmans Green and Co, London, 1936, at p. 7

1801 George III Coronation Oath and Ireland

—from *The Oxford Illustrated History of the British Monarchy*, John Cannon and Ralph Phillips, Oxford University Press, Oxford, New York, 1988; reprinted with corrections 1989, 1992, 1997 at p. 526

'....Another concession in 1793 gave the vote to Irish Catholics. Further the king was not prepared to go, believing that Catholic Emancipation must lead to the separation of the two kingdoms, and that his coronation oath to uphold the Protestant constitution in Church and state could not be broken. But in 1798 a massive Irish rebellion accompanied by a French invasion persuaded Pitt that security demanded a union of the two kingdoms. Catholic Emancipation [p. 527] was to be the price of Irish consent. The union went through, but when, early in 1801, Pitt moved to introduce Catholic Emancipation, the king repeated his formula of 1783, that any man who voted for it would be his

enemy. Pitt resigned, though remaining on good terms with the king. The episode coincided with, and may have contributed to, a second severe attack of illness....

'Superficially the 1801 intervention repeated that of 1783. In fact there were important differences which must mitigate censure of the king on the second occasion. It is clear that Pitt had not discussed Catholic Emancipation with the king in advance, and several of the other ministers had great misgivings on the subject. Pitt may even, after seventeen years in office, have been not unwilling to resign. But, above all, the king was entitled to regard his coronation oath as something not to be taken lightly, and so fundamental a change in the [p. 527] constitution as a matter on which the monarch's opinions must be taken into account. His intervention was not intended to blow up the ministry and he made strenuous efforts to persuade Pitt not to go, but to prevent the legislation.'

GEORGE IV

1820 **George IV king of the United Kingdom of Great Britain and Ireland and His Dominions** acceded 29 January, 1820; crowned Thursday, 19 July 1821; consecrated by Charles Manners Sutton, Archbishop of Canterbury (Pemberton, p. 106)

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902.

Says 'The coronation service...was the same as in the preceding reign, but carried out with more than usual magnificence.' (p. 106)

[Pemberton quotes from John Wilkes, *Memoirs of Queen Caroline*, London, 1822, on the exclusion of Caroline from the coronation, pp. 107-108]

—From *The Coronation Book of Edward VII, King of All the Britains and Emperor of India*, by W J Loftie, Cassell & Company, London, 1902, at p. 113:

'The oath itself is written on vellum and attached to a State document called the Coronation Roll, which is deposited among the Records of the Court of Chancery. It is said that, by some oversight, the oath was not ready for the signature of George IV, and that the King wrote his name instead on the page of the prayer book of the Archbishop. The book is in the Lambeth Library.'

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1828 **George IV king of the United Kingdom of Great Britain and Ireland and His Dominions**

—from *The Oxford Illustrated History of the British Monarchy*, John Cannon and Ralph Phillips, Oxford University Press, Oxford, New York, 1988; reprinted with corrections 1989, 1992.

'[p. 539].... In 1828, when the election of O'Connell for county Clare forced once more the question of Catholic Emancipation, the king pleaded his coronation oath and the respect he had for his father's opinions on the matter. He threatened abdication, could not stop talking about the question, and was reported to have worked himself into a frenzy. In the end, after an audience of several hours, he dismissed Wellington's government, climbed down in the evening, and gave way.'

[p. 542] ... Though undertaken much against his will, Catholic Emancipation began the process of emancipating the monarchy from the revolutionary settlement, in which it was a bulwark of the protestant establishment, and enabled it to play a more national role.

WILLIAM IV

1830 **William IV king of the United Kingdom of Great Britain and Ireland** succeeded 26 June
1830

1831 **William IV king of the United Kingdom of Great Britain and Ireland and His Dominions** crowned 8 September 1831, the Feast of the Nativity; consecrated by William Howley, Archbishop of Canterbury. (Pemberton, p. 21, p. 111)

— The Rev. Joseph H Pemberton, *The Coronation Service according to the use of the Church of England*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, at p. 111, says the same order of service was used as that for Victoria.

VICTORIA

1837 **Victoria, queen** of the United Kingdom of Great Britain and Ireland succeeded

1838 **Victoria, queen** of the United Kingdom of Great Britain and Ireland and Her Dominions - Coronation, Thursday, 28 June 1838

'This same form [as for William and Mary] was used at the coronation of Queen Victoria, and the oath is that taken by King Edward.'

—From *The Coronation Book of Edward VII, King of All the Britains and Emperor of India*, by W J Loftie, Cassell & Company, London, 1902, at p. 112 [NOTE THIS IS NOT SO – SEE TEXT BELOW]

1838 **Victoria, queen of the United Kingdom of Great Britain and Ireland, and Her Dominions – Coronation Oath**, Thursday, 28 June, 1838

—From Legg, *English Coronation Records*, pp. 368-369; taken from the official publication of 1838, *The Form and Order of the Coronation of Her Majesty Queen Victoria*, published by Eyre and Spottiswoode, London (Legg, p. 363)

—And for an identical text and the full order of service, see 'The Form and Order of the Service that is to be Performed and of the Ceremonies that are to be Observed in the Coronation of Her Majesty Queen Victoria, in the Abbey Church of St Peter, Westminster, on Thursday, the 28th of June, 1838', reproduced in full by The Rev. Joseph H Pemberton in *The Coronation Service according to the use of the Church of England with Notes and introduction, with reproductions of the two celebrated pictures in medieval coronation Mss., inserted by special permission, with three pictures, viz. the Coronation of James II, and the vestments used thereat*, 2nd edn., Skeffington & Son, Piccadilly, (Publishers to His Majesty the King), London, 1902, pp. 29-69.

