# Parliament and the Crown in the Reign of Mary Tudor

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**TO ALAN**

# 7

# The Parliament of 1555

THE political situation in England changed profoundly between the end of Mary's third parliament and the opening of the fourth on 21 October 1555. One factor, and perhaps the most important, was Mary's failure to produce the heir whose conception had been announced before the third parliament, but other factors contributing to change were the burning of heretics and the queen's manifest determination to give back to the church the former ecclesiastical property in her hands.

Initially, the heir to the throne was expected in April; then, when the dates were thought to have been mistaken, in June. At the beginning of August, however, all hope was abandoned and the preparations that had been made for the birth were slowly dismantled. On 29 August Philip left the country. England was from now on to be secondary to his other concerns; these were immense, for Charles V resigned the lordship of the Netherlands to him in October, and in January 1556 the crowns of Aragon and Castile. Philip now wanted power in England in his own right, not simply as a regent for the heir, and he put great pressure on Mary to allow him to be crowned.[1]

As a result of the heresy laws that had been revived in the third parliament proceedings could now be taken against recalcitrant protestants, and on 4 February 1555 the first Marian martyr, John Rogers, was burned at Smithfield; Lawrence Sanders was burned at Coventry on 8 February and Hooper at Gloucester the following day. Only five days before the opening of parliament Latimer and Ridley suffered at Oxford. Although many of those who witnessed their often heroic struggles expressed sympathy for the martyrs—both Renard and Noailles reported that onlookers had urged Rogers to have

[1] *CSP Ven.* VI. i. 212, 227, 281. See below, 194–7.



courage[2]—it would be a mistake to assume that the policy of persecution was widely disliked, especially amongst the governing classes. As Mrs Alexander pointed out in her study of Bonner, no heretics could have been convicted without the participation of lay magistrates and lay jurors.[3] With a few conspicuous exceptions those burnt came from the lower classes, and they may well have been regarded by men higher up the social scale simply as trouble-makers. As far as relations between crown and parliament were concerned, the policy of persecution was probably of less importance than the continuing unease about former church property. One of Paul IV's first actions after his election in 1555 was to issue a bull denouncing the alienation of ecclesiastical property. Partly through the efforts of the protestants in exile news of the bull soon reached England;[4] the privy council was alarmed and Pole was forced to ask the pope for another bull dealing specifically with the English situation.[5] When this second bull arrived it was read publicly at Paul's Cross[6] and, at the council's insistence, it was published in Latin and English.[7] Most significant of all, it was read in the House of Commons on 23 October, the first day of business.

The reason why the council was so anxious about the bull was that the queen was in the process of restoring to the church much of the property that remained in her control, and it was widely believed that this was but the first step towards a more general, and perhaps even a forcible, restoration. Pole had made it clear to Mary that he could not sanction her possession of former ecclesiastical property, and on 17 January 1555 Renard noted that the Legate had already succeeded in persuading the queen to give up revenues worth 60,000 crowns, although she had not finally decided what to do about the remainder of her church property.[8] A committee of councillors

[2] *CSP Sp.* XIII. 138; Vertot, IV. 173.

[3] G. Alexander, 'Bonner and the Marian Persecutions', *History*, LX (1975), 38.

[4] *CSP Ven.* VI. i. 189. On this subject, see R. H. Pogson, 'Cardinal Pole—Papal Legate to England in Mary Tudor's Reign' (Cambridge Univ. Ph.D thesis 1972), 147–9.

[5] Ibid. 154.

[6] Wriothesley, II. 130.

[7] SP 11/6/18.

[8] *CSP Sp.* XIII. 134. See also *CSP Ven.* VI. i. 10 (wrongly dated Jan. 1555).

was set up to oversee the restoration, consisting of Gardiner, Paulet, Rochester, Petre, and probably Englefield.[9] Mary was persuaded that parliamentary approval was needed if the restoration were to be legally secure, but she was clearly and openly committed to a policy of restoration long before parliament was summoned,[10] monasteries at Greenwich and Richmond being set up by the Franciscans in the late spring of 1555.[11]

It was against the background of these problems that the council considered its plans for a fourth parliament. The economic outlook was bleak: as a result of what Machyn described as 'the greatest rayn and fludes that ever was sene in England'[12] the price of grain and arable crops had risen sharply.[13] It was not a propitious moment to seek a grant of taxation, but the government was short of money and it was decided that parliament should be asked for the subsidy that had been remitted at the beginning of the reign, and for three fifteenths.[14] The other major piece of legislation, according to a memorandum sent to Philip, was to be for 'de abrogatione statutorum de primis fructibus et p*etris* petius dicimis, et confirmatione cessionis beneficior*um* ecclesiasticor*um*, *qua* premissa sine Parlamento experiri non possint'.[15] The council also considered that there should be some measure to deal with gaol delivery and a bill for the licensing of taverns. In none of these memoranda was the great question of Philip's coronation mentioned, although informed observers believed that the matter would be raised in parliament, the French ambassador, for instance, reporting that 'l'on dict que l'occasion pour laquelle ledict parlement a esté assemblé, ne tend à aultre fin que pour faire, s'il est possible, tumber le gouvernement absolu de ce royaulme entre les mains de ce roy, et pourvoir par ce moyen

