

Constitutional development in England in the 17th century

summary

This thesis deals with an important period in English constitutional history. It focuses on the position of English kings and their dispute with English parliament over decisive power in the state. It attempts to describe the main changes in position of the English king and considers significance of the 17th century especially for the later development of parliamentary form of English government.

The thesis is divided into four main chapters. First chapter describes the system of English law including common law, case law or law of equity and important royal prerogatives of the king for example the right to summon or dissolve parliament, to appoint judges of common law courts and royal councillors and also events of previous century, specially establishing the Church of England when house of Tudor ruled in England. Furthermore it briefly follows the historical development of parliament and its powers.

Next chapters are divided according to the traditional periods of the century to years 1600-1640, 1640-1660 and 1660-1700. Individual subchapters concentrate on reign of each Stuart king. Chief attention is given to the dramatic reign of Charles I. in relation to the English civil war and execution of the king.

Dispute between English kings and parliament is in the first place examined in the view of financial situation, reform of the church, appointing the councillors and judges, foreign matters and the frequency of parliaments.

Significance of the 17th century is firstly presented in achievement of parliament to regulate certain fundamental rights as freedom of speech or judicial independence and maintenance of mostly customary character of English constitutional law. In addition it is suggested that the parliamentary form of English government is not based entirely on the development in this century. Also there was a possibility that presidential form of government could develop in the later centuries. English kings were still capable of challenging parliament but they stopped to fully exercise their remaining powers.