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I

THE CAUSES AND THE SUMMONS

On 9 August 1529, Henry VIII commanded the issue of writs summoning peers to a Parliament and ordering the elections of members of the Commons.[1] The Parliament was not to meet until 3 November: a long interval, but one reflecting the time necessary for preparing documents and holding elections rather than any unusual deliberation.[2]

Parliament had not met for six years. Thomas Wolsey, the great cardinal who had managed Henry's affairs for more than a decade, preferred to rule without parliamentary interference, no doubt partly because of his troubles with the Parliament of 1523. In that assembly, summoned to provide money for Wolsey's war with France, there had been unusual opposition, with even Wolsey's protégé Thomas Cromwell arguing that the conquest of Thérouanne had cost his Majesty 'more than twenti suche ungracious dogholes cowld be worthe unto hym'[3] and Wolsey himself haranguing the Commons only to be greeted by 'a mervailous, obstinate silens'.[4] Supply was finally granted—a shilling in the pound on lands and goods during each of the succeeding four years, with reductions for the less wealthy—but only after protracted debate of great bitterness.

I amongst other [Cromwell wrote a friend] have indured a Parlyament which contenewid by the space of xvij hole wekes, wher we communyd of warre, pease, stryffe, contencyon, debatt, murmure, grudge,

[1] Printed in Thomas Rymer, *Foedera*, XIV, 302–6, from Close Roll, C 54/398, m. 10 dorso, P.R.O. Cf. *L.P.*, IV, iii, 5837.

[2] Dr J. J. Scarisbrick asserts (*Henry VIII*, 236–7) that the writs were not sent out until early October. He cites no source; presumably he interprets the letter of 6 October from Gardiner to Wolsey, mentioned below, as implying that writs had not yet been dispatched. This may be its meaning, but other explanations are also possible; in any case Gardiner mentioned only a small number of writs. For my view that the interval was not unusual, see Sir Maurice Powicke and E. B. Fryde, eds. *Handbook of British Chronology*, 2nd ed., 535, which shows an interval of three months between the summons and assembly of the Parliaments of 1510, 1512, and 1515, with two months in 1542 and (after the final prorogation) in 1545. Cf. A. F. Pollard, *Wolsey*, 241–2.

[3] R. B. Merriman, *Life and Letters of Thomas Cromwell*, I, 39; *L.P.*, III, ii, 2958.

[4] William Roper, *The Lyfe of Sir Thomas Moore, Knighte*, 18.

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riches, poverte, penwrye, trowth, falshode, justyce, equyte, discayte, oppressyon, magnanymyte, actyvyte, force, attempraunce, treason, murder, felonye, consyle, and also how a commune welth myght be edeffyed and contenewed within our realme. Howbeyt in conclusion we have done as our predecessors have bene wont to doo, that ys to say as well as we myght, and lefte wher we began.[1]

This seemingly mild end masked continuing resentment which was to cause the failure of Wolsey's 'amicable grant' of non-parliamentary revenue in 1525.

But it was not Wolsey who decided to summon Parliament in 1529. By August twin calamities had brought his meteoric career to a fiery decline. In June had come the failure of the league in which Wolsey, now allied with France, had attempted to combat the threat of an Italian conquest by Charles V, the king of Spain and Holy Roman Emperor. The Imperial victory at Landriano brought the papacy under Charles' control and revealed the futility of the cardinal's foreign policy. An even more disastrous blow was Wolsey's failure to secure the divorce from Catherine of Aragon which Henry had perhaps desired as early as 1514 and eagerly sought since 1527.[2] When a legatine court opened at Blackfriars in May 1529 the king confidently assumed that a favourable judgment would be pronounced within a matter of weeks, but on 23 July Cardinal Campeggio, Wolsey's fellow judge, adjourned the trial without a decision. The court never reconvened; instead the pope revoked the case to Rome, where Charles could prevent any settlement harming Catherine, his aunt. Wolsey, foreseeing his doom, had not failed to tell the pope that such action would utterly alienate the king and bring ruin for himself,[3] but Clement VII had no power to help. He was (to borrow his own figure of speech) caught between the anvil and the hammer, and could only play for time.[4]

