Winter 1976

The Tudors and their Parliaments

Mark W. Cummins

Follow this and additional works at: http://scholarship.richmond.edu/honors-theses

Recommended Citation
Up to the reign of the Tudors and in some respects to the Stuarts, Parliament was controlled by the King. Under the Tudors, a change came about between these two "branches" of the English government. The Parliament, especially the Commons, began to assert their authority. They began to "flex their muscles" and the crown began to lose its dominance in Parliament.

This conflict between the crown and Parliament would result in the English Civil War and the establishment of constitutional monarchy in England.

To begin a discussion of the conflicts between the crown and Parliament, it is necessary to review contemporary writings on the power of the Crown and Parliament. My first reference is The Governance of England, written by Sir John Fortescue between 1471 and 1476.

Fortescue was appointed Chief Justice of the King's Bench in 1422 under Henry VI. He was loyal to the Lancasters until his death in 1476.

Fortescue begins by stating that England is ruled by the desire of the people and these desires are carried out by the Prince. The Prince rules the people in order to defend them from attack by foreign enemies and to provide justice for protection of the people from the wrongs done within the country.

Fortescue also describes the King's Council, listing their various duties and functions. There are 24 members of the King's Council, 12 spiritual and 12 temporal lords, appointed by the Prince. These men are not to accept fees, clothes or rewards from anyone, except the Prince and they are sworn to this by an
oath. The members of the King's Council remain in office at the pleasure of the Prince. They are to advise the Prince on all matters of governmental policy (financial, military, etc.) for the profit of the realm.

Fortescue states that the Prince controls the localities by appointing various local offices. Because of these appointments, the Prince is able to control the localities.

On the matter of Parliament, Fortescue states that the Prince rules without Parliament. He believes that Parliament is not important and that the Prince completely controls the government.

My second reference for contemporary thought is Sir Thomas Smith's *De Republica Anglorum*, published in the 1570's. Smith was Elizabeth's Secretary of State for many years.

In the beginning of *De Republica Anglorum*, Smith discusses the three forms of government (monarchy, aristocracy and democracy) and the various types of rulers under these three forms. He also describes the differences between a king and a tyrant (one succeeds or is elected with the good will of the people and the other succeeds by force without the people's good will). He then discusses the evolution of a commonwealth.

After this introduction, he begins to describe the English government. He states that Parliament is the "most high and absolute power" of England. ¹ Parliament has absolute power during war and peace. He lists the powers of Parliament as the following: 1. to review old laws and pass new ones; 2. to change the rights and possessions of men; 3. to legitimatize
3.

Smith writes that all the people are represented in Parliament - from the king down. This representation means that the consent of Parliament is every man's consent. He states, in the end, that Parliament "... hath the power of the whole realme both the head and the bodie."  

Smith next describes the process of calling Parliament (sending out of writs to members of the House of Lords and to the sheriffs for them to hold elections to the House of Commons). On the first day of Parliament, the Lords and the Commons meet in a joint session to hear the speech made by the Chancellor declaring the reasons Parliament was called and the state of the realm. The Commons then return to their chamber in order to elect a Speaker (who is usually a royal appointee and is nominated by a Privy Councillor who is a MP). The Commons then return to the upper house, where the Speaker makes a speech to the Queen stating his inability to serve as Speaker and then he requests four privileges of the Queen. These privileges are: 1. to allow the Commons to keep their liberties and privileges; 2. that they may have freedom of speech "without offense to her Majestie"; 3. if a Member says or does anything against his dignity, he should be punished by the Commons; and 4. that he (the Speaker) shall have access to the Queen and/or the Lords for advice or a conference.  

Smith then describes the process by which bills are pro-
posed and -either passed or defeated in Parliament. An interesting point to make here is that Smith states the Speaker cannot speak for or against a bill, but he can inform the Commons of the effect the bill will have upon the country (the problem is that the Speaker could relay the effects as told to him by the monarch and this is an important indirect influence upon the bill). Once passed by Parliament, a bill is either approved or vetoed by the Prince. If approved by him, the bills are "perfect lawes and ordinances of the Realme of Englane ..."^4

Smith states that the Monarch has absolute power of war and peace - he makes war with anyone he pleases and he makes peace at his pleasure. Other powers of the Monarch are as follows: 1. grants pardons in criminal cases; 2. appoints highest officers in England, both temporal and spiritual (and also receives the tenths and first fruits of all spiritual promotions - annates); and 3. regulates the form, weight, fineness, etc. of coins. The Monarch is to see that all laws are enforced upon the localities. Other powers or royal prerogatives are established by law. As Smith states, "To be short the prince is the life, the head, and the authoritie of all thinges that be doone in the realme of Englane."^5 To Smith, the Monarch is the governor.

