



‘So very unequal to the place’? The Legal Apprenticeship of John Williams, Lord Keeper, c. 1605–1621¹

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ABSTRACT

In the spring of 1621, James I sent the Great Seal of England to his newly appointed Lord Keeper, John Williams, the Dean of Westminster. Naming an ecclesiastic to this position shocked contemporary legal and political commentators, and subsequent historians have generally shared this negative appraisal. Even more positive analyses have held that Williams’ primary attraction for the king lay in his intellect and learning, and an expectation that he would do James’ bidding on the Court of Chancery. Williams actually possessed both stronger legal qualifications than have traditionally been recognized, and a politico-legal philosophy that had helped to modify James’ own views of the role of his prerogative courts and powers. An examination of Williams’ career prior to 1621 reveals the development of a candidate uniquely placed to fill this particular role at that specific moment in James’ reign.

KEYWORDS: church, courts, Ecclesiastics, episcopacy, legalism, patronage

1. The quotation, which forms the first part of this title, is from Clarendon. The entire sentence, describing Williams’ replacement by Sir Thomas Coventry in 1626 reads: ‘In the first year after the death of king James, he [Coventry] was advanced to be keeper of the great seal of England (the natural advancement from the office of attorney general) upon the removal of the bishop of Lincoln; who, though a man of great wit and good scholastic, learning, was generally thought so very unequal to the place, that his remove was the only recompense and satisfaction that could be made for his promotion’ Edward Hyde, Earl of Clarendon, *The History of the Rebellion and Civil Wars in England* (7 vols.; Oxford: Oxford University Press, 1839), I, 75.

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In the spring of 1621, Sir Francis Bacon, Viscount St Alban, Lord Chancellor of England, was impeached in the House of Lords and forced from office for accepting bribes. Although the king's favourite, the Marquis of Buckingham, and Charles, the Prince of Wales, each put forward candidates with distinguished legal backgrounds to replace the former chancellor, James I rejected their efforts.³ Instead, some ten weeks after Bacon's fall, the king shocked England's legal and political communities on 10 July by sending the Great Seal to a clergyman, John Williams, the Dean of Westminster. Less than a month later, James elevated his new Lord Keeper to the episcopal bench as Bishop of Lincoln.⁴ The correspondent and court observer John Chamberlain called the Keeper-designate 'an unknown', while the diarist Sir Simonds D'Ewes ascribed the installation to James' growing dislike of lawyers.⁵ As he witheringly remarked, 'there were at this present divers able wise lawyers, very honest and religious men fit for the place, in whom there might easily have been found as much integrity, and less fawning and flattery than in the clergy...'.⁶

While contemporaries and subsequent historians have generally shared this tepid appraisal of the appointment, most are also in agreement that Williams' primary attraction for the king lay in his intellect

3. Buckingham's candidate was initially Sir Lionel Cranfield, the Master of the Court of Wards. When he was rejected, Sir James Ley, Chief Justice of King's Bench was suggested. Charles' candidate was the Chief Justice of Common Pleas, Sir Henry Hobart. See Roger Lockyer, *Buckingham: The Life and Political Career of George Villiers, First Duke of Buckingham, 1592-1628* (London: Longman, 1981), pp. 69-70.

4. An Elizabethan Statute had defined the offices of Lord Keeper and Chancellor to be the same, but reserved the higher title of Lord Chancellor to appointees of particular dignity. When he received the Great Seal, Williams did so with the stipulation that it would be a probationary appointment for one year, after which the appointment would be reviewed every three years. Given other contingencies against his alleged inexperience he implemented as Keeper, it is quite likely he advised James against conferring the higher title. As it happened, the three-year cycle of review and reappointment would provide the loophole that Charles I would utilize to remove him from office following James' death. Neither of Williams' successors as Keeper prior to the Civil Wars would carry the title Lord Chancellor. G.W. Thomas, 'James I, Equity and Lord Keeper John Williams', *The English Historical Review*, 91.360 (July 1976), pp. 506-28 (506); B. Dew Roberts, *Mitre and Musket: John Williams Lord Keeper, Archbishop of York 1582-1650* (Oxford: Oxford University Press, 1938), p. 46.

5. SP 14/123 f.22 (From State Papers Online, Gale Document Number MC4319583004).

6. J.O. Halliwell (ed.), *The Autobiography and Correspondence of Sir Simonds D'Ewes* (2 vols.; London: Richard Bentley, 1845), I, p. 188.

and learning, and an expectation that he would do James' bidding on the Court of Chancery.⁷ Even G.W. Thomas' more extensive investigation of the appointment finds that Williams' ecclesiastical background was crucial, because among other things, he shared James' view that Chancery was the indispensable summit of the equity courts – the very embodiment of the king's conscience at work in the law.⁸ Who then was better placed to promote that conscience than a man of God? This was not a minor distinction.

