

## INTRODUCTION

Far from being the confused do-nothing assembly of tradition, the English parliament of 1614 addressed thorny constitutional issues and anticipated the concern with procedure and privilege that is evident throughout the sessions of the 1620s.<sup>1</sup> The members of the House of Commons in 1614 emphasized procedure in all their maneuvers as a protection of the privileges they claimed by custom and right due the Lower House. In taking this action they were self-consciously confirming the institutional identity of parliament. Regardless of whether that institution can be said to have been in real jeopardy, it is inescapable from the debates that some contemporaries believed it was and set about working to ensure that parliaments would continue to be called. Interest in how the institution prevailed and in what evolutions occurred in its procedures stretched beyond the shores of England. Although historians frequently tend to view these changes solely through the English experience, concentrating on activities in Westminster, London, and the provinces, by so narrowing their vision they overlook the contemporary repercussions of English constitutional thought on the continent.

There is no question that European rulers wanted to know what was going on across the channel, in what from their perspectives was not simply a local event but an assembly whose debates might have bearing on their own political dilemmas. Some contemporaries in Westminster were keenly aware of that European interest, particularly the practical political side of it. Sir Thomas Roe, courtier and traveller (and soon-to-be ambassador), told the Commons they would be “well-advised” if they saw the recent correspondence from Europe, “how they joy in the fraction between the King and his people.” And that was a recurrent theme in the newsletters and ambassadorial correspondence of 1614.

To set the stage then, a brief look at the continental concern with the parliament of 1614 before turning to the debates themselves will place the session within the context of European politics and the rapidly forming religious alliances preliminary to the thirty years war. Then we can examine the assembly itself from the point of view of its members while bearing in mind the European interpretation of the outcome of the proceedings.

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<sup>1</sup> Because no bills passed in the 1614 session, it was technically a convention rather than a parliament. See below, n. 39. I have not strictly adhered to this definition and throughout the introduction and annotation of the texts refer to the meeting variously as an assembly, a parliament, and a session.

Reports of the business of the session circulated beyond the confines of London to at least four European capitals. Dispatches containing accounts of the debates were sent to Rome, Madrid, Paris, and Brussels, and probably also to smaller cities without direct and formal links to the continental courts. We know that ambassadorial reports, similar to the one compiled by Count Gondomar, printed below, were received in Brussels, Moscow, and Venice, as well as Madrid.<sup>2</sup>

Aside from a natural interest in the domestic affairs of a great power, European rulers were concerned about the implications of two issues debated in England, notably those that touched monarchy and the prerogative powers of the crown, and the traditional parliamentary control of subsidy.

English attitudes toward monarchy were studied by the French and Spanish courts where cross currents of political thought were interlaced with Catholic theology. Francisco Suárez's recently published tract supporting tyrannicide only served as a reminder of the assassinations within the past twenty years of two French kings, Henry III and Henry IV, by religious fanatics influenced by the teachings of the Society of Jesus.<sup>3</sup> These incidents raised in the minds of all Europe questions regarding the nature of kingship, the relationship of the Jesuits to the Roman church, and of both the church and the Society of Jesus to secular monarchy.

The matter of subsidy had practical ramifications on the continent. Without parliamentary financing it was believed that James

<sup>2</sup> I am presently writing an article concerning parliamentary news received on the continent regarding the 1614 session. Dispatches (*avvisi*) sent from an unidentified correspondent in London to papal secretary Scipione Borghese are in the *Archivio Segreto Vaticano*, SS. Nunz. Diverse, 207, ff. 398-540; the official correspondence of Don Diego Sarmiento de Acuña, Count Gondomar, is printed, see below, "Account of the Ambassador," n. 1; Samuel Spifame's dispatches to the court of France are in the *Bibliothèque Nationale*, nos. 15986, 15987-89.

The correspondence of Ferdinand Boisschot, ambassador from the Archdukes to England is in the Haus-, Hof- und Staatsarchiv, Wien, Abteilung Belgien, PC Fz. 48 and 49, unfoliated. The material in Vienna was overlooked by Geoffrey Parker in his *Guide to the Archives of the Spanish Institutions in or Concerned with the Netherlands (1556-1706)* (Brussels, 1971).

For references to the ambassadorial reports, see below, "Account of the Ambassador," p. 10, n. 23.

<sup>3</sup> Francisco Suárez, *De Defensione Fidei Catholicae Adversus Anglicanae Sectae Errores* (1613). Suárez, in opposing the divine right of kings, argued that earthly power is held by the body of men and that kingly power is derived from them. Sir Ralph Winwood complained to the Archdukes that the book was "*contre l' autorité souveraine des princes et en particulier contre la dignité de sa Majesté*." Sir Ralph Winwood to Archduke Albert, 3 July 1614, Haus-, Hof- und Staatsarchiv, Abteilung Belgien, PC Fz. 49.

See R. Mousnier, *The Assassination of Henry IV*, trans. J. Spencer (London, 1973), particularly 53-60, 256-59. Regardless of the real degree of their influence contemporary pamphleteering blamed the Jesuits for both assassinations.

would have difficulty supporting his Protestant allies in Germany. Already in the spring of 1614, during the course of the parliament, and six years before the actual outbreak of the thirty years war, sides were forming over the control of the fortress of Juliers. By 1 September 1614 Ambrose Spinola, commander of the Habsburg forces, had swept a path from Maestrich to Wesel, occupying the intervening cities.<sup>4</sup>

Generally it can be said that the dispatches from London contain accurate information about the parliament: they describe the King's opening speech, the debates on impositions, the King's dissolution of the session, and the subsequent imprisonments of members of the Lower House. News received about the session in Rome, for example, and Madrid, was by way of factual and detailed straightforward accounts little embellished by the writers.<sup>5</sup> On the other hand, according to the reports back to England by William Trumbull, James I's resident agent in the Low Countries living in Brussels, what was relayed from London to the Archdukes Albert and Isabella Clara Eugenia was dramatically exaggerated.

On 30 June Trumbull wrote to Sir Ralph Winwood, Secretary of State, of the rumors dispersed after the "sudden and abrupt dissolution of our unhappy parliament and the imprisonment of certain of the burgesses of the Lower House." "My pen cannot relate," he said, "the joys which were conceived here of that seeming separation between the affections of his Majesty and his subjects." Two weeks later he reported that Brussels was "filled with an expectation and rumor of an open rebellion in England (as I formerly advertised) upon the abrupt dissolving of the late unhappy parliament," and the King was "in some danger of a new powder plot." Those fears spread in England too, and George Abbot, Archbishop of Canterbury, responded from Lambeth to Trumbull on 14 July that "some of the ambassadors here are no better than practicing spies, and they gave out that on the breach of parliament some sedition was to follow."<sup>6</sup> According to Trumbull, however, these exaggerated reports or rumors came not only from

<sup>4</sup> See *Wars in Germany: With the True Relation of the taking of Aix or Acon, Wesel, and divers other towns in Germany by the Marquesse Spinola, General of the King of Spain's army, under pretense to reduce them to the obedience of the Emperor and the religion they call Catholique* (Antwerp, 3 September 1614; London, 1614). S.T.C., no. 11796.

