THE PARLIAMENTS OF CAMBRIDGE.

In pursuance of the plan I have hitherto adopted of inquiring into the history of those national Councils which have been held at the places where the Archaeological Institute has annually met, as well as to continue a series of remarks upon the history of our representative system, it is my intention at present to illustrate the Parliaments held at Cambridge. When tracing the changes that have taken place in the English constitution, it cannot fail to be observed how gradually all these have been effected. The alterations, when viewed from first to last, have undoubtedly been very extensive, but we never seem to have made reforms with violence, or without mature deliberation; at any time to have lost respect for ancient usages, or to have forgotten the spirit that pervaded our institutions. Thus the prerogative of the Crown and its hereditary descent have always been considered inviolate, limited by certain fixed principles, but still fully recognised and legally transmitted in every enactment. And in the same way the old feudal power of the barons is seen to perpetuate its recognition in the dignity of the peerage and in the part it acts in the councils of the realm, whilst the people with their improving condition have obtained a direct voice in all the acts of legislation. By these means the range of deliberation grew much wider, and all subjects connected with the constitution assumed a more consistent form.

As a passing exemplification of these remarks, and to refer to some previously made, it must be observed that the first national council, called a Parliament, held at Oxford, 42 Henry III. (1258), adopted a representation by twelve barons; whilst, in the instances of York and Lincoln, which have previously been noticed, we observe the earliest summonses to the burgesses to send members to Parliament. It is needless to follow the intermediate steps of improvement, as they have already been sufficiently discussed in the memoirs alluded to. Yet as one of the transactions in the Parliament held at York in the fifteenth year of Edward II. is the great authority for the legislative power vested in the

King and Parliament united, it may not be irrelevant to the present inquiry to state, that in this Parliament of York, the constitutional law of the land was placed on a more extended foundation than the Great Charter granted by King John had contemplated. In reality, it was a clear acknowledgment that the Commons had a right to share in the legislation of the kingdom, and to unite their opinions with the crown and the upper house in all important affairs of the state. For whilst the provisions of Oxford introduced the nobility into the councils of the monarch, as being representatives at that time for the people, whilst the people themselves were gaining fresh privileges during the whole of the reign of Edward I., and creating that regenerative influence which counteracts the tendency of all governments to grow internally weak, and of liberty itself to decay ; whilst Parliament was formed of peers, spiritual and temporal, of knights, citizens, and burgesses, acting under the king; in the assembly held at York, it was laid down that all legislative power belonged to the king, with the assent of the prelates, earls, and barons, and the commonalty of the realm. So that in this memorable convention we have the declaration that every act not done by that authority should be void and of none effect.

After this explicit definition of legislative authority, it need not excite our surprise that few changes took place in our constitutional system during the reign of Edward III., or indeed for a long period afterwards. This monarch confirmed on several occasions the charters of his predecessors, to which he was obliged by the necessities of his foreign wars; and it was mainly owing to his exigencies that we find him so frequently imposing taxes without the consent of Parliament. This disregard, however, for the opinion of his people, tended to establish the imposition of aids in the twenty-fifth year of his reign, on a more equitable basis. The principles of taxation were not, it is true, at this time clearly defined, which is the only excuse that can be offered for the monarch's arbitrary conduct. Yet the commonalty always viewed these taxations with so much jealousy, that every fresh imposition led to the acknowledgment of those fiscal principles which are now so fully established.

When Richard II. ascended the throne he was only ten years and a half old. Everything concurred to place the

