

**The History of Parliament
and
The Evolution of Parliamentary Procedure**

A verbatim transcript of two lectures given by Maurice Bond, OBE, FSA, Clerk of the Records, delivered in the Grand Committee Room, Westminster Hall, before Members of the House of Commons under the Chairmanship on 21st June 1966 of the Right Honourable the Speaker of the House, Dr. Horace King, Ph.D., M.P., and on 28th June 1966 of Mr. Sydney Irving, M.P., Deputy Chairman of Committees.

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The History of Parliament

This evening I shall attempt to describe the main stages in the evolution of Parliament as an institution from the earliest days. Next week, I shall try to fill in some of the more important detail about Parliamentary procedure; and on both occasions the exhibition of records from the Victoria Tower will be available to illustrate some of my main points.

Even with the help of the documents, however, I must confess that much of my story will not be very new; least of all to Members and Officials who are themselves experienced guides to the Palace of Westminster, and who, by the very fact of working here, are practical students of history. We come to our work through a Palace Yard in which the Plantagenet Princes learned to ride on horseback; through a Great Hall in which a King and two Saints were put on trial; and through a collegiate chapel once one of the gems of English architecture; whilst in the daily proceedings of the two Houses we follow constantly the precedents of some seven centuries. To live within Parliament is, indeed, to live in close contact with history; but, as I shall suggest in my second lecture, with a history which is not a story of unchanging imitation and slavish following of precedent; but, rather, of frequent change and reform, not unmixed indeed with revolution. The hand of the past, may I say at the outset, sometimes is, but need not be, a dead hand.

I

When a year ago in Westminster Hall we set ourselves to commemorate that past in recalling the work of Simon de Montfort, we looked back some 700 years; but if I am to begin at the beginning I fear I must go further back still. Parliament in fact did not originate even 700 years ago. Charles James Fox remarked that our constitution was not made, 'thank God', in a day, but was the result of 'gradual and progressive wisdom'. And this gradual and progressive wisdom begins to be apparent long before de Montfort. Indeed it can be discerned at least five centuries earlier, in the days of the early Saxon kingdoms, at the very beginning of our national history. There we find *two* instruments of government, *two* forms of assembly, each of outstanding importance to anyone interested in the business of government.

Firstly, the better known of the two, the Witenagemot: this was the moot or gathering of the Witan or wisemen. It was summoned by Saxon kings, at first in their small divided kingdoms, and then, after 825 A.D., for the unified kingdom of England as a whole. To it came earls, thanes, bishops, abbots. It was the aristocratic assembly of Saxon England, an assembly which gave unity to the land, and counsel to the king. After the Norman Conquest the Witenagemot became the Curia Regis, the King's Court, with a similar membership and a similar function. For long it has been recognised – it is a common place of the guide books – that in the Saxon Witenagemot can be seen a true ancestor of Parliament.

What is equally important (to me, perhaps, more important), but less clearly realised, is that Parliament also has a second and separate line of descent. This is from another Saxon institution, the Shire Moot or County Court. These courts gathered at least twice a year in each county. To them came not only the bishops and lords of estates, but also – and this is the vital fact – groups of representatives from each village in the county. These groups consisted of the reeve, the parish priest and 4 representative men. The Shire Court was a very

large assembly which inevitably often met in the open air. It might consist of 200 or 300 people, and it was in essence an extremely representative body. Collectively these hundreds of villagers sitting round a village oak-tree were the judges in the court. Here was a true form of democracy (albeit a local one) in the earliest days of our national history.

The period of development, significant for us, during which the two institutions of Shire Moot and King's Court came together began a hundred years after the Norman Conquest. This linking of the two forms of assembly may be reckoned to have come about during the generations between 1190 and 1265, the period of the high Middle Ages, famous in our history books for Richard I's Crusade, for Magna Carta and for the building of the Choir of Westminster Abbey. It was during this period that the counties were for the first time ordered to send representatives to the King's Court – so linking the 2 ancient forms of government, and making the central national assembly, in some degree, representative. This was done on different occasions for different purposes. The King might wish to find out how the Sheriff was governing in his county. Or, it might be necessary for representatives of the Shire Court to come up to London to defend judgements which had been appealed against in the King's Court. Most important of all, it became necessary to supplement the King's normal feudal income by special rates of individual taxation.

On this, men from the counties had to advise, and indeed, to it, they had to consent. The coming of these representatives to the King's Court introduced a new principle – indeed, the vital principle – into central government. Until this time the Saxon and Norman Kings had largely called to advise them in their Courts men whom they had specifically named; bishops, earls, royal officials, important people, each of whom was in some degree dependent upon the King. Now in the 1200s the King calls to assist him groups of men from the country at large, of whose opinions and even of whose names, he was not likely to have any previous knowledge at all. This was potentially a limitation on his royal power, and the beginning of constitutional as distinct from personal monarchy. The aristocratic assembly began, however infinitesimally, to be democratic: here is a vital stage in the origin of a representative Parliament.

The climax of this early development came with the life of that quarrelsome, but pious and idealistic man, Simon de Montfort, Earl of Leicester. Simon sought to control the royal government. He rallied popular support to himself and against the King by using this device of representative members in the Council. In 1264 representatives of the counties, known as Knights of the Shire, were summoned 'to treat' about the affairs of the kingdom. Then in January 1265 they were again assembled, but this time – and this is the significant event we celebrated last year – this time along with the Bishops and Barons came representatives of many cities and boroughs in England, also summoned in order to participate in discussions about peace between Simon and the King, and about a new constitution. The meetings in the Chapter House and Westminster Hall have long been regarded as crucial. It was then that both the two representative elements of the counties and of the boroughs, which later made up the House of Commons, for the first time so far as we know, met together within the King's Court.

De Montfort's device for getting wider support in 1265 was followed after his death by Henry III and Edward I. De Montfort had, in fact started a continuous tradition of summoning both the county and the town representatives, which after 1327 became unvarying. In other words the local communities of the shires and boroughs had arrived (in the persons of their representatives) in the Royal Court. When they were there, they soon

were called *les communes*, (the Commons), meaning not ‘the common people’ but ‘the communities’, the representatives of the local shires and towns. Gradually this special enlarged form of the King’s Court which included *les communes* came to be called *Parliamentum*: which really means the ‘conversation’ or ‘discussion’ place.

The period of origins – some 5 centuries long – was over. Parliament, with or without its own special name, had come into being by 1265. I have therefore still to narrate some 700 years of its history. As I have studied this history seeking some pattern or sequence in its events, I have observed a rather clearly marked shape to it, an alternation between change and stability. The long period from de Montfort to the present day, does, in fact, appear to divide very simply into 5 periods, alternately periods of rapid change, and then, of stabilisation or absorption of the new elements. The first of these periods is that of the main Middle Ages, between 1265 and 1425, the first period of rapid and continuing change, to which I now must turn.

II

Parliament at the beginning of this first period in its history, let us say in 1295, did not consist of the Sovereign and two Houses, as it now does, but of a central focus of the King and his Court, with a number of outer groups, meeting separately, but sometimes coming cap in hand to stand in the presence of the Court. This sort of organisation of Parliament is very much like what we see at a State Opening nowadays, when the Queen on her Throne is surrounded by members of her Court holding historic emblems of State, and by a large company of ambassadors, also part of her court, whilst peers occupy the remaining benches on the floor of the Parliament Chamber, and the faithful Commons stand at the Bar of the House or sit in the galleries above. Each State Opening, in fact, turns back the pages of history by 700 years and represents once more the earliest type of Parliament.

Quite quickly in the Middle Ages this somewhat amorphous type of Parliament began to change, for the daily conduct of business, into two Houses of Parliament. The process starts in about 1332, when the two separate groups, the Knights representing the shires and the Burgesses from the towns, began meeting together. It should be added that when these two quite different social groups did so meet as a single House, it was the far fewer County members, suitably known as Knights – though in fact they seldom had been knighted – who quickly took the lead, and throughout the Middle Ages they dominated the proceedings of the Lower House. These Knights of the Shire formed the only indestructible part of the Commons, since it was the counties alone that seemed to have an unchallenged right to be represented in the Commons, whereas cities and towns might be represented in one mediaeval Parliament, and then not be represented in the next.