There is a drastic difference between these two writers in discussing the power of the Monarch and the power of Parliament. Fortescue draws us a picture where Parliament plays no major part in the governmental affairs of England. In contrast, Smith informs us that Parliament has absolute power in England. The question arises as to whether there was a drastic shift in power between the
1470's and the 1570's. Was Parliament as supreme as Smith leads us to believe? We shall see!

Writs were ordered by Henry VIII to be sent out on 9 August 1529 for Parliament to meet on 3 November. This Parliament, the Reformation Parliament, was to last until 1536. It was called, in all probability, to act against Cardinal Wolsey, but his end came through the Court of the King's Bench. This was done in order that Parliament would not discover that Henry had agreed with Wolsey's policies. Once this was done, it is believed that Henry felt there was nothing for Parliament to do when it met.

There were 310 members elected to the Commons - 74 Knights of the Shire and 236 Burgesses. There seems to have been no direct intervention in these local elections on the part of the Crown, as there would be in the by-elections of 1534 and 1536 (which was done by Cromwell). It is possible that Henry requested the aid of some of the great nobles (such as the Duke of Norfolk) to use their influence in certain areas in order to receive more reliable people from those areas.

The Commons were composed of great landowners, merchants, mayors, aldermen, recorders, lawyers, courtiers and administrators. It was not predominantly composed of "king's men" as it had been under Wolsey or later under Cromwell. This Parliament seemed to be more representative of the classes it was chosen from and that it was to represent.

The individual Members came to London with very strong anti-clerical feelings. They hated Wolsey and were ready to attack many clerical abuses. No wonder Henry did not "pack" this Parliament,
the Members had the same feelings for the Church as Henry, but a little bit too early for him.

In the House of Lords, there were 50 Lords spiritual and 57 Lords temporal. Of the Lords spiritual, William Warham was the leader as Archbishop of Canterbury (he was to be replaced by Thomas Cramner in 1533). Warham was not very active in political matters.

The other Lords spiritual (bishops, abbots, priors, etc.) were fairly conservative. Most of them went along with divorce, either reluctantly or not at all. By 1536, the bishops were replaced by reformers or supporters of the king and the abbots and priors caused no problems in surrendering their religious houses.

The Lords temporal were in the majority in 1529. They were lead by Thomas Howard, Duke of Norfolk, Charles Brandon, Duke of Suffolk, Thomas Grey, Marquis of Dorset, and Henry Courtenay, Marquis of Exeter.

The Lords were more directly under the control of Henry than the Commons. He was able to control them by various means, such as the following: 1. to allow, encourage, or command his opponents to remain at home; and 2. would apply pressure to those members who were "on the fence," through prestigious men such as Norfolk. All considered, there still was opposition to Henry and his policies in the Lords.

The first session of the Reformation Parliament met on 3 November 1529. Thomas Audley, Knight of the Shire from Essex, was elected Speaker. He had served at Court and would later be rewarded by Henry in receiving the Chancellor's seal and a barony.
In all probability, Audley was a royal nominee.

The Commons were very anti-clerical and they came to London with the intention of solving various clerical abuses. They believed, as Edward Hall wrote in Hall's Chronicle that the king was controlled by the clergy in the past, but that now God had "opened the king's eyes" and that the Commons could work towards a Reformation.6

The Members were to be surprised as to the reality of this belief. Henry was not ready to declare all-out war on the clergy and the Church. This was to be shown in the bills that were drafted to correct these abuses. These bills were drawn up as petitions to the king, but he never received them. It seems that Cromwell stopped them and they were filed for later use.

When Parliament passed a bill relieving Henry's obligation to repay the forced loans that Wolsey obtained to pay for the war with France, Henry granted a general pardon to cool public discontent over the bill. To thank the Commons, he applied pressure upon the clergy to pass the bills concerning mortuaries and probate fees. These bills had been submitted to the Lords earlier and the clergy's opposition caused them to be set aside. So, Henry and Parliament compromised in order that both parties could receive what they wanted. (The non-residency bill was also passed by Parliament with Henry placing pressure upon the clergy to accept it.)