youthful monarch in the most favourable position, but all the advantages he derived from his father's popularity and from his own natural innocence and gracefulness of person, were defeated by his falling into the hands of John of Gaunt, Duke of Lancaster. The youthful ruler found the kingdom involved in war, yet neither the internal insurrection of his own subjects, or the expensive hostilities that were carried on with Scotland and France can reasonably be attributed to his own want of prudence. The seeds of discontentment were already sown, and it is unreasonable to charge all the early acts of this reign upon a prince who was little more than a boy, and who for some time to come could not reach years of maturity or discretion. It is enough to consider him responsible when he was a free agent, and the author of his own measures, which he certainly was not, even at the time he attained his majority. It, however, forms no part of our present object to inquire into the history, the pride, the weakness, or the misconduct of this unfortunate monarch. Whatever may have been his faults, whether of indolence or love of parade, he had much sagacity and penetration. And, if he has been described by some as vindictive and weak, it must be recollected that he was also generous and munificent. When the political events of the entire reign are reviewed, it will be found that after the confusion and impoverishment that preceded it, after the discontentment and insurrections he already found distracting the kingdom, he did not individually attempt to govern it by unconstitutional means. The usurpers of power during this reign were the barons, rather than the crown, and he suffered from a reasonable resistance to this interference with the regulation of his private affairs, as well as from the efforts of his council to become independent of Parliament. Moreover, when we consider the great wars Richard was engaged in with France and Scotland, he was the first of our English kings who did not draw support for conducting them by the enforcement of arbitrary aids or oppressive subsidies. Considering Richard II. reigned for nearly twenty-two years, there is no period in our annals of the like duration so barren of historical interest. The agrarian outbreak under Wat Tyler, when he vindicated his character from the imputation of cowardice, and the rise of Lollardy unopposed by royal persecution, are in fact the only two leading points to which attention is commonly directed.

Yet we must not forget to whatsoever cause it may be owing, whether to the supine and luxurious habits of Richard, to the ambitious views of his uncle, John of Gaunt, with whom it was an object to diminish the authority and influence of the king, or whether to the rising spirit of liberty amongst the people, and to a greater division of the legislative power, the constituent parts of this became very clearly defined and established during the reign.

In elucidation, it is necessary briefly to advert to the actual state of the three branches of the constitution at this particular time. The right of hereditary succession to the crown has been fully admitted as a fundamental principle, though from various circumstances four monarchs, Rufus, Henry I., Stephen, and John had attained it, who were themselves out of the direct line of succession. Though the general voice of the kingdom assented to a deviation in these particular instances, it was held then as it has been maintained ever since, that the principle was inviolable. The language; in short, of all the official documents proclaimed Richard II. as king by hereditary right, whilst the settlement of the crown upon Henry IV., his successor, was limited, and by this expression the act was made the more remarkable, limited to this king's eldest son. Just as the Parliament of the first of Richard III., and again the first of Henry VII., entailed the succession to their respective issue and to their heirs.

And to extend the proof still further, the deposition of Henry VI., of Richard himself, and of James II., show most distinctly, more especially in the two former cases, how opposed the English nation was to convert its emergencies under these two monarchs into a standing law. Whenever it was deemed necessary, these deviations from the direct line of succession were permitted, but the ancient foundations were never destroyed. It is, however, needless to say more on a vital principle of the English constitution that has been so ably discussed by Mr. Fox in his speeches on the Regency Bill, as well as by Burke in his Reflections on the French Revolution. And, indeed, a very casual examination of our history will prove that it acknowledges no axiom more fully, that it holds no attribute of the sovereign to be more important, nor that any should be more jealously defended from peril.

We next observe the crown during this reign freely exercising its right of creating peers by patent, of confirming the representation to counties, cities, and boroughs, and ratifying to the people the law of usage. It will be at once perceived that all these things show a very advanced state of the English constitution.

The official functions of the barons underwent no change. They continued, as in the previous reign, to form an integral portion of the legislature. But their liberties became now considerably extended, from the concession made by Parliament in the eleventh year of Richard II., that all matters moved in that assembly concerning them should be discussed in Parliament, and not settled by the common or civil law of the land. In this enactment we see the origin of that privilege which has been since assumed by both branches of the legislature, much abused on several occasions by the lower house, and presenting there, what is a dangerous anomaly, if it has not grown into an infringement, or a violation of the law that ought to regulate the equal administration of justice. Numerous instances could be readily adduced to show that when the privileges of Parliament itself are concerned, those who are guardians for the people to preserve their just rights, have not always, especially where individuals and parties are interested, manifested such impartial conduct as their constituencies might properly expect. Witness the events of Richard II.'s reign when it is apparent that the faction that was uppermost invariably directed the proceedings. Nor are instances wanting, if this were a fit occasion to produce them, which would show how in very recent days the peers exercising their judicial functions without reproach or inconsistency, the commons have usurped power, which some of our ablest constitutional writers, men who have filled the very highest judicial offices in the state, have declared to be untenable and illegal, as precluding the royal prerogative of mercy, and according to a decision in the House of Lords in 1701, being subversive of the rights of Englishmen.

