

PARLIAMENTARY HISTORY

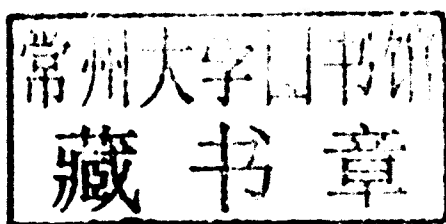
Institutional Practice and Memory:
Parliamentary People, Records and Histories.
Essays in Honour of Sir John Sainty



Edited by Clyve Jones

Institutional Practice and Memory:
Parliamentary People, Records
and Histories. Essays in Honour of
Sir John Sainty

Edited by
Clyve Jones



WILEY Blackwell

for

THE PARLIAMENTARY HISTORY YEARBOOK TRUST

© 2013 The Parliamentary History Yearbook Trust

Wiley-Blackwell is now part of John Wiley & Sons

Registered Office

John Wiley & Sons Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, United Kingdom

Editorial Offices

350 Main Street, Malden, MA 02148-5020, USA

9600 Garsington Road, Oxford, OX4 2DQ, UK

The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

For details of our global editorial offices, for customer services, and for information about how to apply for permission to reuse the copyright material in this book please see our website at www.wiley.com/wiley-blackwell.

The right of Clyve Jones to be identified as the editor of the editorial material in this work has been asserted in accordance with the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, except as permitted by the UK Copyright, Designs and Patents Act 1988, without the prior permission of the publisher.

Wiley also publishes its books in a variety of electronic formats. Some content that appears in print may not be available in electronic books.

Library of Congress Cataloging-in-Publication Data

Institutional practice and memory : parliamentary people, records and histories : essays in honour of Sir John Sainty / edited by Clyve Jones.

pages cm

Includes bibliographical references and index.

ISBN 978-1-118-52198-4 (pbk. : alk. paper) 1. Great Britain. Parliament--History--17th century. 2. Great Britain. Parliament--History--18th century. 3. Great Britain--Politics and government--1603--1714. 4. Great Britain--Politics and government--1714--1820. I. Jones, Clyve, 1944-- author, editor of compilation. II. Sainty, John Christopher, honouree. III. Parliamentary History Yearbook Trust, issuing body.

JN534.I67 2013

328.4109--dc23

2012049361

A catalogue record for this title is available from the British Library

Set in 10/12pt Bembo

by Toppan Best-set Premedia Limited

Printed and bound in Singapore

by Hó Printing Pte Ltd

Institutional Practice and Memory: Parliamentary
People, Records and Histories



Sir John Sainty KCB

LIST OF CONTRIBUTORS

Jan Broadway was technical director of the Centre for Editing Lives and Letters at Queen Mary, University of London. She has recently published a biography of William Dugdale, and among her other recent publications is *'No Historie so Meete': Gentry Culture and the Development of Local History in Elizabethan and Early Stuart England* (Manchester, 2006).

Richard Cust is professor of early modern history at the University of Birmingham. He is the author and editor of a number of books and articles on early Stuart politics and political culture, including *Charles I: A Political Life* (2005).

Robin Eagles is a senior research fellow in the House of Lords, 1660–1832 section of the History of Parliament. He has written on various aspects of parliament and the peerage in the 17th and 18th centuries, previous publications including *Francophilia in English Society 1748–1783* (2000), ‘“No More to be Said”? Reactions to the Death of Frederick Lewis, Prince of Wales’, *Historical Research*, lxxx (2007), and ‘The House of Lords, 1660–1707’, in *A Short History of Parliament*, ed. Clyve Jones (2009). He is currently working on an edition of the diaries of John Wilkes for the London Record Society. An article relating to Prince Frederick’s parliamentary interests is forthcoming in *Parliamentary History*.

