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## The Development of the House of Commons in the Early Stuart Period: A Survey of Recent Literature

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## THE DEVELOPMENT OF THE HOUSE OF COMMONS IN THE EARLY STUART PERIOD: A SURVEY OF RECENT LITERATURE

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DURING the past thirty years there has been a marked increase of interest in the history of the Puritan Revolution and its antecedents. The somewhat limited view of the scope of historical study held by most nineteenth-century writers has given place to a broader concept; much new material has been brought to light; and a number of questions to which S. R. Gardiner and his contemporaries gave little consideration have come increasingly to engage the attention of their successors. Among these, none is more important than the change in the position, the powers, and the general character of the House of Commons during the half-century which preceded the meeting of the Long Parliament. In those years the Commons underwent a change not less significant than that which occurred in the fourteenth century, or than that which has taken place since the passage of the first Reform Act in 1832. It has been described by Professor Wallace Notestein as the fashioning of "a new kind of commons, that would by and by make inevitable a new kind of constitution."<sup>1</sup> In its immediate effects on the existing system of government, and in the influence which it would have on the future development of the English constitution, this was perhaps the most decisive change of the early years of the seventeenth century; and much of what has been written on that period during the past generation has dealt directly or indirectly with that central theme.

Material that is in some degree relevant to the subject comes from the work of scholars in many fields. Research in the religious literature of the period, much of it the work of a number of distinguished literary historians, has yielded more exact knowledge concerning the Puritan movement and its influence on social, political, and constitutional development.<sup>2</sup> The many theories of government and society set forth by religious reformers, philosophers, jurists, and publicists of every kind, have been subjected to more scholarly examination than ever before.<sup>3</sup> Most important perhaps in its bearing on the growth of the House of Commons has been the work of a number of economic historians.<sup>4</sup> Research in this field has gone but a little distance, but enough has been done to suggest some of the motive forces which lay behind the constitutional disputes of the period. Any one of these might be made the subject of such a survey as this, by one who is competent to deal with it. This paper has a more limited objective. Its purpose is simply to

<sup>1</sup>W. Notestein, "The Winning of the Initiative by the House of Commons" (*Proceedings of the British Academy*, 1924, 175).

<sup>2</sup>W. Haller, *The Rise of Puritanism* (New York, 1938); and M. M. Knappen, *Tudor Puritanism* (Chicago, 1939).

<sup>3</sup>J. W. Allen, *English Political Thought, 1603 to 1660* (London, 1938), I; F. D. Wormuth, *The Royal Prerogative, 1603 to 1649* (Ithaca, 1939).

<sup>4</sup>R. H. Tawney, "The Rise of the Gentry" (*Economic History Review*, II, 1941). Cf. also, R. H. Tawney, "Harrington's Interpretation of his Age" (*Proceedings of British Academy*, 1941, 199-223). J. U. Nef, "Industry and Government in France and England, 1540 to 1640" (*American Philosophical Society Memoirs*, xv, 1940).

review the evidence that has been made available in the past few years on the development of the House of Commons itself. Work on other aspects of the history of the period can be referred to only in so far as it has a direct bearing on that subject.

This investigation of the history of the Commons, so far as it has proceeded, has been mainly the work of a group of American scholars, of whom Professor Notestein is the most active and the most distinguished. In spirit, and to some extent in method, it resembles the work of Professor L. B. Namier, whose detailed studies of the House of Commons, and of the actual mechanics of government in the middle years of the eighteenth century have done much to correct certain long cherished illusions about parliamentary and cabinet government in the years of the American Revolution. The two periods are not unrelated. Many of the features that were to give its peculiar character to the eighteenth-century House of Commons were already discernible in the early Stuart period. In both cases too, some of the realities have been obscured by what would seem to be too simple generalizations about the character of the Commons.