The Sermon being ended, and Her Majesty having on Monday the 20th Day of November 1837, in the presence of the Two Houses of Parliament, made and signed the declaration, the Archbishop goeth to the Queen, and standing before Her, says to the Queen,

Madam, Is your Majesty willing to take the Oath?

And the Queen answering

I am willing;

the Archbishop ministereth these Questions; and the Queen having a Copy of the printed Form and Order of the Coronation Service in Her Hands, answers each Question severally, as follows.

Archb. Will You solemnly promise and swear to govern the People of this United Kingdom of Great Britain and Ireland, and the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and the respective Laws and Customs of the same?

Queen. I solemnly promise so to do.

Archb. Will You to Your power cause Law and Justice, in Mercy, to be executed in all Your. Judgements?

Queen I will.

Archb. Will You to the utmost of Your Power maintain the Laws of God, the true Profession of the Gospell, and the Protestant Reformed Religion established by Law? And will you maintain and preserve inviolably the Settlement of the United Church of England and Ireland, and the Doctrine, Worship, Discipline, and Government thereof, as by Law established within England and Ireland, and the Territories thereunto belonging? And will You preserve unto the Bishops and Clergy of England and Ireland, and to the Churches there committed to their charge, all such Rights and Privileges, as by law do, or shall appertain to Them, or any of Them?.

Queen All this I promise to do.

Then the Queen arising out of Her Chair, attended by Her Supporters, and assisted by the Lord Great Chamberlain, the Sword of State being carried before Her, shall go to the altar, and there make Her Solemn Oath in the sight of all the People, to observe the Premises: Laying Her right hands upon the Holy Gospel in the Great Bible, which was before carried in the Procession, and is now brought from the Altar by the Archbishop, and tendred to Her as She kneels upon the steps, saying these words

The things which I have here before promised, I will perform and keep. So help me God.

Then the Queen kisseth the Book, and signeth the oath.

[Anointing follows]

EMPIRE

1876 **Victoria, Queen of the United Kingdom of Great Britain and Ireland, and Her Dominions, and Empress of India.**

EDWARD VII

1901 **Edward VII king** of the United Kingdom of Great Britain and Ireland, and Emperor of India succeeded

1901 **Edward VII** 23 January, 1901, swears oath relating to the maintenance of the Church of Scotland at Accession Council Meeting.

Note, that Holmes says he also swore 'the customary oath of allegiance to the realm'.

—from Sir Richard Holmes, *Edward VII, His Life and Times*, 2 Vols., The Amalgamated Press, Ltd., London, 1911, Vol. II, p. 477

1901 **Edward VII, makes anti-papal declaration before parliament**, 14 February, 1901

—see Sir Richard Holmes, *Edward VII, His Life and Times*, 2 Vols., The Amalgamated Press, Ltd., London, 1911, Vol. II, p. 482

1901 **Edward VII, May, 1901. Religious groups make commitments of loyalty to the throne**, and are received by the King:

For the first time since the days of the Reformation the Roman Catholics of England, through their representatives of the Catholic Hierarchy, were received in audience, and by the mouth of the Cardinal Archbishop expressed their loyalty to the Throne. They were followed immediately afterwards by the presbyterians, who in turn were succeeded by the representatives of the Jewish community.

—see Sir Richard Holmes, *Edward VII, His Life and Times*, 2 Vols., The Amalgamated Press, Ltd., London, 1911, Vol. II, p. 486

1901

Edward VII, Discussions on Oath, and Style and Title

The {coronation} brought up for discussion two subjects of controversy. The one was the Coronation oath, with its declaration against the doctrines held by the Roman Catholics. A proposal to alter the oath so as to avoid hurting the religious feelings of large numbers of the King's loyal subjects was debated in both Houses. In the Lords a Committee appointed to inquire into the matter reported in favour of the removal of the clauses objected to., but the extreme section of the Protestant party in the country wrecked the chances of conciliation, and though the discussion was carried on to the day of the Coronation itself, no change was effected. The other topic was an alteration in the King's title. It was argued that there was no mention of His Majesty's overseas Empire in his formal title. He was simply King of Great Britain and Ireland and Emperor of India. Through the exertions of Mr Chamberlain, an addition to this Royal and Imperial superscription was arrived at which satisfied all parties. In future the King was called King of Great Britain and Ireland and the British Dominions Beyond the Seas, Emperor of India. On 30 July a Bill embodying this alteration received the Royal assent.

—see Sir Richard Holmes, *Edward VII, His Life and Times*, 2 Vols., The Amalgamated Press, Ltd., London, 1911, Vol. II, p. 487

1902

Edward VII king of the United Kingdom of Great Britain and Ireland, and His Dominions, and Emperor of India – Coronation Oath, 9 August 1902

—From *The Coronation Book of Edward VII, King of All the Britains and Emperor of India*, by W J Loftie, Cassell & Company, London, 1902, at p.175-76

[after the recognition]

'The sermon was omitted, and directly after the "Amen" the Archbishop advanced to the King, who stood up, a large crimson Bible in his hands, opened at the Gospel, and as the Primate repeated the questions of the Oath his majesty, having first removed the circlet from his head, answered them in a firm and resonant voice. "The things which I have herebefore promised I will perform and keep," was the form in which the oath was taken, and as the words were uttered, his Majesty kissed the Bible.

'The Lord Great Chamberlain, Lord Cholmondeley, then approached bearing a silver standish, and a parchment roll being unfolded on the faldstool by the two bishops, the King took the pen and signed it.'