After the Knights and Burgesses had come together in this way by 1332 to form a single entity, the next stages followed quickly. In 1363 for the first time they acquired a clerk of their own, and in 1377 there appears in the records their first Speaker, ‘qui avait les paroles pour les communes’, that is, who spoke on behalf of the Commons. Then this body, *les Communes*, with its own head and its own staff, rapidly (within 50 years) became an essential part of Parliament, for discussion, for legislation, and, especially, for taxation. Increasingly it was the local communities, represented in the Commons, which had the money which the King needed, and only their representatives could grant it. If one looks at a fairly early Parliamentary grant of taxation, one finds the very telling formula “Your *Commons* of this your noble realm *grant* (such and such a tax) by assent of the Lords”, in other words, in this

most important matter of government, by the fifteenth century, it was the representatives of the people who granted and the rest of Parliament which assented. In addition, by 1425, every ordinary non-taxing law had also come to need approval in the Commons, being based on a petition or a bill presented in the Commons, or handled and accepted by them. So during the first period in Parliament's history, from 1265 to 1425, the House of Commons had come into existence and had acquired power. By the death of Henry V in 1422 there could be no statute and no tax without Parliamentary authority, and, within Parliament, without the Commons' agreement.

I have spoken so far about the House of Commons. Less attention is normally paid by historians to the emergence within Parliament of what we now call the House of Lords during the Middle Ages, but it is worth emphasising that during this same period of the 14th century, important changes were, in fact, occurring at the centre of Parliament. Originally the Lords of Parliament were royal nominees. Barons might be summoned by the King to Parliament by writ in one year, and not summoned in the next. They were, in fact, not even life peers as we know them today, but annual peers. Between 1307 and 1327 the idea of peerage as a status takes shape and men begin to talk of 'Peers of the Land'. This idea was greatly strengthened in 1387 when the Crown created the first barony by patent, for John Beauchamp. This honour carried with it the right of a seat in Parliament, and the honour descended to heirs male. In other words, the Lords were taking on that hereditary characteristic later to become the most marked feature of the Upper House. Certainly by 1425 we have not only a representative Lower House, but also an hereditary Upper House.

Let me conclude my comments on the mediaeval Parliament by quoting from what is one of the few surviving detailed descriptions of an early session, one of about 1397. The writer says that 'When the day for action arrived the Lords were assembled and also the Knights of the Shire'. (He doesn't bother to mention the socially inferior borough members.) 'According to the usual form, the cause of meeting was first declared and then the King's will. A clerk began with a dignified speech setting forth the main points before them all, and asking above all for money, with flattery to the great men to avert complaints. When the speech was ended, the Knights of the Shire were commanded to meet on the morrow, before dinner, with the citizens of the towns, to go through the articles which they had just heard and grant all that had been asked them. But to save appearances, and in accordance with custom, some of them falsely argued at some length ... Some had been got at before hand by the Council, and knew well enough how things would have to end, or the assembly would be sorry for it ... Some members sat there like a nought in arithmetic that marks a place but has no value in itself'.

III

The rapid changes in the Middle Ages were practically completed by 1425. There then follows the first of the periods of stability, a long period from 1425 to 1603, a period occupied by the ordinary English history text book by the later part of the Hundred Years War, by the Wars of the Roses and by the colourful and complex history of the Tudor monarchs. Under the Tudors, that is between 1485 and 1603, there was a gradual but general strengthening of the position of Parliament as an institution. So far as this is concerned, I want to draw attention to four developments only. Firstly, a topographical development. In about 1500, Parliament got its own Office, the Parliament Office, which ultimately took up residence in the further corner of the Palace of Westminster – in the Jewel Tower; and, more important, in 1550 the House of Commons, after having led a wandering life moving between

the Painted Chamber and various chambers in Westminster Abbey, at last attained a permanent home of its own in the old St. Stephen's Chapel. The Houses of Parliament thus began to be a place as well as an institution.

Secondly, it is from the Tudor period in the 16th century that the surviving Journals of the two Houses date. The complex origins of these records cannot even be outlined here, but it is significant of the developing maturity of the two Houses that it is from 1510 and 1547 respectively that the first continuous official Houses records survive, the Journals of the Upper and Lower House, which soon thereafter acquired the fixed form which they largely retain today in 1966.

Thirdly, between 1529 and 1549 the field of activity of Parliament increased enormously by comparison with that customary in the Middle Ages. Parliament assumed responsibility under the King for the whole of the temporal side and much of the spiritual side of the life of the Church. The Reformation was carried forward, and was also on occasion reversed, by means of acts of Parliament. This undoubtedly greatly enhanced the significance of Parliament. Parliament and not the Kings had challenged the mighty power of Rome.

Lastly, under the Tudors, there was an increasing number of examples of challenge by Parliament to the monarch, a different but equally real sign of developing maturity and power. Even Henry VIII had to come down and confound the Commons with his learning, and at all times was fierce, even disorderly debate. Sir John Neale tells us how Members hawked and spat, shuffled and hissed, when they did not like what they heard, not sparing even the most important orators. Thus when in 1601 Mr. Serjeant Hele declared that all that the Commons possessed was Her Majesty's, and that she could lawfully at her pleasure take it from the House members clearly showed their disagreement: they 'hummed, laughed and talked'. Well, said Mr Hele, 'all your humming shall not put me out of countenance'. The Speaker supported him and rebuked Members, but soon, we are told, the House was humming again, and Serjeant Hele, thoroughly out of countenance, sat down.

This 'humming' is not without interest, for it introduces to us the very real conflict of interest increasingly appearing during Elizabeth's I's reign between Queen and House. The best example of this is when Peter Wentworth, Member for Tregony, in 1576 complained of Queen Elizabeth's habit of letting her opinion about bills be known whilst the Commons was discussing them, in order to overawe those who differed from her policy. (You will find the full story of this in Mr Speaker's own book, *Parliament and Freedom*). Wentworth objected to the Queen's interference. "Sweet" he said "was the name of liberty and the thing itself a value beyond all inestimable treasure. The House of Commons is termed a place of free speech, and without it it is a scorn and a mockery to call it a Parliament House". For the implications of this speech Wentworth was imprisoned, but – note this – was imprisoned with the consent of the Commons.

This rather ominous conflict is the prologue to the third, *the great and crucial* epoch in the history of Parliament. We have seen important changes from 1265 to 1425; followed by a period of stability from 1425 to 1605; we now come to the greatest period of change and crisis of all: the famous years of conflict between 1605 and 1689.

IV

Quite recently we discovered, scribbled in the margin of the manuscript House of Commons Journal, an entry by the Clerk of the House (which until then had been over-looked) for the 5th November 1605; “This last night the Upper House of Parliament was searched by Sir Thomas Knevelt, and one Johnston servant to Mr Thomas Percy was there apprehended, who had placed 36 barrels of gunpowder in the vault under the House with a purpose to blow up the King and the whole company when they should there assemble. Afterwards divers other gentlemen were discovered to be of the plot”.

The Gunpowder Plot is, I suppose, the only parliamentary event to have got into the national folk-lore. It may, perhaps, be considered to deserve this place for the attention that it draws to the unique concentration of authority in Parliament – Crown, court, judges, peers, Commons. Destroy this, and the country in the 17th century would have fallen into anarchy. The plot also symbolised what was to come: diverging points of view, religious, social and economic which after a generation would lead to war.

With the accession of James I two years before the Plot, in 1603, Monarch and Parliament indeed faced each making more extreme claims than had any of their predecessors. The mediaeval idea had been that the King was under the law; this the Stuarts rejected. James I and Charles I claimed divine right to rule personally and, in particular, sought to evade the parliamentary control of taxation which had been established by 1425. Equally, the 17th century Parliaments challenged the Kings. Lawyer members of the Commons went back to history, keeping the archivists busy, ransacking the records here and in the Tower of London to re-discover old and disused ways of controlling the executive. Above all, they put once more into action the ancient Parliamentary process by which ministers of the King could be accused (or impeached) by the Commons before the Lords. In 1621 they impeached the Chancellor and the Treasurer for bribery, and between 1621 and 1688 there were 40 or more impeachments of this type. Also in the year 1621 the Commons made a solemn and extreme protestation that they had a full right to deal with matters concerning the King, the State and the defence of the realm, without punishment. (This was the protestation angrily torn out of the Journal by James I, a photograph of which is displayed in the Division Lobby nowadays).

