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The Political Views and Parliamentary Career of John Selden

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Senior Honors Thesis

Department of History

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March 3, 1995

John Selden rose from a relatively obscure background to become an internationally renowned legal scholar and a key parliamentary leader during the contentious Parliament of 1628-1629. Selden's father was a "ministrell," yet the younger Selden became one of the most respected thinkers in London while still fairly young, and would eventually take a leading role in Parliament.¹ Selden's brilliant mind, personality, and actions as an "honest broker" in his turbulent times made him a man who all sides could respect and who could stay afloat and prosper in the shifting political sands of Seventeenth Century England.

John Selden was the son of a minstrel who married Margaret Baker, the daughter of a Kentish squire. The elder John Selden, through his marriage and work, became fairly prosperous, and the family eventually owned eighty-one acres with an annual worth of 23 pounds 8 shillings. This prosperity allowed Selden to receive a good elementary education at the Prebendal Free School in Chichester and to be sent off to Oxford in 1600, at age 15.² Although Selden's schooling emphasized religion, it seemed to affect him little: "I myself get nothing [religion]."³

Selden left Oxford two years later, without a degree, and took up studies at the Inn of Chancery, where students prepared themselves for further education at the Inns of Court. By November 1603, Selden gained admission to the Inner Temple. A legal education required seven years, and Selden took over eight, but this was not a particularly intense period of study, and Selden was able to pursue other interests. These interests included writing scholarly

¹David S. Berkowitz, John Selden's Formative Years: Politics and Society in Early Seventeenth-Century England (London: Associated University Presses, 1988), 13.

²Ibid., 14-15.

³John Selden, The Table Talk of John Selden, with a Biographical Preface and Notes by S. W. Singer (London: Reeves and Turner, 1890), 142.

works, of which three were printed in 1610. Thus Mr. Selden was already a published author when he was called to the bar in June of 1612.⁴

Although it is difficult to assess the impact of this education on Selden from a distance of almost four centuries, as sources on Selden's youth are limited, certain observations can be made. Clearly, Selden's studies helped him develop outstanding skills in research and debate. Selden began his scholarly work before he left the Inns of Court, and was noted as a communicator whose skills in conversation far exceeded even his strong writing skills.⁵ As his friend Lord Clarendon said, "His style in all his writings seems harsh and sometimes obscure...but in his conversation he was the most clear discourser, and had the best faculty of making hard things easy, and of presenting them to the understanding, of any man that hath been known."⁶ As Selden was 27 before he left the Inns of Court, much of the development of his rhetorical skills must have taken place during his education. It is also reasonable to conclude that Selden's long period of legal study helped him develop the passion for the rule of law which guided him in his later political career. In a later time, Selden said that "Every law is a Contract between the King and the People, and therefore to be kept."⁷ The root of this feeling, which was displayed often in Selden's parliamentary years, surely must have laid in his education. Nonetheless, Selden himself said that "No man is the wiser for his learning: it may administer Matter to work in, or objects to work upon; but wit and wisdom are born

⁴Berkowitz, 16-19.

⁵S. W. Singer, biographical preface to Table Talk by John Selden (London: Reeves and Turner, 1890), iv.

⁶Quoted in Singer, preface to Table Talk, iv-v.

⁷Selden, Table Talk, 82.

within a man."⁸ Regardless of Selden's views on the effect of education, any man who spends the first 27 years of his life in education cannot help but be molded by that education, and John Selden himself is no exception.

As newly created barristers were not able to practice law until two or three years had passed after their call to the bar, Selden was able to focus his attention on Titles of Honor, a nine hundred page tome on nobility and history, which appeared in 1614.⁹ This book provided Selden with his first recognition as a serious scholar.

In the meantime, James VI of Scotland became James I of England in 1603, and during his reign, which lasted until 1625, began to lose the popular and elite support that the monarchy had enjoyed under Elizabeth. At times, James attacked and offended both Puritans and Catholics, and had advisors who were even less popular than himself. George Villiers, Duke of Buckingham, was one of these despised advisors, and Selden would have some of his most prominent roles in Parliament's attacks on Buckingham. James, like his successor Charles I, almost always had difficulties with Parliament and factions amongst his nobles and gentry.

Selden found a number of friends in London, including Ben Jonson, who had had a few conflicts with royalty in his earlier days.¹⁰ Sir Robert Cotton had become another friend in the 1610s. Finally, Selden established a friendship with Henry, Lord Grey, and his wife, who would become the Earl and Countess of Kent in 1623.¹¹ These friendships would guide

⁸Ibid., 85.

⁹Berkowitz, 18-19.

¹⁰Blair Worden, "Ben Jonson among the Historians," in Culture and Politics in Early Stuart England, ed. Keven Sharpe (Stanford: Stanford U. P., 1993), 67-89.

¹¹Berkowitz, 26-31.

Selden's thinking, bolster his legal practice, and profoundly mark his political career.

Selden himself was among those who ran afoul of the royal establishment, for in April 1618 he published his greatest scholarly work, The History of Tithes. Selden's main conclusion in this work was that the practice of tithing was dictated by secular rather than divine law. Naturally this provoked the Anglican clergy, and by December, James called Selden before the throne for an explanation. Although the King was lenient, Selden found it advisable to apologize to the Court of High Commission for publishing History of Tithes in January 1619. Selden wrote several defenses of his work in the next few years, sharpening his skills in rhetorical battle, but in 1621 desisted in the face of royal displeasure.¹²

During the same period, Selden was moving among a group of Parliament men and writers who were opposed to the Court. Even in 1621, before Selden held a seat himself, he was consulting with Sir Edward Coke, a leader of the Parliamentary opposition. He was described as a bit of a dandy in his relative youth, but a respected thinker nonetheless: "Selden wore his dark hair long...given to epigram and pride of intellect, he was feared by minds less quick than his own...to women he was irresistible."¹³

Although Mr. Selden backed down in the controversy created by History of Tithes, it can be seen that by 1621 he was beginning to link himself with those opposed to the royal prerogative. He became a part of the Virginia Company, which numbered among its investors his friend Sir Robert Cotton, the Earl of Arundel, and the Countess of Kent. Arundel was perhaps the leader of those who opposed the royal prerogative, and Kent was closely linked to

¹²Berkowitz, 33-47.

¹³C. D. Bowen, The Lion and the Throne: The Life and Times of Sir Edward Coke (1552-1634) (Boston, Little, Brown, 1956), 422.

the Arundel faction. Over the years, Selden became closely connected with this circle, which opposed Buckingham and the royal prerogative.¹⁴

In this and in other ways, we see John Selden shifting his focus away from abstract scholarship and toward the pressing political issues of the day. In the Parliament of 1621, Selden found himself serving the House of Lords, which requested that he investigate the "Privileges of the peers of the Kingdom, and Lords of Parliament."¹⁵ At this level, even the simple practice of law must be a political act, and James wondered about the seeming combination of Selden and others opposed to his interest. On June 16, 1621, Selden was taken into custody by the sheriffs of London, held on a privy council warrant. While he was released on July 20, this experience certainly marked Selden and his political thinking.¹⁶

In 1623, Selden took up a long-time position as steward and solicitor to his friend Henry Lord Grey, who had just inherited the earldom of Kent. This provided a constant source of lucrative work, as well as binding Selden even more securely to Kent and the Arundel faction.¹⁷ Arundel was to become the great rival of the royal favorite Buckingham, and Selden would serve as his legal advisor and ally in the Commons, playing a major role in the 1628 debate over the Petition of Right.¹⁸

All this lay in the future, however. For the time being, Selden was a busy lawyer, and a

¹⁴Keven Sharpe, "The Earl of Arundel, His Circle, and the Opposition to the Duke of Buckingham, 1618-1628," in Faction and Parliament (Oxford, Clarendon, 1978), 236-239.