However, this appraisal of the appointment does a disservice to Williams' earned qualifications, and fails to place the selection within the uncertain and turbulent political climate of the times. That Williams was a churchman has obscured the unique level of experience he offered James, in the wake of Bacon's fall. It will be argued here that Williams should be viewed as a figure whose political stock was rising and whose reliability had been established through more than a decade's worth of service. This had included formal forays into the legal world including direct experience with the workings of the Court of Chancery. These, coupled with the counsel he provided to James and Buckingham in the face of an obdurate parliament in 1621 therefore made him a valuable addition to the Privy Council, and a viable option as James considered replacements for Bacon. Accordingly, this study focuses on three aspects of Williams' rise that are of interest within the context of his appointment as Lord Keeper, and that validate the appointment on both political and legal grounds.

First is to recall that James VI/I had, by 1621, demonstrated a willingness to utilize clergy, especially the bishops of his three kingdoms, in a variety of civil and legal roles that took these churchmen beyond their customary ecclesiastical duties.⁹ He had long seen the clergy as

7. Brian Quintrell, 'John Williams (1582–1650)', *New Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004); online edn, January 2008, 4.

8. Thomas, 'James I, Equity and Lord Keeper John Williams', asserts that Williams' legal training and background prior to his appointment as Lord Keeper were comparatively unimportant. He argues that Williams' views on the role of the Court of Chancery simply accorded with James I's philosophy on the subject, and that a brief prepared by Williams for the king on the subject of reforming Chancery sometime in April or May of 1621 was the decisive factor in his promotion. The brief in question is 'Williams breviate to James, Apr./May 1621', Cambridge University Library MS. Gg/2/31, fos. 334v-6v. It is the contention of this article that Williams' promotion was the culmination of years of service and preparation, within which this important brief stands as an addendum.

9. Andrew D. Nicholls, '“Pillars of the Authority of Princes”: Reflections on the Employment of Bishops in the British Isles in the Reign of James VI/I', *Scottish Tradition* 24 (1999), pp. 54–71.

buttresses of the crown and state, and natural agents of the sovereign's authority. Where the Court of Chancery especially was concerned, James had flirted with the idea of appointing a bishop as chancellor in the past, so the Williams appointment stands as the apex of his progression toward utilizing qualified churchmen in state or legal positions.¹⁰

Secondly, as Thomas has noted, Williams' appointment lies in the context of James' determination to protect and advance England's civil courts, from attacks and encroachments by the common lawyers, and other critics in parliament. On the eve of his appointment Williams had, among other pieces of advice, presented James with a brief explaining how legal reforms could be instituted as an aspect of his prerogative rights. This would be preferable to the king, as it would not carry the impression that parliamentary pressure lay behind, or indeed could force, reforms to his courts.¹¹

Finally, and most importantly, an examination of Williams' career prior to 1621 will reveal the development of a candidate uniquely placed to fill this particular role, at that specific moment in James' reign. It will be seen that Williams' career prior to 1621 featured no less than four distinct and formative stages of 'legal' apprenticeship that cumulatively helped to better prepare him for higher service in 1621 than has usually been allowed. Although these did not include a traditional English legal education at the Inns of Court, each stage brought the future Lord Keeper closer to James' notice, and each is suggestive of a growing royal appreciation for the multi-faceted talents of this clergyman, his facility with the law included.

The first two aspects of this discussion have been the subject of more detailed studies elsewhere, and can thus be addressed in summary fashion. Their context is important, however. In Late Reformation Britain, no monarch was as determined, nor as successful, as James VI/I, in reintegrating clerics, senior churchmen especially, into the civil life of his kingdoms. A number of examples serve to illustrate this. Appointed bishops sat on his English and Scottish Privy Councils, and in England, many members of the episcopacy were active participants in parliament owing to their seats in the House of Lords.¹² Archbishop of Canterbury Richard Bancroft was tapped by James to become Chancellor of Oxford University in 1610. Some, such as John Thornborough of Bristol employed their learning in the king's service

10. Thomas, 'James I, Equity and Lord Keeper John Williams', p. 519.

11. Cambridge University Library MS. Gg/2/31, fos. 334v-6v.

12. Maurice Lee, Jr, *Great Britain's Solomon: James VI and I in his Three Kingdoms* (Urbana, IL: University of Illinois Press, 1990), pp. 186-87.

as advocates for his Anglo-Scottish union efforts after his ascension to the English throne in 1603, while others took even more active roles in political affairs.¹³ Andrew Knox of the Isles led the 1608 military mission against the Macdonalds of Dunyveg as a first step toward forcing acceptance of the Statutes of Iona, a key measure in extending crown authority into the Highlands and Islands of Scotland.¹⁴ In 1615, yet another Scottish bishop, James Law of Orkney, was instrumental in leading the suppression of a rebellion in the archipelago fomented by the king's cousin, Earl Patrick Stewart.¹⁵ In Ireland, a number of bishops played key roles in plantation ventures, and utilized their episcopal authority to try and ensure that the king's charters were followed.¹⁶ Back in England, Bishop Richard Neile of Durham served as County Lieutenant, a post that placed him in effective control of Durham's militia. This experience doubtless led to his appointment to the House of Lords' Standing Committee for Defence in the 1620s.¹⁷

Beyond these select examples of direct appointments of bishops to serve in civil roles, favoured clerics were exponents of royal policy to a wider audience in their sermons, as court preachers. As Peter McCullough has explained, 'the king not only commanded court sermons into print for their rhetorical and devotional merits, but he also had court sermons "set out" for reasons of policy'.¹⁸ John Williams would eventually become just such a favoured court preacher.