Alasdair Hawkyard is a fellow of the Society of Antiquaries and of the Royal Historical Society. For 14 years he was co-editor and principal research assistant under Professor S.T. Bindoff on the House of Commons, 1509–58 section of the History of Parliament. He is currently completing *The House of Commons 1509–1558*, which is to be published in *Parliamentary History’s* Texts & Studies series.

D.W. Hayton is professor of early modern Irish and British history at Queen’s University Belfast. He worked for the History of Parliament between 1975 and 1994 and was joint editor of *The History of Parliament: The House of Commons, 1690–1715* (2002). He is currently preparing a biography of Sir Lewis Namier.

Clyve Jones is an honorary fellow of the Institute of Historical Research and has been the editor of the journal *Parliamentary History* since 1986. Previously he was reader in modern history in the University of London and collection development librarian in the Institute of Historical Research. He has published extensively on the history of the house of lords and of the peerage in the early 18th century. His main publications are editions of *The London Diaries of William Nicolson, Bishop of Carlisle, 1702–1718*, with Geoffrey Holmes (Oxford, 1985), and *Tory and Whig: The Parliamentary Papers of Edward Harley, Third Earl of Oxford, and William Hay, M.P. for Seaford, 1715–1754*, with Stephen Taylor (Woodbridge, 1998). He has also edited a festschrift for his mentor, Geoffrey Holmes (1987), and essays in memory of his friends, Philip Lawson (Woodbridge, 1998), John A. Phillips (Edinburgh, 2005) and, again, Geoffrey Holmes (Oxford, 2009).

Hannes Kleineke is a senior research fellow at the History of Parliament. He is the author of a number of books on the political and parliamentary history of late medieval England, including *Parliamentarians at Law* (Oxford, 2008), *Edward IV* (2009), and editor of *Parliament, Personalities and Power: Papers Presented to Linda S. Clark* (Woodbridge, 2011).

Charles Littleton is a senior research officer in the House of Lords, 1660–1832 section of the History of Parliament. His work in this volume comes from his work on the Bruce family, earls of Ailesbury, for the forthcoming house of lords volumes of the *History*. Previously he had worked as chief researcher and (for a time) website designer for the Robert Boyle Project, directed by Professor Michael Hunter, for which he transcribed Boyle's 'work-diaries' and coded them into XML for publication on the web.

Michael McCahill has written extensively on the British nobility and the house of lords, most recently in *The House of Lords in the Age of George III, 1760–1811* (2009), published in Parliamentary History's Texts & Studies series. The current article grows out of earlier research for that book. He is now completing an edition of the letters of Stephen Fuller, agent for Jamaica, that deal with the West Indian lobbying to counteract and defeat the campaign to abolish the slave trade. McCahill lives in Cambridge, Massachusetts.

Ruth Paley is editor of the House of Lords, 1660–1832 section of the History of Parliament. She has published a number of articles on aspects of the history of criminal justice and is fascinated by the role of the house of lords as a court of law.

Jason Peacey is senior lecturer in history at University College London. He is the editor of *The Regicides and the Execution of Charles I* (2001), co-editor of *Parliament at Work* (2002), and editor of *The Print Culture of Parliament, 1600–1800* (2007). He is also the author of *Politicians and Pamphleteers: Propaganda in the Civil Wars and Interregnum* (2004), and recent articles include 'Cromwellian England: A Propaganda State?', *History*, xci (2006), and 'The Protector Humbled: Richard Cromwell and the Constitution', in *The Cromwellian Protectorate, 1653–9*, ed. P. Little (2007). He is currently completing a book about popular participation in parliamentary politics during the mid 17th century.