<sup>5</sup> The most detailed account in the Vatican collection is SS. Nunz. Diverse, 207, f. 523, 5 July 1614 (new style). Letters from the continent cited in the text and annotation retain their original, new style, dates; those sent from England have old style dates.

<sup>6</sup> See the correspondence of William Trumbull, S.P. 77/11, ff. 103-108; for Abbot's letter to Trumbull, see H.M.C., *Downshire*, 4:458.

the Archdukes' official ambassadors in England but also from "our unnatural fugitives," that is, from members of the exiled Catholic community living in the Low Countries.

Regardless of their origin, though, Trumbull believed that the Archdukes embraced the rumors and accordingly raised sixty-six new troops in support of the Catholic League in Germany while at the same time formulating a new alliance with Philip Louis, Duke of Neuburg, a recent Catholic convert. "I have been entertained for the most part since the late dissolving of our unhappy parliament with the discourse of his Majesty's necessities and wants of money," he wrote to Sir Ralph Winwood on 19 July. "I hope I may," he continued, "without danger of offense, boldly and truly say to your honor that in conscience I do believe it to be the principal cause which has encouraged the Archdukes so fervently to embrace the patronage and protection of Neuburg."<sup>7</sup> He had written on 30 June, shortly after the close of the session, of the "sudden change in the estate of the provinces," saying then that "I think I may speak it without danger of error or abusing your Lordship that partly the lamentable issue of our parliament has encouraged them to take arms."<sup>8</sup>

If this assembly was of general interest in Europe and possibly influenced the foreign policy of at least one member state of the Catholic alliance, a Habsburg court at that, it bears close examination. Was the rumored breach between King and subjects fabulous in the extreme or was there foundation for it? How close were ties between Catholics in England and their brethren in the Low Countries? Were the rumors that emanated from the Catholic community likely to contain a grain of truth? Further research is necessary to answer these questions bearing on the nature of religious factionalism. William Trumbull said he reported the rumors, "not for any credit I give these fables," but in recollection of "that fatal prognostication published in Brussels two weeks be-

<sup>7</sup> S.P. 77/11, ff. 93-93v. There may have been truth in what Trumbull was reporting. As late as 16 April Archduke Albert refused military support to Neuburg. See the letter of Ambrose Spinola to Philip III, *Correspondance de la Cour d'Espagne sur Les Affaires des Pays-Bas au XVII Siècle* (Bruxelles, 1923), 3:421. The letter is printed in full in A.R. Villa, *Ambrosio Spinola* (Madrid, 1904), 296-98. I have been unable to determine exactly when the Archduke formed an alliance with Neuburg or if the failure of the English parliament entered into his decision. By 21 July (old style) it was being reported in England that "The Archduke has levied divers forces in favor of Neuburg." Birch, *Court and Times James I*, 1:337.

<sup>8</sup> S.P. 77/11, f. 95. George Abbot, Archbishop of Canterbury, wrote to Trumbull on 17 June that the voluntary contributions to the King offered after the dissolution "stopped the mouths of the malicious and choked some ambassadors who did infinitely rejoice at the distraction between King and people." H.M.C., *Downshire*, 4:129.

fore the death of Henry IV predicting his assassination with a knife, which in the end proved true.”<sup>9</sup>

What exactly transpired in the House of Commons in 1614 that gave birth to these rumors? What were the concerns of the Englishmen who sat in the parliament, and how did they choose to address those concerns? Was there a separation between the affections of the King and his subjects? Some of the answers to these questions can be found in the proceedings and debates.

Until recently historians believed that apart from the official Journal of the House of Commons no reasonably complete account of the 1614 proceedings survived. Immediately after the close of the session four members were imprisoned in the Tower for remarks made about the crown, and the Privy Council ordered papers and notes of more than six others burned. Any private diary of the session retained as a personal record had to have been well hidden to protect the identity of the author. The discovery in the Midlands of an anonymous diary subsequently purchased by the Kenneth Spencer Research Library at the University of Kansas altered this picture and makes possible for the first time, close to four hundred years after the event, a detailed study of the proceedings in that assembly.<sup>10</sup> And the further discovery of a list of returns in the Hastings collection at the Huntington Library reveals the hitherto unknown full membership of the House in that session.<sup>11</sup>

The parliament convened on 5 April and was dissolved on 7 June, a forty-three day session for the Lower House. During that time 104 bills were introduced and read in the Commons, forty-one of those were committed on the second reading and six of them subsequently passed the Lower House and were sent up to the Lords.<sup>12</sup> The Commons did not languish, nor did it fade away from lack of attendance. At the time of the anticipated conference on impositions the divisions (31 May and 1 June) record respec-

<sup>9</sup> Thomas Wentworth was imprisoned after the session for his reference to the assassination of Henry IV in a speech on 21 May 1614. See below, p.313, n. 19.

<sup>10</sup> Concerning MS E237(KSRL), see below, “The Sources.” The accounts included below provide a less than perfect record of the parliament. There are still not enough surviving accounts to get a sense of what is missing from those we have in hand. For example, no diary records the speech of Leonard Bawtrey on 19 May, which the Kansas diary describes in a less than objective manner as “so tedious and spoke [n] so little to the purpose as the House rose before he concluded.” See below, p.293.

<sup>11</sup> See the M.P. and Constituency lists, below, pp. 447-70.

<sup>12</sup> The members of the Commons actually met on forty-four days counting Saturday, 4 June, when the M.P.s assembled without the Speaker who was ill that day. See the Table of Bills, below, pp. 483-508.

tively 305 and 389 M.P.s present in the House out of a possible membership of 472.

Because of the fragmentary nature of the Commons Journal for 1614 and, until recently, the lack of a corroborative text, not much has been written about the assembly.<sup>13</sup> Scholars have drawn attention to the political background of the parliament, the religious factions, and the specific dealings of at least one noteworthy peer,<sup>14</sup> but no one has seriously examined precisely what went on in Westminster in the Lower House; indeed, it can be argued that this was not possible until the discovery of the Kansas diary.

To make sense of the activities in the Commons in 1614 it is necessary to remember that the tension between the Lower House and the King was not new (and that fascinated the royal courts of Europe). James himself said later, in a speech to both Houses on 23 March 1624, about the treaty with Spain, that though he had "broken the necks of three parliaments one after another"—1610, 1614, and 1621—he hoped they would be resolved of the sincerity of his heart. Almost from the outset of his reign his delineation of prerogative power had raised questions among members of the House of Commons. James conceived of the privileges of parliament not as privileges of right but of "grace only, received every parliament by way of donative upon petition,"<sup>15</sup> that is, granted from the crown. In response to this theory, and to what they conceived of as James's misunderstandings about the institution of parliament, the Lower House in 1604 prepared an Apology wherein they defined and explained the traditional customary rights and privileges of the Commons, reasoning that "What cause we your poor Commons have to watch over our privileges is manifest in itself to all men. The prerogatives of princes may easily, and do daily grow. The privileges of the subject are for the most part at

<sup>13</sup> Aside from Thomas Moir's monograph, *The Addled Parliament*, S.R. Gardiner provides the most extensive account of the session to date. See both *Hist. of England*, 2:216-57, and *The History of England from the Accession of James to the Disgrace of Chief-Justice Coke, 1603-1616* (London, 1863), 134-66. See also, Spedding, *Bacon*, 12:1-78; Peck, *Northampton*, 205-12; C. Russell, *The Crisis of Parliaments* (Oxford, 1971), 282-83; and C. Roberts and O. Duncan, "The Parliamentary Undertaking of 1614," *E.H.R.*, 93 (July 1978), 481-82, nn. 1 and 2.