James' reign also witnessed a growth in numbers of clergy who were appointed to serve as Justices of the Peace, thus making them increasingly important agents of the legal system, in the counties especially.¹⁹

13. John Thornborough, 'A Discourse plainly proving the evident Utility and urgent Necessity of the desired Happy Union of the two famous Kingdoms of England and Scotland', in William Oldys and Thomas Park (eds.), *The Harleian Miscellany*, vol. IX (London, 1808), p. 104.

14. Gordon Donaldson, *Scotland: James V–James II* (Edinburgh: Mercat Press, 1990), p. 230.

15. Nicholls, 'Pillars of the Authority of Princes', pp. 62–64; William P.L. Thomson, *History of Orkney* (Edinburgh: Mercat Press, 1987) pp. 164–69, 172.

16. Michael Perceval-Maxwell, *The Scottish Migration to Ulster in the Reign of James VI* (London: Routledge and Kegan Paul, 1973), p. 260.

17. Andrew Foster, 'The Clerical Estate Revitalised', in Kenneth Fincham (ed.), *The Early Stuart Church, 1603–1642* (Stanford, CA: Stanford University Press, 1993), pp. 142–43.

18. Peter E. McCullough, *Sermons at Court: Politics and Religion in Elizabethan and Jacobean Preaching* (Cambridge: Cambridge University Press, 1998), p. 138.

19. Christopher Haigh and Alison Wall, 'Clergy JPs in England and Wales 1590–1640', *The Historical Journal* 47.2 (2004), pp. 233–59.

Coupled with this was James' desire to buttress civil and ecclesiastical courts against the encroachment of the common lawyers. For their learning and general character, the king saw bishops especially as key components of this aspect of English jurisprudence. Speaking to the Judges of the Court of Star Chamber in 1616, he noted that the bishops, 'because of their learning in Diuine and humane Law, and experience and practice in Gouernment, are conioyned together in the proceedings of this Court'.²⁰

By invoking the senior clergy's legal antecedents the king was also foreshadowing the possibility that he might utilize churchmen in more exalted legal roles. The opportunity was not long in coming. When Lord Chancellor Ellesmere resigned for reasons of ill health in 1617, James gave strong consideration to filling the position with one of three episcopal appointees, Archbishop of Canterbury George Abbot, Bishop Lancelot Andrewes of Ely, or Bishop James Montagu of Winchester. He is also reported to have considered splitting the duties by naming Montagu chancellor, and Francis Bacon keeper.²¹ The importance of these three clerical candidates lay in the fact that they were not common lawyers, and therefore were not innately hostile to the role and traditions of a civil court such as Chancery. We will return to this theme in the context of Williams' appointment as Lord Keeper in 1621. For now, let it be noted that the consideration of this option reflected a wider legal debate that was unfolding in the middle years of James' reign.

In particular, efforts on the part of common lawyers to assert the supremacy of their courts as the more authentic expression of England's legal heritage, carried the planted axiom that the civil courts, Chancery especially, were novel expressions the royal prerogative, growing in power, and, potentially, subject to abuse.²² This view was most famously associated with the Chief Justice, Sir Edward Coke, who had been a tireless champion of the common law courts since the last years of Elizabeth's reign, and fell temporarily in 1616 over his unwillingness to accept royal influence over the proceedings of

20. James I, 'Speech in Star Chamber, 1616', in C.H. McIlwain (ed.), *Political Works of James I*, I, p. 335.

21. Thomas, 'James I, Equity and Lord Keeper Williams', pp. 518–19; G. Roberts (ed.), *Diary of Walter Yonge ... 16–4 to 1628* (London: Camden Society, 1848), p. 34.

22. L.A. Knafla, *Law and Politics in Jacobean England: The Tracts of Lord Chancellor Ellesmere* (Cambridge: Cambridge University Press, 1977), pp. 105–107.

those courts, in this case, the Court of King's Bench.²³ Even with the prolific Coke temporarily silenced, the civil and prerogative courts still faced critics and would be reformers in parliament, especially in the House of Commons after the recall of parliament in 1621.