¹⁵Berkowitz, 58.

¹⁶Ibid., 60-62.

¹⁷Sharpe, "Earl of Arundel," 238.

¹⁸Ibid., 236.

man seeking a Parliamentary seat of his own. Selden was not immediately successful as he searched for a seat in the Parliament of 1624, and lost an election in Nottingham. However, Sir Humphrey May was elected to two seats, one in Leicester and one in Lancaster, and Selden was able to persuade the electors of Lancaster to choose him as May's replacement. However, the circumstances of Selden's first election as a member of Parliament meant that he was not returned until March 2, two weeks after the beginning of the session.¹⁹ Perhaps Selden's late return hampered him, or perhaps his inexperience made him hang back, but the usually witty and talkative Selden was relatively inactive in his first Parliament. Nonetheless, his words and actions find him closely aligned with Sir Robert Cotton, Sir Edwin Sandys, Sir Edward Coke,²⁰ and other members of the emerging anticourt faction.²¹

The year 1625 marked the end of James I's reign and the beginning of the turbulent reign of Charles I. It also marked a plague year in London, and a year in which John Selden did not sit in Parliament. Important happenings did occur in this year, however, at least as far as Selden's political future was concerned. Charles inherited not only his father's throne, but his advisor Buckingham. England became entangled in unsuccessful war, and Charles and Buckingham squandered the popularity that is natural for a new, young King. With these events perhaps giving motivation, Selden would return to Parliament in 1626 in a seat

¹⁹Berkowitz, 85.

²⁰Cotton was a noted antiquarian and gave free use of his library to Selden and other scholars. He later attached himself to Eliot's party in Parliament. Coke was a noted judge and legal writer, who spoke often against Charles I and was prone to spiteful outbursts during the course of his career. Sandys was a statesman, involved in the Virginia Company, who was imprisoned by the King in 1621.

²¹Robert Ruigh, The Parliament of 1624 (Cambridge, Mass.: Harvard U. P., 1971), 161.; Berkowitz, 85-90.

controlled by one of his noble allies in the anticourt faction.²² Mr. Selden's political career, which had long been simmering, was now ready to begin in earnest.

The Parliament of 1626, called in December 1625, found the new King Charles in a rather awkward position.²³ The outbreak of war with Spain, while not unpopular in itself, disrupted trade, which provided a large portion of the King's revenue in the form of customs duties. Furthermore, with the loss of half the English fleet in a poorly planned and executed raid on Cadiz in autumn 1625, the war quickly lost its luster.²⁴ It is a truism that while successful war is nearly always popular, unsuccessful wars are nearly never well-liked. Such was the case with this war.

As Gardiner notes, "It was certain that so portentous a failure [the Cadiz expedition] would add heavily to the counts of the indictment which had long been brewing against Buckingham."²⁵ Buckingham's monopoly of patronage had become a cause of resentment, as his very close (and very personal) relationship with the King left him in a dominant position at court.²⁶ In the political system of the time, in which royal favor was the only true path to power, such a monopoly of favor was bound to cause resentment among other leaders in the realm. In addition to a general grievance against Buckingham, the recent Forced Loan added

²²Berkowitz, 96-99.

²³ Conrad Russell, Parliaments and English Politics, 1621-1629 (Oxford: Clarendon, 1979), 260-261.

²⁴Ibid., 260-263.

²⁵ S. R. Gardiner, History of England 1603-1642 (London: Longmans, Green, and Co., 1883), 6: 21.

²⁶Russell, Parliaments, 9-10.

to resentment against Charles.²⁷

One might wonder why Charles would call a Parliament at such a difficult time. However, the misfortunes of Charles and Buckingham led directly to the necessity of calling a Parliament. The King had war-related financial commitments of over one million pounds, all of which had to be met within the year.²⁸ To meet these commitments, Charles desperately needed Parliamentary supply. Besides, Charles did not anticipate Parliament's obstinacy. As Gardiner states, "Alone, probably, of all Englishmen alive, Charles and Buckingham failed to realize the magnitude of the disaster [The Cadiz Expedition], or the influence it would exercise upon the deliberations of the coming session."²⁹

This desperate need for supply and Charles' initial confidence explain why the Parliament of 1626 was allowed to go on for almost five months, even after it became clear that Parliament wanted to impeach Buckingham. Although Charles had no intention of allowing his favorite to be brought down, he may have believed that other concessions would convince Parliament to grant supply. While this idea was to be proven wrong, the King's patience was to allow John Selden a reasonably long session during which to establish himself as a Parliamentarian to be respected.³⁰

As soon as Parliament was called, Selden moved to secure a seat. Through the patronage of the Earl of Pembroke, who was becoming a close ally of the Earls of Kent and Arundel,

²⁷Ibid., 260.

²⁸Ibid., 270.

²⁹Gardiner, History, 6:37.

³⁰Ibid., 6:269-270.

Selden was returned from Ilchester, and through the support of the Duke of Somerset, was returned from Great Bedwyn. He chose to take the seat for Great Bedwyn, and was at Westminster on February 6, 1626, for the opening of Parliament.³¹ Meanwhile, Sir Edward Coke and five other members from the 1625 Parliament were tapped as sheriffs, thus removing them from the 1626 Parliament. These men were all considered dangerous by Buckingham.³² However, this precaution would avail Buckingham little, as other leaders, including John Selden, would emerge to lead the Commons.

Meanwhile, the lack of success in the war with Spain was combining with fears of war with France to unite Buckingham's enemies. An expected alliance with France, which Charles and Buckingham had risked much to secure, began to fall apart before and during the Parliament of 1626.³³ The collapse of this alliance, which drove France into the arms of Spain, was a result primarily of Charles' intransigence. As the constitutional fiction that the King could do no wrong still survived, blame accrued to Buckingham.³⁴

Thus, the alliance that would oppose Buckingham in the Parliament of 1626 coalesced. Bristol, who had come to oppose Buckingham during the Spanish negotiations of 1623-24, combined with Arundel, who was a natural leader of opposition to Buckingham, to form a potent pairing in the Lords.³⁵ Arundel's brother-in-law, Pembroke, who had favored the

³¹Berkowitz, 99-100.

³²Russell, Parliaments, 268-269.

³³Gardiner, History, 6:87-90.

³⁴Ibid., 6:90-92.

³⁵Sharpe, "The Earl of Arundel," 221-229.

French alliance, also found himself opposed to Buckingham.³⁶ Sir John Eliot, a former client of Buckingham, returned to Parliament in 1626 prepared to lead opposition to Buckingham in the Commons.³⁷ It was this group to which John Selden would attach himself, and as a member of this group he would rise to Parliamentary prominence.

