I. The Nature, Functions and Remit of the House of Commons

Speaking at the start of the 1621 Parliament, with memories of the disastrous Addled Parliament clearly uppermost in his thoughts, James I reminded the assembled members of both Houses 'what a Parliament is', though he added, 'I know you know it already'.[1] In presuming to define a Parliament to its own members, James was tacitly acknowledging a point of fundamental importance – that the purposes of England's representative assembly were far from universally agreed. Arguments over the functions and remit of the English Parliament, and of the House of Commons in particular, were a central feature of early seventeenth century parliamentary politics. In several key areas, most notably religion and Crown finance, agreement proved impossible to reach, and this failure ultimately contributed to Charles I's decision to abandon parliaments after March 1629.

Arguments over the functions and remit of the Commons in general pitted the lower House against the king. From time to time, however, the Commons also found itself at loggerheads with both the House of Lords and Convocation, the representative assembly of the Church. More than once the Commons was accused of seeking to expand its sphere of influence, or of acting *ultra vires*. 'You may meddle with the abuse of my commissions', declared James in 1610, 'but not with my power of government'.[2] The following year Lord Chancellor Ellesmere, in a memorandum addressed to the king, complained that the 'popular state' had 'grown big and audacious' ever since the beginning of the king's reign, 'and if way be given unto it ... it is to be doubted what the end will be'.[3] However to many with seats in the lower House it was not the Commons which was seeking to expand its influence or extend its authority but the king and the bishops, at the expense of Parliament in general and the Commons in particular.

Territorial jurisdiction

In theory the scope of the Commons' deliberations was confined by its composition, since only England and Wales returned Members to Westminster. When James urged the Commons to lay the groundwork for a statutory Union between England and Scotland in 1604, Sir Edwin Sandys pointedly observed that 'we cannot make any laws to bind Britannia' because 'England sits here representatively

1 *CD 1621*, ii. 3.
2 *Procs. 1610* ed. E.R. Foster, ii. 61, quoted in R. Lockyer, *The Early Stuarts* (2nd edn), 80.
3 L.A. Knafla, *Law and Pols. in Jacobean Eng.* 254.

only'. Scotland had her own Parliament, and neither the English Parliament nor its Scottish equivalent, either singly or together, was capable of making laws for Britain. Even had this not been the case, a formal union of the two kingdoms would necessarily have resulted in the dissolution of both parliaments.[4] In 1604 Sir Francis Bacon privately urged James to use his prerogative to summon Scots to the Westminster Parliament and to allocate to them a third of the available seats. Had James acted upon this advice he would have created a Parliament capable of legislating for both kingdoms. He never did so, mainly out of a fear of offending his English and Welsh subjects, perhaps, but also because the creation of a single assembly would first have required the creation of a single Chancery, capable of issuing writs to the sheriffs of both England and Scotland.[5]

Although the English Parliament exercised no jurisdiction north of the border, its authority over Ireland was less clear.[6] Unlike Scotland, Ireland was subordinate to the English Crown, though it too had its own Parliament, which met at Dublin. During the latter part of Elizabeth's reign England's safety had been threatened by a major rebellion in Ireland led by the earl of Tyrone and by a Spanish landing at Kinsale. These events had led to considerable debate in the parliaments of 1597-8 and 1601 over the cost of Ireland's defence to the English Exchequer.[7] To the Privy Council in London it must have seemed natural, following the end of hostilities, to turn to Parliament for help in re-imposing English control over Ireland. Consequently, shortly before the start of the 1604 session, the Council contemplated introducing a bill 'for the reduction, plantation and better policy of the kingdom of Ireland'.[8] In the event no such measure was laid before Parliament. Had the planned bill reached the statute book, it would have established early in James's reign Parliament's competence in Irish affairs.