James ultimately appointed a lawyer, Sir Francis Bacon, to succeed Ellesmere in 1617, precisely because Bacon agreed with his predecessor on the need to buttress the civil and prerogative courts as a means for instituting wider legal reforms in England.²⁴ When Bacon's fall necessitated finding a replacement, John Williams' opinions on the prerogative powers of the king vis-à-vis his courts would continue that viewpoint. However, this was not, as Thomas has asserted, the only, or even the major reason why Williams received the keepership in 1621. In order to understand why he was tabbed for the role, we need to consider Williams' rise in light of four distinct phases of his career up to the moment of his appointment.

These formative stages were in sequence: his years in governance and agency for both St John's College and Cambridge University to 1612; his residence in London in the household of Lord Chancellor Ellesmere between 1612 and 1617; his experiences as a Justice of the Peace 1618–20, and finally, his emergence as a close advisor to the king and Buckingham prior to his appointment as Lord Keeper. In order to appreciate the cumulative force of these stages of legal and political growth, some background describing Williams' unlikely rise to the Keepership must first be provided.

Early Career

Williams was born in 1582 at Aberconwy in Wales.²⁵ An early, favourable impression he had made on his distant kinsman, Richard

23. For a discussion of Coke's researches into the origins and development of the Common Law, see John Dykstra Eusden, *Puritans, Lawyers, and Politics in Early Seventeenth Century England* (Hamden, CT: Archon Books: 1968), pp. 115–18.

24. On Bacon's long-standing interest in the subject of law reform, and the congruence of his views with Ellesmere's, see Campbell, *Lives of the Lord Chancellors*, II, pp. 279, 348–49.

25. The only modern, full-length biography of Williams is Roberts, *Mitre and Musket*. On the whole, it has not aged well and provides limited historical analysis. More recently see Quintrell, 'John Williams (1582–1650)'. Of greater importance for primary research are: John Hackett, *Scrinia Reserata: A Memorial Offer'd to the Great Deservings of John Williams, DD, etc.* (2 vols.; London: Edward Jones, 1692); John Ballinger (ed.), *Calendar of Wynn (Of Gwydir) Papers 1515–1690* (Aberystwyth, Cardiff, and London: National Library of Wales, 1926); Ambrose Philips, *The Life of John Williams, Ld keeper of the Great Seal, etc.* (London, 1700).

Vaughan, Bishop of Chester, and the patronage of his godfather, Sir John Wynn, eased his path to university study at St John's College, Cambridge in 1598, where he quickly earned a reputation for overall scholarly ability, independence of thought, and a tireless work ethic.²⁶ He received his BA in 1601, was made a fellow of St John's in 1603, earned his MA in 1605, was ordained that same year and placed in his first Church of England living, the parish church of Honington in Suffolk.²⁷ Meanwhile, Vaughan's elevation to Bishop of London (1604–1607) permitted Williams to visit the capital annually and gain introductions to important figures at James' court. During these early years he was able to benefit from two natural avenues for patronage – fellow Welshmen who were enjoying success at Cambridge and in the English capital, and a wider network of Cambridge scholars and alumnae who also fostered his ambitions.²⁸

Along with an emerging scholarly profile, Williams began to play a more important administrative role at Cambridge. He was elected a proctor of St John's and in this position gained opportunities to sharpen his legal acumen. The Master of St John's was the Reverend Richard Clayton, whose ill-health required careful and studied agency from his proctors in the performance of college business, and the advancement of its interests. Early in his service, Williams was called upon to represent the college on procedural matters before the University Chancellor, Lord Treasurer Salisbury, and the Archbishop of Canterbury, Richard Bancroft.²⁹ The latter was so impressed by Williams that he appointed him archdeacon of Cardigan in 1610. That autumn he was charged with arranging and moderating a public theological disputation for a visiting dignitary, Frederick Lewis, Prince

26. Hackett, *Scrinia Reserata*, I, p. 7; Ballinger, *Calendar of Wynn Papers*, p. 63.

27. That Williams' long-maintained concern for his original flock can be discerned from Hackett's report that years later, as Lord Keeper, he worked with the local baronet, Sir Lionel Tollemache (Hackett spells the surname 'Talemach') to purchase lands near the village for the perpetual relief of the local poor (Hackett, *Scrinia Reserata*, I, p. 19). This would be the 2nd Baronet, of the same name. See Mary Anne Everett Green, *Calendar of State Papers, Domestic Series, of the reign of James I, 1611–1618, preserved in the State Paper Department of her Majesty's Public Record Office* (London: HMCSO, 1858), II, p. 267 (hereafter CSPD).

28. William Oldys (ed.), *Biographica Britannica: Or the Lives of the Most Eminent Persons Who Have Flourished in Great Britain and Ireland,* (7 vols.; London: W. Innys, etc., 1747–1766), VI, p. 4276.

