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Introduction

There is a near absence of historiographical debate on the Irish Parliament as *parliament* in the seventeenth century. The English assembly has had a different experience. Victorian historians, often personified by the now much maligned Stubbs, subscribed to what has now become known as a 'whig interpretation of history'.[1] As such, a vibrant and confident Victorian society sought to place its parliament, erroneously considered at the time as 'the mother of all parliaments', at the centre of England's perfectly balanced constitution.[2] Parliament, so the argument ran, and in particular the Commons, had since its inception at some vague point in the mists of time striven to emphasise and safeguard the just liberties of the English people against their monarchs. As far as the seventeenth century went, the Stuarts were frequently portrayed as the bogeymen. Criticism of Stubbs and his colleagues appears now to be somewhat unfair – they were the first generation of professional or near-professional historians and, when compared with practitioners in other countries, they do not come across as particularly poor. Simply put, they took the first steps in the modern professional era and so naturally errors were made and perspectives were skewed. Above all, they looked at the parliament then in existence and attempted to work their way back.

What has been described as an 'orthodox' school of thought came to the fore in the first half of the twentieth century to take the study of English parliaments to its next logical step.[3] Lewis Namier and John Neale, working on the eighteenth and the sixteenth centuries respectively, moved away from the idea of a progressive and just body of MPs fighting 'the good fight' against authoritarian and absolutist-minded monarchs.[4] Instead, they portrayed parliament as being involved in near-constant confrontation with central authority. Wallace Notestein, in particular, wrote an influential article on the winning

of the initiative by the House of Commons in the early seventeenth century, which he argued led king and parliament on a 'high-road to civil war'.[5] This work was characterised by concentration on moments of high drama and of political conflict. These historians also overemphasised the role of members of the lower house, especially their religious attitudes and apparent alliances.[6] A consequence of the prominence of this school of thought led to the establishment of the History of Parliament Trust. Its approach, in turn, led to vehement reaction by the revisionists from the 1960s onwards.

George Sayles, a rare historian of both Irish and English medieval parliaments, made a valid point when he wrote that

> to still pretend that the history of the medieval parliament is being written when the sparse and uninformative details of the obscure lives of obscure men are laboriously collected because they made a fitful appearance among the commons is merely to veil the hard realities … the place of biography in constitutional history is a subordinate one. If we see in parliament merely a public spectacle of political struggles between crown and commons and of democracy in embryo, we shall certainly never understand the medieval parliament.[7]

Elton shared these sentiments when he wrote of 'Namier's obsession with the persons of individuals – his belief that the history of parliament equals the history of individual members of the commons … The lords, once again, lie forgotten.'[8]

This criticism is perhaps somewhat excessive. Biographies of people who sat as members of the Commons are, of course, very useful.[9] Nonetheless the dominant form of parliamentary history took the focus off the institution of parliament, and apparently supported the assertion that the history of parliament is the history of the House of Commons. From the late 1960s onwards, a revisionist school emerged in early modern parliamentary history that rejected the idea that there was a sure emergence of a strong opposition in Elizabeth's time. Michael Graves, Conrad Russell, Geoffrey Elton and Sheila Lambert, among others, all played a role in this. In rejecting the 'orthodox' specialisation (some would say obsession) on the House of Commons and party politics, they opened the door to the study of the Lords also, and highlighted the need to study parliament as part of the state apparatus, rather than just as a political event. At the very core of this approach was a widespread consideration of the activity of parliament over a long period rather than just tracking back from the civil war looking for its causes. New approaches flourished. Statistical analysis of 'work rate' began to demonstrate the way in which all elements of parliament (for the most part) cooperated in the process of getting the business of parliament done. Developments in procedure were no longer to be seen as constitutional weapons in a political war, but rather as aids in allowing parliament to dispatch its constantly growing workload. As

the early modern state expanded at a fast pace, so too did all of its constituent courts and administrative departments and parliament was caught up in this process. Above all, the speed at which legislation could be processed came to be treated as the barometer of parliaments.[10]

So what about the Irish Parliament in the early modern period? It does not make much sense to take English historiographical developments and baldly apply them to an Irish question. The Irish assembly was a different institution which operated in a different environment and under different conditions. Most famously, the provisions of Poynings' Law made the process of legislation considerably different and introduced a fourth part to the parliamentary trinity: Lords, Commons, king and English council, and lord deputy and Irish council.[11] Although there were religious pressures in the English Parliament, the differences were all the more stark in Ireland, and the ethnic distinctions made the situation a little more volatile. While many ambiguities of the Irish situation were not formally clarified until the 1720 Declaratory Act, Ireland was clearly treated more as a colony than a co-equal kingdom or, at very best, a little brother.[12] However, there were also some important similarities.

In many respects, the Irish Parliament had developed in a similar fashion to the English one simply because so many other facets of royal government were modelled on England. However, because the Irish Government was generally staffed with figures from the Irish lordship up until the growing anglicisation of government from the mid-sixteenth century onwards, there were aspects of parliament that had local particularism in organisation and development.[13] For example, the clerical proctors remained in the Irish Parliament a long time after they had disappeared from its English counterpart. An indication of the growing anglicisation of government affecting parliament can be seen in the abandonment of the law with regards to MPs' residency and property qualifications in the boroughs they represented and the laws regulating where parliament should sit. This was not just for reasons of political expediency, but also because government ministers' knowledge of parliaments rested on their experiences and that of their assistants in the English assembly.[14] As such, then, while we must be cognisant that the Irish Parliament was dependent on local conditions for its development as an institution, it was also explicitly shaped, particularly from the mid-sixteenth century onwards, by the knowledge of the workings of the English Parliament.