Not until April 1621, when the prospect of a fresh war with Spain loomed large, did the Commons attempt to debate Irish affairs again. This time English concerns went far beyond the cost of Ireland's defence. Sir John Jephson, sitting for Hampshire and a member of the Irish Privy Council, announced that 'the corruptions in Ireland are wonderfully overgrown and [are] not to be neglected because it is Ireland and not England'. Jephson was seconded by Sir Edward Coke, who argued, *inter alia*, that since England's safety depended on the peace and security of Ireland, her Parliament was entitled to debate Irish affairs. The question of jurisdiction was clear, he added, because at the beginning of every Parliament the House of Lords appointed receivers and triers of petitions for Ireland, and because judgments in the Irish Court of King's Bench were capable of being reversed by its English equivalent. In Coke's view, it was perfectly proper for the Westminster Parliament to

4 *CJ*, i. 951a, 178a, 186b.
5 B. Galloway, *The Union of Eng. and Scot. 1603-8*, p. 41, citing *Letters and Life of Francis Bacon* ed. Spedding, iii. 228-9.
6 Conrad Russell argued that the English Parliament 'periodically made claims to authority over Ireland'. C. Russell, 'The Nature of a Parl.', 135, in *Before the English Civil War* ed. H. Tomlinson.
7 J.E. Neale, *Eliz. I and Her Parls., 1584-1601*, pp. 360, 411. I am grateful to Pauline Croft for valuable discussion of this subject.
8 SP14/6/99.

examine the causes of disorder in Ireland and to relay its findings to the king, 'who will thereupon give directions to call a Parliament [in Ireland] that so remedy may be provided'.[9]

In seeking to extend its reach over Ireland's domestic affairs, the Commons, led by Coke, was attempting to exploit a rare period of harmony between its Members and the king.[10] Reluctant to jeopardize the Commons' goodwill by issuing a blunt direction to desist, James declared somewhat opaquely that, while he would not question the House's right to meddle in Irish affairs, he was 'to give account to none but God'. It was left to the bearer of this message, Sir Lionel Cranfield, to explain that James meant for the Commons to leave Irish affairs to him. However no notice of this warning was taken until the following day, when James announced categorically that 'he, having begun, would finish it'.[11]

James's reluctant intervention torpedoed for the time being the Commons' attempt to interfere in Irish affairs, although Coke continued to argue, in his published reports, that 'by special words the Parliament of England may bind the subjects of Ireland'.[12] It was not until February 1629, when the Commons was informed that Ireland's lord deputy and an Irish justice of assize had hanged a member of the Bushyn family in order to gain possession of his estates, that the matter was raised again. Since Coke was now no longer active in the Commons, it fell to John Selden to argue that the Westminster Parliament had jurisdiction.[13] His claim might ultimately have prompted further royal intervention were it not for the fact that, ten days later, the Parliament was dissolved. No fresh meeting took place until 1640. In November that year the Commons established a grand committee to examine Irish affairs, so paving the way for the impeachment of Ireland's lord lieutenant, the earl of Strafford.[14]

Apart from Ireland, there was one other territory (aside from the Channel Islands and the Isle of Man, perhaps) over which it could be argued that the Westminster Parliament had jurisdiction. That territory was Virginia, which was in the process of being settled. On 17 April 1621 a bill to allow free fishing off the American coast received a first reading in the Commons. It was given a second reading eight days later, whereupon Secretary Calvert argued that the Commons was acting *ultra vires*. Virginia, he declared, was 'newly conquered and not as yet annexed to the Crown nor to be governed by any law but the king's mere pleasure'. Consequently 'the Parliament is not to decide or appoint' who was entitled to fish off the American coast. Calvert's intervention drew from Sir Edwin Sandys, then deputy treasurer of the Virginia Company, the response that since Virginia was held of the royal manor of East Greenwich it 'may be bound by the Parliament'. In the short term this ensured the bill's survival, but at the report stage one month later Calvert intervened again, this time decisively. 'This bill is not proper for this House' he stated,

9 *CD 1621*, iv. 259-60.
10 For a discussion of this brief period of goodwill, see Chapter 13.
11 *CJ*, i. 597b, 598a, 598b, 600b.
12 E. Coke, *Fourth Part of the Institutes of the Laws of Eng.* (1671), 350.
13 *CJ*, i. 931b; *CD 1629*, pp. 158, 225.
14 C. Russell, *The Fall of the British Monarchies, 1637-42*, pp. 214, 384-7, 392.

because 'here is none to answer for Virginia'. Since no Virginian colonists had been elected to the Commons, he observed, 'we cannot conclude of it'.[15] In essence, this was the same argument that Sandys had himself used twenty years earlier in respect of Parliament's jurisdiction over Scotland, and it had the effect of killing the bill stone dead.

