

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

INDEX

- absolute monarchs, 199, 254
 absolute power, 18, 84, 233, 247, 256–8,
 259, 283
 absolute prerogative, 255–60, 281
 absolute property, 262
 absolutism, 12, 45, 116, 255
 abuses, 10, 14, 23–7, 49, 52–3, 60–2,
 66–7, 94–5, 283–4
 accountability, 29, 71–3, 285
 acts of parliament, 44, 99, 103, 165–8,
 171–4, 243, 270
 administration of justice, 265, 273
 administration of the oath *ex officio*,
see oath *ex officio*.
 Admiralty, 37–9, 271
 adultery, 179–80, 207–8
 Alford, Edward, 56
 Alford, Francis, 53
 Alfred, 121, 125–7
 aliens, 79, 134, 253, 276
 Alkynton, George, 52
 allegiance, 7, 61, 74, 78–88, 134,
 253–4, 263
Allen Ball's Case, 193
 Allen, William, 240, 243–6, 256,
 265, 274
 allies, 24–5, 117, 214, 245
 ancient constitution, 5, 10–12, 115–16,
 264, 285
 ancient constitutionalism, 5,
 10–12, 116
 Anderson, Sir Edmund, 61, 69, 92, 98,
 149, 162, 189, 218
 antiquity, 135, 250
 application, 16, 22, 79, 139, 145,
 160, 211
 apprehensions, 17, 44, 155, 184, 210
Apsley's Case, 239–43
 arbitration, 24, 110, 219
Archer's Case, 33
 Aristotle, 141, 147, 160, 252
 arrest, 37–9, 81, 185, 193–4
Articuli Cleri, 198, 200, 204
 artificial reason, 17, 153–5, 177–8, 284
 Ashley, Sir Francis, 123, 138
 assizes, 31, 104, 133, 150, 223, 227–8,
 247, 266, 277
assumpsit, 30–1, 38
 attachments, 185, 193, 227, 233
Attorney-General v. Nixen et al., 64
 attorney-generals, 9, 14, 21–4, 59–64,
 70–1, 191–4, 203–4, 207, 276–83
 attorneys, 41, 63, 67, 225, 245
 authority, 65–71, 81–5, 93–6,
 175–9, 182–4, 188–99, 260–4,
 266–71, 275–7
 common law's, 93, 116, 127, 139,
 175, 243
 discretionary, 29, 206, 280
 of the monarchy, 1, 61, 89, 135, 260,
 271, 284
 residual, 180–1, 192
 Babington, Sir William, 240
 Bacon, Sir Francis, 22–3, 40, 54–6, 86,
 93, 107, 159, 214, 279–81
 Bacon, Nicholas, 52–4
 Baker, J. H., 28, 34, 187, 242
 balance, 4, 59–60, 209–12
 Bancroft, Richard, 177, 198–200,
 204, 267
 Bar, 9, 20–1, 48, 119, 221–3, 225,
 246, 282
 Barnes, T. G., 20, 23, 37

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

- barons, 189, 235, 269
 barratry, 66–8
 ‘barrettors’, 66–8
 barristers, 22, 68, 163
Bates’s Case, 59, 166, 261
 bench, 86, 89–92, 99, 160, 162, 173,
 268–70, 273, 277
 benchers, 22, 222
 benefit–harm analysis, 100
 Benn, Anthony, 37, 213–14, 231–2
 betrayal, 75–8, 84
Beverly’s Case, 236
Bigge v. Seaman, 228
Bird v. Smith, 135–6, 192
 bishops, 103, 128–9, 176, 189, 198–9,
 208, 265, 281
 bonds, 63, 74, 220–1, 254
Bonham’s Case, 3, 16, 168–74, 279
 Bowring, Julie, 94
 Boyer, Allen, 190
Boyer v. High Commission, 210
Bracton, 61, 141, 161, 249–57, 260–3
Britton, 67, 161
 Brooks, Christopher, 6, 12–13, 34–5,
 41, 181
Brownlow v. Cox and Michil, 280–1
 Brutus, 125–7
Buckhurst’s Case, 218
Bullen v. Godfrey, 165
 Bulstrode, Edward, 176
 Burgess, Glenn, 12, 153, 256
 Burghley, Lord, 22, 52–3, 190
Burton’s Case, 68, 81, 188
 bylaws, 163–71, 174
- Caddor v. Wyn*, 231
 Caesar, Sir Julius, 37, 201, 218
 Callis, Robert, 92–3, 95, 100, 110–13
Calvin’s Case, 126, 253
Candict and Plomer’s Case, 192
 canon law, *see* ecclesiastical law.
capias, 193
 career, 2, 13, 20, 40, 50, 76, 157, 165, 283
 Carew, Sir George, 222, 225
Case of Butter, 164
Case of Commendams, 278–81
Case of Monopolies, 253
Cawdrey’s Case, 184–6, 190–3, 208
- Chamberlaine, Thomas, 223–4
 champerty, 61, 66
 Chancery, 16–17, 24–8, 31, 35–7, 47–9,
 53, 213–48, 250–1, 278–83
 process, 227, 231
Chancey’s Case, 207
 Charles I, 5, 12, 93, 110, 263, 285
Cheekitt’s Case, 207
 Chibborne, Charles, 281
 chief justices, 1–4, 12, 21, 87, 92–3, 169,
 203, 207, 224
Chudleigh’s Case, 33
 Church, 128–30, 133–6, 188,
 198, 206–8
 courts, 118, 127, 130–2, 135–8,
 177–83, 185, 271–2
 Cicero, 151, 154, 160
 Cinque Ports, 269
 citation, 126, 144, 193–4, 249, 257–9
Citizens of Bristol v. Jacob, 70
 civil law, 6, 11, 16, 35, 140, 189, 198
 civil war, 3–5, 254
 civilians, 35, 116–18, 140, 145, 152,
 202–3, 206–8
 clergy, 8, 13, 118, 127–30, 135–6, 186,
 190–2, 195–7, 204–5
 popish, 181–4, 206, 210
 clerks, 37, 42, 52–3, 150, 202–3,
 225, 233
 clients, 42, 183, 195, 217, 222–4, 247, 284
Cobb v. Nore, 235, 239
Cobham’s Case, 80, 84–5
Coke v. Waldegrave, 218
 College of Physicians, 168, 242
Collyn v. Collyn, 218
 command, 84–5, 152, 154, 224, 233,
 254, 258, 279, 281–3
 commissioners, 49, 92–105,
 107–11, 113, 177, 180–4, 191–7,
 219–20, 277–8
 of sewers, 92, 95–9, 102–3, 104–5,
 107, 244, 276
 commissions, 15–16, 48–9, 56,
 92–102, 105–14, 178–85, 187–98,
 205–12, 277–8
 special, 48, 271
 common law courts, 25, 31, 35, 180,
 190, 193–6, 205, 215, 227–9

