

THE EARLIEST HOUSE OF COMMONS

BY ALFRED F. ROBBINS.



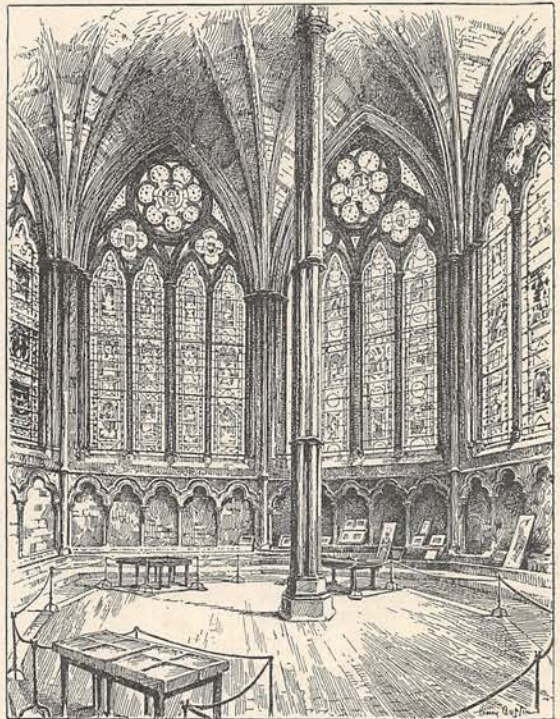
THE Parliament which was summoned to meet at Westminster six hundred years ago is regarded by all constitutional authorities as the first complete legislative assembly the English kingdom possessed. Not only in essence but in

detail, the House of Commons chosen by the people in the October of 1295 was the parent of the long line which has its latest exemplification in the House elected in the July of 1895. But, just as there had been brave men before Agamemnon, there were Parliaments before the Great or Model Parliament of Edward I. Without going back to Saxon Witenagemot or Norman Council, there is a Parliament plainly to be recognised at Oxford two years before the granting of *Magna Carta*, for John, without in the least intending it, proved an excellent friend to liberty. From that time the holding of a *colloquium* between the sovereign and his leading subjects was frequent, the former beseeching grants which the latter begrudged; while in 1265, and as a consequence of the efforts of Simon de Montfort, the principle of popular representation by counties was introduced. Eight years later, a "Parlement General" was held by Edward I. at "Weymoester," as the chronicler chose to spell Westminster; and it appears by its deeds to have justified the monkish historian who described it as both famous and solemn.

A step further in advance was made in 1283, when to a Parliament at Shrewsbury there were summoned not only all the members of the baronage and knights of the shire, but two citizens apiece from twenty-one cities and boroughs, every

one of which returns members to the House of Commons to-day. But even yet the full Parliament was not reached. There was a *colloquium* at Westminster between the king and the earls, barons, and other magnates of the kingdom, together with the knights of the shire, in the November of 1294; a similar body assembled at the same place in the August of 1295; but the time had now come when the necessities of domestic dissension and foreign war demanded the summoning of the first full Parliament.

Canterbury, which almost precisely seven hundred years before had been made the



THE CHAPTER HOUSE, WESTMINSTER ABBEY.

centre of that organised attempt to found a church in England, which has continued to flourish uninterrupted until now, has the distinction of being as closely associated with the beginning of the English Parliament. It was to the Archbishop of Canterbury that the first writ for the great assembly of 1295 was addressed; it was from the city itself that the king forwarded the writs to the counties and the boroughs. The moment was one when the monarch had need of all the aid his subjects could give. Philip the Fair of France was invading our southern shores. Hythe had been attacked; Dover had been partly burnt; the coasts of Essex, Norfolk, and Suffolk were exposed to hourly danger. And King Edward I., on September 30th, 1295—a date to be held in good remembrance—informed the Primate that his brother of France, not content with having treacherously attacked Gascony, had prepared a mighty fleet and army for the purpose of invading this country, and blotting out the English language from the face of the world. At the first blush it is difficult to see why a sovereign who wrote his official letters in Latin, who conversed in Norman-French, and who even addressed the members of his Parliament as "*Mes bones gentz*," should be so troubled by a threat against the English language. It is explained by some that when he said "language" he meant "nation," which seems to savour of the linguistic processes of "Alice in Wonderland." But the writ, plainly referring to "*linguam Anglicanum*," went on to bid the archbishop, with all fidelity and diligence, to appear in person on Sunday, November 13, at Westminster, there with the king, the prelates, the peers, and other inhabitants of the realm, to deliberate upon and ordain in what manner the impending dangers could be obviated.