Much of the writing on the Irish Parliament has concentrated on confrontation, though not always on that between executive and commons. More often it has highlighted religious and ethnic distinctions. When reading more generally on Ireland in the seventeenth century the same issues are usually mentioned. In 1613, the fall-out from the election of the speaker and a sharpening religious divide in the Commons created by the wholesale creation of Protestant-dominated boroughs is usually highlighted. In 1634, denial of the

graces and the creation of a government grouping to play the settler interest against the Catholic interest is prominent, and in 1640–41, partially as a result of policies and practices in the previous parliament, the fall of Wentworth.[15] In 1661, an all-Protestant Commons (frequently mistaken for an all-Protestant parliament) and the land settlement feature, and in 1689 Catholic domination and the land settlement – a swinging pendulum to the previous assembly. In most histories of seventeenth-century Ireland, parliament is used to illustrate the growing distrust and animosity between the competing interests. While it is important to acknowledge that the Irish Parliament could of course be an important forum in playing out the confrontational episodes of Irish history, an institutional study of parliament will give us a different perspective. For example, the 1634–35 parliament can be regarded as being, legislatively at least, a very active parliament. In this parliament, the Lords read 78 bills in 77 days sitting and the Commons read 103 bills in 104 days sitting, a much higher rate than any other. Having said that, one aspect of the English revisionist school is a strong emphasis on the production of legislation, an emphasis which, if unchecked, could distort an understanding of the Irish Parliament. During the seventeenth century, the English Parliament, and the Irish for that matter, took on a massive number of legal cases, which consumed much of parliament's time and attention.[16] According to the sources available to us, the Irish houses considered 1,664 petitions or counter-petitions usually (though not exclusively) initiating or answering either first instance or appellate cases. This aspect of parliament's, and especially that of the upper house's, work has been to a large extent ignored by historians in Ireland. The exception is especially revealing when these petitions were politicised, such as in 1640 and 1641.[17]

The Irish Parliament has not been without institutional histories. Richardson and Sayles's work on the medieval Irish Parliament took the institutional route, as does much of Steven Ellis's work and that of D.B. Quinn.[18] On the eighteenth century, much of the work of David Hayton follows an institutional approach, as does James Kelly's recent work on Poynings' Law.[19] Indeed, the collaborative project on Irish legislation by David Hayton, James Kelly, John Bergin, and Andrew Sneddon, on the Queen's University Belfast website, is a superb example of such an approach, with legislation at its core.[20] A more thorough examination of the various works is made in each relevant chapter.

Perhaps we should pay special heed to the call of David Hayton to study 'the achievements rather than the rhetoric'.[21] Although it may be relatively novel to Irish historiography in general, he was simply reiterating arguments advanced by Elton, Graves, and Smith.[22] Importantly, he recognises that in Irish historiography, parliamentary process and institutional history have become totally subordinate to a dominant political narrative. As such, a more thorough understanding of parliament can be achieved if we study how par-

liament worked. Political studies of parliament both for its own sake and for the sake of understanding the political world of Stuart Ireland have served the reader well in the past and continue to do so, but they are of less use in a study of parliamentary mechanics in its own right.

This book will attempt to study parliament purely for its own sake. It is essentially an investigation into how parliament processed the business put before it, and how, while conducting this business, the component parts interacted with each other – and indeed how parliament interacted with other aspects of government and administration in the kingdom as a whole and occasionally outside of it. Generally speaking, it could be described as an administrative and legal history of the Irish Parliament. It is not seeking to overturn any previously held beliefs or advance any particular interpretation beyond that of the validity and necessity of institutional history as an essential tool for political historians to understand parliament in order to understand the parliamentary event. It will naturally share some characteristics with the revisionist school in England, but because parliament in Ireland had a different position within the constitution, and because it continues to occupy a different position in the thinking of modern historians, it will be distinct.

The parameters of this work have been set for purely practical reasons. The earliest parliament in this study began in 1613. This date has been chosen not because it was the first Stuart parliament or because it was the first parliament to have representatives from constituencies spread across the entire island (that is merely coincidental), but because it is the first parliament for which we have journals. Had the journals emerged in the Tudor period, this book would have begun in 1585, 1569, or even earlier. Nor is the end-date set by the watersheds in Irish political history in general. The year 1689 has been chosen as a logical end as, from the point of view of many historians of parliament, 1692 represents the beginning of the long eighteenth century. However, the 1689 parliament does throw up some difficulties. The journals for the Jacobite parliament, as explained in greater detail below, did not survive the 1690s and so a thorough examination is not possible in the way that it is for the period 1613–66. However, that is not sufficient reason to exclude it. The Lords' journals are missing for the Jacobean parliament and segments are also lost for parts of the 1640s. References to the 1689 session are therefore less numerous, and statistical analysis is not always possible. Yet peers and MPs who sat in 1689 saw themselves as part of an assembly that was legitimate and so it would make no sense whatsoever to exclude it on the basis that Williamite politicians in both London and Dublin subsequently declared it to be illegal. On the same reasoning, there would be little use in studying the English Parliament between 1649 and 1660.