*

—From Anson, Sir William R, *The Law and Custom of the Constitution*, in three volumes, Vol. II: The Crown. Part I, Oxford, Clarendon Press, 1st edn. 1892; 3rd edition 1907, at p. 236. Anson gives no source for the text. [C Grant Robertson, in *Select Statutes, Cases and Documents to illustrate English Constitutional History 1660-1832*, Methuen & Co, London, 1904, 5th ed. enlarged, 1928, at p 118, gives a text of the oath taken from the Form and Order of the Service in the Coronation of King Edward VII and Queen Alexandra, 1902. His text is slightly different, in regard to capitalisation of words and punctuation, but also as to certain words. Where his words (but not the punctuation or capitals) differ from the text appearing in Anson, I have interpolated them underlined in square brackets]

Will you solemnly promise and swear to govern the people of this United Kingdom of Great Britain and Ireland, and ['and' is omitted in Grant Robertson] the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and the respective laws and customs of the same?

I solemnly promise so to do.

Will you to your power cause Law and Justice, in mercy, to be executed in all your judgements?

I will.

Will You to the utmost of Your Power maintain the Laws [law] of God, the true profession of the Gospel, and the Protestant reformed religion established by law? And will you maintain and preserve inviolably [inviolately] the Settlement of the Church¹ of England², and the doctrine, worship, discipline, and government thereof, as by Law established in³ England⁴? And will you preserve unto the Bishops and Clergy of England⁵, and to the Church⁶ there [therein] committed to their charge, all such rights and privileges, as by law do, or shall appertain to them, or any of them?

All this I promise to do

[The things which I have here before promised I will perform and keep, so help me God.]

Anson, at p. 237-238 states : 'The Coronation Oath indicates the contractual character of English Sovereignty, a character which was common as well to the official chief of Saxon times as to the territorial lord of feudalism. The form survived the high prerogative days of the Tudors and Stuarts and the theory of Divine Right. The wording of the oath was settled immediately after the Revolution. [n. 1. 1 Will. & Mary, st. 1, c. 6.]. Its substance - to keep the Church and all Christian people in peace - to restrain rapine and wrong - to temper justice with mercy - is as old as the eighth century.' [n. 2. Stubbs' *Select Charters*, excerpt from Pontifical of Egbert, Archbishop of York, *cir.* 760.]

GEORGE V

1910 **George V king** of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India succeeded

1910 **George V king of the United Kingdom of Great Britain and Ireland and His Dominions and Emperor of India; 3 August, 1910; The Accession Declaration Act 1910**, 10 Edw. 7 and 1 Geo 5 c. 29; *Statutes in Force, Official Revised Edition*, revised to 1st February 1978; HMSO, London, 1978 ; amend old transubstantiation declaration the sovereign had to make.

s. 1. The declaration to be made, subscribed, and audibly repeated by the Sovereign under section 1 of the Bill of Rights and section two of the Act of Settlement shall be that set out in the Schedule to this Act instead of that referred to in the said sections.

Schedule

I [here insert the name of the Sovereign] do solemnly and sincerely in the presence of God profess, testify, and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments which secure the Protestant succession to the Throne of my Realm, uphold and maintain the said enactments to the best of my powers according to law.

1911 **George V king of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India, Coronation Oath 22 June 1911**

From Nicolson, Harold, *King George the Fifth, His Life and Reign*, Constable & Co Ltd, London, 1952, at p. 145.

¹ The word 'United' appeared before the word 'Church' in Victoria's coronation.

² The words 'and Ireland' appeared after 'England' in Victoria's coronation.

³ The word 'within' appears here in Victoria's coronation.

⁴ The words 'and the Territories thereunto belonging' from Victoria's coronation have been deleted.

⁵ The words 'and Ireland' appeared here in Victoria's coronation,

⁶ The word 'Churches' appeared here in Victoria's coronation.

[after the recognition]

'Then began the ancient ritual, ordained by the practice of a thousand years. [note 1. 'The Coronation ceremony falls into four successive phases, each of which possesses historical symbolism, namely: (a) The Recognition, which derives from the ancient procedure of recognition by the *Witan*; (b) The Oath, which symbolises a contract between the King and his peoples; (c) The Anointing, which represents consecration by the Church; (d) The Homage of the Lords Spiritual and Temporal (but not, it will be noted, of the Commons), which is a feudal survival.] The King, kneeling before the altar and laying his hand upon the Bible, took the coronation oath.

He swore to 'cause law and justice, in mercy to be executed in all his judgments';

he swore to maintain the Protestant religion and the established church;

he swore to 'govern the people of this United Kingdom of Great Britain and Ireland, and the Dominions thereto belonging, according to the statutes in Parliament agreed on and the respective laws and customs of the same.'¹

*

—From Schramm, Percy E, *A History of the English Coronation*, English translation by Leopold G Wickham Legg, Clarendon Press, Oxford, 1937, at pp. 225-226. Schramm gives no source:

1. Will you solemnly promise and swear to govern the people of this United Kingdom of Great Britain and Ireland and the Dominions thereto belonging, according to the Statutes in Parliament agreed on and the respective laws and customs of the same?

I solemnly promise so to do.

2. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?

I will.

3 a. Will You to the utmost of your power maintain the Laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law?

b. And will you maintain and preserve inviolably the Settlement of the Church of England and the doctrine worship discipline and government thereof, as by law established in England?

c. And will you preserve unto the Bishops and Clergy of England and to the Church there committed to their charge, all such rights and privileges as by law do or shall appertain to them, or any of them?

All this I promise to do

EDWARD OF WINDSOR

1936 **Edward of Windsor** succeeded ('king' 325 days)

1936 **Edward of Windsor, Declaration of Sovereignty**, 21 January, 1936

Your Royal Highnesses, My Lords, and Gentlemen.

The irreparable loss which the British Commonwealth of Nations has sustained by the death of His Majesty My beloved Father, has devolved upon Me the duty of Sovereignty. I know how much you and all My Subjects, with I hope I may say the whole world, feel for Me in My sorrow and I am confident in the affectionate sympathy which will be extended to My dear Mother in Her overpowering grief.

¹ I have separated out the components of the oath. In Nicolson's text, this appears as a continuous paragraph.