[9] *CSP Ven.* VI. i. 27, lists Gardiner, Paulet, Rochester, Petre, and two other unnamed councillors. Foxe (VII. 34) lists the first four and Englefield.
[10] *CSP Ven.* VI. i. 27.
[11] Wriothesley, II. 8.
[12] Machyn, 94.
[13] *The Agrarian History of England and Wales*, IV, ed. J. Thirsk (Cambridge, 1967), 842–3.
[14] SP 11/6/19.
[15] SP 11/6/18.



disposer des forces et estats d'icelluy à sa volunté'.[16] The French were, of course, extremely worried in case Philip's position in England should be strong enough for him to drag the country into the Habsburg–Valois conflict. Whether the lord chancellor touched on this delicate matter in his speech at the opening of parliament on 21 October is not clear; the Venetian ambassador reported that he had said, rather disingenuously perhaps, that nothing would be proposed in the forthcoming session relating to the authority or position of the king.[17]

Most of Gardiner's speech was in fact taken up with the problem of royal finance.[18] He explained that Mary had found the revenues of the crown exhausted at her accession, and that she had been further burdened by the debts of her father and brother; nevertheless, he pointed out, she had neither collected the subsidy that had been granted to Edward before his death nor confiscated much land from rebellious subjects. Dwelling on 'les bienfaicts que les subjectz avoient par elle et son mary recues', he begged parliament to find a means of relieving the queen's difficulties.[19]

On 23 October the queen was present for the reading in parliament of a letter from Philip that explained why he was absent from the opening of the session and urged members to obey the queen and honour God.[20] Gardiner, although mortally sick, was reported as having made another speech, presumably after the reading of the papal bull, reassuring his audience that no measure was planned that would affect the tenure by private individuals of former church land.[21] However, the first bill read in the Commons dealt with a quite different although equally perennial problem; it was intended to prevent members of the House from leaving during the parliamentary session without a licence from the speaker[22]—it was, therefore, an attempt to continue the drive against absenteeism upon which

[16] Arch. Étr. XII. fo. 444 (Vertot, V. 171). See also *CSP Ven.* VI. i. 188.
[17] *CSP Ven.* VI. i. 229.
[18] Ibid. 217.
[19] Arch. Étr. XII. fo. 449 (Vertot, V. 184).
[20] SP 11/6/28.
[21] *CSP Ven.* VI. i. 225.
[22] *CJ* 23 Oct.

the crown had embarked at the end of the previous meeting.[23] The bill was read three times[24] and then dropped in favour of another, read for the first time on 30 October. Yet a third bill was read once only, on 8 November. The matter would seem of little interest were it not for a remark made by the Venetian ambassador. In the course of his account on 18 November of the difficulties encountered by the exiles bill he wrote that the House of Commons

> is quite full of gentry and nobility ... and therefore more daring and licentious than former houses, which consisted of burgesses and plebians ... In order, therefore, for the future to prevent admission into the Lower House of so many noblemen, from whom this licentiousness is supposed to proceed, a proposal was made lately ... [for burgesses to be resident in the towns they represent] which proposal seems to have been rejected, because to return entirely to the ancient order of things, the opposition insisted on simultaneously prohibiting the election of any stipendiary, pensioner, or official, or of any person deriving profit in any other way from the King and the royal Council, and being dependent on them.[25]

This passage, with its description of a complicated 'tacking' device, led Professor Neale to write of 'the opposition group' displaying 'a tactical precocity more in line with the maturer days of Elizabeth';[26] it has, in fact, become a highly important part of the evidence for the existence of an 'opposition' in this parliament. However, Neale, whilst acknowledging that the passage cannot be squared with entries in the Commons' Journal, did not apparently consult the Italian from which the entry in the *Venetian Calendar* was made. Had he done so, he would have realized that historians have been ill-served by the

[23] See above, 45–6.

[24] *CJ* 24 and 26 Oct., when it was committed to Mr Rastell, the lawyer and member of the More circle, who represented Canterbury in this parliament.

[25] *CSP Ven.* VI. i. 251–2.

[26] J. E. Neale, *Elizabeth I and her Parliaments, 1559–1581* (London, 1953), 26.



translation of this key passage.[27] First of all, Michieli's information is more vague than the *Calendar* allows, for the printed version omits the Venetian's phrase, 'I have been told', and by translating 'ultimamente' as 'lately' rather than 'recently' implies that the proposal has been made since the debate of 8 November, to which it would be reasonable to assume that the comment actually applies. More important, there is no mention at all in the original Italian of 'the opposition': indeed, the general drift of the passage suggests that the original proposal contained both the clauses about the need for burgesses to be resident and the place-clauses, and that there was therefore no first draft to which the place-clause was 'tacked'. Thus, it seems that this whole celebrated episode tells us nothing about 'the opposition' and its 'tactical precocity', but only about the concern of some at least of those in the House for legal niceties: Michieli's account of the debate should be set against the report in the anonymous journal of a discussion in April 1571 about the desirability of the fifteenth-century residence qualifications.[28]