<sup>14</sup> For the political background of the session, see above, n.6. Concerning the peer, see Linda Levy Peck, "The Earl of Northampton, Merchant Grievances and the Addled Parliament of 1614," *The Historical Journal*, 24 (1981); 533-52; also, by the same author, *Northampton, Patronage and Policy at the Court of James I* (London, 1982).

<sup>15</sup> Belvoir Castle MS. 14, f. 205; *C.J.*, 1:158.

On James see also R.C. Munden, "James I and the 'growth of mutual distrust': King, Commons, and Reform, 1603-1604," in Kevin Sharpe, *Faction and Parliament* (Oxford, 1978) 43-72. And see also in the same work, Kevin Sharpe, "Parliamentary History 1603-1629: In or out of Perspective?" 1-42.

an everlasting stand.”<sup>16</sup> The Apology, for reasons not altogether clear, was never presented to the King, nor was it ever recognized as official in any way although it was referred to in subsequent parliaments.

In 1610 in the debates on impositions the matter of prerogative powers once again came to the fore. Were the imposts, or taxes on imported goods, to be determined and levied by parliament or the crown? James had stated then and reiterated in 1614 that “I refer this right of imposing unto the judges of the kingdom, to what judgement I will bind myself.” His espousal of the power of the crown in the deputation of judges, “that by Kings judges are deputed under them to bear the burden of government,” gave credence to the celebrated dictum that the judges, “though they be lions,” yet should be “lions under the throne.” Judges, according to James, received power from and were responsible to the King, “as Kings borrow their power from God, so judges from the King; and as Kings are to account to God, so judges unto God and the Kings.”<sup>17</sup> James then, in confirming the precedence of Bates’s case, was presuming to keep in his own hands the authority for construing the power to collect impositions. Where did parliament fit in this scheme of things?

In 1614 the House of Commons was not, individually or collectively, “antimonarchically” inclined,<sup>18</sup> although some of its members at one point alluded to republican government and spoke of elective kingship.<sup>19</sup> From the extant records it appears that in the broadest terms what the members of the Lower House desired was not a change in the structure of government but a definition of the

<sup>16</sup> Regarding the Apology and Satisfaction of the House of Commons, see Geoffrey Elton, “A High Road to Civil War?” *The Renaissance to the Counter Reformation: Essays in Honor of Garrett Mattingly*, ed. C.H. Carter (New York, 1965), 324-47; J.R. Tanner, *Constitutional Documents of the Reign of James I* (Cambridge, 1930), 217-30; Matthew Hale, *The Original Institution Power and Jurisdiction of Parliaments* (London, 1707), 206-40; Cobbett, *Parl. Hist.*, 1: 1030-42. See also J.H. Hexter, “What Kind of Apology is That?” unpublished paper delivered at the Folger Shakespeare Library, spring 1981. There are various extant manuscripts of the Apology, including Robert Bowyer’s, Petyt 538/1, ff. 1-37v.

<sup>17</sup> The clearest delineation of King James’s theory of judges and justice is in his speech in the Star Chamber, 20 June 1616 (*S.T.C.*, no. 14397) printed in McIlwain, *Political Works of James I* (Cambridge, Mass., 1918), 326-45. See also J.H. Baker, “The Common Lawyers and the Chancery: 1616,” *Irish Jurist*, N.S. 4(1964); 368-92.

<sup>18</sup> “Antimonarchically” was a word used by Sir Robert Phelips in 1628 to describe the general tenor of the Lower House. See J.H. Hexter, “The Early Stuarts and Parliament: Old Hat and the Nouvelle Vague,” *Parliamentary History*, 1 (1982); 208.

<sup>19</sup> See particularly the speeches of Sir Edwin Sandys and Sir Henry Wotton, below, 21 May. They may have been in response to James’s argument in 1610 that “Kings elective as well as successive have ever had power to lay impositions, and should you deny that unto a King of England that all other princes have, as France, Denmark?” Foster, *Proceedings in Parliament 1610*, 1:88.

jurisdictional authority of the courts and parliament, acceptable to and compatible with each institution. As Sir Edward Coke said, "the body of man is best ordered when every particular member exercises his proper duty, so the body of the commonwealth is best governed when every several court of justice executes his proper jurisdiction."<sup>20</sup> Specifically they sought amelioration of the tension that had developed between the crown, the Exchequer, and the Lower House as a result of the decision in Bates's case in 1606, a decision that raised questions about the jurisdiction of court and parliament not altogether dissimilar from those raised two years earlier regarding the Chancery, crown, and parliament in the Goodwin-Fortescue case.<sup>21</sup> It is not without irony that Sir Francis Goodwin revealed in 1614 that it was rumored abroad (a "bruit divulged") "that the Commons House has already too much power."<sup>22</sup> In pressing its claims to regulate the levy of impositions the Commons attempted to shore up its walls against further encroachment in any sphere by reconfirming and emphasizing the privileges and procedures that gave it institutional definition.

The House of Commons turned inward in 1614, and with close attention to procedure (early recognized by Speaker Onslow as the guardian of privilege),<sup>23</sup> devised new and perfected old ways to expedite business. Sir Edwin Sandys proposed, perhaps for the first time in the history of the institution, regular meeting days for

<sup>20</sup> See Coke, *Fourth Inst.*, Proem. "If one court should usurp or encroach upon another it will introduce uncertainty, subvert justice, and bring all things in the end to confusion."

<sup>21</sup> Concerning Bates's case, see below, 18 April, n. 2, p. 94; for the Goodwin-Fortescue case, see Howell, S.T., 2:91-114 and the MS. account in B.L. Add. 36,866, f. 40 which states: "they further showed to the King that if the Chancellor only could examine returns, then, upon every surmise whether it were true or false, the Chancellor might send a second writ and cause of new election to be made, and thus the free election of the county should be abrogated which would be too dangerous to the commonwealth."

The arguments altered according to the nature of the court. G.D.G. Hall ("Impositions and the Courts 1554-1606," *Law Quarterly Review* 69 [1953]: 200-18), cites Baron Clarke, in his opening statement in Bates's case, where he said that the matter was to be judged according to the precedents of the Exchequer which may, as he illustrated, differ from and even contradict those of other courts; for as the King's Bench is the appropriate tribunal of crown (i.e., criminal) matters, and the Common Pleas is for matters of inheritance and civil contracts, so is the Exchequer for matters of prerogative and royal revenue. Hall, *ibid.*, 202.