Law-making

One of the prime functions of Parliament, if not its principal purpose, was to legislate. Since most bills were initiated in the lower House, the Commons arguably played a greater role in this process than the Lords. However during James's reign the suspicion arose that Parliament's legislative functions were under attack from the king. Although both Houses were affected by this apparent assault, it was the lower House that took the lead in defending Parliament's traditional legislative duties.

The role of the monarch in the legislative process was crucial, since without the Royal Assent no bill could be enacted. Speaker Croke was not indulging in hyperbole when he described Elizabeth in 1601 as 'the only life-giver unto our laws'.[16] Nevertheless the monarch was not entitled to legislate in isolation, for by the early seventeenth century it was well established, as William Noye observed in 1621, that 'laws cannot be made but by a general consent, which cannot be had but in Parliament'.[17] This state of affairs was not to the liking of James I, who ascended the English throne convinced that parliaments were called for reasons of convenience rather than necessity. As James explained in his *The Trew Law of Free Monarchies* of 1598, kings were entitled to 'make daily statutes and ordinances ... without any advice of Parliament or estates'.[18] James also held that laws were made by the monarch rather than by Parliament, for on opening the 1621 assembly he described the members of both Houses as merely the 'advisers, councillors and confirmers of them'.[19]

James's views, hinting as they did at royal absolutism, were clearly at variance with English constitutional practice. During the sixteenth century, the monarch's ability to make law without reference to Parliament was severely circumscribed. Though entitled to issue proclamations on more or less any subject he chose, the king could not, as the judges explained in 1556, change law or make new laws, but only 'confirm and ratify a law or statute', nor could he use his power of issuing proclamations to impose any fine, forfeiture or period of imprisonment.[20] It was true that in 1539 Parliament had granted the king the right to introduce emergency legislation without reference to his subjects, but the relevant statute had been repealed at the beginning of Edward VI's reign.[21]

15 *CD 1621*, ii. 386; iii. 298.
16 *Procs. in Parls. of Eliz. I*, iii. 264.
17 *CD 1621*, ii. 254.
18 *The Political Works of Jas. I* ed. C.H. McIlwain, 62.
19 *CD 1621*, ii. 4.
20 J. Loach, *Parls. under the Tudors*, 10-11.
21 R.W. Heinze, 'Proclamations and Parliamentary Protest, 1539-1610', in *Tudor Rule and Revolution: Essays for G.R. Elton from his American Friends* ed. D.J. Guth and J.W. McKenna, 239.

Despite the constraints upon the monarch set out by the judges in 1556, shortly after his accession James issued edicts that were far from being merely explanations of existing laws. During the first year of his reign this practice was to some extent forced upon him and his Council, as the outbreak of plague caused the summoning of Parliament to be postponed until January 1604.[22] However, what should, perhaps, have been no more than a temporary expedient soon became an ingrained habit. In October 1604, following the Commons' refusal to endorse his proposal for a statutory union of England and Scotland, James announced by proclamation that henceforward he wished to be styled king of Great Britain. Three years later, in August 1607, he established by proclamation commissioners to ensure that only bran was to be used in the manufacture of starch, despite the fact that three months earlier the Commons had rejected a bill to ban the use of wheat in this process.[23] This edict, together with another on the same subject issued in July 1608, also imposed fines and 'such further punishment as is usual in cases of such contempt'.[24]

