

I. Political and Constitutional History, 1603 to 1629

From *The Early Stuarts, 1603 to 1660*, by Godfrey Davies, Oxford University History of England

ELIZABETH I died early on 24 March 1603, but not before she had signified that James VI of Scotland should succeed her. The privy council at once issued a proclamation of the Scottish king's accession as James I of England, in a form to which he had previously assented. His peaceful accession was welcomed with practical unanimity, and, we are told, 'the like joy, both in London and all parts of England, was never known'. The king spent a month on his progress from Edinburgh to London, and the first impressions his new subjects gained were favourable. His familiarity and courtesy were praised on every side, and his zeal for hunting endeared him at once to many. The gentry who flocked to see him were rewarded by knighthoods, with a profusion far in excess of any previous grants.

James VI, born in 1566 and crowned king of Scotland the next year, began to reign formally in 1578 and actually in 1583. Educated by George Buchanan, the Scottish humanist, he became one of the most learned of kings, especially in theology, his main interest. His knowledge did not broaden his mind but made him pedantic and pedagogic. Throughout his life he aspired to instruct his subjects and wrote treatises and delivered speeches to teach them the obedience they owed to God's vicegerent on earth. His precocious self-conceit increased with his success in suppressing the disorders in the Western Isles and along the Border and in attacking presbyterianism. He accepted the presbyterian doctrine but hated the discipline as incompatible with his theories of divine right. His confidence in his statecraft grew after his peaceful succession to the English throne because he attributed it to his intrigues with English statesmen and continental rulers. It was really due to heredity and the absence of any suitable alternative. From an early age in Scotland until his death in England he felt a strange infatuation for favourites chosen for their youth, graceful and handsome figures, and willingness to flatter their master. His habit of

fondling them, and especially Buckingham, in public gave rise to suspicions of baser intimacies in private, but these are not proved. Naturally indolent, he could concentrate on business only for short periods. He was at best in a small circle of intimates when his learning and pawky wit enlivened conversation: he was at his worst on state occasions because he wholly lacked kingly dignity.

James determined to make no radical changes among the ministers who had served Elizabeth. He had already assured Cecil that he regarded him as his principal upholder, and continued him in office as chief adviser. The choice was the best possible, and until his death, in 1612, Cecil restrained the king from such graver follies as then followed. Unfortunately, however, Cecil, for all his integrity, tireless industry, and administrative skill, could do little more than project into the future the worn-out ideals of the past. He was, like his royal master, totally unable to appreciate the aims or principles of those who differed from him, and could never understand either Bacon or Raleigh. In common with most sublime mediocrities, he distrusted original ideas of every kind, and never perceived that a changing world demanded policies far different from those in which he had been trained at the court of Elizabeth. At a time when the centre of political gravity was rapidly shifting, he left no mark at all upon constitutional history. An observation his cousin, Francis Bacon, is reputed to have made to James I exactly sums up his place in the national annals: 'I do think he was no fit counsellor to make your affairs better; but yet he was fit to have kept them from growing worse'.

It is highly significant that one consequence of the king's retention of Cecil as his chief minister was the dismissal of Raleigh from his post as captain of the guard, though a generous pecuniary compensation was provided. Disappointed ambition prompted Raleigh to listen to, though probably not to take an active part in, a wild project of Cobham's to supplant James by his cousin, Arabella Stuart, an English-born descendant of Margaret, daughter of Henry VII, from whom the king's title was derived. For this Raleigh was tried, found guilty, and condemned to death, but reprieved and confined in the Tower.

From a modern standard his trial was unfair, and posterity has reversed unanimously the contemporary verdict. Most of the blame must be laid to the procedure then followed in criminal trials, but Sir Edward Coke conducted the prosecution with a ferocity perhaps unequalled in English courts of law until the time of Jeffreys and the 'Bloody Assize'.

Another sign of the times was revealed at the beginning of 1604, when James issued a proclamation for the choice of members of parliament, because in it he directed that all election returns should be made into chancery, where any found contrary to the proclamation would be rejected as unlawful. This order was responsible for the first of many disagreements between king and parliament. When the houses met, the unusually large attendance testified to the importance men attached to the occasion. From James's opening speech the future of the reign might have been foretold, for it disclosed at once the wide gulf fixed between the royal policy and public opinion. After eulogies on the peace with Spain and the union of the crowns of England and Scotland, the king passed to religion. He praised the church of England, but regretted the existence of two bodies that refused to live within its folds. The puritans and 'novelists' he denounced for 'being ever discontented with the present government, and impatient to suffer any superiority; which maketh their sect unable to be suffered in any well-governed commonwealth'. Turning to the Roman catholics, he acknowledged theirs to be the mother church, although defiled by some infirmities and corruptions. The leniency he had already shown proved that he was against persecution, but he could not tolerate priests within his kingdom so long as they upheld the papal claim to dethrone princes and approved the assassination of heretical rulers.

Before proceeding to other business, the commons took up two cases of privilege. The one finally secured freedom of members from arrest except for treason, felony, or breach of the peace. Shirley, a member, had been arrested for debt and held in the Fleet, and it was not until the warden of that prison had been committed to the Tower and acts of parliament asserting that members had always

enjoyed this privilege had received the royal assent that Shirley was released to take his seat.¹ The other was of greater importance, for it produced the first clash between king and parliament. In the Buckinghamshire election Goodwin, an outlaw, had defeated Fortescue, but the court of chancery had declared the election void, and Fortescue was then chosen at a by-election. The house at once summoned Goodwin, and after hearing his statement ordered him to take his seat. James thereupon intervened and told the commons that, since all their privileges were derived from him, he did not expect them to be used against himself. Under the law, the house ought not to meddle with returns, which should be sent to chancery and there corrected if they needed it. The commons then realized that the question had suddenly assumed a new significance--that Goodwin versus Fortescue had become the case of the whole kingdom. The commons therefore maintained a firm but conciliatory attitude, and at length James, after commanding them 'as an absolute king' to hold a conference with the judiciary, gave way and admitted that they were the proper judges of their own returns, while they in gratitude ordered the issue of a new writ for Buckinghamshire. There can be no doubt that the commons had won their first skirmish with prerogative.

The commons then passed to the discussion of some practical grievances, such as purveyance and wardship. Both were relics of feudalism and both had long survived the reasons for their original existence. In a petition the commons summed up at length the case against purveyance, of which Bacon said to James: 'There is no grievance in your kingdom so general, so continual, so sensible, and so bitter unto the common subject.'⁴ They mentioned that, in spite of thirty-six or more laws prohibiting the abuse of this privilege, there were still many grievances: that those responsible for requisitioning carts habitually demanded a number far beyond the requirement and exacted money before discharging those not wanted; that victuals and firing were taken at a price not greater than a fourth part of the true value, and that not in ready money; and that warrants were sent for excessive quantities of hay, straw, and oats of which the carriage alone often cost the subject twice as much

as he received for his produce. In seeking the support of the lords, the commons struck a snag, for they found that there the opinion was held that compensation to the amount of £50,000 per annum should be granted. ¹ This raised a most important question of principle, for the commons felt that, if purveyance was abused, there was no reason why compensation should be granted for the surrender by the Crown of these abuses; while the lords, voicing the opinion of the Crown, assumed that, as the royal revenue was already inadequate for the king's needs, no source should be abandoned unless an alternative were offered. There was much to be said for both sides, for unquestionably the Stuart monarchs, although extravagant, were never in possession of sufficient revenue to perform the functions pertinent to their office. On the other hand, instead of presenting the issue fairly to parliament, they preferred either to try to drive a hard bargain with the national representatives or to rely upon extra-legal devices to fill their coffers.

Wardship was in a position somewhat different from that of purveyance. The right of the king to the wardship of tenants-in-chief who were minors, to take the land of a minor into his own hand, to pocket the profits, and to arrange the marriage of an heiress under age, was unquestionable in point of law. But, here again, the legal right flourished long after the feudal duties that had once justified it had vanished. The court of wards had already become an obnoxious anachronism and a source of annoyance and expense to landowners. Fathers, in making their wills, had to face the difficulty of providing for the purchase from the king, or his officers, of the wardships of their children;² and a faithful servant of the Crown, like Strafford, hoped that he might be rewarded with the wardship of his own son. ¹ Moreover an odious traffic in the rights of wardship developed, often to the enrichment of greedy courtiers. In this case the commons, recognizing that the system was legal, offered to provide, in another way, a larger revenue than the king had ever obtained from the court of wards, but, instead of thanks, received one of the frequent scoldings that the king, 'as a father to his children', was wont to inflict upon them. ²

The result was the Apology of the House of Commons, which is a statement, couched in firm, dutiful language, of parliamentary privileges and a defence of the proceedings in the lower house. It deserves the closest study, both because it reveals the position the commons took up and maintained for the next forty years--that their privileges were the general liberties of England--and because it was an authoritative pronouncement of the reforms or changes deemed necessary at the beginning of the new reign. After the statement that their privileges had been 'more universally and dangerously impugned than ever (as we suppose) since the beginnings of parliaments', the commons point out that freedom of election had been attacked and freedom of speech prejudiced by reproofs. Therefore they must protest, they say, because 'the prerogatives of princes may easily, and daily grow [while] the privileges of the subject are for the most part at an everlasting stand'. They declare that the liberties of the commons of England consist chiefly in free election, freedom from arrest during parliamentary sessions, and freedom of speech, and assert that these privileges are their right and due inheritance. As regards religion, they deny that the king could make any alterations or laws except by consent of parliament. They had not come, they say, in any puritan spirit to attempt the subversion of the ecclesiastical status quo, but, for the sake of peace and unity, ask that 'some few ceremonies of small importance' might be abandoned. After mentioning purveyance and wardship, they conclude by stating that 'the voice of the people, in the things of their knowledge, is said to be as the voice of God'. ³ Apparently the Apology was never presented to the king, but it stands on record as an undelivered 'lecture to a foreign king on the constitutional customs of the realm which he had come to govern, but which he so imperfectly understood'. ¹

On the other hand there is little doubt that a copy of the petition reached the king's hands, for, in his speech at the prorogation, he scornfully observed that it was easy to make apologies when no man was present to answer them. His main complaint was that in the parliament there was 'nothing but curiosity, from morning to evening, to find fault with my propositions', and that he had not been

accorded due respect. Here, like all the Stuarts, James was treating expressions of national grievances as if they were personal insults. He seems to have regarded parliamentary complaints as breaches of good manners, and persistence in the redress of grievances as disloyalty. His attitude towards the national representatives was both paternal and contemptuous. Like a father, he wished his people to believe that whatever he did was for their good; but the thesis that their representatives should decide what was good or bad for the country was rank sedition to him. Criticism seemed to emanate either from 'idle heads' or disloyal hearts. There was thus no sympathy between king and parliament because there was no understanding.