Other government bills were passed by Parliament in 1529. These bills involved the legal system, regulation of trade and commerce, economic matters, and private matters. There were
26 bills passed and the king approved all of them. Parliament was prorogued on 17 December 1529.

The next session of Parliament met in 1531. No major acts were passed, but the ones that were passed made matters easier for the divorce. One bill, drafted by the king's advisors and signed by Henry himself, was to pardon the clergy for violating the statute of praemunire. Henry stated that the clergy had done this because of their recognition of Wolsey's powers as papal legate. The bill had no problems in the Lords, but problems arose in the Commons. A delegation was sent to the king trying to force him to include laymen in the bill. The king stated that he would not be subject to their will and that he could act on this matter without their consent. The Commons stood firm and nothing was done. Later during the session, the bill was redrafted and Parliament passed the bill. The king also gave in to the Commons and consented to a bill that pardoned laymen for violation of provisors and praemunire.

It seems that Henry wanted to keep good relations with the people and Parliament because of one bill he had introduced which made murder by poison a treasonable offense. The story is that a servant tried to poison Bishop Fisher, one of Henry's greatest opponents. Henry proposed this bill in order to prevent the people from believing that he had hired the man to poison the bishop.

In the closing days of Parliament, More was sent to the Lords and the Commons to speak on the divorce. He read a report of the scholars of European universities that Henry's marriage to
his sister-in-law was invalid and that Henry was not seeking the divorce for another woman. When Members of the Lords declared it was too late in the session to debate the divorce, they were informed that Parliament was not to debate the issue, both Houses were only to be given a true picture of the circumstances around the divorce. It seems that Henry was preparing Parliament to discuss the divorce in the next session.

This session of 1531 did cause some problems for Henry in the belief that the Commons wanted firmer action in regards to the clergy. They were standing up to the threats that the Crown did not need Parliament. But, Henry did want them and he compromised on various points in order to keep their support. In so doing, Henry was gradually giving Parliament the feeling of being able to hold the king back and receive what they wished.

The 1532 session of Parliament met on 15 January. This session was to give the king trouble over his proposed bills concerning the Church.

The first bill involved the payment of annates to the pope. It was the most important revenue he could obtain from England and Henry hoped to threaten the pope through financial means and secure his divorce from Catherine. When the bill (which was drafted by Cromwell as a petition to the king) was submitted to the Lords, a hot debate ensued. All the clergy were opposed to the bill. After three appearances by the king and the addition of a section that would delay enforcement of the bill until the king saw fit, the bill passed the Lords.

This same massive opposition was encountered in the
Commons. The king was able to overcome this by ordering a division. This procedure, which was devised by Henry, was that those Members who would "stand for his (Henry's) success and the welfare of the realm" were to go to one side of the room and those who were opposed, would go to the other side of the room. Of course, the bill passed by a majority because some members of the vocal opposition did not want to encounter the king's anger.

Henry also encountered financial problems during this session. He requested money early in the session on the grounds that he needed to reinforce the Scottish border. The Members did not believe him and the matter was set aside.

On 16 April a money bill was again submitted to the Commons. Two prominent Members stated that Scotland could not and would not attack England. The reason for this belief was that Scotland needed foreign aid in order to attack and that the best means to avoid this was for England to maintain justice at home and good foreign relations. During the course of the debate, Thomas Temys, burgess from Wiltshire-Westbury, stated that the divorce from Catherine could only cause bad foreign relations (he was one of Catherine's many supporters). He made a motion that a petition be sent to the king, requesting that he "take the Quene again into his compaignie." The petition was never sent to the king, but when he learned of the matter, he was quite angry. In order to calm the king, Parliament very quickly granted him one-fifteenth, which was less than he wanted and it would be vetoed.

In his attack on the clergy, Cromwell drafted a bill to abolish the legislative authority of Convocation, but it does not
look as if the bill was ever introduced in the Commons. The belief is that it was dropped because there was strong opposition to the bill in Parliament. They feared that the king might claim all legislative power for himself by attacking Parliament later.

Parliament was prorogued suddenly on 14 May 1531. The Members were allowed to leave because they had requested it, since the length of Parliament was beginning to hurt them financially.

It appears that Henry encountered more opposition in this session than he had before. The facts of this session point out again that both the king and Parliament compromised in order to get some of the things that they wanted. Concerning the bill to abolish the legislative authority of Convocation, Parliament feared that Henry would try to usurp their legislative powers and the Members informed the king that they would not stand for this.

