**James I and Charles I: King versus Commons**

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Published in [History Today](http://www.historytoday.com/archive/history-today/latest) [Volume 61 Issue 3 March 2011](http://www.historytoday.com/archive/history-today/volume-61-issue-3-march-2011)

Despite their mutual loathing and suspicion, James I and his parliaments needed one another, as Andrew Thrush explains. The alternative, ultimately, was civil war.



James I

In November 1610, towards the end of the long opening Parliament of his reign, James I (1566-1625) complained to his chief minister Robert Cecil, Earl of Salisbury (1563-1612), that over the last seven years he had received ‘more disgraces, censures and ignominies’ from the House of Commons ‘than ever prince did endure’. Indeed, some of the ‘taunts and disgraces’ to which he had been subjected reached ‘very near to the point of treason’. Three and a half years later, after another disastrous meeting with his subjects, James privately expressed astonishment ‘that the kings his predecessors had consented to such a thing’ as the House of Commons, whose affairs were so disorderly that nothing could be heard but ‘cries, shouts and confusion’. Over the next six years James did everything he could to avoid another Parliament.

James’ aversion to England’s representative assembly was shared by his son and successor, Charles I (r. 1625-49). Following the disastrous Parliament of 1626 Charles not only questioned the queen’s almoner, the Bishop of Mende, about ‘the means used by the kings of France to rid themselves of Parliament’, but also proceeded, in effect, to put parliaments on probation by insisting that his subjects demonstrate their loyalty to him by paying a ‘Forced Loan’ before he called another meeting. When a fresh assembly did eventually meet, in 1628, it ended in March 1629 in acrimony and violence. Thoroughly disenchanted, Charles thereupon resolved to rule without recourse to parliaments. As a result, no Parliament met in England for the next 11 years.

Royal hostility to parliaments in the first four decades of the 17th century was a strikingly new phenomenon. Under the Tudors England’s representative assembly generally sat every four or five years and, though this was not as often as medieval statute law required, there is no evidence to suggest that anyone believed that the monarch was seeking to dispense with parliaments altogether. Yet by the middle of James’ reign fears for the survival of parliaments were widespread. This has been acknowledged by (among others) the historian Conrad Russell, whose work during the 1970s and 1980s transformed our understanding of early Stuart parliaments. However, Russell believed that the threat of extinction only became a reality after the accession of Charles I, when it became clear that the Commons was unwilling to pay the full cost of war with Spain and France. James, he said, ‘did not intend to dispense with parliaments’, despite his pronouncements to the contrary. This was to commit the same mistake as the Hereford Member John Hoskins who, on hearing James warn the Commons in May 1614 that unless they voted subsidies forthwith they should ‘not look for more parliaments in haste’, declared that ‘there was no fear of not calling of parliament[s]’ as ‘the king gains by them, not the subject’.

At the root of the early Stuarts’ dislike of Parliament lay their inability to manage the Commons. Under Elizabeth the lower House had been guided by a team of ministers with seats in the chamber. Although these royal spokesmen sometimes found it difficult to steer business, they rarely lost control of the Commons and ensured that Elizabeth was never denied subsidies by the lower House. James, however, was denied subsidies three times during the course of his reign – in June 1604, December 1610 and June 1614 – and in the autumn of 1610 an ambitious attempt to stave off the collapse of the royal finances with the help of the Commons, known as the Great Contract, ended in failure after the Commons broke off negotiations. But, for James, who had ascended the throne in 1603 as James VI of Scotland, perhaps the most wounding blow he received from the Commons was their rejection (in 1604 and 1607) of his cherished plan to create a formal union between the kingdoms of England and Scotland. The only well-managed Parliament of James’ reign was that of 1624 and the architect of this success was not James himself but his son Prince Charles and his first minister and favourite, George Villiers, Duke of Buckingham (1592-1628).

Despite his role in helping to manage the 1624 Parliament, Charles proved no more successful than his father in asserting control over the Commons. In 1625 he failed to persuade the lower House to increase an inadequate grant of subsidies and in 1626 he proved unable to extract any money at all. Although Charles secured five subsidies in 1628 this was achieved only at the cost of publicly admitting that the Crown had acted in an illegal and arbitrary fashion over the previous two years. When the Parliament reassembled in 1629, Charles failed to persuade the Commons to put the customs duties known as Tunnage and Poundage on a statutory footing.

