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The History of Parliament: The House of Commons 1604-1629

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The story of the Parliaments summoned by King James VI and I and by King Charles I between 1604 and 1629 has been of abiding interest to academic historians. Scholars of the highest calibre from the time of S. R. Gardiner to the present have been attracted to the subject. Some were English but the great majority have been American to whom an incalculable debt is owed for their labours over the last century. Now, with the publication of the History of Parliament?s six volumes on *The House of Commons 1604?1629*, edited by Andrew Thrush, the transatlantic balance has been redressed. Their publication has been eagerly awaited and they will rightly find their place as reference works on the shelves of every university library in Britain and further afield in English-speaking countries. No early modern historian will be able to work in the decades immediately ahead without a copy at hand.

This study?s focus is firmly fixed upon the House of Commons as an institution. The first volume concentrates upon the nature, functions and remit of the lower House, on the expansion of its membership, the conduct of elections and the composition of the Commons: it then goes on to analyse its times of sitting and topography, meetings and conferences with the King and the House of Lords, the management (or lack of it) by the Crown of the House, and contemporaries? ideas about accountability and representation. Volume two contains a comprehensive account of the borough and county constituencies of England and

Wales returning members in these years while the remaining four volumes cover the lives and careers of the 1,782 men (including quasi members) chosen for these places with most attention being given to their activities in the House. Together, they constitute the most complete examination of a cross-section of the landed, legal and mercantile governing elites to be published for several decades.

The foundations are laid in the biographical volumes. Accounts are offered of the family origins of members, of their dates of birth or baptism, their marriages and offspring. Their careers before and after they served in the House, the offices they held, how and why they gained their seats, their committee appointments and the speeches they made are covered too. This exercise also encompassed their economic fortunes and the inheritances they left.

It is impossible to do justice here to the mass of personal information assembled for this purpose. Some biographies are almost monographs in their own right. That on Sir Edward Coke is a good example. His unique combination of arrogance and legal learning, courage and mendacity is well captured. So, too, is his career?s Indian summer in the 1620s when he emerged as the champion of the lower House on issues like monopolies and patents, the revival of impeachment and protection of the subject?s liberties. Sir Edwin Sandys?s passage from being a Cecil client to an opponent of the Union with Scotland, a critic of impositions, purveyance and wardship, an expert on trade and the depression of the 1620s and, eventually, to a discredited cat?s-paw of the Duke of Buckingham is elegantly traced. Other biographies, like that on Sir Francis Russell, later 4th Earl of Bedford, are disappointingly brief. A surprising number of men like Henry and William Borlase, Peter Specott, and Richard Synge ? the silent minority, perhaps ? are not recorded as having spoken at all or as having served on few or no committees. And a handful like Thomas Gibbs, who sat for Stafford in 1614, have not been conclusively identified at all.

The biographies are not, however, perfect. The judgements on the careers of John and Nicholas Ferrar, for example, and of their involvement in the Virginia Company?s affairs would have been more severe if their archive at Magdalene College, Cambridge had been fully explored. They had much to repent at Little Gidding. Their most trenchant critic, Sir Nathaniel Rich, was, as his account book shows, not just man-of-affairs to the 2nd Earl of Warwick, but also to the latter?s younger brother, Henry, 1st Earl of Holland. This raises important questions about how well-informed he was about royal and conciliar intentions during the Parliaments in which he sat. John Pym?s correspondence with Degory Wheare does not seem to have been fully exploited. It would be possible to raise questions and quibbles of this kind in many places. But some claims are impossible to accept. Sir Peregrine Bertie, who was born in c.1584, can hardly have been 15 when he allegedly sat in 1624: he actually represented Lincolnshire in 1614 and has been confused with Sir Montagu Bertie. There was certainly no elderly Francis Pierse sitting in 1614 but rather an equally old John Pierse. Like all works of history, the biographies have to be checked carefully.

Exactly who was eligible to sit as a Member of the Commons was clear in principle. Catholics and clergymen, convicted felons, foreigners, mayors and sheriffs returning themselves and minors were legally excluded, as were women by strict convention. Some legal figures like the Judges of the Exchequer and the Attorney General after 1614 were barred too. But some recusants did sit despite the requirement that they take the oaths of Supremacy and Allegiance as did a handful of men in holy orders and a few minors. Outlaws and non-residents routinely avoided exclusion as did most mayors. Resignation from the House was almost impossible but a small number of members were expelled for offences considered too reprehensible to be tolerated. The anti-Scottish sentiments of the first two Jacobean Parliaments faded by the 1620s when Scots who had been naturalised and holders of Scottish titles were admitted. Once, moreover, the House won control over returns after the Goodwin versus Fortescue dispute in 1604, it was able to restore representation to boroughs that had lost their members over time despite royal reluctance and misgivings over the physical capacity available to accommodate them.