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

290

INDEX

- common law judges, 38–9, 177–9,
182–5, 188–91, 195–6, 201–10,
214–22, 234–9, 273–5
- common law mind, 12, 285
- common law treason, 77, 80, 84, 86–7
- common lawyers, 5–16, 41–3, 95–6,
114–18, 127–31, 141–4, 179–80,
211–15, 221–4
- Common Pleas, 25–31, 35, 169–70, 202,
204, 209, 228, 234, 239–41
- common rights, 92, 95, 162
- commoners, 95–8, 102, 110, 163
- Commons, House of, 22, 42, 51, 55
- complexity, 37, 47, 69, 143, 162, 231
- composition, 69, 71, 73, 95–8, 102, 110
- concurrent litigation, 224, 228–9
- conferences, 85–6, 153, 193–4, 198–9,
200–1, 203–4, 207, 275, 282
- judicial, 66, 81, 85, 171, 192–3
- confidence, 7–14, 17–18, 114, 175,
178–9, 199, 243–5, 275, 283–4
- and corruption, 91–114
- erosion, 9, 17–18, 60, 94, 107, 114,
234, 248, 265
- conflicts, 16–17, 164–5, 171, 185, 189,
213–14, 222, 231, 238
- confusion, 23, 32, 37–40, 46, 66–8, 86,
132, 158–60, 174
- Connyr v. Kingesmill*, 230
- conquest(s), 116–17, 122–6, 134, 189
- conscience, 76, 89, 104, 136, 149, 185–7,
216, 232–5, 265
- king's, 214, 231–2
- consent, 5, 95–8, 105, 107–9, 163, 165
- conservatism, 13–14, 45, 57, 114, 179
- consideration, 31
- conspiracy, 66–7, 75–8, 88–9
- conspirators, 7, 60, 83, 244–5
- constitution, ancient, 5, 10–12, 115–16,
264, 285
- constitutionalism, 2–4, 10–11
- ancient, 5, 10–12, 116
- construal, 170, 172–4
- contempt, 71, 169–71, 195, 204–6, 210,
223, 230, 241, 258
- contentious persons, 25, 40, 184
- contract, 26–31, 38, 131, 261
- conveyances, 32–3, 148,
157, 218–20
- Cook, Harold, 169
- cooperation, 16, 36, 215–17, 234
- cooperation, limits of, 213–48
- Cooper's Case*, 29
- Cope, Esther, 3
- copyhold, 27–30, 162–4, 173, 217, 221,
228–30
- Coquillet, Daniel, 140
- coram rege*, 232–3, 250, 268
- corruption, 40–1, 45, 48–50, 52, 56,
60–6, 74–7, 87–91, 128–30
- allegations, 52, 245
- and confidence, 91–114
- judicial, 50, 276
- Cosin, Richard, 182
- Council, 25, 92, 98, 104, 108, 189, 194,
198, 208–9
- Council in the Marches, 64, 226, 270
- Counter-Reformation, 60, 118
- Countess of Shrewsbury v. Clifford*
et al., 220
- Court of Requests, 37, 216, 238, 241
- Court of the Verge, 39, 266
- Courtney, Francis*, 239–41, 245–6
- courts-leet, 165, 268
- Coventry, 22
- Cowell, John, 140
- Crewe, Randall, 223, 224, 283
- Crispe v. Virroll*, 269
- Crofts v. Brown*, 88
- Croke, George, 38–9, 240–1
- Croke, Sir John, 138, 186, 221–3, 245
- Cromartie, Alan, 11
- Crown, 12–13, 81–3, 86, 137, 180–4,
253–4, 259–62, 265, 270–1;
see also king; monarchy; prince
- Cullyer v. Cullyer*, 230
- customs, 119–23, 126–30, 161–7, 170–2,
175, 178, 201, 253
- local, 16, 141–2, 162, 174
- reasonable, 162–5
- Daly, James, 8, 264
- Danes, 125–7
- Daniel, Samuel, 119
- Darcy v. Allen*, 256, 265, 274
- Davenant v. Hurdis*, 166–7
- Davies, John, 40, 83, 145, 148, 151,
161–2, 261, 266