When My Father stood here twenty-six years ago He declared that one of the objects of His life would be to uphold constitutional government. In this I am determined to follow in My Father's footsteps and to work as He did throughout His life for the happiness and welfare of all classes of My Subjects.

I place My reliance upon the loyalty and affection of My peoples throughout the Empire, and upon the wisdom of their Parliaments, to support Me in this heavy task, and I pray that God will guide Me to perform it.

—from *Supplement to the London Gazette Extraordinary*, HMSO, London, Tuesday, 21 January, 1936, Numb. 34245, p. 451; taken from Australian Archives, Series CP4/10/1, Item 5, 'Spares, Abdication of King Edward VIII'

1936

Edward of Windsor Accession Proclamation, 21 January 1936

On Monday night the twentieth of January instant, at five minutes to twelve o'clock, our late Most Gracious Sovereign King George the Fifth expired at Sandringham in the seventy-first year of His age, and the twenty-sixth year of His Reign. This even has caused one universal feeling of regret and sorrow to His late Majesty's faithful and attached Subjects, to whom He was endeared by the deep interest in their welfare which He invariably manifested, as well as by the eminent and impressive virtues which illustrated and adorned His character.

Upon the intimation of this distressing event, the Lords of the Privy Council assembled this day at St James's Palace, and gave orders for the proclaiming of His present Majesty, Who made a most Gracious Declaration to them.

Whereas it hath pleased Almighty god to call to his Mercy our late Sovereign Lord King George the Fifth, of Blessed and Glorious Memory, by whose Decease the Imperial Crown of Great Britain, Ireland and all other His late Majesty's Dominions is solely and rightfully come to the High and Mighty Prince Edward Albert Christian George Andrew Patrick David; We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His late Majesty's Privy Council, with Numbers of other principal Gentlemen of Quality, with the Lord Mayor, Aldermen, and Citizens of London, do now hereby with one voice and Consent of Tongue and Heart, publish and proclaim, that the High and Mighty Prince Edward Albert Christian George Andrew Patrick David, is now, by the Death of our late Sovereign of happy Memory, become our only lawful and rightful Liege Lord Edward the Eighth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To whom we do acknowledge all Faith and Obedience, with all hearty and humble Affection; beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince Edward the Eighth with long and happy Years to reign over us.'

—from *Supplement to the London Gazette Extraordinary*, HMSO, London, Tuesday, 21 January, 1936, Numb. 34245, p. 449; taken from Australian Archives, Series CP4/10/1, Item 5, 'Spares, Abdication of King Edward VIII'.

936

Edward of Windsor, Message to the Two House of Parliament, 10 December, 1936

Members of the House of Commons (Lords)

After long and anxious consideration, I have determined to renounce the Throne to which I succeeded on the death of My father, and I am now communicating this, My final and irrevocable decision. Realizing as I do the gravity of this step, I can only hope that I shall have the understanding of My peoples in the decision I have taken and the reasons which have led Me to take it. I will not enter now into My private feelings, but I would beg that it should be remembered that the burden which constantly rests upon the shoulders of a Sovereign is so heavy that it can only be borne in circumstances different from those in which I now find Myself. I conceive that I am not overlooking the duty that rests on Me to place in the forefront the public interest, when I declare that I am conscious that I can no longer discharge this heavy task with efficiency or with satisfaction to Myself.

I have accordingly this morning executed an Instrument of Abdication in the terms following:

I, Edward VIII, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare My irrevocable determination to renounce the Throne for Myself and for My descendants, and My desire that effect should be give to this Instrument of Abdication immediately.

In token whereof I have hereunto set My hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

My execution of this Instrument has been witnessed by My three brothers, Their Royal Highnesses the Duke of York, the Duke of Gloucester and the Duke of Kent.

I deeply appreciate the spirit which has actuated the appeals which have been made to me to take a different decision, and I have, before reaching My final determination, most fully pondered over them. But My mind is made up. Moreover, further delay cannot but be most injurious to the peoples whom I have tried to serve as Prince of Wales and as King and whose future happiness and prosperity are the constant wish of My heart.

I take My leave of them in the confident hope that the course which I have thought it right to follow is that which is best for the stability of the Throne and Empire and the happiness of My peoples. I am deeply sensible of the consideration which they have always extended to Me both before and after My accession to the Throne and which I know they will extend in full measure to My successor.

I am most anxious that there should be no delay of any kind in giving effect to the Instrument which I have executed and that all necessary steps should be taken immediately to secure that My lawful successor, My brother, His Royal highness the Duke of York, should ascend the Throne.

Edward R I

—from Frances Donaldson, *Edward VIII*,
Weidenfeld and Nicolson, London, 1974;
reprinted by Futura Publications Limited, 1976

1936 **Edward of Windsor Abdication Act**

His Majesty's Declaration of Abdication Act 1936 (1 Edw. 8 and 1 Geo. 6 c. 3), From *Statutes in Force*, Revised to 1 February, 1978, HMSO, 1978.

An Act to give effect to His Majesty's declaration of abdication; and for the purposes connected therewith.
[11 December 1936]

'Whereas His Majesty by His Royal Message of the tenth day of December in this present year has been pleased to declare that He is irrevocably determined to renounce the Throne for Himself and His descendants, and has for that purpose executed the Instrument of Abdication set out in the Schedule to this Act, and has signified His desire that effect thereto should be given immediately:

And whereas , following upon the communication to His Dominions of His Majesty's said declaration and desire, the Dominion of Canada pursuant to the provisions of section four of the Statute of Westminster 1931 has requested and consented to the enactment of this Act, and the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa have assented thereto:

1.-(1) Immediately upon the Royal Assent being signified to this Act the Instrument of Abdication executed by His present Majesty on the tenth day of December, nineteen hundred and thirty-six, set out in the Schedule to this Act, shall have effect, and thereupon His Majesty shall cease to be King and there shall be a demise of the Crown, and accordingly the member of the Royal Family then next in succession to the Throne shall succeed thereto and to all the rights, privileges, and dignities thereunto belonging.