With the replacement of More by Audley (the former Speaker) and Warham by Cramner, the way was paved for Henry's divorce. To help in this matter, Cromwell attempted to "pack" both the Commons and the Lords, either through by-elections or in making sure that old reliable Members attended the 1533 session.

The Act in Restraint of Appeals, which was drafted by Cromwell, was introduced in the Commons on 14 March. Its purpose was to prevent all appeals to Rome, thus enabling the ecclesiastical authority in England to decide the king's case.

Opposition in the Commons was based on economic reasons. The belief was that the other Catholic nations might boycott English goods and this would hurt the economy drastically. These Members even offered Henry 200,000 pounds to drop the bill. The
government supporters argued that no such thing would happen and that the other nations would probably be happy to follow England in "throwing off (the) papal yoke." This act was finally passed.

The belief behind this act is that it was the climax of the Reformation Parliament. The reason for this is that all clerical acts before it were leading up to this act and all the bills that came after it, followed from this one act. The main point here is that no one, not even the king, realized what this act was leading to - a complete break with Rome. Parliament enacted it without really considering the long range effects of what they were doing. The king requested it, therefore they gave it to him. But, one must realize that by making this momentous religious change, Parliament would later make other big steps toward sovereignty.

The two sessions of 1534 were to be the most productive of all the sessions of the Reformation Parliament. As my source put it, "The government had prepared its legislative program with uncommon efficiency and the two Houses had enacted it with a minimum of delay." Out of all the bills passed by these two sessions (such as supremacy, succession, granting of first fruits and tenths to the king, five severe acts on Wales, etc.) the strong Treason Act and the Subsidy Act (a fifteenth and a tenth) caused Henry the most problems. These problems were really only minor - the government version of the bills was left virtually unchanged.

The main reason for this easy passage of governmental bills is that Henry and Cromwell "packed" Parliament again. They
were able to do this with by-elections in the Commons and because of deaths in the Lords. Another means Henry used in the Lords was to inform the opposition that they were to remain at home. Because of these changes, Henry was able to control Parliament through his men that were the majority.

The final session of the Reformation Parliament was to meet on 3 November 1535, but Henry prorogued it until 4 February 1536. The reasons for this move on Henry's part, was the great discontents with the Crown because of the execution of Fisher and More, and the bad harvest of 1535, followed by high prices and the plague.

To avoid opposition to his plans, Henry sent out form letters, allowing the recipient to be absent from Parliament, if a sufficient proxy was named. Many Lords did submit blank proxies to the king and he gave them to his supporters in the Lords.

In the Commons, the membership remained basically the same as in 1534. Many of the king's opposition did not want to achieve the further displeasure of the king and they were excused from this session.

During this session of Parliament, the king encountered very little opposition to his legislative program. The bill dissolving the small monasteries was passed very quickly when, as one Member spoke of its passage, the king appeared before the Commons to present the bill to them (historians are not sure of this action by the king).

The main bills of this session concerned economic and social matters. One bill that Henry really wanted, but had been
denied by Parliament concerned uses (trusts). He had tried to have something done in 1529 and 1532 to enable him to collect the feudal dues from uses. Before the 1536 session, Henry used very different tactics to force Parliament to do as he wished. He had a case involving the legality of uses brought before the Exchequer. They ruled that uses were illegal. This ruling placed Parliament in a bad position. Something had to be done because of the extent to which uses were being used. They finally acted by passing a law recognizing the legality of uses and granting the king feudal dues from these lands.

The main point is that in order to get what he wanted, Henry took his case before the courts. He won and Parliament was forced to pass his version of the bill, with no changes.

The Reformation Parliament was dissolved on 14 April 1536. Most of the king's program did not encounter any great opposition in Parliament. He was able to control the final session as he had done throughout the entire six sessions of Parliament. In general, the feeling is that the king was able to get his programs through because of the consistency of philosophy between the king and Parliament. He did encounter opposition at certain points between 1529 and 1536, but these were overcome by the various methods of intimidation that he used (voting by division, vague wording of the Treason Act, the court procedure, and his intervention at various times - appearance in the Commons and the Lords). In general, it seems that they both sought "the general good of the realm, the common weal of England."¹¹

Between the Reformation Parliament and Elizabeth,
Parliament began to be forceful in defending its right to legislate. During the reign of Mary, the Commons in 1553 and 1555 openly opposed policies of the Crown. The clash came because of the religious question and the only way either group (government supporters or opposition) could achieve their goals on specific bills was to lock the doors of the chamber and remain in session until something was done.