Henry's intentions in calling a Parliament so soon after the break-down of the divorce hearings are not immediately clear. It has often been implied, particularly in superficial narratives, that he had in mind the great scheme of ecclesiastical nationaliza-

[1] SP 1/28, fol. 153, P.R.O.
[2] See Betty Behrens, 'A Note on Henry VIII's Divorce Project of 1514', *B.I.H.R.*, XI (1933–1934), 163–4. Garrett Mattingly has cast considerable doubt on the story of this project; see his *Catherine of Aragon*, 320–1.
[3] A. F. Pollard, *Wolsey*, 234.
[4] Benet, Casale, and Vannes to Wolsey, Rome, 9 July, in *L.P.*, IV, iii, 5762.

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tion which Parliament was ultimately to carry through, or that he planned to move in carefully measured stages against the papacy.[1] There is no evidence, however, to support such an assumption, and every reason to believe that Henry's aims were not yet so clearly defined or far reaching. He had not, by 9 August, received news of the actual advocation to Rome, although he may have suspected it. He was certainly not ready to break with the pope, and he does not seem to have conceived any particular method of putting pressure on Rome. One is tempted to think that, not knowing where to turn now that Wolsey had failed him, he summoned Parliament in the vague hope that its members might suggest a solution.

More specifically, he probably intended Parliament as a stage for action against Wolsey.[2] The king must have been eager to vent his irritation, while the councillors who would benefit from the cardinal's fall, notably the dukes of Norfolk and Suffolk and Anne Boleyn's father, Viscount Rochford, cannot have missed an opportunity to inveigh against him. It may be more than a coincidence that as early as 1 July Thomas Darcy had composed a long series of articles which could be used in attainder proceedings,[3] and further charges by John Palsgrave may be of about the same date.[4] Darcy, who had opposed Wolsey's policy in the north for years, even went so far as to draft a proclamation urging all who had been injured by the cardinal's negligence and inordinate vainglory to present their evidence before a group of special commissioners.[5] Nothing came of that project, but word of the plan to prosecute Wolsey in Parliament spread rapidly. On 4 September Eustace Chapuys, who had just arrived in England to take up his post as Imperial ambassador, reported that the whole purpose of Parliament was to take away the chancellor's seals from the cardinal, although this could be done equally well without parliamentary sanction.[6] A month later Du Bellay, the French

[1] See, for instance, G. de C. Parmiter, *The King's Great Matter*, 113: 'The significance of the step [summoning Parliament] was unmistakable; Henry was appealing from the pope to his people.'

[2] This argument has been advanced by Arthur Ogle, *The Tragedy of the Lollards' Tower*, 178.

[3] *L.P.*, IV, iii, 5749. [4] *Ibid.* 5750. [5] *Ibid.* 5749, sec. 3 (ii).

[6] Chapuys MS., fols. 212–13 (*C.S.P.*, *Spn.*, IV, i, 135; not in *L.P.*). Chapuys, who had been born about 1489 in Annency, Savoy, entered the service of Charles V in 1527 after a decade as chancellor to the bishop of Geneva. In 1529 Charles sent him to replace the scheming Don Inigo de Mendoza as ambassador at the English

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ambassador, wrote that Wolsey would lose his power entirely 'par ce Parlement'.[1] On 6 October Stephen Gardiner, whom Henry had recently appointed his secretary, ordered Wolsey to send him the writs for elections in five of the shires: as chancellor the cardinal was still legally responsible for issuing the documents but was allowed no opportunity to meddle in the elections, which were entrusted to Norfolk's direction.[2] Small wonder that Wolsey had begun writing pitiful letters to Henry, crying for mercy and signing himself 'your most prostrate poor chaplain, T. Cardinalis Ebor., miserimus'.[3]