It is, however, three years in particular during the reign of James I's son, Charles I, the years from 1626 to 1629, which were regarded, and I am sure rightly regarded, by Sir Winston Churchill as the period during which the foundation of English liberty was laid. During these 3 years, Eliot, Pym, another Wentworth, and their followers in the Commons sought to re-establish the mediaeval control, and perhaps more than the mediaeval control, of the executive by Parliament. Above all, they extracted agreement from the King to the Petition of Right of 1628, which, I suppose, together with Magna Carta and the Bill of Rights may be regarded as one of the three great constitutional documents in English History. It provided for the curtailment of royal authority in 4 directions – billeting of soldiers; martial law; taxation and imprisonment – and specifically provided that no man thereafter should be compelled to pay any tax without common consent by act of Parliament. The original petition itself we all know, as it is permanently on exhibition in the House of Lords Library. If one looks at it very carefully, one sees that at the foot a final line of writing has been cut off. What has been cut off was the original form of consent to the petition by Charles I, a long and unusual formula to which the House of Commons objected as too vague and not sufficiently binding. The House blamed Charles' favourite Minister, the Duke of Buckingham, for this elusive attitude. Eventually Charles I was forced to consent to the

Petition of Right more effectively, and the Clerk wrote at the head of the Petition a more binding formula: *'soit droit fait comme est désiré'* (let right be done as is desired).

The Petition of Right was granted in the summer of 1628. When Parliament met again in January 1629 Members were disturbed by religious questions still, and also by Charles I's attempt – in spite of the Petition of Right – to levy poundage and tonnage. The King ordered the Speaker to adjourn the Commons. This the Speaker attempted to do and began to leave the chair, but two strong young Members, Holles and Valentine, held him down while other Members denounced him with so much energy that he shed 'an abundance of tears'. The King sent for the Sergeant at Arms to bring away the Mace, but the House dismissed him without it. Soon after, Black Rod was heard knocking at the door with a message from the King – who had in the meantime sent for his guard to break into the House. Thereupon, Holles put to the vote 3 resolutions, which were carried by acclamation, condemning popery, condemning subsidies of tonnage and poundage not granted by Parliament, and asserting that anyone who paid should be reputed a 'betrayed of the liberties of England'. Then, on March 10th, 1629 the King dissolved Parliament, "The most gloomy, sad miserable day for England that happened in 500 years last past" as was said at the time, and the result of this 'head-on collision' of the Commons and the Monarch was Charles I's period of rule without a Parliament for 11 years, the longest time since 1265 that the country had been without a Parliament.

At length in 1640 the needs of war with Scotland caused Charles I to summon a Parliament once more. Further resistance in the Parliaments then assembled led to his attempt to arrest the five Members in 1642, an event entirely without precedent. The Clerk's entry in the Journal breaks off 'as if the excitement of the scene had paralysed the clerks at work'. This time, unlike similar occasions under Elizabeth I, the Commons and their Speaker supported their own Members and allowed them to flee from the King. It was said at the time that as a result of the attempted arrest of the 5 Members, 'The obedience of his Majesty's subjects hath been poisoned'. In the same year civil war broke out, which eventually led to Charles I's execution 1649, and, to what at first sight was the striking triumph of the House of Commons. With none of the three Parliaments that sat between then and 1659, however, was Cromwell able to work successfully – he dismissed the Rump Parliament in 1653 with the words 'I will put an end to your prating ... What shall we do with this Bauble ... take it away'; and this represents his ultimate attitude towards all his Parliaments. The Bauble, incidentally, (the Mace), never re-appeared and the present Mace was newly made in 1660. From a Parliamentary point of view, therefore, it cannot be claimed that the Commonwealth was very much more satisfactory than the regime it replaced. The Speaker of the House summed it all up as follows in 1661 when the Commons attended the restored King, Charles II, in full Parliament: "the House of Commons was first garbled, and then turned out of Doors". In fact, no way had been worked out by which parliament could exercise sovereignty in detail in place of a King. Cromwell came to assume greater and greater authority, becoming a quasi-king. Executing the King had not been the answer to the problems of power in the 17th century. Neither, it appeared to the country, was the rule of a Protector.

In 1660 the country therefore returned to hereditary monarchy, but exactly the same difficulties arose as in the first half of the century. Two kings in succession, Charles II and James II, each sought once more to avoid Parliamentary control of taxation and legislation. The real answer and the final answer to the problem of power came in 1689, the greatest single date in Parliamentary History. 1689 is perhaps best represented for us in E. M. Ward's

picture in the Commons corridor. There is no scene of bloodshed or revolution, but a piece of outwardly obsequious ceremony in a royal Palace. There you will see the deputy Clerk of the Parliaments presenting in the Palace of Whitehall a document to the two chosen by Parliament to rule: the Prince and Princess of Orange. The document is the Parliamentary Declaration of Rights and it is on display tonight. There is an enormous ink blot on the first page of the manuscript, symbolic of the confusion and stress of debate during its passage through the Lords. By the terms of this Declaration the Crown was offered to the Prince and Princess of Orange on condition that the laws of parliament were not suspended, or dispensed with, by them. The ancient hereditary monarchy of England thus became a parliamentary monarchy within the gift of Parliament. The same day, Parliament proclaimed the new King and Queen. Their title to the Throne and that of subsequent monarchs was to rest on the Bills of Rights of 1689, and on later actions of Parliament regulating the succession. The balance had been tipped. Parliament had become the sovereign law maker and was to share increasingly in the making of policy and in the composition of the King's Ministries. The third of the epochs of Parliamentary history, that of crisis and civil war, ends in 1689 with the enthronement of Parliament.

V

With this great triumph and shift of power behind it, Parliament then passed into the fourth of the periods of its history, that from 1689 and 1832, a period once more of relative quiet and of consolidation of powers, and perhaps as a consequence, the classic period of oratory and debate. These debates took place, of course, in what after a 19th century re-building is now St. Stephen's Hall. The over-large statues now surrounding its walls remind us of the great figures of this age. Perhaps the most politically significant of them is that of Sir Robert Walpole, who controlled the executive government for 21 years from a place in the Commons, and only resigned in 1752 when he lost support there. Walpole said 'When I speak here as a minister I speak as possessing my powers from his Majesty, but as being very answerable to his House for the exercise of these powers'. This responsibility of a minister to the Commons became generally recognised in the course of the 18th century, making even so unlikely a person as Lord North to say, in 1779, 'Whenever the majority of the House shall disapprove of a minister's conduct, he must give way'. But if St. Stephen's Hall had a memory it might recall the oratory neither of Walpole nor of North, but rather that of the elder Pitt, whose figure, voice, gesture and language, combined to put him in a class by himself, or the oratory of Edmund Burke with his many eloquent speeches against the Slave Trade, and against corruption in India, or those of Charles James Fox, the advocate of Roman Catholic Emancipation, of internal reform, and, incidentally, the orator who opened the impeachment of Warren Hastings with a speech of 5 hours' duration. But no one, understandably, can recall today the speeches of one of the greatest of its members – Edmund Gibbon, the historian – for they were never delivered. He sat in the Commons for 9 years – but sat there mute; towards the end he confessed 'It is more tremendous than I imagined; the great speakers fill me with despair, the bad ones with terror'.

Behind the oratory of the 18th century lay the realities of Parliamentary power, and, in particular, the steady building up of control by the Commons over the day to day administration of the King's government. The 18th century witnessed the complete establishment of the Commons' detailed financial control and as a result the ability of the House to supervise the whole field of executive government. And in exercising this supervision each individual member, unless like Gibbon he was mute with terror, was able to

play a part. The 33 years tenure of the Speaker's Chair by Arthur Onslow from 1727 to 1761 helped to establish rules of procedure (later collected and edited by the Clerk of the House, John Hatsell). These, as Onslow hoped, 'operated as a check and control on the actions of ministers; and ... a shelter and protection to the minority against the attempts of power'.

Yet all was not well with Parliament. The Parliament of the 18th century was clearly sovereign for the first time in England history, but it was inadequately representative, in fact, it was less representative than had been many mediaeval Parliaments. Members of the Commons at this time were elected by only about 5% of the adults of this country. We all know of the constituencies once teeming with population which, over the centuries, had shrunk to small villages, or even as in the case of Old Sarum, to a number of fields without a building, or of the constituency of Gatton, which had 6 electors whose votes could easily be bought. Much of the mediaeval system of representation had thus decayed into a series of rotten and pocket boroughs, whilst towns such as Manchester, Leeds and Birmingham had grown up or expanded without separate representatives. Moreover, whilst in the counties there was a uniform qualification of voting, or franchise, the 40 shilling freehold the far greater number of borough members of Parliament were elected on no rational system at all. In some boroughs, every resident might have a vote; in all too many boroughs, only the small oligarchy on the town council could vote. The outcome was that in the 18th and early 19th century, there was widespread buying of votes and predominant influence of the landed and propertied gentry. This made it unlikely that even the 5% of the population I have mentioned was properly represented in the House of Commons.