During Elizabeth's reign, the Lords were not to cause her any problems. They were too dependent upon the crown to encounter her displeasure. They felt that a government bill had the support of the Queen and this support was considered a royal command to pass it. In describing the situation between the Lords and the Crown, "it is well to remember that the function of a Tudor House of Lords was less to impede the Crown than to assist it in controlling the Commons."12

The situation in the Commons was completely different. They were to cause the Queen great misery and she would gradually get to a point of great dislike for them. After the 1566 session of Parliament was dissolved, the Members were described as "... having conceived and employed such acts of opposition and displayed so resolute a spirit that no House of Commons before their time could furnish the like."13

The Queen's opinion on the liberties of the Commons was very forceful - they did not have any. She informed the Commons of this belief in a speech made on the last day of the 1566 session. The Queen said,
As to liberties, who is so simple that doubts whether a Prince that is head of all the body may not command the feet not to stray when they would slip? God forbid that your liberty should make my bondage, or that your lawful liberties should anyways have been infringed. 14

She continued, "Let this my discipline stand you in stead of sorer strokes, never to tempt too far a Prince's patience ..." 15

The 1576 session of Parliament was one example of the growth of parliamentary liberties. This growth was to evolve over freedoms of speech and arrest. In the end, one Member was to be placed in the Tower and another Member's servant was to also go there (placed there by the House).

The discussion of freedom of speech began on the first day of the session, 8 February 1576. Peter Wentworth arose in the Commons and advocated freedom of speech. He had served in the Parliaments of 1566 and 1571 and stated that his speech was based on experiences in those Parliaments.

Wentworth begins his speech by describing free speech as "... the only salve to heal all the sores of this Commonwealth ..." He believes that Parliament is not a place of free speech, but "a very school of flattery and dissimulation ..." 16

Wentworth states that there are two wicked things that hurt the Commons. One is the fact that rumors are passed throughout the House informing the Members of the Queen's pleasure on a bill. These Members are warned not to offend her by voting against her pleasure. The other thing is that messages are sent from the Queen that are either of a "commanding or prohibiting" nature. 17

Wentworth continued, "Free speech and conscience in this
place are granted by a special law, as that without the which the Prince and State cannot be preserved or maintained." In other words, he is expounding the idea that freedom of speech is immune from any interference by the Crown. Wentworth probably did not even realize how this freedom would be used later under the Stuarts.

He goes on to attack the Queen for not advancing the Glory of God in approving the Puritan religious bills in 1572. He also states that these rumors, messages and voting by division must stop in order to prevent destruction of the Commonwealth.

In the end, he proclaims his great love for Elizabeth and adds, "My humble and hearty suit unto you all is to accept my good will and that this that I have here spoken, of conscience and great zeal unto my Prince and State, may not be buried in the pit of oblivion and so no good come thereof."

Wentworth was not able to finish his speech because the Speaker stopped him in the middle and sent him out of the chamber. A committee was then appointed by the Commons to examine him that afternoon. The committee was mainly composed of Privy-Councillor Members.

The examination was a very thorough one. The committee questioned him as to all aspects of his speech. The committee told him that he was not to speak against messages of the Queen. Wentworth responded by saying, "If the message be against the glory of God, against the Prince's safety, or against the liberty of the Parliament House, whereby the State is maintained, I neither may nor will hold my peace ..." He added that "... I do promise
you all (if God forsake me not) that I will never during life hold my peace if any [such] message be sent ..."21

The committee also questioned Wentworth as to why he criticized the Queen in this way over the rejection of bills in 1572 concerning Mary Stuart. His response was,

Would you have me to have done as you of her Majesty's Privy Council do? To utter a weighty matter in such terms as she should not have understood to have made a fault? Then it would have done her Majesty no good, and my intent was to do her good.22

The committee recommended and the Commons agreed that Wentworth should be sent to the Tower. He was to remain there until by a "gracious gesture of the Queen" he was released on 12 March 1576, two days before the end of the session.23

Freedom of arrest was the next item to arise during the session of 1576. The situation concerned Arthur Hall and his servant, Edward Smalley. Hall became involved in a feud with a Melchisedech Mallory and one night, two of Hall's servants followed Mallory home from a tavern and Smalley cut Mallory's cheek.

