

[1]

A S H O R T

HISTORICAL ACCOUNT

TOUCHING THE

Succession of the Crown.

IN the Heptarchy ; there was no fixt Hereditary Right ; one King tripping up the heels of another ; as he had power, till one got all.

Afterward no fixt Hereditary Right ; for *Athelstan*, the Great King, was a *Bastard* ; and so were several others ; who by their Courage and Policy, got the Crown ; so that a Law was made, under the *Saxon* Monarchy, *de Ordinatione Regnam*, that directed the Election of Kings, prohibiting *Bastards* to be Elected.

Edward the Confessor was not King, *Jure hereditario*.

William the First (called the *Conqueror*) had no Right, but from the peoples Election.

William Ruffus was Elected against the Right of his Elder Brother.

Henry the First came in by the same way.

King *Stephen* was Elected, *a Clero & Populo*, and Confirmed by the Pope.

Henry the Second came in by consent ; yet he had no Hereditary Right, for his Mother was Living.

Richard the First was charged before God and Men, by the Archbishop, upon his Coronation, that he should not presume to take the Crown, unless he resolved faithfully to observe the Laws.

King *John*, his Brother, because his Elder Brothers Son was a Foreigner, was Elected *a Clero & Populo*, and being Divorced from his Wife, by his new Queen he had *Henry* the Third.

Henry the Third was Confirmed, and Settled in the Kingdom, by the General Election of the People ; and in his Life time, the Nation was sworn to the Succession of *Edward* the First, before he went to the *Holy Land*.

Edward the First being out of *England*, by the Consent of Lords and Commons was Declared King.

Edward the Second being misled ; and relying too much upon his Favourites, was Deposed, and his Son was Declared King in his Life time.

Richard the Second, for his evil Government, had the Fate of the Second *Edward*.

Henry the Fourth came in by Election of the People, to whom Succeeded *Henry* the Fifth, and *Henry* the Sixth, in whose time *Richard* Duke of *York* claimed the Crown ; and an Act of Parliament was made, that *Henry* the Sixth should enjoy the Crown for his Life, and the said Duke after him ; after which, King *Henry* raises an Army, by Assistance of Queen and Prince ; and at *Wakefield*, in Battel, kills the Duke ; for which, 1 *Ed.* 4. they were all, by Act of Parliament, Attainted of Treason ; and one principal Reason thereof, was, for that the Duke being Declared Heir to the Crown, after *Henry*, by Act of Parliament, they had killed him.

Edward the Fourth enters the Stage, and leaves *Ed.* 5. to Succeed, to whom Succeeds *Richard* the Third, Confirmed King by Act of Parliament, upon Two Reasons : First, That by reason of a Precontract of *Edward* the Fourth, *Edward* the Fifth, his Eldest Son, and all his other Children were Bastards. Secondly, For that the Son of the Duke of *Clarence*, second Brother to *Edward* the Fourth, had no Right, because the Duke was Attainted of Treason, by a Parliament of *Ed.* the 4th.



Henry the Seventh comes in, but had no Title ; *First*, Because *Edward* the Fourth's Daughter was then living : *Secondly*, His own Mother, the Countess of *Richmond*, was then living.

After him, *Henry* the Eighth wore the Crown, who could have no Title by the Father ; in his time the Succession of the Crown was limited several times, and the whole Nation sworn to the observance.

Sir Thomas Moor Declared, That the Parliament had a power to bind the Succession, which was Declared to be Law by 13 *El. cap. 1.* and made a *Premunire* to hold the contrary.

Edward the Sixth Succeeded, but his Mother was Married to King *Henry*, while *Ann of Cleve*, his Wife, was living.

Queen *Mary* was Declared a *Bastard*; and by virtue of an Act of Parliament, of *Henry* the Eighth, she Succeeded; which Act being Repealed in the First of her Reign, and the Crown being Limited otherwise by Parliament, all the Limitations of the Crown in King *Henry* the Eighth's Reign were avoided; so that

Queen *Elizabeth*, who was Declared a *Bastard*, by Act of Parliament in *Henry* the Eighth's time, and Limited to Succeed, in another Act in his time, and that Act Repealed by Queen *Mary*, became Queen in the force of her own Act of Parliament; which Declares her Lawful Queen.

The Crown was entail'd in *Richard* the Second's time; again, in the time of *Henry* the Fourth; again, in the time of *Henry* the Sixth; again, in the time of *Edward* the Fourth; again, in the time of *Richard* the Third; again, in the time of *Henry* the Seventh; thrice in the time of *Henry* the Eighth.

And upon the Marriage of Queen *Mary* to King *Philip* of *Spain*, both the Crowns of *England* and *Spain* were entailed; whereby it was provided, that of the several Children to be Begotten upon the Queen, one was to have the Crown of *England*; another *Spain*, another the *Low Countries*; the Articles of Marriage to this purpose, were Confirmed by Act of Parliament, and the Pope's Bull.

So that it was agreed by the States of both Kingdoms, and the *Low Countries*, and therefore, probably, the Universal Opinion of the great Men of that Age; That Kings and Sovereign Princes, with the consent of their States, had a power to alter and bind the Succession of the Crown; and never denied to be Law till the Reign of King *Charles* the Second.

c. 1.
1. True it is, that this Doctrine doth not go down well with those that do pretend prerogative, added (as they say) by the Act of *Recognition* made to King *James*; and the Oathes of *Supremacy* and *Allegiance*, which do make so much talk concerning Inheritance and Heirs: But let these Gentlemen consider, that the Act of *Recognition* made no Law for the future; nor doth the same cross the Statute of 13 *Eliz.* nor doth it take away the power of the Parliament from over-ruling the Course of the Common Law for after Ages. Nor do the Oathes of *Allegiance* and *Supremacy* hold forth any such Obligation unto Heirs, otherwise than as supposing them to be Successors, and in that Relation only. And therefore, was no such Allegiance due to *Edward* the Sixth, Queen *Mary*, or Queen *Eliz.* until they were actually possess of the Crown, as may appear by the Oath forced by the Statute of *H. 8.* touching their Succession.
H. 8.
1. Nor did the Law suppose any Treason could be acted against the Heirs of *Ed. 6.* Queen
6. 11.
2. Om. *Mary*, or Queen *Eliz.* until these Heirs were actually possess of the Crown, and so
6. were Kings and Queens, as by the exprefs words in the several Statutes do appear.
6. Nor did the *Recognition*, by the Parliament made to Queen *Eliz.* Declare any engagement to the people to assist, and defend Her and the Heirs of Her Body, otherwise
1. 3. than with this Limitation, being Kings and Queens of this Realm, or by the Statute in that behalf made doth appear. Moreover, had these Oathes being otherwise understood, the Crown had by virtue of them been preingaged, so as it could never have Descended to Queen *Mary*, Queen *Elizabeth*, or King *James*, but must have remained to the Heirs of *Edward* the Sixth for ever.