The changes experienced in the representation of the people during Richard II.'s reign were so trifling that they require no observation. It is, however, worthy of a passing note, that in his first Parliament the commons prayed him to grant them an annual meeting of Parliament, in a

convenient place, a very different object to the one modern agitators have sought for under annual elections. But to this request the advisers of the king replied, let the statutes be kept as to the meeting of Parliament, and as to the place the king will do his will. Whatever differences may have existed betwixt the king and his council, the power of determining the place of meeting seems invariably to have rested with the monarch.

Having now stated, as succinctly as the subject admitted, what were the changes and what was the actual state of our constitution during the government of Richard II., we come prepared to review the acts of that particular Parliament which the king, through virtue of the right just alluded to, summoned in the twelfth year of his reign to meet him at Cambridge.

When what was termed the Merciless Parliament met in the previous year, the nation was in a great excitement, and it may be presumed that the chief reason for Richard fixing upon Cambridge as the seat of his councils, was that he was here in greater security than in London, for no business relating to the university was transacted on the occasion.

The king was in his twenty-second year when he ordered the writs issued for this Parliament. Like the other transactions of the reign, there is little light to be thrown upon its proceedings. There is but one Liberate Roll of the period, and that one does not contain anything relating to this convention. The Clause Roll has preserved the writs of summonses, and from this we learn that the Archbishop of Canterbury, the keeper of the spiritualities of York, eighteen bishops, twenty-three abbots, including those of Ramsey, Croyland, Thorney, and Bury, which shows that they were then important foundations, fifty-three barons, other judicial functionaries, besides knights from the different counties, and burgesses from Bristol and London, were summoned to attend according to the usual form. The Parliament sat from the 9th of September to the 17th of October, during which time the king watched the proceedings on the spot. A search amongst the public records has failed to produce any new evidence of historical importance touching the subject before us, so that we must be satisfied with simply knowing that this great council of the realm enacted a statute that still remains unrepealed, the original of which is

preserved amongst the rolls of Parliament in the Tower; and the copy printed amongst the statutes of the realm will supply us with the means of inquiry into its provisions.

The Statute of Cambridge contains sixteen clauses. It will be necessary to notice three of them.

The second provides for the impartial and incorrupt appointment of the various officers or ministers of the king, and that none of them should receive their situation through gift, favour, or affection, but that all such should be made of the best and most lawful men. The third relates to enactments previously made concerning labourers and artificers, confirming those regulations that were unrepealed, and ordaining that no servant or labourer should depart out of the district where he dwelt without bearing a letter patent, stating the reason, and if detected he should be put in the stocks. The fourth clause regulates the wages of servants in husbandry. This seems to have been an amplification of the statute passed with this express object, called the Statute of Labourers, in the 23rd year of the preceding reign (1349). The same subject was considered in several succeeding Acts of Parliament down to the 11th of Henry VII. (1496), when, as it is stated, for many reasonable considerations and causes, and for the common wealth of the poorer artificers as free masons, carpenters, and other persons necessary and convenient for the reparations and buildings, and other labourers and servants of husbandry, those regulations should be void and of none effect. This artificial system of fixing by any legislative enactment the value of labour, even in days when our industrial sources of wealth were most imperfectly developed, was found to be utterly impracticable. It was just as inapplicable to the true interests of employers, as the converse has proved to be to the artisans and labourers who in their turn, by the destruction of machinery, by agrarian insurrections such as those under Wat Tyler, and by lawless multitudes assembling under a fanatic like Sir Thomas Courtnay, or by strikes, by trades unions, or by menacing combinations, of which there are unhappily several recent and calamitous instances, have inflicted a far greater amount of misery on themselves, than of inconvenience and loss upon their employers. But the various evils arising from monopoly and dictation are better suited for the speculations of the political economist, or

of the active benevolence of philanthropy, or of education, than for a dry enquiry like the one now engaging the attention. We must, however, all feel impressed by reflecting upon the social mischiefs that have so often disturbed the relation subsisting betwixt two classes in the community, and lament that with the advancement of civilisation and moral knowledge, the fallacious doctrines of communism are not in our days quite exploded.

There is but another clause in this Statute of Cambridge that seems to call for remark. The thirteenth may truly be considered as the earliest notice taken by the legislature of the health of towns. It is a sewage, nuisance, or sanitary clause, prohibiting, under a penalty of 20*l.*, any person from casting annoyances into the ditches, rivers, or waters, or laying them nigh divers cities, boroughs, and towns of the realm, by which the air is greatly corrupt and infect, and maladies and other intolerable diseases do daily happen. This attests, contrary to what has often been asserted, that England was behind other countries in Europe in the provisions made for the public health.