(2) His Majesty, His issue, if any, and the descendants of that issue, shall not after His Majesty's abdication have any right, title or interest in or to the succession to the Throne, and section one of the Act of Settlement shall be construed accordingly.

(3) The Royal Marriages Act 1772 shall not apply to His Majesty after His abdication nor to the issue, if any, of His Majesty or the descendants of that issue.

2. This Act may be cited as His Majesty's Declaration of Abdication Act 1936.

SCHEDULE

I, Edward the Eighth, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare My irrevocable determination to renounce the Throne for Myself and for My descendants, and My desire that effect should be give to this Instrument of Abdication immediately.

In token whereof I have hereunto set My hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

EDWARD R. I.

Signed at Fort Belvedere

in the presence of

ALBERT

HENRY

GEORGE

GEORGE VI

1936 George VI king of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India succeeded 11 December 1936

1936 George VI king of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India —Declaration of Sovereignty, 12 December, 1936

Your Royal Highnesses, My Lords and Gentlemen:

I meet you to-day in circumstances which are without parallel in the History of our Country. Now that the duties of Sovereignty have fallen to Me, I declare to you My adherence to the strict principles of constitutional government and My resolve to work before all else for the welfare of the British Commonwealth of Nations.

With my Wife as my helpmeet by My side, I take up the heavy task which lies before me. In it I look for the support of all My Peoples.

Furthermore, My first act on succeeding My Brother will be to confer on Him a Dukedom, and He will henceforth be known as His Royal Highness The Duke of Windsor.¹

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And from Schramm, Percy E, *A History of the English Coronation*, English translation by Leopold G Wickham Legg, Clarendon Press, Oxford, 1937, at endnote 1, p. 226, at p. 273

¹ And see circular cablegram B.203 from Secretary of State for Dominion Affairs of 12 December, 1936, 1.33 p.m. received Australia 13 December, 1936, from Prime Minister to Prime Minister, and see *Commonwealth of Australia Gazette Extraordinary*, No. 104, Canberra, Monday, 14th December, 1936, from Australian Archives, Series CP4/10/1, Item 3, 'Abdication of King Edward VIII', folios 147 and 148 respectively.

'On 20 February 1937 there was printed in the public press an amended oath issued by authority of the Privy Council. The chief changes were the addition of the names of the Dominions to those of Great Britain and Ireland, the omission of the promise inserted in 1689 to govern 'according to the statutes in Parliament agreed on', and extended the promise to maintain the Protestant Reformed Religion from England to 'the United Kingdom'. The authority quoted for these changes was the Statute of Westminster, but it is not clear how that statute sanctions either the omission of reference to Parliament or the alteration of those parts of the oath which refer to the Church of England as by law established. Before the oath, a 'declaration' is made by the King before the Great Council immediately on ascending the throne. On 14 December 1936 it was as follows:

Your Royal Highnesses, My Lords and Gentlemen:

I meet you to-day in circumstances which are without parallel in the History of our Country. Now that the duties of Sovereignty have fallen to Me, I declare to you My adherence to the strict principles of constitutional government and My resolve to work before all else for the welfare of the British Commonwealth of Nations.

With my Wife as my helpmeet by My side, I take up the heavy task which lies before me. In it I look for the support of all My Peoples.

Furthermore, My first act on succeeding My Brother will be to confer on Him a Dukedom, and He will henceforth be known as His Royal Highness The Duke of Windsor.

At the time the following message was sent to both Houses of Parliament:

I have succeeded to the Throne under circumstances which are without precedent and at a moment of great personal distress, but I am resolved to do my duty, and I am sustained by the knowledge that I am supported by widespread good will and sympathy of all my subjects here and throughout the world.

It will be my constant endeavour, with God's help, supported as I shall be by my dear wife, to uphold the honour of the realm and to promise to promote the happiness of my peoples.

*

1936 George VI — king of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India —Accession Proclamation, London, 12 December 1936

Whereas by an Instrument of Abdication dated the tenth day of December instant His former Majesty King Edward the Eighth did declare his irrevocable determination to renounce the Throne for Himself and His descendants, the said Instrument of Abdication has now taken effect, whereby the Imperial Crown of Great Britain, Ireland and all other His former Majesty's Dominions is now solely and rightfully come to the High and Mighty Prince Albert Frederick Arthur George; We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His former Majesty's Privy Council, with numbers of other principal Gentlemen of Quality, with the Lord Mayor, Aldermen, and citizens of London, do now hereby with one Voice and consent of Tongue and Heart publish and proclaim, that the High and Mighty Prince Albert Frederick Arthur George is now become our only lawful and rightful liege Lord George VI by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India; to whom we do acknowledge all faith and obedience, with all heart and humble affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal prince George VI with long and happy years to reign over us.

Given at St James's Palace this twelfth day of December in the year of Our Lord 1936.

God Save the King.¹

This proclamation was repeated in Australia in the Commonwealth of Australia Gazette Extraordinary, No. 102, Canberra, Saturday, 12th December, 1936, with the exception that the last paragraph read:

Given at Canberra this twelfth day of December in the Year of Lord One thousand nine hundred and thirty-six.

¹ See circular cablegram G.13 from Secretary of State for Dominion Affairs of 11 December, 1936, 5.10 p.m. received Australia 12 December, 1936, marked SECRET, from Australian Archives, Series CP4/10/1, Item 3, 'Abdication of King Edward VIII', folios 143-142.

Gowrie,

Governor-General.

J A Lyons.

R G Casey.