<sup>22</sup> See below, 19 April, p. 105.

<sup>23</sup> Even Thomas Jefferson, in "A Manual of Parliamentary Practice," compiled between 1776 and 1800 (first published in 1801 by Samuel Harrison Smith, Washington D.C.), cited Richard Onslow, Speaker of the House, 1566-1571: "It was a maxim he [Onslow] had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or departure from the rules of proceedings; that these forms, as instituted by our ancestors operated as a check, and control of the actions of the majority; and that they were, in many instances, a shelter and protection to the minority against the attempts of power."



grand committees,<sup>24</sup> and the daily posting of times and places for meeting of select committees.<sup>25</sup> Committees for petitions were regularized and procedures for bill readings, commitments, and engrossing were clarified for the benefit of new members. The manner of proceeding in almost every kind of business in the House was questioned and defined; the reiteration of procedures peculiar to the Commons provided the collective membership with a conscious sense of the identity of the House as well as a practical knowledge of its inner workings.

On the penultimate day of the session in 1614, Sir Edwin Sandys tied the issue of impositions then in debate to the liberties he knew were essential for the maintenance of the institution of parliament. In relating the arguments he moved “not to have the liberties of the House run through our fingers; that it is not value that accrues to the King yearly by impositions that is so much stood upon, as that the King does take to his sole authority to impose.”<sup>26</sup>

On that day in June, Sandys spoke of parliamentary liberties, meaning particularly not the broad “liberties of the subjects,” but those customary “liberties of the House” unique to the Commons, liberty of speech, freedom from arrest, access to the crown, and a favorable construction of their proceedings, as well as the more recently claimed privileges of establishing the membership of the House and maintaining control over certain forms of taxation, as the levy of impositions. There was no question in the minds of M.P.s that the issue of impositions affected the commonwealth as a whole and that, in that sense, in 1614 the liberties, or privileges, or rights of the Commons carried with them the implication of liberties of the subjects generally. Everyone knew that “If the King may impose by his absolute power then no man [is] certain what he has, for it shall be subject to the King’s pleasure.”<sup>27</sup> They all knew how important liberty of speech was to the business of the subjects at large. They were, as Sir George More said, “sent hither from all the commons of the kingdom; our principal care [is] to speak from the commonwealth that continually speaks to us.” And although it was in the King’s power to summon them together it was understood that it was theirs freely to consult of what they determined

<sup>24</sup> See below, 6 May, pp. 163, 167 and cf. also Sandys’s speech, 18 April, pp. 99, 101.

<sup>25</sup> Concerning petitions, see the speeches of Sir Edwin Sandys, 15 April, p. 86, and 6 May. See also Sir Jerome Horsey’s motion, 6 May, p. 167, and Sir Herbert Croft’s motion, 11 May, p. 206. Regarding the procedure for bills, see for example Sandys’s motion, 11 April, p. 47; William Hakewill’s speech, 13 April, p. 76; Edward Duncombe’s motion, 19 April, p. 104; William Hakewill, 20 April, p. 116, and so forth.

<sup>26</sup> See Sandys’s speech, below, 6 June (B.L., Add. 48,101).

<sup>27</sup> See Sir Edwin Sandys’s speech, below, 18 April.

themselves, “for if they should be bound to treat of what the King list, there is no freedom.”<sup>28</sup> But what they did not know was what would happen to the institution of parliament itself if the crown, through the courts, were to continue to enlarge its control in areas claimed to be under the jurisdiction of the Lower House as, for example, to deny the House privilege to examine its own election returns.<sup>29</sup>

From the diaries it appears that to the assembled House in 1614 the pivotal point in the debates on impositions, on undertaking, and in some instances even on the bills of grace, was not the substance of whatever the matter in question, but parliamentary privilege. Were the liberties of the Commons in any way violated? The argument over impositions was not about petty sums extracted from merchants but about who had the *right* to impose those taxes—the King, or the parliament,—and, the concomitant question, in whose power was it to define that right—the courts of law, or the High Court of Parliament? Was the opinion in Bates’s case *ipso facto* law? By refusing to hear the case on impositions in 1614 parliamentarians believed the King was striking at one of the privileges of the House itself. They were claiming the right to control crown income and in so doing resolved “that his Majesty without parliament could not impose.” In a message to Commons on 11 May 1610 James had said it was not within the purview of the House to entertain “any disputation touching the prerogative of the King in the case of impositions for that was determined in the proper court and could not be undone but by [writ of] error.”<sup>30</sup> In 1614 he reiterated that he referred the right of imposing to the judges whose opinions he would respect, “and die a 100 deaths before he would infringe his prerogative.”<sup>31</sup> James rested his case with the courts, and the Commons was left with two problems: first, to determine whether any extraparlimentary taxation was valid within the traditional constitutional balance and second, to decide whether the courts alone could adjudicate that. This tension between the House of Commons and the courts of law continued when parliament sat through the whole of the early Stuart

<sup>28</sup> See Sir George More’s speech, below, 12 April and the note of the resolution in 1610 cited in 1614, below, 5 May.

<sup>29</sup> See above, n. 21.

<sup>30</sup> See below, 12 May, p. 212, the second resolution for the conference with the Upper House. See also Foster, *Proceedings in Parliament 1610*, 2:82 and the King’s speech of 21 May 1610 where he states, apropos of impositions, that “seeing the judges have determined, I will not have you call my prerogative in question.” *Ibid.*, 1:88.

<sup>31</sup> See below, the King’s speech, 4 May.

period, culminating in the first months of the Long Parliament with the impeachment of the judges who had heard the ship money case.<sup>32</sup>

Parliamentarians viewed the inviolability of parliamentary privileges as the primary protection for the collective body of Commons against outside pressures to control it. Free elections (or more accurately, the idea of free elections) were the hallmark of parliamentary liberties. There is evidence of one person or another's attempt to influence voting as far back as Richard II,<sup>33</sup> but rarely until 1614 were there such persistent rumors of rigged elections before the opening of the parliament. In April 1614 when the session convened it was believed, and there was reason to suspect, that persons linked to the crown (though not necessarily close to the King) had undertaken to manipulate the House of Commons in three ways: by rigging elections to the House (as in the case of Stockbridge); by packing the House (through rigging the elections and returning the Attorney General); and by controlling the agenda of the session. All these activities, distinct in nature, were considered by the members under the same rubric of "undertaking." In retrospect there is enough evidence in each case to understand why the charges were leveled; although contemporary rumors exaggerated the degree of the problems the point is that the activities of "undertaking," no matter how minimal, violated the customary privileges of the House, and the mere hint or suggestion of "undertaking" was grave enough to inspire investigation. The resulting censure of Sir Thomas Parry regarding the Stockbridge election, the resolution on the return of the Attorney General, and the hearing and debate on Neville's Memorial reflect the House's exercise of privilege in punishing its own members and in managing itself, free from outside influence. Ultimately the survival of the Commons itself rested on the continued recognition of its privileges by the crown, a point which Sir John Eliot, Benjamin Valentine, and Denzil Holles chose to press in the Court of

<sup>32</sup> See W. J. Jones, *Politics and the Bench, The Judges and the Origins of the Civil War* (London, 1971), 13-52, 183-86, 199-215.