From 1762 onwards constant attempts were made to reform, attempts which failed partly because of the inevitable distraction of attention to the American War of Independence and to the wars with France. Eventually, however, in 1832 Grey's Reform Bill passed into law, with the result we all know; representation transferred from rotten boroughs to new towns; a uniform franchise for boroughs, of £10 householders; and a wider franchise in the counties. This Reform Act of 1832 is widely and deservedly famous – the original Act is on show here tonight – but its character needs more careful consideration.

The immediate achievements of the Act were not very striking. The Act provided only a limited increase in the number of electors, the numbers of those entitled to vote only increasing from ½ million to ¾ million. The Reform Act had indeed been expressly supported by men whose outlook was anti-democratic, and who felt that this Act would prevent more thorough reform and would be a lasting settlement of discontent.

No; the real importance of the 1832 Reform Act was not who had the vote, but which part of Parliament was predominant. The Act was obtained by a majority in the House of Commons against the initial will both of the majority in the House of Lords and also of the Monarch himself, but with support from the majority of the electorate in a general election. This saw the beginning, in other words, of a re-arrangement of power between the 3 factors, King, Lords, Commons, who compose Parliament: In the last resort, when there was conflict, the Commons, if supported by the electorate, prevailed.

1832 opens in these various ways a new era in the internal life of Parliament. It introduces, in fact, the last of the five epochs with which I have to deal today, a period of frequent and significant change lasting from 1832 into the present century.

VI

The evolution of Parliament from 1832 onwards has been two-fold. It has been external, that is, affecting the electorate at large, and it has been internal, concerning the way in which Parliament is organised and the way it does its job. First, the external development. The year 1832 had enlarged the electorate from half a million to three quarters of a million of the population, though this was still, as I have suggested, an unsubstantial fraction of the whole. By 1867 1¼ million qualified for the vote. The Reform Act of that year by which Disraeli “dished the Whigs” enlarged the electorate from 1¼ million to 2¼ million, giving the vote to artisans and smallholders. By 1884 3 million people had the vote, and the Reform Act of that year, entitling every male adult householder to the franchise, increased the numbers to 5 million. The Act of 1872 providing for a secret ballot had, moreover, done away with the main possibility of corruption. Still, however, these 5 million voters in 1884 were less than 30% of the adult population.

The movement towards democracy was a slow and uncertain progress. Firstly, women had no vote, and so far as the Victorians were concerned, were not likely to get it. One of the relatively few petitions to the House of Lords which has survived for this period is a pitiful *cri de coeur* from the mistresses of Dulwich High School, of 1884, complaining that the new franchise bill would add 2 million of ‘the less educated sections of the community’ to the electorate, whilst it continued to exclude educated and intelligent women, ‘who are heads of households’, such as the schoolmistresses of Dulwich High School. No attention to the schoolmistresses’ petition was made, however. Within a few years a woman registrar of births and deaths at Rusholme, Mrs. Emmeline Pankhurst, was to take up this cause of female suffrage but, for a generation, without success.

Secondly, the Victorian system of franchise itself was full of technicalities and complications. These included a time period required for registration, and stringent clauses about successive occupation, which effectively took the vote away from about 1 million citizens. There were, moreover, 7 ways in which a man could qualify for the vote, and every election witnessed the spectacle of the plural voter hastening round the countryside to record his parcel of votes. One such elector might, perhaps, own 20 small stables in 20 constituencies, and as a result exercise 20 votes.

Historians such as Kitson Clark and Asa Briggs are therefore rightly reminding us today of the extent to which democracy has been the achievement not of the 19th but of the 20th century. The achievement of democracy in fact came in the wake of the first World War. The Reform Act of 1918 gave the vote to every male adult, and also to women over 30, and the Act of 1928 extended it to women between the ages of 21 and 30. In 1918 plural voting was limited to a maximum of 2 votes, and it finally disappeared in 1948. So this long sequence of reforms beginning in 1832 and only ending in 1948 brought to its democratic conclusion a system of representation first used in about 1190. We have now got to the final stage, of one man, or one woman, one vote. The only outstanding question indeed is, at what age does a man or woman become adult and thus earn the vote.

These changes stemming from 1832 affected the external relations of Parliament with the electorate. The internal development of Parliament during this last period of change also stemmed from the 1832 Reform Act. 1832, besides giving the vote to more people, as we have seen, produced a new balance of power within Parliament. When the Upper and the Lower House conflicted (as they did in 1832) and a general election supported the Lower

House, the Upper House yielded, if only after the threat of the creation of additional peerages by the Crown. During much of the Victorian period there was a somewhat unusual truce between the two Houses, perhaps partly caused by the close social relations of the membership of the two Houses, and partly by the generally accepted attitude of 'deference' to one's social betters. Whatever compromise there was, however, began to dissolve in the late Victorian period, and collapsed early in this century when the Lords rejected the Finance Bill in 1909. A sequence of events remarkably similar to that in 1832 finally produced the Parliament Act in 1911. This said that Bills passed by the Commons in 3 successive sessions and rejected by the Lords, still became law and that money bills could neither be rejected or amended by the Lords. The 1949 Parliament Act took this a stage further and restricted the Lords power of delay to one year.

The Upper House has thus clearly become as it is now generally called, 'the Second Chamber' within Parliament. This, however, is not quite the whole story. The Upper House is also changing character once more, and perhaps, taking on something of the nature of the groups of Lords who were called to the 13th and early 14th century Parliaments. The Life Peerages Act of 1958 has enabled the Sovereign to grant baronies for life, and in the 8 years since, some 125 have been created. The Peerage Act of 1963 is enabling those who succeed to a peerage to deliver an irrevocable disclaimer divesting themselves, though not their successors, of the peerage. Only eight have in fact done so, but these two measures have between them clearly limited the hereditary character of the House, and have brought its membership a little closer to the position from which it started some 600 years ago.

The domestic history of the Commons in this last epoch of change is impossible to summarise; it is interwoven as perhaps never before with the whole fabric of our national history. The greatest Commoners of Victoria's reign – Peel, Gladstone, Disraeli – are still household names, and the developments of this period are, in a sense, still in movement and not wholly matters of historical judgement. I will confine myself in conclusion to two features only: Parties and Procedure.

The presence of Party organisation at Westminster is now one of the great political facts of life. Yet, although there were Court men and Country men, Cavaliers and Roundheads, Whigs and Tories during the earlier centuries I have been discussing, Sir Lewis Namier has taught us not to regard such groups as parties in the modern sense. The labels of Whig and Tory, in particular were often adopted by, or foisted upon, men who had little in common, and few or no real ties. In 1714 and for many years after, the basic political unit was the group or connexion formed under the personal leadership of a successful politician. Parties as we know them only originated during the later period between 1783 and 1900, and very largely during the second half of this period. Perhaps the two key dates are 1852 and 1857, in which years each of the two largest parties respectively appointed a Principal Agent, to organise elections and attend to election petitions. Party organisation as it then developed between 1860 and 1900 acquired the full equipment of whips, national organisation, local branches and local officers, adequate finance, policy statements and so on. In some ways it provoked public criticism. Yet historians observe the way in which a party system 'forced new issues into the open', made for the more speedy and efficient conduct of business within Parliament, and, above all, necessarily involved regular and constant contact between members and the electorate. The percipient Walter Bagehot summed it all up in its early days. 'Party is the essence of the House: bone of its bone, breath of its breath'.

Parliament acquired Party in the 19th century; it also, for the first time in its life, began to work hard and continuously. There was an enormous expansion in Local Bill work after 1794, reaching its climax in 1845 with some 204 Local and Personal Acts, many of them Railway Acts of great importance and contentiousness, together with 130 Public Acts and 37 Private Acts; 371 new Acts in that single year. Parliamentary questions increased from practically nil in 1800 to 129 in 1847 and 5,155 in 1898 (a third only, however, of today's total); and the number of Divisions per session increased from 87 at the beginning of the century to 369 at the end. Pressure of business together with obstructive tactics from Irish Nationalists made some sort of procedural reform inevitable, and the 1880s, the days of Speaker Brand and Peel, rival those of Speaker Onslow as a formative period. Standing committees were increasingly used; adjournment motions could only be moved, from then on, under narrowly restricted circumstances; the hour of rising was fixed; and the devices of the Closure and Guillotine, from 1882, and of the Kangaroo closure from 1909, speeded the conduct of affairs; even if they limited powers of opposition in a way Speaker Onslow would not have liked. In total they struck a new balance between the needs of government and opposition in days when parliament was handling and is today handling business on a scale undreamed of in the 18th century.

