

THESIS

For submission for the degree of Doctor of Philosophy
At Macquarie University
Sydney

KING AND CROWN

An Examination of the Legal Foundation of the British King



in
Two Volumes
Volume I – Thesis
Volume II – Appendices

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27 October 1998



There is one term against which I wish to warn you, and that term is 'the crown'. You will certainly read that the crown does this and the crown does that. As a matter of fact we know that the crown does nothing but lie in the Tower of London to be gazed at by sight-seers. No, the crown is a convenient cover for ignorance: it saves us from asking difficult questions, questions which can only be answered by study of the statute book. I do not deny that it is a convenient term, and you may have to use it; but I do say that you should never be content with it. If you are told that the crown had this power or that power, do not be content until you know who legally has the power - is it the king, is it one of his secretaries; is this power prerogative power or is it the outcome of statute? This question is often an extremely difficult question, ...

...

...the limits of constitutional law are not strictly defined... But do not get into the way of thinking of law as consisting of a number of independent compartments, one of which is labelled constitutional, another administrative, another criminal, another property, so that you can learn the contents of one compartment and know nothing of what is in the others. No, law is a body, a living body, every member of which is connected with and depends upon every other member. ...

Life I know is short, and law is long, very long, and we cannot study everything at once; still, no good comes of refusing to see the truth, and the truth is that all parts of our law are very closely related to each other, so closely that we can set no logical limit to our labours.

— F W Maitland, *The Constitutional History of England*, 1908, 418, 538-9

...a King's Crown is an hieroglyphic of the laws...

—Sir Edward Coke, *Calvin's case*, 1610, 7 Co. Rep., 11b



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KING AND CROWN

VOLUME I

**THESIS : AN EXAMINATION OF THE
LEGAL FOUNDATION OF THE BRITISH
KING**



ABSTRACT OF THESIS

KING AND CROWN

‘The Crown’ has been described as a ‘term of art’ in constitutional law. This is more than misleading, obscuring the pivotal legal position of the king, which in modern times has been conveniently ignored by lawyers and politicians alike.

This work examines the legal processes by which a king is made, tracing those processes from the earliest times to the present day. It concludes that the king is made by the selection and recognition by the people, his taking of the Oath of Governance, and his subsequent anointing. (The religious aspects of the making of the king, though of considerable legal significance, are not examined herein, because of space constraints.)

The Oath of Governance is conventionally called the ‘Coronation Oath’—which terminology, while correctly categorising the Oath by reference to the occasion on which it is usually taken, has led by subliminal implication to an erroneous conclusion by many modern commentators that the Oath is merely ceremonial.

This work highlights the legal implications of the king’s Oath of Governance throughout history, particularly in times of political unrest, and concludes that the Oath legally :

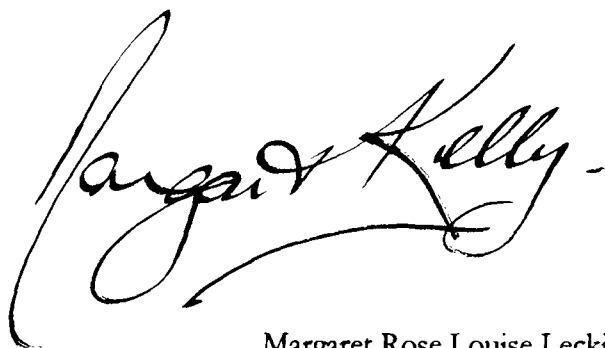
- conveys power from the people to the person about to become king (the willingness of the people so to confer the power having been evidenced in their collective recognition of that person);
- bestows all the prerogatives of the office of king upon that person;
- enshrines the manner in which those prerogatives are to be exercised by the king in his people(s)’ governance;

and that therefore the Oath of Governance is the foundation of the British Constitution.

All power and prerogative lie with the king, who as a result of his Oath of Governance is sworn to maintain the peace and protection of his people(s), and the king can not, in conscience or law, either do, or allow, any thing that is in opposition to the terms of that Oath.

CANDIDATE'S CERTIFICATION

This is to certify that neither this thesis, nor any part of it, has been submitted to any other university or institution for the purposes of obtaining a higher degree. It has been undertaken for the purpose of submission for the Degree of Doctor of Philosophy at Macquarie University, Sydney, New South Wales, Australia, and I now so submit it.