<sup>33</sup> See Howell, *S.T.*, 1:135-51. In articles 8 and 19 Richard II was accused of sanctioning the manipulation of parliamentary elections.

Some dispatches from England reported that the elections were rigged by the crown. It was written to Rome that "as far as the deputies of the cities and provinces [are concerned], many of those have changed over the ones who came to the last parliament. So the King obtained it (*il re procurato*), who hopes to have greater satisfaction from these, where a grand part of those were against his demands." SS. Nunz. Diverse 207, 19 April, f. 517v.

King's Bench in 1629.<sup>34</sup> Let us look now briefly at the parliament of 1614 bearing in mind these observations about privilege.

On the first working day of the session, after the perfunctory introductory speeches of 5 and 7 April, the matter of undertaking was raised.<sup>35</sup> Had the elections to the session been rigged by friends of the court and were they rigged in an attempt to pack the House in such a way that there would be guaranteed support under the leadership of the King's Attorney General (Sir Francis Bacon) for the crown's platform of legislation? The first order of business on 8 April was Sir George More's motion for the appointment of a committee of privileges, which was allowed a good motion, and the committee was later appointed. Immediately, following More's motion, the question of the validity of the return of the Attorney General was broached; was there a precedent for a King's Attorney ever having sat in the Lower House? Sir Herbert Croft connected the problem with undertaking and asked that the matter of the Attorney's return be "gravely and discreetly" referred to a committee. At the end of the day Sir Edwin Sandys spelled out the responsibility of the committee of privileges for the preservation of the liberties of the House: freedom of elections and privileges for persons and speech. "The first of these to be preserved with our lives," he said.

On the fourth day of the parliament the King, in the Banqueting Hall, addressed the House, as on 5 April he had promised he would, and denied any connection with undertaking. He needed money; his wish was to deal with the House not like a merchant, by way of contract, but to grant certain graces like a loving prince for which the Commons in turn would pass a subsidy bill. With regard

<sup>34</sup> See Cobbett, *Parl. Hist.*, 2:504-25; H. Hulme, *The Life of Sir John Eliot* (London, 1957), 278-338.

The matter of parliamentary planning needs further study. On occasion members met together before the opening of a parliament to discuss the business they expected to debate during the course of the session, as before the parliament of 1628. See John Forster, *Sir John Eliot*, 2:114-15. But when Peter Wentworth and friends met secretly in "conference" before the 1593 session and proposed the introduction of specific issues of religion in the session they were imprisoned and no member came to their defense. Neale, *Elizabeth I and Her Parliaments*, 2:255-60. In 1626 Thomas Wentworth said of his father, Peter, that "he was committed before the parliament about the matter of succession because he and others had secret conference to move it in parliament." Trinity MS. E.5.17 (Grosvenor diary).

See also Sir Dudley Digges's draft letter of advice prepared for the King before the opening of the parliament of 1626 but never sent (S.P. 16/19:107), wherein he says, "Plain open and old ways are best without these fancies of offering bills of grace . . . or choosing this or that man Speaker, or the like novelties which serve but to make wanton and were invented for men's private ends."

<sup>35</sup> Throughout the narrative part of this introduction the reader can find the sources of the quotations cited on the relevant dates of the text below.

to the matter of undertaking raised in the House the previous day he said, "if there had been any undertakers as you give out, they had been knaves for doing it and I a fool for suffering them." In conclusion James spoke against divisiveness proclaiming, "the will of the King and the state cannot be disjoined, for the good of either must subsist together with the love of each." Then he enumerated his offerings to the Commons—a legislative package of eleven bills of grace, in exchange for which he expected a subsidy to relieve his necessities. Furthermore, he promised a more liberal general pardon. These all, he said later on 4 May, were "not to capitulate and engage you, but to let the people in general see my love to them."

The following day (11 April) Henry Yelverton, the Solicitor General, reported the King's speech and the bills of grace to the House, as was customary, but there was no reaction in the Commons. The House fell immediately into a renewed discussion of the right of the attorney general to take his seat, and listened to precedents relating to the case collected by Sir Henry Hobart, Sir Richard Williamson, and James Whitelocke. That day the House resolved that the Attorney, having been legitimately elected, should retain his seat during the 1614 session but that thereafter no attorney general should ever serve as a member of the Lower House. It was an auspicious beginning: the Commons had acted quickly and resolutely on a problem related to undertaking and to the jurisdiction of the House regarding the qualification of its members.

On 12 April, after the reading and brief discussion of a bill for free trade, Mr. Middleton offered a bill concerning impositions, because, he said, "the heads of the matters of grace tend to the gentility, not to cities, boroughs, burgesses, or merchants." Middleton's offer was ignored. Several speakers followed and Sir Maurice Berkeley spoke sharply against ecclesiastical courts as "more charge to the subjects than 4 subsidies." Motions were made concerning religion but after an impassioned speech by Secretary Winwood the House settled on the issue of supply. Again, however, as with the case of the Attorney General, the overriding concern of the House was with undertaking. The King would, said Serjeant Montagu, "despise a supply from a packed parliament." The discussion continued; some questioned whether there were undertakers presently in the House, and in the ensuing discussion emphasis was placed on "freedom of speech and delivering of opinions." As Weston said, "many [were] accused to come purposely for the King; others against him." Must parliamentarians be guarded

in voicing opinions? Sir George More said no: "Liberty of speech [is] every man's right here." Richard Connock wanted the memory of undertakers banished; Sir Maurice Berkeley moved for a motion to clear the problem; Edward Alford wanted an end to the business, to go on with "united hearts," but Francis Moore moved a deferral until Monday. And so it went on. In summation, Sir Edwin Sandys hearkened back to Montagu's speech and spoke of undertaking as "press[ing] with letters, or by fear," an allusion to the activities in the Stockbridge election, yet to be reported in the House.

A week and a day after the session had convened Sir Roger Owen proclaimed that copies of the King's bills of grace had been "long since abroad." For those who believed that friends of the crown had predetermined the agenda of the session this revelation was confirmation of that fact. Three weeks later, in a committee meeting on 5 May, Francis Ashley said that when he first arrived in London he was "saluted with [the] bills of grace that are now presented from the King," and that furthermore, "noblemen engrossed the burgesships, some 8, some 10." Sir Reginald Mohun said he also had heard similar reports.