Michael Pownall studied history at Exeter University, graduating in 1971. In the same year he was appointed a clerk in the house of lords, initially working in the Judicial Office, the Public Bill Office and for the European communities committee. In 1980 he was seconded to the government as private secretary to the leader of the House (Lord Soames, later Baroness Young) and the chief whip (Lord Denham). He returned to the clerks' department in 1983 as private secretary to the chairman of committees and head of the Establishment Office. In 1988 he was appointed clerk of private bills and the overseas office and in 1991, clerk of committees. In 1997 he became reading clerk and principal finance officer and in 2003, clerk assistant. In 2007 he was appointed clerk of the parliaments and head of the house of lords' administration. As clerk, he was a trustee of the History of Parliament and the Industry and Parliament Trusts. He retired in 2011, and was appointed KCB later that year.

Stephen K. Roberts is editor of the House of Commons, 1640–60 section of the History of Parliament. He is co-editor of the journal *Midland History*, general editor of the Worcestershire Historical Society and a vice-president of the Cromwell Association. He has published extensively on English and Welsh history, 1640–60.

Paul Seaward is director of the History of Parliament. From 1988 to 2001 he was a clerk in the house of commons. His publications include an edition of Thomas Hobbes, *Behemoth* (2009), *The Cavalier Parliament and the Reconstruction of the Old Regime 1661–1667* (1989) and various books and articles on 17th-century politics and political thought and on parliament in the 20th century. He is the general editor, with Martin Dzelzainis, of an edition of the works of Edward Hyde, earl of Clarendon.

CONTENTS

<i>List of Contributors</i>	vii
CLYVE JONES, Foreword	1
CLYVE JONES, Bibliography of the Published Works of Sir John Sainty	2
MICHAEL POWNALL, Sir John Sainty and the House of Lords, 1959–90	8
ALASDAIR HAWKYARD, Inigo Jones, the Surveyors of the Works and the ‘Parliament House’	16
JASON PEACEY, Disorderly Debates: Noise and Gesture in the 17th-Century House of Commons	60
PAUL SEAWARD, Divisions, Tellers and Management in the 17th-Century House of Commons	79
CLYVE JONES, Insight into the Work of the Clerks of the House of Lords: Some Case Studies during John Walker Senior’s Occupancy of the Office of Clerk Assistant, 1670–80	103
ROBIN EAGLES, ‘If he Deserves it’: William of Orange’s Pre-Revolution British Contacts and Gilbert Burnet’s Proposals for the Post-Revolution Administration	128
MICHAEL MCCAHERILL, Estate Acts of Parliament, 1740–1800	148
RUTH PALEY, The Dying Embers of an Outdated Privilege: The 1935 Trial of Lord de Clifford in the House of Lords	169
D.W. HAYTON, Sir Lewis Namier, Sir John Neale and the Shaping of the <i>History of Parliament</i>	187
<i>Notes and Documents</i>	
HANNES KLEINEKE, Some Parliamentary Material in the Early Records of the Clerk of the Crown in Chancery	212
JAN BROADWAY, RICHARD CUST and STEPHEN K. ROBERTS, Additional Docquets of Commissions of the Peace from the Papers of Lord Keeper Coventry (1625–40) in the Worcestershire Record Office	229
ROBIN EAGLES and CLYVE JONES, The Missing Official Proxy Records of the House of Lords for 1661–2	237

CHARLES LITTLETON, Three (More) Division Lists from the Ailesbury Manuscripts: On the ‘Church in Danger’ (1705), the Septennial Bill and Forfeited Estates of Jacobites (1716)	253
<i>Index</i>	274

Foreword

CLYVE JONES

‘... making true entres and recordys of the thynges doon and past’.

This quotation from the oath taken by Edward North upon his entering the office of clerk of the parliaments on 12 March 1531 (TNA, C193/1, f. 80v; see below, p. 220) seems a singularly appropriate description of the career of Sir John Sainty KCB, both as a clerk of the parliaments himself and of his contribution to English history.

If, as an historian, you have been working on late medieval and modern England, you will very likely have come across John's publications. Whether they be mainly on parliament or officeholding, John's work is likely to have impinged on aspects of your research. Much of John's academic work has been concerned with creating lists, of parliamentary sources and on voting, of the people holding both national and local offices, on peerage creations and much more. This kind of very detailed research, particularly with officeholding where it is important to create an unbroken list of personnel with accurate dates of tenure (so long as the documentation allows), is often a minor part of other historians' wider work, but can be crucial in establishing a viable foundation on which that work can stand soundly.