God save the King!¹

1936 George VI — king of the United Kingdom of Great Britain and Ireland and His Dominions, and Emperor of India —Accession Proclamation, Canberra, 12 December 1936

Proclamation, Commonwealth of Australia Gazette Extraordinary, No. 102, Canberra, Saturday, 12th December, 1936

Whereas by an Instrument of Abdication dated the tenth day of December instant His former Majesty King Edward the Eighth did declare his irrevocable determination to renounce the Throne for Himself and His descendants, the said Instrument of Abdication has now taken effect, whereby the Imperial Crown of Great Britain, Ireland and all other His former Majesty's Dominions is now solely and rightfully come to the High and Mighty Prince Albert Frederick Arthur George; We, therefore, Alexander Gore Arkwright Baron Gowrie, Governor-General and Commander in Chief in and over the Commonwealth of Australia; Joseph Aloysius Lyons, Prime Minister and Vice-President of the executive Council of the said Commonwealth; and Richard Gardiner Casey, Treasurer of the said Commonwealth, do now hereby with one Voice and Consent of Tongue and Heart publish and proclaim, that the High and Mighty Prince Albert Frederick Arthur George is now become our only lawful and rightful liege Lord George the Sixth by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To whom we do acknowledge all faith and constant obedience, with all heart and humble affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince George the Sixth with long and happy years to reign over us.

Given at Canberra this twelfth day of December in the Year of Lord One thousand nine hundred and thirty-six.

Gowrie,

Governor-General.

J A Lyons.

R G Casey.

God save the King!²

1937 George VI, king of Great Britain, Ireland, Canada, Australia, New Zealand, and the Union of South Africa, of His Possessions and the other territories, and Emperor of India—Coronation Oath, 12 May, 1937

—from The Coronation of Their Majesties King George VI and Queen Elizabeth, May 12th 1937, Official Souvenir Programme, King George's Jubilee Trust, London, 1937, at p. 25

[immediately after the recognition]

¹ See Australian Archives, Series CP4/10/1, Item 3, 'Abdication of King Edward VIII', folio 144.

² See Australian Archives, Series CP4/10/1, Item 3, 'Abdication of King Edward VIII', folio 144.

'Then shall the Archbishop go to the King, and standing before him, administer the Coronation Oath, first asking the King,

Sir, is your Majesty willing to take the Oath?

And the King answering

I am willing.

The Archbishop shall administer these questions; and the King, having a book in his hands, shall answer each question severally as follows:

Archbishop. Will you solemnly promise and swear to govern the peoples of Great Britain, Ireland, Canada, Australia, New Zealand, and the Union of South Africa, of your Possessions and the other territories to any of them belonging or pertaining, and of your Empire of India, according to their respective laws and customs?

King. I solemnly promise so to do.

Archbishop. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgments?

King I will.

Archbishop. Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? And will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will You preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them, or any of them?

King All this I promise to do.

Then the King arising out of his chair, supported as before, and assisted by the Lord Great Chamberlain, the Sword of State being carried before him, shall go to the altar, and there being uncovered, make his solemn Oath in the sight of all the people, to observe the premisses: laying his right hand upon the Holy Gospel in the Great Bible, (which was before carried in the Procession, and is now brought from the Altar by the Archbishop, and tendered to him as he kneels upon the steps), saying these words

The things which I have here before promised, I will perform, and keep. So help me God.

Then the King shall kiss the Book, and sign the Oath.'

[After this the communion, the epistle, then the anointing]

ÉIRE

1937 Éire established as an independent part of the Commonwealth

INDIA

1947 India Independent, 22 June, 1946

IRELAND

1949 Ireland Independent Republic

COMMONWEALTH

1949 **George VI, king of the United Kingdom of Great Britain and Northern Ireland, British Dominions and Head of the Commonwealth**

ELIZABETH II

1952 **Elizabeth II** succeeded 6 February 1952

1952 **Elizabeth II Declaration of Sovereignty, 8 February 1952**

—Formal Declaration of Sovereignty to the Accession Council (Special Meeting of the Privy Council) 8 February, 1952;

Your Royal Highnesses, My Lord, Ladies and Gentlemen,

On the sudden death of My dear Father I am called to fulfil the duties and responsibilities of Sovereignty.

At this time of deep sorrow it is a profound consolation to Me to be assured of the sympathy which you and all My people feel towards Me, to My Mother, and My Sister, and to the other members of My family.

My Father was our revered and beloved head as he was of the wider family of his subjects; the grief which his loss brings is shared among us all. My heart is too full for Me to say more to you today than that I shall always work, as My Father did throughout his reign, to uphold the constitutional Government and to advance the happiness and prosperity of My Peoples, spread as they are the world over.

I know that in my resolve to follow His shining example of service and devotion, I shall be inspired by the loyalty and affection of those whose Queen I have been called to be, and by the counsel of their elected Parliaments. I pray that God will help Me to discharge worthily this heavy task that has been laid upon Me so early in My life.

—excerpts from Helen Cathcart, *Her Majesty*, W H Allen, London, 1962, at p.130.

—whole text in Dorothy Laird, *How the Queen Reigns*, Hodder and Stoughton, London, 1959, pp. 138-139

1952 **Elizabeth II— Signs Oath for the Security of the Church of Scotland, 8 February 1952**

—After making Her declaration of Sovereignty, the Queen signed two copies of this oath, one copy going to the Privy Council Register, the other to the Court of Session to be recorded in the books of sederunt.