29. B.H. Beedham (ed.), *Notices of Archbishop Williams* (London, 1869), 10; Quintrell, 'John Williams (1582–1650)'.

of Württemberg.³⁰ The prince was pleased enough with the performance that he insisted Williams accompany him to James' hunting lodge at Newmarket, where he was presented to the king and Henry, the Prince of Wales.³¹

In yet another foray into the world of law, he was nominated in 1611 by the Master and Fellows of St John's to argue their petition before the king for a mortmain (an increase in livings to be derived from the alienation of church lands). This responsibility entailed more than mere supplication and would have required Williams to base his application on a detailed knowledge of statutes from Elizabeth's reign, covering the conveyance or utilization of church and college lands.³² According to his friend, chaplain, and eventual biographer, John Hacket, his winning presentation pleased the king greatly, and caused the monarch to recall the petitioner favourably.³³ A year later he had a similar opportunity to represent Cambridge before the king in the resolution of a more delicate matter.

The death of Salisbury in May 1612 necessitated the election of a new chancellor for the university. However, a plurality of the fellows opposed the king's preferred successor, the Lord Privy Seal, and crypto-Catholic, Earl of Northampton, and instead called for the nomination of the 12-year-old Prince Charles. The dispute angered a powerful courtier, and offended the king, who believed he should have been consulted on the nomination of his son. James was said to have 'exclaimed at them for Heady, Inconsiderate, swayed by Puritanical Factions', while the members of the Privy Council let it be known that Cambridge 'deserv'd no Chancellor among the Peerage, who had so spitefully confronted an Earl of that Eminency'.³⁴ In an attempt to rescue the situation, Williams was deputed to appear before the king at Greenwich, and do all he could to restore his goodwill for the university. He showed he understood James' predilections very well. In his audience, Williams gained the king's pardon for the university's indiscretions, and flattered his sovereign by suggesting that James

30. William Brenchley Rye (ed.), *England as seen by foreigners in the days of Elizabeth and James the First* (London: John Russell Smith, 1865), pp. 62–63.

31. Hacket, *Scrinia Reserata*, I, pp. 20–21.

32. Louis Knafla, 'The Matriculation Revolution and Education at the Inns of Court in Renaissance England', in A.J. Slavin (ed.), *Tudor Men and Institutions: Studies in English Law and Government* (Baton Rouge, LA: Louisiana State University Press, 1972, p. 254.

33. Hacket, *Scrinia Reserata*, I, p. 17.

34. Hacket, *Scrinia Reserata*, I, p. 21.

name a chancellor himself. The king refused to do this, but returned a letter to Cambridge upholding its right to elect a chancellor, and promising to 'constrain him to hold it, whoever it were that the Congregation agreed upon'.³⁵ Williams saw through James' device, and convinced his colleagues to use this second opportunity to elect Northampton. As Hacket relates, 'the Business was concordiously dispatch'd; and then the King confess'd, that they had hit upon the Interpretation of his secret Meaning. Which abounded to the Praise of Mr. Williams's Solertiousness; and indeed, in an hundred Instances more, he was as dexterous as in this, to hunt upon a Fault, and to recover upon a Loss.'³⁶

These experiences constituted the first stage in Williams' legal training. It had included negotiating contracts related to his college and the wider university, and presenting those before the highest civil and ecclesiastical powers in the land. That he had done so successfully is demonstrated by the growing list of livings and preferments he acquired from exalted sources, during these years.³⁷ Nevertheless, Williams' scholarly acumen and theological vigour had not caused him to stray from his chosen profession as a cleric. His legal and official responsibilities merely seem to have augmented his sense of priestly duty and there was little indication that he projected any entrée into specifically civil roles. In fact, it was his reputation in the pulpit that garnered him further invitations to preach before the king and Prince of Wales, and this would set in motion the next stage of his unconventional legal education.³⁸ Shortly after a court appearance in November 1611 he received an invitation to join the household of the Lord Chancellor, Sir Thomas Egerton (Baron Ellesmere 1603–17), as one of his personal chaplains.³⁹

Ellesmere's regard for Williams as a scholar, and his sense that the cleric possessed untapped legal instincts are of primary importance for

35. Hacket, *Scrinia Reserata*, I, p. 22.

36. Hacket, *Scrinia Reserata*, I, p. 22.

37. For a full progression of Williams' increasingly lucrative church appointments see Quintrell, 'John Williams (1582–1650)'.

38. The proximity of Cambridge to two of the favoured Royal Hunting Lodges at Newmarket and Royston meant that promising young divines were in constant supply, to meet the king's demand for stimulating preachers. See McCullough, *Sermons at Court*, p. 126.

39. Williams delayed accepting this invitation for several months so that he could complete his proctor's duties at St. John's. In a letter to his old patron and kinsman, Sir John Wynn of Gwydir, Williams described how the Lord Chancellor had a 'most fatherly care' for him. *Calendar of Wynn Papers* (574), p. 91.

this discussion. Most notably, Ellesmere's own education had predisposed him to appreciate breadth in learning, while his legal career had turned him into a would-be reformer, anxious to shake the English system free from the more inefficient aspects of the Common Law.⁴⁰ For both of these reasons, his appreciation of Williams' potential utility in the legal realm must be seen as more than a simple personal interest. He would find that his new chaplain's intellect and knowledge accorded with his own evolving notion of *judgment* in law, and that the civil courts served as an appropriate forum within which to revisit past practices in adjudication.