Though other historians have sometimes published similar work, nobody can compete with the range of areas covered by John in establishing a corpus of essential reference works for historians. Though retired for some time from his official employment, John continues to publish his historical researches, and long may he do so.

The following articles and notes come from former and present colleagues and friends who have benefited greatly from John's publications and his deep knowledge of the sources, particularly of parliamentary history, from his ideas, criticism, wisdom, and from his ever-present help, both published and in person. Without him, our own work would be much the poorer.

★ ★ ★

Sometime in the 1970s John attempted, unsuccessfully, to establish 'The Journal of Parliamentary History'. The idea of a journal devoted to such a subject inspired, in 1982, the founders of *Parliamentary History*. So it can justifiably be said that John was the godfather to the present journal, and has always been a steadfast supporter, first as a member of the editorial advisory board, and latterly, as a trustee. Thus it is entirely appropriate that his Festschrift is published by us.

★ ★ ★

As editor of this volume I would like to thank all the authors for their contributions, Alasdair Hawkyard for compiling the index, and Frances, Lady Sainty, for supplying the photograph of her husband.

April 2012

Bibliography of the Published Works of Sir John Sainty

Compiled by
CLYVE JONES

1960

Clerks in the Parliament Office, 1660–1900 (House of Lords Record Office Memorandum no. 22).

1961

Review of C. O’Leary, *The Elimination of Corrupt Practices in British Elections, 1868–1911* (1962), *The Table*, xxx, 179–81.

1962

‘The Joint Committee on House of Lords Reform and the Peerage Bill’, *The Table*, xxxi, 13–25.

1964

Leaders and Whips in the House of Lords, 1783–1964 (House of Lords Record Office Memorandum no. 31).

Review of *The History of Parliament: The House of Commons, 1754–1790*, ed. Sir Lewis Namier and John Brooke (1964), *Parliamentary Affairs*, xvii, 453–7.

1965

‘The Tenure of Offices in the Exchequer’, *English Historical Review*, lxxx, 449–75.

Further Materials from an Unpublished Manuscript of the House of Lords Journals for the Sessions 1559 and 1597 to 1598 (House of Lords Record Office Memorandum no. 33).

1967

‘The Origin of the Introduction of Peers in the House of Lords’, *Archaeologia*, ci, 119–50, (with Sir Anthony Wagner).

1968

A List of Representative Peers for Scotland, 1707 to 1963, and for Ireland, 1800 to 1961 (House of Lords Record Office Memorandum no. 39).

‘A Reform in the Tenure of Offices during the Reign of Charles II’, *Bulletin of the Institute of Historical Research*, xli, 150–71.

1970

'Lieutenants of Counties, 1585–1642', *Bulletin of the Institute of Historical Research* (Special Supplement no. 8).

Review of *The Earl of Hertford's Lieutenancy Papers, 1603–1612*, ed. W.P.D. Murphy (1969), *Journal of the Society of Archivists*, iv, 75.

1971

Officers of the House of Lords, 1485–1971: A List (House of Lords Record Office Memorandum no. 45).

Review of S. Lambert, *Bills and Acts: Legislative Procedure in Eighteenth Century England* (1971), *Archives*, x, 173–4.

1972

Treasury Officials, 1660–1870 (Office-Holders in Modern Britain, 1) [published for the Institute of Historical Research, University of London].

1973

Officials of the Secretaries of State, 1660–1782 (Office-Holders in Modern Britain, 2) [published for the Institute of Historical Research, University of London].

