

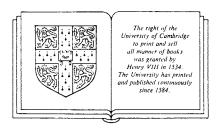
> THE PARLIAMENT OF ENGLAND 1559–1581



# THE PARLIAMENT OF ENGLAND 1559–1581



G. R. ELTON



#### CAMBRIDGE UNIVERSITY PRESS

Cambridge New York Port Chester Melbourne Sydney



> Published by the Press Syndicate of the University of Cambridge The Pitt Building, Trumpington Street, Cambridge CB2 1RP 40 West 20th Street, New York, NY 10011, USA 10 Stamford Road, Oakleigh, Melbourne 3166, Australia

> > © Cambridge University Press 1986

First published 1986 First paperback edition 1989

British Library cataloguing in publication data

Elton, G. R.

The Parliament of England, 1559-1581.

1. England and Wales, Parliament History 2. Great Britain - Politics
and government - 1558-1603

I. Title
328.42'09 JN525

Library of Congress cataloguing in publication data

Elton, G. R. (Geoffrey Rudolph)
The Parliament of England, 1559–1581
Includes indexes.

- England and Wales. Parliament History.
   Legislation Great Britain History. I. Title. KD4197.E45 1986 328.42'09 86-12899
  - ISBN 0 521 32835 7 hard covers ISBN 0 521 38988 7 paperback

Transferred to digital printing 2003



#### Contents

	Preface	page vii
	List of abbreviations	xi
PA	RT I PRELIMINARIES	I
I	THE SOURCES	3
2	PARLIAMENT IN THE SIXTEENTH CENTURY	16
PA	RT II THE STRUCTURE OF BUSINESS	41
3	PUBLIC AND PRIVATE	43
4	INITIATIVES	62
5	BILL PROCEDURE	88
	Outline	88
	Starting a bill	91
	Progress	105
	Amendment	III
	Failure	118
	The royal assent	123
6	REPEAL AND CONTINUANCE	131
	Repeal	131
	Limitation of time	134
	Continuance	137
PA	RT III BILLS AND ACTS	149
7	SUPPLY	151
8	QUEEN AND STATE	175
	The safety of the realm	175
	The government of the realm	191

v



V1	Contents	
9	CHURCH AND RELIGION Framework of the Church Reformation Property	198 199 205 217
10	THE COMMON WEAL General Agrarian matters Manufactures Trade and shipping Social reform	223 223 229 235 254 262
11	LAW REFORM The law and the jury The courts Process The land law Crime	276 276 283 288 292 299
12	PRIVATE LEGISLATION Restitution in blood Naturalization Estate acts Local	303 309 311 316
PAI	RT IV POLITICS	319
13	DUTIES AND RIGHTS  Management  Privilege  Freedom of speech	321 321 330 341
14	GREAT AFFAIRS The myth of an opposition Succession Mary Queen of Scots	350 350 355 374
	Index of bills Index of acts General index	381 385 389



## Preface

Virtually all the research for this book was done during a year of sabbatical leave in 1977-78; virtually all the writing of it had to wait for the next sabbatical in 1984-85. So protracted a production poses problems, and I cannot suppose that I have overcome them all. The years of gestation may on occasion have led to apparently contradictory statements, but I think that any such discrepancies arise from the uncertainties of the evidence. My purpose has been to display certain sixteenth-century Parliaments at work - to follow events in both Houses as bills turned into acts or more commonly failed to do so. Much of the available material bore on more than one of the questions I have tried to answer, for which reason it has sometimes been necessary to repeat details in two or three places. This adds to clarity but inevitably also to tedium, for which I am sorry. I have not investigated the membership of these Parliaments. For the Lords, such an analysis has little meaning, especially since we hardly ever know anything about the activities and interventions of particular individuals there; for the Commons the details have been massively collected in the relevant volumes published by the History of Parliament Trust. I take the Parliaments from the point at which, summoned and elected, they have assembled to do business, and it is that business, together with the light it throws on the role of Parliament, that has been my concern.

The chronological limits of the investigation were set by accidents of the evidence (more fully explained in Chapter 1) and by the need not to trespass on other people's preserves. The first seven sessions of Elizabeth's reign form the first period in the history of Parliament for which we have all the formal records, supplemented by some informal material of a novel kind. Before 1559, the Commons Journal is uninformatively thin; from 1584 to the end of the reign it is altogether lost. The collections made by Sir Simonds D'Ewes do help considerably in that later period, but I wished to learn about Parliament from its own



viii Preface

records, not from what another scholar had long ago made of them. The less formal materials drawn upon by D'Ewes were all traced by Sir John Neale and are now published in the volume edited by Dr T. E. Hartley which covers the years dealt with in this book; the appearance of his invaluable edition greatly lightened my task and also rendered D'Ewes superfluous to me. I am glad to be able here to express my appreciation for Neale's endeavours, particularly in the search for relevant matter, and I do so the more earnestly because on a great many aspects of the Elizabethan Parliament we differ profoundly. I have tried to avoid too frequent controversy, but Neale's description of a rising House of Commons, employed by a group of ardent protestants or puritans to oppose the policy of the Crown, is so drastically different from what I have come to understand about those Parliaments that I have not been able to omit all argument with my predecessor. It is therefore the more necessary to say plainly that without that predecessor's books this one could not have been written.