Life in the capital provided unique opportunities for the young cleric. He became friends with, and assisted in the researches of both the antiquarian William Camden, and the enthusiast for feats of navigation, Richard Hakluyt. Rising scholars such as Henry Spelman, Robert Cotton, and the burgeoning jurist John Selden were numbered among his closest friends.⁴¹ More importantly, learned household conversations between the Lord Chancellor and his chaplain caused Ellesmere to begin tutoring Williams in legal matters.⁴² This featured Ellesmere offering him cases to read from Chancery and Star Chamber, critiquing his opinions and, eventually, having the chaplain accompany him to the courts, where he first acted as an unofficial secretary before seeing his responsibilities grow. Hacket relates of the relationship:

The Lord Chancellor did highly countenance him in it, and was so taken with his Pregnancy, that at his leisure-times, both for his own solace, and his Chaplain's furtherance, he would impart to him the Narration of some famous Causes, that had been debated in *Chancery*, or *Star-Chamber*. What could not such a Master teach? What could not such a Scholar learn? ... By this favour to which he had attained, though he was not in the place of one of the Secretaries, yet he became to be like a Master of Requests; especially in weightier Petitions he could prevail more than any other able Minister, which was not to be presisted [*sic*] by the other Officers.⁴³

40. For the importance of Ellesmere's educational background, especially his appreciation for the use of Classical and contemporary continental sources in the application of Equity Law, see Knafla, *Law and Politics*, pp. 39–41.

41. Knafla, *Law and Politics*, pp. 13–14; Oldys, *Biographica Britannica*, VI, p. 4278.

42. As Knafla points out, Ellesmere was the first lay Lord Chancellor to have private chaplains in his household. This point should be recalled when considering James' eventual decision to appoint Williams to the Keepership as it reflects another intellectual connection between the practice of law, and theology. See Knafla, *Law and Politics*, p. 54.

43. Hacket, *Scrinia Reserata*, I, p. 28.

Hackett's reference to Williams as a 'Master of Requests' is significant. In Ellesmere's own rise to the head of Chancery, part of his apprenticeship had included service as Master of Rolls under then-Lord Keeper Sir Thomas Puckering. In his biography of Ellesmere, Lord Campbell relates how 'in this new office, ably disposing of certain suits which were referred to him, and occasionally assisting the Lord Keeper, he speedily showed the highest qualifications as an Equity Judge'.⁴⁴ As with his previous services at Cambridge, Williams proved to be an apt representative. Ellesmere cultivated his client's legal acumen, and came to rely on Williams' judgment to decide specific appeals to his court. In some instances, these involved supplications from academic divines, searching for permanent church livings, who approached Ellesmere in his capacity as Chancellor of Oxford University.⁴⁵ In other cases, Williams provided adjudication and assistance for churchmen ranging from parish clergy to the bishops, in navigating rights related to church livings, tithes, and ecclesiastic properties.⁴⁶ In handling these appeals, Williams came to be seen as Ellesmere's Master of Requests, whose capacity to perform this function was rooted in both his previous experiences in ecclesiastical law, municipal law, and his services to St John's College and Cambridge University; all of this leavened by the tutoring he received in Equity Law from Ellesmere.⁴⁷

As legal training, this experience must be juxtaposed against the typical education a young man might expect to receive at the Inns of Court. For many of these students, their period of study in London would generally be just a year or two, featuring a mixture of rote exercises in the law, and attendance at the various city courts. Ideally, for the majority of students drawn from aristocracy and gentry, the aim was to gain a rudimentary knowledge of the law that would aid them in the management of their properties, and in service to the crown as justices of the peace, or county sheriffs.⁴⁸ The curriculum was irregular, and only a minority ever formally became lawyers.

44. Campbell, *Lives of the Lord Chancellors*, II, p. 181.

45. Ellesmere had long taken an interest in fostering a moderately Calvinistic, preaching clergy. See Knafla, *Law and Politics*, pp. 53–54.

46. Hackett, *Scrinia Reserata*, I, p. 29.

47. Hackett, *Scrinia Reserata*, I, p. 28.

48. Sir Humphrey Gilbert, 'Queene Elizabethes Achademy' (ed. F.J. Furnivall; London: Early English Text Society, 1869), pp. 7–10. The point is more fully developed in Wilfrid Prest, 'Legal Education of the Gentry at the Inns of Court, 1560–1640', *Past and Present* 38 (December 1967), pp. 21–23. Prest also demonstrates that many young men at the Inns of Court studied very little, or not at all, and instead used their residence in London for social purposes.

Williams, by contrast, spent nearly five years in Ellesmere's household augmenting his previous and ongoing university education with guided studies in many of the most important and formative legal texts of his time. He enjoyed a direct internship at Chancery and Star Chamber, under the tutelage of the Lord Chancellor himself.⁴⁹ More importantly, he was, via Ellesmere, conceptualizing law as something flowing directly from God, via the king, to the people.