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

INDEX

291

- Dawson, J. P., 234
Daymonde v. Greenwood, 164
 De Donis, 32, 47, 124, 172, 174
 'De Iure', 132, 133–7
De Legibus, 151, 154
 de Stonor, Sir John, 142
 Dean, David, 50
 debt, 26, 30–1, 38, 47, 118, 220, 225,
 264, 278
 defamation, 68–70, 88, 163, 181
 delegated power, 250, 269, 273–5
 delegation, 14, 17, 50, 94, 250, 258,
 259–60, 265–9, 275–7
 and moral kingship, 249–77
 system, 250, 263, 275
 deprivation of the clergy, 190–2, 210
 deputation, 71–4, 275–8, 285
Dethick's Case, 193
 discretion, 100–1, 155, 162–5, 173, 178,
 206, 256, 265, 277
 discretionary authority, 29, 206, 280
 discretionary power, 93, 205
 disobedience, 82, 83, 88, 101, 171, 230,
 244, 258
 disposing memory, 147
 distraint, 97, 103
 Dodderidge, Sir John, 32–5, 38, 140,
 147, 153, 160–1, 170, 211, 223
 drainage works, 15, 91–103,
 104–13, 164
 Duckett, Arthur, 65
 Dunwallo Malmucius, 125–7
 duty, 59–60, 79–81, 109–11, 216, 232,
 252–4, 259–64, 266–7, 276–7
 king's, 95, 248, 250, 255, 262
 moral, 177, 269, 284
 subject's, 74, 253
 Dyer, Sir James, 30, 144, 148, 158,
 166, 211

Earl of Oxford's Case, 242
 ecclesiastical courts, 129, 138, 182, 189,
 200, 205–6
 ecclesiastical judges, 43, 137, 187, 200,
 205, 266
 ecclesiastical jurisdiction, 19, 36,
 129–32, 136–7, 177, 180
 ecclesiastical law, 135–7, 177, 181–3,
 188, 192–6, 205, 209

 Edward the Confessor, 119–25
 Edward I, 132
 Edward II, 242, 254
 Edward III, 67–8, 77, 85–7, 236–8
 Edward VI, 77, 178, 201
 Egerton, Sir Thomas, 13–17, 43–5,
 47–9, 54–5, 172–3, 200–3, 212–24,
 231–2, 242–8
 Elizabeth I, 53, 77, 81, 85, 97, 98,
 178–83, 188, 189, 193–6, 206–8
 Elizabethan war-state, 14, 60
 Ellesmere, Lord Chancellor, 173,
 178, 279
 Elton, G. R., 36, 76
 Ely, 91, 92, 93, 94, 97, 100–3, 104–12
 enclosures, 81–2, 87, 92, 103, 109
 encroachments, 113, 127, 183,
 272, 283
 equity, 125, 165, 216–21, 229–32, 236,
 243, 248, 252
 courts, 213–18, 237
 natural, 172, 252
 error, 17, 30, 149–52, 220, 226, 234–9,
 243, 265–8, 273
 writs of, 30, 220, 226, 235, 239, 243
 Essex, Earl of, 59, 78, 84, 258, 260
 Est, William, 152
 estates, 24, 29, 32, 40, 47, 52, 111,
 254, 259
 Exchequer, 16, 35–6, 64, 189, 203, 209,
 216, 235, 243
 excommunication, 86, 132, 133–4,
 193, 209
 execution, 40, 45, 215, 219, 225, 228–31,
 234, 250, 254
 exercise of legal authority/power, 8–9,
 14, 17, 25, 114, 161, 173, 283–4
 expansion, 6, 10, 14–16, 27, 92, 128,
 177–9, 283
 expropriation, 15, 95–7, 105, 109–12
 extortions, 49, 61–5, 66, 167, 274

 fairness, 7, 14
 false imprisonment, 165, 242–4
 fees, 13, 39, 42–5, 48–50, 65,
 203, 231
 fens, 91–114; *see also* drainage works
 finality, 7, 206, 214, 248
 Finch, Heneage, 56, 251, 263

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

292

INDEX

- Finch, Henry, 55–6, 131, 140, 160, 223
Finch v. Throckmorton, 77, 235–6
 fines, 22, 51, 64–5, 99, 199
 Fitzherbert, Anthony, 158, 261
Five Knights' Case, 59–60
 Fleetwood, William, 49, 53–4, 185
 Fleming, Sir Thomas, 93, 102, 169, 201,
 237, 252–3, 269–70
 flooding, 94–103, 107, 113
Floyd v. Barker, 276
 Fortescue, Sir John, 11, 143, 252–3
 fountain of justice, 17, 266–7
 Foxe, John, 15, 118, 128, 187
 France, 23, 261
 fraud, 52, 63, 66, 220, 243
 Fraunce, Abraham, 40, 158–9
 freehold, 29–30, 38–9, 46, 72, 136, 232
 Fulbecke, William, 23, 40, 159
 Fuller, Nicholas, 194
Fuller's Case, 180

Gauntlet v. More, 219
 Gawdy, Sir Francis, 92, 189, 218–20
 Gawdy, Sir Thomas, 21, 92, 165
 Glanvill, Richard, 239–46
 Glover, Robert, 265
 God, 14, 17, 78–80, 131–3, 186, 249–52,
 261–4, 267, 277–8
 law of, 78, 216
 lieutenant of, 253, 267, 276
 good government, 123, 253
Googe and Smith's Case, 242–3
Goswolde v. Deerehaughe, 226
 government, 6–7, 14–15, 60–1, 81–2,
 87–8, 251–4, 260–3, 277–8, 283–5
 good, 123, 253
Grand Remonstrance, 95, 107
 Gray, Charles, 2–4, 28, 116, 153,
 171–2, 181
 great seal, 72, 99, 258
 Greenberg, Janelle, 4, 263
 Greencloth, 71–2
 Greenleaf, W. H., 8, 264
Grobham v. Stone, 247
 gunpowder, making of, 65, 112, 262
 Guy, John, 190