Disagreement on religion was greater than on any other question. ² Probably the sentiments of the majority in parliament were voiced in the puritan appeal, presented to the king on his first entrance into England, which has become known as the Millenary Petition. At the resultant Hampton Court conference James's determination not to accede to the moderate demands for relaxation of ceremonial, and his declaration that he would make puritans conform, were fatal obstacles to a good understanding with parliament. In the Apology the commons had hoped that the relinquishment of a few ceremonies of slight importance would secure a perpetual uniformity, but James and Bancroft (who was nominated archbishop of Canterbury in October 1604) meant to achieve unity by the rigid enforcement of the law. ³

Another difficulty in the way of a good understanding between king and parliament was presented by the catholic question. James, hankering after a union with Rome, was averse to gratifying his protestant subjects by a uniform enforcement of the penal code, and treated catholics according to dynastic or personal, rather than national or religious, considerations. By alternately permitting and relaxing persecution he created distrust among protestants and failed to win the confidence of catholics. The occasional martyrdom of priests ¹ and the more frequent exaction of recusancy fines ² made some of the bolder catholics despair of any lasting alleviation

of their cruel lot. The result was the Gunpowder Treason or Plot. A small band headed by Robert Catesby hired a cellar under the houses of parliament, had it well stored with barrels of gunpowder, and arranged for Guy Fawkes to apply the torch. They hoped that if king, lords, and commons were all blown up, they might profit by the inevitable confusion among protestants to seize the reins of government. ³ Their plot failed completely, but it inevitably deepened the national hatred against them, and increased the severity of the penal code.

The next parliamentary session began under the shadow of the Gunpowder Plot, and was adjourned immediately after a speech from the throne, in which James tried to enlighten his hearers by enlarging upon the true nature of monarchy, declaring that kings were God's 'vice-gerents on earth, and so adorned and furnished with some sparkles of the Divinitie', ⁴ and upon the function of parliament: 'Neither is this a place . . . for every rash and harebrained fellow to propone new lawes of his owne invention.' ⁵ Nevertheless, when parliament assembled again, there was an unwonted harmony between king and estates: a generous financial grant was made, and an act, passed in the previous session, to appoint commissioners representing England and Scotland to treat of a union between the two kingdoms, was extended. ⁶

The proposed union was the main topic of discussion in the third session (1606-7). In his opening speech James strongly urged the importance of the union, and stressed three essentials: that all existing laws framed to provide for possible hostilities between the two kingdoms might be abrogated; that free trade should be established; and that those of his subjects born before his accession to the English Crown might be considered naturalized. When these preliminaries are completed the two nations 'shall ever acknowledge one church and one king; and be joined, in a perpetual marriage, for the peace and prosperity of both nations, and for the honour of their king'. ¹ The ideal that James set before parliament was not destined to be realized for another century. The old hatred between England and Scotland had become less vehement but was

still strong. Englishmen knew little of Scotland and cared less. 2 Many of the English despised the Scots as a nation of beggarly peasants or pedlars, or simply as men living by robbery or treachery. James's generosity to favourites whose sole merit was their nationality had made Scots more unpopular than ever, and it was easy to represent them as greedy adventurers who would devour the land like so many boars. 3

The debates naturally turned on the question of free trade and naturalization. The London merchants protested that they would be ruined by the competition of Scots, who would be on hand whenever a bargain was to be made but would disappear across the border when taxes became due. Similarly the trading companies would soon be filled by Scots, and Englishmen deprived of a living. These and other arguments were utilized in the commons, where violent speeches abusing the Scots were listened to without disapproval until the king protested. In vain Bacon urged that England was not so overpopulated that the influx of a few Scots would make any real difference, that naturalization must precede any attempt to assimilate the laws of the two countries, and that to join them had been the lifelong effort of Edward I, one of the greatest English kings. He cited examples from classical as well as modern European history, to prove how beneficial unions similar to the one in question had proved, but his hearers remained unconvinced. They closed their ears to the opinion of the legal advisers of the Crown, that by the common law the Post-nati (the name given to those born in Scotland after James's accession) were ipso facto naturalized. They took up the position that they would have a 'perfect union' or nothing. By this they meant, as Sir Edwin Sandys stated, an incorporating union under which there would be one parliament and one law for both kingdoms. 1

In view of the strength of the national prejudice, James had perforce to abandon his well-meant plan, and be content with the verdict at a collusive legal action, usually known as Calvin's case, 2 by which it was declared that the Post-nati were naturalborn subjects of the king of England. Coke recognized that the action was 'the weightiest for the consequent, both for the present and for all

posterity'; and in fact, as the historian of English law states, it made 'a uniform status for natural-born subjects, not only in England and Scotland, but also in the many lands which, in the succeeding centuries, were added to the king's dominions'. 3

This use of the law-courts to declare as already existing law what parliament was unwilling to enact, was capable of dangerous extension. Both the first Stuarts were prone to appeal to the judges for confirmation of their own interpretations of legal points, and to regard them as natural upholders of the prerogative. This was the more serious inasmuch as there were many vital questions about which the law was not clear, for precedents might be cited on both sides. An example of extreme importance was now afforded of the prejudice a subject might suffer by the legal interpretation of a disputed right of taxation.

The case was that of John Bate, a merchant, who refused to pay a customs duty on currants. The previous history of this duty is somewhat complicated. Elizabeth had first granted a monopoly for the importation of currants from Venice, which then largely controlled the Levant trade. Later, when the Levant Company was formed, it had permitted non-members to import currants on payment of 5s. 6d. per hundredweight, but the company did not prosper, and, after various schemes had been tried, its charter was surrendered, at the beginning of James's reign, and the trade thrown open, though an imposition was levied upon importation. Even so, the king had to remit arrears of duties amounting to C 13,000 to the merchants. However, when Bate had a cartload of currants driven from the waterside before examination by the customs official and declared to the council that he had so acted because he believed the imposition to be illegal, the government decided to bring the whole question formally before the court of exchequer. The decision of Chief Baron Fleming is worthy of the closest analysis, inasmuch as it presents a theory of the royal prerogative widely held and long continuing. The impositions, he said, were duties newly levied by the king, without parliamentary authority, in order to augment his revenues. A king's power is both ordinary and absolute, and

differs according to the ends it serves. The ordinary power concerns individuals, the execution of civil justice, and the determining of meum; is exercised in the ordinary courts of law according to common law; and is subject to parliament. The absolute power exists for the general benefit of the whole people, is governed by rules of policy, and varies according to what the wisdom of the king thinks is for the common good. Since all customs duties, be they old or new, are simply 'the effects and issues' of foreign trade, and since all foreign affairs, including commerce, are controlled by the absolute power of the king, impositions are rightly levied by this extraordinary prerogative. So far as foreign commodities are concerned, no act of parliament or petition was ever made against an impost upon alien goods, but the tax had been paid. 1

On the whole, although Fleming's statement about the absolute or extraordinary prerogative of the Crown was capable of dangerous extension, he seems to have made it clear that this power was reserved for the regulation of foreign commerce, and his decision did not countenance its use solely for taxative purposes. The distinction he drew, by inference, between a duty to raise money and one to control trade, was probably sound according to precedent. Both Elizabeth and James had clearly been more concerned to foster trade with the Levant than to raise a revenue from it. And the judgement in Bate's case apparently gave a legal justification for their policies. It was not the fault of the legal authorities concerned if James stretched the decision to cover additional impositions that were levied merely in order to increase the royal revenue.

To Salisbury, the treasurer, this decision seemed a godsend, and he proceeded to lay new impositions on merchandise, 1 though he was careful to make them as little onerous as possible and acted only after consulting the chief city merchants. Since the estimated yield of the new levies was £70,000, and the possibilities of raising further revenue from this source were not yet exhausted, the danger that the king might secure an adequate income independent of parliament was very real. Therefore it was natural that when parliament reassembled in 1610 impositions should be called

in question. Salisbury explained in some detail the state of the national finances: that in spite of unparalleled exertions by which £700,000 of debt had been paid off, there was still owing £300,000, and that the revenue fell short of the requirements by £50,000, without allowing for extraordinary expenses. Members, however, were not impressed and they evinced more zeal for checking the prodigality of the court than for voting additional taxes. Wentworth's 2 speech is probably typical of the general sentiments: that it was useless to grant any more supplies unless the king would resume the pensions he had given to courtiers and reduce his own expenses. 'For his part . . . he would never give his consent to take money from a poore frize jerkyn to trappe a courtier's horse with all.' He was in favour of petitioning His Majesty to practise economy and to live of his own without further exactions from his poor subjects, especially in a time of peace. Otherwise, a precedent of Richard II's reign might be followed, when the king's excessive gifts and extravagance caused the appointment of a council to inquire into these excesses.