The chapters are essentially divided on the basis of needing to understand parliament in the work that it undertook and how this workload was

dispatched. Therefore, there is a chapter on petitions and the adjudication of law (Chapter 2), a topic on which there had been very little work done, but to which the Irish Parliament devoted an increasing amount of time. There is, naturally, a chapter on legislation (Chapter 3). Irish historians have spent a lot of time on the issue of legislation; sometimes on the content and effects of it, and particularly in the seventeenth century on the thorny issue of Poynings' Law, but curiously few have spent much energy on how it moved through the houses of parliament. This chapter will concentrate mostly on the internal processing of legislation. Chapter 4 follows and is concerned with the staff of the Irish Parliament, for in a study of how parliament conducted itself, these people are at least as important (if not much more so) than the members. And finally, in Chapter 5, we deal with privilege. Like the study of petitions and law, this increasingly demanded the attentions of the Irish Parliament, both private and public. The common thread that runs through all of these chapters is that it deliberately avoids political commentary. It is an acknowledgement of the view that institutional developments in parliament tended to come about organically, generally as a response to the shifting way in which it conducted its business. Above all, this study makes much use of how parliament recorded its own proceedings: the journals of the House of Commons and of the House of Lords.

This book might have been written differently. There may well be a case made for a standalone chapter on committees. As it was written, committees as a regular cog in the parliamentary machine feature throughout this study. Writing a separate chapter on the parliamentary committee, ad hoc, standing, or grand, would in effect produce repetition both of the theory and the practical examples. The same might be said of the history of parliamentary elections, something many historians have written on already.[23] Elections feature in this study only when the House of Commons took an interest in disputed elections after the House had assembled. Elections could, of course, be intensely political, but when viewed through the prism of administrative history, they are best understood as being part of the borough or shrieval administrations, rather than as a particularly parliamentary affair. Paying homage to the standard English authorities such as Elsynge or Selden has been avoided, for the most part. This is due to the fact that most of these sources, with the exception of Hooker's *Orders and usage* and the *Modus tenendi parliamentum*, were unknown at this time in Ireland to the best of our knowledge.[24] They are certainly not cited by members or servants of the House for guidance in their work, and although they could have been circulated in manuscript, they were not published until after the parliaments in this study had sat.

It may seem strange in a study of a colonial institution in Ireland in the seventeenth century that the influence of Scotland is not more emphatic. In fact, Scotland and the Scots make virtually no appearance in this study at

all. Although Scottish MPs and peers did feature in parliament on occasion, the longer history of Ireland's parliament suggests that it is very much an English colonial institution, that either by design or by chance it developed in ways primarily based on an English model, and that precedents cited by officers and members make it clear how they felt their institution should develop. Furthermore, the nature of appointments by the government in the seventeenth century to posts relating to parliament (both high and low) effectively cut out the Scots, thereby drastically reducing any possibility of Scottish influence over the development of the Irish Parliament.[25] However, there are historiographical developments in the study of the Scottish Parliament that are worthy of our attention, and might, in another study, make for a fascinating comparison.[26]

THE NATURE OF THE PARLIAMENTARY JOURNALS AND OTHER SOURCES

Most historians use the journals as their prime source for the history of parliament. In the seventeenth century, there were few Irish diarists and even fewer from those who attended parliament. Even when some did keep diaries, they rarely wrote much about the institution or the political developments that may have occurred within parliament. Newspapers in Ireland during the seventeenth century were rare, and in any case, parliament forbade reporting on its debates, votes, and resolutions.[27] State and private papers supplement our knowledge, but they tend, naturally, to focus on political issues and rarely give much information on the procedural aspects of parliamentary activity. As such, the journals are our source for the day-to-day events in parliament. In most cases, in a fashion quite similar to the English parliamentary records, they record many of the activities of the house but not usually in any great detail.[28] For instance, they may record a debate or discussion that will have taken place but rarely leave details of who spoke or exactly what was said.[29] The journals also keep a record of when bills were read, when oral or written messages were sent or received, when protests were made in the lords, and when petitions were read and the resultant decisions made. They generally recorded divisions and subsequent decisions. Speeches were rarely recorded, except those of the speaker when addressing the chief governor. The same may be said for the content of warrants or letters dispatched by the speaker. On certain days, the journal record may be merely a few sentences, yet on others it will be several pages long. It is incorrect to assume the length of the journal entry reflects the amount of work that the house did on a day. Upon the reading of petitions, for example, the journals might record the actual petition in full, the resultant decision, and any follow up issues such as reading a counter-petition, the order for the production of a warrant for an arrest, the

admittance of counsel to plead, further investigation, or committal. This could quite easily all be achieved in just a few minutes but the entry may be several paragraphs long. Whereas the entry for the reading of a bill could be just one sentence long, the reading and subsequent discussion of the bill, if it were a second or third reading could take several hours and have far greater political ramifications.

For the most part, the journals of the House of Lords are quite similar in their layout and content to those of the Commons. The Lords' journals regularly contain an attendance list for the day, the compilation of which was obviously a much easier task as its membership was so much smaller. It is not clear whether the seating arrangements were as regimented as on the ceremonial days all of the time or if robes were worn at all times.[30] In the Commons, the only way we can ascertain whether a member was attending was if he happened to be mentioned on a committee list or if he had been recorded for some other reason, which is not very dependable.