—see Dorothy Laird, *How the Queen Reigns*, Hodder and Stoughton, London, 1959, p. 139

1952 **Elizabeth II, queen of the United Kingdom of Great Britain and Northern Ireland, and Her other realms and territories, and Head of the Commonwealth— Accession Proclamation as Queen, 8 February 1952**

—by the Garter King of Arms:

Whereas it has pleased Almighty God to call to His mercy our late Sovereign Lord King George VI, of blessed and glorious memory, by whose Decease the Crown is solely and rightfully come to THE HIGH AND MIGHTY PRINCESS ELIZABETH ALEXANDRA MARY :

We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these His late Majesty's Privy Council, with representatives of other Members of the Commonwealth, with other principal Gentlemen of Quality, with the Lord Mayor, Aldermen and Citizens of London. Do now hereby with one Voice and Consent of Tongue and Heart publish and proclaim, THAT THE HIGH AND MIGHTY PRINCESS ELIZABETH ALEXANDRA MARY is now, by the death of our late Sovereign of happy memory, become Queen Elizabeth II by the Grace of God, Queen of this Realm, and of Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, to whom Her Lieges do acknowledge all Faith and constant Obedience with hearty and humble Affection, beseeching God by whom all Kings and Queens do reign, to bless the Royal Princess, Elizabeth II, with long and happy years to reign over us.

GOD SAVE THE QUEEN

—*When the Queen was Crowned*, Brian Barker,
Routledge & Kegan Paul Ltd., London, 1976, p.
26

The inclusion of the words 'Head of the Commonwealth' followed upon a Commonwealth Premier's Conference in April 1949, where the prime Ministers and the King addressed the position of the King's Title, and the constitutional position of the King in the Commonwealth, given the imminence of India's becoming a Republic, but her willingness to continue a member of the Commonwealth. But the final processes for the change of the sovereign's title were not completed before George VI's death in February 1952; nevertheless this phrase was included in Elizabeth's Accession Proclamation:—see John W Wheeler-Bennett, *King George VI, His Life and Reign*, Macmillan & Co Ltd, London, 1958, at p. 728.

*

Coronation Commission announced 29 April; consists of Duke of Edinburgh Chairman, Duke of Norfolk Vice-Chairman, and representatives of all Commonwealth Governments present. [from, *Elizabeth, a Biography of her Majesty the Queen*, by Sarah Bradford, Heinemann, London 1996, at p. 168 and pp. 180-81 respectively. A Berriedale Keith, in *The Constitution of England from Queen Victoria to George V*, (2 Vols.) Macmillan and Co, London, 1940, at Vol. I, p. 26 says:

... The proclamation of the new sovereign is made by a gathering of Privy Councillors with the Lord Mayor of London and Aldermen of the City of London and other persons of distinction, among whom modern usage includes the High Commissioners for the Dominions as representing people overseas. This gathering is a representative of the Anglo-Saxon Witan or the Norman Magnum Council, meeting to choose and proclaim the new King. Thereafter the King addresses the Privy [p. 27] Council, and takes and subscribes the oath for the security of the Church of Scotland, which is required by the Act of Union. In Scotland the King stands to that Church in a relation analogous to that in which he stands to the Church of England in so far as participation in its services is concerned.'

*

Sir Gerald W Wollaston, Norroy and Ulster King of Arms, in *Elizabeth Crowned Queen, The Pictorial Record of the Coronation*, Arlott, John, and others, Odhams Press Limited, London, 1953, at pp 15-16 says:

'...the Coronation Commission, set up in April 1952, under the Chairmanship of the Duke of Edinburgh, included in its membership the Earl Marshal [Duke of Norfolk, head of the College of Arms], the Lord Chancellor, the Lord Chamberlain, the Prime Ministers of Great Britain and the Dominions, the Dominion High Commissioners in London, and dealt with matters affecting the whole Commonwealth.... A further body, the Coronation Committee of the Privy Council, also including the Earl Marshall, was instituted to advise on matters of importance primarily affecting the United Kingdom. ...'

and at p. 19-20

'The Coronation of Queen Elizabeth II, as invariably happens on these great ceremonial occasions, raised new problems of constitutional and political importance. ... The changes in the wording of the oath from that taken by King George VI at his coronation resulted from the constitutional developments within the British Commonwealth. Whereas the Queen's father promised to govern the peoples of Great Britain, Ireland, Canada, Australia, New Zealand and the Union of South Africa, of his Possessions and the other Territories to any of them belonging or pertaining, and of the Indian Empire, according to their respective laws and customs, her own oath limited Ireland, part of which had become a republic outside the Commonwealth, to Northern Ireland, and made no mention of India, which had taken a similar status though remaining inside the Commonwealth, and the list of self-governing Dominions now included Pakistan and Ceylon.'

*

1952 Commonwealth Prime Minister's Conference, December 1952

'...considered the form of the Royal Title, and agreed that the existing title of Sovereign was not in accord with current constitutional relations within the Commonwealth. They recognised the need for a new form of title which would, in particular, reflect the special position of the Sovereign as Head of the Commonwealth and, further, the desirability of each member country using for its own purposes a form of title suitable for its own particular circumstances but retaining a substantial element which was common to all. The decision was reached that each country should pass the necessary legislation as soon as possible.'

—from John W Wheeler-Bennett, *King George VI, His Life and Reign*, Macmillan & Co Ltd, London, 1958, at p. 728.

1952 Elizabeth II — First Christmas broadcast, 25 December, 1952

Pray for me on that day [of her coronation]...pray that God may give me wisdom and strength to carry out the solemn promises that I shall be making, and that I may faithfully serve Him and you, all the days of my life.