The chancellor's exposition of financial needs of the crown resulted in the setting up on 24 October of a committee consisting of Sir Robert Rochester, Sir William Petre, and eighteen

[27] PRO Transcripts 31/14/4, fo. 24 'per provedere che non siano più nella Casa admessi tanti nobili dalli quali è riputato nasci questa licentia; mi è ditto esser, ultimamente stata fatta una proposta per ridurre le cose alli ordini et uso antiquo, che non possino più nell'avenire entrar in quel loco alcuni che non siano nativi et che effettualmente non habitino nelli contadi, terre, et borghi per li quali intervengono et sono deputati; la qual proposta pare sia stata ributtata perché per ritornar intieramente all'uso antiquo volevano si proibisse et si rimovesse insieme che alcuno che fusse salariato, o provisionato, o officiale ... (fo. 25) non potesse esservi admesso ... Dicasi non essendosi proposta la regolatione di questa ultima parte per il preguiditio che ne riceverebbe il principe escludendosi li ministri et dependenti sui che sogliono sempre esser li primi admessi et nominati non è stata secondo intendo approbata anco l'altra.' [To prevent the admission into the Commons of so many nobles, from whom, it is thought, this licentiousness proceeds, a proposal was recently made, I have been told, that the ancient usage and order should be restored whereby no one should in future be elected who is not a native or inhabitant of the county, lands or town which he represents. This proposal, it seems, was rejected, because, in order to restore the ancient usage in its entirety, they wished at the same time to prohibit and remove anyone who was salaried or an official or in any way received benefits [from the crown] ... Since this second suggestion would hinder the monarch by depriving him of his ministers and dependents, who are always the first to be admitted and elected, the other suggestion has not, according to what I understand, been approved either.]

[28] *Proceedings in the Parliaments of Elizabeth I* I, ed. T. E. Hartley (Leicester, 1981), 226–31.

other members to draw up 'articles for aid to the Queen's majesty'.[29] Although the privy council had decided that one subsidy and three fifteenths were what was required, the bill read on 28 October was for one subsidy and only two fifteenths. It may be that it was the House, and not the committee, that insisted on the lower sum, for a letter written by James Bassett, knight of the shire for Devon, although very damaged, suggests that changes were made to the bill after the committee reported on 26 October,[30] whilst a dispatch from the French ambassador, written the following day, declared that although the queen would eventually secure a grant of taxation, 'ce ne sera pas pour telle somme que ladicte Dame prétend'.[31] However, even the smaller grant ran into difficulties. Noailles, busy stirring things up, at one point reported that the grant would be made only on condition that the queen spent the money on paying off her debts[32]—and not, presumably, on expensive wars—whilst the Venetian envoy believed that there was opposition to the grant of fifteenths on the grounds that the tax fell on the poor and needy; he reported that some members had said that the queen should recover the money owed to her by her greater subjects before seeking assistance from the humble.[33] They had also, and more ominously, argued that the queen should not give back her former church property, thus reducing her revenues, if she were short of money. Whether as a result of Noailles's encouragement of what he described as 'quatres bonnes testes', who had assured him that they would prevent the bill from passing or not,[34] discussion of the bill appears to have been heated. On 31 October, therefore, Petre brought a message from Mary announcing that she remitted, with thanks, the offer of the two fifteenths. The subsidy bill subsequently passed the Commons on 2 November.[35] Thus the crown finished up with a smaller grant than that for which it had hoped: although the queen had saved

[29] *CJ* 24 oct.
[30] *CSP Ven.* VI. i. 233.
[31] Arch. Étr., XII. fo. 449 (Vertot, V. 184).
[32] Ibid. V. 187.
[33] *CSP Ven.* VI. i. 229.
[34] Vertot, V. 190.
[35] HLRO, Original Acts, 2 & 3 Philip and Mary, 25. The subsidy was to be paid in two instalments, and based on a new assessment.



face by giving up any attempt to obtain fifteenths, it was undeniably a bad start to the session.

The next important bill to be discussed in the Lower House did little to reduce tension: this was a bill permitting the fourth duke of Norfolk, a minor, to alienate part of his estate. It took up a large part of six days and involved the hearing of outside petitioners.[36] The final result left dissatisfied many of those to whom Howard property had earlier been granted, including several members of the Lower House; since it had been Mary's restoration of the old duke of Norfolk at the beginning of her reign which had created the problem, some of this resentment may have been directed towards the crown.[37]

