

# Foundations of English Administrative Law

*Certiorari and Mandamus in  
the Seventeenth Century*

Edith G. Henderson



Harvard University Press

# Foundations Of English Administrative Law Certiorari And Mandamus In The Seventeenth Century

**Denis Galligan**



## **Foundations Of English Administrative Law Certiorari And Mandamus In The Seventeenth Century:**

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*Foundations of English Administrative Law* Edith G. Henderson, 1963-01-01 *The British and Their Laws in the Eighteenth Century* David Lemmings, 2005 New analysis and interpretation of law and legal institutions in the long eighteenth century Law and legal institutions were of huge importance in the governance of Georgian society legislation expanded the province of administrative authority out of all proportion while the reach of the common law and its communal traditions of governance diminished at least outside British North America But what did the rule of law mean to eighteenth century people and how did it connect with changing experiences of law in all their bewildering complexity This question has received much recent critical attention but despite widespread agreement about Law s significance as a key to unlock so much which was central to contemporary life as a whole previous scholarship has only offered a fragmented picture of the Laws in their social meanings and actions Through a broader brush approach *The British and their Laws in the Eighteenth Century* contributes fresh analyses of law in England and British settler colonies c 1680 1830 its expert contributors consider among other matters the issues of participation central local relations and the maintenance of common law traditions in the context of increasing legislative interventions and grants of statutory administrative powers Contributors SIMON DEVEREAUX MICHAEL LOBBAN DOUGLAS HAY JOANNA INNES WILFRED PREST C W BROOKS RANDALL MCGOWEN DAVID THOMAS KONIG BRUCE KERCHER **Foundations of English Administrative Law** ,1963 *Dismembering the Body Politic* Paul D. Halliday, 2003-11-13 This is a major survey of how towns were governed in late Stuart and early Hanoverian England A new kind of politics emerged out of England s Civil War partisan politics This happened first in the corporations governing the towns and not at Parliament as is usually argued Based on an examination of the records of scores of corporations this book explains how war unleashed a cycle of purge and counter purge which continued for decades It also explains how a society that feared a system of politics based on division found the means to absorb it peacefully As conflict sharpened in communities everywhere local competitors turned to the court of King s Bench to resolve their differences In doing so they prompted the court to develop a new body of law that protected local governments from the divisive impulses within them *Administrative Law in a Changing State* Linda Pearson, Carol Harlow Harlow KC, Michael Taggart, 2008-11-24 This book of essays celebrates Mark Aronson s contribution to administrative law As joint author of the leading Australian text on judicial review of administrative action Aronson s work is well known to public lawyers throughout the common law world and this is reflected in the list of contributors from the US Canada Australia New Zealand and the UK The introduction comes from Justice Michael Kirby of the High Court of Australia The essays reflect Aronson s interests in judicial review non judicial grievance mechanisms problems of proof and evidence and the boundaries of public and private