**Increasing divide**

Time and again between 1604 and 1629 the Crown lost control of the Commons’ agenda. When, in 1604, James expected the lower House to turn its attention immediately to the Union, he was dismayed to find that it concentrated instead on the outcome of the parliamentary election for Buckinghamshire. In May and June 1610 the Commons debated impositions (import duties laid without the consent of the subject in Parliament) rather than the Great Contract and in 1614 the House was so concerned with the same issue that it declined to vote subsidies. In 1621 the Commons disregarded James’ instructions not to debate a Spanish marriage for Prince Charles and in 1626, rather than vote subsidies, they drew up charges of impeachment against Buckingham, in spite of the king’s wishes. Finally, in 1629 the Commons refused to give priority to the Tunnage and Poundage bill because their attention was then focused on matters of religion. Only in the sessions of 1605-6 and 1606-7 did the king determine the Commons’ agenda and on the former occasion James and the lower House proved incapable of reaching a settlement over purveyance (the right of the Crown to buy goods for the royal household at below market prices); on the latter the Commons effectively refused to endorse the Union.

The Crown’s loss of control of the agenda is best illustrated in the previously little-noticed decline in the Speaker’s authority. Ostensibly the Speaker was the mouthpiece of the Commons, freely elected at the beginning of each Parliament by the lower House. In reality he was a royal appointee, chosen (often from the ranks of the king’s legal counsel) for his ability to manage the Commons, his election merely serving to give legitimacy to the Crown’s choice. While the king and the Commons remained in broad agreement over the matters to be discussed, the Speaker was able to steer a middle course, but once conflict arose between the two the Speaker was forced to make an invidious choice. Since successive Speakers looked to the king for their future preferment, they invariably put his interests first. The result was a sharp decline in the respect in which the Speaker was held by many of his colleagues. As early as 1604 one Member complained that the attempts by the Speaker, Edward Phelips (c. 1555-1614), to guide the House too closely was ‘a fault’. In May 1610, after incurring his colleagues’ wrath for attempting to prevent them from debating impositions, Phelips protested that his fellow Members no longer referred to him by his proper title of ‘Mr. Speaker’ and begged them to ‘let me have that addition’. On encountering the Speaker in the street one Member not only failed to doff his hat but also ‘put his finger in his mouth’ and made ‘a pop at him’. In 1614 and during most of the parliaments of the 1620s the Speaker regularly suffered the indignity of being prevented from leaving the chamber ahead of his colleagues, despite repeated pleas for more decorum to be shown.

From time to time the Speaker’s attempts to manage the House in the interests of the king gave way to hostility. When the Speaker of the 1626 Parliament, Sir Heneage Finch (1580-1631), tried to persuade the Commons to resume business after the king had two of its leading Members arrested, he was greeted with shouts of ‘sit down’. Finch later went on to describe Parliament in his commonplace book as ‘a sea unmanageable, especially if you sail by another compass’. In March 1629 Speaker Sir John Finch (1584-1660) famously tried to adjourn the House in defiance of its own wishes, whereupon he was dragged back to the chair, held down and rebuked for behaving as though he was the servant of the king rather than of the House. Finch’s reply, that ‘it doth not make me to be none of your servant because I am the king’s servant’, is chiefly remarkable for expressing a view that had long since ceased to be credible.

**Conspiracy theories**

Though both James and Charles proved incapable of managing the Commons, neither king ever understood why. Each came to believe that they were the victims of a conspiracy, led by a Commons eager for power, to undermine the government. In the aftermath of the Commons’ rejection in 1610 of the Great Contract (Cecil’s idea that James would renounce his traditional feudal rights in return for an annual sum of £200,000), James told his secretary Sir Thomas Lake that he suspected the Commons of seeking ‘to lay the foundations of a popular state’ and of making itself ‘a confederacy and bulwark for the protection of all extravagant humours and conceits among the people’. Ten years later he complained that ‘his people are becoming too republicanizing’ and in December 1621, when the Commons refused to abandon a discussion of the ‘Spanish Match’, he accused the lower House of behaving in an ‘anti-monarchical’ manner. Charles, too, suspected the Commons, or at least elements within the House, of aiming to undermine royal government. In 1626 he complained that the Commons was trying ‘to wound the honour’ of his government and in the aftermath of the 1629 session he declared that the purpose of those ‘turbulent and ill affected spirits’ in the House had been ‘to erect a universal over-swaying power to themselves’. The existence of a popular conspiracy, shared by many of the king’s own advisers, was nevertheless a fantasy: before the 1640s the lower House never sought to obtain executive authority for itself.

One reason the Commons proved unmanageable can be traced to the first session of James’ first Parliament. As a Scot, James was unfamiliar with English parliaments and did not initially understand the importance of ensuring that a significant number of experienced privy councillors had seats in the lower House. Instead, those councillors with most experience in managing the late Elizabethan Commons on behalf of the Crown, such as Sir Robert Cecil and Sir William Knollys, were ennobled and thereby elevated to the Lords. According to the Venetian ambassador, James thought it unnecessary to have a significant number of privy councillors in the Commons because he assumed that the good will he had encountered on his succession would make for harmonious relations between himself and the lower House. Although James subsequently realised his mistake, in 1614 he entrusted its management to Sir Ralph Winwood (1563-1617), who had never before sat in the Commons.