Before the Parliament was dissolved, it granted a fifteenth and a tenth, which was perhaps the chief reason for its being called together. It is singular that not any petitions should have been presented to it—at least none have been preserved. And there is but one illustration that has, after a diligent search, presented itself for notice, namely, that the Issue Roll of the Exchequer gives the expenses (1*l.* 4*s.* 4*d.*) of two individuals for conveying charters, rolls, and other memorials to the Parliament: another also received 16*s.* 4*d.* which the king ordered to be paid him for red wax for the office of his Privy Seal, bought from divers persons at London, Oxford, and Northampton, when the Parliament was held at Cambridge.[1]

[1] Exitus de termino S. Michaelis Anno 12, Ric. 2. Die Lunæ xix^{o}. die Octobris. Thomas Restwold.—Thomæ Restwold uni numeratorum de Recepta Scaccarii misso versus Cantebr.: cum cartis rotulis et aliis memorandis de Scaccario, et ad eadem Rotulos et Memoranda in Parliamento Regis ibidem tento, demonstranda, pro certa informatione in eisdem rotulis et memorandis habenda. In denariis sibi liberatis per manus proprias pro vadiis et expensis suis, ac pro locatione equorum suorum pro viagio prædicto. Per consensum Thesaurarii et camerariorum, xi^{s}.

Thomas Monk.—Thomæ Monk nuncio misso per dominum Thesaurarium de Cantebrigia usque London cum literis dicti domini. Thesaurarii directis Johanni Innocent clerico pro certis negociis officium dicti domini. Thesaurarii concernentibus, et redeunti versus Cantabr. prædictam in comitiva prædicti Thomæ Restwold. In denariis sibi liberatis per

A second Parliament was summoned to meet in Cambridge in the 15th of Henry VI. (1437), but the place of meeting was afterwards changed to Westminster.

And a third Parliament was summoned here in the 25th of the same reign (1447), but by a re-issue of the writs it was removed to Bury St. Edmunds, and held in the Refectory of the Monastery. The town first sent representatives 26th of Edward I. (1298). The university not until the reign of James I.

After the great constitutional enquiry we have been considering, it is readily admitted that the two preceding entries on the Issue Roll are in themselves very trifling illustrations of the subject. But they possess a certain degree of value, as serving to convey a definite idea of the exact mode of conducting the common routine of official business—whilst such minute entries as these bring out the early passages of national history with a distinctness that is very encouraging to those who are actuated by a zeal for research, as well as being in themselves highly characteristic of the accuracy with which all the public acts of the Crown were recorded. It has often been thrown out, as an undeserved aspersion upon diligent and laborious writers of the history of ancient times, that they unduly estimate these little evidences, but they form in reality some of those strong links that serve to strengthen and hold together the entire chain of historical fact—and whoever presumes to pursue his researches, whether they lie in the wide field of history, or the more uncertain labyrinth of archaeology, without paying a conscientious respect to the various little details that bear upon them, will obtain but a very confused and superficial notion of the object of his enquiry. Those who have trained themselves in this precise method of investigation, who draw their information from pure, original and authentic sources, who consult unpublished records, and decipher the nearly illegible characters in which they are written, and who, therefore, produce some fresh reality, quickly find that such a system brings with it its own recompense. The vivid colours in

manus proprias pro vadiis et expensis suis, xii$^{s.}$ iii$^{d.}$

Robertus Chaundler.—Eidem Roberto in denariis sibi liberatis per manus proprias in persolutionem, xv$^{s.}$ iii$^{d.}$, quos dominus rex sibi liberari mandavit pro cera rubra empta de diversis personis videlicet tam apud London, Oxon. Norht., quam apud Cantebr., tempore ultimi Parliamenti Regis ibidem tenti, pro officio privati Sigilli Regis prædicti, xv$^{s.}$ iii$^{d.}$

which they behold displayed what was hitherto uncertain and dim is beyond doubt a pleasing vision, but it is not a false or unsubstantial creation, since it foreshadows the conviction, that they are breaking up new ground, and sowing those seeds of truth which will effectually dispel the doubts, as well as lighten the toil, of future labourers.

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