With the reform of procedure we in fact abruptly come up to date. My fifth period in Parliamentary history, that of change and development, opening with the 1832 act, is (who could doubt it) still with us, not least in this very field of procedure.

VII

This evening I have sought to describe stages in the evolution of Parliament; each significant, each with its own achievement. In the first, the mediaeval, Parliament became an association of two Houses under the Crown, with ultimate control of taxation and legislation; under the Tudors, Parliament acquired organised staff, accommodation and procedure, at least in outline, as we know them today; in the 17th century came the moment of truth – the decision about the real nature of Parliament – that it must in the last resort be sovereign; in the 18th century Parliament gradually learned how to express that sovereignty in detailed control of most aspects of government; and finally in the 19th century and still more in the 20th century, this sovereignty both practical and effective, was firmly established on the basis of the votes of the whole adult population.

Throughout this period of 700 years, whether inadequately representative or fully representative, Parliament the institution has always been very near to the centre of national life, and I conclude with the impartial judgement of an eminent constitutional historian of this generation; 'There is a prestige attached to the House of Commons. It is the focus of attention when stirring events are on foot, and the place to which the ordinary individual looks when he thinks something ought to be done about his particular grievance. After 700 years the House of Commons still is the communities, the local communities of the realm, gathered together, and neither here or elsewhere in the world has there been found a more continuously effective method of government'.

The Evolution of Parliamentary Procedure

Last week I suggested that there was an observable rhythm in the evolution of Parliament; that over 7 centuries it had developed in accordance with a certain interior logic of its own; and that a vital part of this logic was the idea of representation, first to be seen in the gatherings of villagers at the shire moots of the 8th and 9th centuries. Representation, with its implication of democratic government, is indeed a dynamic and active element in the life of Parliament; but there is another, often considered the opposite, the force of tradition and precedent. Tonight in considering the growth of procedure in the two Houses, I would like to attempt some estimate of the nature of this second factor in the life of Parliament. In order to do this I shall discuss (though in outline only) the main elements in the work of Parliament: legislation, adjudication, debate and question time.

I

My starting point chooses itself, for it seems today obvious that Parliament exists to make laws. Some historians tell us, indeed correctly, that originally this was not so; and other writers suggest that reading bills is no longer the most valuable part of Parliament's work; but it is undoubtedly a vital constituent of the sessional time-table; and the outcome, the Act of Parliament, is still a final determinant of national life.

The general picture of legislative procedure may quickly be summarised. A Member or Members introduce into one House or the other a complete text of a measure which it is desired to make law. This has 3 readings in each House; it is usually considered in Committee after 2nd reading and a Report is made by the Committee to the House. Amendments accepted in one House are submitted to the other; and, except under Parliament Act procedure, the bills need to pass both Houses, before becoming law by a ceremony of Royal Assent.

The first stage in the establishment of this traditional bill procedure may seem perhaps an obscure and remote affair; but it was of vital importance in the assertion of Parliament's authority. Initially, let us say in the 13th century, there were no bills in our sense of the word, that is, embryo acts, but only petitions that such and such a thing be done. After discussion in Parliament, the King gave some sort of assent or dissent to the petition, sometimes couched in words which have come down the centuries to us today, such as 'Le Roi le veult'. If the response were indeed favourable and the petition appropriate for a statute, Judges and other servants of the Crown were told to draw up the text of a statute that would give expression to the royal will. For two centuries therefore the law itself was usually, in some sense, made by the government, and not by Parliament. Then, the Commons objected. In the reign of Henry V, in the first petition which has survived in English (and not in French) the Commons asked that from then onwards, when they petitioned for something, no Law should be made, 'neither by additions or diminutions, by no manner of term or terms' (the Commons, you see, were emphatic and wanted to leave the King no loophole) which would change the sense and intent asked by the Speaker's mouth, or by the petition they had passed. King Henry V returned a vague answer to this, but between 1461 and 1509 what the Commons asked for came into being. Thus after some 2 centuries the Crown handed over to Parliament one of its most powerful rights, that of framing the exact and detailed terms of each law passed in Parliament. The conflict under the Stuarts would have been very much more uncertain in its

outcome if the precedent had not been set in the late 15th century that Parliament should not only make the law, but should compose its exact text.

Today the passing of a bill entails 3 'readings' of this text. For centuries, of course, certainly well into Elizabethan and Stuart times, the reading of the bill was literally a reading aloud. Sir John Neale tells us of a reading of the text of a subsidy bill in 1585 which occupied almost two hours, and he says 'Very tedious these mornings would have seemed to us ... especially when not enlivened by much debate; and even hardy Elizabethans, for whom time flowed more serenely, and prolonged listening was second nature, felt the tedium. They had no smoking room, no library, no room at all to which to retire and yet be on call. Inevitably, the man who bore the full drudgery of it all was the Speaker. He had no deputy, and sat in his chair six days in the week'.

The reading-over was done by the clerk, and when he had finished, the speaker taking the bill in one hand and his cap in the other, said 'You have heard the bill, the contents whereof be these'. And it was then the Speaker's duty to summarise the bill in order to help members fix the details in their minds. Some of the Speaker's paper summaries, breviate or briefs as we call them, survive amongst the Parliamentary records from 1593-1714, and you may have seen one on display here. It became customary only towards the end of the 17th century for printed copies to be made of the bill. Then, both the habit of reading over the text, and, of preparing and reading out a brief, came to an end, but each practice has left its memorial in present day procedure. We still speak of the 'readings' of bills, and when a new bill is first printed there may appear at the head of it a section of 'explanatory memoranda' which does for the present generation very much what the Speaker's brief did in Elizabethan days.

We are used to there being 3 readings and 3 readings only of each bill in each House. The use of 3 readings is known to have occurred during the 15th century, although in the 16th century (when the Journals give us more exact information about what happened) we find that in the House of Commons between 1547 and 1558 there were instances of 4, 5 or 6 readings, and of sending the bill to a Committee on any reading. During the reign of Elizabeth, 3 readings became established in both Houses. Sir Thomas Smith, the Elizabethan commentator on procedure, says quite explicitly: 'All bills be thrice, in 3 diverse days, read and disputed upon, before they come to the question'. He adds that 'the dispute must not include any reviling or nipping words; for then all the House will cry "it is against the order"'. These 3 readings, of course, represent, very fairly, 3 necessary stages in legislation: the introduction of a bill; the discussion of its general character; and the approval of its detailed and complete text.

The approval of the complete text of a bill which comes finally on the third reading must at some stage involve a clause by clause and line by line scrutiny of the bill. The value of the committee stage in which this is usually undertaken is nowadays generally appreciated. The fewer members and their right in Committee to speak more than once make for freer debate, and, incidentally, Parliamentary time is saved, in that since 1833 committees have been able to sit at the same time as the House.

A limited use of committees stretches back to the early days of parliament, perhaps back to 1340. Parliamentary committees, however, seemed to have been an unusual and occasional means of carrying on business. Sir John Neale describes committees under Elizabeth as being chosen only to consider amendments which had been already proposed. In other words, until about 1558, most bills were not sent to committee. Then the practice began to

spread. The Speaker noticed in 1585 that individual members did not always welcome this. He said then when men were called to sit on committees ‘you think to please them, but they give you no thanks for your labour, for they are unwilling’. By 1600, however, practically every bill is being committed, and the committees themselves were increasing in size from 10 or so to 40, 50 or 60.

At about the same time, the House stumbled on a valuable new piece of procedure. In 1593 a large committee, presumably for convenience, had not retired to the outer room but had actually sat in the House, that is in St. Stephen’s itself. Then on 11 March 1607 the first true Committee of the Whole House of Commons sat, a committee being nominated at which ‘any of the House to be present, and every man present to have a voice as a committee’. By 1614 the Commons went into such a committee on the least occasion, and Committees of the Whole House became daily occurrences.

The general increase in the use of committees, and in particular the use of committees of the Whole House, were of great political importance. It was one of the ways by which the Commons won an initiative as against the Crown and against the Crown’s nominees, that is, against the Speaker of the House and the Privy Councillors. Whilst the House itself was dominated by the Speaker and the Privy Councillors, who sat in a tight group together at one end of St. Stephen’s, the Committees were never presided over by the Speaker – and under James I did not include many Privy Councillors. Committees therefore became, inevitably, important centres of anti-monarchical opinion; and were established as a vital element in Commons procedure. It should be added that Parliamentary Committees are not merely legislative, but are also used to enquire into general matters of public policy although, in the course of the last 100 years, they have been to some extent replaced by the use of Royal Commissioners and departmental enquiries. Today, the further extension of the Committee system is widely advocated, firstly to speed Public Bills by having committees for second reading debates; and secondly to enable Parliament, through the agency of specialised committees of the Commission, to increase its influence over the actions of the executive. This second purpose, most recently argued by David Coombes in his book *The Member of Parliament and the Administration*, thus returns to the original character of the Parliamentary committee as, in part, a device for gaining the initiative against the government.