Whether he intended to or not, James had created the clear impression that he was trying to usurp the legislative power of parliaments. This suspicion, reinforced by the sheer volume of proclamations issued in the first few years of the reign compared with the number promulgated by Elizabeth,[25] understandably created alarm in the Commons. As early as April 1607 Edward Alford described the fining and imprisonment of men in Star Chamber for failing to obey proclamations as 'an unlawful course'.[26] By July 1610 his complaint had been taken up by the House as a whole, which noted the increased frequency with which proclamations were issued and the fact that some now extended to the goods, inheritance and livelihood of men, while others tended 'to alter some points of the law'. In a thinly veiled reference to the royal edict of October 1604, the Commons also expressed dismay that a proclamation had been issued 'shortly after a session of Parliament for matter directly rejected in the same session'. It was also observed that James had recently had all the proclamations issued since his accession printed and bound in a single volume 'in such form as acts of parliaments formerly have been', which 'seemeth to imply a purpose to give them more reputation, and more establishment than heretofore they have had'.[27]

James's reliance on proclamations was stoutly defended by Lord Chancellor Ellesmere, who declared in Star Chamber in October 1607 that 'where the common state of wealth of the people or kingdom require it, the king's proclamation binds as law and need not stay [for] a Parliament'. Ellesmere subsequently went on to condemn the Commons' 'extravagant discourse touching proclamations'.[28] However, Ellesmere's claim that the king could not always wait for a Parliament, though

22 I am grateful to Pauline Croft for this observation.
23 Heinze, 248-9.
24 *Stuart Royal Proclamations, I*, 165, 191.
25 James issued 32 in the first nine months of his reign, whereas Elizabeth issued only five in the last full years of hers: Heinze, 240.
26 *CJ*, i. 1035b.
27 *Procs. 1610* ed. E.R. Foster, ii. 259.
28 Heinze, 251-2; Knafla, 212.

perfectly valid, rather missed the point, for it was one thing to issue proclamations in the absence of Parliament and quite another to use them to override the wishes of Parliament as James had done. By 1610, after James repeatedly delayed recalling Parliament, it began to look as though proclamations, like Impositions, formed part of a concerted strategy to allow the king to dispense with parliaments if he wished. Were James to be left to create law on his own authority, the way would be open to arbitrary government, and one of the main reasons for summoning parliaments would have been removed.

These were not fears that James could lightly disregard, for by 1610 he urgently needed to reach a settlement with the Commons to solve his mounting financial difficulties. Since Impositions were too valuable to surrender, he had little option but to make concessions in respect of proclamations. He began by addressing a specific complaint directed by the Commons at Dr John Cowell, the author of *The Interpreter: or booke containing the signification of words*, a legal dictionary published in 1607. In this work Cowell, who believed that the king's powers were not limited by human laws, espoused the view that England's king was entitled to promulgate laws without reference to his subjects, and that the practice of making laws in Parliament was merely 'a merciful policy'. In addition he asserted that it was because the king 'doth of favour admit the consent of his subjects therein' that the Commons gave the king subsidies.[29] On the face of it, James clearly disassociated himself from Cowell's absolutist views, as he had Cowell placed under house arrest and ordered his book to be suppressed.[30] However, as Johann Sommerville has argued, the king was chiefly disturbed by Cowell's presumption in debating the royal prerogative. Although he expressed dislike of the doctrine that the king could legislate without reference to parliaments,[31] it is difficult to see how Cowell's views differed significantly from those published by James himself in *The Trew Law of Free Monarchies*.

As well as punishing Cowell, James sought to reassure the Commons that he had never intended to abuse his right to issue proclamations. 'Proclamations are not of equal force, and in like degrees as laws', he declared, and if recent proclamations had been 'extended further than is warranted by law' he wished to be informed of the fact. Indeed, he promised to confer with the Privy Council, the judges and learned counsel on the matter, and to ensure that in future 'none be made but such as shall stand with the former laws or statutes of the kingdom'.[32] Over the summer of 1610, during the prorogation, James kept his word and sought legal advice. As in 1604, when they ruled that a union between the two kingdoms would automatically extinguish the laws of England, the judges came to the rescue of the Commons. They declared that if the king were entitled to create new offences by proclamation 'then he may alter the law of the land by his proclamation'. In coming to this emphatic conclusion the judges perhaps took their cue from the attorney general, Sir Edward Coke, who in effect said that James had been acting *ultra vires*: 'the king cannot