 habeas corpus, 71, 169–70, 187, 193–6,
 207, 210–11, 235, 239–44, 270

 Hakewill, William, 56
 Hale, Sir Matthew, 145
 Halliday, Paul, 2, 8, 12, 251
Hallway v. Pollard, 227
 Hannam, Thomas, 33
 harm, 14, 17–20, 61, 78–9, 99–100, 107,
 112, 273
 Harris, Thomas, 33, 280
 Hatton, Sir Christopher, 230–1, 278
 Hawarde, John, 72
 Hayward, Sir John, 120, 222
Heath v. Ridley, 238
 Hedley, Thomas, 142–3, 261, 276
 Hele, Sir John, 223, 234
 Helgerson, Richard, 140
 Helmholz, Richard, 180
 Henrician statutes, 76, 111, 129, 132–5
 Henry I, 123–6
 Henry III, 123, 202, 254
 Henry IV, 165, 183, 195, 209, 234,
 237–8, 242, 260
 Henry VI, 96, 112
 Henry VII, 209, 255
 Henry VIII, 36, 76, 85, 96, 105, 110–12,
 132–3, 200
 Herbert, Edward, 59
 heresy, 188, 194–6, 201, 207–12
 hermeneutics, 154–6
 Herne, John, 92–3, 95, 110, 111, 113
Hetley's Case, 93, 101, 108
 High Commission, 16, 25, 36, 138,
 177–82, 187–97, 200,
 203–12, 250–1
 and pragmatism, 176–212
 high treason, 74–8, 82
 Hindle, Steve, 37
 historical recovery, 183
 historiography, 4–5, 179–80,
 212–13, 255
Hitcham v. Brooks, 88
 Hobart, Sir Henry, 56, 92, 172, 181, 182,
 204, 207
 Holdsworth, William, 231
 Holinshed, Raphael, 117–20, 124
 Holmes, Clive, 93, 95, 105, 108–9
 home, 164, 193–5
 Hooker, Richard, 37
 Hotman, François, 117
 House of Commons, 22, 42, 51, 55

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

INDEX

293

- House of Lords, 9, 51, 55, 67, 177,
209, 259
Hughes v. Longes, 226
Humfrey v. Humfrey, 234
Hynde's Case, 187
- Ibbetson, D. J., 34, 144
- identity, and narratives of the past,
115–38
- ignorance, 40–1, 47, 56–7, 63, 119–20,
124, 126, 139, 155–6
- immemoriality, 10, 116, 146
- imperialism, jurisdictional, 13, 178
- imprisonment, 93–4, 108, 166–71,
182–4, 187–9, 193–8, 207–12,
239–41, 270–1
false, 165, 242–4
- incest, 25, 207
- incontinency, 209
- inconvenience of reason, 174
- indictments, 77–82, 86–9, 189, 223,
245–6, 271
- inevitable necessity, 100, 105–6
- inferior officers, 45, 61–2,
152
- informers, 14, 48–53, 285
- inheritance, 32, 46–7, 51, 111, 134, 137,
154, 205, 264–5
- injunctions, 2, 16, 214–15, 218–23,
224–35, 236–8, 248, 283
- injuria*, 252, 264
- injuries, 82, 196, 263, 267–8
- injustice, 42–3, 177, 214–16, 230,
235, 239
- innovation, 13–14, 27–32, 43–5, 47, 107,
114, 161, 216, 232
- Inns of Court, 10–12, 21, 63, 145
- Institutes*, 1, 69, 140–4, 157, 207,
256
- institutions, 115, 136, 141, 157
legal, 60, 95
- instruments of oppression, 18, 62,
126, 283
- intent/intention, 75, 79–83, 88, 133,
210, 217
- interests
private, 15, 26, 94–5, 101, 113, 166–7,
274, 281
royal, 59, 251, 280
- interpretation, 68, 85–8, 144, 146–51,
156, 170–2, 178, 183–4, 206–7
judicial, 28, 77, 184
statutory, 68, 177, 203–4
- investors, 15, 92–3, 99, 103, 110
Ipswich Tailors Case, 167
- Ireland, 258
Isle of Ely Case, 92
- James I, 39–46, 69–70, 111–13, 176–81,
198–9, 201–4, 212–16, 245–7,
279–85
- Jenkins, David, 4
Jenoar and Alexander's Case, 238
- Jones, W.J., 2, 217
- judges, 4–17, 26–30, 66–74, 161–81,
187–212, 217–23, 236–42,
273–80, 281–4
ecclesiastical, 43, 137, 187, 200,
205, 266
- judicial conferences, 66, 81, 85,
171, 192–3
- judicial delegation, *see* delegation.
- judicial interpretation, 28, 77, 184
- judicial opinion, 46, 81, 98–100, 168
- judicial powers, 25, 164, 168, 180
- judicial review, 168
- Judson, Margaret, 26
- juries, 31, 115, 119–20, 146, 191, 200–2,
215, 228–30, 245–6
- jurisdictional creep, 43, 128, 188
- jurisdictional imperialism, 13, 178
- jurisprudence, 6–7, 13, 16–17, 89–93,
139, 273, 277, 283, 285
- jus*, 252, 264
- justice, 40–6, 59–64, 69–70, 81–2,
211–16, 231–3, 249–58,
260–9, 272–6
fountain of, 266–7
- justices of the peace, 22, 63–5, 115, 275
- Keighley's Case*, 99–100
- Kelo v. New London*, 109
- Kent, 62, 63, 121
- king, 15–17, 38–46, 75–81, 83–9,
122–38, 176–8, 199–205, 232–6,
244–83; *see also* monarchy;
prince; *individual monarch names*
- Kinge v. Ryden*, 229