In accordance with this writ, and with those which were issued to the baronage on October 1, and to the sheriffs of counties two days later, the first full Parliament was convoked. Two knights were sent from every shire, two citizens from every city, and two burgesses from every market-town; and the month of October, 1295, as that of the first general election in England, was deserving of a record which in no place has been preserved.

The newly-fledged members of Parliament—not so to be called until long later—had to start with a disappointment. Just as they were making ready for their journey to London, Edward announced that, being detained at Winchelsea, where he was assembling his fleet and making other preparations for the defence of the kingdom,

Parliament would not meet until a fortnight later than the day originally fixed.

Sunday, November 27th, 1295, therefore, was the date, and the Chapter House of Westminster Abbey the place, at which the Commons of England first assembled. The body which thus gathered was representative of the whole free community in striking degree. The greater and the lesser baronage, the prelates, and the clergy, were at Westminster in force; the knighthood of the nation held without questioning the entire membership for the counties; but from the towns went up many a worthy citizen, identified absolutely with local interests, and with a very name redolent of close association with trade. Durant le Cordwaner, who travelled to Westminster from Barnstaple, John le Taverner, the choice of Bristol, and Richard le Teynturer, who sat for Huntingdon, were not far removed from the shoe-making, the inn-keeping, and the dyeing industries which had given them their name. Wigan was so devoted to its trading citizens that, while one member was William le Teynturer, the other was Henry le Bocher; and another phase of devotion to local sentiment was furnished by Bedfordshire, which sent to Westminster Robert De Hoo, David de Fletwyk, and Ralph de Goldintone, for Hoo, Flitwick, and Goldington are numbered among the place-names of that county to this day. And what is in some sort a link of connection between this Parliament of Edward and the Parliaments of Victoria is suggested by the fact that the first member for Southwark was Richard le Clerk, and that Sir Edward Clarke has been the most noteworthy representative in these times of the constituency which, among all others, was specially known during its undivided existence as "the Borough."

As the King was in London at the time our representatives first fully assembled, it may be taken that he opened Parliament in person; and as he was a firm believer in his own oratorical powers, it may equally be assumed that he delivered a Speech from the Throne. About a year before, when he had gathered at the same place a special assembly of the clergy, he asked from them both their prayers and their aid, "because, my good lords," he blandly told them, "you see that the earls, barons, and knights not only contribute their goods but expose their lives for your defence; and as to you, therefore, who cannot venture your bodies, it is fitting that you should afford some aid from your purses." Edward, in fact, was never sparing of his voice when, either by



KING EDWARD AT WESTMINSTER, 1297.

threatenings or cajolery, he could gain a point. And there have been few more dramatic scenes in English history than his appearance in the July of 1297 upon a stage specially erected outside Westminster Hall, whence he craved the forgiveness of his people for his past acts, and they replied by swearing renewed fealty with uplifted hands.

It is, therefore, as seems most fitting, around Westminster—its Chapter House and its Great Hall—that the earliest associations of Parliament are to be found. But in those days the assembly was regarded as merely the King's Council; and, wherever the monarch chose to summon it, thither it had to go. Thus, in November, 1296, a Parliament was directed to meet at Bury St. Edmunds; and in connection therewith, the "*bones gents de la Citee de Lundres*,"

after electing their four members, unanimously granted them twenty shillings a day for their expenses in going to and returning from the Parliament, this being made a lump sum of five times the amount a little over a year later when the Commons were summoned to York. The City of London appears to have been the first constituency, after the Model Parliament, thus to pay its representatives; but the process had been begun with certain knights of the shire in 1265, and frequent evidences of it are later to be found.