One possible kind of material has been used only very patchily. I feel sure that there is much to be found in local records that would further help to explain the terms and fates of bills in Parliament, but it has not been possible to explore those sources unless they were in print or in the Record Office of the Corporation of London. Country-wide searches are the prerogative of the graduate student and the man in retirement; anyone involved in normal academic life will either have to do without them or abandon the idea of ever completing an undertaking necessarily and rightly based on the central archives. It has always been my conviction that all learned works on history constitute staging posts on the road to fuller knowledge, and I prefer setting out markers along the way to leaving the map altogether blank. I hope at least to have provided a usable framework for the pursuit of parliamentary concerns into those counties and towns where they often took their origin.

The eight years that intervened between the start of excavation and the opening of the building provided many opportunities for debates and discussions around these controversial themes. I am grateful to the many fellow-scholars all over the world who patiently listened to preliminary expositions and by their questions and criticisms assisted me in clarifying my own mind on many an issue. Special thanks go to the friends who are working in the same field and have been most generously helpful—David Dean, Michael Graves, Norman Jones and David Lidington. My thanks go to Art Cosgrove and James McGuire, editors of Parliament and Community (Belfast, The Appletree Press, 1983), for permission to reprint, as Chapter 2, a slightly altered version of an essay which I contributed to that volume.



Preface ix

The completion of a book is always a relief, but I am perhaps exceptionally relieved to be done with the Parliaments of Elizabeth. There are a good many other things that call the historian to the colours. Prolonged involvement with Parliament has in the end convinced me that the customary concentration on it as the centre of public affairs, however traditional it may be, is entirely misleading. This is a message, it seems to me, that needs to be absorbed into the general history of England. We have been misled by the Victorians and their obedient successors who read the modern Parliament back into history; and I do not except the story of Parliament in the seventeenth century from these reservations. I now wonder whether the institution - one of the Crown's instruments of government - ever really mattered all that much in the politics of the nation, except perhaps as a stage sometimes used by the real contenders over government and policy. But it was a highly sophisticated instrument for the making of law and a means available to all sorts of Englishmen in the pursuit of their ends. It gathered in the particles of the nation and in turn threw light upon their concerns. It did so in a thoroughly skilled and businesslike way, really visible to us for the first time in the reign of Elizabeth. That is the burden of this book, and I hope it will serve.

Cambridge January 1986

G. R. ELTON



### Abbreviations

APC Acts of the Privy Council of England, ed. J. R. Dasent

(32 vols., London, 1890–1907)

BIHR Bulletin of the Institute of Historical Research

BL British Library

CJ Journals of the House of Commons
CLRO Corporation of London Record Office

CSP Calendar of State Papers

D'Ewes Sir Simonds D'Ewes, The Journals of all the Parliaments

during the Reign of Queen Elizabeth (London, 1682)

EHR English Historical Review

Ellis Henry Ellis, ed., Original Letters Illustrative of English

History (11 vols. in 3 series, London, 1824-46)

HLRO Record Office of the House of Lords HMC Historical Manuscripts Commission

HPT The History of Parliament Trust: The House of Com-

mons 1558-1603, ed. P. W. Hasler (3 vols., London,

1981)

LJ Journals of the House of Lords

LJ/EHR E. J. Davis, 'The Journal of the House of Lords for

April and May, 1559,' EHR 28 (1913), 531-42

Neale, EP J. E. Neale, Elizabeth I and her Parliaments (2 vols.,

London, 1953, 1957)

Neale, HC J. E. Neale, The Elizabethan House of Commons

(London, 1948)

OA Original Acts (at the HLRO)

Proc. Proceedings in the Parliaments of Elizabeth I, volume 1:

1558-1581, ed. T. E. Hartley (Leicester, 1981)

Rep. Repertories (at the CLRO)

SP State Papers (at the Public Record Office)

SR Statutes of the Realm (11 vols., London, 1810-28)



xii	Abbreviations
STC	A Short-Title Catalogue of Books Printed in England, Scotland and Ireland and of English Books Printed Abroad, 1475–1640, ed. A. W. Pollard and G. R. Redgrave (London, 1926; vol. 2 of the 2nd ed., ed. W. A. Jackson, F. S. Ferguson, K. F. Pantzer, London 1926)
Studies	London, 1976) G. R. Elton, Studies in Tudor and Stuart Politics and Government (3 vols., Cambridge, 1974, 1983)
TED	Tudor Economic Documents, ed. R. H. Tawney and E. Power (3 vols., London, 1924)
TRHS	Transactions of the Royal Historical Society
TRP	Tudor Royal Proclamations, ed. P. L. Hughes and J. F. Larkin (3 vols., New Haven, 1964-9)
Tudor Const.	The Tudor Constitution: Documents and Commentary, ed. G. R. Elton (2nd edn, Cambridge, 1982)
YCR	York Civic Records, ed. A. Raine (8 vols., York, 1939–53)

Manuscripts for which no location is given are from the Public Record Office in London. Public (printed) acts are normally cited by regnal year and chapter number without reference to SR; unprinted private acts are cited by the regnal year and the number given to the OA in the HLRO. I have modernized the spelling, punctuation and capitalization of all quotations. For the facts concerning members of the House of Commons see HPT; the alphabetical arrangement of those volumes usually renders page references superfluous.