A handwritten signature in black ink, reading "Margaret Kelly" with a stylized flourish at the end.

Margaret Rose Louise Leckie Kelly

14 October 1998

PREFACE

Frederic Maitland posed a conundrum when he was giving his lectures on the English Constitution in 1888; he asked, 'How did William and Mary come to be king and queen?'¹

Maitland raised grave legal doubts as to their legitimacy, pointing to the real legal strength of the Jacobite cause, and the manifest illegality of the actions of the 'Convention Parliament'.

This work is an essay to answer Maitland's conundrum.

In essence, it investigates what law it is that makes a king king. In doing so, I have perforce retraced the steps of the kings, back through the days when Latin was still used by lawyers, when Sir Edward Coke laid his glamour upon judges and politicians of his generation, and indeed, it seems, upon every successive one. I have followed the kings through Anglo-French, back to the Old English used when Dunstan heard the oath of governance of the *Bretwalda* Edgar.

The British constitution is an ancient one. The British constitution is one of governance by kings—it is a monarchy. The common thread to the governance of all the kings of Britain is the oath which they took after being chosen as king.

So this work is the story of kings, their oath, their law, and their governance; these four in the British constitution are incapable of separation, and together they are the British constitution.

Of course, the Church, the king's council, the king's *parlements*, and the king's people, are intimate companions of the king throughout the ages. But each of these groups would

¹ See F W Maitland, *The Constitutional History of England*, Cambridge, Cambridge University Press, 1st edn., 1908; reprinted 1950, at p. 285.

require books in their own right to explain the growing complexity of their relationships with the king and his governance. Only the people feature in detail in the following essay, as it is they who choose the king. The Church, the Council, and the *parlements* are dealt with only in so far as they impinge upon the course of the development of the governance of the king through his recognition by the people, and his oath.

The role of the Church, particularly in relation to the anointing of the king, is significant indeed. This aspect of the nature of the king's governance has long been overlooked, in part due no doubt to the lingering opprobrium attached to any idea of divine right, at least when it associated with kings, and in part perhaps because of modern western discomfort with religious notions. Constitutionally the position of the British monarch as Head of the Church of England has considerable legal and political ramifications, and personally all British monarchs have dedicated themselves to the service of God and the church. But this omission, like those with regard to the development of the king's *parlements* into the parliament, and of his council, has been rendered necessary by space.

Myths and fictions surround the king, not the least significant of which is that of 'the sovereignty of parliament.' This fiction, together with those mythical maxims, 'the king never dies', 'the king can do no wrong', and the myth of 'the king's two bodies' are dealt with as they arise.

Because so much of the scholarship concerning the king and his position and powers has quoted not only primary but also secondary sources elliptically, and often misleadingly, the footnotes are extensive, in order to give references to future scholars as to where the original sources may be located, and what they actually said.

Moreover, because the documentation relating to the oath and recognition of kings is dispersed, and not easily available, I have included in Appendix I a compendium of the oaths of governance of the kings in both translation, and in the original transcription wherever I have been able to find it; in Appendix II is a compendium of the elections, Declarations of Sovereignty, Accession Proclamations, and Recognitions of the kings. In Appendix III are extracts from early writers on the English governance, who have formed the basis of much later English legal thought; they are included because of the propensity for later writers, such as Sir Edward Coke, to misquote them. Appendix IV is a brief compendium of the works of Sir Edward Coke himself, who probably deserves serious

critical legal analysis in his own right—as Maitland said of Coke’s influence, though in a narrower context, ‘It would be long to tell how much harm was thus done to the sober study of English legal history...’¹

This work has traced back the kings of Britain through the English line, mainly because again space has not admitted of a deep analysis of the Scottish kings prior to the accession of James VI to the English throne. A secondary reason is the Anglo-centric attitude adopted by most kings, and most British parliaments. However, such Scots Acts as are relevant to the oath of governance of the British kings are referred to, and the Scots position analysed with regard to the oath. James VI and I is referred to by that nomenclature, as he was king first of Scotland, then king of England; James II and VII is referred to thus, as he was king first of England, and secondly (and somewhat doubtfully) king of Scotland.