For practical purposes a starting point may be found in a paper published by Professor Notestein in 1916, in which, after renewing the appeal made by Sir Charles Firth for more intensive study of the period, he indicated some of the points on which the work of Gardiner and other liberal historians of the nineteenth century was not altogether satisfactory.<sup>5</sup> The title of the paper, "The Stuart Period: Unresolved Problems," was in itself suggestive. It paid high tribute to Gardiner's unique achievement in tracing the course of political events during the period which he covered, and in bringing to light a much greater body of evidence than any of his predecessors had used. But it contained a distinct challenge to the view then widely held, especially among English historians, that Gardiner's was the final and the complete history of this period. Apart from its narrow range, and the incomplete and often unreliable evidence that was available when Gardiner wrote, the history suffered from the author's constant preoccupation with "moral judgment" on the character of the men whose work he was examining.<sup>6</sup> Much had been done, but there were problems, and these not the least important in the history of the period, to which Gardiner and his fellow liberals gave no answer.

This was not quite the first criticism of the kind, although it was perhaps the most important, judged by the practical results that have followed. In 1905, Professor E. P. Cheyney, whose interests lay in social and industrial history, pointed out that Gardiner's history was little more than a chronological record of a rather limited range of political events. "If carefully examined," he observed, "it will be seen to consist rather of a series of descriptions of a few great events or movements, than of a continuous, well-balanced narrative."<sup>7</sup>

Probably not many who are familiar with Gardiner's work would now dissent from the central point of that criticism. But it was made at a time when very different views were in the ascendant. In a notice of Gardiner's

<sup>5</sup>W. Notestein, "The Stuart Period: Unresolved Problems" (*American Historical Association Report*, 1916, I, 391-9).

<sup>6</sup>*Ibid.*, 392.

<sup>7</sup>E. P. Cheyney, "The England of our Forefathers" (*American Historical Review*, XI, 1905-6, 770).

work published in 1903, Dr. W. H. Hutton, after a casual glance at the more philosophical method of Ranke's history, observed that, "for Englishmen, this is the final history; for fact and for opinion, it will never need to be re-written."<sup>8</sup> Similar views were expressed very widely in the latter part of Gardiner's life, and in the years immediately following. "We close this further instalment of Dr. Gardiner's work," said a reviewer in 1897, "with renewed conviction of the worthlessness of any other historical method by comparison with his, and with renewed reverence for its author. We cannot but leave him as sole and undisputed arbiter both of the method and of his own achievement."<sup>9</sup>

It was his method, assumed to be radically different from that used by any of his predecessors, that most impressed Gardiner's contemporaries. Recent scholars have been more critical. In 1915 Professor R. G. Usher published an elaborate survey of the history, in which he subjected the "method" to a searching examination, pointed out some of the glaring inconsistencies which resulted from it, and questioned some of Gardiner's conclusions on a number of important issues.<sup>10</sup> His more severe strictures on Gardiner's work have not been very generally accepted; but it was with this criticism, among other things, in mind that Professor Notestein reviewed the whole subject in the following year.

Two points in this criticism merit comment. It is alleged, in the first place, that much of Gardiner's evidence was of a somewhat uncertain character, and that he never subjected his sources to the careful examination which modern scholarship demands where the authenticity of a document is in doubt. He relied in such cases on what he called the "test of probability." If a manuscript or printed speech, which might have been circulated in hundreds by some enterprising scrivener or publisher, contained what he regarded as the probable views of its imputed author, he accepted it as satisfactory evidence. That criticism has been endorsed and greatly strengthened by Professor Notestein and his associates; and in their account of the manner in which the thousands of so-called "separates" were produced, distributed,—often at a price,—and subsequently secured and bound in folios by seventeenth and eighteenth-century collectors, they have demonstrated the unreliability of much of this evidence.<sup>11</sup>

The second point is equally important. It concerns the foundations upon which Gardiner's account of the constitutional struggle of the early Stuart period is based. It may well be doubted whether any satisfactory history of that struggle can be written without a fairly definite explanation of what the English constitution actually was at the beginning of the period. Nowhere in Gardiner's volumes will there be found any such explanation. In numerous passages he refers to what he calls the "Elizabethan constitution",<sup>12</sup> and it is by the test of fidelity to this ideal constitution that he judges the actions of James I and Charles I in the many crises of their reigns. Yet it is ex-

<sup>8</sup>W. H. Hutton "Samuel Ralson Gardiner" (*Cornhill Magazine*, new series, XV, 788).