But it was Mary's wish to restore to the church revenues and property that had been confiscated during the reigns of her father and brother that infuriated a large number of those sitting in parliament. A bill was first read in the Lords on 11 November. It obviously ran into immediate difficulties, for it was not read again before the queen, on 19 November, summoned fifty members of the Lower House[38] and 'a great part of the lords and barons' to explain that to ease her conscience she intended to rid herself of first fruits and tenths, and of the cure of souls. Pole spoke after her, declaring that as the annuities paid from these revenues to ex-religious amounted to £25,000 per annum, the crown would not in fact lose financially by restoring its property to the church, a somewhat specious argument since the pensions of course ceased on the death of the recipient. According to the Venetian ambassador, who was usually well informed about matters in which Pole was involved, the legate went on to say that the country as a whole, and members of parliament in particular, would gain by the return to the church of some eight hundred rectories, which would then be distributed amongst the relatives of his audience, without the incumbrance of tenths or first fruits.[39]

This meeting was obviously intended to pave the way for a

[36] *CJ* 7 Nov.; the bill had speedily passed the Lords after three readings on 6 and 7 Nov. For a general discussion of the importance of this matter, see above, 64–71.
[37] Noailles reported that Mary had suffered a setback over the bill 'qu'elle pretendoit conduire en la fabveur du duc de Nortfort' (Vertot, V. 252).
[38] Fifty members according to *CJ*, sixty according to the Venetian ambassador (*CSP Ven.* VI. i. 259).
[39] *CSP Ven.* VI. i. 259–61.

new bill which was read in the Lords the following day. This second bill was passed on 23 November, with protests being recorded by Hereford and Cobham. There was one significant difference between this bill and the earlier version. The first bill was described in the Journal on 11 November as a measure whereby 'the King and Queen's Majesties surrender and give into the hands of the Pope's Holiness the first fruits and tenths, etc.'.[40] That the proposal was to restore these monies to Rome is confirmed by Michieli's dispatch of 18 November in which he records objections to the crown's renouncing of its revenues for the benefit of someone who was an alien and a foreigner, a clear reference to the pope.[41] However, the second and successful bill was for 'the extinguishment of the first fruits and touching order and disposition of rectories and parsonages impropriate and also of the tenths of spiritual and ecclesiastical promotions remaining in the Queen's Majesty's hands':[42] the idea of restoring the revenues to the pope had been dropped. This change explains the emphasis that Pole laid in his speech of 19 November on the advantages that the laity would receive by the queen's renunciation, and also the purpose of his visit to the Commons on 20 November when he explained why tithes and impropriated benefices should not be in lay hands—all the benefits to the realm of England were being stressed, and the pope forgotten.

But even after this change the bill was not popular when it reached the Commons. Some members were reported to be worried about the alienation of royal revenues, arguing that a permanent reduction in the income of the crown might be much resented by the succeeding monarch.[43] More important seems to have been a fear that the queen's surrender of her property was but the first step towards a general restoration: the Venetian envoy said that some men believed that they

[40] *LJ* 11 Nov.

[41] *CSP Ven.* VI. i. 251. On its first reading in the Lords the second bill was, misleadingly, described as one whereby 'the King and Queen's Majesty surrender and give into the Hands of the Laity, the first-fruits and tenths'. This erroneous description was probably the result of Pole's speech of 19 Nov.

[42] *LJ*, 23 Nov.

[43] *CSP Ven.* VI. i. 251.



might be forced by virtue of the statute to make a similar cession of their own former church property at a later point.[44] The bill therefore progressed only slowly. After its first reading on 23 November it was committed to, amongst others, William Cecil, who sat in this parliament as one of the knights for Lincolnshire. It was read again on 26 November, and discussed without a formal reading on the following day. The Venetian ambassador records that a committee of two earls, two barons, two bishops, and ten members of the Commons, together with some of the law officers, was set up to consider and revise the bill.[45] There is no other evidence for the existence of this committee, but its composition as described by the ambassador is so like that of other committees for which there is abundant evidence that the story may be correct. However, the committee, if it existed, did not change the bill much, since it returned to the Lords with only one alteration, which was the addition of a schedule giving asignees of chantry lands the same remedies at law as those enjoyed by lessees—this clause had originally been a separate bill, passed on 3 December, but the Lower House appears to have then decided that it would more appropriately form a part of the first fruits bill. Although the first fruits bill was not much changed in the course of its passage through the Commons, its progress was marked by great disputes and contention. On 3 December, in a division, 193 members of the Commons voted for the bill and 126 against. Moreover, the number opposed to the bill might have been even greater had the doors of the Chamber not been locked, preventing anyone from entering.[46]

By the statute, first fruits, which had been payable to the crown since 1534, were declared to have come to an end on 8 August 1555.[47] Impropriated benefices which had come into the possession of the crown since 1529 were restored to the church, and the crown abandoned its own claim to tithes. The revenue from the restored benefices and the tithe income were to be used to supplement poor livings, to assist needy scholars, and to pay certain pensions: however, when the pensions came

[44] Ibid. 268.

[45] Ibid.

[46] *CSP Ven.* VI. i. 270.