In his 1608 decision on Calvin's Case, which naturalized Scottish subjects born after 1603 in England, Ellesmere explained that 'kings did first make lawes, and then ruled by their lawes, and altered and changed their Lawes from time to time, as they sawe occasion, for the good of themselves, and their subjects'.⁵⁰ Williams was, in these years, completing his doctoral dissertation, which was successfully defended in July 1617. In it, he clearly mirrored his master's assertions on the king's supreme authority to make and adjudicate law. As he asked rhetorically in the thesis, 'Should he that is next under God in all Causes be subject to the Courts of his Liege-People and Homagers?', and answered, 'He is their common Parent; and the only Mandat how to bear ourselves to our Father is to Honour him.'⁵¹

By the end of 1616, Ellesmere's health was in notable decline, and he was forced to utilize Williams more and more frequently as his emissary and clerk. James soon declared that he would prefer no other representative from the Lord Chancellor than his chaplain.⁵² Knowing that his death was imminent, Ellesmere sent for Williams, and as a mark of affection offered him a financial bequest that would have assured his income for life. Williams declined this and, instead, Ellesmere left him a collection of his legal treatises on the reordering of parliament, Chancery, Star Chamber, and the Council Board. His parting words were: 'I know you are an expert workman; take these tools to work with; they are the best I have.'⁵³ As will be seen, Williams would indeed work with these tools, and utilize them effectively in 1621.

Ellesmere's projection that Williams might advance in the law should not be dismissed as a mere deathbed gesture. He may have recognized

49. Accessible surveys of this literature are provided in Thomas, 'James I, Equity and Lord Keeper John Williams', pp. 509, 524; Prest, 'Legal Education of the Gentry', pp. 30–35.

50. Ellesmere, *The Post-Nati*, in Knafla, *Law and Politics*, p. 248.

51. Hackett, *Scrinia Reserata*, I, p. 32.

52. Philips, *The Life of John Williams*, p. 44.

53. Philips, *The Life of John Williams* p. 45.

that a churchman was closer to playing a formal role in the legal community than was then realized, and that an ecclesiastic in Chancery would not have displeased the king. It has already been noted that with his Lord Chancellor's demise imminent in early 1617, James was giving strong consideration to naming one of three bishops to the post. In the end, he decided to appoint the polymath attorney Sir Francis Bacon instead, not least because Bacon favoured reforms to England's legal system that mirrored Ellesmere's and the king's desires to protect and reform the civil courts.⁵⁴

Upon receiving the Great Seal, Bacon invited Williams to remain in the household as his chaplain. Instead, Williams was appointed one of James' court chaplains, and prioritized completing his doctoral dissertation at Cambridge.⁵⁵ Of greater immediate importance was that Bacon employed Williams much more directly in a legal role, by naming him a Justice of the Peace of the *quorum*⁵⁶ for Northamptonshire – a position that accorded geographically with Williams' ecclesiastical livings in the diocese of Peterborough.⁵⁷ This would add significantly to Williams' legal experience and constitutes the third stage of his training.

In the words of J.P. Kenyon, justices of the peace were the 'workhorses' of early modern local government in England, attending to everything from the basic administration of criminal law itself through to the publication and enforcement of all statutes and royal proclamations; the exercise of anti-recusancy and religious conformity laws; vagrancy and paternity laws; enforcing price controls and monopoly rights, to name just the most obvious functions. Even more

54. Thomas, 'James I, Equity and Lord Keeper John Williams', p. 516.

55. Court Chaplains were not normally resident at court. Instead, they were expected to provide a link between their localities and the court, and to provide perspective on local matters when in attendance at court. See McCullough, *Sermons at Court*, pp. 4–5.

56. 'Formerly, an indication in a Commission of the Peace of the particular justices (called *justices of the quorum*) required, at least one of whom had to be present in order for business to be done.' See Elizabeth A. Martin (ed.), *A Concise Dictionary of Law* (2nd edn; Oxford: Oxford University Press, 1989), p. 335.

57. Williams' appointment to the quorum was significant in that clergy JPs did not necessarily receive this distinction. Christopher Haigh and Alison Wall find that bishops and deans almost always received the distinction, but it was rarer for lower clergy. However, as a royal chaplain Williams possessed additional distinction beyond his parish charge. It is the contention of this article, of course, that his scholarly abilities and expanding range of legal experiences also qualified him. See Haigh and Wall, 'Clergy JPs in England and Wales 1590–1640', *The Historical Journal* 47.2 (2004), p. 247.

broadly, '[The JP] was the king's officer in every locality – usually the only one – charged with the exposition and defence of royal policy, and expected to provide the central government with an unceasing stream of information, especially in the field of "security"'.⁵⁸ We will return to the practical ramifications of these duties in the context of Williams' legal forays presently, but two other general characteristics of many JPs must be noted.