<sup>9</sup>Cited by R. G. Usher, *The Historical Method of S. R. Gardiner* (Washington University Studies, 1915), III, part II, no. 1, 19.

<sup>10</sup>*Ibid.*, 5-159.

<sup>11</sup>*Commons Debates*, 1629 (edited by W. Notestein and F. H. Relf, Minneapolis, 1921), intro., XX-XLI.

<sup>12</sup>For some examples of different and apparently conflicting uses of this term, cf. Usher, *The Historical Method of S. R. Gardiner*, 26-41.

tremely difficult to know exactly what is meant by this constitution. The complex series of practices, usages, and conventions which determined the relations between the various parts of the Tudor constitution are never explained with anything like the precision which the subject requires.

Most striking perhaps is the absence of any real discussion of the effects of the Reformation on the form and spirit of English government. The brief passage on the ecclesiastical changes in the reign of Henry VIII, contains virtually no reference to the constitutional implications of this revolutionary movement. Neither the Act of Supremacy, which profoundly altered the character of English kingship, and which a modern historian has described as containing the germ of the Civil War in the seventeenth century, nor the change of jurisdiction, which placed the church courts under the direct authority of the king and created the condition for one of the major conflicts of the reign of James I,<sup>13</sup> receive more than passing notice. Above all, there is a complete absence of any discussion of the legislative sovereignty of "king in parliament," first established and most strikingly demonstrated by this series of enactments.

In reality Gardiner's view of the development of Parliament seems to have been very simple. Preoccupation with the element of continuity, and a disposition to accept at their face value the appeals to precedents made by the leaders of the House of Commons tended to obscure the significance of positive changes that were taking place throughout the whole period. It would no doubt be possible to select a number of statements from the history that would admit of differing interpretations; but the substance of Gardiner's view may be fairly judged from a few passages in the opening pages of his first volume.

"Edward I realised," he says, "as a result of the early consolidation of state and nation, that, however necessary a strong royal authority still was, the duty of directing the course of progress could be safely entrusted to the nation itself." The change was not accomplished without difficulty; and it was with evident reluctance that Edward accepted some of the implications, in particular the surrender of all power of arbitrary taxation. But, Gardiner adds, "he had his reward. The Parliament of England is the noblest monument ever reared by mortal man. . . . Many things have changed, but on all main points the Parliament of England as it exists to-day is the same as that which gathered round the great Plantagenet."<sup>14</sup>

The answer must depend in some degree upon the interpretation given to the term "main points." To most students of the constitution, it will probably appear that the power exercised by the House of Commons in the nineteenth century—the power, for example, to dictate the terms of the Reform Act and to coerce the other branches of Parliament into acceptance of those terms—gave to that body a character very different from that which it had possessed in the reign of Edward I; and the distribution of legislative powers among the component parts of the sovereign Parliament must surely be regarded as one of the main points in any study of the constitution. This was the basic issue in the struggles of the early seventeenth century. It was not stated in those terms, at least not until the eve of the Civil War; and when the claim was made for what was described, not very accurately, as the

<sup>13</sup>A. F. Pollard, *The Evolution of Parliament* (London, 1920), 214.

<sup>14</sup>S. R. Gardiner, *History of England, 1603 to 1642* (London, 1887), I, 1-3.

"sovereignty of parliament," by such publicists as Prynne and Parker,<sup>15</sup> it was put in a form which went far to distort the earlier history of the constitution. The implications of their action were hardly perceived even by the most far-sighted of the men who led the House of Commons to its new supremacy; and at least two centuries were to pass, until the era of the first Reform Act, before those implications were fully worked out. But it was in the opening decades of the Stuart period, culminating with the decisive change in 1641, that the House of Commons won the power that it was not again to relinquish, the power to determine in the last analysis the laws under which the people of England should live.