The pronoun ‘he’ is used throughout to refer to the impersonal ‘one’, rather than the words ‘he or she’ or the word ‘their’ or the word ‘she’, and ‘man’ is used generically as inclusive of both sexes, except where otherwise indicated by the context.² Similarly, where the monarch is referred to in an impersonal sense, the word ‘king’ will be used. The feminine personal pronoun will be used only when referring to a female, and the word ‘queen’ only when referring specifically to a female monarch.

All dates are in the New Style, except where the Old Style is used from the original sources, or where HMSO has continued to use the Old Style of dating.

MRLLK, Hunters Hill

Tuesday, 27 October 1998.

¹ Of Coke’s uncritical acceptance of the *Mirror of Justices*, at p. x of Maitland’s Introduction to *The Mirror of Justices*, edited for the Selden Society by William Joseph Whittaker, with an introduction by Frederic William Maitland; Publications of the Selden society, Vol. VII, 1898; reissued, 1978. Maitland castigates the author of the *Mirror* as a liar, and says at p. xlviii ‘... We feel sure that in Paradise, or wherever else he may be, he was pleasantly surprised when Coke repeated his fictions as gospel truth, and erudite men spoke of him in the same breath with Glanvill and Bracton.’

² I would observe that this is due to my conception of stylistic elegance, rather than to any patriarchal view of society and ideas. I would be quite willing to use the word ‘she’ throughout to denote the impersonal ‘one’, and refrain only because such a radical step would most likely detract the attention from the ideas advanced herein.

ACKNOWLEDGEMENTS

I am indebted to Tony Blackshield, Professor of Constitutional Law at Macquarie University, Sydney, for his constant support, his intellectual rigour and impartiality, and his encouragement of my propensity always to ask ‘Why?’, and ‘What is the legal authority for this?’—questions the answers to which have led us far from our original starting point, the written Constitution of Australia, to the *causa sine qua non*.

I am also indebted to Dr Desmond Manderson of the Law School at Macquarie University, for his impartial examination of the issues involved, and for his support for my pursuit of what at times seemed a never-ending story. I also wish to thank Professor Bruce Kercher of the Macquarie Law School, and Dr Jim Gillespie, of the School of Political Science at Macquarie University, both of whom read early drafts, giving advice, criticism, and support.

To the shades of kings past, and to the present Queen, I extend my thanks for giving me a new perspective on the law and the constitution, and to the legal scholars who have written over the centuries I owe a great debt. To the cantankerous spirit of Sir Edward Coke, which still has being in the oddest places, I extend greetings.

My greatest thanks are due, however, to the late Professor Frederic Maitland. Though Maitland wrote a century ago, his capacity to examine law and history as a seamless whole stands still as an example to us all, his writing is a joy to read, and his deep love of and respect for the law is an inspiration for all those who seek to understand why we are governed the way we are.

mrllk



ABBREVIATIONS

AC	Appeal Cases
Ad. & E.	Adolphus and Ellis Reports of Cases
<i>AJLH</i>	<i>The American Journal of Legal History</i>
AIR	All India Reports
<i>ALJ</i>	<i>Australian Law Journal</i>
<i>ALJR</i>	<i>Australian Law Journal Reports</i>
<i>All ER</i>	<i>All England Law Reports</i>
A.P.C.	Dasent, <i>Acts of the Privy Council</i> , (A.P.C.), N.S., II, (1547-50), London, 1890, 1873
Bened Abb.	Benedictus Abbas
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BL	British Library
<i>Black's Law Dictionary</i>	Henry Campbell Black, <i>Black's Law Dictionary, Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern</i> , 6 th edn., Joseph R Nolan and Jacqueline M Nolan-Haley, co-authors, West Publishing Co., St Paul, 1990.
Blackstone	William Blackstone, <i>Commentaries on the Laws of England, A Facsimile of the First Edition of 1765-1769</i> , with an introduction by Stanley N Katz, University of Chicago Press, Chicago, 1979, in 4 Volumes.
BM	British Museum
Bodl.	Bodleian Library
CA	College of Arms
Ch	Chancery
Chrimes	S B Chrimes, <i>English Constitutional Ideas in the Fifteenth Century</i> , 1936, Cambridge University Press, Cambridge; reissued, American Scholar Publications, New York, 1965.
CJ	<i>Journals of the House of Commons</i>