Other speakers were more eager to remove grievances, such as monopolies, purveyance, and wardship, than to suggest ways to make good the loss their abolition would entail. The unwillingness of the commons to grant an income that would have made the king largely independent of parliament was probably increased when attention was called to a law dictionary, *The Interpreter*, compiled by John Cowell. In this book the royal authority is enhanced to the highest point, and its writer leaves the impression that in his opinion the king is absolute and above the laws, and only admits the concurrence in legislation of the three estates through his benignity or by reason of his coronation oath 1. Before there was time to prepare an address, the king prudently sent a message to the two houses in which he disavowed the theory of the prerogative, as set forth by Cowell, and acknowledged that he had no power either to make laws or levy subsidies without parliamentary assent. He therefore ordered the suppression of the obnoxious volume. 2

After this interruption, attention once again centred on the state of the royal income. The commons were now willing that compensation should be given to the king in return for his surrender of all he received from feudal tenures except aids, but they offered only when twice that amount was demanded by the court. They declined to proceed, and, instead, began to consider grievances (among them impositions). Forbidden to discuss them and told by James that he would not have his prerogative called in question, the commons engaged in an animated debate, in which claims were advanced that members might discuss any subject that concerned the welfare of the kingdom. Accordingly a petition was drawn up and, unlike the Apology, entered in full in the journal. The commons now asserted that parliament enjoyed the ancient and undoubted right to debate freely all matters affecting the subject, and sought permission to make a thorough examination of the new impositions. Thereupon James drew back, admitting that impositions were proper subjects for parliamentary inquiry. Accordingly a discussion of unusual length and gravity ensued, in the course of which the issue was fairly stated by a legal antiquary, William Hakewill: 'The question now in debate amongst us is, whether His Majesty may, by 6 prerogative royal, without assent of parliament, at his own will and pleasure, lay a new charge or imposition upon merchandises, to be brought into, or out of this kingdome of England., and enforce merchants to pay the same? 3 The same speaker, in an exhaustive examination of precedents, made out a good case against the right of the Crown to levy new customs for revenue purposes, and the general feeling of the house was clearly with him. Therefore Salisbury once more tried to arrange a compromise and eventually succeeded in inducing the commons to offer £200,000.1 In a memorial the commons stated the concessions they expected from the king in return for the increased revenue he would receive. Purveyance, wardship, and other feudal relics were to be abolished (except aids, restricted in amount to £25,000), and possession of an estate for sixty years was to be a sufficient title against the king and his heirs. Four English counties now subject to the jurisdiction of the

council of Wales were henceforth to be exempt therefrom. 2

In his answer, delivered just before the prorogation, James took up other grievances as well as those mentioned above. He dealt at some length with various alleged ecclesiastical abuses, but, although his tone was conciliatory, he refused to promise more than that he would examine each point carefully and frame such remedies as his princely wisdom suggested. However adroitly he might contrive his answer to the commons' petitions, his feeling obviously was that ecclesiastical questions were no fit subjects for parliamentary interference, and that he meant jealously to safeguard his supremacy. Similarly, in touching upon the proposed restriction of the council of Wales, he would only promise to consider the matter. 3 In other words his attitude was that the commons after bringing grievances to his notice should thenceforth be content to leave their redress to him.

When parliament reassembled, the commons began to discuss the king's answer to their memorial, and it soon became evident that there was every intention to insist on a more definite and satisfactory response. On the other hand James now thought the proposed bargain unacceptable, and insisted that a grant should be made to pay his debts and also that his additional revenue should be augmented by another C i 00,000. The result of these fresh demands was to stiffen opposition, and there were plain speeches delivered against the Scottish favourites and the extravagance of the court. At last James lost patience and first adjourned and then dissolved parliament. Thereupon the Cgreat contract' vanished into oblivion.

The history of this first parliament of James I is most important as the prototype of many others. During its sessions the Tudor system of government had been on trial and its inadequacy was exposed. James had failed partly because he lacked the personality of his famous predecessor. Yet it is very doubtful whether even Queen Elizabeth could have succeeded, for both these sovereigns regarded parliament as an unwelcome and intrusive body that had to be cajoled by occasional concessions into granting much-needed

subsidies. It was, they felt, a nuisance born of financial necessities. Consequently they directed all their efforts to excluding the estates from any share in administration and listened to criticisms only when they either became unusually vehement or when the fiscal situation was especially serious. There are other, less fundamental reasons why James failed to control parliament as successfully as Elizabeth. He allowed the dominant position which the privy councillors had occupied in the sixteenth century to be weakened by their paucity and slight influence. During this parliament there were only two or three councillors in the commons, and none of them ever acquired any real leadership in debate. The absence of such leadership as the Elizabethan councillors had supplied, naturally led back-benchers to accept guidance from private members. Although Sir Edwin Sandys cannot be regarded as the leader of the opposition, in any modern sense of that term, the feebleness of the court representatives gave him an opportunity which he skilfully utilized to concentrate the attention of the house upon such grievances as purveyance or impositions. In addition members found a way to free themselves from the control which privy councillors had exercised over committees, by enlarging them so that they became committees of the whole house. This change in procedure grew more and more important in the twenties and was admirably suited to training and developing leaders in the struggle against the court. Thus the tide was already advancing strongly in resistance to that system of monarchy which James loved so well. His complete failure to appraise the new spirit that was animating members, and his entire lack of sympathy with popular opinion, were plainly revealed after the dissolution of his first parliament, in which criticism of his beloved Scots had been frequent. He now scattered £34,000 among his favourites and fellow countrymen, and created Robert Carr Viscount Rochester, thereby for the first time enabling a Scot to sit in the house of lords. 1

Salisbury, who was mainly responsible for the royal policy, did not long survive the first parliament of the reign; and his death in 1612 removed a powerful restraint, for hitherto James had been kept from serious errors by the awe his

minister inspired in him. Almost at once a change is noticeable, and a more frivolous tone perceptible. For the next nine years the domestic history of England largely consists of the annals of the court, where the most important events were the fall of one favourite and his supersession by another. The king seems to have felt that he had been unduly overshadowed by Salisbury, who had engrossed the two offices of lord treasurer and secretary of state. Accordingly the treasury was put into commission and the king was his own secretary of state for nearly two years, until the appointment of Sir Ralph Winwood. Both arrangements worked badly, for the treasury steadily increased its indebtedness and the king was much too indolent to transact the business of an office that required daily attention. He came to rely more and more upon Rochester, whom he hoped to fashion into a useful instrument to carry out the royal policy, but was himself moulded to the wishes of the favourite, and thus became involved in an infamous tragedy. Rochester was enamoured of Frances (Howard), wife of the earl of Essex, and daughter of the earl of Suffolk and great-niece of the earl of Northampton, the leaders of the pro-Spanish faction in England. James was so infatuated with Rochester that he must be held responsible for the success of the suit for nullity which the countess brought, inasmuch as he appointed new members, carefully chosen, to a Commission that was evenly divided. To the great scandal of honest men, Lady Essex was thus enabled to marry her paramour. One result of this unhallowed union between a daughter of the Howard family and the special friend of the king was the triumph of the Spanish faction at the court. Their influence over the king was much strengthened after the dissolution of the Addled Parliament.

The elections to this parliament 1614 created unusual excitement owing to the activities of some self-appointed 'undertakers' who hoped to secure the return of members likely to support the court. The extent of their interference was much exaggerated by rumour, and this in itself sufficed to secure their defeat. James made two speeches, early in the parliament, in which he acknowledged that there was a great increase of popery; this he attributed to the impunity the papists enjoyed in

consequence of the failure of the proper officers to make presentments against them. He was careful to add that no religion or heresy had ever been extirpated by violence. He confessed his need of parliamentary grants and blamed his heavy family expenses,--the burial of his son Henry and the marriage of his daughter Elizabeth whom he had sacrificed in the interest of religion and the commonwealth. He denounced as utterly false the reports that he had relied upon the undertakers, and denied that he had aided or hindered any man at the election. As for grievances, let each member present those of his own constituency, but let them not be heaped together in a scroll which would cast aspersions upon his government and evince discontent rather than desire for reformation.