The journals have done much to preserve the parliamentary heritage of the seventeenth and eighteenth century, but there are pitfalls in being over-reliant on this source. The main problem is one of accuracy. It is inevitable that there are occasions when the editor or printer made an error. Printers might make an error in more substantial matters, such as a record of numbers in a vote, or perhaps mistakenly recording, for example, the bishop of Cork instead of the earl of Cork. There were after all five episcopal sees that shared names with secular titles.[31] During the restoration parliament there were four members who shared the Boyle surname, two more had Boyle as a first name, and there was a represented town, in Roscommon, called Boyle.[32] The MP for County Carlow was John Temple and the MP for the borough of the same name was also a John Temple, son of the knight of the shire. In many cases there are committee lists or other instances in the Commons' journals where there is only a reference to a Mr Boyle or a Mr Temple.[33] Comparison between the manuscript copy and the printed journals for 1640 show there are several occasions when names were mistaken.[34] Still, many of these errors and confusions are minor and infrequent and do not necessarily change our general interpretation of the decisions the journals sought to record.

Detailed examination of the text shows up a number of errors in the printed journals in our period of study.[35] In acknowledgement of the issue, the Lords, early in the first session of Charles I's first Irish Parliament, ordered a committee to peruse the journal books to 'amend what mistakes or mis-recitals they found' and this order was repeated on several occasions and in later parliaments.[36] There are certainly several minor variations between the printed text of the later eighteenth century and the contemporary manuscript found in the National Library of Ireland.[37] Another obstacle to the effectual report and recording of business in the House of Lords is the fact that even before

the printing of the journals, some of the rough journals – which were the original record of the clerk as business took place – had been missing for some time. A note under the date of 16 July 1634 says that 'There doth not appear upon the Fair Journal any entry of 16th July – and, upon Inquiry, the Rough Journal is said to have been missing many years.'[38] There clearly was a sitting of the House of Lords on this day, as the Commons reported in their journal that they visited the House of Lords and, with the lord deputy present, they presented Serjeant Catelin as their proposed speaker.[39] Even when the rough journal did survive, it was not always intact; as was the case in mid-1644, when a report mentions that 'It appears that the proceedings of the 11th July have been torn out of the Rough Journal'.[40] Occasionally a few errors appear, such as in 1642: despite entering the patent promoting the earl of Ormond to the marquis of Ormond in the journal only seven days earlier, the journal refers to him twice as the earl of Ormond.[41] Also suspicious is the attendance list for 29 October 1640 and the next recorded attendance list of 9 November 1640.[42] The numbers recorded as in attendance are identical each day, the Lords containing 26 sitting lords, 41 represented by proxy, along with the lord chancellor, but there is a drastic change in the personnel sitting and those represented by proxy. This can probably be explained by the non-attendance of some peers holding a large number of proxies who were replaced with other government supporters who held an equal number. However, the bishop of Elphin is once described as Henry (Tilson, bishop from 1639 to 1655) and seven days later called Thomas.[43] This is hardly an error that erodes any trust we might have in the journals as a whole, but it does indicate that errors could be made and were recorded, despite the supervisory efforts of the peers themselves.

The Commons seem to have had a less perfect record. For example, in 1613, an order was recorded to have the 'sheriff of Wexford', Cantwell, sent for by warrant for not paying the wages of the knights of the shire; but Cantwell was the sheriff of Waterford.[44] In the following parliament, a bill for several charges imposed upon the lands and persons of *cestunique* use was recorded as having a second reading, but no first.[45] This is an occasional occurrence in the Commons' journals throughout the century, particularly in the first half. In 1661, a letter of the speaker permitting fundraising on behalf of Philip Ferneley, although ordered to be entered into the journals, never made it into printed version.[46] This surely is the fault of the printers as Ferneley was the clerk in the Commons and the letter was financially beneficial to him.[47] In October 1665, the Commons made reference to the example of the calling of new elections to replace Lord Lisle and Lawrence Crawford due to their absence in England without permission. The order for new elections was made on 9 April 1644, but the restoration journals of the Commons refer to the order as having been made on 19 April 1649 (after parliament had been dissolved).[48] In March 1666, the Commons agreed to

remit the fine on Matthew Harrison for non-attendance in late January of the same year after the truant member made sufficient argument or excuse in a petition.[49] However, on inspecting the journals for the day the house was called, on the long list of eighty-four members fined between £10 and £50, Matthew Harrison (MP for Callan in Co. Kilkenny) is not to be found. It may be the case that as his fine was remitted for some good reason, his name should have been omitted from the original list (not usual in other examples of fines), but this in itself would, in most cases, have necessitated another entry in the journal. There was also deliberate misrepresentation of actual events through efforts to adjust the journals. The content of the journals was overseen by a committee of the House, which obviously created room for modification of content. There were also times when the House voted to remove material from the record of previous parliaments for political reasons. The restoration parliament removed material from the journals of the 1640s sessions and the 1695 parliament passed legislation to destroy the 1689 journal in its entirety.[50]