That issue was latent in the constitutional situation created by the establishment of the legislative sovereignty of "king in parliament" during the reign of Henry VIII. Its emergence within less than a century was a natural consequence of political, religious, and economic development in the interval. It was due in part to discontent with the incompetence and misrule of the Stuart kings and many of their ministers; in part to the dissatisfaction of religious reformers, who desired some change in the state ecclesiastical, or of intolerant zealots, who desired wholly to transform that state and to impose their own harsh and illiberal rule on the nation; and in part to the gradual breakdown of the patch-work financial system which had served the Tudors, with the resultant demand for larger and more frequent parliamentary grants, and the increasing resort, in the absence of such grants, to irregular and arbitrary modes of taxation. But behind these particular issues, to which Gardiner and other liberal historians have given almost exclusive attention, lay a deeper and more significant change in English society itself. The economic development of the Tudor period—the expansion of commerce, the growth of manufacturing industry on a relatively large scale,<sup>16</sup> and the reorganization of agriculture in many parts of the country under the direction of the gentry had brought into prominence a class of men whose interests were no longer adequately served by the existing political system. It was from the groups who financed and controlled these enterprises that the membership of the House of Commons was almost exclusively drawn; and by the beginning of the seventeenth century their interests had assumed a form which, at least in their judgment, necessitated a larger measure of control over government policy than had been possible under the Tudor System.

The early Tudor monarchs had combined political and economic power in such a manner as to preclude the possibility of effective opposition. "Few rulers," says a recent writer, "have acted more remorselessly on the maxim that the foundations of political authority are economic." Through the augmentation of the royal demesne, they had secured large revenues independent of parliamentary control, and the extensive patronage that went with the possession of manors in all parts of the country. "They had been powerful as kings, partly because unrivalled as landowners."<sup>17</sup> Their successors were unable to retain these advantages. Financial stringency compelled the Crown to dispose of lands to the value of more than 2 million pounds between

<sup>15</sup>J. W. Allen, *English Political Thought*, 436 ff; and W. K. Jordan, *Men of Substance* (Chicago, 1942), 140 ff.

<sup>16</sup>Nef, "Industry and Government in France and England," specially chaps. I and III.

<sup>17</sup>F. C. Dietz, *English Finance, 1485 to 1558*. Cited by R. H. Tawney, "The Rise of the Gentry," 24.

1570 and 1640; and the beneficiaries of these transactions were in the main the landed gentry and their allies among the commercial and industrial *entrepreneurs*.<sup>18</sup> Nor was the monarchy alone in feeling the effects of this new economic pressure. Throughout the upper strata of the social pyramid there was going on a steady process, described by Professor Tawney as one of "erosion and reconstruction," the result of which was the concentration of property and economic power in the hands of the middle ranks of landowners, merchants, lawyers, and industrialists. The change is illustrated by the history of the manors confiscated from the church in the reign of Henry VIII. Large numbers of these, which had originally gone to members of the new Tudor nobility, had, by the end of the century, passed to the ownership of the gentry.<sup>19</sup>

Contemporaries were deeply impressed with this development. The increasing wealth of the middle ranks, the men "situated neither in the lowest ground nor in the highest mountains, but in the valleys between both," was noted by Raleigh as one of the striking social phenomena of his time. One observer as early as 1600 estimated that the aggregate income of the gentry was three times that of the peers, bishops, deans and chapters, and richer yeomen together.<sup>20</sup> It was this change in the social structure and in the distribution of landed property which led Harrington to his novel conclusions concerning the origins of the war, and which convinced him that a republic or commonwealth was the only form of government that could henceforth sustain itself in England.<sup>21</sup>

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By the end of the sixteenth century English agriculture had shed most of its feudal characteristics, and had become very largely a capitalistic enterprise. Landowners were among the largest investors in the new industries, and in many of the commercial ventures of the period.<sup>22</sup> Their ranks were constantly swelled by newcomers who had made their fortunes in business or in the practice of the law. "By the middle years of James I's reign, if not earlier," says Professor Tawney, "it is difficult to find a prominent London capitalist who is not also a substantial landowner."<sup>23</sup> Not the least influential of these new landowners were the successful lawyers. Contemporaries placed the incomes of leading barristers in the reign of Elizabeth at almost fantastic figures; and not all of their income was derived from professional fees. Popham and Ellesmere made fortunes out of land transactions in the reign of James I; and the great Chief Justice himself, described by Tawney as "the odious but indispensable Coke," acquired more than fifty manors in the course of his public career and became one of the wealthiest and most powerful of the middle rank of landowners.<sup>24</sup>

<sup>18</sup>Tawney, "Harrington's Interpretation of His Age" (*Proceedings of British Academy*, 1941, 206 ff.).

