

## CHAPTER 5

### THE BISHOPS EXCLUSION BILL (Root and Branch bill)

The Bishops in the House of Lords invariably supported the King which delayed or stopped the reforms which the 'reformers' wanted. There were 22 bishops in the House of Lords, most of them appointed by the King. There was a strong move in the Commons to have them removed from that House and all other secular offices. This was united with actions against certain bishops; on 19<sup>th</sup> December 1640 the Commons accused Wren, Bishop of Ely, of "setting up idolatry and superstition"<sup>1</sup>, and that he intended to abscond. Hampden was sent to the Lords to acquaint them with this "*in haec verba*:"

My Lords, the knights, citizens, and burgesses of the House of Commons have commanded me to acquaint your Lordships that Matthew Wren, Bishop of Ely, is accused before them of setting up idolatry in his diocese and exercising thereof in his own person, and that he is about to make an escape; and therefore desire your Lordships that such severity as your Lordships think fit be required of him to be forthcoming from time to time to abide the judgement of parliament"<sup>2</sup>. He reported back that the Lords had ordered him to give bail of £10,000.

On 11<sup>th</sup> December 1640 a petition from the clergy of London and "15,000 citizens" for the reformation of church government and the abolition of bishops<sup>3</sup> was read in the House but not debated till the following 8<sup>th</sup> February 1641<sup>4</sup>. In an acrimonious session lasting from 9 o'clock till 5 pm, many wanted it "cast out without a hearing"; Hampden and others wanted it discussed and in the end it was agreed to appoint a committee to consider a wide range of church matters<sup>5</sup>. Hampden was on this committee, which on 2<sup>nd</sup> March introduced a Bill to stop the judicial powers of the clergy; it had a second reading on 8<sup>th</sup> March; reported on March 10<sup>th</sup> and the next day the Commons "resolved that no judicial functions of any kind should be exercised by the clergy".<sup>6</sup> This was considered under three heads:- 1) the legislative and judicial power in parliament; 2) their judicial power in Star Chamber and commission for the peace; 3) employment as privy councillors at the Council Chamber. There the matter rested as Parliament was pre-occupied with the trial of Strafford.

On about May 1<sup>st</sup> Hampden, according to Clarendon, assured Lord Falkland, who initially supported the Bill and then changed his mind, that "if the Bill might pass there would be nothing more attempted to the prejudice of the Church"<sup>7</sup>. Hampden wanted to curtail the power of the clergy, expel the bishops from the House of Lords, but "would never ask for the abolition of episcopacy".

On 27<sup>th</sup> May 1641 Edward Deering presented a bill for "the utter abolishing of Bishops, Deans, Chapters, Archdeacons etc"<sup>8</sup>. By 139 to 108 votes it was agreed to read it a second time. Hampden moved for the bill; "it was a good bill. That no fault was in it, the select matter was very good and he could take no exceptions to it but desired that it may be committed"<sup>9</sup>. It is interesting that Clarendon implies that Deering was put up to it by Haslerig and St John. A similar thing happened on 11<sup>th</sup> June when Sir Robert Harley moved that the bill should be read a second time. D' Ewes claimed that Harley was put up to it by Hampden who "out of his serpentine subtlety did still put others to move those businesses that he contrived"<sup>10</sup>. (This rather contradicts what Hampden is supposed to have said to Falkland earlier). The House dissolved into Grand Committee and again the next day when Hampden again spoke in favour. Thereafter the Bill seems to have been dropped.

On the 9<sup>th</sup> July it was resolved by the Commons that "all the lands, possessions, and rents of the archbishoprics and bishoprics shall be given to the King"<sup>11</sup>. On the 3<sup>rd</sup> August a committee was appointed (including Hampden) to "prepare impeachment against the (22) bishops that made the new last canons"<sup>12</sup>, in the unconstitutional synod of May 1640.

On 23<sup>rd</sup> October the Commons passed the Bill excluding the clergy from all temporal jurisdiction and authority and sent it to the Lords, and on the 26<sup>th</sup> Pym asked the Lords to exclude the bishops from voting on the Bill<sup>13</sup>. The bishops replied to their impeachment and on November 13<sup>th</sup> the Commons declared the reply of the bishops "frivolous"<sup>14</sup>. By now the populace was getting restless; crowds of apprentices and others were besieging Westminster and Whitehall shouting "No bishops; no popish lords". The violence against bishops grew and on December 28<sup>th</sup> only two bishops dared attend Parliament. They signed a protest at these

conditions which Pym regarded as treasonable. Events were then overtaken by the King's attempt to arrest the Five Members in January 1642. Parliament returned to the matter in January 1643 as part of the peace proposals with the King, but while he lived a resolution was impossible, and it was not until after his death the Commonwealth Parliament finally abolished bishops along with the House of Lords.