When working with the journals, it is absolutely critical to remember that they were composed and preserved as a court record. They were primarily to be used by the officers of the house, speakers, and individual members both as a record of past events and also as a guide as to how parliaments should function. Precedent was, for example, referred to on several occasions, not just by members seeking to have a certain procedure followed, but also by litigants (who were sometimes members) who brought their cases to parliament. They were simply asserting their rights under *stare decisis*, as they could do in any other court of the kingdom.[51] The journals were never produced or preserved for public consumption – indeed, as in England, the parliamentarians jealously guarded their privilege not to have their activities reported upon in the public sphere.[52] For those interested in the history of parliamentary politics, particularly high politics, the very fact that the journals do not generally report speeches makes them seem somewhat dry and of limited use other than as a guide for dating the reading of certain bills or other politically significant happenings. However, to the historian of parliamentary procedure, the journals are an invaluable source. And while one must always be sceptical and careful with sources, an internal record that was never compiled to relay an interpretation of political events or to convince an individual as to the merits of one argument over another (as personal letters, pamphlets, and news-sheets might) must surely be regarded as relatively safe and relatively un-biased. This is not to suggest that procedural issues could never be contentious; and as a result, could the reporting of differences not be contentious also? In general, the reporting of differences of a procedural nature, either between the houses or between individual members, tended to be recorded in the journals in a fairly neutral fashion. Some of the major disputes from procedure and pro-

cedural innovations of the 1690s, such as the (mis-) use of heads of bills and the drawing up of money bills are outside of the boundaries of this work, but there were differences between the houses over the issue of headwear and seating arrangements during conferences, and also differences over precedent between individual peers in the Lords.[53] While there might be dangers associated with such episodes with regards to the politicisation of what would normally be a very neutral report in the journals (particularly during inter-house differences), these disputes are useful for historians. The very fact that those involved tended to research and provide arguments in support of their respective points of view means that we are provided with even more detail on the procedural history of parliament, both in the seventeenth century itself, but also on the perceptions that seventeenth-century parliamentarians might have had of both Irish and English parliaments before 1613.

That, of course, is not to say that other sources should be ignored, for although the journals of the Lords and the Commons make up a largest part of the material used in this study, there are other sources which provide useful insight. The statutes of the Irish Parliament in the seventeenth century are of some use.[54] Although none of the private acts are preserved, the texts of almost all public acts were printed up, and as only the titles of bills were usually mentioned in the journals, the actual text of the acts is useful. On occasion parliament legislated to regulate its own procedures. Those of the seventeenth century and also from previous centuries that continued to regulate parliaments with regards to elections, the calling of parliaments, the passing of legislation, the location for convening, and also the regulation of parliamentary privilege are of particular use.[55]

State material can also be very useful. These are papers such as the State papers Ireland, State papers domestic, Carew state papers and the Acts of the Privy Council of England.[56] State papers are mainly the written communications between state officers in Ireland or communications between the Dublin and London executive. Reports on the proceedings in parliament can sometimes be a little skewed despite (or perhaps because of) the fact that many members of both houses were members of the executive also. For a procedural history, they become quite important when they deal with warrants and the like, which may have been used to control the prorogation, calling, and dissolution of parliaments. State papers frequently contain detail as to how bills were drawn up and also information on various officers, their responsibilities, and pay. Following the state papers, there are occasional references to parliament in general collections in Irish and English repositories such as the Carte papers at the Bodleian in Oxford or Wentworth Woodhouse Muniments at the Sheffield City Archives. The nature of holding government papers in the seventeenth century meant that state papers ended up in personal collections. Frequently these papers are of a political nature and relate primarily to

the interests of the individual, as not many outside parliament had any real interest in procedure.

NOTES

1 W. Stubbs, *The constitutional history of England* (3 vols, 5th edn, Oxford, 1891–98).

2 First recorded in *The Times* (19 January 1865) reporting a speech by John Bright the previous day in Brighton. It is very difficult to find the origins of an institution that develops across Europe in many different legal, national, or political environments, but the Icelandic Althing (first recognised meeting in 930) holds a strong claim. P.S. Barnwell and M. Mostert (eds), *Political assemblies in the earlier middle ages* (Turnhout, 2003); M. Hébert, *Parlementer: assemblées representatives et échange politique en Europe occidentale à la fin du Moyen Âge* (Paris, 2014); C. Jones (ed.), *A short history of parliament: England, Great Britain, The United Kingdom, Ireland and Scotland* (Woodbridge, 2009); J. Madicott, *The origins of the English Parliament, 924–1327* (Oxford, 2010); A. Marongiu, *Medieval parliaments: a comparative study* (London, 1968); J.F. O'Callaghan, *The cortes of Castile-Leon, 1188–1350* (Philadelphia, 1989).

3 M.A.R. Graves, *Elizabethan parliaments, 1559–1601* (Harlow, 1996), p. 20.

4 For a very interesting summation of the influence and work of Namier, Neale, and others, see J.P. Kenyon, *The history men: the classic work on historians and their history* (London, 1983).

5 W. Notestein, 'The winning of the initiative by the house of commons', *Proceedings of the British Academy,* 11 (1924–25), pp. 1–53.

6 For greater insight, see Elton's attack on his former Ph.D. supervisor's promotion of the existence of a 'puritan choir'. G.R. Elton, *The parliament of England, 1559–1581* (Cambridge, 1986), ch. 14 ('The myth of an opposition').