From Committees, bills return to the House, and after they have had their third reading in both Houses, then await the Royal Response. It was by no means certain through most centuries of Parliamentary history that this royal reply would be favourable. The historic method of refusing was that the King said he would take advice about the bill, ‘*le roi s’avisera*’. This formula was spoken quite often. The last occasion on which it was used was when in 1707 Queen Anne refused to agree to a Scottish Militia Bill. (the constitutionally significant document containing this last use of ‘*la reyne s’avisera*’ is displayed tonight). Whether the royal reply was favourable or unfavourable, however, it was customary for it to be given in the actual physical presence of the monarch himself. It is said that King Henry VI was even brought by his nurse as a babe in arms to assent personally to a bill. This practice of royal attendance at the last stage in the making of a law continued uninterrupted until the year 1542. In that year a bill was prepared and passed for the attainder of Henry VIII’s fifth wife, Queen Catherine Howard. This was in the days when the texts of bills were read aloud not only at the 3 main stages of legislation, but also at royal assent. The Lord Chancellor in 1542 told Parliament that a new method was to be adopted for the Attainder bill. King Henry would not be attending on this occasion ‘lest the repetition of so grievous a story, and the recital of so infamous a crime, in the King’s presence, might re-open a wound

already closing in the royal bosom'. Instead, therefore, a number of peers were appointed by royal commission, to give the King's assent to the bill, and this royal commission, signed by Henry VIII and bearing the waxen Great Seal hanging from it, can be seen here. It represents the first use of a device to save, not so much the royal feelings, as the royal time, which was increasingly used by the sovereigns, until under Queen Victoria in the years after 1854 it became habitual.

The ceremony of the Assent takes place in the Lords' Chamber, a room more properly called the Parliament Chamber since it is here that Parliament as a whole, Sovereign, Lords and Commons, meets together; and the Commissioners for Assent have always been members of the Upper House. Here then is a specifically Lords, contribution to legislative procedure; are there any others? This is a difficult question to answer. It is a remarkable thing that new stages in procedure often appeared at the same time in each House, and it is not clear to which the credit should be assigned, as when, for instance, the custom of 3 readings became standardised both in Lords and Commons practically at the same time during Elizabeth's reign.

It is possible, however, that the Lords anticipated the Commons in one of the crucial precedents – that of the whole House going into Committee. This came, as we have seen, in the Commons on 11 March 1607; but it has been pointed out by a recent writer that this had already happened in the Lords, for on 1 December 1606 the Lords went into a Committee of the Whole House and inscribed in their Journals quite explicit reasons for doing so; it was thought, they said, the best and readiest means for speed and it made for liberty: 'every one may deliver his mind and meaning upon any point, as occasion may serve'; and it seems that in the Committee of the Whole House Peers in fact spoke out who would not have dared to do so in the House.

Summing up the development of bill procedure in both Houses, it can be said that whilst petitions – that is, the raw material for bills – are part of the aboriginal procedure of Parliament, much of the remaining procedure on bills evolved within the second period of Parliamentary history, between 1425 and 1605; the discussion of a final text instead of a petition; the set number of readings; regular use of varied types of committee; and the method of giving Royal Assent by Commission.

To the Clerk of the Records, may I add, the immediate physical outcome of the business of legislation has been the formation of a sequence of about 60,000 rolls and books, the 'Original Acts'. Some of these are on display tonight, and you will see that until 1849 each act was handwritten on vellum. A short act perhaps only needed a single piece of vellum six inches in length; but acts got longer and longer, and the clerks sewed skin to skin until they made rolls of incredible length – some of the 18th century rolls are a third of a mile long, probably the longest documents in the world. Some of the Tudor acts bear the signature of the Sovereign, HENRY R, MARYE THE QUENE, and so on, but royal signatures cease after 1603, and the acts are guaranteed as the genuine text simply by the handwritten formula, 'Le Roi le veult', or its appropriate variation, written at the top, and by being kept in the care of the Clerk of the Parliaments. There are no seals. Parliament has never possessed a seal of its own, and the Great Seal of the Realm, kept at Westminster in the custody of the Lord Chancellor, is only affixed by him to the Commissions for Royal Assent and similar letters patent.

The awkwardness of handling these long Act rolls can be imagined; indeed, to re-roll them satisfactorily after students have consulted them, we have had to install a special electrically driven machine; but although the texts of bills were being printed for the use of Members from about 1700 onwards, the official copy of the bill had to be handwritten on skins for another 150 years. In part, this was the result of a tradition dating back to the earliest days; but it has been said that clerks who were paid so much per skin for writing the bills by hand, were reluctant to give up this simple but remunerative way of passing the day, and resisted change. At length, in 1850, the roll form was abolished, and since then the authoritative statute has been printed in book form. Continuing the ancient tradition, the Acts are still on vellum, and still with 'La Reyne le veult' at the head, though now with the signature of the Clerk of the Parliaments as an extra form of authentication at the end. The care of these Original Acts in the Victoria Tower is one of the principal tasks of the Record Office. We preserve them firstly as master-texts from which printed texts can be corrected; secondly, as the sole existing texts of many thousands of private acts never printed, which form an important source for English history; and thirdly, as the texts from which certified copies are made and transmitted into courts of law all over the world. The majestic sequence of some 60,000 vellum acts is to us the backbone of the 2 million records of Parliament, and indeed of all the public records of the realm.

II

From legislation and its records, I would like to turn to what is a less well-known aspect of the work of Parliament, the exercise of judicial functions concerning the population at large, functions vital to the parliaments of the 13th century, and today vital to the whole English legal system, though to the public so little known that I imagine visitors are extremely surprised as they walk from the Peers' Lobby on some mornings into the Chamber of the House of Lords to find counsel in wig and gown pleading at the bar about some complicated financial fraud, a collision at sea or some other type of civil litigation. They may have been still more surprised during a period earlier in this year after the Dissolution – when no Parliament was in existence at all – to find Peers actually sitting to perform judicial functions in this way.

The history of this form of Parliamentary activity has a special significance in that it witnesses to an important stage in the conflict between King and Parliament. The modern jurisdiction of the Lords originated in the reign of James I. The ordinary Judges of the land in Westminster Hall, the Commons then felt, were too subservient to the Crown. In 1621, therefore, the House sought to do two things, one, so it turned out, successfully, the other unsuccessfully. The first was in accordance with mediaeval precedent. In February, 1621, they impeached before the House of Lords Sir Giles Mompesson for extortions and other exorbitant behaviour as the holder of a royal grant of monopoly of silver and gold thread manufacture. The Lords very willingly exercised long disused powers, and eventually sentenced Mompesson to degradation from knighthood, imprisonment for life, and a heavy fine. This as we saw last week, was the beginning of a sequence of many impeachments by the Commons, ending with that of Lord Melville in 1806. I am showing an example of one of the articles of impeachment brought up by the Commons to the Lords which led to the still more famous, indeed the notorious trial of Warren Hastings in the eighteenth century. Impeachment served its turn, in this and other instances, as a convenient method by which Parliament could displace over mighty subjects, including amongst them, the King's ministers although it was not, however, a method for constant use.

The second but unsuccessful attempt of the House of Commons in 1621, was to obtain for itself a means of dealing *judicially* with lesser men. In 1621, for the first time in the history of Parliament, the House of Commons claimed a direct criminal jurisdiction over men at large and the right to exercise without the help of the House of Lords. They summoned to the Bar a man called Edward Floyd and accused him on a criminal charge of seditious speeches. James I's strong and historically justified objections to these actions led to the Commons abandoning the case to the Lords – though losing it themselves, yet preserving it for the Parliament. The ultimate result was the revival and indeed the extension of the Lords' judicial power, so that from then to the present day the Lords have heard appeal cases, though mainly of a civil rather than a criminal type, from lower courts. Their decisions have done much to shape English law, and incidentally have contributed vast series of records to the Victoria Tower, a recent example of which I am showing tonight.