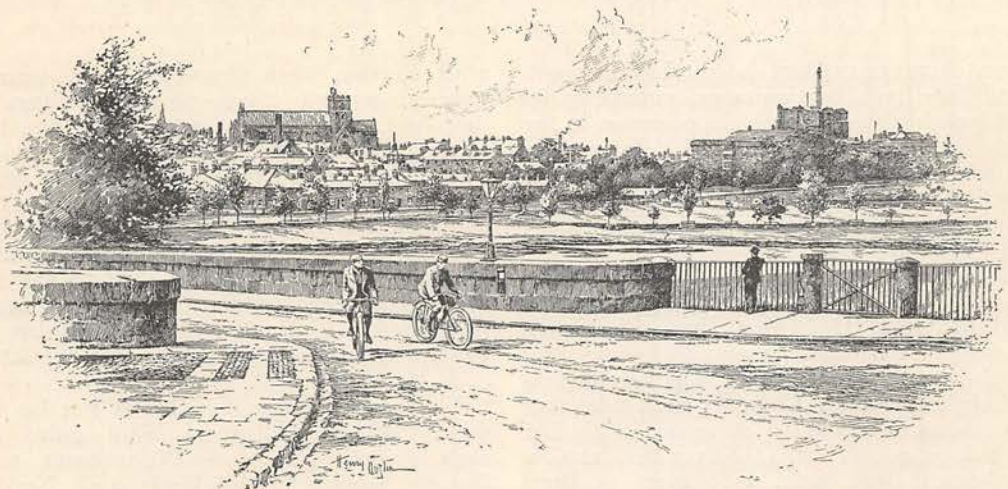
The special reason for this is not far to seek. When Parliaments were called to such diverse places as Westminster and Lincoln, Bury St. Edmunds and Northampton, York and Carlisle, it would have been an intolerable tax upon the ordinary

knight or trader to have to give his services without an allowance. Even as it was, the hardship of having to ride from one end of England to the other, along roads which were little but forest tracks or moorland paths, infested with dangerous animals and desperate men, was calculated to disturb the peace of mind of those who were called upon to serve their country in Parliament. The natural consequence was that some amount of reluctance was shown to being chosen. Not all the excuses were quite so attenuated as that of the knights and freeholders of Sussex, who refused to proceed to an election in 1297 because of the absence, in parts beyond the seas, of the Archbishop of Canterbury and other prelates and distinguished personages; and for some time it was considered a special act of royal favour to grant a courtier exemption for life from summonses to Parliament, unless in case of utmost urgency.

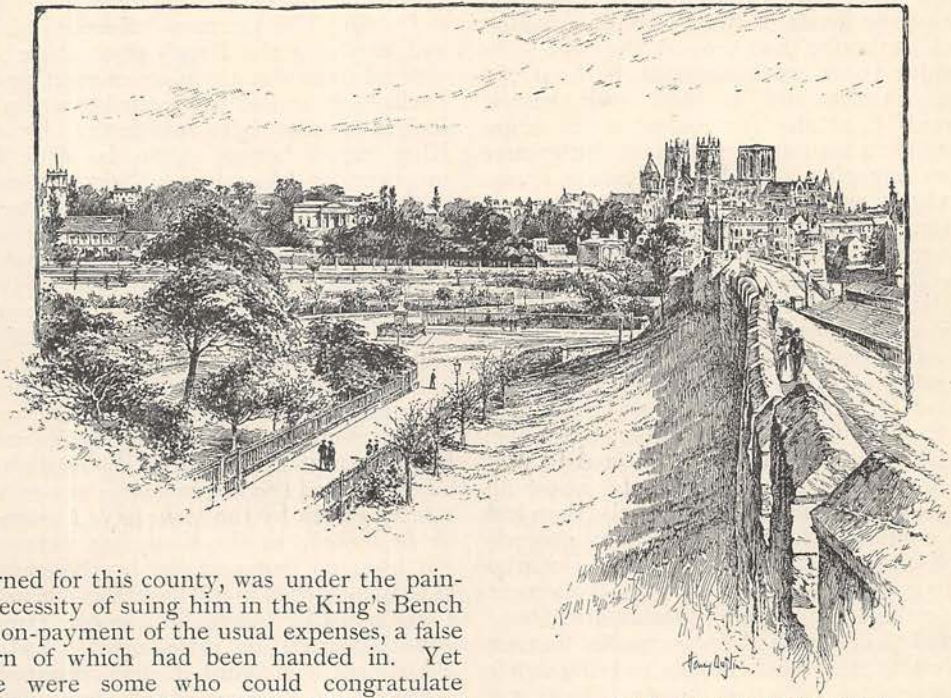
But it was found that, even when a member was chosen, it was as necessary to make sure of his attendance as if he were a prisoner committed for trial, and the same means were adopted. The representative of the people had to find two bailsmen, who gave sureties for his due appearance; but even that plan was not invariably successful. Richard le Rous, when returned for Bedfordshire in 1298, demurred to accepting the honour; and eight of his oxen and four of his heifers were immediately distrained upon by the sheriff in order to compel his appearance, a process which was so effective that, whenever the worthy knight was again elected for the county, as more than once he