law Amongst the contributors Peter Cane Elizabeth Fisher and Linda Pearson write on administrative adjudication and decision making Anita Stuhmcke writes on Ombudsmen and Robin Creyke and John McMillan the Commonwealth Ombudsman write on charters codes and soft law There are evaluations of the profound influence of human rights law on judicial review from the UK by Sir Jack Beatson and Thomas Poole and from Canada by David Mullan Matthew Groves and Chief Justice James Spigelman address developing themes in judicial review while Carol Harlow Richard Rawlings Michael Taggart and Janet McLean follow Aronson s interests into the private side of public law An American perspective is added by Alfred Aman and Jack Beermann      Constitutions and the Classics Denis Galligan,2014-12-11 The period from the fifteenth century to the late eighteenth century was one of critical importance to British constitutionalism Although the seeds were sown in earlier eras it was at this point that the constitution was transformed to a system of representative parliamentary government Changes at the practical level of the constitution were accompanied by a wealth of ideas on constitutions written from different and often competing perspectives Hobbes and Locke Harrington Hume and Bentham Coke the Levellers and Blackstone were all engaged in the constitutional affairs of the day and their writings influenced the direction and outcome of constitutional thought and development They treated themes of a universal and timeless character and as such have established themselves of lasting interest and importance in the history of constitutional thought Examining their works we can follow the shaping of contemporary ideas of constitutions and the design of constitutional texts At the same time major constitutional change and upheaval were taking place in America and France This was an era of intense discussion examination and constitution making The new nation of the United States looked to authors such as Locke Hume Harrington and Sydney for guidance in their search for a new republicanism adding to the development of constitutional thought and practice This collection includes chapters examining the influences of Madison Hamilton Jefferson and Adams In France the influence of Rousseau was apparent in the revolutionary constitution and Sieyes was an active participant in its discussion and design Montesquieu and de Maistre reflected on the nature of constitutions and constitutional government and these French writers drew on engaged with and challenged the British and American writers The essays in this volume reveal a previously unexplored dynamic relationship between the authors of the three nations explaining the intimate connection between ruler and ruled      *The Province of Administrative Law* Michael Taggart,1997-06-19 This book draws upon the experiences of several jurisdictions to analyse the scope development and future of administrative law      **Restoration England 1660-1689** William Lewis Sachse,1971-07-02      State Formation in Early Modern England, C.1550-1700 Michael J. Braddick,2000-12-07 This book examines the development of the English state during the long seventeenth century emphasising the impersonal forces which shape the uses of political power rather than the purposeful actions of individuals or groups It is a study of state formation rather than of state building The author s approach does not however rule out the possibility of discerning patterns in the development of the state and a coherent account emerges which offers some

alternative answers to relatively well established questions In particular it is argued that the development of the state in this period was shaped in important ways by social interests particularly those of class gender and age It is also argued that this period saw significant changes in the form and functioning of the state which were in some sense modernising The book therefore offers a narrative of the development of the state in the aftermath of revisionism **Judicial Review of**

**Administrative Action Across the Common Law World** Swati Jhaveri, Michael Ramsden, 2021-03-18 Research on comparative administrative law in contrast to comparative constitutional law remains largely underdeveloped This book plugs that gap It considers how a wide range of common law systems have received and adapted English common law to the needs of their own socio political context Readers will be given complex insights into a wide range of common law systems of administrative law which they may not otherwise have access to given how difficult it would be to research all of the systems covered in the volume single handedly The book covers Scotland Ireland the USA Canada Israel South Africa Kenya Malaysia Singapore Hong Kong SAR India Bangladesh Australia and New Zealand Comparative public lawyers will have a much greater range of common law models of administrative law either to pursue conversations about their own common law system or to sophisticate their comparison of their system civil law or otherwise with common law systems Inferior

Politics Joanna Innes, 2009-10-08 Inferior Politics explores how social policy was created in Britain in a period when central government was not active in making it Despite the lack of consensus there was a lively and inclusive politics of social policy making in which inferior officers of government what we might call local authorities figured prominently **Urban**

**Government and the Early Stuart State** Catherine F. Patterson, 2022 Examines relations between centre and localities in seventeenth century England by looking at early Stuart government through the lens of provincial towns This book investigates relations between centre and localities in seventeenth century England by looking at early Stuart government through the lens of provincial towns Focusing particularly on incorporated boroughs it emphasises the distinctive circumstances that shaped governance in provincial towns and the ways towns contributed to the state Royal charters of incorporation legally defined patterns of self government and local liberties in corporate boroughs but they also created a powerful bond to the crown The book argues that a dynamic tension between local autonomy and connection to the centre drove relations between towns and the crown in this period as borough governments actively sought strong ties with central authority while also attempting to preserve their chartered liberties It also argues that the 1620s and 1630s ushered in new patterns in the crown's relations with incorporated boroughs as Charles I's regime hardened policies towards urban localities Based on extensive original research in both central government records and the archives of a wide range of provincial towns the book covers critical aspects of interaction between towns and the crown including incorporation and charters governance and political order social regulation trade financial and military exactions and religion *The Rule of Laws* Fernanda Pirie, 2021-11-09 From ancient Mesopotamia to today the epic story of how humans have used laws to forge civilizations