[47] 2 & 3 Philip and Mary, c. 4.

to an end on the death of the recipient the tithes that had been allocated for their payment would also cease to be exacted. Eventually, therefore, the church would receive very considerable benefits by the statute: £15,000 from the release of first fruits and tenths, £10,000 from the restoration of impropriated benefices and tithes.[48]

Relations between crown and Commons, strained by the first fruits bill, were brought to breaking point by a bill which had been introduced into the Lords on 31 October. It was described as 'for punishment of those such as being gone into parts beyond the sea shall contemptuously remain there, notwithstanding the King's and Queen's letters to them sent, or proclamation openly made for their calling home', but was also known as 'the duchess of Suffolk's bill', after the most prestigious of the exiles against whom it was aimed. The bill was committed on 7 November, after its third reading in the Upper House, to the earl of Derby, the bishops of Durham and Ely, Lords Montagu, Fitzwalter, and Rich; it was engrossed five days later. But all was not well. The bill was recommitted the following day, this time to the earl of Rutland, the bishop of Chester, and, again, to Lord Rich. On 18 November Michieli reported that the bill was being hotly debated: it was not passed until 26 November. In the Lower House, where the bill was read on 28 November, 5 December, and 6 December, a quarrel broke out between Sir George Howard, who opposed the bill, and Sir Edward Hastings, who supported it, and blows were only narrowly avoided.[49] Howard, the brother of the former queen, was a courtier of long standing. Although he had supported Jane Grey,[50] he soon recovered favour by service against Wyatt,[51] and received both a position in Philip's household and a Spanish pension.[52] In July 1554 he annoyed the queen by leaving court without her permission,[53] but he

[48] SP 12/1/64. See also R. Pogson, 'Revival and Reform in Mary Tudor's Church: a Question of Money', *Journal of Ecclesiastical History*, XXVI (1975).
[49] *CSP Ven.* VI. i. 283.
[50] *APC* IV. 302.
[51] Machyn, 52. He was rewarded with an annuity (*APC* IV. 407).
[52] *CSP Sp.* XII. 297, 315.
[53] Ibid. 290.



was forgiven, and in March 1555 featured in a great joust at Westminster, where 'the chalyngers was a Spaneard and ser Gorge Haward; and all ther men and ther horsses trymmyd in whyt'.[54] There is no obvious reason why Howard should have felt so strongly about this bill. The earl of Pembroke was also reported by the French ambassador as having quarrelled about the bill over dinner with some of his followers. One of them, Sir John Perrot, became so angry that he drew his dagger, for which he was dismissed, taking with him, it was said, forty other of the earl's clients who felt the same way about the exiles bill.[55]

The opponents of the bill feared that the government would repeat its successful manœuvre of 3 December when the doors of the Chamber had been locked and a division forced on the first fruits bill: when, therefore, on 6 December they noticed after the third reading of the exiles bill that there was present in the House a majority against the bill, Sir Anthony Kingston, knight of the shire for Gloucestershire, and his associates seized the key of the Chamber from the serjeant-at-arms, blockaded the door, presumably to prevent anyone from leaving to fetch government reinforcements, and insisted that the speaker should put the question.[56] The bill was defeated.[57]

The government reacted sharply, committing Kingston to the Tower on 10 December, the day after parliament ended, 'upon a contemptuouse behaviour and great disorder by him lately committed in the Parliament House'.[58] Kingston remained in the Tower, being questioned by crown lawyers Stanford and Browne, until 24 December, when he was released 'uppon his humble submission and knowledge of his offence'.[59] The serjeant-at-arms was also committed for having allowed his keys to be taken from him, and he remained in custody from 11 until 18 December.[60]

So dramatic had the whole scene been that it could be

[54] Machyn, 84.
[55] Arch. Étr., XII. fo. 470 (Vertot, V. 252). For Perrot, see below, 211–13.
[56] *CSP Ven.* VI. i. 283.
[57] *CJ.* 6 Dec. No division figures were recorded.
[58] *APC* 1554–6, 202.
[59] Ibid. 208.
[60] Ibid. 202, 204.

recalled vividly thirty years later by one of those present, Sir Nicholas Bagnall, burgess for Newcastle under Lyme.[61] Bagnall used precisely the same tactics to defeat a subsidy bill introduced into the Irish parliament in 1586. 'Finding the negative voice able to prevail the day the bill should come in question', Bagnall would 'suffer no ear to be given' to a motion of the speaker's that the committees should consult with the Lord Deputy. Instead, he persuaded his colleagues that 'the door should be kept locked and no man suffered to leave the House until it were divided, alleging therein a precedent of the like done in England in Queen Mary's time'.[62]

Why did the exiles bill arouse so much hostility? The bill itself has disappeared, but the Venetian ambassador reported that it threatened all exiles, including those who had received permission from the queen to depart, with the confiscation of their property if they did not return to England within a given time after being ordered to do so.[63] To forestall criticism about harming future generations, Michieli noted, the exiles' property was not to be lost for ever, but simply confiscated for the period of their absence.[64] The bill seems, then, to have resembled a measure passed in 1571 declaring that those who had departed the realm without a licence and did not return within six months of a proclamation ordering them to do so should lose their chattels and forfeit the profits from their lands for the remainder of their own lifetimes.[65] (The same applied to those who had originally secured a licence if they did not return within six months of the expiry of the licence.) The Elizabethan statute further stated that conveyances made to avoid the provisions of the act would be held void, whilst another statute of

[61] For Bagnall, see below, 221–2.