The Commons began the 1626 session with "three weeks of...business as usual."³⁸ However, problems with France soon drew attention to Buckingham. The seizure of the ship St. Peter, which Buckingham had instigated and unnecessarily prolonged, combined with other factors to lead to seizures of English ships by France. On February 22, Sir John Eliot seized on this matter as grounds for an attack on Buckingham.³⁹

Selden joined in with Eliot's attack, and made a motion stating "that for further information the whole proceedings of the admiralty in this case be viewed and so examined."⁴⁰ A committee was formed to examine the subject, with Selden on the committee. However, this appears to be an example of an issue where Buckingham acted outside of the bounds of good policy, but inside the bounds of the law. Even Eliot's biographer, J. N. Ball, calls the St. Peter attack in the eventual Articles of Impeachment "an exceptionally weak charge, already nullified."⁴¹ In fact, Selden was almost alone in his belief that the St. Peter

³⁶Gardiner, History, 6:68.; Sharpe, "The Earl of Arundel," 229.

³⁷J. N. Ball, "Sir John Eliot and Parliament, 1624-1629," in Keven Sharpe, Faction and Parliament (Oxford, 1978), 178-179.

³⁸Russell, Parliaments, 278.

³⁹Ibid., 279-280.

⁴⁰Quoted in Berkowitz, 102.

⁴¹Ball, 189.

investigation was, in itself, grounds for proceedings against Buckingham.⁴² Nonetheless, when eventual Articles of Impeachment were drawn up, the *St. Peter* case would form the basis for one article, and Selden would take responsibility for presenting this article to the Lords.⁴³

First, however, the Commons had to decide to impeach Buckingham. On March 11, a certain Dr. Turner, "a man otherwise of no note," lashed out at Buckingham. Turner blamed Buckingham for failing to guard the seas, the failure of the Cadiz expedition, the taking of crown lands, and several other failures and offenses.⁴⁴ The King took great offense, and on March 15, called on the Commons to investigate and punish Turner. The Commons formed a committee, but rather than acting against Turner, the committee eventually decided to investigate whether Turner's charges were justified.⁴⁵ Through one speech on the floor, by an obscure member, and a committee's procedural choice to investigate the merit of Turner's charges rather than the propriety of his actions, Parliament was in a position to thoroughly investigate and attack the King's favorite.

For several weeks, the House was taken up with investigation and maneuvering, although the King had impatiently demanded consideration of supply:

Mr. Speaker, here is much time spent in enquiring after grievances. I would have that last, and more time bestowed in preventing and redressing them. I thank you all for your kind offer of supply in general, but I desire you to descend to particulars, and consider of your

⁴²Russell, *Parliaments*, 281.

⁴³Berkowitz, 110.

⁴⁴Gardiner, *History*, 6:76-77.

⁴⁵Russell, *Parliaments*, 290.

time and measure.⁴⁶

In the same speech at Whitehall, on March 15, the King expressed his great displeasure with the attacks on Buckingham.

However, investigation into Buckingham's actions continued. Selden played a role in this. On March 21, he was appointed to "a committee to search for precedents in Mr. Turner's case."⁴⁷ This was the type of legal work that Selden excelled at, and he helped the Commons design the strategy mentioned above, a strategy which focused on Buckingham's presumed wrongs rather than the propriety of Turner's statement. Things continued along this road until March 27, when the House voted to grant the King three and three-fifteenths subsidies, but also decided not to make this grant formal until their grievances were addressed.⁴⁸

The King struck back on March 29, ordering the Commons to stop their attack on Buckingham. They were chastened by Coventry, the Lord Keeper, and told that their conditional grant was unacceptable, both in principle and in size. On March 30, Buckingham made his defense in the Lords, speaking with "magnificent assurance" against the Commons' charges.⁴⁹ Parliament spent the rest of that week defending itself against Charles' charges of March 29. This was followed by the Easter recess.⁵⁰

After the recess, the House again focused on Buckingham, and on April 21 Selden was

⁴⁶Quoted in Gardiner, Constitutional Documents of the Puritan Revolution (Oxford: Clarendon), 1906, p. 3.

⁴⁷Berkowitz, 104.

⁴⁸Russell, Parliaments, 290-291.

⁴⁹Gardiner, History, 6:82-84.

⁵⁰Russell, Parliaments, 292-294.

appointed to a subcommittee of twelve. This panel moved rapidly, and finally, a question which had been much discussed came to a head: Could the House accuse Buckingham and send his case to the Lords based on "common fame?" [or infamy, as it would now be called] Selden was critical in this debate, arguing that a petition was unnecessary, as "else, no great man shall, for fear of danger, be accused by any particular man."⁵¹ This view carried the day, and the subcommittee drew up charges of impeachment against Buckingham. Selden not only served on this important subcommittee, but was named a manager for the Commons in the upcoming trial of Buckingham before the Lords.⁵²

The charges against Buckingham were presented to the House of Lords on May 8 and 10, 1626. This was a thorough document, which opened with a telling statement.

For the speedy redress of great evils and mischiefs...to the honour and safety of our Sovereign Lord our King...the Commons...do, by this bill, shew and declare against George, Duke, Marquis, and Earl of Buckingham, [Buckingham's many other titles and offices follow]...the misdemeanors, offenses, crimes, and other matters, comprised in the articles hereafter following:⁵³

This preamble to the thirteen detailed articles which follow is informative in itself. The Commons attack the King only indirectly, as under the theory of government then current, the sovereign was capable of no error in and of himself, and his errors had to be laid at the feet of his ministers. The many titles listed after Buckingham's name take on an irony, as the list goes on and on. They are listed not as a tribute to Buckingham, but as an accusation.

Buckingham had committed two sins, which together were enough to arouse an opposition: he

⁵¹Gardiner, History, 6:86.

⁵²Berkowitz, 109-110.

⁵³Gardiner, Constitutional Documents, 7.

had monopolized the King's favor and failed to advance the King's policies.

Selden played an increasing role as the attack on Buckingham intensified. With his responsibility for the fourth and fifth articles of impeachment, he was an integral part of what could be called the prosecution.⁵⁴ The fourth article charged Buckingham with failure to guard the narrow seas:

Whereby the said Duke, by reason of his said offices of Great Admiral...and by reason of the trust thereunto belonging, ought at all times since the said offices obtained, to have safely guarded, kept, and preserved the said seas, and the dominion of them;...the Duke...neglected the just performance of his said office and duty; and broken the trust therewith committed unto him;...and the dominion of the said seas being the undoubted patrimony of the Kings of England, is thereby also in most eminent danger to be utterly lost.⁵⁵

Selden presented this charge on May 8, along with the fifth article of impeachment, relating to the St. Peter. Buckingham himself was present, and sat directly across from Selden and the other managers, even, according to one witness, laughing in their faces.⁵⁶

Buckingham prepared his defense, and the King countered the attacks with a move of his own. On May 11, the King imprisoned Sir Dudley Digges and Sir John Eliot. Although they were both released by May 20, the King's wrath was clear, as was the fact that he was running out of patience with this Parliament.⁵⁷ The King came to the Lords in person on May 11, and made a strong statement in Buckingham's support: "Touching the accusations against him, I

⁵⁴Gardiner, History, 6:304.

⁵⁵Gardiner, Constitutional Documents, 10-11.

⁵⁶Gardiner, History, 6:98-99.