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

294

INDEX

- kings
 conscience, 214, 231–2
 duty, 95, 248, 250, 255, 262
 King's Bench, 17, 21, 26–31, 34–6, 215,
 232–4, 243–4, 250, 268–71
 king's justice, 138, 214, 260
 kingship
 moral, *see* moral kingship.
 Klein, William, 116
 Knafla, Louis, 19–20, 43, 62, 139, 158,
 231, 237
 knowledge, 7, 11, 16, 72, 150, 154, 242

Lady Throgmorton's Case, 210
 Lake, Peter, 207
 Lambarde, William, 67, 121
 land, 29–32, 38–40, 46–7, 94–103,
 106–12, 133–4, 163, 217–18, 261–2
 land law, 31–4
 landowners, 95, 102, 105
 language, 5–6, 67, 73, 82, 95, 109–12,
 119, 135, 158
 Latin, 35, 125, 149, 215, 228, 280
latitats, 26, 45, 50
 law of nature, 252–3
 law officers, 6–7, 13, 81, 277
 law reform, 46, 50–6, 60, 116, 278
 lawyers, 9–10, 19–22, 35, 38–45, 54–7,
 158–60, 221–3, 245–7, 281–4
 laymen, 49, 120, 128, 136, 147, 164, 179,
 195, 279
Leas' Case, 241
Lee's Case, 197, 211
 legal authority/power, exercise of, 8–9,
 14, 17, 25, 114, 161, 173, 283–4
 legal process, 23–4, 50, 63, 89, 98, 108,
 245, 263
 legal reason, 57, 155
 legal system, 6–10, 13–19, 23, 36, 40,
 44, 58, 277, 282–3
Leighe v. Gattacre, 221
 lese-majesty, 84
 letters patent, 179–82, 195, 209, 258
 liberties, 4–6, 13, 27, 40, 91, 197–8,
 240–1, 257, 269
 licences, 106, 169–71
 lieutenant of God, 253, 267, 276
 Lindquist, Eric, 70

 litigation, 2–6, 24, 28, 35, 46–7, 119–20,
 214–15, 218–22, 229–31
 concurrent, 224, 228–9
 vexatious, 6, 15, 19, 25, 46,
 49–50, 68–9
 Littleton, Sir Thomas, 28, 68, 144,
 152, 157
 Lloyd, Charles, 64
 local customs, 16, 141–2, 162, 174
 lord chancellor, 61, 217, 245
Lord Cromwell's Case, 21
 Lords, House of, 9, 51, 55, 67, 177,
 209, 259
Lovet v. Faulkner, 88
 loyalty, 7, 75, 88, 253–4
Lyte v. Eyres, 228

 Magna Carta, 26, 72, 123, 138, 165,
 193, 200
 maintenance, 61, 66–7, 96, 251
 majesty, 61
 malice, 39, 52, 62, 101
 malpractice, 169–71
Manby v. Warrison, 221
 manipulation, 7, 16, 50, 62, 245
 Manning, Bayless, 6
 manor courts, 25–8, 35
 Manwood, Roger, 185
 marriage, 20, 131, 285
 Marshalsea, 35–40, 92
 Martia Proba, 125
 Martyn, William, 119–22
 Mary I, Queen of England, 77, 169, 184
 master of the rolls, 49, 222–3
 masters of chancery, 221, 233
 matrimony, 131, 135, 189, 196–7;
see also marriage
 maxims, 54, 60, 143, 157–60, 163, 236,
 243, 259, 263–7
 medicine, 168–9
 medieval law, 26–7, 126
 medieval precedents, 36, 234, 242
 meditation, 153
 memory, 16, 139, 145–54, 161
 disposing, 147
 legal, 145, 152, 156
 oral, 146–7
 practitioner's, 147, 156