CJ	Chief Justice
Clarendon	Edward, Earl of Clarendon [Edward Hyde; his daughter Anne became James II and VII's first wife]. <i>History of the Rebellion and Civil Wars in England</i> , written between 1641 and 1648, 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.
CLR	<i>Commonwealth Law Reports</i>
Co. Inst.	Coke's Institutes (Institutes of Sir Edward Coke)
Co. Litt. (Lit.)	Coke's Commentary on Littleton
Co. Rep.	Coke's Reports (Law reports of Sir Edward Coke)
CSPD	<i>Calendar of State Papers, Domestic Series</i>
Cth	Commonwealth of Australia
Dasent	Dasent, <i>Acts of the Privy Council</i> , (A.P.C.), N.S., II, (1547-50), London, 1890, 1873
Ecgerth Pontifical	see Egbert pontifical; Ecgerth reproduces more exactly the Anglo-Saxon name of the Archbishop, and reduces confusion with King Egbert. The authoritative text of the 'Egbert Pontifical' is reproduced in <i>Two Anglo-Saxon Pontificals</i> , edited by H M J Banting, , Boydell Press for the Henry Bradshaw Society, London, 1989, from MS Lat. 10575 in the Bibliotheque Nationale, at pp. 1 ff.
ECR	Leopold G Wickham Legg, <i>English Coronation Records</i> , Archibald Constable & Company Limited, Westminster, 1901
Edgar Ordo	manuscript at Corpus Christi College, Cambridge; [Corpus Christi College, Cambridge, MS. 146. p. 138] reproduced in Legg, <i>English Coronation Records</i> , at p.23
Egbert Pontifical	a version of the so-called 'first' English Coronation Order, contained in a manuscript held at Paris, Bibliotheque Nationale MS lat. 10575 (the so-called Egbert Pontifical). The authoritative text of the 'Egbert Pontifical' is reproduced in <i>Two Anglo-Saxon Pontificals</i> , edited by H M J Banting, , Boydell Press for the Henry Bradshaw Society, London, 1989, from MS Lat. 10575 in the Bibliotheque Nationale, at pp. 1 ff.
EHD	<i>English Historical Documents</i> , Twelve Volumes, C H Williams, (ed.), David C Douglas (gen. Ed.), Eyre & Spottiswoode, London, 1967
EHR	<i>English Historical Review</i>
ER	English Reports
Flor. Wig.	<i>Florenti Wigorniensis monachi chronicon ex chronicis</i> , ed.. B Thorpe, English Historical Society, London, 1848-1849; at I, 229 ; and see <i>The Chronicle of Florence of Worcester</i> , Thomas Forester, (trans. and ed.) , Henry G. Bohn, London, 1854; reprinted from the 1854 edition by AMS Press, New York, 1968.
FLR	<i>Federal Law Review</i>
Foed.	<i>Foedera</i> , (Records Commission, ed. T Rymer, London, 1816-69)