⁵⁷Russell, Parliaments, 306-307.

can be a witness to clear him in every one."⁵⁸ Under these circumstances, and with the Lords' time taken up by the feud between Buckingham and Bristol, along with the case of Arundel's exclusion from Parliament, the Commons' impeachment of Buckingham found itself stalled in the Lords.⁵⁹

While the Lords were successful in gaining Arundel's release on June 5, and Bristol was fairly successful in his defense, no progress was made on Buckingham's impeachment.⁶⁰ In fact, Buckingham did not even lay his defense before the Lords until June 8, 1626. Buckingham's defense was well done, and his reply to Selden's charges demonstrated the overall strength of his position. Buckingham argued that he had done more than his predecessors to guard the coasts, and that God, weather, and luck had conspired against him. In an age of sail, this was an entirely reasonable argument. Buckingham's defense against the St. Peter charge was rather more convoluted, due to the legal complexities involved. However, in the end, it was clear that Buckingham was acting according to the desires of the King.⁶¹ This in itself made Buckingham's actions unassailable.

However, the quality of the Duke's defense would soon become irrelevant. On June 9, Charles ordered the Parliament to act on a subsidy bill. In the final debate of June 12, it was decided to proceed with a remonstrance to the King rather than act on supply. It was once again clear that no action would be taken on supply until action was taken on Buckingham's

⁵⁸Ibid., 318.

⁵⁹Ball, 191.

⁶⁰Gardiner, History, 6:114-117.

⁶¹Gardiner, Constitutional Documents, 30-34.

case, and on June 14, the Commons presented their remonstrance, which the King said he would consider overnight. The next morning, he dissolved Parliament, losing his subsidy but keeping his favorite.⁶²

Through Selden's role in 1626, several threads in his parliamentary career and political thinking can be traced. Selden had earned prominence in the Commons as an opponent of Buckingham, and thus of the King. Increasingly, Selden was willing to grasp at any legalistic means to make Buckingham responsible to Parliament as well as the King. While the St. Peter accusations were questionable at best, Selden was willing to use them to the best of his abilities. It is clear that by the second half of the Parliament of 1626, John Selden was not only a leader in Parliament, he was fully committed to a faction which very badly wanted to bring down Buckingham and thus restrain the King.

The dissolution of the Parliament of 1626 left Charles in the same place he had been before the Parliament - with wars to fight and no money to fight them with. In the summer of 1626, an effort to collect a "benevolence" failed miserably, and credit for Charles was scarce.⁶³ With affairs going badly for Charles' allies on the continent, money was desperately needed, and in the fall of 1626, a forced loan to the tune of five subsidies was proclaimed.⁶⁴ At roughly the same time, England's relations with France took a turn toward war. By spring of 1627, resistance to the forced loan was abroad in the land. Rich and poor alike were opposed to this "loan" which in reality was an un-parliamentary tax, of which there was no likelihood

⁶²Russell, Parliaments, 308-309.

⁶³Gardiner, History, 6:124-125, 130-131.

⁶⁴Ibid., 6:143-144.

of repayment.⁶⁵

Buckingham set sail for France with the English fleet and 5,000 troops. In a disastrous campaign, Buckingham failed to capture the Isle of Rhe, off of Rochelle.⁶⁶ However, even after Buckingham returned in failure, Charles stood by his favorite, and contemplated nothing but further hostilities.⁶⁷ As one French agent stated, "They [Charles and Buckingham] wish for war against heaven and earth, but lack the means to make it against anyone."⁶⁸ This disaster led to increased resistance to Charles' "Forced Loan," and many who resisted were arrested. Henry, Earl of Kent, Selden's chief client and friend, was deprived of the lord lieutenancy of Bedfordshire for his refusal to pay.⁶⁹ Among those arrested were five knights, who appealed for habeas corpus. On November 22, 1627, the case was heard. Selden was one of the lawyers who represented the knights (Selden specifically represented Sir Edmund Hampden) against the King's man, Attorney General Heath.⁷⁰

Selden argued that the knights should be granted bail, as there was no legal basis for their arrest:

There is no cause in the return why he should be further imprisoned and restrained of his liberty....I think that by the constant and settled laws of this kingdom, without which we have nothing, no man can be justly imprisoned...without a cause of commitment expressed in the return.⁷¹

⁶⁵Ibid., 6:156-157.

⁶⁶Ibid., 6:176-178.

⁶⁷Ibid., 6:201-202.

⁶⁸Quoted in Russell, Parliaments, 323.

⁶⁹Berkowitz, 127.

⁷⁰Gardiner, Constitutional Documents, 127.

⁷¹Quoted in Gardiner, Constitutional Documents, 59.

Selden called upon Magna Carta itself in an effort to gain his client's freedom.⁷² However, Attorney General Heath argued that the King needed to show no cause:

All justice is derived from him [the King]...the very essence of justice under God upon earth is in him....who shall call in question the actions or the justice of the king, who is not to give any account of them? As in this our case, that he commits a subject, and shows no cause for it. The King commits and often shows no cause...But if the King do this, shall it not be good?⁷³

This battle would be decided in favor of the King and his attorney general, but here at last the battle lines are clearly drawn. This is not the John Selden of the History of Tithes, ready to meekly accept the King's judgment, but a man hardened in the Parliament of 1626.

However, in 1626, Selden worked to aid his faction and attack Buckingham. In the Five Knights' Case, Mr. Selden takes up a more noble cause. Selden's argument is that the law protects a subject even from a wrathful King. Heath argues, in effect, that the King can act as he pleases, as he is, in his royal person, divine justice personified. Heath's victorious legal argument is that the King is accountable to no one on earth, and thus needs give no reason for arresting the knights. In the Five Knights' Case John Selden stands not for a political faction, but for rule of law.

It was in this atmosphere that 1627 came to a close. The Forced Loan was causing great discontent, and Charles' military endeavors were at a standstill. The King's finances were in a shambles, and the royal credit nonexistent. Nonetheless, Charles wanted to send a new army and fleet to the succor of Rochelle. He considered assessing ship-money on a national level,

⁷²J. P. Kenyon, The Stuart Constitution, 1603-1688: Documents and Commentary, 2d ed. (Cambridge: Cambridge U. P., 1986), 96.; Harold J. Berman, "The Origins of Historical Jurisprudence: Coke, Selden, Hale," Yale Law Journal 103 (May 1994): 1700.

⁷³Gardiner, Constitutional Documents, 60-61.

but this idea met with great opposition.⁷⁴ If Charles wanted his war, it seemed he must have a Parliament.

Selden was returned to the Parliament of 1628 from Ludgershall, Wiltshire. On March 17, this Parliament assembled for the first time.⁷⁵ Surprisingly enough, the attack on Buckingham, ended by the dissolution of Parliament in 1626, was not renewed. It was clear to many in Parliament that the King would not tolerate further attacks on Buckingham, and it seemed more important to men such as Selden that the "liberties of the subject," as threatened by the Five Knights' Case, be protected than that Buckingham be attacked.⁷⁶

The King opened Parliament with a speech to both houses, and made it clear that he expected supply:

I am sure you expect from me to know the causes of your calling together, and I think there is none here but knows that great danger and a common danger is the cause of this parliament, and that supply is the chiefest end of it....judging a parliament to be the ancientist, speediest, and best way to give that supply which the state at this time requires both for the defense of ourselves and our allies,...wherefore if you (which God forbid) should not give that supply, which this kingdom and state requires at your hands in this time of common danger, I must, according to my conscience, take those other courses, which God hath put into mine hands for the preservation of that which others, in falling out for particular ends, hazard to loose. I pray you not to take this as a threatening, for I scorn to threaten any but mine equals, but as an admonition...that your resolutions will be...good.⁷⁷

Clearly, the King wanted supply badly, and was in the mood to brook little opposition. His

⁷⁴Gardiner, History, 6:226-228.