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

INDEX

295

- written, 144, 146–8
 Middlesex, 22, 26, 245
 misuse of the law, 9, 59–90, 264–5, 276
Mitchell's Case, 240
modus decimandi, 201, 204
 monarch, 5–9, 14–18, 60–1, 80–1,
 116–18, 125–7, 131, 137, 140;
see also king; monarchy; prince
 monarchy, 1, 7, 18, 256, 280
 money, 64–9, 71–3, 102, 167, 202, 220,
 235, 277
 monopolies, 7, 165–7, 169, 224, 274–5
 Monson, Robert, 32
 Montagu, Sir Henry, 223–4, 279
 Moore, Francis, 167, 214, 215, 223, 224,
 228, 246
 moral duty, 177, 269, 284
 moral kingship, 78
 and delegation, 249–77
 moral obligations, 8–9, 265, 275
 More, Sir Thomas, 216
 Morgan, Sir Richard, 143
 Morice, James, 186–7, 191
 Munson, Sir John, 110
Murray v. Anonymous, 138
- narratives of the past, and identity,
 115–38
 natural equity, 172, 252
 natural reason, 154–6
 nature, law of, 252–3
 necessity, 16–18, 77–8, 94, 106–7,
 112–13, 138, 149, 209, 269
 inevitable, 100, 105–6
 public, 109, 112
 non-residence, 207
 Norfolk, 20, 22, 64, 89, 189
 Normans, 119–23
 Norwich, 22, 150
 notebooks, 80, 123, 152, 236,
 256–8, 263
 novelties, 45, 47, 279
 Noy, William, 56, 140
Nurse v. Abdy, 221
- oath, 64, 88, 123, 185–9, 193–7,
 210–11, 281
 oath ex officio, 182, 185–9, 197–8,
 205, 207
 obedience, 14, 78–9, 84, 253–5
 obligations, 8, 61–3, 100, 111, 152, 217,
 239, 253, 283
 moral, 8–9, 265, 275
 officers, 39, 61–5, 70, 73–4, 164, 244–6,
 267–70, 273–4, 277
 inferior, 45, 61–2, 152
 law, 6–7, 13, 81, 277
 oppression, 39, 62, 69, 112, 167,
 273, 284
 instruments of, 18, 62, 126, 283
 oral memory, 146–7
 orality, 145, 150
 ordinaries, 192, 206
 ordinary powers, 262
 Owen, Sir Roger, 86–7, 118, 123, 131
 owners, 64–6, 100, 102, 107, 144, 274
- paradox, *Bracton's*, 249–50
 parliament, 43–4, 49–52, 54–6, 70–2,
 105–9, 124–5, 168, 172, 253–6
 acts of, 44, 99, 103, 165–8, 171–4,
 243, 270
 parliamentarians, 5, 50, 103
 parliamentary sovereignty, 105
Parson Munfeld's Case, 192, 197
 Parsons, Robert, 58, 117, 134–5
 partiality, 15, 63, 114, 246
 patentees, 7, 14, 17, 29, 52, 61, 65, 273–4
 patents, 39–40, 65, 71, 168–70, 182–4,
 194, 258, 267, 273–4
 peace and safety of the realm, 126
Peacham's Case, 87, 280
Pells v. Browne, 34
 penal laws/statutes, 24, 49–56, 61, 69,
 73, 211, 275–6
 penalties, 51, 63, 169, 180, 186, 187,
 221, 275
 spiritual, 179
 statutory, 170, 187
 temporal, 186, 196, 210
 pensions, 196, 201
 perfection of reason, 153–5
 perjury, 61, 179, 185–6
 perpetuities, 32–3, 43, 217, 283
 personal actions, 29, 46

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

296

INDEX

- petitions, 39, 52, 87, 177, 199, 215, 234, 244, 254
- Phelips, Sir Edward, 222–3
- pillory, 65, 72, 80
- Pine's Case*, 89
- Plowden, Edmund, 21, 122, 144–6, 150
- Pocock, J.G.A., 3, 10–12, 115
- poisoned jar, 149
- pope, 78, 86–7, 128–34, 177, 182, 200
- popery, 16–18, 117–18, 128–9, 132, 186–7, 195
- Popham, Sir John, 30–4, 81–3, 92–3, 98–102, 107–8, 166, 183–5, 195–7, 267–70
- popish clergy, 181–4, 206, 210
- popish usurpation, 127–30, 133, 186
- Port, Sir John, 152
- Portington's Case*, 34
- possession, 46, 56, 84, 197, 220, 228–31
- Powell, Thomas, 140
- power(s), 8–11, 83–4, 90–8, 133–8, 192–8, 204–12, 250–2, 259–69, 274–7
- absolute, 18, 84, 233, 247, 256–8, 259, 283
- delegated, 250, 269, 273–5
- discretionary, 93, 205
- judicial, 25, 164, 168, 180
- ordinary, 262
- public, 94, 101, 274
- quasi-judicial, 50, 168
- royal, 5–14, 17, 58, 60, 137–8, 249–51, 255, 263–4, 266–7
- sovereign, 26, 81, 87, 90
- taxing, 93, 97, 110
- practitioners, 16, 20, 36, 41, 139, 144, 147, 153–61, 221
- unlicensed, 169–71
- praemunire, 19, 134, 137, 215, 222, 234–7, 243–7, 266, 271–3
- pragmatism, 176–212
- pre-eminence of the common law, 138, 248
- precedence, 233–4
- precedents, 68, 81, 83–6, 89–93, 195–7, 202–3, 208, 234–5, 240
- medieval, 36, 234, 242
- prerogative capture, 8, 251
- prerogative courts, 35, 268, 285
- prerogative(s), 4–8, 60, 72–3, 112, 190, 255–7, 264, 283, 285
- absolute, 255–60, 281
- royal, 10–12, 17, 38, 72–3, 95, 99, 177–81, 281–2
- prescriptions, 99–100, 161, 167, 273
- preservation, 96, 108, 112–13, 115, 125, 133, 250–4, 260–3, 274
- Prest, Wilfrid, 20, 41
- Prickett, Robert, 150
- prince, 8–9, 74, 79–80, 83–5, 135–7, 252, 257–60, 263, 274–6; *see also* Crown; king; monarch
- principles, 13, 57, 60, 143–4, 157, 160, 163, 167, 172–3
- prisoners, 81, 207, 211, 240–1, 244, 271
- private individuals/persons, 7–9, 88, 98, 113, 285
- private interests, 15, 26, 94–5, 101, 113, 166–7, 274, 281
- private lands, 103, 106, 112
- private property, 111–13
- privilege, 233, 255–7, 280
- Privy Council, 93–4, 98–9, 104, 107–8, 197, 201, 208–9, 231, 234
- procedural law, 36
- process, 28–30, 129, 147–55, 162, 214–15, 227, 248, 263, 266
- Chancery, 227, 231
- proclamations, 3, 70, 274
- profession, 41, 49, 113, 118–19, 124, 140, 145, 152–8, 212–15
- prohibition, writs of, 2, 138
- projectors, 91–2, 94–9, 108–9
- proof, 75–9, 85–8, 146, 167, 229
- property, 22, 26–8, 31–3, 70, 72, 74, 112–13, 245, 260–2
- absolute, 262
- private, 111–13
- real, 140, 262
- rights, 114, 260–2
- security of, 6, 32–4, 46, 73, 95, 260–1
- prosecutions, 59, 64, 70, 72, 76, 88, 98, 169, 187
- treason, 8, 14, 74, 79, 87–9, 134
- public law, 14, 60, 70, 232
- public necessity, 109, 112