Men?s motives for seeking membership inevitably varied. Some like Sir Maurice Berkeley in 1614 or the Wynns of Gwydir in Caernarvonshire did so for reasons of local prestige. There were other reasons too ? to encounter old friends in London , to stay there with (or without) one?s wife, and to please one?s father by educating oneself in the nation?s assembly. But there were drawbacks as well: service in the Commons was

time-consuming as its hours of sitting lengthened and expensive as the number of boroughs willing to pay wages to their representatives fell; and there was the recurrent danger of plague in 1604 and 1625. Careers could be advanced as Henry Yelverton belatedly found after 1610 or retarded as another lawyer, William Hakewill, discovered. There were always those like Sir John Scudamore in 1626 who could not serve even if they wanted to and others like Sir William Spencer in the same year who did not wish to do so. Even so, the number of electoral contests on the day rose from an estimated seven in 1604 to about 35 in 1628.

Getting elected was partly a matter of law, of writs issued from the Court of Chancery reaching the sheriffs? hands and of precepts from the latter being sent to the mayors or bailiffs of the relevant boroughs: it also required the conduct of the poll in accordance with the qualifications of forty shilling freeholders in the counties and of those entitled to vote in the boroughs as well as the return of the indentures to the clerk of the Crown in Chancery after duly conducted elections. Given the interplay between county governors and between corporations? rulers, the interests of patrons and aspiring candidates and the role of the Commons itself in determining disputed elections after 1604, there is a mass of new evidence presented here to illuminate how such elections were held in practice. Delays in delivering writs occurred occasionally and the illegal use of blank indentures of return ? for example, at Bossiney in 1609 ? was widespread. Sheriffs sometimes failed to tell county courts in advance that writs had arrived and changed customary venues for partisan advantage as happened in Norfolk in 1614. Urban corporations tried with increasing difficulty to restrict voting rights and to exclude freemen in some cases. Canvassing was common in contested county elections and the use of agents to solicit support was commonplace. Early Stuart candidates and their supporters even used smear tactics ? accusations of recusancy were an effective ploy. Where a seat was controlled by a patron, he (or she) would need to be consulted by a candidate: most patrons gave their support on the basis of family or professional ties or friendship or shared political and religious convictions although some acted in expectation of reciprocal help elsewhere. By 1614, emphasis on ?country? values and hostility to the court was becoming more common: by 1628, a record of resistance to the forced loans of the preceding two years was a positive advantage. With growing county electorates and borough franchises often widening as a result of the House?s decisions, these manoeuvres brought rewards. Whatever the failings of the electoral process and the inadequate record of the Privileges Committee in reaching decisions over disputed elections, voter participation apparently grew. The study of the electoral process and of patronage has been placed on new foundations.

The subsequent analysis of the composition of the House, a previously neglected topic, is equally rewarding. The proportions of veteran members and of novices varied from Parliament to Parliament but the percentage of newcomers, which was highest in 1614, probably had no bearing on the Crown?s capacity to manage the Commons. A significant number of members did, however, lack discernible offices when elected. On the other hand, they were generally well educated with almost half having attended Oxford or Cambridge universities and over half one of the Inns of Court. But the number of lawyer-members fell between 1604 and 1628 and Lincoln?s Inn?s numerical lead dwindled. The largest group of office-holders came from the King?s household although there were times when other official interests ? for example, the officers of the Court of Wards in 1614 ? were well represented, presumably to defend their occupational positions if necessary. There is also helpful material on the fall in the number of merchants sitting until 1628 and on the contraction in the number of Catholics being returned by that date. Some members were undoubtedly wealthy landowners or merchants while others were of humble origins and relatively poor or deeply indebted like Sir John Sammes. Client groups are, however, difficult to detect as the cases of the two Howards, the 1st Earls of Nottingham and Suffolk, suggest: the 3rd Earl of Pembroke lacked a sufficient number of members in his network to bring down the Duke of Buckingham, who was an even larger dispenser of electoral patronage, in 1626.

St Stephen?s Chapel in the Palace of Westminster was, however, too small to accommodate the Commons? full membership or half of it in comfort. On the topography of the House, on the stairs leading up to it, the lobby and the committee chamber, all susceptible to overcrowding, new illumination is provided. The burdens borne by successive Speakers and their servants, the Clerk of the Commons and the Serjeant-at-Arms, are explored in some detail. One of the best chapters in the survey volume covers the rules that

governed speechmaking and the processes of debate. Sometimes, of course, these conventions were broken. Examples of heckling and hissing did occur and finger-pointing was not unknown. Members who went too far in criticising the King or defaming the Commons were likely to be punished. Those who spoke briefly or clearly or wittily could expect to be praised. Here one gets the best sense of the House as a debating institution with collective attitudes, better even than in the individual biographies where it is difficult to tell what the order of speeches was or how they influenced the course of debates.