<sup>19</sup>For evidence from some Midland counties cf. Tawney, "The Rise of the Gentry," 28.

<sup>20</sup>Camden Miscellany, XVI, 1936; quoted in Tawney, "The Rise of the Gentry," 5.

<sup>21</sup>"Wherefore, the dissolution of this government caused the war, not the war the dissolution of this government."

<sup>22</sup>Nef, "Industry and Government in France and England," 11 ff.

<sup>23</sup>For an interesting example see the history of the Robinson family, Jordan, *Men of Substance*, chap. III.

<sup>24</sup>Tawney, "The Rise of the Gentry," 18.

"It is not surprising," says Professor Notestein, "that in the struggle with James, the lawyers found themselves on the same side of the fence with the gentry." That was a change from the Tudor era, and it did not pass without notice. A royalist writer early in the new reign observed that the king's emphasis on his prerogative and on the rights of the church had "much abated the comings in" of the lawyers, and that these gentlemen were all too ready to support the claims of the Commons "with their cases, antiquities, records, statutes, precedents and stories."<sup>25</sup> The alliance was no doubt natural; but it is not too much to suppose that it was in some measure strengthened by the common economic interests of both groups.

The influence of these changes on the character of the House of Commons cannot be precisely defined, but it was certainly not negligible. The framework of oligarchy was taking shape, and the ideas that were to determine the policy of the ruling classes for a century and more were already in the ascendant. The opinions of two scholars who have made the subject their own may be quoted. "The more intimately an industry,—agriculture or any other,—depends upon the market," says Professor Tawney, "the more closely is it affected by the policy of government, and the more determined do those engaged in it become to control policy. The fact that *entrepreneur* dominated over *rentier* interests in the house of commons is therefore a point of some importance."<sup>26</sup>

To the same purpose, but with the emphasis on the social philosophy that was becoming prevalent among the dominant groups in English society, is the comment of Professor Nef.

English merchants and improving landlords were beginning to think they had found a better guide to state policy than had been known in earlier times. They held a different view of the ends of the state from that taught by philosophers and theologians from Aristotle to Richard Hooker. Hitherto it had been taken for granted that the greatest good was to be derived from according material wealth a subordinate place in the order of goods. The merchants, the improving landlords and the philosophers who expressed their views were coming to believe the greatest good was to be derived by allowing free play within the state to enlightened material self-interest.<sup>27</sup>

It was in such an environment that the House of Commons made its great advance in the early seventeenth century. The institutional changes need not be considered in detail. That field has been surveyed in Professor Notestein's masterly essay on "The Winning of the Initiative," which has become essential reading for every student of the period. The details are being filled in by other writers. Through the publication of sources not before available, or but imperfectly utilized, material is being provided for a more intensive study of the actual proceedings of the House than has hitherto been possible.<sup>28</sup> What is emerging from these studies is a portrait of the Commons, fuller, more convincing, and more definitely related to cur-

<sup>25</sup>Notestein, "The Winning of the Initiative by the House of Commons," 162; cf. also T. Plucknett, *A Short History of the Common Law* (London, 1940), 46 ff.

<sup>26</sup>Tawney, "The Rise of the Gentry," 34.

<sup>27</sup>Nef, "Industry and Government in France and England," 130.

<sup>28</sup>*Commons Debates*, 1621 (edited by W. Notestein and F. H. Relf, 7 vols., New Haven, 1935); *Commons Debates*, 1629.



rent political and social conditions than has heretofore existed. It was a House composed in the main of fairly average human beings, with the material interests, the ideals, and the ambitions of ordinary men, but with greater opportunities for advancing their interests and for giving effect to their ideals than had been enjoyed by any of their predecessors. Widening political experience, expert leadership, supplied by the lawyers and by the representatives of the new business interests, and greatly improved procedure gave them a new self-reliance and a skill in the conduct of public affairs that had been wanting in the past.