29 J. Sommerville, *Royalists and Patriots: Pols. and Ideology in Eng. 1603-40* (2nd edn.), 114; *Procs. 1610*, ii. 38n.
30 C. Tite, *Impeachment and Parliamentary Judicature in Early Stuart Eng.* 62-3.
31 Sommerville, 116-17.
32 *LJ*, ii. 659b.

change any part of the Common Law, nor create any offence by his proclamation which was not an offence before without Parliament'.[33]

The judges' ruling made it clear that the king had no right to legislate without recourse to parliaments, and since he did not wish to jeopardize the Great Contract, the details of which had still to be settled when Parliament reconvened, James issued a proclamation in September 1610 revoking all but one of the edicts cited in the Commons' petition of grievance.[34] On the face of it this represented a remarkable victory for the Commons over the king. However when the House reassembled it was apparent that some Members remained dissatisfied, for in his proclamation of revocation James continued to reserve the right to issue proclamations 'in all case of sudden and extraordinary accidents, and in matters so variable and irregular in their nature, as are not provided for by law'. Although these words constituted an impeccable constitutional defence of the royal right to issue proclamations, suspicion of the king was now so great that it was easy to imagine how such a formerly acceptable statement could be exploited to justify issuing more proclamations precisely like the ones that the Commons had hitherto found so offensive. On 3 November Edward Alford demanded to know whether James would 'yield or no' in respect of proclamations and Impositions, to which James also clung, so that the House could come to a conclusion in respect of the Contract. Four days later, Richard James declared that 'so long as an arbitrary power of government (of Impositions, or proclamations) shall remain, what heart can we have to go on to the business?'[35]

Although the first Jacobean Parliament was dissolved without a financial settlement having been reached, James was more restrained in his use of proclamations over the next few years. Consequently, when a fresh Parliament met in 1614, James was well placed to repeat his earlier denials. 'I never mean[t] by proclamation to assume the power of the law', he protested, but only to provide remedy 'where the mischief could not tarry for a law'.[36] Since it now appeared that James had learned his lesson, the Commons did not seek to revive the complaints heard in the previous assembly. However, in the aftermath of the Addled Parliament, an overwhelming desire to be rid of parliaments necessarily led James to stretch his authority by means of royal proclamations, which now increased in frequency to the rate of one a month on average.[37] Many of these were designed to give force to the large number of new patents of monopoly that James was obliged to issue to generate additional income. Offenders were threatened with trial in the prerogative court of Star Chamber, a prospect that generated widespread fear. Indeed, in July 1620 John Chamberlain reported that 'the world is much terrified with the Star Chamber, there being not so little an offence against any Proclamation but is liable and subject to the censure of that court'.[38]

33 E. Coke, *12th Rep*. 74, 76.
34 Heinze, 255.
35 *Procs. 1610* ed. E.R. Foster, ii. 319, 397.
36 *Procs. 1614 (Commons)*, 476.
37 Heinze, 257.
38 *Chamberlain Letters*, ii. 310.

James's attempt to rule without parliaments, and the increasing use of proclamations which was its necessary corollary, reawakened fears for the survival of the traditional legislative process. In a widely circulated treatise written sometime during James's six-year long personal rule, the pseudonymous Philopolites denied that the king was entitled to 'alter his laws without his subjects' assent'. Indeed, no one man was capable of making laws, nor were even 'a hundred wise selected counsellors', since they were too few to know the state of the country in detail. Only a body consisting of 'more than four hundred men' – a thinly veiled reference to the House of Commons – was capable of performing such a task.[39] When Parliament finally met again, in 1621, proclamations came under renewed attack in the Commons. Edward Alford, who had led the assault from the start, thundered three weeks into the session that 'we are free born subjects governed by laws ... and not by proclamations' that 'are annexed to the monopolies which are grievous to the realm'. Alford subsequently complained that if the king were to continue to imprison on the basis of such edicts, Englishmen would be reduced to villeinage.[40]