Speedy disillusion awaited James's hope that the commons would revert to the earliest stages of parliament, when individual petitions were presented. Instead prompt consideration was given to a bill against impositions--a vexed question left over from the last parliament. In their desire for support the commons appealed to the lords, but their co-operation was denied in a close division in which the majority was largely composed of bishops, courtiers, and the two Scots who had been created English peers. To make matters worse, Neile, bishop of Lincoln and one of the worst of sycophants, who was possibly angered by a speech in the commons charging the clergy with leading scandalous lives, I delivered a strong attack upon the commons. Let not the lords enter into a conference, he said, on a bill that struck at the very root of the prerogative. They would be sure to hear undutiful and seditious speeches, tending to distract both houses and alienate the king and his subjects.² When the commons complained of this speech Neile apologized with tears, but the commons were stir unsatisfied. Not content with debating the bishop's speech against them in the upper house, they strayed like lost sheep into all kinds of trifling accusations concerning his conduct in his diocese. When they were sharply pulled up by the king, angry complaints were made about the royal favourites and pensioners. The result was a dissolution. James gave his version of the trouble to the Spanish ambassador, Sarmiento:

The house of commons is a body without a head. The members give their opinions in a disorderly manner. At their meetings nothing is heard but cries, shouts and confusion. I am surprised that my ancestors should ever have permitted such an institution to come into existence. I am a stranger, and found it here when I arrived, so that I am obliged to put up with what I cannot get rid of. ¹

The need for money, which had been responsible for calling a parliament, survived its dissolution. To raise funds James issued a general appeal for a benevolence. This began with genuinely free gifts, offered to the king by courtiers and others, and for a time retained its original character; but it soon became apparent that the example of generosity would not be generally followed. Thereupon the privy council attempted to use the sheriffs and justices of the peace as its local agents. These latter were instructed to inform people of means, within their respective counties, that free gifts to His Majesty would be regarded as proofs of good affections and held in grateful remembrance.² What happened in Devonshire is typical of the whole country. There the justices informed the privy council of their anxiety that posterity would suffer if they established such a precedent. 'Nothing but the fear of the just blame of after ages' impelled them to refuse what they would always be willing to give in accordance with the ancient and lawful customs of the kingdom. At this juncture they were summoned before the council, where it was proved that free gifts without coercion had often been made to the king's progenitors.³ Nevertheless, in spite of these appeals, the amount raised from the whole country was only about,£40,000, plus £20,000from the City and courtiers.

Meanwhile Rochester's pre-eminence at court was being threatened by the appearance there of George Villiers, the son of a Leicestershire knight, first introduced to the king in 1614 and appointed a gentleman of the bedchamber and knighted in April of the next year. The good looks and facile manners of the young man alarmed Rochester, and he upbraided the king bitterly. The royal apologia is one of the most curious documents in English history. The king confesses that the favourite had

'deserved more trust and confidence of me than ever man did,-in secrecy above all flesh, in feeling and impartial respect, as well to my honour in every degree as to my profit'. Yet these merits have recently been 'mixed with strange streams of unquietness, passion, fury, and insolent pride, and (which is worst of all) with a settled kind of induced obstinacy'. The favourite's sharp and bitter railing made Peacham's treatise, a gentle admonition in comparison, and seemed intended to persuade the writer that he was to be overawed rather than loved. This discourse proceeded from the infinite grief of a deeply wounded heart, which had suffered as much as it could endure. The king continues:

Neither can I bear it longer without admitting an unpardonable sin against God in consuming myself wilfully, and not only myself, but in perilling thereby not only the good estate of mine own people, but even the state of religion through all Christendom, which almost wholly, under God, rests now upon my shoulders. Be not the occasion of the hastening of his death through grief, who was not only your creator under God, but hath many a time prayed for you, which I never did for any subject alive but for you. . . . Hold me thus by the heart; you may build upon my favour as upon a rock that never shall fail you. [Reward me with your love and obedience for] it hath ever been my common answer to any, that would plead for favour to a puritan minister by reason of his rare gifts, that I had rather have a conformable man with but ordinary parts, than the rarest men in the world, that will not be obedient.' 2

Rochester's downfall, however, came about not from sullen rudeness to the king but from the discovery of a shocking crime. When Rochester first became involved in a liaison with Lady Essex, he had not infrequently profited by the superior intelligence of Sir Thomas Overbury, an early friend. But when the annulment permitted Rochester to regularize his relations with his paramour, Overbury did his utmost to dissuade him from marrying her. To get this inconvenient mentor out of the way, James was induced to offer Overbury a diplomatic appointment, and, when that was refused, to confine the unfortunate knight in the Tower. This punishment failed to satisfy the

bitter hatred of the countess, even when she had attained her ambition and become the wife of Rochester. After a number of failures Overbury was successfully poisoned. The crime was not unearthed for two years, but in spite of the lapse of time ample evidence was forthcoming to convict the countess. The earl was found guilty too, but it is by no means certain that he was an active participant in the crime. Both were pardoned, but the clemency encouraged a suspicion that the king had connived at the murder. This was grossly unjust, but James's infatuation for Rochester, and the active part he had taken in Lady Essex's case, justified the general disgust at the revelation of the character of one whom the king had delighted to honour. Probably no single event, prior to the attempt to arrest the five members in 1642, did more to lessen the general reverence with which royalty was regarded in England than this unsavoury episode.

Another event that gave public opinion a profound shock was the fall of Sir Edward Coke. For ten years he had been the champion of the common law against the prerogative. He had maintained that the prerogative was subject to definite legal limitations, and that the judges should see that it did not exceed them. In opposition to Coke's views, legalists like Bacon tended to magnify the prerogative until it seemed to be supreme in the state, and to regard upholding the royal power as the special duty of the judges. just as parliament had attacked what they at least regarded as the unconstitutional proceedings of the Crown in the matter of taxation, so Coke and the common lawyers tried to restrain within due bounds the prerogative courts, such as the high commission. Ever since his appointment in 1606 as chief justice of the court of common pleas, Coke had been a thorn in the flesh of churchmen on account of the writs of prohibition he had issued against the court of high commission. Similarly, in the famous case of proclamations, he had laid it down once for all that the king could not by proclamation change the common law or create any new offences, although he admitted that if the king prohibited by proclamation what was already punishable by law future offenders would be guilty of an aggravated offence. To silence this troublesome critic, James removed him from the court of common pleas and

made him chief justice of the king's bench, but the promotion did not achieve its purpose. Coke continued to assert the independence of the judicature, and in Peacham's case expressed the opinion that judges should not be consulted individually and privately about a case already pending, although for the present he did not protest against their consultation in a body. The final quarrel between Coke and the king took place over the question whether the king could command the common-law courts to desist from hearing a case by issue of the writ de non procedendo rege inconsulto. The judges made it clear that in their view the king could not control cases pending, even if his interests might be involved. Summoned before the council, the other judges retreated, but Coke stood his ground and was dismissed from his office. The lord chancellor told Coke's successor that the dismissal was 'a lesson to be learned of all, and to be remembered and feared of all that sit in judicial places'.¹

Although some further examples were necessary before all the judges were prepared to accept the subservient position assigned to them by Stuart theories of government, Coke's disgrace was a heavy blow to the independence of the judiciary. But his sacrifice of office rather than conform to royal dictation was not in vain. Henceforth men became less and less disposed to accept legal decisions as definitions of the constitution, until in time even thoughtful men like Hyde² felt that the decision in Hampden's case was against the plain and obvious meaning of the law. By the dismissal of independent judges and the appointment of subservient successors, the early Stuarts obtained servile instruments. But the very means they took to secure favourable decisions deprived those decisions of all moral weight.

During the years that intervened between the fall of Coke in 1616 and the meeting of parliament in 1621, domestic history contributes little worthy of remembrance, except the advance of Buckingham³ in royal favour and the fall of the Howards. This family, which engrossed many of the offices of state, was headed by Nottingham, lord high admiral, and Suffolk, lord high treasurer. Buckingham, whose pride could not endure the presence at court of any who did not owe their

advancement to his influence, soon secured the exclusion of both from the administration. Suffolk's conviction of accepting bribes came none too soon, for the financial position had steadily deteriorated under him. He was succeeded at first by a commission and then by its moving spirit, Cranfield, who had begun life as a London apprentice but who, after amassing a fortune in the City, had quickly won favour at court and secured the treasurership and the title of earl of Middlesex. Nottingham had to resign after a commission had presented a hostile report on the state of the navy. In this case, also, the change was all to the good, for corruption and incompetence had long reigned supreme in the navy. Although the annual cost of its upkeep was constantly rising, the number of serviceable ships was little more than half the total inherited from Elizabeth. James bragged that his choice fell not upon 'an old beaten soldier for my admiral' but upon a young man whose honesty he trusted (Buckingham), and there is no doubt that, thanks to the transformation of the commission into a permanent navy board, the condition of affairs vastly improved. Indeed it can be said that both at the treasury and at the admiralty greater efficiency at less cost was secured by Buckingham and his nominees than by their predecessors. Yet the price paid for these reforms was too high, for Buckingham exacted servility from all, and honest criticism and outspoken advice were no longer heard in James's court. Moreover the losses from the Howards' corruption would have been trifling compared with those sustained through Buckingham's overweening confidence in his capacity to rule England. And the time was at hand when his ignorance of foreign affairs made free discussion in the council essential.