1974

'The Origin of the Leadership of the House of Lords', *Bulletin of the Institute of Historical Research*, xlvii, 53–73 (reprinted in *Peers, Politics and Power: The House of Lords, 1603–1911*, ed. Clyve Jones and David Lewis Jones (1986), 207–27).

The Origin of the Office of Chairman of Committees in the House of Lords (House of Lords Record Office Memorandum no. 52).

Officials of the Boards of Trade, 1660–1870 (Office-Holders in Modern Britain, 3) [published for the Institute of Historical Research, University of London].

1975

Admiralty Officials, 1660–1870 (Office-Holders in Modern Britain, 4) [published for the Institute of Historical Research, University of London].

Home Office Officials, 1782–1870 (Office-Holders in Modern Britain, 5) [published for the Institute of Historical Research, University of London].

'A Huguenot Civil Servant: The Career of Charles Delafaye, 1677–1762', *Proceedings of the Huguenot Society of London*, xxii, 398–413.

1976

'The Evolution of the Parliamentary and Financial Secretaryships of the Treasury', *English Historical Review*, xci, 566–84.

'The Meeting Places of the Houses of Parliament in the Palace of Westminster', *The Table*, xlv, 95–8.

'A Public Servant of Somerset Extraction: Richard Warre, c.1649–1730', *Somerset and Dorset Notes and Queries*, xxx, 199–203.

Divisions in the House of Lords: An Analytical List 1685 to 1857 (House of Lords Record Office Occasional Publications no. 2), (with David Dewar).

Colonial Office Officials: Officials of the Secretary of State for War, 1794–1802, of the Secretary of State for War and Colonies, 1801–54, and the Secretary of State for the Colonies, 1854–70 (Office-Holders in Modern Britain, 6) [published for the Institute of Historical Research, University of London].

1977

'The Secretariat of the chief Governor of Ireland, 1690–1800', *Proceedings of the Royal Irish Academy*, Section C, lxxvii, 1–33.

The Parliament Office in the Seventeenth and Eighteenth Centuries: Biographical Notes on Clerks in the House of Lords, 1660 to 1800 (House of Lords Record Office).

1979

List of Lieutenants of Counties of England and Wales, 1660–1974 (List and Index Society, Special Series, xii).

1980

Parliamentary Functions of the Sovereign since 1509 (House of Lords Record Office Memorandum no. 64).

'Some Speculations on the Origins of the Family of Sainty', *Norfolk Ancestor*, ii, pt 3 (December).

1981

'The Edmunds Case and the House of Lords', in *Parliamentary History, Libraries and Records: Essays Presented to Maurice Bond*, ed. Harry Cobb (House of Lords Record Office), 59–65 (reprinted in *Journal of the Chartered Institute of Patent Agents*, xii, no. 2 (November 1983)).

1982

'Proxy Records of the House of Lords, 1510–1733', *Parliamentary History*, i, 161–5.

'Minutes and Journals: A Change in the Relationship between the Published Records of the House of Lords', *The Table*, 1, 87–9.

1983

Officers of the Exchequer (List and Index Society, Special Series, xviii).

1985

'Assistant Whips, 1922–64', *Parliamentary History*, iv, 201–4.

1987

A List of English Law Officers, King's Counsel and Holders of Patents of Precedence (Selden Society, Supplementary Series, vii).

1989

Additional material contained in W.R. McKay, *Clerks in the House of Commons 1363–1989: A Biographical List* (House of Lords Record Office Occasional Publications no. 3).

1990

The Parliament Office in the Nineteenth and Twentieth Centuries: Biographical Notes of Clerks of the House of Lords, 1800–1939 (House of Lords Record Office).

List of Masters in Chancery, 1540–1597, contained in Edmund Heward, *Masters in Ordinary* (Chichester, 1990), Appendix 3, pp. 82–94.

Review of *A Pillar of the Constitution: The House of Lords in British Politics, 1640–1784*, ed. Clyde Jones (1989), *The Table*, lviii, 177–9.