—from Helen Cathcart, *Her Majesty*, W H Allen, London, 1962, p. 138

**1953 Queen Elizabeth II, Proclamation of Royal Style and Title in the United Kingdom
(28 May, 1953)**

Proclamation of HM The Queen of 28 May 1953,

1 & 2 Eliz. 2 cap. 9; see *Statutes in Force*, Official Revised Version, Revised to 1st February 1978, Her Majesty's Stationery Office, London, 1978:

'Whereas it is expedient that the style and titles at present appertaining to the Crown should be altered so as to reflect more clearly the existing constitutional relations of the members of the Commonwealth to one another and their recognition of the Crown as the symbol of their free association and of the Sovereign as the Head of the Commonwealth:

And whereas it was agreed between representatives of Her Majesty's Governments in the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon assembled in London in the Month of December, nineteen hundred and fifty-two, that there is a need for an alteration thereof which, whilst permitting of the use in relation to each of those countries of a form suiting its particular circumstances, would retain a substantial element common to all:

1. The assent of the Parliament of the United Kingdom is hereby given to the adoption by Her Majesty, for use in relation to the United Kingdom and all other the territories for whose foreign

relations Her Government in the United Kingdom is responsible, [my italics] of such style and titles as Her Majesty may think fit having regard to the said agreement, in lieu of the style and titles at present appertaining to the Crown, and to the issue by Her for that purpose of Her Royal Proclamation under the Great Seal of the Realm.' [received the Royal Assent, 26th March, 1953]

Royal Proclamation:

Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Defender of the Faith...

—and see John W Wheeler-Bennett, *King George VI, His Life and Reign*, Macmillan & Co Ltd, London, 1958, at p. 728.

1953 Queen Elizabeth II—queen of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, and the Union of South Africa, Pakistan and Ceylon, and of Her Possessions and the other Territories, and Head of the Commonwealth—Coronation Oath (2 June 1953)

—From the order reproduced in *Elizabeth Crowned Queen, The Pictorial Record of the Coronation*, Arlott, John, and others, Odhams Press Limited, London, 1953, at pp 53-54;

[immediately after the recognition]

The Queen having returned to her Chair (her Majesty having already on Tuesday, the fourth day of November, 1952, in the presence of the two Houses of Parliament, made and signed the Declaration prescribed by Act of Parliament), the Archbishop standing before her shall administer the Coronation Oath, first asking the Queen,

Madam, is your Majesty willing to take the Oath?

And the Queen answering

I am willing.

The Archbishop shall minister these questions; and the Queen, having a book in her hands, shall answer each question severally as follows:

Archbishop. Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, and the Union of South Africa, Pakistan and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?

Queen. I solemnly promise so to do.

Archbishop. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?

Queen I will.

Archbishop. Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will You preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them, or any of them?

Queen. All this I promise to do.

Then the Queen arising out of her Chair, supported as before, the Sword of State being carried before her, shall go to the Altar, and make her solemn Oath in the sight of all the people to observe the premisses: laying her right hand upon the Holy Gospel in the Great Bible, (which was before carried in the procession, and is now brought from the Altar by the Archbishop, and tendered to her as she kneels upon the steps), saying these words

The things which I have here before promised, I will perform, and keep. So help me God.

Then the Queen shall kiss the Book, and sign the Oath.'

[Then follows the presentation of the Bible, the communion service, the epistle, the gospel, then the anointing]

*

1953

Elizabeth II —First statement as Crowned Queen, 2 June, 1953

When I spoke to you last Christmas, I asked you all, whatever your religion, to pray for me on the day of my Coronation – to pray that God would give me wisdom and strength to carry out the promises that I would then be making.

Throughout this memorable day I have been uplifted and sustained by the knowledge that your thoughts and prayers were with me. I have been aware all the time that me peoples, spread far and wide throughout every Continent and ocean in the world, were united to support me in the task to which I have now been dedicated with such solemnity.

Many thousands of you came to London from all parts of the Commonwealth and Empire to join the ceremony, but I have been conscious too of the millions of others who have shared in it by means of wireless or television in their homes.

All of you, near and far, have been united in one purpose. It is hard for me to find words in which to tell you of the strength which this knowledge has given me.

The ceremonies you have seen today are ancient, and some of their origins are veiled in the mists of the past. But their spirit and meaning shine through the ages never, perhaps, more brightly than now.

I have in sincerity pledged myself to your service, as so many of you are pledged to mine. Throughout all my life and with all my heart I will strive to be worthy of your trust.

In this resolve I have my husband to support me. He shares my ideals and all my affection for you. Then, although my experience is so short and my task so new, I have in my parents and grandparents an example which I can follow with certainty and confidence.

There is also this. I have behind me not only the splendid traditions and the annals of more than a thousand years, but the living strength and majesty of the Commonwealth and Empire, of societies old and new, of lands and races different in history and origins but all, by God's will, united in spirit and in aim.

Therefore I am sure that this, my Coronation, is not the symbol of a power and a splendour that are gone, but a declaration of our hopes for the future, and for the years I may, by God's grace and mercy, be given to reign and serve you as your Queen.

I have been speaking of the vast regions and varied peoples to whom I owe my duty, but there has also sprung from our island home a theme of social and political thought which constitutes our message to the world, and through the changing generations had found acceptance both within and far beyond my realms.

Parliamentary institutions, with their free speech and respect for the rights of minorities, and the inspiration of a broad tolerance in thought and its expression – all this we conceive to be a precious part of our way of life and outlook.

During recent centuries, this message has been sustained and invigorated by the immense contribution, in language, literature and action, of the nations of our Commonwealth overseas. It gives expression, as I pray it always will, to living principles as sacred to the Crown and monarchy as to its many Parliaments and peoples.

I ask you now to cherish them – and practise them too. Then we can go forward together in peace, seeking justice and freedom for all men.

As this day draws to its close, I know that the abiding memory of it will be, not only the solemnity and beauty of the ceremony, but the inspiration of your loyalty and affection. I thank you all from a full heart. God bless you all.

—from Conrad Frost, Coronation, June 2, 1953,
Arthur Barker Limited, London, 1978, p. 132-136.

1973

Elizabeth II Royal Style and Title, Australia

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

—Royal Style and Titles Act (Cth.), 1973