The first stage of the Thirty Years War was now over, for the battle of the White Mountain (November 1620) ended Frederick's brief reign in Bohemia.¹ It soon became evident, however, that his enemies would not be content until they had also expelled him from the Upper and Lower Palatinate. James, who had no direct responsibility for the rash adventure in Bohemia, felt that he could not sit idly by while his son-in-law was despoiled of his hereditary lands. Therefore, having failed to induce his subjects to contribute liberally to a benevolence to help Frederick, he

once again had recourse to a parliament. The time seemed opportune to profit by the warm sympathy Englishmen felt for Frederick, popularly regarded as a protestant champion threatened with destruction by a Roman catholic coalition. Probably never in previous English history had interest in public affairs, and particularly in foreign policy, been so intense. Sermons were often devoted to the danger to continental protestantism, and it is noteworthy that the earliest English newsbooks were printed in Holland (1620-1) and dealt with foreign intelligence. 1 James, however, regarded this popular absorption in foreign news with strong disapproval. It is wholly characteristic that, when Bacon drafted a proclamation to explain to the electorate the situation of foreign affairs, which necessitated a parliament, James's comment was that, as the people were incapable of understanding state affairs, it was not fit that the king should explain them. 2 He found it easy to punish ministers who talked politics in the pulpit, and to issue a proclamation against the excessive discussion of questions of state; 3 but the mass of Englishmen were too interested to be deterred. It is probable that, as Bacon suggested, the disappointing results of the elections were occasioned by recent events on the Continent and 'the general licentious speaking of state matters'. 4 factor he overlooked was the depression lasting from about 1619 to 1624. Hard times are usually blamed on the government by electors and there is no reason to believe 1621 was an exception. 5

James's contempt for the opinions of the man in the street and his determination to exclude members of parliament from all real influence upon the direction of foreign affairs were fatal to his relations with the legislature. He would need money to carry on whatever foreign policy he judged best, but parliament would refuse grants unless it both knew and approved the policy that required the expenditure. At present James was in a curious position because parliament accepted one half of his foreign policy, his anxiety to prevent the catholic powers from overrunning the Palatinate, but disliked the other half, the Spanish match. 1 It is just possible that, had the king given a strong lead in his opening speech to parliament (January 1621), domestic grievances would have

been forgotten amid the excitement of a spirited attempt to preserve Frederick in his hereditary domains. Instead James disdained to take parliament into his confidence, and his remarks were singularly ill suited to enlist the sympathies of his hearers. 'But you of the Lower House,' he said, 'I would not have you to meddle with complaints against the King, the church or state matters, nor with princes' prerogatives.' 2 On the all-engrossing question of foreign policy, he merely said that he would never suffer the Spanish match to endanger religion and that he proposed to equip an army in the summer to preserve his children's patrimony, and for this reason supplies would be needed. No hint was afforded of the probable cost of the army or of the extent of his commitments with foreign powers. Accordingly parliament made the rather perfunctory grant of two subsidies, and then turned to redress of grievances.

For some time there had been indications of the storm about to break, because a writer of newsletters had noted that everybody was groaning under the burden of monopolies, whose number had been multiplied by a score since James's accession. 3 What made this burden the more unbearable was that Elizabeth's gracious surrender in 1601 had seemed to lighten it permanently, for she had agreed that the legality or otherwise of any or every patent might be tested in the law-courts. At the very beginning of the new reign the judges in the famous case, Darcy v. Allen, had delivered the unanimous decision that a monopoly was prima facie against both common and statute law, that it was burdensome to the kingdom because it raised the price of the commodity at the same time that it lowered the quality and threw artificers out of work, and that it was justifiable only when a new invention was made or introduced or when demanded in the interest of the state. 1 Nevertheless the law had been ignored, evaded, or broken. In 1606, 1610, and 1614 parliament had protested against the abuse of patents, but the evil was more rampant than ever during the early years of Buckingham's ascendancy. Then the relatives or dependants of the favourite enjoyed three monopolies--for the licensing of inns, and that of ale-houses, and for the manufacturing of gold and silver thread. No

doubt these monopolies furnished pickings for their possessors, but the gain was small in comparison with the irritation caused. The country gentleman who was a magistrate was affronted at the implication that he was incapable of supervising the inns in his neighbourhood, the puritan protested that the new patentees licensed disorderly houses and multiplied drinking facilities far beyond the reasonable needs of the people, and the City mercers were annoyed at the privileged position given to a rival industry.

As soon as the commons began to discuss grievances, the proceedings of the monopolists came in for severe censure. In particular Sir Francis Mitchell and Sir Giles Mompesson were found to have been extortionate as licensers of inns, and the tale of their iniquities aroused the house to a fury. Mitchell was called to the bar and sentenced without a hearing. ² Then, rather late in the day, the question was raised whether the commons had any right to punish offences which did not concern their privileges. A search for precedents having failed, it was resolved to repair to the lords. ³ The king, hearing of these proceedings, unexpectedly addressed the lords in a curiously vacillating speech intended to exempt himself and Buckingham (and his relatives) from all blame. He told the lords that the commons would be the accusers and they the judges, and that they must be careful to see that all charges against Mompesson were proved by witnesses. The speech ended characteristically with the pronouncement that 'I will give account to God and to my people declaratively, and he that will have all doon by parliament is an enemy to monarchie and a traitor to the king of England'. ¹ Undeterred, the lords heard witnesses and passed sentence. Now, having tasted blood, the commons flew at higher game. During their investigations of irregularities at the courts of law they unearthed evidence that Francis Bacon, Viscount St. Albans, lord high chancellor of England, had accepted presents from suitors, a few while their suits were actually pending but usually after judgement had been delivered. Bacon at once realized the uselessness of attempting a defence to the articles of impeachment exhibited against him, and acknowledged the substantial accuracy of the charges. ² The king remitted most of the penalties

imposed, but excluded him from all public business. He did not long survive his disgrace, dying in 1626. The only possible line of defence is that which he himself suggested in a letter written to the king at an early stage of the proceedings. 'I hope I shall not be found', he said, 'to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice; howsoever I may be frail and partake of the abuse of the times.' ³ The most lenient view that can be taken, therefore, is that the highest legal dignitary in the kingdom accepted presents from suitors, when he must have known full well that these presents were either given in the hope of influencing decisions or in gratitude for favourable decisions. Whether the distinction between accepting presents under these circumstances and taking bribes is worth making, is a question that can be left to the casuist.

These judicial proceedings, and the time they consumed, seem to have alarmed and irritated the court. When the houses met, after an adjournment, members were told to avoid long speeches and malicious diversions from what should be the sole business before them, the grant of supplies to sustain the army in the Palatinate. ⁴ Once again the commons were left without any clear indication of the nature of the policy they were asked to finance. They naturally demanded that, first, they should know against what enemy the army to be raised was going to march. After voting a subsidy for the immediate support of the forces in the Palatinate, the commons drew up a petition in which they sketched the European situation as they saw it.

They represented what they conceived to be the causes of the unhappy state of affairs, and what the remedies. Briefly the causes were the Roman catholic league abroad, with the king of Spain at its head, and the connexion between the triumph of popery on the Continent and its increase at home. The remedies were to declare war against the head of the catholic league and to marry the prince of Wales to a protestant. Before this petition was formally presented, James, egged on by Gondomar, the Spanish ambassador, wrote to the Speaker. Hearing that 'some fiery and popular spirits' were debating questions far above their

reach and tending to violate the royal prerogative, the king demanded that no one in the house should henceforth presume to meddle 'with anything concerning our government or matters of state', and particularly not with the Spanish match. Furthermore the king said that he felt himself 'very free and able to punish any man's misdemeanors in parliament, as well during their sitting as after. Which we mean not to spare hereafter upon any occasion of any man's insolent behaviour there.'

The commons then drew up an explanation of their petition, in which they acknowledged that to make peace and war and to marry the prince of Wales appertained solely to the royal prerogative. The reason for their petition, therefore, was merely to bring to the king's attention certain facts which might not otherwise come to his knowledge, and they now asked him to receive their answer and petition. This explanation was not unnaturally roughly handled by the king, who pointed out that it was idle to protest at one place that they did not intend to entrench upon the prerogative and yet in reality to usurp it by their advice. Thereupon the commons drafted the famous Protestation of 18 December 1621, in which they denied, by implication, the king's claim to the right to imprison members at his will, by asserting that their lives and privileges were 'the ancient and undoubted birthright and inheritance of the subjects of England'. They replied to the king's denial of their right to discuss foreign relations with the statement that what concerned the king, state, defence of the realm, and the church of England were proper subjects for counsel and debate in parliament and that they had every right to discuss and resolve them. 1

This was too much for James's patience, and he first adjourned and then dissolved parliament. Coke and Sir Robert Phelips were imprisoned, and Pym confined to his house, for their share in the proceedings. Further to mark his disapprobation, the king ordered the production of the journal of the commons, at a meeting of the privy council, and tore out the offending protestation. At the same time he made a speech condemning it because it was framed in ambiguous and general terms that might serve in the future as precedents for the invasion of most of the prerogatives of the

Crown. 1 The criticism is just. The commons' right to give advice on all subjects was substantially new, 2 and if conceded would give them simultaneously an indirect control over the administration, for they would naturally refuse supplies whenever their advice was not accepted. James realized the logical consequences of their claims more clearly than they did themselves, but he entirely failed to gauge the strength of popular support the commons had at their backs and particularly failed to perceive that his pursuance of a pro-Spanish foreign policy was the surest way to alienate the sympathy of the middle classes, so strongly represented in parliament.

Bad as the mistake was in choosing friendship with Spain, and the Spanish match, as subjects for rebutting the pretensions of the commons, James gave his case away by the grossest inconsistency. After the failure of the long-drawn-out negotiations with Spain, he summoned parliament and virtually handed over the direction of foreign relations to the very body he had so recently rebuked. In his opening speech (February 1624) he said that full particulars of the negotiations would be given members. When they had heard about the negotiations, 'I shall then entreat your good and sound advice. . . . Never a king gave more trust to his subjects than to desire their advice in matters of this weight.' Later he said that no man dying of thirst longed for water more ardently than he desired a happy conclusion to his parliament. 3 On the whole his wish was gratified, and he parted on better terms with the houses, now, than on any previous occasion, for king and subjects were united against Spain--although the union was achieved only after the complete failure of a policy pursued consistently for a decade. Moreover, judging by the course of events, the king's statecraft had been wrong and popular prejudice right. It was perhaps fortunate for his peace of mind that he died at the outbreak of hostilities, for his reign ended, as it had begun, with England at war with Spain. 1

Miserably as James had failed in his most cherished plan, he furnished proof before he died that he was wiser than his son and his favourite. When they insisted on promoting the impeachment of the treasurer, Middlesex, the king warned

Charles that he would live to have his fill of impeachments, and Buckingham, that he was merely pickling a rod for his own back. Perhaps the king realized that the proceedings against Middlesex were more significant constitutionally than those against Mompesson or Bacon. Then the commons had been content to turn over the evidence to the lords for investigation and punishment; now they presented definite charges as 'inquisitors general of the grievances of the kingdom'.²

Constitutionally the reign is the first of six that occupied the transitional period during which the Tudor monarchy was transformed into the Hanoverian. It is difficult, therefore, to gauge the advance made by parliament under James. That the two houses would no longer be content to occupy a subordinate position in the state was already clear. When not blinded by anger, the king was too shrewd not to see that a new power had arisen in the land, as was proved by his famous remark, on receiving a parliamentary deputation: 'Chairs for the ambassadors.' Yet the only privilege the house of commons asserted so decidedly that it was never called in question was the right to determine the validity of the election of its own members. Neither immunity from arrest for words spoken in parliament, nor the right to tender advice freely on all subjects, was acknowledged by the Crown, and both privileges were infringed by Charles I. During his last years James ceded the revived claim to call ministers to account by impeachment, but Charles utterly denied it in order to save Buckingham.