Glanvill	<i>Tractatus de legibus et consuetudinibus regni Anglie qui Glanvilla vocatur, The Treatise on the laws and customs of the realm of England, commonly called Glanvill</i> , G D G Hall (ed.), Nelson in association with the Selden Society, London, 1965
Hale	Sir Matthew Hale, <i>The Prerogatives of the King</i> , 1640-1660, D E C Yale (ed.), Selden Society, London, 1976
Hallam	Henry Hallam, <i>The Constitutional History of England from the Accession of Henry VII to the Death of George II</i> , Alex. Murray & Son, London, 1869.
Hil.	Hilary term
HMC	Historical Manuscripts Commission
HMSO	Her Majesty's Stationery Office
Holdsworth	Sir William Holdsworth, <i>A History of English Law</i> , Methuen & Co, London, 1903, 7 th edn., revised, 1956, reprinted 1966
Imp.	Imperial (used to refer to an enactment of the United Kingdom)
Inst.	<i>Institutes</i> (the Institutes of Sir Edward Coke)
J	Justice
JEH	<i>Journal of Ecclesiastical History</i> .
Jolliffe	J E A Jolliffe, <i>The Constitutional History of Medieval England from the English settlements to 1485</i> , Adam and Charles Black, 4 th edn., London, 1967
KB	King's Bench
Lanalet Pontifical	a version of the so-called 'first' English Coronation Order, contained in a manuscript held at Rouen, Bibliotheque Municipale MS A.27 (the Lanalet Pontifical)
Ld. Raym.	Lord Raymond, <i>Reports of Cases</i> , 4 th edn., 1790
Legg	Leopold G Wickham Legg, <i>English Coronation Records</i> , Archibald Constable & Company Limited, Westminster, 1901
Leofric Missal	a version of the so-called 'first' English Coronation Order, contained in a manuscript held at Oxford, Bodleian MS 579 (the so-called Leofric Missal),
Liebermann	F Liebermann, <i>Die Gesetze der Angelsachsen</i> , Text und Übersetzung, Unveränderter Neudruck der Ausgrabe 1903-1916, Scientia Aalen, Sindelfingen, Germany, 1960; in 3 Vols.
Lj	<i>Journal of the House of Lords</i>
Lodge and Thornton	Eleanor C Lodge, and Gladys A Thornton, (eds.), <i>English Constitutional Documents 1307-1485</i> , Cambridge, Cambridge University Press, 1935
LQR	<i>Law Quarterly Review</i>
LR	Law Reports
Maitland	F W Maitland, <i>The Constitutional History of England</i> , Cambridge University Press, Cambridge, 1908, reprint 1950

Maskell	William Maskell, <i>Monumenta Ritualia Ecclesiae Anglicanae</i> , London, 1846-47.
Mich.	Michaelmass term.
Mon. Rit.	William Maskell, <i>Monumenta Ritualia Ecclesiae Anglicanae</i> , London, 1846-47.
MonULR	<i>Monash University Law Review</i>
MULR	<i>Melbourne University Law Review</i>
O.E.	Old English; Anglo-Saxon
Plucknett	T F T Plucknett, <i>A Concise History of the Common Law</i> , 5 th edn., Little, Brown and Company, Boston, 1956
PRO	Public Records Office
Prynne	William Prynne, 'The Sovereigne Power of Parliaments & Kingdoms or Second Part of the treachery and Disloyty 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 Order 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.
QB	Queen's Bench
QBD	Queen's Bench Division
Quick and Garran	John Quick, and Robert Randolph Garran, <i>The Annotated Constitution of the Commonwealth of Australia</i> , Angus & Robertson, Sydney, 1901, reprinted by Legal Books, Sydney, 1976, 1995
Rot. Parl.	<i>Rotuli Parliamentorum</i> (Rolls of the Parliament)
Rymer	<i>Foedera</i> , (Records Commission, ed. T Rymer, London, 1816-69)
S&M1	C Stephenson and F G Marcham, (eds.), <i>Sources of English Constitutional History: Vol. I: A Selection of Documents from AD 600 to the Interregnum</i> , New York, Harper & Row, rev edn. 1972
S&M2	C Stephenson and F G Marcham, (eds.), <i>Sources of English Constitutional History: Vol. II: A Selection of Documents from the Interregnum to the Present</i> , New York, Harper & Row, rev. edn. 1972
Schramm	Percy E Schramm, <i>A History of the English Coronation</i> , translated from the German by Leopold G. Wickham Legg, Clarendon Press, Oxford, 1937
State Trials	<i>Cobbett's Complete Collection of State Trials, (etc.) from the Earliest Period to the Year</i>

- 1783, in Twenty-One Volumes, T C Hansard for Longman *et al*, London, 1816
- Stubbs' *Constitutional History* William Stubbs, *The Constitutional History of England*, in 3 Volumes, Clarendon Press, Oxford, 3rd edn., 1884; reprinted by William Hein & Company, Buffalo, New York, 1987
- Stubbs' *Select Charters* William Stubbs, *Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First*, 1870, Oxford, Clarendon Press, 8th edn., 1905
- Sweet's *Anglo-Saxon Primer* Sweet's *Anglo-Saxon Primer*, 1882, 9th edn., 1953, reprinted with corrections 1955, 1957, and again in 1961, 1965, 1967, revised by Norman Davis, Clarendon Press, Oxford. 1967.
- Tanner J R Tanner, *Constitutional Documents of the Reign of James I, A.D. 1603-1625*, Cambridge University Press, Cambridge, 1st edn. 1930, reprinted 1952, 1960, 1961
- TRHS *Transactions of the Royal Historical Society*
- Trin. Trinity term.
- UK United Kingdom
- UNSWLJ *University of New South Wales Law Journal*
- UWALR *University of Western Australia Law Reports*
- W. Cov. Walter of Coventry
- WLR *Weekly Law Reports*
- Wm. Malm. William of Malmesbury, *Gesta Regum, Willelmi Malmesbiriensis monachi de gestis regum Anglorum* (ed. Stubbs, RS; London, 1887-1890)