A London jury awarded Mallory 100 pounds damages and soon afterwards, Mallory died. His executor and brothers pressed on with the case and obtained a writ of execution to get the money. A writ of execution can only be issued once, therefore it was necessary to hold the debtor until the damages are paid.

Parliament was in session and Smalley hoped he would be arrested for the following reasons: 1. parliamentary privilege would apply to his case; 2. he would be released from prison; and 3. he might also avoid paying the debt. According to his wishes,
Smalley was soon arrested.

When the case went to court, the judges hoped to obtain an agreement without parliamentary intervention. This was not accomplished because Hall was determined to have the case brought before Parliament.

On 15 February, the Speaker was informed by Hall of the case and he (Hall) was instructed to bring the question up on that day. When he attempted to do so, the Speaker put him off until later.

The matter was finally brought before the Commons and the arresting officer was called before the House. After he informed the House of the events of the Smalley case, a committee was appointed to investigate.

On 20 February, the committee reported that it was unable to achieve a compromise. A debate followed and during the course of the debate, the Speaker informed the Commons that they must be careful and not decide against the law because the courts could and would overrule them.24 (This would become a problem under the Stuarts with Common Law versus the Privilege of Parliament.) The debate continued with the Commons being very critical of the court's power. The debate finally ended with the Sergeant-at-Arms being instructed to secure the release of Smalley.

In order to accomplish this, a writ of privilege had to be obtained from the Chancery. After going through a great amount of "red tape," the writ was never granted because there were not any precedents for this case.

On 27 February, Hall arose in the Commons and severely
criticized the Speaker for wasting time. After a long and heated debate, the House finally ordered the sheriffs of London to release Smalley by "warrant of the mace" (which had never been done before). 25

Smalley was released into the custody of the Sergeant-at-Arms on 28 February. Therefore, privilege was asserted for the first time by "warrant of the mace." A committee was then formed to investigate the matter and decide on compensation for the Mallory brothers. The committee was mainly composed of Privy-Councillor Members and they made their report to the House on 6 March. The committee felt that "fraud and cunning" was used on the part of Smalley and that Hall was the instigator. 26 The Mallory brothers were awarded 100 pounds compensation.

On the afternoon of 7 March the compensation question was debated and quickly agreed to by the House. Another debate soon followed as to whether Hall had abused the House. Many Members requested that Hall and Smalley be punished. Hall was requested to leave and at about 7:00 P.M., the Speaker had the doors of the House locked and called for a vote as to whether Smalley should be sent to the Tower for contempt and abuse of the House. The motion was passed.

In the meantime, Hall returned home with Smalley and denied the request of the Commons for Smalley to appear before them. After many warnings by the House as to the consequences, Recorder Fleetwood submitted a bill to the Commons on 10 March. This bill would have ordered Hall to pay the 100 pounds damages and expelled him from Parliament - never to return. If the bill had passed, a dangerous precedent might have been established.
The bill did not pass because Smalley appeared before the House after the first reading of the bill. He was then sent to the Tower until an arrangement could be made as to the payment of the debt. Hall also sent a note to the House apologizing for his actions.

The situation ended on a sour note with parliamentary privilege being abused. The main point is that Smalley was released by "warrant of the mace" and not the usual writ of privilege from the Chancery.

After these events, the Queen was to have no major problem with the governmental program. The subsidy that was requested was granted very quickly. A petition concerning the abuses of the clergy was presented to the Queen and she had Convocation correct these abuses. Another petition was also submitted to her on the marriage issue, requesting that she continue her line. Elizabeth answered this request by stating that she had ruled well without a husband for 17 years and that she would continue to do so.27

The Queen was greatly satisfied with the proceedings of the 1576 Parliament, so it was prorogued.

Another Parliament that was to cause problems for the Queen was the Parliament of 1593. Some Members of this Parliament would attack prerogatives of the Crown.

This Parliament was called to solve a drastic need for money. Elizabeth had helped to secure Henry IV on the French throne (against the Catholic League) and there was an army in the Netherlands. England was also fearful of an attack from Scotland, aided by Spain.
This Parliament was a very weak body, "if compliance be a weakness." The Puritan movement was virtually dead because of the activities of Whitgift. Therefore, the Puritans were not a major force in this Parliament, except for Peter Wentworth, James Morice and Robert Beale who were to disappear from Parliament fairly quickly. Elizabeth and her ministers were to control this Parliament, once these troublemakers were gone.