On the face of it the stage now seemed set for a decisive clash between the king and the Commons. However it soon became apparent that Alford had misjudged the mood of his colleagues, most of whom were unwilling to jeopardize the rare spirit of harmony between king and Commons that prevailed during the early stages of the Parliament. Were they to antagonize James, either in respect of proclamations or Impositions, the country might be plunged back into personal rule. Far from supporting Alford in his criticism, the House adopted a more moderate approach. John Glanville declared that proclamations were not in themselves an abuse of royal power, and that only those drafted for 'private ends' were a source of concern. Like Thomas Crewe, he argued that they ought to be restricted to matters of state.[41] Clearly, the same fear of extinction which drove Alford to complain loudly about proclamations led others to tone down their criticism in the hope of avoiding a damaging confrontation with the king.

Thereafter the Commons discovered that the main threat to its legislative role emanated not from the king but from a collapse in confidence in the House's ability to process and enact legislation. This collapse, which is discussed in detail in a later chapter, was the result of a succession of legislatively sterile parliaments and over-ambitious legislative programmes in 1621 and 1624.[42] Nevertheless the fear that the early Stuarts were trying to legislate by the back door did not disappear entirely. During the Remonstrance debates of June 1628, Alford complained that recent proclamations enforcing Lent, which imposed fines in Star Chamber, undermined the right of Parliament to make law. Indeed, were they to go unchallenged, he observed, 'what need we be here?' This time Alford found powerful allies in the shape of Sir Edward Coke, who declared that he was expressing nothing less than 'the fear of alteration of government', and John Selden, who opined that 'nothing changes government more than proclamations'. What greater concern

39 P. Croft, 'Annual Parls. and the Long Parl.', *HR*, lix. 166-7.
40 *CD 1621*, ii. 120 and n; iii. 324.
41 *CD 1621*, ii. 121.
42 See Chapter 11.

was there, demanded Coke, than that the law might be altered by Proclamation? 'Proclamations', he added, 'come too high'. However the rest of the House decided to include in its Remonstrance only new matter of complaint and consequently the matter was dropped.[43]

If James proved keen to legislate on his own authority, by the same token he also wished to discourage Parliament from spending too much time on legislation. Except in 1604 and 1614, when he expected Parliament to consider the Union and the grace bills respectively, James had little legislative business of his own for Parliament to consider.[44] Like his predecessor, James was convinced that there were already far too many bills on the statute book, and that merely adding to them would, as he remarked in 1604, serve only to 'burden men's memories'.[45]

Under Elizabeth, the argument that the statute book was full was uncontroversial. By the early 1620s, however, with Parliament's continued existence in the balance, Sir Edward Coke realized that the monarch's repeated claim that parliaments were not needed to make new law posed just as much of a threat to future meetings as James's predilection for proclamations. In March 1621, one month after the lord chancellor enjoined the Commons not to too many new laws, Coke correctly pointed out that a statute from the reign of Edward III required Parliament to meet annually so that it might make laws to prevent and punish abuses that would otherwise go unchecked.[46] How far Coke's thinking influenced his colleagues in the Commons is unclear, but both in 1621 and 1624 the Commons demonstrated a huge appetite for legislative business.

Far from wishing Parliament to create fresh legislation, James hoped that the Commons, whose ranks always included a large contingent of lawyers, would expend its energies instead on codifying existing law. In this desire to simplify, rationalize and make more comprehensible the laws already in force, James was, to a degree, following in the footsteps of his predecessor.[47] However James pursued the matter with greater vigour than Elizabeth. On 31 March 1607 James announced that if the Scots were to abandon their laws in favour of the English legal system, the English would first have to weed their statute book and iron out its various inconsistencies.[48] Three years later, James again urged the Commons to sort out the English legal system. The Common Law, he complained, was written 'in an old, mixed and corrupt language, only understood by lawyers; whereas every subject ought to understand the law under which he lives'. Moreover, both the Common Law and statute law frequently contradicted themselves and each other. Addressing these problems, he declared, would be 'a worthy work, and well deserves a Parliament to be set of purpose for it'.[49] James's interest in legal reform may have been encouraged by