The future seemed to depend on two factors--how far the needs of the Crown could be supplied by its ordinary revenue, and whether the commons could count on the support of the

lords. James had been successful in establishing impositions as regular levies on merchandise, but his efforts to raise money by benevolences or forced loans had been foiled by the passive resistance of his subjects. At the end of his reign the Crown could rely upon funds nearly sufficient to meet ordinary expenses but would be forced to ask parliamentary grants for emergencies. In other words a peaceful policy would virtually obviate the necessity of calling parliament, but a war

would compel recourse to one. The question of the co-operation of the two houses was still open, half-way through the reign. At its commencement the lords refused to join the commons in attempting to suppress the evils of purveyance, and in 1614 adopted the same attitude with regard to impositions. Yet during the last few years signs were not lacking that the two houses would present a united front. James's lavish creation of English peerages and bestowal of Scottish and Irish peerages on Englishmen, the ascendancy of Buckingham in the royal counsels, and later the influence ecclesiastics exercised in politics, all combined to alienate the old nobility and to produce an opposition party-'the country lords', as its members were called in contradistinction to the court lords and the bishops. As generally happens, personal wrongs coincided with public grievances in estranging the lords from the court. No doubt the lords resented their exclusion from the royal confidence unless they deferred to Buckingham, but they were also disgusted at the national disasters for which he was responsible. Consequently they viewed with equanimity, or even encouraged, the growing pretensions of the commons.

The declension of the influence on public affairs of those who prided themselves on being the natural-born counsellors of the king was not due solely to the early Stuarts and their idiosyncrasies. The time had come when the enlargement of the sphere of governmental activity required more elaborate administrative machinery than had previously sufficed. During Elizabeth's reign, even the tireless energy and business acumen of Burghley and Walsingham, with the assistance of a small group of councillors, could scarcely keep pace with the daily routine of the government. After the death of Salisbury in 1612 his successors had neither the ability nor, for the most part, the devotion to duty that had inspired the Elizabethan ministers of state. It is not surprising, therefore, that the group of privy councillors that served Elizabeth was only half as large as that under James. The privy council now contained the chief officers of state and of the household, and such personages, English and Scottish, as the king thought fit to honour. By the end of his reign there were about thirty-five privy councillors, a number

which was increased to about forty by 1630 but restored by 1640. The increase in size did not make for greater efficiency, and the non-official members rarely gave constant attendance. Consequently recourse was had to committees, some temporary, some permanent. The standing committees of James's reign were numerous and gave preliminary consideration to matters concerning Ireland, the navy, &c. Most important of them was that for foreign affairs, for this was the direct ancestor of the cabinet. Apparently it began with the appointment of a committee in or about 1615 to treat of the Spanish marriage. By the end of James's reign it was already discussing questions of state in no way directly concerned with foreign affairs and had achieved sufficient importance to be referred to as the junta, or cabinet council. Charles I continued the practice of his father, and it was in the cabinet council that Strafford spoke the words that brought him to the block. ¹ However, although by 1640 the cabinet council had become established in fact and was legally what it has always remained, a committee of the privy council, it bore little resemblance to the modern cabinet. Above all, its members were not selected from among the leaders in parliament, and it contributed nothing to bridge the gulf that was rapidly widening between king and parliament. Indeed in the absence of well-defined political parties in parliament it would have been difficult to make the seventeenth-century cabinet a means to create harmony between legislature and executive.

Looking both backwards and forwards, there is no doubt that the relations of the early Stuarts with their parliaments were vitiated throughout by their firm belief in the theory of the divine right of kings. Englishmen had ample opportunity of learning what James thought about monarchy. In 1598 he published his *Trew Law of Free Monarchies*. In 1616 *The Workes of the Most High and Mighty Prince, James of the Most High and Mighty Prince, James were collected and published*. In addition the king rarely lost an opportunity of setting forth his theories in speeches. In so doing he was not actuated solely by a vain desire to display his learning but had the deliberate intention, as he said, to set cor regis in oculis populi and to act as the 'great schoolmaster

of the whole land'. From his utterances and writings, therefore, it is possible to deduce his conception of the royal office with greater definition than for any other English king. By a free monarch he meant one free from all control. Even though 'a free and absolute monarch' owed duties to his subjects and was ordained for their advantage, no degree of tyranny on his part justified them in resisting. ¹ He could make laws without the co-operation of parliament or suspend laws passed by parliament, and, notwithstanding that 'a good king will frame all his actions according to the law, yet he is not bound thereto but of his own good will'. The state of monarchy was the supremest thing on earth, because kings are not only God's lieutenants here below and sit upon God's thrones, but even by God himself are called gods. Therefore, as it is blasphemy to dispute what God can do, and as good Christians content themselves with his will revealed in his word, so it is presumption and high contempt in a subject to dispute what a king can do, and a good subject cheerfully abides by the king's pleasure revealed in his law.

James was far from successful in persuading the masses of his subjects to accept these views. The school of divines which contemporaries came to style 'Arminian', but which modern writers often call 'Laudian', wholeheartedly adopted them and preached them fervently. Among laymen, however, there were few imitators of these clerics. In particular parliament, which formed the audience for many of the king's utterances, remained wholly unconvinced. A well-informed observer, writing, in 1610, after one of the more hyperbolic of the king's speeches, noted of it: 'I hear it bred generally much discomfort, to see our monarchicall power and regal prerogative strained so high, and made so transcendent every way, that yf the practise should follow the positions, we are not likely to leave to our successors that freedome we received from our forefathers.'² Thus the persistence with which James thrust down his subjects' throats his theory of the constitution almost compelled them in their turn to formulate their views of the limitations of monarchy and the rights of parliament, which might otherwise have remained undefined for a generation longer. James had called into existence, therefore, an opposition

that in less than twenty years advanced from the modest position of the Apology of 1604 to the bold stand of the Protestation of 1621. These contradictory theories of the respective powers of king and parliament contained material for a bitter conflict, but James was by temperament adverse to pushing matters to extremes and too indolent to pursue any path persistently. Hence the day of the constitutional battle was postponed to the next reign.

Charles I never attempted elaborately to define his conception of kingship. He did not share his father's fondness for abstract speculation or his considerable literary and oratorical gifts. His views have to be gleaned, therefore, from occasional utterances, not from full-length discourses. Nevertheless he stated, time after time, one postulate of the theory of the divine right of kings. 'I must avow', he said in June 1628, 'that I owe the account of my actions to God alone.' While on trial for his life he was equally definite. 'A king', he told Bradshaw, the president of the court, 'cannot be tried by any superior jurisdiction on earth.'¹ But for Bradshaw's interruption, he would have continued that the Scripture² saith, 'Where the word of a king is, there is power, and who may say unto him "What doest thou?"'³ He cited the legal maxim that a king can do no wrong as proof that he could not be impeached. He was equally convinced that there was a divine law commanding subjects to obey their king, under penalty of God's judgement. At the time of the negotiations at Uxbridge, in February 1645, he suggested to Sir Edward Nicholas, then secretary of state, that if, during his arguments with the parliamentary commissioners, 'in your privat discourses, . . . you would put them in mynde that they were arrant rebelles & that their end must be damnation, ruine, and infamy, except they repented, . . . it might doe good'.¹ He remained consistent to the last hour of his life. From the scaffold he declared that the people had no claim to any voice in the government. Their freedom consisted in the enjoyment of laws by which their life and liberty would be secure. It was not in having a share in the government: that did not pertain to them --'a subject and a sovereign are clean different things'.²

Both James and his son were thus devoted adherents of the theory of the divine right of kings, though they stressed different postulates. The father, however, was usually content to be logical and consistent on paper, whereas the son was consistent in trying to translate his theories into action. Charles had been a very sickly child, not expected to survive. He was very slow in beginning to walk and to talk, but whereas he became a good horseman and walker, he suffered from an impediment in his speech all his life. This defect may account for the gravity and reserve which caused his elder brother, Henry (d. 1612), to tease him by calling him the archbishop of York.³ Unlike his father's, his disposition was inflexible. His intellect was rigid, yet he was capable of quibbling and giving evasive answers that might mislead. He himself said that he could never be a lawyer: 'I cannot defend the bad nor yield in a good cause.'⁴

Charles's character augured ill for the future, inasmuch as both the general trend of events--the spirit of the age--and the particular circumstances in which the new reign opened called for conciliation in order to win support for the expensive policy now being pursued abroad.