- public power, 94, 101, 274
 public utility, 111–12
 Pulton, Ferdinando, 53
 punishment, 65, 68, 83, 101, 171
 purveyance, 69–74, 172
- quasi-judicial powers, 50, 168
 queen, 14–17, 59, 62, 78–83, 180–4,
 190–2, 254–9, 266–70, 274–5;
see also king; monarch; prince;
names of individual monarchs
 Queen's Bench, 191, 220, 230, 269–70;
see also King's Bench
- R. v. Bishop of Bristol*, 208
R. v. Owen, 86
 Raleigh, Sir Walter, 59, 77, 80
 Ramus, Peter, 158
 rationality, 12, 127, 141–2, 173–4, 250
 real property, 140, 262
 reason
 artificial, 17, 153–5, 177–8, 284
 discourse of, 161
 inconvenience of, 174
 law of, 141, 156, 160, 175, 216, 250
 law's, 138–9, 143, 155
 legal, 57, 153–5
 natural, 154–6
 and reform, 139–75
 reason of state, 60, 77
 reasonable customs, 162–5
 reasonableness, 29, 142, 162, 170, 174
 rebellion, 82, 84, 88, 258
 recognizances, 63, 236
 recovery, 28–30, 47, 97, 128, 152–6
 common, 32, 237
 historical, 183
 specific, 28
 redress, 27, 61, 70, 87, 94, 232, 254
 reform, 1, 9–10, 13–20, 25–6, 44,
 48–55, 58, 268–9, 282–4
 common law as instrument of,
 58, 178
 law, 46, 50–6, 60, 116, 278
 and limits of cooperation, 213–48
 and reason, 139–75
 religious, 7, 178, 190
 by statute, 50
 reformation of the laws
 and uncertainty, 19–58
 reformers, 14, 37–41, 53, 279
 Reid, Charles, 47
 religion, 83, 131, 184, 188, 197
 religious reform, 7, 178, 190
 religious settlement, 18, 36, 127, 132,
 179, 211, 284
 remembrance, 79, 128, 146–8
 rents, 228, 235–6
 repair, 96–7, 99–100, 105, 163–4
 reporters, 44, 148–51, 242
 reputation, 22, 59, 61, 71, 130,
 173–4, 282
 residual authority, 180–1, 192
 resistance, 11–12, 36, 76, 102–5, 131,
 134, 138
 responsibility, 22, 43, 59, 108, 112, 152,
 248, 250–2, 260–2
 revenge, 64, 244
 review, 49, 53–5, 170, 173, 194–5,
 269–70, 273–4, 279, 283–4
 judicial, 168
 Reynolds, Susan, 109
 Richard II, 84, 254
 Ridley, Thomas, 37, 137, 238, 272
 right institution of the law, 47, 124
 right rule, 148, 155–7
 rights, 4–5, 13, 59–60, 61, 96–7, 107,
 260–2, 283, 285
 property, 114, 260–2
 riots, 52, 67, 80–2, 108, 191
 rivers, 91, 96, 104, 202
 Roberts, Clayton, 263
 Roberts, Thomas, 24
Rolls v. Mason, 173–4
 Roman law, 61, 141
Rooke's Case, 99–101
Roper's Case, 196
 Ross, Richard, 145
Rowswell v. Cotteford, 230
 royal interests, 59, 251, 280
 royal power, 5–14, 17, 58, 60, 137–8,
 249–51, 255, 263–4, 266–7
 royal prerogative, 10–12, 17, 38, 72–3,
 95, 99, 177–81, 281–2
 royal supremacy, 131–3
Royman v. Royman, 228