⁷⁵Berkowitz, 137-138.

⁷⁶Russell, Parliaments, 342-343.; Berkowitz, 137-138.

⁷⁷Robert C. Johnson, et. al., Commons Debates 1628 (New Haven: Yale, 1983), Vol. 2, 2-3.

threat to "take those other courses," when taken in the context of the Forced Loan and the Five Knights' Case, must have been especially alarming to a Commons that knew how perilous their position was.

The Commons, under the suggestion of Sir Henry Mildmay, decided to examine the issues of supply and grievances concurrently. Mildmay's motion stated:

Whether relation of our grievances or donation of supply be to precede, 'tis no matter. Let both go hand in hand together, the King and the country, both husband and wife. If grievances be not remembered, though we give now, who shall hereafter? A dying body cannot give.⁷⁸

This motion would guide the proceedings of the Commons through the entire session. Supply would go forward, but so would the grievances of the Kingdom, especially those concerning the liberties of the subject. No other subject took precedence, and, to a very large extent, all other business was pushed aside. Eventually, these singleminded discussions would produce the Petition of Right, and provide John Selden with some of his greatest hours.⁷⁹

On March 24, Sir Thomas Wentworth laid out the ideas which would provide the foundation for the Petition of Right. His speech included condemnations of illegal imprisonments, billeting of soldiers upon the populace, forced loans, and using compulsory employment abroad as a punishment.⁸⁰ With John Selden's experience in the Five Knights' Case, he was ideally positioned to speak on the issues of illegal imprisonment and the forced loan. On March 25, Selden moved that the King's Attorney be sent for in reference to the

⁷⁸Ibid., 2:66.

⁷⁹Russell, Parliaments, 342-346.

⁸⁰Gardiner, Vol. 6, 236-237.; Johnson, et. al., 60-61.

Five Knights' Case.⁸¹ This, in effect, would have reopened the case before the Commons. Although most in the Commons were clearly unhappy with the outcome of the case, Sir Edward Coke argued that the Commons did not have such appellate authority, and he carried the House.⁸²

On March 27, Selden rose again, giving a long legalistic argument in favor of the right of a subject to be bailed and delivered if he is arrested with no charge given. This was a lengthy, legalistic speech, in which Selden called on common law, acts of parliament, Magna Carta, and precedents.⁸³ In effect, he was rearguing the Five Knights' Case for the benefit of the House, and as this case was a critical motivation for this Parliament's grievances, his speech seemed to be well received.

The Solicitor-General, Shelton, responded strongly and effectively, stating that precedents had been misrepresented by the defense in the Five Knights' Case, and the House recessed.⁸⁴ However, the next day Selden responded that he could not find the Solicitor's citations, and called for appointment of a subcommittee to examine the precedents.⁸⁵ On the 29th, Selden asked the House to permit copying the relevant records,⁸⁶ and he spent the rest of the 29th and the weekend in research.⁸⁷

⁸¹Johnson, 2:109.

⁸²Berkowitz, 140-141.

⁸³Johnson, 2:150-152.

⁸⁴Ibid., 2:155-156.

⁸⁵Ibid., 2:176.

⁸⁶Ibid., 2:193.

⁸⁷Berkowitz, 144.

Selden reported his results on the 31st of March, giving his report in six parts. The report included precedents of all sorts, and Sir Robert Phelips immediately rose to thank Selden for his good work and to question the Solicitor, who was put on the defensive by Selden's thorough report.⁸⁸ On April 1, Selden delivered a final blow: "In the late arguments made 7 acts of parliament are cited on the subject's behalf, besides 11 precedents. Let any man say what he can against them." The parliamentary records do not show a response by the Solicitor-General.⁸⁹ In this, and in Selden's other work, we can see the strong respect that the Commons had for Selden's legal skills and research abilities. Clearly, Selden, with his respect for and knowledge of the law, was an attorney to contend with.

On April 2, the House debated supply, and on the 3rd, they passed three resolutions regarding illegal confinement.⁹⁰ Supply and grievance were going hand in hand, but the House seemed more intent on grievance.

As the session progressed, Selden continued to play a leading role. In fact, the members of the House acknowledged Selden as one of their leaders.⁹¹ Selden spoke at length on most of the great grievances as they were raised before the House, including pressed military service abroad⁹² and prerogative taxation.⁹³ In both of these matters, Selden spoke with an eye toward the law. In reference to pressed service abroad, Selden made a legal argument relying heavily

⁸⁸Johnson, 2:217-218.

⁸⁹Ibid., 2:230-231.

⁹⁰Ibid., 2:244, 276.

⁹¹Ibid., 1:16.

⁹²Ibid., 2:279-281.; Gardiner, History, 249.

⁹³Johnson, 2:289.

on history and precedent, while in the billeting argument, Selden made a technical amendment to improve the wording of the final resolution. In all this, precedent, the importance of law, and the rule of law were guiding factors in Selden's statements.

However, his primary focus remained "liberty of the subject," and Selden played a prominent role in the conference with the Lords which occurred on April 7. The Commons had voted five subsidies on April 4, asking only for the assurance that the King would guarantee "the fundamental liberties of the subject."⁹⁴ Five subsidies was

a sum which...was the largest the King could possibly have hoped for. In return, it was clear that they expected some form of confirmation of their liberties, to be made before the subsidy bill was complete.⁹⁵

Charles was, for the moment, rather pleased with his Parliament, and appeared to smile upon their actions related to grievances.

This conference was an epic one for John Selden. He rose to the floor, and spoke at length on imprisonment without cause. Selden cited precedent after precedent, from reign after reign, as he laid out the Commons' case.⁹⁶ First, Selden referred to Edward III, then Henry the VIII, then Queen Mary and Queen Elizabeth. The list went on and on, each precedent a blow against prerogative imprisonment. Selden concluded by laying before the Lords copies of each case he had cited. Even the speech of the mighty Sir Edward Coke, which followed, was minor as compared to Selden's meticulously researched and crafted presentation.⁹⁷ Once

⁹⁴Ibid., 2:313.

⁹⁵Russell, Parliaments, 360.

⁹⁶J. P. Kenyon, The Ancient Constitution and the Feudal Law (Cambridge: Cambridge U. P., 1987), 289-290.

⁹⁷Johnson, 2:342-358.

more, the legal education and talent which had brought Selden to prominence served him well, as he interpreted the law he was advocating to the Lords.

As had happened in 1626, once the Commons had sent their bill to the Lords, they had to wait for the senior House to act. The Commons occupied themselves during this waiting period by dealing with a number of routine matters. They were briefly distracted from their other business when the Earl of Suffolk attacked Selden: "Will you not hang Selden? He hath razed a record, and deserves to be hanged."⁹⁸ Selden denied the accusation, defended himself with facts, and called for justice⁹⁹. Soon afterward, Suffolk backed down, and denied that he had accused Selden.¹⁰⁰ In the meantime, Attorney General Heath's response to Selden's presentation, along with other consideration of the Commons' bill, consumed time in the Lords.