The working arrangements of the Commons changed significantly in this period. Members in 1604 began their days at 8 a.m. with the reading of bills, rose at 11 a.m. for their dinners and then met in committees in the afternoons. Holidays and adjournments were usually free from business. By the 1620s, an increasing workload of prospective legislation and petitions meant that some committees met at 7 a.m., the House itself normally at 7.30 a.m., with members sitting in the afternoons as well. Committees of the whole House in which the chair was taken by someone other than the Speaker became a permanent feature of business from 1610. Smaller committees had to meet when and where they could in the law courts in and off Westminster Hall or in the Inns of Court. For willing members it could be a time-consuming process lasting weeks or months on end. Some predictably found heavier duties less attractive. The demands of local office as Justices of the Peace were liable to draw a proportion of members away from Westminster. Professional lawyers were bound to be tempted to work in the law courts of Westminster Hall and to the summer and winter assizes in the provinces whatever the House or, on occasion, the King demanded. Members do, however, appear to have been more conscientious in attendance by the 1620s: the House itself was more insistent that they were and the exigencies of the financial, political and religious crises facing the country reinforced that imperative.

Quarrels with the Crown and the development of standing committees led to a sharp decline in the Commons? role as a legislating body. No bills were passed in 1614 and only one, the Subsidy Bill, in 1621. Most bills were private ones sponsored by individuals or companies or corporations. How such bills were commended to the Speaker or the House, the stages of their progress and voting procedures in committees are carefully explained. Admittedly, there was nothing to stop Commons? committees from drafting bills themselves but the House?s capacity to process them was limited as experience in 1621 and 1624 showed. There were distractions too as impeachment cases became more important in the 1620s. Those with grievances turned increasingly to presenting petitions to the House - two in 1604, 65 in 1628 ? and the Commons itself made greater use of petitions to the King to ensure that their explicit concerns were directly expressed to James and Charles. This was simpler than trying to pass remedial legislation through the House of Lords and onwards for royal assent.

The two Houses and successive kings did, nonetheless, have matters to discuss with one another through the mechanisms of audiences and conferences. James had considerable confidence in his own powers of persuasion but his efforts were often unavailing as his attempts to intervene in the Goodwin versus Fortescue case and over discussions with convocation, both in 1604, showed. Private meetings with members inevitably aroused fears of impropriety in the latter?s conduct. Conferences with the Lords were more frequent but were often constrained by the Commons? unwillingness to allow their representatives to do more than listen as the 1st Earl of Salisbury found in negotiations over the Great Contract. The degree to which what was to be said on behalf of the lower House was planned varied but members who exceeded their remit were open to censure after reporting back. Longer meetings, the problems of overcrowding and of standing do not seem to have deterred members even though peers sometimes criticised individual members of the lower House. Whether they were really successful from the point of view of the Lords and Commons is another matter.

Naturally enough, the relationship between successive Kings and their lower Houses features prominently in this work. A very traditional portrait is offered of King James as a ruler who believed that monarchs preceded Parliaments, made laws and could do without them if necessary. He was evidently poorly equipped by temperament and training to deal with the House of Commons and often willing to lecture MPs at length on his rights and their obligations to him. James expected compliance with his wishes, especially on projects as dear to him as Union with Scotland and supply, and was offended by legalistic quibbling and oratorical

populism. After 1614, moreover, he was anxious to be rid of Parliaments and to sustain his authority by other means. There is nothing surprising in this analysis. Charles I?s attitudes towards his Parliaments are discussed more summarily. His brevity won contemporaries? initial praise but his disenchantment with these assemblies became increasingly apparent after 1625. The domestic policies he followed in Church and State stimulated criticisms openly expressed in the Parliaments of 1626 and 1628?9. After 1629, fears that Parliaments were threatened with extinction seemed all too real. None of this would have been surprising or unacceptable to 19th-century Whigs like Hallam or Macaulay.

The account of the early Stuarts? legislative aims is equally familiar. James had little business of his own to promote save in 1604, 1610 and 1614. A light touch and weak conciliar management would, so he hoped, promote the Union in 1604. He was wrong. Even with greater support garnered by the Earl of Salisbury?s electoral efforts in the House of Commons in 1610, negotiations over the Great Contract failed. The offer of Bills of Grace in 1614 was submerged by quarrels over undertaking and impositions. Preparations for 1621 were laid aside before Parliament even met. By the 1620s, the concept of a Crown Bill had lost all meaning.