When Charles succeeded James in 1625, he found that the financial needs of the Crown compelled the prompt summoning of parliament. When it met the king and those who spoke in his name did little more than assert that, as the previous parliament had advised the present policy, the present one would no doubt provide the necessary funds. There was from the start, however, a disinclination among members to recognize in the extravagant schemes now on foot the true offspring of their predecessors. They voted two subsidies, or about one-seventh of the amount the king needed, and then began to discuss the state of affairs, particularly the way in which the previous grants had been spent. Different speakers stressed different points: that no one seemed to be any the better for the expenditure; that the king would do well to follow Queen Elizabeth's example and rely upon a grave and wise council rather than upon one or two favourites; that the journey to Madrid was the real cause of the war with Spain, not any parliamentary action; that it was well known that

then articles that benefited Roman Catholics had been sanctioned, and it might be that the recent marriage treaty with France included similar provisions; and that, after all, the best way to secure national safety was to suppress Roman Catholicism at home. ¹ In vain Buckingham took upon himself the fence of the royal policy and urged prompt grant of supplies. The commons by this time had made up their mind that redress of grievances must have precedence. Voices were even heard hinting that the favourite was the greatest grievance of all. Charles thereupon hurriedly dissolved his first parliament, and thus terminated the opening scene in the long tragedy that ended twenty-four years later upon the scaffold.

His position continued to grow worse, for the expedition to Cadiz ² returned in disgrace and the tension between the English and French courts was increasing so rapidly as to threaten war. The attempt to raise money by the issue of privy seals asking individuals to lend specific sums of money failed so completely that it was plainly necessary to summon another parliament. Charles did his best to smooth his path by ordering strict enforcement of the penal laws against papists, by appointing as sheriffs the leaders of the opposition in the late parliament, and by appointing Laud to preach to the two houses when they assembled. His sermon is a remarkable exposition of the views, on the unity of church and state, that prevailed at court. It was declared that a royal command must be God's glory, and obedience to it the subject's honour. It was asserted that the king would never depart from God's service, from the care of his people, or from the wise managing of his treasure. Laud's biographer remarks that this was sound doctrine but was not acceptable to the auditors. ³ Soon they were listening to an orator of very different type--Eliot--on the late disasters. He roundly declared: 'Our honour is ruined, our ships are sunk, our men perished; not by the sword, not by the enemy, not by chance, but, as the strongest predictions had discerned and made it appear beforehand, by those we trust.' ¹ His speech really determined the history of this parliament, for it convinced members that a strict accountability for the past must precede any provision for the future. The commons soon found that in their endeavour

to establish the responsibility for Mansfeld's disastrous expedition ² they were hampered by the refusal of the council of war to testify as to the opinions of individual members. Charles upheld them in their refusal: 'It is not you that they aim at, but it is me upon whom they make inquisition, and for subsidies, they will not hinder it. Gold may be bought too dear.' ³ Undaunted, the commons now attacked Buckingham as the author of all the national ills, and, once fairly started after their prey, they could not be called off. On one occasion Charles warned them not to question the man whom he delighted to honour and whom he cherished so dearly. A second time he threatened them in unmistakable terms: 'Remember that parliaments are altogether in my power for their calling, sitting, and dissolution; therefore, as I find the fruits good or evil, they are to continue, or not to be.' ⁴

Perhaps the commons were emboldened by the knowledge that they could count on the support of the peers, for the upper house had revealed an independent spirit from the start of the session. They began by resolving that no peer should hold more than two proxies, thus striking a shrewd blow at Buckingham, who had thirteen. They presented three successive petitions to the king for the release of Arundel, nominally confined for an offence personal to Charles but in reality for opposition to Buckingham. The king did not give way until there was a probability that they would refuse to transact any business in Arundel's absence. ⁵ When Charles attempted, by having Bristol accused of high treason, to prevent his revealing what had actually happened at Madrid during the visit there of the prince and Buckingham, the house simultaneously accepted Bristol's charge of high treason against Buckingham. ¹ They foiled all the king's efforts to deprive Bristol of a fair trial and allowed the earl to put in an answer full of damaging revelations. It was therefore clear, when the commons in their turn drew up an impeachment of Buckingham, that nothing could save him but the dissolution of parliament. When the lords prayed the king that they might sit a little longer, his reply, 'not a minute', ² showed that he realized the peril in which his favourite stood.

The need for money remained as pressing after the dissolution of parliament as before. A demand for a free gift, equal in amount to the subsidies proposed but not voted by parliament, was dispatched to the justices of the peace, whose panels were purged of the names of all those obnoxious to the court. The response, however, was extremely meagre, for men refused to give except in a parliamentary way. A very rickety fleet was collected from the maritime towns and counties, and those who objected were sharply told that in times of danger ordinary precedents no longer applied. 3 There was still no money, however, to feed or pay mariners, although the probability of a war with France made the equipment of the fleet more imperative than ever. Therefore the king had recourse to a forced loan, to be raised by commissioners who were to exact from all men rated in the subsidy-books sums equivalent to what they would have paid if parliament had voted five subsidies. To make the scheme more palatable, Charles called upon the clergy for help from their pulpits. In a letter to the archbishop--doubtless intended to serve as a text for many a sermon--the king urged that, having been led into war by the advice of parliament, he could not now be abandoned but with the sin and shame of all men. 4 The section of the clergy that good protestants were beginning to label 'Arminian' willingly responded to the call. Sibthorpe⁵ and Roger Manwaring preached sermons magnifying the prerogative above law and parliament. Charles was so pleased with the former's effusion that he directed the archbishop to license it. The archbishop refused. Thereupon he was ordered to confine himself to his house and was supplanted in the church courts by a commission headed by Laud. Other methods than persuasion were adopted in dealing with those who refused to contribute. By way of warning, the lord chief justice, Sir Randolph Crew, was dismissed for refusing to acknowledge the legality of the loan. Some of the recalcitrants were sent to prison, or into confinement, or to serve on board ship, and an attempt was even made to compel fifty men from Essex to accept press-money for service with the king of Denmark. Among those who refused to contribute were Eliot, destined to be a martyr for parliamentary liberties, Hampden,

the future hero of the struggle against ship-money, and Wentworth, who, after changing sides, became the great exponent of personal government.

During the year 1627 the situation went from bad to worse. The king of Denmark was expelled from Germany, and the protestant cause lay at the feet of the victorious Roman catholics; the French Huguenots were encouraged to rebel, but Buckingham suffered a decisive defeat on the Isle of Ré when he tried to relieve La Rochelle. 1 These disasters increased the need of money at the same time that they made borrowing more difficult. As one of Buckingham's parasites acknowledged, 'No man that is moneyed will lend upon any security, if they think it to go the way of the court, which now is made diverse from the state.' 2 The failure off La Rochelle was regarded as the greatest and most shameful defeat England had suffered since the loss of Normandy. Indeed, according to Denzil Holles, who was one of the five members whom Charles tried to arrest in 1642, England had never received so dishonourable a blow. 3 Exasperation at the manifest misgovernment naturally strengthened resistance to the forced loans, and before the end of the year an attempt was made to test the legality of confinements for refusing to contribute. In a famous case 4 five prisoners applied for a writ of habeas corpus in order to bring their case before the king's bench. The writ was not one of right but of grace, yet it was granted because of the great public interest in the issue at stake. Probably the five knights hoped that the question would be raised whether a refusal to contribute to the loan was a legal cause for commitment. The return to the writ, however, merely stated that they were committed by the special command of the king, and assigned no other reason whatsoever. Thereupon one of the prisoners, Darnel, refused to proceed, but the other four contended that they should be released on bail, since they had been committed without cause shown. The attorney-general argued that they should be kept in prison until the king was ready to bring them to trial. The precedents, as well as the statutes, were by no means clear, and accordingly the decision of the judges was: 'We cannot deliver you but you must be remanded.' The judges apparently intended to

postpone further consideration of the case because, as one stated later, there was no record that, upon such a writ as the present one, a man had ever been bailed without the king being first consulted, and the prisoners might have sued out another habeas corpus the next day. Actually both they and the general public assumed that a final verdict had been given and that the judges had lent their authority to the view that the loan and the imprisonments for refusing to contribute to it were legal, and that the king had the right to commit for indefinite periods without his victims' having any redress at law. 1

The prison doors were opened at the beginning of 1628, but this clemency did not evoke any gratitude in the country at large. When Charles caused elections to be held for a third parliament, the main issues were the forced loan and arbitrary punishment. Popular interest ran high and considerable pressure was brought to bear in favour of court candidates, but the royal influence was powerless against appeals on behalf of those who had suffered imprisonment rather than contribute to the exchequer in an unparliamentary way. 2 An observer summed up the results of the election as follows: 'It is feared . . . because such patriots are chosen every where, the parliament will not last above eight days.' 3 When the houses met, the debates turned almost exclusively upon the question how to prevent extra-parliamentary taxation and imprisonment without cause shown. The commons began by passing resolutions against unparliamentary taxation, against the retention of any man in prison by command of the king or council unless the cause were expressed, against the denial of the writ of habeas corpus, and against the refusal to release or bail a prisoner confined without cause shown. These resolutions occasioned a great debate in the house of lords, where it was thought by a contemporary that the majority stood 'for the king's prerogative against the subject's liberties'. 1 Generally speaking, the old nobility opposed the court, but the new creations and most of the bishops favoured it. The parties were so evenly divided that in the end a compromise was reached which attempted to prevent the king from interfering with due process of law in normal times but would permit him to override it in an emergency.