Despite these plans Wolsey's condemnation was not in the end reserved for Parliament. Henry, who seems to have spent the month of September debating how to deal with the cardinal, finally offered him the alternative of indictment in the King's Bench on a charge of violating the statute of praemunire. Wolsey had much to gain from such a move, since attainder could mean death while the penalty in a praemunire suit was limited to loss of property, and Henry too preferred to avoid the spectacle of a parliamentary hearing. He was evidently feeling some twinges of remorse at the fall of his faithful servant—Anne Boleyn, who hated Wolsey, reportedly made Henry promise not to give him an audience, for she thought that the king could not help taking pity on him[4]—and he may have realized that an airing of complaints against the cardinal would inevitably reflect on the king who had acquiesced in his activities. Accordingly, on 9 October an indictment against Wolsey was drawn up by the attorney-general, Christopher Hales; Wolsey was allowed to name proctors, so as to avoid a personal appearance in court; they acknowledged that he had procured bulls to make himself legate, and had in other ways violated the fourteenth-century statutes of provisors and praemunire; and on 30 October Wolsey was found guilty. All his goods and possessions were declared forfeit.[5]

court; Chapuys arrived late in August and was presented to Henry on 14 September. His dispatches form one of the major contemporary sources for the period from 1529 to his retirement in 1545. Chapuys was a humanist and corresponded with Erasmus. He died in 1556, leaving a considerable fortune for the foundation of colleges in Annency and Louvain. See Mattingly, 'A Humanist Ambassador', *Journal of Modern History*, IV (1932), 175–85; Mattingly, *Renaissance Diplomacy*, 242–6; and *L.P.*, VIII, preface, xliv–xlv.

[1] *L.P.*, IV, iii, 5983. [2] *Ibid.* 5993. [3] *Ibid.* 5999.

[4] Du Bellay's dispatch, 17 October, in *ibid.* 6011.

[5] *Ibid.* 6035; A. F. Pollard, *Wolsey*, 244–5; Ogle, *The Lollards' Tower*, 178–9.

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The tottering cardinal had now fallen completely from political power, as Chapuys wrote,[1] but Henry softened the blow by allowing him to retain a considerable household at Esher and by restoring to him the archbishopric of York.

Four days after the court's sentence the Reformation Parliament assembled. It is unlikely that the king intended any further action against the cardinal, and it may be true, as Ogle argued, that from Henry's point of view the Parliament met 'in a vacuum, with nothing of consequence before'.[2] The chief councillors, however, were not so easily satisfied; they feared that Wolsey might somehow regain Henry's favour, and knew that such a turn of events would end their power and place their very lives in jeopardy. Chapuys, with his usual perspicacity, wrote Charles that more execrable things would surely be said against Wolsey in Parliament, since those who had raised the storm would not rest until his ruin was complete.[3] And there were other uses to which Parliament could be put. Catherine of Aragon, who felt that Henry held the Lords and Commons 'tous a sa main', feared that action against her was brewing there.[4] Chapuys heard that Parliament was to inquire into the conduct of the realm's finances; he thought that it might outlaw the reception of future papal legates in England.[5]

Members of the Parliament itself had their own reasons for welcoming the session. They must have shared the general animus against the fallen cardinal, but for them hatred of the over-mighty churchman was but one aspect of the anti-clerical sentiment which was boiling throughout the realm. Fabyan's *Chronicle* sums up their intentions neatly in its succinct entry under 1529, 'A Parliament for ennormities of the cleargy'.[6]

Since concern for clerical abuses was not new, it may be helpful to follow this theme through the previous Parliaments of the