The actual management of the House of Commons is analysed in some detail. It was the largest representative assembly in Europe. James, however, proved incapable like his son of securing its co-operation. Jacobean Privy Councillors proved unable, sometimes unwilling as the debates on the Union with Scotland suggested, to control their allies and clients, friends and kinsmen from the House of Lords and the Council chamber. They were inadequately represented in the Commons in 1604 and 1614 and, despite the presence of a larger number in 1621, ill-prepared to manage the House. There had been men of business like Sir Robert Wroth in 1604 ready to work on the Council?s behalf but their roles came to be taken with partial success by unofficial intermediaries like Sir Edward Coke and Sir Edwin Sandys in 1624: their successors in 1625 were undone by the Duke of Buckingham?s incompetence. In 1626 and again in 1628, defenders of the King?s interest were few and far between in the Commons and far more likely to be found in the House of Lords. Those Parliaments had been called to secure supply for wars against France and Spain. The first had given nothing when it was dissolved and Charles then resorted to forced loans, martial law, billeting and the imprisonment of loan resisters. His actions were defended by Arminian clergymen whose arguments exacerbated existing fears that the subject?s liberties and Protestantism itself were about to be subverted by tyrannical rule and Catholicism. By the spring of 1629 when the King dissolved the last Parliament of the decade, his regime was viewed with deep hostility in the Commons and further afield: its political and religious character, its personnel and policies had become unacceptable to a large part of the ?political nation?.

There is little enough here about fiscal ignorance, institutional impotence and obstructive localism. That part of the agenda of the 1970s has silently disappeared. But its influence can be detected elsewhere in erroneous claims about acceptance by the Commons of restrictions on free speech in 1621, on a self-denying ordinance over impositions then and later, and on reluctance to contemplate supply for war in November, 1621. In fact, the House of Commons was closer to agreement on the need for war and more willing to contemplate supply after Christmas than ever again. There are helpful explanations of the reasons for the dissolution of successive Parliaments except in the case of that in 1626 when no hypothesis is ventured at all. It is very difficult, moreover, given the format of these volumes to identify the existence of regional groupings of members although they must have existed: the post-1604 hostility of members from Devon to the chartered companies of London and the activities of the ?Northern men? in the foreign policy debates of March 1624 may only be the tip of the iceberg. Just a hint or two can be found that nominations to Commons? committees have been analysed, presumably using computer technology, but the results, if any, do not appear here. It would be useful to know if such an analysis has been made and what it may have revealed. There has certainly been some academic work on this subject dating back to the 1920s and more recently in Canada.

One of the areas of greatest interest for the future must be over the working relationship between the Commons and the House of Lords. Together with the King and his Court, they formed what constituted a single political arena in which a range of forces operated. There is plenty of revealing evidence in the survey of constituencies about the waxing and waning of the electoral influence of the peerage. In one place, doubts

are expressed about how far men who owed their seats to a patron like the 3rd Earl of Pembroke could be regarded as a coherent group: later, Pembroke is more clearly associated with the attack on Buckingham beginning in March 1626. Describing men as clients of peers risks using the word in more than one sense whether as individuals who owed their returns to such a patron or as a spokesman for a peer (like Sir Benjamin Rudyerd, perhaps) or as a follower tied to a peer in the 18th century sense. These distinctions could have been explored at greater length just as more might have been said about the connections between the passage of business in the two Houses. The Petition of Right would not have been approved by the House of Lords in 1628 without careful co-ordination between members of the Commons and figures like Viscount Saye and Sele in the upper House. There is discussion about audiences and conferences between the two Houses and the unofficial meetings the 3rd Earl of Southampton held with members of the Commons in the spring and summer of 1621. But this is not enough to determine whether there were bi-cameral groupings in the early Stuart period and, if so, how they operated. Current work suggests that this may prove a productive approach. It is one of those areas that further research by the current team working on the House of Lords from 1604 to 1629 and beyond may be able to illuminate.

The publication of *The House of Commons 1604?1629* has revealed far more than was previously known about the careers of its members and the overall composition of the House, about its procedures and relations with the King and the House of Lords. A flood of light has been thrown on early Stuart Parliamentary elections in the counties and boroughs and on the attitudes of the electorate. This is all to the good. So, too, is the stimulus it will give to further enquiries arising from the issues it has raised. If there is a general criticism to be made, it concerns the administrative and financial pressures one suspects the authors were under to complete this project prematurely. There are too many minor errors for them to be entirely happy with the finished product. They were, moreover, constrained from advancing too far-reaching a set of explanations for the history of the House of Commons in this period. Others must take up the challenge of exploiting their work. These six volumes represent a considerable step forward in scholarship. They have put to rest some old hypotheses and opened the way for new work. For that achievement early modern historians should be grateful indeed.

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