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

298

INDEX

- Russell, Conrad, 129
Russel's Case, 235
Ruswell's Case, 60, 239–43
- St Edward, *see* Edward the Confessor.
 St German, Christopher, 143, 161, 234
 Salisbury, Earl of, 55, 181, 207, 285
 Saltern, George, 118, 121–3
 saltpetre, 65, 112, 262, 273
 Sandys, Sir Edwin, 56, 103, 276
 Sandys, Sir Miles, 103
Savage v. Day, 172
 scandal, 55, 205, 276
 schism, 196, 201, 207–9
Scholastica's Case, 33
 sectaries, 133, 184, 211
 security of property, 6, 32–4, 46, 73,
 95, 260–1
 Selden, John, 121
 self-government, 9, 277
 self-incrimination, 185
 self-interest, 2–4, 9, 42, 113, 203
 sentences, 148, 152, 191–3, 205
 serjeants, 6, 33, 223–4, 233
 sermons, 87, 191
 servants, 24, 66, 83, 149, 235, 245–6
 settlements, 22, 31–4, 178–9, 188, 230
 sewers, 15, 92, 95–6, 100–3, 105–6,
 107, 113
 commissioners/commissions of, 92,
 95–9, 102–3, 104–5, 107, 244, 276
Shelley's Case, 22, 146
 sheriffs, 25, 51, 67, 104, 233, 266, 275
 ship money, 4, 59
 Shuttleworth, Sir Richard, 162
 Sigebert, 125–7
 simony, 207, 210
 Simpson, A.W.B., 28
Simpson, John, 193
Slade's Case, 31
 Smith, Sir Thomas, 257
Smith v. Crawshaw et al., 88
 Snagg, Robert, 266
Snope v. Scott, 227
 Sommerville, J.P., 12, 116
 soul, 136, 149, 155, 186, 264
 sovereign power, 26, 81, 87, 90
 sovereignty, 14, 61, 82–4, 249, 272
 parliamentary, 105
 Spain, 50, 54, 60, 74, 78
 special commissions, 48, 271
 specific recovery, 28
 Speed, John, 119
 Spelman, Sir Henry, 20
 spiritual courts, 118, 128–31, 137–8,
 181, 188–9, 272
 spiritual penalties, 179
 springing uses, 33
Spurlinge v. Pigalt, 220
 Star Chamber, 14, 27, 36–7, 49, 60–3,
 70–3, 80, 191–4, 247
 Statute in Restraint of Appeals, 129
 statute law, 46, 55, 99, 173–4, 187
 Statute of Conspiracy, 67
 Statute of Fines, 22, 51
 Statute of Supremacy, 191, 205,
 208, 209
 Statute of Uniformity, 191–2
 Statute of Uses, 22, 31–3, 115, 125
 Statute of Wills, 31, 239, 243
 statutes, 50–5, 74–7, 85–7, 94–8, 110–13,
 165–83, 193–6, 200–2, 234–8
 creation of, 51, 124
 statutory authority, 86, 191, 196
 statutory interpretation, 68, 177, 203–4
 statutory penalties, 170, 187
 Stoebuck, W.E., 105
 Stoke, 72, 220
Stoke's Case, 193
 subversion, 46, 86, 236, 248, 252, 264
 sufferance, 130–2, 136–8, 177
 Suffolk, 22
summa ratio, 153–6
supersedeas, 214, 224, 233
 supremacy, royal, 131–3
 systematization, 36, 140
- Tanfield, Sir Lawrence, 30, 163, 223
 tax, 92, 96, 99–104, 110, 285
 taxing powers, 93, 97, 110
Taylor's Case, 196
 temporal jurisdiction, 128–38, 178,
 185, 187, 197–8, 201
 temporal penalties, 186, 196, 210
 tenants, 25, 27–8, 84, 162, 200, 260
Thompson v. Woodward, 220

Cambridge University Press

978-1-107-06929-9 - Sir Edward Coke and the Reformation of the Laws: Religion,
Politics and Jurisprudence, 1578–1616

David Chan Smith

Index

[More information](#)

INDEX

299

- Thorsebye, Henry, 222
Throckmorton, *see* *Finch v. Throckmorton*.
time beyond memory, *see* time immemorial.
time immemorial, 5, 165–6
tithes, 43, 131, 164, 178, 201, 208
titles, 29, 43, 127, 217–18, 229, 265
Tourneur, Timothy, 4, 213, 243, 251
towns, 91, 99–105, 164–6, 172
treason, 6, 14, 61, 74–88, 132, 137, 255, 280
 common law, 77, 80, 84, 86–7
 expansion of, 75, 80
 high, 74–8, 82
 prosecutions, 8, 14, 74, 79, 87–9, 134
treasonous heart, 75, 85
treasonous words, 76, 87–8
trespass, 24–30, 46, 164, 170, 191–2
 common law development, 38–9
trust, 7, 275–9
Tubbs, J. W., 141–3, 154, 163
Tyler, Philip, 180
Tyndale, William, 15, 118, 128–30, 132, 186
Tyndall, Sir John, 222, 246
uncertainty, 6, 10, 14, 31–2, 45–6, 51, 54–7, 142–4, 283–4
 of common law, 57, 139, 161
 and reformation of the laws, 19–58
undertakers, 91–4, 97, 102–3, 104, 111
Union project, 44, 50, 118, 279
unlicensed practitioners, 169–71
upbringing, 17, 20
uses, 22, 31–3, 46–7, 67, 216
 springing, 33
 Statute of Uses, 22, 31–3, 115, 125
Usher, R. G., 176, 179–80, 190
usurpation, 8, 17, 118, 128–9, 133–5, 177–8, 183, 190, 251
 popish/clerical, 127–30, 133, 186
Vergil, Polydore, 117–19
vexation, 32, 46, 49, 119, 225–8
vexatious litigation, 6, 15, 19, 25, 46, 49–50, 68–9
Walker v. Harris, 157
Walmesley, Sir Thomas, 82, 100, 162–3, 207
war, 7, 50, 54, 60, 65, 79–82, 90, 255–8, 262
 civil, 3–5, 254
 levying of, 75, 80–3
war-state, Elizabethan, 14, 60
Warburton, Sir Peter, 220–1, 283
Warre, Thomas, 37, 40
Warrington's Case, 197
wastes, 97, 111
Watkins v. Farley, 221
Watts v. Braynes, 269
West v. Mounson, 220
White, A.B., 9
White, Stephen, 4–7, 50
Whitelocke, James, 24, 251, 260
Whitgift, John, 21, 184, 189, 198
William I, 115–26
Williams, Ian, 61, 171
Williams, Sir David, 24, 212, 220
Wilson, Thomas, 41
Winbe v. Mordant, 227
Wisbech, 102
Wistowe v. Philippe, 227
Wolsey, Cardinal, 6, 217
Wolveridge, Sir James, 222
Woolton, Dr John, 205
Wray, Sir Christopher, 69, 166, 188–9, 191
Wright's Case, 238
writs, 26, 51, 61–4, 202, 210–15, 224–5, 241–2, 272, 280
 of error, 30, 220, 226, 235, 239, 243
 of prohibition, 2, 138
 of *supersedeas*, 214, 224, 233
written memory, 144, 146–8
Wyndham, Francis, 189, 220
Year Books, 67, 144, 163, 240, 260, 273
Yelverton, Christopher, 83–4, 233, 271
Zouche, Richard, 37