On 14 April the bill concerning taxes and impositions on merchants was read for the first time. As was customary at the first reading there was no debate and the House moved on to readings of other bills. The second reading of the bill concerning taxes and impositions on merchants occurred on 18 April. There was controversy over debating the bill then. Christopher Brooke moved for a commitment and urged that in preparation for a committee of the whole House all the lawyers who had been present in 1610 look up their notes. As Nicholas Fuller pointed out, this issue had been argued by the lawyers the last parliament and it was resolved then "that by the law no impositions might be laid without authority of parliament, and a bill passed this House to that purpose." The record of this day's debate is full, and in it is evidence that impositions are the real concern of the Commons, in Sir Henry Wotton's words, the "main purpose" of the session;<sup>36</sup> for, as Brooke said, the matter touched everyone: "If the King may impose by his absolute power then no man [is] certain what he has, for it shall be subject to the King's pleasure." "Let us not," he said, "leave our posterity in worse case than our ancestors have left us." The manner of the proceeding was the question—should they go to the King by bill or petition?

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<sup>36</sup> See below, n. 44.

A large part of the nineteenth was taken up with election issues, Sir Maurice Berkeley affirming that "none had power to judge of the good or bad returns but the House"; Sir Francis Goodwin made an "eloquent and good speech to move the House to consider of the elections, returns, and attendance in the House."

There was no further mention of undertaking or impositions until after the Easter recess. On 20 April, evincing little concern for the progress of the King's bills of grace, the House adjourned for a week.

On returning from the spring holiday the Attorney General brought in four bills of grace, apparently with the hope that the House would lay aside controversy about impositions and undertaking and rally to their passage. His speech fell on deaf ears. Almost directly following it Sir Roger Owen made his report from the committee condemning undertakers as "worse than the powder traitors." Sir Thomas Bromley said he had heard of such undertakers before the parliament but thought the suspicions ought to be buried. Should they, wondered Sir Robert Phelips, examine the particulars of undertaking? Sir Herbert Croft declared that "If any man has particularly spoken before the parliament that some such and such have undertaken to carry things in this House, no reason to suppress this. No cure without searching to the bottom."

The third of May was consumed with routine bill readings and other House business. There is no record that either undertaking or impositions was mentioned. On the fourth the Speaker delivered a message from the King requesting the presence of the Commons in the Banqueting Hall that afternoon to hear "his Majesty's intent for impositions." James began by chastising them for the time lost over the Easter recess; then he turned to the matter of impositions and said that he had heard they were considering whether to go by bill or petition, and reminded them of the outcome of the last parliament. When he came down from Scotland, he said, he kept those counsellors who had served the late Queen, and from them and the English judges he took counsel that the laying of impositions was his right. He said that he would never lay an imposition on domestic commodities, although it was for the judges to decide the right of imposing, and he would bind himself to their decision; and, "to bar me from my right, to rob my crown of so regal a prerogative, to show your wills for that you cannot obtain resting in my power is mere obstinacy." From impositions he turned to supply, stating he was "born to be begged of and not to beg." James recalled the dearth of the previous parliament: not

only had he gotten nothing but they parted without concluding anything. And finally, he again protested his innocence in the matter of undertaking, and suggested the House get on with business and grant supply if it expected more parliaments in the future.

The following day, 5 May, Sir Edwin Sandys reported on impositions. After much debate on the manner of proceeding, Sandys, noting that while the King was "merely misinformed," the Lords were "ignorant," moved for a conference with the Upper House, which was resolved on, and a committee was appointed to prepare for the meeting. In the course of the discussion Lawrence Hyde said it should not matter whether or not the King were present in the conference, for there is "no power in the King to direct our proceedings . . . when we are here [we are] a free council to proceed as we shall think fit." Mr. Middleton then moved for a supply to "pull out the thorn," but John Hoskins was quick to reply that parliaments were called to give counsel, not money. The matter of supply was deferred. Routine bills and business were discussed on 5 and 6 May. Sir Edwin Sandys, on the sixth, proposed regular meeting times for the committee of petitions, which was ordered. Notes for the upcoming conference on impositions were called for.

Further questions of undertaking consumed the energies of the House on both the ninth and tenth. In the case of Sir Thomas Parry, Chancellor of the Duchy of Lancaster, there appeared, said Phelips, an undertaker and undertaking; Mr. Chancellor was "an undertaker contrary to the privilege of the House" and there were grounds sufficient against him by his warrants to arrest certain poor men and by his threatening letter directed to Henry St. John, a candidate in the Stockbridge election. Parry had advised St. John not to run and wrote that if he should refuse the advice, "he should feel a greater power than he could resist, and that it would be ill taken of the state." Sir Francis Bacon spoke for consideration of Parry: "consider the person—a councillor of state representing the person of the King, as we here the Commons." Breton retorted, "The greater the person the more the offense." Matthew Davies saw three good effects touching privilege in punishing Parry despite his age and high office: first, it would be a caution to great ones hereafter how to write; second, it would be an encouragement to freeholders to use their own right in elections, and third, it would prove a good precedent for future ages that such behavior should be punished in any person howsoever great—"a memorial of this to be entered in the books." Francis Ashley wanted judgment, not mercy: "Great persons break through the laws, little ones are caught," he said. Brooke went further to



suggest that an act should be entered regarding the case with a recital of what had taken place, showing the House's detestation of the offense. Ultimately, on 11 May, Parry was censured by the Lower House, the Stockbridge election was voided, and a writ issued for a new election. Three days had been spent hearing debate on the case, causing Sandys's report from the committee for a conference with the Lords on impositions to be postponed until the following day. The result was the reaffirmation of the House's privilege to serve as "sole proper judge" of election returns, and election of its members, "without which the freedom of election were not entire."

On the morning of 12 May Sandys delivered a detailed and itemized report of the manner planned for proceeding with the Upper House in the imposition question. An introduction explaining the Commons' resolution, without one negative voice, that "his Majesty without parliament could not impose," and nine substantive points of reason and precedent were to be delivered by designated members of the Lower House. Furthermore, the committee prescribed the manner of delivery: that the arguments were to be given with sincerity and truth, with strength and with unity. No copies of the arguments were to be divulged before the conference; contradictions were to be resolved before the meeting. Mutual aid was to be solicited from the merchants, the customs books were to be procured from the Exchequer, and Sir Robert Cotton's tracts on imposing were to be borrowed. There was no debate on the report, an indication of agreement in the House regarding the plans. Sandys's organization of the conference was highly competent, exact and thorough in every detail; there can be no room for argument about lack of leadership here. The eighth point was directed explicitly at the Exchequer court, saying that "whereas the King affirmed that he had a judgment in the Exchequer Chamber for him, that there the barons have not proceeded *more maiorum*, for they should have asked advice of the parliament because this cause was above their commission."

Once again on 13 May undertaking was at the forefront of the debate. There had been accusations at the committee meeting on the subject the previous afternoon and threats by Sir Robert Killigrew to pull the chairman, Sir Roger Owen, out of the chair. Killigrew acknowledged his error and was pardoned for the offense; on the fourteenth Owen said he chose to forget the incident. The same day Sir Henry Neville announced his authorship of a paper entitled, "An Advice Touching the Holding of a Parliament" and a "Memorial" or "A Collection of Such Things as Have Been

by Several Men Desired to be Obtained of his Majesty for the Good of the People." Here was the root of part of the accusation of undertaking. It was clear to the House that these papers had provided the basis of the rumor that the King's friends had undertaken to oversee the agenda for the business of the session. The papers were read and proved to be so innocuous, if not supportive of parliaments generally, that the subject of undertaking was immediately dropped, not to be spoken of again during the session.