was, he made no disturbance, and was freed from distraint. Perhaps he grew to like Parliamentary life, for his case was the reverse of that of Andrew de Trelosk, who, having already sat for Devon and filled various important public offices, so strongly objected when once more returned (as did his fellow-knight, Hugo de Ferrers, though that was his first election) that he refused to find bailsmen, and his lands and goods were at once distrained upon. These knights, however, had in some sort their revenge upon the sheriff, for, brought to their senses by the legal process to which they had been subjected, they attended the Parliament and took care to recover their wages from the county.

The new Parliamentary institution, therefore, was not looked upon with affection by all who were concerned with it. There were members who objected to serve, and communities who grumbled at having to pay them for serving. A very considerable default on the part of these latter was made in 1302, when the King had to address writs on the subject to the sheriffs of no fewer than seventeen English counties. These recited the directions contained in the original writ of election; declared that, as appeared by the complaint of the knights, their wages had not been levied; and commanded the sheriffs to levy such forthwith, or certify to the sovereign the reason of their default. It may be presumed that the sheriffs at once paid up, for no more is heard of the matter; but John de Sheffield, the Sheriff of Northumberland, proved recalcitrant five years later, and John de Cambhowe, who had been three times



CARLISLE, FROM THE NORTH.
(From a photograph by Scott & Son, Carlisle.)



YORK : FROM THE CITY WALLS.

(From a photograph by Joseph Duncan, York.)

returned for this county, was under the painful necessity of suing him in the King's Bench for non-payment of the usual expenses, a false return of which had been handed in. Yet there were some who could congratulate themselves upon the system, and of these were the villein tenants in Cambridgeshire of a certain John de la Mare, who were freed by the King from the obligation of contributing to the wages of their county members, in consideration of the personal attendance given by their lord at a Parliament at Carlisle.

But it was not only in obligatory service by the representatives and enforced payment by the constituencies that hardship was created of a very different fashion from that experienced to-day. The dwellers in the home counties would look askance at the holding of Parliament at Westminster if, as in 1305, they had to make provision for the officials attending it. In that year the sheriffs of Surrey, Sussex, Kent, and London were respectively commanded to purvey the provisions required for the consumption of the Court during the sitting. Two hundred quarters of wheat and thirty barrels of ale were directed to come from Sussex and Surrey, a like quantity of wheat from Kent, and eighty barrels of beer from London. But that was meagre entertainment compared with what was ordered in preparation for a Parliament of Edward II. in 1312. The Sheriff of Cambridge and Huntingdon was directed to buy and provide, "within liberties and without, where it may be done to the best advantage of the King and least damage to the men of these parts," 200 quarters of wheat, 400 of malt, 300 of oats, 100 oxen, 500 sheep, and

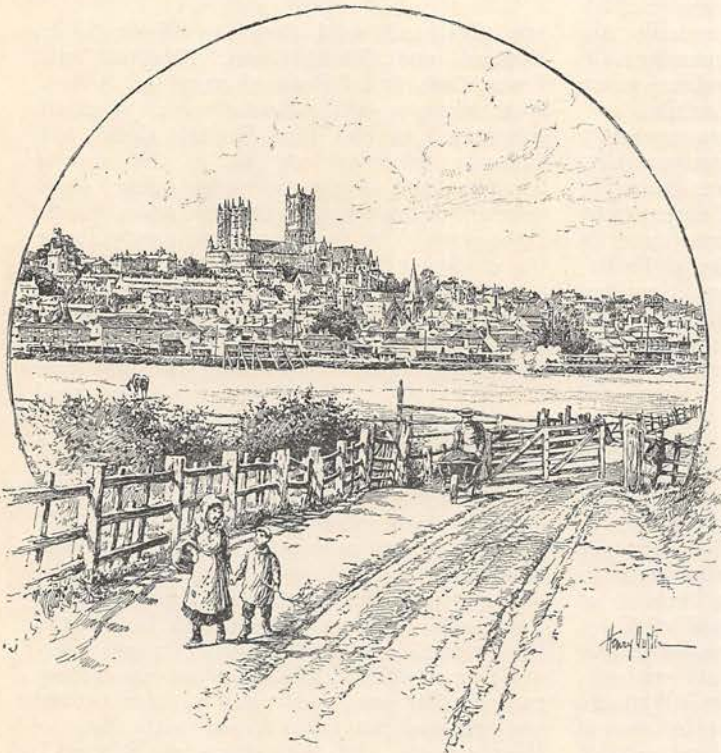
100 pigs, and send them to Westminster. Bedford and Buckingham, Hertford and Essex, Oxford and Berks, Surrey and Sussex, Northampton and Kent were similarly summoned to find food for the Court, the amounts somewhat varying in the several counties, but the grand total being 1,330 quarters of wheat, 2,300 of malt, 2,600 of oats, 1,360 oxen, 5,500 sheep, and 700 pigs. There was evidently no lack of beef and beer for the courtiers; but how the inhabitants of the home counties appreciated having to forward these supplies, despite the royal injunction that they were to be found to "the least damage to the men of those parts," the record does not tell. It is to be noted, moreover, that the Court was not particularly generous despite these aids, for at the Carlisle Parliament of 1307 it was made a matter of special memorandum that, although during the session the Chancellor and his clerks had been admitted into the household and hospitation of the Queen, this proceeded simply from her grace and courtesy. Such right as existed was evidently intended to be all on one side.