It was becoming very largely a business man's house. Interest in Puritan reforms, or at least in limiting the ecclesiastical authority of the Crown and the church, formed a bond of union among many of its members. Common economic interests were perhaps equally important and certainly more durable as a bond of union. And it was becoming essentially a modern House of Commons. Despite the constant appeal of the lawyers to medieval precedents, it was a House which had a nearer affinity with that led by Walpole and Pitt than with that which had existed in the fourteenth century. For it was no longer a branch of a medieval Parliament, Coke's pedantry to the contrary notwithstanding. It was a component part of the omniscient Parliament of the modern English state, in process of assuming to itself the substance of sovereign power in that state. "The leading members of the commons," observed Hume, "men of an independent genius and large views, began to regulate their opinions, more by the future consequences which they foresaw than by the former precedents which were set before them; and they less aspired at maintaining the ancient constitution than at establishing a new one, and a freer, and a better."

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The practical results achieved by the Commons in the first quarter-century of Stuart rule can be stated very briefly. They amounted in effect to the breakdown of almost all the important conventions of the Tudor constitution. By 1629 very little remained of the elaborate system of controls, through which the Tudors had managed elections, influenced the composition of the House, and guided its deliberations through the privy councillors and officials who were regularly provided with seats. The process was hastened by the ineptitude of the Stuart kings, and by their ignorance of the system of government which they were called upon to administer. But that was merely a negative factor. The real force determining the change was the aggressive action of the House itself.

They established control over their own membership. Before the end of James's reign the Crown had been obliged to discontinue the practice of adding to the membership of the House by charters to favoured municipalities. For a time thereafter the House took over this function itself. Resolutions of the Commons reviving ancient parliamentary boroughs which had long ceased to elect members, added several names to the list of places that were to figure prominently among the rotten boroughs of the next century.<sup>29</sup> Early in their history moreover, many of the parliamentary boroughs established by the Tudor monarchs passed under the control of neighbouring peers and gentry; and the control thus established was not again relinquished.<sup>30</sup> The

<sup>29</sup>E. Porritt, *The Unreformed House of Commons* (Cambridge, 1903), 382.

<sup>30</sup>W. Holdsworth, *History of English Law* (London, 1924), IV, 94 and 96.

system of patronage associated with eighteenth-century political management was taking shape even before the Puritan Revolution.

Within the House itself there were equally significant changes. The development of an efficient procedure gave to the House a degree of cohesion hitherto unknown, and deprived the Speaker of most of the authority by which he had formerly regulated the course and conduct of business.<sup>31</sup> Through the organization of committees, in particular the "committee of the whole," the leaders of the House took control of legislation and of all other parliamentary business out of the hands of the servants of the Crown.

The privy councillors, who had been the key men in the House since the days of Henry VIII and Thomas Cromwell, were reduced to impotence. In the reign of Elizabeth, it was customary, when nominating a committee, to select first "all those Privy Councillors that be of the House." By the reign of Charles I these men were not only excluded from all important committees, but it had become almost impossible for one of them to speak his mind freely on the floor of the House without encountering strong, and often disorderly opposition. They were informed that, whereas the private member represented "the country," they represented no one but themselves and the court; and the House did not scruple to twist its rules of debate in order to reduce them to silence.<sup>32</sup>

The breakdown of these conventions led to an almost complete separation of executive and legislature. The House of Commons became an organized opposition, incapable as yet of assuming responsibility for the conduct of government, but able, especially through its control of taxation, to check and frustrate the actions of the king and his council.<sup>33</sup> Through the publication of various types of parliamentary documents moreover, the country party in the House was endeavouring to build for itself a body of support throughout the nation. Such a practice involved a serious departure from the rules governing the secrecy of parliamentary proceedings; but there was a strong desire among the members to make their opinions known to a wider public and an evident demand among some sections of the public for such information. Before 1640 the practice of circulating petitions, remonstrances, legal arguments, and to an increasing extent, the ordinary speeches of members, had become very general.