The "Advice," written in 1612, simply urged the King to rely on parliament for subsidy, not on "some projects and devices to raise money which may be set on foot to that purpose." It encouraged an abiding trust and love among King, crown, and parliament, and it discoursed on how that could be achieved, specifically mentioning graces and favors the King could bestow to the benefit of the commonwealth. The "Memorial" was a list of reforms Neville suggested could be made at small expense to the crown but resulting in the return of great good will from the parliament.

A considerable amount of time and energy was expended on the various facets of undertaking in 1614, but the problem could have been neither ignored nor dismissed. In each case the issues were not only "sensible in nature," as Wotton described them but, more importantly, revolved around basic principles of parliamentary privilege.

By Monday, 16 May, the House again discussed the procedure for the upcoming conference on impositions. Clarity was essential. William Hakewill moved for another committee meeting, where each man could rehearse his part, "that so nothing may be omitted." Anyone who knew of precedents that would "cross the opinion of the House" was to bring them in, anyone who was unsatisfied with the arguments was to raise questions then, any dubious precedents were to be reexamined. The speakers were reminded to stick to their parts, "for that it blemishes the part of him that comes after when deflowered by him that precedes." The following day the two remaining unsatisfied members of the House, Thomas Hitchcock and Leonard Bawtry, were to discuss their doubts about the House's position on impositions, and then the House would be ready for the conference, every detail of content and form having been considered.

The Virginia Company business intervened on 17 and 18 May, and took up more time than was anticipated. In his speech Richard Martin, counsel for the Company, digressed from Virginia business and took it upon himself "to censure some things agitated in the House." The Commons discussed his remarks and took them as

an offense of a "great and of a high pitch"; not wanting to have "an affront from any," they exercised their privilege by way of censure.

Hitchcock spoke on the eighteenth and, allowing time for rebuttal, it was necessary to postpone Bawtreys remarks until the next day. Then a messenger was dispatched to the Upper House to set a time for the conference, only to discover the Lords had risen and gone.

On Saturday, 21 May, Secretary Winwood was sent to request the conference; the Lords, in the midst of discussion of the issue, returned that they would send answer by messengers of their own. In the meantime debate on the subject continued in the Lower House; Mr. Jones rebutted Bawtreys arguments of the previous day and others spoke on the difference in taxation policies between elective and successive monarchies. No answer was forthcoming from the Lords on Monday, 23 May. Various bills were discussed in the Commons and the petition against baronetcy was read and debated, the critical question being whether the King could create titles of inheritance. Tuesday the twenty-fourth also passed with no word from the Upper House.

The long silence was broken on the morning of Wednesday, 25 May. Henry Mervyn began by describing the Bishop of Lincoln's speech in the Upper House the previous Saturday and was quickly interrupted by Sir Robert Phelips who expressed greater anxiety about the rumor of the Bishop's attack on the House of Commons than about his posture *vis à vis* impositions as touching the King's prerogative powers. The details of the controversy between the two Houses need not be repeated again, since the case has been recorded and discussed in various places.<sup>37</sup> What is important to consider here, in the context of this parliament, is that once again parliamentary privilege looms as more important than the substance of the business at hand. The carefully prepared conference, the detailed and rehearsed arguments, the question of the King's right to impose were abruptly cast aside in the Commons' desire for satisfaction from the Lords. The Bishop had offended the Lower House. Francis Ashley said at the outset of the controversy that "no greater offense can be than to tax our loyalty and discretion." By one the offense was considered capital: Edward Duncombe said he was "worthy to have his head set on Tower Hill if that true he has thus taxed the House." Crew moved to send to the

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<sup>37</sup> Howell, *S.T.*, 2:866-70; Cobbett, *Parl. Hist.*, 1: 1158-63; Tite, *Impeachment and Parliamentary Judicature*, 76-81; Foster, *The House of Lords, 1603-1649* (Chapel Hill, 1983), 32-33, 128.

Lords to know the truth of the report about the Bishop of Lincoln, reiterating that "it strikes deep to this body which we represent."

On 26 May Sandys, for the moment putting aside his agenda for the conference on impositions, gave a long speech on the liberties of parliament "both of this and the higher House," and the Commons then fell into debate on the handling of the offense. "To go immediately to the King," Sandys warned, "wrongs the liberties of the Upper House." The question remained how to remedy the offense while preserving the privilege. In the meantime the Lords decided against a joint conference on impositions and sent word to that effect. With the conference now formally rejected, the Commons chose to forbear proceedings in all other business until they received an acceptable response regarding the offense to the House by the Bishop. Again there were arguments on the manner of proceeding. Tempers grew short and accusations were made against persons for "misinforming" the King; on the twenty-seventh the Speaker was reprimanded for showing the Book of Orders to James without leave of the House.

On the next day Sir Edward Hoby was sent to the Upper House to crave redress from the Lords, who agreed to consider the message and reply as speedily as possible with a message of their own. By the thirtieth some members were agitating to get on with business and leave the controversy with the Lords to be handled by a committee. The schedule for resumption of committee meetings on bills and petitions after the forbearance was read out, with the expectation that business as usual would continue the following day.

On 31 May, amidst discussion on old bills, Sir Roger Owen was sent to the Upper House, again seeking satisfaction regarding the Bishop's affront to the Commons. The Lords answered with a solemn protestation from the Bishop and an admonishment that "although they were careful this time to give contentment . . . [yet] hereafter no member of their House ought to be called in question when there is no ground thereof but public and common fame only." The business dropped, the Lower House resumed reading bills and hearing debate. It was now almost the end of May and the King was restless, there being no apparent indication that supply would be forthcoming. On Friday, 3 June, he sent a message to the Commons to the effect that if the supply were not quickly granted he would end the session on Thursday the following week. The real question now was whether the Commons could justify a supply when the imposition question remained unanswered. The House was back where it had been before the controversy over the Bishop

of Lincoln's speech, this time without the possibility of support from the Upper House. "Now," said Francis Ashley, "we are at a point of the King's power and our own liberty touching impositions." The House agreed to meet that afternoon to frame an answer to the King.

On Saturday, 4 June, while the Speaker was detained at home with what was described as the mumps, the Commons met informally and drafted an answer to the King's message explaining that because the King in open parliament maintained his right to impose, then "if they should grant the King relief it might in after ages be accounted a real confirmation of the King[s] absolute power of imposing." But they were willing to acquiesce if the King would hear the arguments of the parliament.

On 6 June Speaker Crew delivered a second letter from the King wherein James said he had changed his mind and now resolved to dissolve the session the following day. Quickly, under Sandys's leadership, a message was drafted to James pleading for more time. Sandys proposed immediate relief for the King if he would give his royal word that "either now or hereafter he will be contented to be informed from the parliament, the ancient triers of the liberties of this kingdom, and to believe that which they shall present him." Parliament was attacking the validity of the decision in the law courts that recognized the King's right to impose, one of the cardinal points addressed in the Apology. The fifth part of the protestation incorporated in that document had spelled out:

That there is not the highest standing court in this land that ought to enter into competency either for dignity or authority with this High Court of Parliament, which with your Majesty's royal assent gives laws to other courts but from other courts receives neither laws nor orders.