43 *CD 1628*, iv. 243-4.
44 For a discussion of the Crown's limited legislative agenda, see Chapter 11.
45 *CJ*, i. 145a. For Lord Keeper Puckering's injunction to the Commons in 1593 'not to spend the time in devising of new laws and statutes, whereof there is already so great store', see *Procs. in Parls. of Eliz. I*, iii. 18.
46 'Hastings Journal 1621', p. 5; *CD 1621*, ii. 197-8.
47 For Lord Keeper Puckering's attempt in 1593 to persuade the Commons to codify existing law, see *Procs. in Parls. of Eliz. I*, iii. 18.
48 *CJ*, i. 358b, 359a.
49 *The Political Works of Jas. I*, 311-12.

Sir Francis Bacon, who told the Commons three days before James's speech of 31 March 1607 that a review of the laws of both England and Scotland 'might work a better digest of our laws'.[50] It may also have owed much to the attorney general, Sir Edward Coke, who observed in his *Fourth Report* of 1603/4 that repealing the large number of obsolete laws on the statute book would be 'an honourable, profitable and commendable work for the whole commonwealth ... which cannot be done but in the High Court of Parliament'.[51]

The Commons, however, steadfastly disregarded repeated attempts by Elizabeth and James to add the codification of existing law to the list of its functions. Not until the start of the 1621 Parliament, when several of the leading lawyers of the House were ordered to draft a bill to repeal the hundreds of obsolete statutes that they had previously identified on James's instructions, did the Commons show any interest in pursuing the matter.[52] This change of heart perhaps owed something to Coke, who had now returned to the Commons after an interval lasting twenty-eight years, but it seems likely that the main reason was political. The Parliament of 1621 met in the shadow of personal rule, and during its early stages the Commons was eager to please the king in order to avoid a sudden dissolution.[53] Moreover, anything that demonstrated to James the utility of Parliament, and in particular the House of Commons, was bound to be seized upon by a House fearful for its own existence.

If the Commons expressed little interest before 1621 in codifying existing law, it took a different view of law enforcement. In March 1604 James told both Houses that 'the execution of good laws is far more profitable in a Commonwealth' than adding to the large pile of existing laws, and later that session he sponsored a bill to enforce the game laws.[54] Many in the Commons clearly shared James's opinion, but whereas James may have intended his remark to apply to uncontroversial matters such as the legislation governing hunting with guns, the lower House seized upon it to initiate debate on the rather more sensitive matter of purveyance, a subject on which Elizabeth had previously refused to allow Parliament to legislate. Four days after James spoke, the Commons initiated an assault on the abuses committed by royal purveyors, the purpose of which, as the authors of the *Form of Apology and Satisfaction of the Commons* later observed, was to ensure the 'execution of those laws which are in force already'.[55]

Although James was willing to allow the Commons to petition him over purveyance, he perhaps came to regret encouraging the Commons to turn its attention to law enforcement. On learning in June 1607 that the Commons had prepared a petition calling for him to uphold the penal laws against Catholics, about which he had been deliberately lax, James announced through the Speaker that religious policy

50 *CJ*, i. 1034a.
51 Coke, *4th Rep*. xi.
52 *CD 1621*, ii. 72; *CJ*, i. 519b, 520a. For the lord chancellor's invitation to the Commons to 'take away the superfluity' of existing laws, see 'Hastings Journal 1621', p. 5.
53 For a discussion of the honeymoon period between king and Commons that existed between February and April 1621, and the role played by the fear of a return to personal rule, see Chapter 13.
54 *CJ*, i. 145a, 214b.
55 *Constitutional Docs. of the Reign of Jas. I, 1603-25* ed. J.R. Tanner, 227.