7 G.O. Sayles, *The king's parliament of England* (London, 1975), p. 18.

8 G.R. Elton, *Political history: principles and practice* (London, 1970), p. 35. Both Sayles and Elton were venting their frustration at the History of Parliament Trust, but since then the trust has recently published a section on the English House of Lords, including volumes on the House as an institution considering its operations, business, and procedures. R. Paley (ed.), *The House of Lords* (5 vols, Cambridge, 2016); R. Paley and P. Seaward (eds), *Honour, interest & power: an illustrated history of the House of Lords, 1660–1715* (Woodbridge, 2010).

9 For Ireland, biography of members of the Commons has been relatively well served. See B. McGrath, 'The membership of the Irish house of commons, 1613–1615', Unpublished M.Litt. thesis, Trinity College, Dublin, 1985; 'A biographical dictionary of the membership of the Irish house of commons, 1640–1641', Unpublished Ph.D. thesis, Trinity College, Dublin, 1997; A. Clarke, *Prelude to restoration in Ireland: the end of the commonwealth, 1659–1660* (Cambridge, 1999). There is still considerable work to be done on the work the membership of the restoration Irish parliament (1661–66) and the Jacobite parliament (1689). Like the History of Parliament Trust in the past, we have largely ignored the peers, although there are some excellent sub-chapters in J.H. Ohlmeyer, *Making Ireland English: the*

Irish aristocracy in the seventeenth century (New Haven, 2012). In her six-plus-one-volume, 3,392-page history of the post-Jacobite Irish Parliament, Johnston-Liik unforgivably ignores the Lords, not considering them 'as a separate entity, partly because of its constitutional status as part of a dependent legislature and its nebulous quality, for honours tended to be spread across the British Isles and not precisely confined to Ireland, and partly because it was so integrated with the Irish house of commons'. E.M. Johnston-Liik, *History of the Irish Parliament, 1692–1800* (6 vols, Belfast, 2002), vol. 1, p. 7; *MPs in Dublin: companion to the history of the Irish Parliament, 1692–1800* (Belfast, 2006).

10 For a useful synopsis, see D.L. Smith, *The Stuart parliaments, 1603–1689* (London, 1999), pp. 1–3; Graves, *Elizabethan parliaments*, pp. 19–24.

11 See J. Kelly, *Poynings' Law and the making of law in Ireland, 1660–1800* (Dublin, 2008).

12 M.S. Flaherty, 'The empire strikes back: *Annesley v. Sherlock* and the triumph of imperial parliamentary supremacy', *Columbia law review*, 87 (1987), pp. 593–692; I. Victory, 'The making of the Declaratory Act' in G. O'Brien (ed.), *Parliament, politics, and people* (Dublin, 1989).

13 B. Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979); S.G. Ellis, *Reform and revival: English government in Ireland, 1470–1534* (London, 1986), p. 294. The decision of Lord Deputy Sidney to dispense with residency rules may have been influenced by the MP for Athenry, John Hooker, a specialist in English procedure. See *Parliament in Elizabethan England, John Hooker's* order and usage, ed. by V.F. Snow (Yale, 1977). Indeed, by 1634, the Irish House of Commons had deposited a copy of Hooker with the clerk that 'he shall give copies thereof unto such as desire them, to the end, those, that have not been formerly acquainted with the orders of parliaments, may the better inform themselves, how to demean themselves in the house'. *The journals of the House of Commons of the Kingdom of Ireland* (hereafter *CJ*), 18 July 1634.

14 33 Henry VIII, Sess. II, c. I (An act for the adjournment of the parliament, and the place to hold the same, and what persons shall be chosen knights and burgesses); 18 Edward IV, Sess. IV, cc. VII (An act for the construction of an act of parliament as to qualification of knights, etc., returned to serve in parliament referred to lords spiritual and temporal in parliament and council), VIII (An act that the governors of Ireland not to call parliaments to meet, etc., at any places save Dublin and Drogheda).

15 Indeed, it is very interesting the number of historians who consistently speak of 'the Irish parliament of 1640–41' and give the impression that they at best disregard the entire seven years of parliament sitting, and at worst may not even know that it exists. This, it would seem, is all on the basis that all issues of political interest have concluded by the time the rebellion breaks out in October 1641. For some welcome relief in this matter, see chapters by C.A. Dennehy and by B. McGrath in P. Little (ed.), *Ireland in crisis: war, politics and religion, 1641–1651* (Manchester, 2019).

16 J. Hart, *Justice upon petition: the House of Lords and the reformation of justice, 1621–1675* (London, 1991); C.C.G. Tite, *Impeachment and parliamentary judicature in early Stuart England* (London, 1974).

17 A. Clarke, *The Old English in Ireland, 1625–42* (2nd edn, Dublin, 2000), ch. 8;
    M. Perceval-Maxwell, *The outbreak of the Irish rebellion of 1641* (Dublin, 1994), ch. 3.

18 Ellis, *Reform and revival*; D.B. Quinn, 'Parliaments and great councils in Ireland,
    1461–1586', *Irish historical studies* (hereafter *IHS*), 3 (1942–43), pp. 60–77; H.G.
    Richardson and G.O. Sayles, *The Irish Parliament in the middle ages* (Philadelphia,
    1952).

19 Kelly, *Poynings' Law;* D.W. Hayton, 'Introduction: the long apprenticeship' in
    D.W. Hayton (ed.), *The Irish Parliament in the eighteenth century: the long appren-
    ticeship* (Edinburgh, 2001), pp. 1–26.

20 http://qub.ac.uk/ild/ (Accessed 31 October 2018).