[62] Letter of Sir John Perrot to Lord Burghley, 24 May 1586, amongst the Perrot Papers calendared by C. McNeill, in *Analecta Hibernica*, XII (1943), 54. I owe this reference to Mr Victor Treadwell.

[63] *CSP Ven.* VI. i. 243.

[64] It is possible that the bill was subsequently restricted to those who had gone abroad without a licence, for in a letter to his father of 3 Nov. 1555 Lord Talbot reported that there was a bill under discussion concerning the duchess of Suffolk and others who have gone beyond the sea '*with*oute a lyssanse, that if they come nott home by a daye apoynted', the Queen's Majesty shall have the benefit of their livings during their abode forth of the realm. (Lodge, *Illustrations of English History*, I. 207.)

[65] 13 Elizabeth, c. 3.



the following year permitted the queen to make grants 'pour terme dauter vie' from land thus confiscated.[66]

The interpretation of the law concerning Englishmen who went abroad was unclear. For instance, some lawyers believed that it was not necessary for a subject to secure a royal licence before he went overseas: in 1570 it was decided in the case of a merchant who had fled the realm to escape an impending lawsuit that an unlicensed departure was not 'any offence or contempt, for it is a thing indifferent to depart the kingdom, and the purpose and cause, which is secret in the heart, is not examinable'.[67] Some members of the Lower House in 1555 were critical of the exiles bill because it seemed to imply restrictions on the liberty of the Englishman to go wherever he wished, and the bill may indeed have involved a principle new to the sixteenth century.[68] Moreover, it seemed to some improper to rescind a licence once it had been obtained,[69] and many of the exiles had in fact secured royal permission to depart; indeed, in 1560 the judges were to decide in the case of Mr Bertie, the husband of the duchess of Suffolk, that 'the licence which was granted for a time certain was not countermandable or revocable by the prince'.[70]

The main object of the bill was probably to permit the confiscation of the exiles' land rather than to secure their return. Whilst some exiles were undoubtedly a great nuisance to the government—at the very time when parliament was debating the exiles bill, books attacking 'the King individually and his mode of government', mentioning in particular the examples of Naples and Milan, were distributed clandestinely throughout England, many of them the work of the exiles[71]—the crown never altered its policy of turning a blind eye to the flight of dissidents, provided that no charges relating to rebellion were

[66] 14 Elizabeth, c. 6.

[67] Dyer, *Reports of Cases*, 296.

[68] *CSP Ven.* VI. i. 251.

[69] Ibid.

[70] Dyer, *Reports of Cases*, 176b. However, a letter from the queen of 28 Sept. 1555 commissioning St Pol to collect the revenues of their estates states that Bertie and the Duchess 'hath lately withdrawn them selfes out of our Realms and be fledd and de*par*ted in to the *par*tes of beyonde the seas with out our spicall Licence' (Lincolnshire Archives Office 3 Anc 8/1/3; I owe this reference to Mr G. Hill). The duchess apparently had no licence, although Bertie did.

[71] *CSP Ven.* VI. i. 269–70.

involved. The government needed money, as the chancellor had pointed out at the opening of parliament, and some of the exiles were of considerable wealth: only a few weeks before the introduction of the bill the privy council had ordered that a list should be drawn up of the possessions of the duchess of Suffolk.[72] But, again, there was uncertainty about what the scope of confiscation was in such cases. In Hilary Term 1556, after the failure of the exiles bill, the crown asked the judges whether lands and chattels might be seized for contempt if those who had departed without a licence chose to ignore a summons sent under the privy seal requiring their return by a certain date:[73] it would appear that the crown did not receive the answer for which it hoped. Probably chattels were seizable under a statute of 1381, but even this was not certain.[74] It was presumably lack of certainty that the exiles bill had been meant to quell.

Whatever the main purpose of the bill was, the significant question concerns the motives of the men who opposed it. Did they dislike the bill because it increased the power of the crown to confiscate landed property, or did they dislike it because it would harm the exiles, many of whom had close family connections with men sitting in the 1555 parliament? And if members did dislike the bill because it harmed the exiles, were they concerned about exiles in general, or only about those who were exiles for religion? It must be remembered that Miss Garrett, in her valuable work *The Marian Exiles*, gives the somewhat misleading impression that almost all the English who went abroad in Mary's reign did so because they disliked her religious policy: this view ignores the fact that some went abroad to seek employment or to escape their creditors, or, like the majority of those who travelled to Italy, to complete their education.[75] Potentially, the bill affected them all. One major obstacle in the way of any interpretation of the motives impelling members of the House of Commons to oppose the bill is the fact that the clerk was too excited at the time of the division to note

[72] *APC* 1554–1556, 180.
[73] Dyer, *Reports of Cases*, 128b.
[74] 5 Richard II, 1, c. 2.
[75] On this see K. R. Bartlett, 'The Role of the Marian Exiles', in *The House of Commons, 1558–1603*, 102–10.