The commons, however, were unwilling to acknowledge explicitly that the king possessed these extraordinary powers, especially as no satisfactory form of words could be devised to define them. 2 Abandoning their own resolutions, they now determined to proceed by a bill which should both reaffirm the validity of old statutes safeguarding the liberty of the subject and interpret them in the sense the commons thought right. Thereupon the king declared that, as he was willing to promise to observe the old statutes, so his subjects should be content to contain themselves within the laws of their forefathers, without enlarging them by new explanations or additions. The flat refusal of the king to suffer his prerogative to be curtailed by law prompted Sir Edward Coke to hit upon the happy idea that the two houses should join in a Petition of Right 3 to the king for the redress of their particular grievances. Such petitions had been used by individuals in the past, when they felt that the sovereign or his servants had exercised his prerogative to override the law, and merely sought permission for the petitioners to enjoy the benefit of the law. The Petition of Right emanating from parliament, however, was intended to go farther and to declare what the law was, as well as to secure for individuals the benefit of it. The king was deterred from a speedy dissolution only by his financial needs and by the knowledge that the majority of the house of lords sided with his opponents. In vain he attempted ambiguous and evasive answers to the Petition, for both houses requested a clear and satisfactory answer, and in the end the king assented in the style, *Soit droit fait come est désiré*. 1 The Petition, 'concerning divers rights and liberties of the subjects', begins with a recital of the statutes alleged to have been broken and of the grievances for which redress was now provided. It then proceeds to ask: (1) that no man hereafter should be compelled to make any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; (2) that no free man should be imprisoned or detained without cause shown; (3) that soldiers and mariners should not be billeted upon private individuals against their will; and (4) that commissions for proceeding by martial law should not be issued in the future. 2

Previous to the royal assent to the Petition, the commons had been careful to consult the lords at every stage, and together the two houses had prevailed. Thenceforth the commons rashly attempted to stand alone, and made no effort to secure the co-operation of the upper house. After the failure, under Wentworth's leadership, to embody in a bill such a compromise as would both satisfy the king and safeguard the liberty of the subject, Eliot had recovered the ascendancy he had exercised over the house in 1626. The greatest orator of his generation, he was fiery and impulsive by nature, prone to idealize the commons at the expense of king and lords, and scornful of the daily compromises so essential in political life. Through his impatience he had hazarded the fruits of the session by proposing remonstrances and attacking Buckingham, for only by the action of the lords was the king dissuaded from a dissolution, and only by their intervention was he induced to accept the Petition. The necessity of conciliating the upper house proved irksome to Eliot's democratic ardour. On one occasion he had said, 'I am confident that, should the lords desert us, we should yet continue flourishing and green';³ and the commons proceeded, under his guidance, to test the truth of this assertion. In particular they passed a remonstrance--a prototype of the more famous measure of 1641--detailing grievances in both church and state and naming their authors, Laud and Neile of the first and Buckingham of the second. The lower house followed this up by a second remonstrance, denouncing the collection of tonnage and poundage as a breach of the fundamental liberties of the kingdom, because these duties had never been granted to Charles I by parliament. The king interrupted this hot pace by a prorogation. The speech that preceded it contained a statement of his view of the Petition of Right: 'The profession of both houses, in time of hammering this Petition, was no ways to intrench upon my prerogative, saying, they had neither intention nor power to hurt it. Therefore it must needs be conceived that I have granted no new, but only confirmed the ancient liberties of my subjects.'¹ This view prevailed at law during the years prior to the meeting of the long parliament. When those members who were imprisoned after

the dissolution in 1629 tried to take advantage of the Petition, they were met by the attorney-general with the following argument:

A petition in parliament is not a law, yet it is for the honour and dignity of the king, to observe and keep it faithfully; but it is the duty of the people not to stretch it, beyond the words and intention of the king. And no other construction can be made of the Petition, than to take it as a confirmation of the antient liberties and rights of the subject. So that now the case remains in the same quality and degree, as it was before the Petition.²

Thus its immediate effects were slight, and proof would be difficult to find that the king's government during the years 1629 to 1640 was hampered by the Petition, except possibly with regard to forced loans, which were no longer exacted. Nevertheless the very reluctance of the king, first to accept the Petition at all, and then to accept it in an unequivocal manner, suggests at least that he was conscious that something more was at stake than the mere confirmation of ancient liberties. In fact he had sustained a severe defeat at the hands of both houses of parliament, although the foolish tactics of Eliot, by ruining all hope of the continuance of that union between the two houses which had already accomplished so much, enabled the king to represent the proceedings of the lower house as the work of a seditious minority.

In the interval between the two sessions of parliament the assassination of Buckingham revealed the wide gulf that had opened between king and people. A naval lieutenant, John Felton, brooding upon his own wrongs (especially the refusal of Buckingham to promote him or to see that he received the pay due to him), read the remonstrances passed by the commons and believed that it was his duty to sacrifice his life to rid England of the hated favourite. His deed was welcomed by the populace, who compared him to David slaying Goliath. Verses and ballads celebrated England's delivery, and the duke's body was conducted to Westminster Abbey with few mourners but with an escort of the train-bands lest the citizens of London should defile the corpse. 'And this', says a newsletter, 'was the obscure catastrophe of that great man.'¹

The death of Buckingham had removed one obstacle to a good understanding between king and parliament, and there were other hopeful signs that the ruinous foreign policy which had alienated the two houses was about to be changed. The restoration to favour of Abbot and Bristol, and the admission to the king's counsels of such men as Richard Weston, named lord high treasurer in 1629 and created earl of Portland in 1633, and Wentworth, were sure guarantees against further adventures like the expeditions to the Isle of Ré. Nevertheless the disagreements about impositions and religion still remained. Charles ordered that the customs duties be collected as if they had been granted by parliament. When merchants tried to land their goods without paying the duties, the goods were seized, and all attempts to recover them by legal action failed. One merchant, Richard Chambers, being summoned before the council, bitterly complained that 'the merchants are in no part of the world so skewed and wrung as in England; that in Turkey they have more encouragement'.² After committal to prison he was released on bail, whereupon he was cited before the Star Chamber, whose proceedings had been in no way interfered with by the Petition of Right. Another merchant, John Rolle, whose goods were confiscated, was a member of parliament. As regards religion, whereas the commons, in their remonstrances, had demanded the suppression of the Arminians, there were obvious signs, such as the promotions of Montague¹ and Manwaring, that this party was in full favour at court.

When parliament reassembled it was soon evident that a stiff contest was in prospect. It must be confessed that the popular leaders in the commons chose their ground badly. Instead of presenting a united front with the lords, as they had done with very satisfactory results in the earlier part of the previous session, they now elected to stand alone. They failed to assume the general position that all unparliamentary taxation was illegal, and chose rather to assail the alleged breach of privilege involved in the seizure of Rolle's goods. They then launched forth into a general attack on the religious policy pursued, displaying a strong bias that was at once Erastian and puritan. Thus Pym boldly asserted that parliament was the only power

in the land competent to deal with the new disease of Arminianism, and Eliot that the bishops could not be trusted with the interpretation of the Thirty-nine Articles. In fact, the latter orator continued, the presence on the episcopal bench of men like Montague threatened the total overthrow of sound religion, which was already undermined by the innovations introduced by the sect to which he belonged. Most speakers contrived to represent the Arminians as akin to the Jesuits and to suggest that the inevitable result of the teaching of the first would be the ultimate triumph of the second.

Once the religious issue had been definitely raised, there was no longer any possibility of a compromise. The commons were claiming the right to determine the religion of England. They insisted that the leaders of the branch of the Anglican church that was most popular at court should be silenced. Such demands could never be admitted by Charles. His sympathies were wholly with those new churchmen who headed the revolt against the Calvinistic theology that found favour in the sight of the commons. Montague, at the close of his *Appello Caesarem*, had written:

'Popery is for tyranny, puritanisme for anarchy: poperie is originall of superstition; puritanisme, the high-way unto prophanenesse; both alike enemies unto piety. . . . Domine Imperator, defende me gladio, et ego te defendam calamo.'²

Eliot's impetuosity had brought matters to a crisis, and the king felt he had no option but to defend the church. In his eyes, as in Montague's, the puritans intended to disrupt both church and state, and Charles firmly shared his father's belief, 'No bishop, no king'. He therefore determined to set a term to the commons' interference in ecclesiastical affairs and order the speaker to adjourn the house. When the speaker signified this command, he was met with a loud cry of 'Noe hoe'. On his attempt to leave the chair, he was restrained until three resolutions had been passed: that whoever should introduce any innovation in religion to bring in either popery or Arminianism should be accounted a capital enemy of the king and kingdom; that whoever should advise the levying of tonnage and poundage without parliamentary sanction should incur like denunciation; and that whoever should pay tonnage and poundage, under those

conditions, should be held a betrayer of the liberty of the subject and a capital enemy of the king and kingdom. 1 A week later Charles formally dissolved the parliament, with a speech in which he contrasted 'the undutiful and seditious carriage in the lower house' with the 'dutiful demeanors' of the lords. 2 In a sense the contrast is fair, and at least some of the blame for the eleven years' prerogative government that followed must be laid at the door of Eliot, whose headlong course had provoked the inevitable; and, moreover, the fact that one house of parliament was now neutral, or perhaps even favourable to the king, helps to explain the acquiescence of the country at large in the intermittence of parliament. On the other hand it is characteristic of Charles--and the explanation of his ultimate downfall--that he failed to see in the action of the commons anything more significant than that 'some few vipers' had cast 'this mist of undutifulness' over the eyes of the majority. He could never conceive that to many of his subjects puritanism was a living faith for which they were as ready to suffer as had been the martyrs during the Marian persecution. Similarly he never realized that probably a majority of the people were deeply attached to parliamentary government and were anxious to see its extension rather than its curtailment.

He could see Eliot, who embodied the new aspirations of the