Being so well fed, the attendants upon these early Parliaments ought not to have proved quarrelsome, but turmoil was with many of them a trade. In his closing years Edward I. had to peremptorily forbid the holding of

tournaments, jousts, and feats of arms, and to seize the goods of those who, in contempt of his authority, had crossed the seas so as to enjoy these entertainments, without the King's licence and at their own leisure. Edward II., at the very outset of his reign, had to lay a veto upon certain of the greater barons engaging in tourneys, making jousts, seeking adventures, and doing other feats of arms in England. This was followed by a more striking order, for in 1310 the King wrote to the Earls of Lancaster, Hereford, Pembroke, and Warwick, ordering that no one should repair with horses and arms to the Parliament he had summoned to meet at Westminster. The safety of all, he pledged them, would be ensured in coming, attending, and returning, the Earls of Gloucester, Lincoln, Warenne, and Richmond having been ordered to provide for the general security, to arrest all persons who should attend otherwise than had been commanded, and to settle any quarrels that might arise during the session. But who was to guard the guardians? The very next year certain of the peers who had been directed to keep order were compelled to come to Westminster, but forbidden to bring either horses or arms. Even so, however, there was not the same necessity for such precautions in

London as a very little later had to be adopted in Dublin. The Viceroy—"Keeper of Ireland, and supplying the King's place there"—was ordered to change the place of meeting of the Parliament he had summoned to assemble in Dublin to somewhere outside the city, as the King feared damage might be done if the magnates of Ireland and their men entered within the gates, because of disputes between them and the local community. As long as these dissensions existed, indeed, not only were no Parliaments to be held in Dublin, but neither the magnates nor their men were to be housed or fed there against the will of the community; and the curiously-detailed nature of the precautions can be considered proof of their necessity.

Parliament from the beginning did its best to secure that the monarch should do "as he should"; and the baronage was not only kept up to its work by the "*gens de la Communauté de la terre*," as the Commons were called, but even on one occasion by the summons of women to the "grand inquest of the nation." Long centuries before Sir George Trevelyan had discoursed in verse upon "Ladies in Parliament," Edward I. had directed the Abbesses of Barking, Shaftesbury, Wilton, and St. Mary's, Winchester, to appear in person or by proxy at Westminster, at the same time as the Lords Spiritual and Temporal and the Commons, to treat of a subsidy to the King on the occasion of his eldest son being "adorned with the belt of knighthood." That is one of the points in which the Parliament of long ago was strikingly different from that of to-day; and yet, apart even from essentials, there are some curious points of resemblance. Although neither a Harcourt nor a Chamberlain was in the earliest Houses of Commons, the general election of 1297 saw a Chamberleyn giving bail for the attendance of one member and a Harecourt becoming surety for another. The John Morley of those days was more fortunate in finding a seat, for he was a Norwich merchant whom his fellow citizens delighted to honour. There is, indeed, a permanence of name in our history which is not least exemplified in the chronicle of the earliest of our national Parliaments.



GENERAL VIEW OF LINCOLN.

(From a photograph by Carl Norman & Co., Tunbridge Wells.)