[1] Chapuys MS., fols. 214–22 (*C.S.P., Spn.*, IV, i, 194; *L.P.*, IV, iii, 6026). This dispatch is printed in full, with an English translation, in William Bradford, *Correspondence of the Emperor Charles V*, 256–98.
[2] Ogle, *The Lollards' Tower*, 179.
[3] Chapuys MS., fol. 221^{v} (*C.S.P., Spn.*, IV, i, 304).
[4] Chapuys MS., fol. 209^{v} (*C.S.P., Spn.*, IV, i, 235); dispatch of 21 September. The same point is repeated in a dispatch of 8 October, Chapuys MS., fols. 196–9 (*C.S.P., Spn.*, IV, i, 274).
[5] Chapuys MS., fol. 209^{v} (*C.S.P., Spn.*, IV, i, 235); repeated in a dispatch of 27 September, *C.S.P., Spn.*, IV, i, 257.
[6] Robert Fabyan, *The New Chronicles of England and France*, 699.

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Tudor period. As early as 1489 there had been opposition to the abuse of benefit of clergy, which placed those in holy orders outside the reach of the secular courts, and Parliament had ordered that clerks convicted of murder or other felony be branded on the thumb.[1] In 1512 Henry VIII's second Parliament had enacted that murderers and thieves in minor orders should be deprived of benefit of clergy; probably to appease the bishops in the House of Lords, the statute carried a proviso that it should remain in force only until the next Parliament.[2] Clerical objections increased after Pope Leo X's pronouncement in 1514 that no laymen could have jurisdiction over clergymen, and early in 1515 the abbot of Winchcombe, Richard Kidderminster, preached a famous sermon at Paul's Cross attacking the 1512 statute and upholding the validity of papal decrees in England.

Meanwhile the activities of churchmen and ecclesiastical courts had been called to the attention of Englishmen by the celebrated Hunne affair. Richard Hunne, a London tailor of Protestant leanings, had been sued by the rector of Whitechapel for refusing to give the usual mortuary fee after the burial of his dead baby. He countered the suit with a praemunire charge against the church court in which he had been arraigned, arguing that it sat by authority of a papal legate and thus, as a foreign court, could have no jurisdiction over English subjects. The clergy, not to be outdone, then cited Hunne for heresy and committed him to prison in the Lollards' Tower of old St Paul's, where he was found dead in December 1514. Although the churchmen asserted that he had committed suicide they could not convince a coroner's jury, and despite his privileged status as a cleric Dr Horsey, the bishop of London's chancellor, was brought to trial at King's Bench. The bishop's comment that any London jury would condemn a clergyman though he were innocent as Adam bears testimony to the general clamour.

In this unsettled atmosphere the Parliament of 1515 had assembled. A bill was immediately introduced to restore to Hunne's children the property which had been forfeited when their father was posthumously found guilty of heresy, and the Commons petitioned the king for reform in the matter of mortuary fees. An attempt was also made to extend the 1512 statute against benefit of clergy.

[1] 4 Henry VII, c. 13.

[2] 4 Henry VIII, c. 2.

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Before action could be taken attention was diverted by the repercussions of Kidderminster's sermon. Hearing of it, Henry, always interested in theological disputes, determined to have the matter argued in his presence at Blackfriars, with the abbot defending his position and Dr Henry Standish upholding the validity of the statute. The only direct outcome was clerical indignation against Standish; he was summoned before Convocation to explain his views, which that orthodox assembly might well regard as heretical. The king again intervened by convoking a court at Blackfriars, where the judges, peers, and some members of the Commons charged the entire Convocation with praemunire. Wolsey was able to save his position only by making a humble apology and partial submission. The episode bears a marked resemblance to the more sweeping submission of the clergy in 1532, for which it helped prepare the way.