On April 25, the Lords submitted their own substitute proposals to the Commons. The Commons, coming under pressure from the King on April 28, nonetheless chose to return a different bill to the Lords. On May 5, a Remonstrance was presented, and the King replied that he would do no more than confirm Magna Carta in law and give his "Royal word" on other issues.¹⁰¹ With Charles' record to consider, this was not a particularly reassuring idea, and the Commons looked for a new solution. It was at this point that Sir Edward Coke suggested a Petition of Right. Such a petition of existing liberties could be quite detailed.

⁹⁸Quoted in Gardiner, History, 6:256.

⁹⁹Johnson, 2:448.

¹⁰⁰Gardiner, History, 6:256.

¹⁰¹Ibid., 6:270.

However, its legal effect would be based on the King's answer to the Petition. Thus, for the Petition to have the intended meaning, the King would have to give a satisfactory answer.¹⁰²

In drafting this Petition, the House co-opted its best and brightest, and John Selden played a major role.¹⁰³ On the same day the Petition was finished, the Commons presented it to the Lords. Later that day, the subsidy bill, voted so long ago in the Committee of the Whole, was finally reported to the House itself.¹⁰⁴ Despite this sugar-coating, the King was not pleased, and his counter-offer was merely to promise that he would never again imprison anyone for refusing to loan him money. As Selden would later say in his Table Talk, "The King's Oath is not security enough for our property, for he swears to Govern according to Law; now the judges they interpret the Law, and what Judges can be made to do we know."¹⁰⁵ The Commons simply were not willing to accept such a settlement, and the Lords continued to consider the Petition.¹⁰⁶ Amendments flew back and forth, but the Commons held firm. Finally, in the last week in May, the Lords accepted the Commons' position, and on May 28, the Petition passed both Houses.¹⁰⁷

The King had to make answer. Military disasters pressed in on all sides, and Charles desperately needed supply. However, he was not yet ready to give in entirely, and on June 2

¹⁰²Russell, Parliaments, 369.

¹⁰³Gardiner, History, 6:275.

¹⁰⁴Johnson, 3:332-333.

¹⁰⁵Selden, Table Talk, 78-79.

¹⁰⁶Gardiner, History, 6:276-277.

¹⁰⁷Ibid., 277-289.

he presented an answer, which ignored the Petition itself.¹⁰⁸ Obviously, this was unacceptable to the Commons, and in desperation, knowing that Buckingham had lost control of the Lords, and hearing other speakers inveigh against Buckingham, Selden made a bold proposal:

I am for going now to the King and personally charging that interposing man [Buckingham]....we are enforced to look upon that great man with the same eyes that the last parliament did.¹⁰⁹

In short, Selden wanted to reopen impeachment proceedings against Buckingham. It was at this time that the King ordered the debate to stop. However, Charles allowed debate to reopen the next day, and as work proceeded in the Commons on a Remonstrance, he decided to assent to the Petition of Right. At four in the afternoon on June 7, Charles assented in a speech before Parliament, and the Petition of Right was entered upon the rolls.¹¹⁰

The major business of this session was completed. The Commons passed Charles' subsidy bill on June 12¹¹¹, and passed another Remonstrance, along with clearing up remaining legislative business. However, when yet another remonstrance was proposed, (this questioning the King's right to tonnage and poundage) he quickly moved to prorogue Parliament, and on June 26, the momentous 1628 session of Parliament came to an end.¹¹²

In this session, John Selden did his greatest deeds, and made his reputation. He would participate in later Parliaments, and produce many more scholarly works, but it was Selden's constancy and devotion to the rule of law, along with his learning and knowledge, during the

¹⁰⁸Ibid., 297.

¹⁰⁹Johnson, 4:121.

¹¹⁰Gardiner, History 6:306-309.; Johnson, 4:93.

¹¹¹Johnson, 4:280.

¹¹²Russell, Parliaments, 385-386.

Five Knights' Case and the 1628 session which made the name of John Selden one to be honored in the history of Parliament.

The tumultuous events of the 1628 session of Parliament were in themselves an assurance that the 1629 session would be anticlimactic, but other events of 1628 helped ensure that the tone would be different when Parliament reconvened. Spain and France were still at war, but now they were at war with each other as well as England, and this development put England in a much stronger position. The Duke of Buckingham was assassinated by a disgruntled naval officer, removing what often seemed to be the Commons' main grievance. (Although the attacks on Buckingham were certainly used to screen other concerns of the Commons in 1628.) Finally, La Rochelle fell, removing Charles' primary motivation for continuing the French war.¹¹³ Charles reconciled with Arundel, a move that would prove fortuitous for the royal interest in 1629.¹¹⁴

The one issue which seemed sure to spark conflict if and when Parliament reconvened was that of tonnage and poundage. The King had continued to collect these moneys without a parliamentary grant, violating, in the eyes of Parliament, the Petition of Right.¹¹⁵ However, Charles was confident in his legal right to collect tonnage and poundage, as his predecessors had before him, and did not expect trouble from Parliament.¹¹⁶

In this case, as in many other cases, Charles proved to be wrong. Parliament reconvened

¹¹³Ibid., 390-393.

¹¹⁴Sharpe, "The Earl of Arundel," 236-237.

¹¹⁵Gardiner, History, 7:7.

¹¹⁶Ibid., 30.

on January 20, 1629. On the first day of real business, January 22, Selden took the floor, and argued that the Petition of Right had been violated.¹¹⁷ Then the question of John Rolle, a member of Parliament whose goods had been seized due to his refusal to pay tonnage and poundage, arose on the floor. The King, in a conciliatory message, quickly responded that he had collected tonnage and poundage only out of necessity, and that the best way to solve the problem was for Parliament to pass a bill of tonnage and poundage.¹¹⁸

Although the King's message was well received, the questions of privilege and tonnage and poundage continued. However, religion soon took a leading role, and in this area, Selden had little interest. His only personal stake in any debate over religion was in his opposition to religious persecution. As Gardiner states:

Hitherto the Commons had shown themselves far more inquisitorial than the bishops. That there was one voice among them which was raised in favor of liberty. Selden's unenthusiastic nature and wide learning had made him utterly indifferent to the theological disputes with which the air resounded, and he thought it very hard that anyone should suffer because he held one view or another on a speculative question....Selden was before his time.¹¹⁹

In a sense, it is ironic that the same Parliament which in 1628 had fought for the political rights of the subject should be so quick to jump on the wagon of religious contention and persecution in 1629. However, it demonstrates Selden's character in this trying Parliament that he was a supporter of liberty and rule of law rather than passion both in 1628, when he was on the popular side, and in 1629, when his views were counter to those of both the King

¹¹⁷Ibid., 31.

¹¹⁸Russell, Parliaments, 402-403.

¹¹⁹Gardiner, History, 7:50-51.

and the majority in the Commons.