the size of the vote for and against the bill: we do not, therefore, know whether Kingston's friends made up the larger part of the whole House, or whether they were simply a vociferous and aggressive, but nonetheless tiny, minority who just happened to find themselves in a position of strength. Moreover, we do not know which individuals opposed the measure—only Kingston, Howard, and Perrot can be positively identified as hostile to this particular proposal. None of the three was especially closely associated with the exiles, or with *émigré* politics. Although a number of other members can be linked with opposition to government policies in this parliament[76] there is no positive evidence that permits identification with Kingston's group. To explain the opposition to the bill one must, therefore, go back to the comments of the Venetian ambassador, and those comments certainly imply that a concern for property and for what might be called the freedom of the individual were as important in creating an atmosphere of hostility for the proposal as protestant inclinations and family connections with those in exile.

Relations between crown and parliament were sour for the few days that remained of the session. When the queen came to end the meeting on 9 December Noailles reported that she was so angry and frustrated that she hardly bothered to conceal the fact.[77] From a personal point of view it is true that the meeting had not been a success. Mary had wanted a parliament because she wished to strengthen Philip's constitutional position. In the event, neither Philip's coronation nor the closely related question of the succession had been sanctioned or settled by statute[78]—as Peter Martyr wrote triumphantly to Bullinger, 'the English have dissolved their parliament without having installed Philip in possession of the kingdom'.[79] This failure was to be a source of much misery to the queen.[80]

But in fact most government objectives had been attained. The crown had rid itself of first fruits and of its former church property, it had been given financial aid, albeit on a smaller

[76] See below, 152–7.
[77] Arch. Étr., XII. fo. 468$^{v}$ (Vertot, V, 246).
[78] But see below, Appendix C.
[79] *Original Letters Relative to the English Reformation*, ed. H. Robinson (Parker Society, 1846–7), II. 518.
[80] e.g., *CSP Ven.* VI. i. 281.

scale than had been hoped, and it had implemented most of the proposals discussed by the privy council before the parliament opened, such as the licensing of alehouses[81] and a further measure to deal with gaol delivery.[82] The North had been made more secure by a statute for the rebuilding of fortifications[83] and by the restoration of the Nevilles.[84] A statute that restored to the Duchy of Lancaster all lands that had been alienated since the death of Henry VIII did something to improve royal finances.[85] Thus, although the queen and her advisers had been surprised by the vehement opposition that met some of their proposals, finding members 'plus rudes et obstinez qu'ilz n'avoient esté de tout son regne',[86] the meeting was far from unsuccessful.

Indeed, those who sat in parliament could go home with a real sense of achievement: this session is remarkable in particular for the amount of social and economic legislation that was passed. Most of this legislation, a response to the worsening economic situation, was conservative in tone. For instance, a bill was passed reviving Henrician and Edwardian legislation on poverty and vagrancy which also permitted local authorities to issue licences to beg.[87] A whole group of bills dealing with the cloth industry was successful, the most important of them being a measure restricting the number of looms that might be operated by any individual, and confining all weaving to corporate towns.[88] This statute appears to have grown out of a bill read for the first time on 4 November for 'weavers in Gloucestershire to have greater wages'. On its second reading this bill was committed to one of the knights for that county, Kingston, but it was then abandoned in favour of a new measure 'touching weavers, and keeping of looms', a bill again committed to

[81] 2 & 3 Philip and Mary, c. 9.
[82] 2 & 3 Philip and Mary, c. 10. See above, 125–6, and Langbein, *Prosecuting Crime in the Renaissance*, 15–45, 61–2.
[83] 2 & 3 Philip and Mary, c. 1.
[84] HLRO, Original Acts, 2 & 3 Philip and Mary, 22.
[85] 2 & 3 Philip and Mary, c. 20. On this see Loades, *The Reign of Mary Tudor*, 275–6.
[86] Vertot, V. 239.
[87] 2 & 3 Philip and Mary, c. 5. Lords Rich, Willoughby, and Chandos registered protests when this bill passed the Lords on 26 Nov.
[88] 2 & 3 Philip and Mary, c. 11.



Kingston on its second reading.[89] On 25 November yet another new bill was read and this was finally passed on 27 November.[90] Concern about the cloth industry was considerable, for the Lords had passed a bill reviving 5 & 6 Edward VI, c. 6, a statute that had tightened up standards of cloth production, although this bill was rejected on its third reading in the Commons on 4 December. Other successful bills dealt with the making of cloths in Somerset[91] and with the exemption of the town of Halifax from the Edwardian statute regulating the purchase of wool, 5 & 6 Edward VI, c. 7.[92] However, bills to encourage the making of coloured cloth in England, for Norfolk and Norwich cloths, and for Devon weavers were all rejected or lost.[93]