GLOSSARY

<i>ædeling</i>	(O.E.) an Anglo-Saxon legal term meaning he who is expected to succeed the king, usually nominated by the king
All Saints	1 November
All Souls	2 November
<i>airecht</i>	(Celtic) assembly of notables
<i>blodwite</i>	(O.E.) the fine for wounding with bloodshed
<i>bricbote</i>	(O.E.) duty of repair of bridges and fine for breach thereof
<i>Bretwalda</i>	(O.E.) literally, 'Ruler of the Britons', or 'Britain-ruler'; high king of Britain.
<i>*Brigantinos</i>	(Indo-European) 'great king'
<i>brycggeweorce</i>	(O.E.) duty to repair bridges and the fine for breach thereof; same as <i>bricote</i>
<i>burhgeweorce</i>	(O.E.) duty to repair boroughs and fine for the breach thereof; same as <i>burhbote</i> .
<i>burhbote</i>	(O.E.) duty of repair of boroughs and fine for breach thereof; analogous to <i>faestengewerce</i>
Candlemass	2 February
<i>consuetudo Angliae</i>	(Latin) customs of England
<i>contra pacem regis</i>	(Latin) literally, against the King's Peace; a writ, usually alleging trespass or violence.
<i>cynedom</i>	(O.E.) literally, the king's judgements/laws/decrees; that area where the king's law ran; the kingdom; cf. Celtic <i>tuath</i> .
<i>cyneryhta</i>	(O.E.) rights of the king
<i>cynescipe</i>	(O.E.) the special powers of the king
<i>cyning</i>	(O.E.) king
<i>cyninges hand-grið</i>	(O.E.) king's peace/protection given by his hand
Declaration of Sovereignty	Declaration as to sovereignty made by the Sovereign to the Accession Council, before his proclamation by that Council as king

<i>de facto</i>	(Latin): in fact, in deed, in actuality; existing under colour of right, but without lawful title;—see <i>Black's Law Dictionary</i> , opposite to <i>de jure</i> .; Note: with regard to kingship in the middle ages, king <i>de facto</i> was sometimes used to refer to <i>king indeed</i> —that is, someone who had been recognised, crowned and anointed as king. Such a king was also king <i>de jure</i> , in the sense of having complied with all the requirements of the common law. He may however not have been king <i>de jure</i> , that is, 'of right', in the sense of the next lineal heir—see Henry VII's <i>Treason Act</i> , sometimes called the <i>de facto</i> Act, of 1495—'the king for the time being'.
<i>de jure</i>	(Latin) : in law, in right, by right and just title; descriptive of a condition in which there has been total compliance with all requirements of law.;— see <i>Black's Law Dictionary</i> , opposite to <i>de facto</i> . But note the comments herein on <i>de facto</i> , with regard to kingship.
<i>de pace habenda</i>	(Latin) writ to enforce the King's Peace
<i>de pacis regis proclamatio</i>	(Latin) the proclamation of the King's Peace
<i>de securitate pacis</i>	(Latin) writ to enforce the King's Peace
<i>dominium</i>	(Latin) jurisdiction inherent in all lordship
Easter	the first Sunday after the first full moon after the vernal equinox
Epiphany	6 January
<i>faestengewerce</i>	(O.E.) duty repair of fortresses and fine for the neglect thereof
<i>feorm</i>	(O.E.) payments of food owed to the king from many of his estates
<i>fir flathemon</i>	(Celtic) the prince's truth
<i>flymenafyrmdæ</i>	(O.E.) harbouring and comforting outlaws, and the penalty therefor.
<i>folc</i>	(O.E.) people
<i>folcgemot</i>	(O.E.) literally folk-court; popular court.
<i>folcrist</i>	(O.E.) folknight
<i>forsteall</i>	(O.E.) fine for assault by ambush
<i>frip</i>	(O.E.) peace
<i>fyrdsocne</i>	(O.E.) duty of military service and fine for the neglect thereof; the same as <i>frydwite</i>
<i>frydwite</i>	(O.E.) fine for neglect of the duty of army service
<i>gafof</i>	(O.E.) rents, dues; a general phrase, usually meaning fines, taxes and rents.
<i>gáu flathemon</i>	(Celtic) 'injustice of the prince'
<i>gens Anglorum</i>	(Latin) the group, tribe or clan known as the English; English communal identity; the English nation