The object was achieved in one of two ways. The more normal method was to secure the insertion of a speech in the clerk's book, with subsequent authorization for printing and distribution among the members of the House. A less regular method, but one which became very general in the early Stuart period, was for the member to hand out a manuscript of his prepared speech, to be copied by other members, or to be printed and circulated throughout the country. There were occasional protests against such a practice, but it was apparently achieving results desired by the majority in the House, and no serious effort was made to check it. At the same time the House was doing all in its power to prevent the distribution of speeches by the king or any of his servants. "The truth was of course," says Professor Notestein, "that the

<sup>31</sup>*Ibid.*, VI, 88-92.

<sup>32</sup>D. H. Willson, *The Privy Councillors in the House of Commons, 1624 to 1629* (Minneapolis, 1940), *passim*.

<sup>33</sup>It is estimated that the real income of the Crown in 1640 was hardly more than it had been a century before. Nef, "Industry and Government in France and England," 129.

country party in parliament wished to put its case before the public, and did not like to see the king's case so put. Hence their inconsistency regarding the rules of secrecy."<sup>84</sup>

The history of the House of Commons in the early seventeenth century is in reality a study in the basic mechanics of responsible government. The first step towards the establishment of such a system of government was the dissolution of the conventions through which the monarchical and conciliar government of the Tudor era had operated; and the achievement of the Commons can be properly understood only after a thorough investigation of those conventions. "Conventions," says Sir William Holdsworth, "must grow up at all times and in all places where the powers of government are vested in different persons or bodies,—where, in other words, there is a mixed constitution."<sup>85</sup> At no time in the history of the English constitution have these conventions been more important than in the Tudor era. At no time have they been more rapidly or more completely altered than in the period immediately following.

An understanding of these conventions is therefore, no less necessary than an exact knowledge of the medieval precedents to which Coke and his fellow antiquaries were wont to appeal. It is perhaps even more necessary; for the House of Commons in the seventeenth century was part of a Parliament possessed of powers which no medieval Parliament had exercised or claimed. It is essential moreover, that it be recognized as a part, and not as the whole. The history of the seventeenth century has too long been confused by the loose habit of using the word "parliament" to designate the House of Commons, thereby giving the word a meaning which its history does not support.

The conventions of the constitution have been variously defined. A. V. Dicey's definition, as "in the main, rules for regulating the exercise of the prerogative," is clearly inadequate. Sir William Holdsworth has defined them as "rules to ensure that the constitution works in practice in accordance with the prevailing constitutional theories of the time." Professor Jennings has broadened that definition. "It is not so much the prevailing constitutional theory that matters," he says, "as the prevailing social desires."

The conventions of the Tudor constitution satisfied prevailing social desires. Before many years of the seventeenth century had passed, the social desires of the dominant groups in England had so altered that these conventions were no longer acceptable. The average member of the House of Commons probably had no very definite ideas as to the form of government which he would prefer; and even among such leaders as Sandys, Coke, Wentworth, and Elliott there was clearly no agreement on ultimate ends. But circumstances enabled the House of Commons in these years to carry through the first of a series of changes that would eventually result in the establishment of the modern type of responsible government.

It is evident that the definitive history of the seventeenth century has not yet been written. Professor Notestein, to whose work every student of the period is so deeply indebted, has summarized the position as it was in 1916, and as it remains with some qualification, at the present time; and this survey may conclude with his statement.

<sup>84</sup>*Commons Debates*, 1629, intro., XX-XLI.

<sup>85</sup>Quoted in W. I. Jennings, *The Law and the Constitution* (London, 1933), 72.

By the use of parliamentary material opened since Gardiner wrote and a constant lookout for new sources, by a more thorough analysis of the sources which Gardiner used and a finer discrimination in sifting them, by a closer relating of Stuart parliaments to those of earlier times, and by an investigation of many aspects of the history still unstudied, it may be possible not only to get closer even than Gardiner to that sought-for truth of events, but to make ready for those wider interpretations, for that historical philosophy which Gardiner shunned.<sup>86</sup>

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<sup>86</sup>Notestein, "The Stuart Period: Unresolved Problems," 300.