On the seventh a last effort was made for a subsidy bill but there was little support for the measure on its own. Various schemes were proposed to keep the session going. Sir Robert Rich, for example, suggested giving one or two subsidies, "so the King will hear the impositions in parliament," but Sir William Walter said the motion for subsidies was unseasonable. Sir John Savile realized such a subsidy would be a "gift of undertaking." Sandys's message, drafted the previous day and calling for an open hearing of the matter of impositions in both Houses of parliament, was sent to the King, but it was too late. At three o'clock the Speaker went to the Upper House where the commission for dissolution was read and sealed, and the parliament was wholly dissolved. It was not con-

fusion that led to the dissolution, but resolve not to acquiesce in an immediate short term reconciliation with the crown that would ultimately spell disaster for the institution of parliament. A grant of supply might have guaranteed the continuation of the session but it might also have confirmed James's stance on impositions.<sup>38</sup>

Preoccupied with privilege in its greater conflict with the authority of the Exchequer, the parliament of 1614 passed only the bill for the naturalization of Frederick, Count Palatine, and James never assented to it. Consequently a problem arises over the correct terminology for the session which, according to Sir Edward Coke, should properly be called a convention, because no bills passed, rather than a parliament. Reverend Thomas Lorkin, a contemporary newsletter writer, seems to have been the first to record the contemporary appellative "addle," when he wrote to Sir Thomas Puckering on 18 June of the dissolution of, "as they term it here, an *addle parliament*."<sup>39</sup>

The imprisonments of Neville, Wentworth, Hoskins, and Chute followed close on the heels of the dissolution, a fact assiduously reported in the newsletters received on the continent. And all the lawyers and gentlemen who had been assigned parts in the proposed conference on impositions were commanded to bring in their papers, which "they brought to the Council Chamber door at Whitehall and there burnt them."<sup>40</sup> "All the while the lords sat," Whitelocke reported, "the King was in the Clerk of the Council's chamber. I saw him look through an open place in the hangings about the bigness of the palm of one's hand all the while the lords were with us." Sandys was questioned for his speech about elective kings and Savile for his allegations regarding impositions, and then they were dismissed upon bonds, as were Sir Edward Giles and Sir Roger Owen. These arrests need not be discussed here since they have been more written about than the parliament itself.<sup>41</sup> Suffice it to say that the whole exercise was yet another display of crown authority over members of parliament, this time for speeches

<sup>38</sup> The correspondent to the papacy wrote that "unexpectedly the parliament of England has been dissolved, the King having ordered so because the least satisfaction was had from the parliamentarians since he saw that they were more intent on disputing about the prerogative, trying as much as they could to debase it, than making a resolution on the point of subsidies and upon other things which he desired." SS. Nunz. Diverse 207, 9 July, f. 524.

<sup>39</sup> See Coke, *Fourth Inst.*, 27 [f.28]. For Lorkin's letter, see Birch, *Court and Times James I*, 1:323.

<sup>40</sup> Holles Diary, H.M.C., *Portland*, 10:138.

<sup>41</sup> See Chamberlain, *Letters*, 2: 532-41; Moir, *Addled Parliament*, 146-47; Spedding, *Bacon* 69-73; Whitelocke, *Liber Familicus*, 41-43; H.M.C., *Downshire*, 4: 427-29, 431.

made within the confines of the House—a blatant stab at the privilege of freedom of speech in the Commons.

With regard to settling the immediate conflict with the Exchequer and deciding who had the power to levy impositions, the parliament was a failure, imposts continued to be collected without change. The success of the assembly of 1614 lay in the experience gained in learning to manage itself. What was important was not what acts did or did not pass but what the members learned in failure about the nature of the institution of parliament—experience stockpiled for other sessions. The same arguments were introduced in 1629 in the debate on the crown's right to collect tonnage and poundage without the consent of parliament. John Selden said on 21 February of that year that "Privilege of parliament is to keep a parliament man free from any disturbance, that he may freely attend the business of parliament . . . And there is no doubt but it is as great disturbance for a man to have his goods seized as his person arrested . . . and if they have not privilege for their goods they have no privilege at all."<sup>42</sup>

In his dissolution declaration, on the eve of his eleven years of personal rule, Charles I summed up what he perceived as irritants in the relationship between the crown and the Commons. In his remarks he hearkened back to the reign of James I and tied parliamentary privilege to parliamentary procedure, as Sir Edwin Sandys had done in his speech to the Lower House on the 6 June 1614. Charles observed that the procedural changes that had evolved in the House of Commons during his father's reign served to support and strengthen parliament's claim to certain customary privileges. "We are not ignorant," he said,

how much that House of late years endeavored to extend their privileges by setting up general committees for religion, for courts of justice, for trade, and the like; a course never heard of until late . . . to the unsufferable disturbance and scandal of justice and government, which having been tolerated a while by our father and ourself has daily grown to more and more height, insomuch that young lawyers take upon them to decry the opinions of the judges and some have not doubted to maintain that the resolution of the House must bind the judges, a thing never heard of in ages past.<sup>43</sup>

<sup>42</sup> W. Notestein and H. Relf, eds., *Commons Debates in 1629* (Minneapolis, 1921), 165.

<sup>43</sup> See Rushworth, *Historical Collections*, 1: Appendix, p. 7, "His Majesty's declaration to all his loving subjects of the causes which moved him to dissolve the last parliament, March 10, 1628 [1629]." I am grateful to Conrad Russell for this citation.

The response of the Commons in 1614 was less to “decry the opinions of the judges” (which they did), than to strengthen the procedures that protected their privileges and confirmed the institutional identity of the Lower House. The necessity of privilege was highlighted some years later by Sir Edward Coke when he explained that no court of justice can subsist without “the custom and course of it.” “And this,” he said, “we in parliament call liberties and privileges.”

After the dissolution of the session of 1614 Sir Henry Wotton wrote that the assembly could be termed “the parliament of greatest diligence and of least resolution that ever was or will be.” He said the committees were well attended and yet did nothing, either in the forenoon or afternoon. The reason, he wrote, was but one: “that our diversions were more than our main purposes, and some of so sensible nature as took up all our reason and all our passion in the pursuit of them.”<sup>44</sup>

Wotton was making a distinction between the substantive issue of impositions (and, perhaps from his perspective, the Bills of Grace), that could be termed the “main purposes” of the session, and the diversions into questions of privilege and procedure in almost every debate. His point is noteworthy: he recognized the “sensible nature” of the digressions if not the absolute necessity for them.

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<sup>44</sup> See Wotton, *Letters*, 32-33. See also S.P. 99/16:104, Winwood to Carleton, 16 June 1614, where Winwood relates that the point of impositions was a “main grievance” which troubled the subjects. If that difficulty were not accommodated, he wrote, no good success could be reported.