<i>gemot</i>	(O.E.) court
<i>grid</i>	(O.E.) personal peace
<i>gryðbryce</i>	(O.E.) personal peace, and the penalty for breaking it
<i>gwrthych</i>	(Welsh) 'expected' or 'awaited one', in the context of succession to the kingship
<i>gwrthrychiat</i>	(Welsh) 'looker forward', in the context of succession to the kingship
<i>hamsocn</i>	(O.E.) fine for unlawful entry onto a person's premises, whether house or land; cf., hedge-breaking; cf. current law of Scotland known as <i>hamesucken</i> .
Hilary	the term beginning at St Hilary's day, 13 January
<i>infangenefeoð</i>	(O.E.) the right to punish thieves caught on the property
<i>interdict</i>	papal <i>interdict</i> : public worship forbidden, churches closed, no bell tolled, the dead buried in unconsecrated ground without any religious rites.
Interregnum	That time in the history of the British Isles after King Charles I was executed on 30 January 1649, and before the restoration of Charles II on 25 April 1660 [the date on which the 'Convention' assembled at Dover voted for the king's restoration], during which some of the members of what had been the Parliament and of the military assumed power, initially under Oliver Cromwell.
<i>jus coronae</i>	literally, the law of the crown; used by Blackstone to mean the right of succession to the throne.
<i>Lia Fail</i>	The Coronation Stone of the Kings in Scotland—The Stone of Scone, sometimes called the Stone of Destiny
Lent	the forty week-days preceding Easter
Michaelmass	29 September
<i>mund</i>	(O.E.) personal protection
<i>mundbora</i>	(O.E.) having lordship
<i>mundbryd</i>	(O.E.) right of protection, and the payment for violating it.
O.E.	Old English; Anglo-Saxon.
<i>oferhrynesse</i>	(O.E.) disobedience to the king's order, and fine for it
<i>parens patriæ</i>	(Latin) literally, 'parent of the country'; prerogative of the king; obligation of the <i>Bretwalda</i> and later British kings to act to protect the destitute, orphans, widows, and strangers
<i>patria</i>	(Latin) country; or men belonging to a particular place or group
<i>pax regia per breve data</i>	(Latin) writ to enforce the King's Peace
Pentecost	the seventh Sunday after Easter
Peters-pence	payment of a tax of a tenth to Rome; said by William I to be alms, not tribute; the same as <i>Romescot</i> (O.E. <i>Rómfeoh</i>)