21 Hayton, 'Introduction: the long apprenticeship', p. 7.

22 Elton, *Political history; the parliament of England, 1559–1581*; Smith, *The Stuart
    parliaments*; Graves, *Elizabethan parliaments*.

23 B. McGrath, 'Electoral law in Ireland before 1641' in C.A. Dennehy (ed.), *Law
    and revolution in seventeenth-century Ireland* (Dublin, 2019); 'Sex, lies and rigged
    returns – the Kerry county parliamentary election of 11 June 1634 and its conse-
    quences', *Parliaments, estates and representation*, 37 (2017), pp. 241–55; 'The Irish
    elections of 1640–1' in C. Brady and J.H. Ohlmeyer (eds), *British interventions in
    early modern Ireland* (Cambridge, 2005); S. Carroll, 'The Dublin parliamentary
    elections, 1613' in W. Sheehan and M. Cronin (eds), *Riotous assemblies: rebels, riots
    and revolts in Ireland* (Cork, 2011).

24 M.V. Clarke, *Medieval representation and consent: a study of early parliaments in
    England and Ireland, with special reference to the* Modus tenendi parliamentum
    (London, 1936); *Parliament in Elizabethan England*, Snow; Modus tenendi parlia-
    menta *in Hibernia*, ed. by A. Dopping (Dublin, 1692).

25 D. Edwards, 'Scottish officials and secular government in early Stuart Ireland' in
    D. Edwards with S. Egan (eds), *The Scots in early Stuart Ireland: union and separa-
    tion in two kingdoms* (Manchester, 2016).

26 For example, see J.R. Young, 'Charles I and the 1633 parliament' in K. Brown and
    A.J. Mann (eds), *The history of the Scottish Parliament* (3 vols, Edinburgh, 2005),
    vol. 2; A.R. MacDonald, 'Uncovering the legislative process in the parliaments of
    James VI', *Historical research*, 84 (2011), pp. 601–17, whereby earlier assertions by
    Rait and Terry, that procedure was 'haphazard' and that parliament was 'vicari-
    ously and indirectly a legislature', are firmly put to bed. R.S. Rait, *The parliaments
    of Scotland* (Glasgow, 1924), p. 124; C.S. Terry, *The Scottish Parliament: its consti-
    tution and procedure, 1603–1707* (Glasgow, 1905), p. 143. In perhaps a similar vein,
    and much more recently, Johnston-Liik opined, quoting Lord Chancellor Clare,
    that 'Ireland before the accession of James I, never had anything like a regular
    government or parliamentary constitution'. Johnston-Liik, *History of the Irish
    Parliament*, vol. 2, p. 91.

27 *Mercurius Hibernicus* in 1663 is one of the few examples. It lasted for just 15
    numbers and there were a handful of poorly organised news-sheets in the 1680s.
    R. Gillespie, *Reading Ireland: print, reading and social change in early modern
    Ireland* (Manchester, 2005), pp. 170–72. The banning of reporting on Irish parlia-
    mentary activity extended to England where a news-sheet was being published,

primarily reporting on the emerging land settlement in 1662. There was also an earlier case in May 1641, where William Bladen, the bookseller and a significant figure in Dublin politics, was deprived of his remaining stock of the printed *Queries* and was ordered that 'he sell or utter no more of the said books, being falsely printed'. Interestingly, Bladen became, in 1641, the king's printer, although was not referred to as such in May of the same year. *CJ*, 29 May 1641, 7 July 1662; Mervin to Nicholas, 9 July 1662, the British Library, London (hereafter BL), Egerton MS 2538, f. 85.

28 In addition to the ongoing anglicisation of the Irish Parliament and all state machinery in general, the very similar layout between the Irish and the English journals is almost certainly down to the fact that William Bradley was sent to effectively serve an apprenticeship of sorts at Westminster, just at a critical point when the Irish journals were first being used and the English Parliament 'was rapidly organising its own procedures, records etc'. R. Bagwell, *Ireland under Stuarts and during the interregnum* (3 vols, London, 1916), vol. 1, p. 108; D.J.T. Englefield, *The printed records of the parliament of Ireland, 1613–1800: a survey and bibliographical guide* (London, 1978), p. 1; *Calendar of state papers, Ireland* (hereafter *CSPI*), *1611–14*, p. xxxviii; Chichester to Salisbury, 17 February 1611; 'Memoranda for the Parliament to be held in Ireland', February 1611; English Privy Council to Chichester, 7 March 1613; James I to Chichester, 31 March 1613; English Privy Council to Chichester, 13 April 1613, *Acts of the Privy Council of England*.