The session of 1629 ended in undignified fashion, with members holding the Speaker in his chair to delay adjournment. Noisy debate ensued over grievances and religion. However, in 1629, Arundel and a majority in the Lords were not with the Commons, and nothing came of the noise.¹²⁰ The Parliament of 1629 was but a pale shadow of the session of 1628. The King had held his position more strongly than a year before, and did not need Parliament nearly so much as he formerly had. The Venetian ambassador expressed an opinion which would appear for quite a time to be true, reporting that "Parliament will never reassemble during the present King's life."¹²¹

However, Selden's trials related to this session were not over, as he was arrested on March 4, 1629. Selden was not cut out for imprisonment, and when questioned on March 18, denied all knowledge of the Parliamentary events that had angered the King.¹²² Despite strong presentations in legal proceedings, Selden was imprisoned for over a year, and remained technically in the custody of the court for three and a half years. In the end, Selden petitioned the King for discharge from the court:

Prostrating himself at the feet of your most sacred majesty, with a heart most faithful and dutiful to your majesty, and ever far from any purpose tending to your disservice, he [Selden] most humbly beseeches your most excellent majesty...that he [Selden] may now be...wholly discharged...he shall be ever ready, truly and faithfully, to serve your most gracious majesty.¹²³

¹²⁰Sharpe, "The Earl of Arundel," 237.

¹²¹Quoted in Berkowitz, 229.

¹²²Gardiner, History, 7:80.

¹²³Quoted in Berkowitz, 289.

On this note, Charles ordered John Selden set free from the court's custody.

Selden appeared to learn a lesson of sorts from his confinement. He devoted himself to his studies in the 1630s, publishing numerous works, none of them controversial. He sat in the Long Parliament until Spring 1649 as a representative of the University of Oxford. However, Selden was not particularly active, and was often absent from the Commons. His later comments make it clear that he was becoming disillusioned with Parliament's accumulation of power:

The Parliament Party, if the Law be for them, they call for the Law; if it be against them, they will go to a Parliamentary Way; if no Law be for them, then for Law again: like him that first called for Sack to heat him, then small Drink to cool his Sack, then Sack again to heat his small Drink, etc.¹²⁴

Selden disliked a Parliament that flaunted the Law just as much as a monarch who ignored legalities.

After withdrawing from the Commons, he spent most of his time at White Friars, the London home of Elizabeth, dowager countess of Kent, with whom he had a close relationship. He died on November 30, 1654, 70 years of age, still well respected and thought of by his many friends.¹²⁵

John Selden lived a long life, and played many roles. Some who demean him do so for his supposed lack of courage and willingness to submit to James and Charles in 1621 and 1634. Others point to his courage in 1626 and 1628. Perhaps the best route is to acknowledge, as

¹²⁴Selden, Table Talk, 109.

¹²⁵Quoted in Berkowitz, 293-297.

Gardiner does, that Selden was not born to be a martyr.¹²⁶ This in itself is not necessarily a criticism, as Selden understood this about himself, saying that "Wise Men say nothing in dangerous times."¹²⁷

In the end John Selden, through almost all of his life, was guided by the noble principle of rule of law. In the Five Knights' Case and the Petition of Right debates, he laid a groundwork for due process and rule of law that lives in the Anglo-American nations to this day. Even in the Long Parliament, with his limited involvement and dismay at the approach of arms, Selden could be seen to be a member of the constitutional party.¹²⁸

It is unfair to emphasize any vacillations Selden might have been guilty of from a distance of centuries. While Selden did not always seek out confrontation, neither did he betray his beliefs. Selden was no martyr, but he was far from a coward, and can fairly be called a man of constancy and principle. One commentator, writing long ago, said of Selden:

It is sufficient to state, that in all the great constitutional debates of that stormy period he took an active and prominent part, and that he does not appear on any occasion to have shrunk from performance of his weighty and dangerous duty.¹²⁹

On this judgment of Selden's commitment to the rule of law and his personal character, no improvement can be made.

¹²⁶Gardiner, History, 50.

¹²⁷Selden, Table Talk, 166.

¹²⁸W. S. Holdsworth, A History of English Law (Boston, Little, Brown, 1922-1972), 408.

¹²⁹Henry Roscoe, Lives of Eminent British Lawyers (1830, repr. Littleton, Colorado: Rothman and Company, 1982), 50.

Selected Bibliography

Primary Sources

Bidwell, William B. and Maija Jansson, eds. Proceedings in Parliament 1626. New Haven: Yale University Press, 1991.

This source is valuable as it allows me to assess Selden's actions in the Parliament of 1626. However, because Selden played more of a leadership role in 1628-29, those records are more valuable for my paper. Also, as only the Lords records were available, this work was of limited use.

Coates, William H., Anne Steele Young, and Vernon F. Snow, eds. The Private Journals of the Long Parliament, 3 January to 5 March 1642. New Haven: Yale University Press, 1982.

This volume contains only limited reference to Selden, but this reference is a useful illustration of Selden's activity in the Long Parliament.

Cobbett, William, ed. The Parliamentary History of England from the Norman Conquest, in 1066, to the Year 1803, 1806; reprint, New York: AMS Press, 1966.

Volume Two of this huge compilation, which covers the years between 1625 and 1642, contains numerous references to and actions of John Selden. It is unindexed and difficult to use.

Gardiner, S. R., ed. The Constitutional Documents of the Puritan Revolution, 1625-1660. Oxford: Clarendon Press, 1906.

This work contains a number of useful documents from the period.

Johnson, Robert C., et. al., eds. Commons Debates 1628. New Haven: Yale University Press, 1983.

This extensive multivolume work contains numerous references to Selden, both in its explanatory notes and in its summaries of debates. As this is Selden's most important Parliament, I am relying heavily on this work. It provides an edited and indexed report of Parliament's proceedings in 1628.

Kenyon, J. P. The Stuart Constitution, 1603-1688: Documents and Commentary, 2d ed. Cambridge: Cambridge University Press, 1986.

This source contains commentary and excerpts of the Five Knights' Case. It is a good work, but has limited usefulness for my paper.

McClure, N. E., ed. The Letters of John Chamberlain. Philadelphia: American Philosophical Society, 1939.

These letters include several references to Selden, centering around his imprisonment in 1621.

Notestein, Wallace, Helen Relf, and Hartley Simpson, eds. Commons Debates, 1621. New Haven: Yale University Press, 1935.

This work is useful primarily in its reference to Selden's involvement with the issue of the privileges of the House of Lords.

_____. The Table Talk of John Selden, with a Biographical Preface and Notes by S. W. Singer. London: Reeves and Turner, 1890.

This tome is a central reference for my paper. It consists of notes of Selden's conversations made by Reverend Richard Milward, who was for many years Selden's amanuensis. Selden speaks on numerous topics, ranging from Bishops to Law to Prerogative. These were private comments, published long after Selden's death, and are valuable in that they would seem likely to reflect Selden's true and confidential feelings on many issues of his era. Singer's notes are also quite helpful, although they would be much more useful if they included citation in the modern style.

Snow, Vernon F. and Anne Steele Young. The Private Journals of the Long Parliament, 7 March to 1 June 1642. New Haven: Yale University Press, 1987.

Secondary Sources

Ball, J. N. "Sir John Eliot and Parliament, 1624-1629," in Faction and Parliament, ed. Kevin Sharpe, 173-207. Oxford: Clarendon Press, 1978.

This article was, for its length, quite useful, as it discussed the period upon which I focused.

Berkowitz, David S. John Selden's Formative Years: Politics and Society in Early Seventeenth-Century England. London: Associated University Presses, 1988.

This extraordinarily helpful work is an extremely important source for my paper. Professor Berkowitz spent much of his life studying Selden, and has compiled much information, especially on Selden's early life, that would have been difficult if not impossible for me to find on my own. The bibliography of this work has served as a useful springboard for me in my own research.