Parliament opened on 19 February 1593. Sir John Puckering (the Lord Keeper) warned the Members they were to only grant a subsidy and not to waste time on other matters. Puckering also stated, "For liberty of speech her Majesty commandeth me to tell you that to say yea or no to bills ..." is sufficient. He also added that "You have been warned."

Peter Wentworth was to raise the succession question - a forbidden topic - during this Parliament. The problem is that Elizabeth's foreign policy on this matter was to give James the crown, if he was a "good boy." Her harsh treatment with Wentworth must be viewed in light of this good policy.

Wentworth had published a tract in 1587 called A Pithic Exhortation to her Majestic for establishing her successor to the crowne. The purpose of this tract was for the Queen to immediately call Parliament, have all claims to the throne examined there, and that as the supreme court of England, they were to make the decision.

Wentworth declared it was Elizabeth's "Christian duty" to prevent an unsettled succession and provide for the future. He also stated that her soul would go to Hell for not providing a
successor and that she would be denounced by future generations for not doing so. 32

Before 1593, Wentworth attempted to have Elizabeth read the tract and call Parliament. He tried to accomplish this by getting Privy Councillors (Burghley, Earl of Essex, etc.) on his side. He continued to work toward this end, even after he was imprisoned in 1591 by the Privy Council. He was completely freed in 1592, after being confined in prison for four months and in private confinement for about eight months. In the end, he believed that succession was the reason for the calling of Parliament in 1593.

Wentworth came to London prepared to raise the succession question before the Commons. He brought with him the following: 1. a speech introducing the succession matter; 2. a bill with blanks to fill in the order of succession as it was decided; 3. a petition to the Lords seeking their cooperation; 4. a petition from both Houses to the Queen; 5. a thanksgiving message if accepted and the opposite if rejected; and 6. a new copy of the tract of 1587.

Wentworth attempted to lobby among the Members for support. His supporters were beginning to grow, when the Privy Council discovered what he was going. After an investigation, Wentworth and most of his followers were sent to prison. His followers were released after Parliament was dissolved. Wentworth was to remain in the Tower until his death in October 1597.

Peter Wentworth was one of the greatest men of the Elizabethian Age. He and many others were in a great conflict with
Elizabeth, but they adored her and even idolized her. He would never realize what would happen later because of his speeches, but he was to lead the way towards parliamentary power.

On 27 February, James Morice rose in the Commons and made a long speech concerning the legality of the Court of the High Commission. Whitgift had been using this court to attack Puritanism with the Queen's support. When he finished, he presented two petitions to the House. One attacked unlawful oaths, inquisitions and subscriptions. The other attacked unlawful imprisonment and the restraint of liberty.

After a long debate as to whether these petitions should be read against the Queen's command on religious matters, the Speaker was instructed to read the first petition. It was late in the day and he put the matter off until 28 February.

In the meantime, Whitgift submitted a report to the Queen on what was happening in the Commons. He stated that if the bills were passed, Parliament would attack the Monarchy next.

Whitgift was already too late, for Elizabeth had summoned the Speaker. She delivered a speech to him and discussed two points. One was that the Commons were only to deal with "the safety of the person and the defense of the Realm." They were not to discuss any old or new laws; she had called them and intended to dissolve them when the subsidy was granted. The second point was that she had only love and devotion for the Commons.

On 28 February, Morice was called before the Privy Council. He was reprimanded for his activities and was confined in the house.
of Sir John Fortescue until late April. He was released only upon a promise that he would inform the Queen or the Privy Council of any trouble within the "Church or Commonwealth" and that he was also to inform them if anyone approached him on the matter of succession. Morice continued to condemn Whitgift's policies until his death in 1597.

The legislative program of the government in 1593 included two severe anti-Catholic bills. The problem was that the great hatred of Catholics felt by previous Parliaments had changed. The bills were amended by the Commons and were made very lenient. A great debate was over the possibility of attacking the Puritans through these laws and the bills were amended to avoid most of this problem. But, one section remained that enabled the government to continue attacking Puritanism.

Another government bill was the request for money. The Commons felt that they were very liberal-minded, when they proposed to grant two subsidies. The Queen did not like this small amount, so the Lords delivered an ultimatum to the Commons that they would accept nothing less than three subsidies. The only complaint from the Commons was not the granting of three subsidies, but that the initiative should come from the Commons and not the Lords. In the end, the Queen received the three subsidies as requested.