In the end precedents and bitterness were the chief legacies of the Parliament, which the king speedily dissolved on Wolsey's advice. Nothing came of any of the proposed ecclesiastical reforms; the statute of 1512 was allowed to lapse; and in what may have been a political compromise Standish was preserved from the hands of the Church and Horsey from temporal punishment.[1]

Still the issues raised in 1515—Hunne, mortuary dues, benefit of clergy, praemunire, and the independence of the Church generally—were not forgotten. They may have been submerged during the Parliament of 1523, which was almost entirely occupied with Wolsey's demands for money, but they rose and assumed new meaning in 1529. Hatred of Wolsey led naturally to complaint against the Church which he had headed, while the failure of the legatine court to grant the king's divorce reopened the question of papal jurisdiction in England.

All of these matters must have been in the minds of the parliamentarians as they converged on London in November, and of the king and his advisers as they prepared for the session.

[1] On this series of events see Ogle, *The Lollards' Tower*, 11–169; J. S. Roskell, *The Commons and their Speakers in English Parliaments, 1376–1523*, 319–20; Edward Hall, *Hall's Chronicle*, 573–80.

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2

THE MOST MALIGNED COMMONS

Perhaps no House of Commons has been so maligned as that which assembled in 1529. Nearly every sort of special interest has been alleged. Simon Fish must have been referring mainly to the Lords when he claimed that the wealthy, corrupt clergy were stronger in Parliament than the king,[1] but Clement Armstrong, a contemporary critic, specifically charged that the Commons was made up of enclosers, graziers, forestallers and regraters, and lawyers whose singular greed had 'distroyed the welth of the king and his lordes and common people'.[2] The power of the lawyers as 'rulers in [the] Commen Howse' angered another writer sufficiently for him to petition the king against them.[3]

The most common complaint, however, was the opposite one: that the House was subject to undue royal influence. Even a writer generally so favourable to Henry as Bishop Burnet wrote that 'there had been great industry used in carrying elections for the Parliament, and they were so successful, that the king was resolved to continue it for some time'.[4] Chapuys reported Catherine of Aragon's belief that Henry held the Commons in his hand and added that they had all been bribed and won over.[5] The chronicler Edward Hall, himself a burgess for Wenlock, Shropshire, commented that 'the most parte of the Commons

[1] *A Supplicacyon for the Beggers*, quoted in William A. Clebsch, *England's Earliest Protestants, 1520–1535*, 242. Fish's tract was probably written some months before the summoning of Parliament.

[2] *A Treatise Concerninge the Staple and the Commodities of this Realme*, quoted in R. H. Tawney and Eileen Power, *Tudor Economic Documents*, III, 121. Professor S. T. Bindoff believes that this treatise was written between 1533 and 1535; see his article, 'Clement Armstrong and His Treatises of the Commonweal', *Economic History Review*, XIV (1944), 68. Armstrong (or Ormeston or Urmeston) was probably a brother of Robert Ormeston, under-clerk of Parliament from 1515 to 1547. Cf. A. F. Pollard, 'The Under-Clerks and the Commons Journals (1509–1558)', *B.I.H.R.*, XVI (1938–1939), 145–7.

[3] SP 2/Q, fols. 138–40, P.R.O. (*L.P.*, VII, 1611 [3]).

[4] Gilbert Burnet, *The History of the Reformation of the Church of England*, I, 84.

[5] Chapuys to Charles V, 9 December 1529, in Chapuys MS., fol. 250, 'yl sont tous gagnez et practiquez par le Roy' (*C.S.P., Spn.*, IV, i, 228).

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were the kynges servauntes'.[1] The most damning charges came from John Fisher's early biographer:

> In this Parlement the Common Howse was so parcially chosen, that the king had his will almost in all things that himself listed; for where in old time the king used to direct his brieffe or writ of Parlement of every cittie, borrough, and corporat towne within this realme, that they amonge them should make election of two honest, fitt, and skilfull men of their own number to come to this Parleament; the same order and forme of the writt was now in this Parleament observed; but then with every writte there came also a private letter from some one or other of the king's counsellors, requesting them to chuse the persons nominated in their letters, who fearing their great authority, durst commonly chuse none other.