Berman, Harold J. "The origins of historical jurisprudence: Coke, Selden, Hale." Yale Law Journal 7 (May 1994): 1651-1738.

I have read this work, but it does not bear on my area of focus, except for a brief discussion of Darnel's case.

Bowen, C. D. The Lion and the Throne: The Life and Times of Sir Edward Coke (1552-1634). Boston: Little, Brown, 1956.

This work is useful in that it provides a description of Selden in 1621, a discussion of his arrest in that year, and a discussion of the Five Knights' Case. However, as its title would indicate, this lengthy work focuses on Sir Edward Coke, who, for a time, was a leader of the Parliamentary anticourt faction.

Cogswell, Thomas. "The Politics of Propaganda: Charles I and the People in the 1620s." Journal of British Studies 29 (April 1990): 187.

This article explores the crown's relations with the greater public during Selden's most active period. It gives a good picture of how people outside of London felt about the King and royal policy. I used this for background only.

Eusden, J. D. Puritans, Lawyers, and Politics in Early Seventeenth-Century England. New Haven: Yale University Press, 1958.

This book touches on Selden's feelings and ideas regarding fundamental and common law, and also provides an explanation of Darnel's Case.

Fletcher, Anthony. The Outbreak of the English Civil War. New York: New York University Press, 1981.

Selden is briefly discussed for his role in the Long Parliament in this work.

Gardiner, S. R. History of England 1603-1642. 10 vol. London: Longmans, Green, and Company, 1883.

This respected work provides a good background of the period. It was extremely useful, and I used it often as a source for general information. In every instance where I checked Gardiner's facts against primary documents, I found Gardiner to have accurately and perceptively reported the contents of the original. Volumes six and seven were most useful to me.

_____. History of the Great Civil War, 1642-1649. 4 vol. London: Longmans, Green, and Company, 1893.

As this period is outside the focus of my paper, this work is useful only for its

discussions of the Civil War and Long Parliament.

Gooch, G. P. English Democratic Ideas in the Seventeenth Century. Cambridge: Cambridge University Press, 1927.

This somewhat dated work discusses Selden's political and religious philosophy.

Hexter, J. H. The Reign of King Pym. Cambridge, Massachusetts: Harvard University Press, 1941.

This book discusses John Selden as he related to powerful Commons leader Pym.

Hill, Christopher. Intellectual Origins of the English Revolution. Oxford: Clarendon, 1965.

This book contains many references to Selden in relation to the ideas and intellectuals of his day.

_____. A Nation of Change and Novelty. New York: Rutledge, 1990.

In this work, Selden's views are presented as part of a larger picture of the views of the nation.

_____. Puritanism and Revolution. New York: Schocken Books, 1958.

In Puritanism and Revolution, Selden's contribution to the ideals of liberty is extolled, and Table Talk is used several times to illustrate the author's points. Its usefulness is limited.

_____. Society and Revolution in Pre-Revolutionary England. New York: Schocken Books, 1964.

This book has a limited, but useful, discussion of Selden's views on religion, excommunication, and politics.

Hirst, Derek. Authority and Conflict. Cambridge, Mass.: Harvard University Press, 1986.

This is a somewhat useful survey of the period that contains a number of references to Selden. I used this for background.

Holdsworth, W. S. A History of English Law. Boston: Little, Brown, 1922-1972.

Volume five of this very lengthy work was of some help in my research.

Judson, M. A. The Crisis of the Constitution: An Essay in Constitutional and Political

Thought in England 1603-1645. 1949; reprint, New York: Octagon, 1971.

This work contains a discussion of Selden's views and actions in the late 1620s.

Keeler, Mary Frear. "There are no Remedies for Many Things but by a Parliament." in Conflict in Stuart England. W. A. Aiken and B. D. Henning, eds. Archon Books, 1970.

This source has limited references to Selden and his views.

Lambert, Shiela. "Committees, Religion, and Parliamentary Encroachments on Royal Authority in Early Stuart England." The English Historical Review 105 (Jan. 1990): 60.

Although this article does not directly discuss Selden, it gives a good picture of the increasing power of Parliament during the 1620s.

Loncar, Kathleen. "John Selden's "History of Tithes": A Charter for the Landlord?" Journal of Legal History(GBR) 11 (1990): 218-238.

I examined this article, but found it of limited use.

MacCormack, John R. Revolutionary Politics in the Long Parliament. Cambridge: Cambridge U. P., 1973.

This work focuses on the mid- to late 1640s, and although its references to Selden are limited, they are useful in rounding out his Parliamentary career.

Paul, Herbert. Men and Letters, 1901; reprint, Freeport, New York: Books for Libraries Press, 1970.

This book, which I found in a South Carolina library, was useful only for its discussion of Mr. Selden's conversational talents and the value of Table Talk.

Pocock, J. G. A. The Ancient Constitution and Feudal Law. Cambridge: Cambridge University Press, 1987.

This fine, if somewhat obscure, work contains many references to Selden. It discussed the development of the English constitution in the seventeenth century.

Rex, Millicent Barton. University Representation in England, 1604-1690. London: George Allen & Unwin, 1954.

This work focuses on University representation in the House of Commons. As Selden sat, at times, for the University of Oxford, this book is quite useful in that it refers to Selden often. Unfortunately, the Long Parliament is somewhat

outside the scope of my paper.

Roberts, Clayton. The Growth of Responsible Government in Stuart England. Cambridge: Cambridge University Press, 1966.

Roberts discusses Selden in passing within the context of increased Parliamentary power.

Roscoe, Henry. Lives of Eminent British Lawyers. 1830; reprint, Littleton, Colorado: Rothman and Company, 1982.

This dated book contains a profile of Selden.

Ruigh, Robert. The Parliament of 1624. Cambridge, Massachusetts: Harvard University Press, 1971.

This work discusses the Parliament of 1624 and Selden's role therein. Because Selden's role was limited in this, his first Parliament, there are few references to Selden.

Russell, Conrad. Parliaments and English Politics, 1621-1629. Oxford: Clarendon, 1979.

This is an important source on the period that mentions Selden often. It was very useful in the preparation of my paper.

Sharpe, Kevin, ed. Faction and Parliament: Essays on Early Stuart History. Oxford: Clarendon, 1978.

This work contains an essay on the Earl of Arundel's circle.

_____. The Personal Rule of Charles I. New Haven: Yale University Press, 1992.

This gives a good assessment of Charles I, whose ideas of power Selden opposed.

Snow, Vernon F. Essex the Rebel. Lincoln: University of Nebraska Press, 1970.

While this book focuses on Essex, it also takes in other figures of the period, including Selden. It has not been overly useful in the preparation of my paper.

Trevelyan, G. M. England Under the Stuarts. New York: G. P. Putnam's Sons, 1925.

This is a survey of the period and of limited use.

Wedgwood, C. V. Strafford, 1593-1641, Westport, Connecticut.: Greenwood Press, 1970.

Selden is shown rising to Strafford's defense, against the wishes of Pym. He is also described briefly as an individual.

Worden, Blair. "Ben Jonson among the Historians," in Culture and Politics in Early Stuart England, ed. Kevin Sharpe, 67-89. Stanford, Stanford University Press, 1993.

This article discusses Selden's friendship with Jonson.