The chief reason the Commons proved unmanageable, however, is that many of its Members came to believe that James and Charles, unless they were checked, would undermine England’s laws and constitution. This fear first surfaced during the Union debates of 1604 and 1606-7, when it was widely realised that a statutory union of England and Scotland would extinguish England’s common law and end her existence as a sovereign state. Since the judges concurred with the Commons and neither James nor his ministers were able to find a way to overcome this objection the fear was entirely justified.

James’ insensitivity towards England’s constitutional arrangements was also demonstrated in respect of his use of proclamations. During the early years of his reign James employed proclamations to enforce his will far more frequently than had Elizabeth and, though he did so largely for reasons of administrative convenience, he created the impression that he was trying to legislate without reference to parliaments. However, it was in his attitude towards taxation and the rights of the subject in respect of his property that James caused most alarm. By tradition the king could not levy taxes at will, but had first to seek the consent of his subjects in Parliament. James, however, rode roughshod over this principle from 1608, levying impositions in order to prop up his ailing finances. These duties, being worth around £70,000 per annum, were too valuable to surrender, but like proclamations they seemed to suggest that James believed he could rule without reference either to the law or Parliament. Instead of attempting to calm such fears, James inflamed them, telling the Commons in May 1610 that kings summoned parliaments for reasons of convenience rather than necessity.

Although the issue of impositions receded after 1614, fears for the subject’s property rights increased under Charles I. Wars with Spain (1625-30) and France (1627-29) meant that the king was forced to seek parliamentary subsidies, but many Members of the Commons not only failed to understand the true costs of war but also suspected that any subsidies voted would either be embezzled or misspent by the Duke of Buckingham. By making the provision of supply conditional on the removal of Buckingham from office the Commons unwittingly compelled Charles and his council not only to levy money for the war without reference to Parliament (the Forced Loan of 1626-27) but also to imprison those who refused to pay. Those arrested were denied judicial process, being detained solely on the authority of the Privy Council. By adopting a draconian course, and also by the forcible billeting of troops on the subject, the Crown created the impression that it was seeking to undermine the ancient constitution enshrined in Magna Carta. This impression, which led the Commons to formulate the Petition of Right in 1628, goes a long way to explaining Charles’ difficulties with his third Parliament.

If the inability of James and Charles to manage the Commons was in part attributable to their apparent readiness to undermine England’s laws and constitution it also had another fundamental cause. Unlike Elizabeth, both sovereigns gave the lower House cause to doubt their commitment to the Protestant religion. The parlous state of the royal finances meant that James required a substantial dowry on the marriage of his son, Charles, and this in turn meant a marriage alliance with either France or Spain, the only powers capable of providing the sum needed. However the prospect of a match with one or other of Europe’s two great Catholic powers appalled the Commons, the vast majority of whom were Protestant, as the terms of any marriage alliance might well involve granting a limited right of toleration to England’s Catholic population. As a result the 1621 House of Commons petitioned the king to marry his son to a fellow Protestant instead. It did so against the express wishes of James himself who, like his predecessors, regarded the marriage of the royal children as a matter exclusively belonging to the royal prerogative.

Fears for the safety of the Protestant religion greatly increased during the early years of Charles’ reign. Shortly after his accession Charles not only married a French princess, who brought with her a train of Catholic priests, but also looked with favour on those churchmen who questioned the Calvinist doctrine of predestination. Popularly known as Arminians (after the Dutch theologian Jacobus Arminius) and widely suspected of being sympathetic to the Church of Rome, anti-Calvinists soon occupied positions of authority in the Church. For the Commons, whose membership was almost exclusively Calvinist, this development was so alarming that many Members concluded that matters of doctrine could no longer be safely left to the king and the bishops. Indeed, in 1629 it forced them to assert a right to debate a subject which they had not previously enjoyed, thereby laying them open to the charge that they were acting *ultra vires*. This was not a recipe for harmonious relations let alone the successful management of the Commons by the Crown.

**Road to extinction**

One result of the collapse in the Crown’s ability to manage the Commons was the emergence of a sort of unofficial leadership of the House. Rather than look to the privy councillors or Speaker for guidance, many Members took their cue from independent-minded gentlemen like Sir Edwin Sandys (1561-1629), sometimes dubbed ‘tribunes of the people’. More than anyone else in the Commons, Sandys was responsible for wrecking James’ hopes for the Union; James never forgave him. When Sandys sought re-election as treasurer of the Virginia Company in 1620 James reportedly told the Company to ‘choose the Devil if you will, but not Sir Edwin Sandys’.