<i>physei</i>	(Greek) nature
<i>physei dikaion</i>	(Greek) the right (or just) by nature
<i>pontifex</i>	(Latin) priest
<i>porphyrogenite</i>	born in the purple
<i>*reg-s</i>	(Indo-European) king; ruler
<i>rex Britanniae</i>	(Latin) King of Britain
<i>rí</i>	(Celtic) king
<i>rice</i>	(O.E.) kingdom, kingship; sovereignty, rule (Sweets' <i>Anglo-Saxon Primer</i>)
<i>rígdomnai</i>	(Celtic) those of royal blood, eligible for selection as king
<i>rix</i>	(Celtic) kingdom; kings (plural of <i>n</i>)
<i>rixigendum</i>	(O.E.) sovereignty, rule
<i>Romescot</i>	(Latin) payment of a tax of a tenth to Rome; said by William I to be alms, not tribute; the same as Peters-pence (O.E. <i>Rómfeoh</i>).
<i>Rómfeoh</i>	(O.E.) Romescot, or Peter's Pence.
<i>sac</i>	(O.E.) more properly, <i>sacæ</i> , <i>sac</i> and <i>soc</i> used together meant no more than the latter term alone, i.e., jurisdictional rights, or profits of justice.
<i>scot</i>	(O.E.) tax, as in Rome-scot, the tax due to Rome
<i>soc</i>	(O.E.) more properly, <i>socæ</i> , rendered in modern English as <i>soke</i> , or <i>soken</i> , jurisdictional rights over certain persons, or profits of justice in certain places.
<i>tánaise rí</i>	(Celtic) the 'expected or awaited one', who would follow the king
<i>tanistry</i>	a phrase used to refer to the primarily Celtic practice of the appointment of a king's successor during the lifetime of a king
<i>team</i>	(O.E.) vouching to warranty, or the right to collect fees for it on one's own land or elsewhere
<i>ðeode</i>	(O.E.) people; kingdom; nation
<i>*teuta</i>	(Indo-European) primary unit of society; people and territory ruled by a king
<i>toll</i>	(O.E.) toll; dues owed to the king for use of the highways and bridges
<i>tria precepta</i>	(Latin) the three promises of the early coronation oath of the English king
Trinity	the eighth Sunday after Easter
<i>trinoda necessitas</i>	(O.E.) the three necessary duties of freemen: <i>frydwite</i> , <i>burhbote</i> , <i>bricote</i>
<i>tuath</i>	(Celtic) the area under the king's jurisdiction.

<i>vox populi vox Dei</i>	(Latin) the voice of the people is the voice of God
Whitsuntide	Whit Sunday, the seventh Sunday after Easter
<i>wardwite</i>	(O.E.) the fine for neglect of guard duty
<i>wergeld</i>	(O.E.) payment for the killing of a man, the payment of which would avoid the blood-feud
<i>wite</i>	(O.E.) fine, penalty

ILLUSTRATIONS AND TABLES

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THE KINGS: CHRONOLOGICAL TABLE

of England, Britain, the United Kingdom and the Commonwealth

477	Aelle (<i>Bretwalda</i>)	1199	John Lackland
560	Ceawlin (<i>Bretwalda</i>)	1216	Henry III
590	Rædwald (<i>Bretwalda</i>)	1272	Edward I
601	Æthelberht (<i>Bretwalda</i>)	1307	Edward II
616	Edwin (<i>Bretwalda</i>)	1327	Edward III
632	Oswald (<i>Bretwalda</i>)	1377	Richard II
641	Osuiu (<i>Bretwalda</i>)	1299	Henry IV
688	Ine	1413	Henry V
695	Wihtred	1422	Henry VI
716	Æthelbald (<i>Bretwalda</i>)	1461	Edward IV
757	Offa (<i>Bretwalda</i>)	1470	Henry VI
802	Egbert (<i>Bretwalda</i>)	1471	Edward IV
839	Æthelwulf	1483	Edward Plantagenet*
855	Æthelbald	1483	Richard III
860	Æthelberht	1485	Henry VII
866	Æthelred	1509	Henry VIII
871	Alfred the Great	1547	Edward VI
899	Edward the Elder	1553	Lady Jane Grey*
925	Æthelstan (<i>Bretwalda</i>)	1553	Mary I
938	Edmund	1558	Elizabeth I
946	Eadred	1603	James VI and I
955	Eadwig	1625	Charles I
959	Edgar	1649	Charles II
975	Edward the Martyr	1685	James II and VII
978	Æthelræd Unræd	1689	William III and Mary II
1016	Edmund Ironside	1694	William III
1016	Cnut	1702	Anne
1035	Harold I	1714	George I
1042	Harthnacut	1727	George II
1066	Edward the Confessor	1760	George III
1066	Harold II	1820	George IV
1066	William the Conqueror	1830	William IV
1087	William II (Rufus)	1837	Victoria
1100	Henry I	1901	Edward VII
1135	Matilda,* Lady of the English	1910	George V
1135	Stephen	1936	Edward of Windsor*
1154	Henry II	1936	George VI
1189	Richard I (<i>Cœur de Lion</i>)	1952	Elizabeth II

[* indicates Proclamation as king, but no Recognition, Coronation Oath nor Anointing]

Table 1