III

So far, in dealing with legislation and adjudication, I realise that I have not mentioned directly what the public mainly associates with Parliament, and what critics today, friendly and unfriendly, increasingly regard as its main purpose – to act as the Grand Debate of the Nation and to exercise in debate a supervisory role over national life. The word, debate, is from '*debattre*', French for 'to fight'. Fights need rules, and I would like now to say a little about the rules of the Parliamentary fights in the Commons. Parnell, as you may remember, was once asked by a new member how he could learn the rules – 'By breaking them' was the prompt reply of that great rule-breaker. But there are other ways. Since the reign of the first Elizabeth there have been little books on procedure; not represented by our vast and learned treatise originally compiled by Thomas Erskine May, Assistant Librarian of the House, in 1844, and now in its 17th edition. Herbert Morrison once described it as 'This great, and valuable, changing, and living volume' – he thought it so persistent and powerful in its influence in the House that he sometimes felt 'that the ghost of Erskine May was floating above the Speaker's Chair and the Clerk's Table'. One of the first of May's predecessors as an expert on procedure was William Lambarde, the historian of Kent and Keeper of the public records – a fellow archivist I am proud to recall. I would like to read quickly to you what Lambarde gives as the four principal Orders to be observed in debate by Members in Elizabeth I's reign. You will see how close they are to today's rules. The first deals with the actual choice of a member to speak. He says:

'If two persons shall arise to speak, the Speaker must appoint him to speak first that arose and offered to speak.'

The 'Speaker *must* appoint', you notice, deprives the Speaker of any choice. In 1844 Erskine May described the 'general voice of the House' as being in a position to change the Speaker's decision; since 1863, however, the decision has rested with Mr. Speaker alone.

Secondly, Lambarde says:

'One man may not speak twice to one bill in one same day, although he will change his opinion, except it be only for the moving of some order'.

This obviously wise provision in an assembly of several hundred members has been continuously observed ever since, apart from a few modifications. Nowadays, of course, a misunderstanding may be explained; in certain cases a reply can be made at the end; and, of course, as we have seen, in committee the restriction on speaking twice is removed.

Our Elizabethan commentator thirdly directs that:

‘Every man that will speak must direct his speech to the Speaker and not to any other person, neither may he name any other person but only by circumlocution, as by saying, “He which spake with the bill” or “He which made this or that reason” ’.

(Bowyer in 1607 tells us that names were not even used in Divisions ‘lest the names should be shewed to high persons and so some particular members might have displeasure’). This cautious Elizabethan and Jacobean habit of avoiding precise identification lasted perhaps a century; but in 1844, Erskine May, no doubt following Onslow, allowed members the custom which still prevails, to name other members by the office they hold, or the place they represent.

Lastly, Lambarde refers to what might be called ‘Explosion time’ – Speaker Peel as you may remember, said that in the House passions are strewed about the floor like gunpowder, and though every reasonable precaution is taken as in powder factories, yet now and then an explosion will occur. Explosions in Elizabethan as in Victorian times were matters for Mr. Speaker. Lambarde says that if any Member refers to other members with nipping or unreverent speeches, the Speaker may admonish him. He is to ‘admonish’; yet he is not to stop him. No one could stop an Elizabethan speech unless it contained treason. We read that ‘If any speak too long, and speak within the matter, he may not be cut off; but if he be long, and out of the matter’ he may be admonished, as he also may when he ‘ranges in evil words’. In the 18th century, Speaker Onslow, and Hatsell, Clerk of the House, formulated more precise restrictions on debate (summarised by Erskine May in 1844). Thus, a member, by then, was restricted in a number of new ways: he could not refer to prior debates of that session; nor allude to debates in the Lords; nor speak offensively of Parliament and its proceedings. Disorderly words could be taken down; and Members in extreme cases could be disciplined not only by the traditional reprimand, but also by commitment. It was only in 1877 – and then on account of the Irish Nationalist campaign – that one of the most powerful disciplinary weapons was forged. In that year under Mr. Speaker Brand an addition was made to the penalties, the punishment of Suspension from the House, a punishment which had until then only been used exceptionally, on a few occasions in the 17th century - quite a remarkable fact when one considers the revolutionary passions moving the House during that century.

The story of Order in the Lords shows more differences from Commons procedure than appeared in legislative procedure. To begin with, rules of order were completely codified at a far earlier date in the Lords; the roll of Standing Orders in the Lords was drawn up in 1621 whereas a full code does not appear in the Commons until the 19th century. Secondly, the Lords have never sought to have a chairman regulating business in the same sense that Mr. Speaker presides over work of the Commons. The Lord Chancellor sits on the woosack, he adjourns the House, he puts the Question, but he does not preserve order; the Clerk at the Table reads out the Orders of the Day and also calls those who have Questions to ask. Thus the Chancellor shares responsibility with the Clerk, and the late Lord Jowitt said that he and

Sir Henry Badeley, the then Clerk of the Parliaments, were like a couple of tick-tack men, signalling to each other across the Table.

The final control, of debate in the Lords, I should add, is by the House itself . Any Peer can rise to object to what is happening as contrary to Standing Order, or to decency, and move that a Peer be no longer heard, a motion last moved and accepted in 1960. Or, a rather milder measure, any Peer can have the Order against asperity of speech read – and this was last done in 1950.

In general, as may be assumed from this, order in the Lords has not presented a serious problem; the House historically was far smaller than the Commons – with only 85 members in 1600 as against 450 or so in the Lower House; its sittings have been shorter; and there has never been an organised body of relentless opposition such as the Irish Nationalists once were in the Commons.

Debate normally finishes with a Division. A Division is a physical dividing of the House, in which two parts of it move in different directions. This did not occur in the Middle Ages. Then there were only Votes, when Peers stood up and declared their vote, and Members of the Commons sitting in the House shouted their Ayes or Noes and their voices were weighed by the Speaker. The physical division as we know it, subsequent on the taking of voices, seems only to emerge between 1532 and 1554. It may be that the physical division of the Commons into two groups for the purpose of voting was made possible by the House of Commons' change of accommodation. When, for instance, they were all in the Chapter House of the Abbey there was no adjacent Chamber into which the Ayes or the Noes could go. Only when in about 1550 the Commons moved into St. Stephen's did they acquire space to divide. One side then stayed in St. Stephen's Chapel. The other went into the outer ante-chapel.

By the end of the 16th century this form of Division is well-established, and is described by the commentators. Finally, when two adjacent lobbies became available in 1836 the present system by which both Ayes and Noes leave the Chamber was arrived at. (May I add two footnotes about Divisions. When the noting down of those taking part in Divisions also began in 1836, Members greatly disliked it, and tried to edge past anonymously; and, until 1906, Members present were forced under penalty to take part in every Division; to abstain was an offence).

In general however, there have been few changes in the basic rules of debate since the days of Elizabeth I; what is new and important is the modern practice of publicity. Debate within parliament originally was secret. What had been said in the mediaeval House of Lords was as secret as what had been discussed in the Council Chamber or what is today said in Cabinet. Commons' debates were, if anything, still more secret. When the formal House records start in the 16th century, it can be seen from the MS Journals that are shown here tonight that the Clerks of both Houses contented themselves with listing business done, and particularly, bills read. At first, no words uttered by Members appeared in the Journals. So long as conclaves remained secret, Kings admittedly were kept at arm's length, but so were the communities at large, democracy itself.

However, confidence grew under Elizabeth. The recently discovered Journal of Fulk Onslow (which I also have here tonight) shows him not only summarising speeches but making such personal remarks of his own as 'Much talk and to no purpose' of Mr. Snagge's Speech; and,

of the Recorder of London's discourse; 'A long and tedious talk nothing touching the matter in question'. And from 1581 onwards, brief summaries of debates, though without rude comments, appear in the Commons' Journals. As Crown and Members clashed, however, this became dangerous, and eventually in 1628 the Commons ruled that 'the entry of the Clerk, of particular men's speeches, was without warrant at all times, and, in that Parliament, by Order of the House, rejected'. A little later, Sir Edward Dering summed it up: 'he did not dream we should tell stories to the people'. This remained the rule for the Commons, and indeed also for the Lords, from then onwards for nearly 2 centuries. But there were Members busily jotting down notes; and also members of the public extremely anxious to find out what was going on. A slight concession from the House came during the Popish Plot scare in 1680 when *Votes and Proceedings* were first ordered to be printed and issued to the public. This publication was, however, somewhat dry fare, and the Commons did not face the issue of 'letting the public know' until 1738. Opinions were then mixed. Wyndham thought the public ought to be able to judge of the merits of their representatives; but Pulteney refused to be made accountable without doors for what he said within; and Walpole was certain that if speeches were published no Member would be safe against misrepresentation. The House then decided to condemn publication as a breach of privilege. Any account of debates which appeared in the monthly or quarterly magazines thereafter had to be disguised with fictitious names. They appear in '*The Gentleman's Magazine*' as 'Debates in the State of Great Lilliput', for instance. The House was, however, behaving very much like Mrs. Partington, and the ocean waves could not be swept away. In 1771 the House failed in its attempt to prevent Wilkes publishing reports, and explicit accounts then began to appear in the daily papers. In 1803 reporters were assigned a bench in a gallery – and Cobbett began the series of contemporary reports which were taken over in 1812 by T. C. Hansard. Eventually, in 1908, these became *verbatim*, and a dominant feature of each of our Libraries is the massive series of some 1,500 volumes of Hansard's Debates.