Rulers throughout history have used laws to impose order But laws were not simply instruments of power and social control They also offered ordinary people a way to express their diverse visions for a better world In *The Rule of Laws* Oxford scholar Fernanda Pirie traces the rise and fall of the sophisticated legal systems underpinning ancient empires and religious traditions while also showing how common people tribal assemblies merchants farmers called on laws to define their communities regulate trade and build civilizations Although legal principles originating in Western Europe now seem to dominate the globe the variety of the world's laws has long been almost as great as the variety of its societies What truly unites human beings Pirie argues is our very faith that laws can produce justice combat oppression and create order from chaos

**Sir Edward Coke and "The Grievances of the Commonwealth," 1621-1628** Stephen D. White, 2017-10-10 A UNC Press Enduring Edition UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print These editions are published unaltered from the original and are presented in affordable paperback formats bringing readers both historical and cultural value

*The Anatomy of Administrative Law* Joanna Bell, 2020-05-28 Winner of the 2022 Inner Temple New Authors Book Prize This book seeks to further our understanding of the nature of administrative law doctrine and adjudication It has three main aims The first is to improve understanding of administrative law's anatomy by pulling the subject apart and exploring the nature of the legal structures at play in adjudication In doing so the book emphasises three main ways in which administrative law's anatomy is both complex and diverse namely administrative law doctrine interacts with a broad array of legislative frameworks administrative law adjudication seeks to accommodate a variety of legal values and administrative law is concerned with legal relationships of different kinds The second aim is to illustrate the importance of recognising the complexity and variety of administrative law's anatomy in three particular doctrinal contexts procedural review legitimate expectations and standing The third and final aim is to raise an important but under explored question is it plausible and useful to attempt to make sense of administrative law doctrine by reference to a singular organising concept or principle The overarching message of the book is one of cynicism The complexity and variety of administrative law's legal structures probably means that attempts to explain the field monistically while they may capture important themes will be unhelpfully reductionist Ambitious and thought provoking this is an important new statement on administrative law

*The Oxford Handbook of Comparative Administrative Law* Peter Cane, Herwig Hofmann, Eric C. Ip, Eric Chi Yeung Ip, Peter L. Lindseth, 2021 In this Handbook distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective The book covers the historical beginnings of comparative administrative law scholarship and discusses important methodological issues and basic concepts such as administrative power and accountability

**Human Rights and Judicial Review in Australia and Canada** Janina Boughey, 2017-06-15 It is commonly asserted that bills of rights have had a righting effect on the principles of judicial review of administrative action and have been a key driver of the modern expansion in judicial

oversight of the executive arm of government A number of commentators have pointed to Australian administrative law as evidence for this righting hypothesis They have suggested that the fact that Australia is an outlier among common law jurisdictions in having neither a statutory nor a constitutional framework to expressly protect human rights explains why Australia alone continues to take an apparently formalist legalist and conservative approach to administrative law Other commentators and judges including a number in Canada have argued the opposite that bills of rights have the effect of stifling the development of the common law However for the most part all these claims remain just that there has been limited detailed analysis of the issue and no detailed comparative analysis of the veracity of the claims This book analyses in detail the interaction between administrative and human rights law in Australia and Canada arguing that both jurisdictions have reached remarkably similar positions regarding the balance between judicial and executive power and between broader fundamental principles including the rule of law parliamentary sovereignty and the separation of powers It will provide valuable reading for all those researching judicial review and human rights

*Hochon's Arrow* Paul Strohm, 2014-07-14 The paradox of the lie that might as well be true writes Paul Strohm must interest anyone who seeks to understand texts in history or the historical influence of texts In these seven essays all recent and most published here for the first time the author examines historical and literary texts from fourteenth century England He not only demonstrates the fictionality of narrative and documentary sources but also argues that these fictions are themselves fully historical Together the essays institute a dialogue between texts and events that restores historical documents and literary works to their larger environments Strohm begins by inspecting legal records that accuse Hochon of Liverpool in 1384 of threatening to shoot an arrow at a political adversary urinating against a wall and shows how the text embodies and interconnects language social space and historical interpretation itself Throughout his analyses which cover such topics as Chaucer's verses on the accession of Henry IV Froissart's account of Queen Philippa interceding for the burghers of Calais and Thomas Usk's accusations against John Northampton Strohm alerts us to the distortions of textuality itself while challenging our notions of invented and true Originally published in 1992 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

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