The Parliament thus included 'fewe other then roystinge courteours, servingmen, parasites, and flatters of all sortes, . . . lightly furnished ether with learninge or honestie'.[2] Perhaps this was what Sir Thomas More meant at his trial when he contrasted the power of one Parliament, 'God knoweth what manner of one', with the authority of all the councils of Christendom.[3] The rebels in the Pilgrimage of Grace voiced similar complaints.

Most of these charges may be partially explained by either bias or context. Chapuys' sources of information were not always reliable, and he naturally accepted suggestions favourable to Catherine's side; Fisher's biographer was an Elizabethan Catholic divine who spent most of his adult life abroad; Edward Hall was trying to demonstrate why the Commons were willing to cancel Henry's obligation to repay a loan. Still, the strictures are substantial enough to merit attention. Only an analysis of the actual membership of the Commons can show to what extent, if any, they are correct.

I

In 1529 there were 310 members of the Commons: 74 knights of the shire, elected from 37 counties, and 236 burgesses representing 117 parliamentary boroughs.[4] All these were double-member

[1] Edward Hall, *Hall's Chronicle*, 767. [2] [Richard Hall,] *The Life of Fisher*, 68.
[3] Harpsfield's *Life of More*, quoted in R. W. Chambers, *Thomas More*, 243.
[4] This reckoning counts London and the other county boroughs as boroughs. The figures are calculated from the list printed in the *Return of Members of Parliament*, Part 1, 368–71. The actual returns, sent by sheriffs to the Chancery, do not

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constituencies save London, which was by tradition allocated four seats. Since the Parliament lasted so long, a number of by-elections were necessary to fill vacancies created by death or removal to the House of Lords. In all, we know the names of at least 335 members, with about ten further doubtful cases.

As is well known, the enfranchising of boroughs was determined by precedent and the chances of history, not by any logical scheme. Few new parliamentary boroughs were created in the early Tudor period, but since 1491 seven towns had gained representation: Buckingham, Lancaster, Preston, Thetford, Oxford, Berwick, and Dunheved, which had formerly been joined to its Cornish neighbour Launceston.[1] There appears to have been no special reason for these creations, except perhaps local pressure, but they did serve in some slight measure to redress the over-representation of the south. Wiltshire, with sixteen enfranchised boroughs, stood far ahead of its nearest rival, Sussex, which had nine. Eight towns in Dorset returned burgesses; Cornwall, its representation not yet swollen by later Tudor grants, had seven enfranchised towns, as did Devon and the misnamed Cinque Ports. Surrey had five parliamentary boroughs, all other counties four or less. Wales as yet returned neither knights of the shire nor burgesses, although it was to be granted this privilege by a statute of 1536.[2]

Throughout the counties a uniform franchise applied, the forty-shilling freehold established by statute in 1430.[3] The vote was thus given to all the moderately well-off landowners; inflation had not yet rendered forty shillings an insignificant sum, and the later multiplication of freeholds, created especially by regarding ecclesiastical and other life-time offices as freeholds, had not yet begun.

But in 1529 details of the franchise were of little more than theoretical interest, since we know of no election in which rival

survive for the Reformation Parliament; the names in the official *Return* are taken from SP 1/56, fols. 2–10, P.R.O., where the counties are arranged geographically rather than alphabetically. Although this list is probably of 1529 it notes members who died or were knighted through May 1532. See A. F. Pollard, 'Thomas Cromwell's Parliamentary Lists', *B.I.H.R.*, IX (1931–1932), 37–8, 43.

[1] Cf. the list of members for 1491 printed by Winifred Jay in *B.I.H.R.*, III (1926), 168–75, and the earlier lists in the official *Return*. There are no full lists of members for the Parliaments held between 1492 and 1529, although we do know the names of a few members. The case of Thetford is given further consideration below.

[2] 27 Henry VIII, c. 26.

[3] 8 Henry VI, c. 7.

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