29 One exception to this rule is in the House of Commons' journals for the 1613–15 parliament, where there is some detail of debates and hearings. For example, see the committee report on the attempt by Paul Sherlock to corrupt Thomas Jones, archbishop of Dublin and lord chancellor (interestingly the lord chancellor petitioned the House of Commons in this instance rather than his own house, which would have been the norm later in the century, followed by a conference between the houses), *CJ*, 27 April 1615; the report of an inter-house conference on the matter of wages of the knights and burgesses, *CJ*, 10 May 1615; and the debate surrounding the return of recusant lawyers to their practice, *CJ*, 3 May 1615. Perhaps also we might consider the entry for the House of Lords' journals in March 1640, where there is greater than usual depth to the detail of discussions over the relatively banal and unimportant discussion of sending a messenger to the Commons to advise them of the Lords' intention to hold a conference: *The journals of the House of Lords of the Kingdom of Ireland* (hereafter *LJ*), 24 March 1640. It is not clear why more detail is given in certain instances. There is nothing in particular that marks the detailed accounts as being of more significance than others. Perhaps one explanation is that there was a brief change to the personnel at the clerks' desk and, as a result, there was a change to the normal operating procedures with regards to the level of detail expected in the journals. Entries for consecutive days can also show up some differences in spelling; for example, in March 1640 there is a distinction between the spelling of Byse and Bisse and also Rives and Reeves. It is not with any certainty that we might say who is responsible for this distinction between spellings. What might be a more convincing explanation is that there was a sudden change in personnel either at the clerks table or at the printers.

30 It would appear not, as when certain peers were introduced it was occasionally difficult to find two other peers from the same bench who were in attendance with their robes. *LJ*, 2 November 1692 (Rule 41), 12 November 1640, 3 February 1645, 20 May 1661.

31 The earls of Ossory, Cork, Meath, Kildare, and Limerick.

32 Sir Richard Boyle (MP for County Cork), Sir Joshua Boyle (MP for Clonakilty), Murrough Boyle (MP for Kilmallock), Nathaniel Boyle (MP for Clonmines), and Sir Boyle Smith (MP for Tallow) and Boyle Maynard (MP for Youghal).

33 *CJ*, 27 May 1662, 18, 31 July 1666. A similar and probably longer list can be drawn up for instances of the use of 'Mr Temple'. In addition to the two Johns mentioned above, we may add William Temple (MP for County Carlow) and Henry Temple (MP for the borough of Wicklow).

34 For example, within a week, there appears to be a discrepancy between the two versions over the place of either the earl of Ormond or earl of Thomond on a committee, and just a week later there appears to be confusion between Lord Ranelagh and the lord chancellor, the printed record claiming that Ranelagh collected a Commons message from the bar, whereas the lord chancellor would of course have been the much more likely figure for this job. Chart, Historical Manuscripts Commission, *Various collections*, 8 (1913), p. 201; *LJ*, 24, 31 March 1640; National Library of Ireland, Dublin (hereafter NLI) MS 9607, pp. 7, 8, 18.

35 This study allows for only a brief glimpse of such a comparison. For the benefits of a more in-depth comparison on the English journals of the House of Lords, see G.R. Elton, 'The early journals of the House of Lords', *English historical review* (hereafter *EHR*), 84 (1974), pp. 481–512.

36 *LJ*, 1 August 1634, 17 April 1635, 9 November 1640.

37 C.A. Dennehy, 'Surviving sources for Irish parliamentary history in the seventeenth century', *Parliaments, estates and representation*, 3 (2010), 129–43.

38 *LJ*, 16 July 1634.

39 *CJ*, 16 July 1634.

40 *LJ*, 4 June 1644.

41 *LJ*, 17, 24 November 1642.

42 *LJ*, 29 October 1640, 9 November 1640.

43 *LJ*, 29 October 1640, 9 November 1640.

44 *CJ*, 29 April, 1 May 1613.

45 *CJ*, 4 December 1634.

46 *CJ*, 17 July 1661.

47 *CJ*, 7 August 1641. This is in relation to the 1635 Act for the naturalisations of all the Scottish nation, which were ante-nati, born before his late majestie king James, of ever blessed memorie, his happy access unto the crown of England and Ireland, &c. (10 Charles, Sess. III, c. IV) which, despite being a public act, had many benefits more akin to private legislation. The Commons voted, in August 1641, to tax locally the subjects of Scottish background in Ulster who benefitted from this naturalisation act; but obviously autumn 1641 was possibly the worst possible time to collect revenue and so Ferneley had to bide his time until a subsequent confirmation could be issued by the restoration parliament.

48 *CJ*, 9 April 1644, 30 October 1665.
49 *CJ*, 22 March 1666.
50 Dennehy, 'Surviving sources for Irish parliamentary history', pp. 135–37.
51 N. Duxbury, *The nature and authority of precedent* (Cambridge, 2008).
52 See n. 26 above, and also J. Peacey (ed.) *The print culture of parliament, 1600–1800* (Edinburgh, 2007); K.W. Schweizer (ed.), *Parliament and the press, 1689–c. 1939* (Edinburgh, 2006).
53 See Chapter 5 on privilege, and also C.A. Dennehy, 'Privilege, organisation and aristocratic identity in the seventeenth-century Irish house of lords' in F. Soddu and A. Nieddu (eds), *Assemblee rappresentative, autonomie territoriali, culture politiche. Atti del 59°Congresso dell'International Commission for the History of Representative and Parliamentary Institutions. Alghero 9–12 luglio 2008* (Sassari, 2011), pp. 117–30.
54 *The statutes at large*.
55 C.A. Dennehy, 'An administrative and legal history of the Irish Parliament, 1613–89', Unpublished Ph.D. thesis, University College Dublin, 2011', appendix I.
56 *Acts of the Privy Council of England* (46 vols, London, 1890–1964); *Calendar of the Carew manuscripts preserved in Lambeth Palace Library* (London, 1867); *Calendar of state papers, domestic series* (81 vols, London, 1856–1972); *Calendar of state papers relating to Ireland during the reign of Charles II* (London, 1905).