On 10 April 1593, this Parliament was dissolved. It had been a very compliant Parliament but the Commons did stand up to the Queen. One government bill that the Commons said no to the Queen concerned the penalties for forging the "hands" of Privy
Councillors and other government officials. The Commons felt the bill was too dangerous.36

The Queen also used her own methods of persuasion. When a bill was presented to the Commons prohibiting the transporting of iron ordnance, the Speaker was presented until a letter from the Queen, commanding that the bill was not to be read. The bill was then quickly subdued.37

The session was to see an unprecedented number of Members imprisoned (seven). This was not unconstitutional and the Commons were to be very quiet on the matter. They did not demand the release of these Members.

The Parliament of 1597-8 was to cause no major problems for the Queen. It was again called for financial reasons and she was to get what she requested. About half the Members of this Parliament were new. The older Members that were in the 1593 Parliament were gone (Knollys, Wentworth, Morice, Wolley, etc. were all dead). Other older Members were not elected.

One of the most important problems to be discussed during this Parliament was monopolies. They had been greatly abused and to obtain redress, one needed to take their case before the Privy Council and the Star Chamber, but their duty was to protect the royal prerogative - not hurt it.

During the debates over a petition requesting the Queen to correct these abuses, the Queen corrected some of them. She instructed her Councillors to: 1. "scrutinize" existing grants and 2. not prevent patenters from suing for redress in Common Law courts. In doing this, the Queen was weakening the royal pre-
rogative by allowing monopolies to be tested in the Common Law courts.

The Commons still presented the Queen with a petition, orally, through the Speaker on the last day of the session. He requested that the Queen correct other abuses.

Another event of importance which took place during this Parliament concerned parliamentary initiative. Six bills were introduced during this session which concerned economic and social matters. Three of these bills were passed. The important aspect, so far as this paper is concerned, is that Parliament took the initiative - not the government.

Religion was again discussed in this Parliament. A motion was made to draft a bill correcting the abuses of marriage licenses. A committee was formed to draft this bill, but the Queen intervened. She requested that the committee and other Members submit information to her on this matter and she would correct the abuses as Supreme Governor of the Church. This was quickly done.

The matter did not end there because the committee continued to work. It was dominated by Puritans and they did not want to lose their chance to correct other clerical abuses. The first act was the creation of a roving commission on ecclesiastical abuses. This commission reported many anti-clerical bills to the Commons, even one on abuses of marriage licenses (a definite slap at the Queen). The Privy Councillors and Speaker were able to suppress all these bills, but the abuses requested were corrected through measures passed by Convocation.
During this Parliament, Elizabeth was giving into the demands of the Commons. She does not give them all they wanted, but important concessions were made. The royal prerogative was weakened and Parliament began to take the initiative in important matters (even though, the bills were considered "Commonwealth" matters and within the Queen's definition of freedom of speech).

Under the Tudors, Parliament (especially the Commons) were to take the first steps in becoming a political force in England. Henry VIII was to set the pace by "wooing" Parliament in order to secure his divorce. By doing this, he was to give Parliament a prominent position in the forming of a long term policy. The Reformation Parliament was to establish the succession to the throne, recognize the Monarch as the Supreme Head of the Church, grant him powers to destroy the Catholic Church in England, and so on. In getting their "permission" to destroy the influence of the pope in England, Henry was to establish parliamentary precedent that would bring Parliament to power.

Elizabeth, during the early years of her reign, was very strict in her dislike for Parliament (even though the Members adored and worshipped her). She intervened in the activities of Parliament many times, through messages, rumors, speeches, vetos, and the suppression of Puritanism, but she was unable to turn the rising tide. Peter Wentworth, Arthur Hall and James Morice were among the most prominent supporters of parliamentary rights.

In the last years of Elizabeth's reign, she was to concede to the will of Parliament and in the end, weaken the royal prerogative. Monopolies and religious grievances were partially
corrected by the Monarch after pressure was applied by Parliament.

In 1603 when Elizabeth died, the ability to suppress Parliament died with her. The Stuarts were not able to control Parliament as the Tudors had done. The net result was that Parliament was to demand their political rights and eventually they would get them by means of a civil war.
FOOTNOTES


2. Smith, *De Republica*, p. 49.