Another indication of concern about the economic situation is the number of bills that were introduced relating to the decay of tillage. On 4 November, under the aegis of Cecil, two bills were read, one for the increase of tillage and one for the rebuilding of decayed houses of husbandry. A new bill on tillage was read on 11 November, when it was described as a measure intended to amend some part of 5 & 6 Edward VI c. 6. This bill was passed the following day without a formal second reading being recorded. It received its first reading in the Lords on 16 November, when it was committed, and subsequently disappeared. Meanwhile, in the Commons on 13 November, a bill was read for the re-edifying of houses and the conversion of pasture into tillage. Yet another bill on the same subject was read on 16 November, when Cecil's name was again mentioned. This bill, read for a second time on 25 November and passed on 28, subsequently became a statute whereby the 1489 act for the maintenance of houses of husbandry was confirmed: it also authorized the establishment of four commissions to investigate infringements of relevant statutes passed since 1536.[94] (The statute for the rebuilding of castles and fortifications in the North of course also contained a clause about the mainten-

[89] *CJ* 6 Nov., 14 and 19 Nov.
[90] No second reading is recorded in the Journal.
[91] 2 & 3 Philip and Mary, c. 12.
[92] 2 & 3 Philip and Mary, c. 13.
[93] *CJ* 9 Nov.; 9 and 12 Nov.; 22 Nov.
[94] 2 & 3 Philip and Mary, c. 2. The commissions do not appear to have operated.

ance of tillage.[95]) As with the cloth bills, there is no evidence of government initiative in the discussions about tillage; there was no one on the council in Mary's reign who had the same informed interest in economic matters as, for instance, Cecil himself. However, another measure requiring farmers with more than 120 sheep to maintain one milk cow per sixty sheep and farmers with more than twenty oxen to maintain one milk cow per ten beasts, which bears some resemblance to Hales's abortive proposal of 1549,[96] seems to have been sponsored by Sir John Bourne, secretary of state, whose name is recorded on 25 October in connection with a bill 'to avoid killing of calves to sale'; this bill was abandoned in favour of another which was first read on 4 November. In the Lords the bill produced formal protests from Williams, Willoughby, Paget, and Chandos: it is not clear why they objected to a measure intended to reduce the price of dairy produce, an essential part of the diet of the poor.[97] It is perhaps significant that Willoughby and Chandos, with Rich, had also protested against the poor relief bill.[98]

The House of Lords was, overall, more unwilling than usual to pass bills from the House of Commons. On 18 November the House rejected a bill that would have prevented anyone's servant 'Wearing their Cloths', except those of the king and queen, from becoming a justice of the peace.[99] The next day two bills, one about silk workers and another about Teignmouth, were rejected.[100] More seriously, the House on 28 November rejected the bill giving protection to some of those who had received grants from the duke of Norfolk's lands at the time of his attainder.[101]

This parliament also witnessed a resurgence in the kind of anticlericalism so common in Henrician parliaments. It arose out of a particularly nasty murder case in which the prime mover, one Benet Smith, put in a plea of benefit of clergy. This seems to have caused general outrage, and on 25 October the

[95] 2 & 3 Philip and Mary, c. 1.
[96] *A Discourse of the Common Weal*, ed. E. Lamond (Cambridge, 1893; 1929), lxiii.
[97] *LJ* 20 Nov.
[98] *LJ* 26 Nov.
[99] Introduced into the Commons on 30 Oct.
[100] Introduced into the Commons on 4 Nov. and 28 Oct.
[101] See above, 67–8.



Commons read a bill preventing accessories in murder cases from pleading their clergy. After a second reading this bill was replaced by another, which was lost in the Lords. On 6 November a more restricted bill, dealing only with Smith himself, was read in the Commons. On 18 November the House ordered that the widow of the murdered man and two of the council should petition the queen asking that Smith might be allowed out of the Tower to appear before the Commons. This was permitted, and on 22 November the House interviewed Smith and his associates. The bill stripping him of benefit of clergy was subsequently passed,[102] although even in this very restricted form the bill provoked protests from nine members of the Upper House, including five bishops.[103] A third bill, to punish procurers of murder, was rejected by the Commons on 3 December. This was not the end of the matter, however, for another general bill came before the next parliament.[104]

Parliamentary historians have tended to regard the events of the parliament of 1555, and in particular what went on in the House of Commons, as of more than transitory significance. 'There was, indeed, a degree of organisation about the parliamentary opposition in 1555', Sir John Neale wrote in the first of his volumes on *Elizabeth I and her Parliaments*, 'which though in some ways a flash in the pan, marks a significant stage in the evolution of the House of Commons'.[105] Neale's verdict was widely accepted, and has become a commonplace of history textbooks.[106] Does Neale's judgement remain valid? Was the opposition in the House of Commons to certain government measures in any sense 'organized'? Was it, indeed, successful—after all, there was widespread hostility in the House to the first fruits bill, yet the government's coup of 3 December was carried through triumphantly.

Evidence for the existence of an organized opposition in 1555

[102] HLRO, Original Acts, 2 & 3 Philip and Mary, 16. Smith was hanged four months later. (Machyn, 102.)
[103] *LJ* 3 Dec.
[104] See below, 166.
[105] Neale, *Elizabeth I and her Parliaments, 1559–1581*, 23.
[106] For example, R. G. Gilkes, *The Tudor Parliament* (London, 1969), 127–8.