Today, we seem to be moving forward to publication by television, but even today none of the 1,500 volumes of Hansard can be found amongst the official records of Parliament in the Victoria Tower, and still, to this day, papers presented to the Commons, unless ordered to be printed, remain secret and inaccessible to the public, although duplicate copies presented in the Upper House are available to anyone interested. Here is historic testimony both to the ancient fear that the Crown might proceed against individual members of the Commons, and to the equally ancient insistence of the Commons' right of free speech.

IV

I have spoken of the House as the grand debate of the nation; and I cannot leave this aspect of Parliament without referring to what has become for many the most lively and effective part of the grand debate: the daily Question Time. This, unlike so much else in Commons' procedure is almost a modern invention. The very idea of one Member asking another Member anything even indirectly through Mr. Speaker, would have been regarded as an abomination in Elizabethan Parliaments. It was mere 'conversation;' and, as such, disorderly. It remained so for a long time. We are often told that Questions began in the Lords with Earl Cowper asking a question in 1721. Cowper was certainly an innovator – he wrote a book in favour of polygamy – but it is doubtful whether his single question was a very effective precedent. In the 18th century, in fact, one did not need to ask specific questions, standing on their own and not related to motions or 'questions' in the technical Parliamentary sense. There were so many opportunities for slipping in demands for information, or criticisms of

current activities of the government. Every order of the day had to be moved, and amendments could be proposed of the widest irrelevance. Adjournment could be moved almost at any time and for any reason. Every time the House went into committee a motion was needed and any issue could be raised. And in the Commons, as still today in the Lords, motions were often made for papers on any subject. In other words, in the classic days of the Commons, any crucial matter could be introduced by a Member practically at any time. As the pressure of business grew, however, these opportunities became limited. It was, you may remember, only in the 19th century that Parliament began to work hard, continuously, through long sessions. Time then began to be valuable, and business had to be simplified and hastened. From 1848, Orders of the Day ceased to need motions being put. From 1882 all debate on delaying or dilatory motions had to be relevant. And so on. The private Member under Queen Victoria was (perhaps inevitably) losing his remarkable freedom to raise almost anything at any time.

But he was not entirely without the sympathy of authority. Governments perhaps had always objected to the random character of the old system and themselves may have preferred to have questions directed at their Ministers at stated times, under clear rules, and with greater brevity than in debate. Mr. Speaker in 1783 had agreed that a Member had in principle a right to ask a question, and a successor in 1848 said that he thought questions were ‘convenient’, as they did away with the need for specific debates. And questions, so encouraged, increased in number. In 1835 they had begun to appear on the Order paper: in the 1870s the Speaker began to allow supplementaries by any Member; and in 1886, to bring a little more organisation into an exciting business, notice had to be given of all the Questions. Something very much like the present system had come into being, and by the end of the century Questions amounted to over 5,000 a year.

Perhaps the crowning achievement of the backbencher was to acquire for Questions what was in practice something like first place in the daily timetable. Originally questions had been asked merely at ‘convenient times’; but in 1849 questions on the notice paper were grouped together as the first item, under the heading ‘Notices of Motions’. Questions were then unlimited in number; and in the days of the Irish Nationalists they seemed to be getting out of control, holding up the main business of the day for hours. Joseph Chamberlain in 1901 saw them as a menace, directed by a small group of men, who insulted and outraged the House and aimed at dominating the majority. Arthur Balfour joined, more mildly, in the criticism; to him. Questions were becoming ‘something of a scandal’. The House agreed, and adopted a resolution proposed by him, that Questions, though still being taken before public business, should only occupy 40 minutes a day. A slight change in 1906 altered this limit in practice to between 45 and 55 minutes. Question Time as it is known and appreciated today had arrived.

And so, with the appearance of Question Time in the late 19th and early 20th centuries, the Parliamentary programme virtually became complete. I would add, as a footnote, a brief comment on the daily timing of this whole programme.

Originally both Houses of Parliament had followed the practice of the courts of law and had met during the hours of daylight, starting as early as possible. Elizabethan Members came to the House at 8 in the morning and sat until noon, the hour of dinner. Committees in both Houses sat either before – at dawn in fact, at 6 or 7 in the morning – or, alternatively, in the afternoon. James I was not entirely unreasonable in condemning the great Protestation of 1621 as irregular because it had been debated by candlelight. But as more and more lawyers sat in the Commons in the 17th century, the clash of time with the sitting of the law courts in

Westminster Hall was felt to be increasingly annoying. Sometimes sittings therefore took place in the afternoons, and between 1600 and 1718 'closing time' had been advanced from noon to 2, 3 or 4 in the afternoon. Then in 1718 it was decided that no special motion would be needed to bring candles in – the Serjeant at Arms when 'daylight be shut in' was to bring candles automatically. Morning sittings ceased and by 1832 the House began as late as 4 p.m. and habitually sat through the night.

If Elizabethan Parliaments were affairs of the dawn, Victorian were of the night – indeed Townsend remarked in 1844 that to adjourn at midnight was a real release. By 1900, however, a contrary movement had begun. The sitting was put back to 2 o'clock, and morning sittings were re-introduced for the first time for 2 centuries – at first, on Wednesdays, then instead, on Fridays, as today, and all night sittings, although remaining a feature of Parliamentary life, mercifully became a relatively infrequent one.

V

In these two lectures I have tried to outline the great stages in the evolution of Parliament and to pinpoint the origin of some of the elements in its every-day life most familiar to us. One conclusion is obvious: that what Parliament does today is the result of trial and experiment extending over many centuries, going back certainly to the readings of petitions in the 13th century and to the Commons' winning of a financial initiative in the 15th century, but deriving some of its most marked features from the period of conflict under James I and Charles I.

The historic past is therefore a pervasive influence at Westminster; on occasion indeed it has seemed inhibiting. The attitude of Parliament to the invention of printing, for instance, as we have noticed, penetrated Westminster slowly. Bills continued to be read aloud for centuries after it had become possible to supply members with printed copies; and only in 1849 was it thought suitable to have the final Act in print instead of in handwriting. Yet in great matters, Parliament has shown a far greater readiness to modify or transform the custom of ages. By resolution in the House, by the formulation and codification of decisions by Mr. Speaker, and in other ways, Parliament has been able to adapt itself to new circumstances. The ceremony of Royal Assent by commission was an ingenious invention in the 16th century, wholly breaking with the Parliamentary precedents of 300 years, and incidentally (but not intentionally) marking a stage in the withdrawal of the Monarch from the active life of Parliament; the idea of a committee of the whole House in the following century gave Parliament additional freedom at a crucial moment; the new challenges both of business and of obstruction 80 years ago called forth striking innovations in the ordering of debate; and, perhaps the most remarkable example of Parliament's power of improvisation, Question Time, unnecessary and proper in the 18th century, became a dominant feature of Parliamentary life under different circumstances in the 19th century. In all this, the history of Parliament has appeared not as the accumulation of an increasingly heavy burden of precedent; but rather as the exposition of what Charles James Fox called the 'gradual and progressive wisdom' of successive generations, and the adaptation of that wisdom to meet the varying needs of each age. Traditions are preserved; but they are also changed; Parliament does not for long allow itself to be cramped by the past.

Finally, I would like to suggest that it may be useful and even illuminating to adopt a different time-scale when considering the history of Parliament. Instead of thinking of

Parliament simply as a traditional and 'ancient' institution, deeper insight into its history might suggest that it is youthful, indeed only recently come of age, for the all-important principle of representation, implicit in Parliament's history since 1190, was only fully worked out as recently as 1948. And the work of Parliament is not over, for there are few commentators and observers inside or outside Westminster today who do not see tasks for Parliament in the future in every way as significant as its past achievement. 700 years has been a long time in the history of Parliament; but it is perhaps only a prelude to a still longer and greater future.