1991

'New Light on the Office of Chairman of Committees', in House of Lords Record Office Memorandum no. 79, pp. 10–11.

1992

Review of Robert Blackburn, *The Meeting of Parliament* (Aldershot, 1990), *Parliamentary History*, xi, 330.

1993

Articles on John Browne and Henry Elysngye in *The Dictionary of National Biography: Missing Persons*, ed. C.S. Nicholls (Oxford), 96, 208–9 (reprinted in *Oxford Dictionary of National Biography* (2004)).

The Judges of England, 1272–1990: A List of Judges of the Superior Courts (Selden Society, Supplementary Series, x).

1994

Review of F.M.G. Willson, *A Strong Supporting Cast: The Shaw Lefevres, 1789–1936* (1993), *Proceedings of the Huguenot Society of London*, xxvi, 101–2.

1997

'The Identification of Government Whips in the House of Commons, 1830–1905', *Parliamentary History*, xvi, 339–58, (with Gary W. Cox).

Officials of the Royal Household, 1660–1837, Part 1: Departments of the Lord Chamberlain and Associated Offices (Office-Holders in Modern Britain, 11), (comp. with Robert O. Bucholz).

1998

Officials of the Royal Household, 1660–1837, Part 2: Department of the Lord Steward and the Master of the Horse (Office-Holders in Modern Britain, 12), (comp. with Robert O. Bucholz).

Peerage Creations, 1649–1800: A Chronological List of Creations in the Peerage of England and Great Britain (Parliamentary History: Occasional Series, 1).

1999

'List of Commissioners of Historical Manuscripts, 1869–1999', in *Archives at the Millenium* (1990), 74–6.

Review of *The Complete Peerage, Volume xiv: Addenda and Corrigenda*, ed. Peter Hammond (Stroud, 1998), *Parliamentary History*, xviii, 207–9.

2002

'Sir Charles Harris and the Management of the Business of the House of Commons', *Parliamentary History*, xxi, 233–9.

2003

Sankey/Sainty/Santy of Norfolk, England c.1522–c.1900: Genealogical and Pedigree Charts, (with Malcolm R. Sainty).

2004

Articles on Henry Cowper, Charles Delafaye, Henry Elsynge, Sir George Harrison and Sir Alexander Young Spearman, in *Oxford Dictionary of National Biography*.

2006

'The Subordinate Staff of the Serjeant at Arms, 1660–1850', *Parliamentary History*, xxv, 395–400.

'Movers and Seconders of the Address in Reply to the Speech in the Commons and the Lords, 1715–1831', *Parliamentary History*, xxv (an Appendix to Clyve Jones, 'The Commons' Address of Thanks in Reply to the King's Speech, 13 November 1755: Rank and Status versus Politics', 232–62).

2007

Vice Admirals of the Coast (List and Index Society, cccxxi), (with Andrew Thrush).

A list of the lord lieutenants of the British Isles, 1585–2006, in Miles Jebb, *The Lord-Lieutenants and their Deputies* (Chichester).

2008

‘The Parliamentary Role of the Royal Household’, *The Court Historian*, xiii, 195–201.

‘The Office of the Housekeeper of the House of Lords’, *Parliamentary History*, xxvii, 256–60.

Peerage Creations: Chronological Lists of Creations in the Peerages of England and Great Britain 1649–1800 and of Ireland 1603–1898 (Parliamentary History: Texts & Studies, 1)
[revised and extended edition of the 1998 edition, published as Parliamentary History: Occasional Series, 1].

2012

‘The House of Commons Serjeant, 1640–93’, *Parliamentary History*, xxi, 230–2.

Online Publications

Office-Holders in Modern Britain (to be found on the website of the Institute of Historical Research, University of London (<http://www.history.ac.uk/publications/office>)).

The lists published so far are provisional and are largely confined to the post-medieval offices of the English central government and royal households, and are planned to be updated when necessary. Other lists are likely to be added in due course.