Unofficial leadership of the House might not have proved so disastrous to the king had he been able to strike a deal behind the scenes with key figures in the Commons. However, when James tried to explore this possibility in November 1610, many rank-and-file Members protested at this blatant attempt at manipulation. Men like Sandys owed their standing to the fact that they spoke their minds freely and consequently, whenever they attempted to act as ‘undertakers’ for the king, their stock fell accordingly. Only once during the period 1604-29 did these unofficial leaders enter into any sort of alliance with the government and that was in 1624, when Charles and Buckingham reached a private arrangement with Sandys, Sir Dudley Digges (c. 1583-1639) and Sir Robert Phelips (c. 1586-1638; son of Edward). While the objectives pursued by this triumvirate – the end of the ‘Spanish Match’ and a declaration of war against Spain – were popular in the Commons as a whole, those involved were said by the newsletter-writer John Chamberlain in March 1624 to have ‘little credit’ among their colleagues.

Consequently the Crown had either to buy off its critics or keep them from sitting in the Commons altogether. However, neither approach was likely to make for a more manageable House. In 1610 James and Cecil gained an ally in the form of Sir Henry Yelverton (1566-1629), who had been a stern critic both of the Union and of the Crown’s right to buy up goods for the royal household at below the market price, by hinting that they would further his legal career in return for his support in the Commons. All this accomplished, however, was to earn Yelverton the opprobrium of the House. Indeed, his attempt to defend impositions went down so badly that ‘he hath scarce shown his head ever since’. In 1626 Charles, convinced that the difficulties he had experienced in his first Parliament were the work of merely a handful of troublemakers, excluded half a dozen leading figures from the Commons, among them Sir Robert Phelips and Sir Edward Coke, by having them serve as county sheriffs. To his dismay he discovered that the lower House was like a hydra; cutting off some of its heads only resulted in others taking their place.

**Grand committees**

The rise of the House’s unofficial leadership was the result of the collapse in the Crown’s capacity to manage the Commons, but it was also a symptom of that collapse. Another symptom was the lower House’s increasing dependence on the committee of the whole House, which met under the auspices of a chairman rather than the Speaker. Committees of the whole House were originally established in 1606 for purely procedural reasons, but it soon became apparent that one of their chief advantages was that they allowed the Commons to circumvent the Speaker. Indeed, when the Ripon Member William Mallory proposed in December 1621 that the House turn itself into a grand committee it was because he did not wish the House to be ‘troubled this day with the Speaker’. In 1610 the first standing grand committees were created, each of which enjoyed a separate area of responsibility, such as grievances or impositions. They proved so popular that by the 1620s the Commons preferred to transact most of its business this way rather than under the aegis of its Speaker. Between March 11th and 20th, 1626, for instance, the Grand Committee for Evils, Causes and Remedies, which was established for the purpose of impeaching Buckingham, swallowed up most of eight consecutive working days. In consequence the Speaker was unable to get the House to vote subsidies and the king complained of the Commons’ ‘unreasonable slowness’.

By assuming greater control of its own affairs the House of Commons created the illusion that it was becoming more powerful. Its power, such as it was, consisted of an ability to deny the king those things that he wanted to obtain, such as the Union, subsidies or a formal grant of Tunnage and Poundage. Though the Commons was largely responsible for engineering the fall of Lord Chancellor Francis Bacon in 1621 on charges of corruption, Bacon only fell because James and Buckingham were prepared to sacrifice him. When the Commons tried to impeach Buckingham in 1626 against the king’s wishes it failed in its objective. It remained difficult for the Commons to limit the authority of the king and only once, in 1628, when the king was obliged to consent to the Petition of Right, did it come close to doing so. The hollowness of the Commons’ triumph was soon exposed, for in 1629, despite its vigorous protests, the Commons was unable to prevent the king from continuing to levy Tunnage and Poundage without parliamentary authority.

**Loss of power**

Paradoxically, perhaps, the emergence of the committee of the Whole House actually served to make the Commons less rather than more powerful. One of the principal purposes for which parliaments existed was to pass legislation, but the advent of grand committees made it hard for the Commons to discharge this traditional function. Time that would otherwise have been allowed for bill committees to sit was now swallowed up by grand committees. This development, coupled with the fact that the Commons twice lost their entire legislative programme after James angrily dissolved both the parliaments of 1614 and 1621, meant that from about 1625 the demand for bills largely dried up. After all, where was the point in incurring the cost of laying legislation before Parliament if the Commons could no longer find the time to consider this business or if the king suddenly terminated the session without any bills being passed?

Far from making itself more powerful, the House of Commons, by denying the king his wishes, put parliaments on a path towards extinction. In early 17th-century England, parliaments were still called into existence by the monarch, who expected them to serve his interests before those of his subjects. If they declined this function it would not be long before the king, emulating the kings of France, decided to do without them. This position was reached by James I as early as 1610 and by Charles I in 1626. That both monarchs subsequently consented to further meetings with their subjects ultimately tells us more about the weakness of the royal finances than it does about their love of parliaments.