First, they were most often local worthies drawn from the ranks of the high and lesser peers, knights, and gentry. The multifarious responsibilities, heavy workload, and no formal pay, meant that performance and attention to duty varied from individual to individual, and county to county. For James' central government, uniform performance and application of royal policy could not be taken for granted.⁵⁹ Not surprisingly, and secondly, this combination of pressures, and the steady stream of new edicts from London had, in some cases, come to mean that JPs saw themselves as the representatives of their localities *against* the central authority, rather than as agents of their king.⁶⁰ In instances where an outside appointee who owed his position to the patronage of a central figure (usually the Lord Chancellor, or someone close to him) came into conflict with entrenched local elites over the application of policy, recriminations were inevitable, and reputations could be enhanced or damaged. On the surface, it would seem to be just such a situation that would first test John Williams' legal and political mettle in his new role.

That Lord Chancellor Bacon had opted to send the Reverend John Williams up from London to serve as a JP for Northamptonshire in 1618 was perfectly in keeping with an unfolding central initiative. Christopher Haigh and Alison Wall have demonstrated that the utilization of clergy as JPs had grown during Ellesmere's years as Chancellor, and this practice accelerated under Bacon.⁶¹ Did this mean that there was a concerted effort on the part of James or his Chancellors in these years to pack local Commissions of the Peace with clerics – perhaps part of an early indication that the king was merely looking for pliant ciphers to do his bidding in the localities?

58. J.P. Kenyon (ed.), *The Stuart Constitution: Documents and Commentary* (Cambridge: Cambridge University Press, 1966), p. 492.

59. Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England* (New Haven, CT: Yale University Press, 1986), pp. 5–11.

60. Fletcher, *Reform in the Provinces*; Mark Kishlansky, *A Monarchy Transformed: Britain 1603–1714* (London: Penguin, 1997), pp. 53–55.

61. Christopher Haigh and Alison Wall, 'Clergy JPs', pp. 233–59.

Not necessarily, according to Haigh and Wall. Their research has found that such appointments were generally more reflective of court patronage networks than any deliberate attempt to expand ecclesiastical presences in local governance. Furthermore, the clerics who were made justices between 1614 and 1621 were not representative of any monolithic clerical bloc, but instead appear to have represented a range of theological opinions within the Church of England. In short, candidates were presented for their scholarly acumen, and the expectation that they would serve conscientiously in their localities – a scenario that largely seems to have been realized and a profile that fit Williams in 1618.⁶²

This does not mean, however, that associated lay officials were pleased about the increased clerical presence within their counties, or that conflicts centring on clerical versus lay authority did not arise on Commissions of the Peace. Indeed, it was one such incident that brought John Williams under greater scrutiny, and which helped to foster his reputation with the king as a trustworthy interpreter and agent of the law, something that was wholly in keeping with the lessons he had learned in Ellesmere's household, and the views asserted in his recently completed doctoral dissertation.

Legal Practitioner

In 1617 James VI/I made his first and only return visit to his native Scotland. While stopping at Hoghton, Lancashire, on his homeward journey, the king received a petition from a group of commoners (mostly agricultural labourers and tradesmen) who complained of restrictions that local officials had placed upon their ability to enjoy Sunday recreations.⁶³ James' subsequent endorsement of the Lancashire petitioners would lead the next year to the publication of a nationwide directive known as the *Book of Sports*, in which the king explicitly upheld the right of his people to enjoy legal recreations on Sundays, provided these did not prevent them from attending church, and did not interfere with the performance of religious services.⁶⁴

62. Haigh and Wall, 'Clergy JPs', pp. 237–39.

63. Alistair Douglass, *The Devil's Book: Charles I, the Book of Sports and Puritanism in Tudor and Early Stuart England* (Chicago: University of Chicago Press, 2011), p. 73; F.R. Raines (ed.), *The Journal of Nicholas Assheton* (Manchester: Chetham Society, 1847), pp. 34, 41–42.

64. For the text of the proclamation, see Walter Scott (ed.), *A Collection of Scarce and Valuable Tracts... Of the Late Lord Somers* (10 vols.; London: T. Cadell and W. Davies, etc., 1809), II, pp. 53–55.

Williams, like his bishop, Richard Neile (then) of Peterborough, had been at court when the *Book of Sports* was being drafted, and both were known supporters of legal Sunday recreations.⁶⁵ Whether the king's advisors believed a showdown over the issue might be coming in Northamptonshire, and thus positioned Williams to act as a defender of royal policy and prerogative or not, a contest was possible given the composition of the peace commission in question. One of Williams' most prominent senior colleagues on the local bench was Sir Edward Montagu, a man with known puritan sympathies, and a history of challenging the king's directives.⁶⁶

Williams was certainly known to Montagu and his family, owing both to his parish tenure at nearby Grafton Underwood, which had commenced in 1614, and more importantly, through his connections to Sir Edward's younger brothers, Sir Henry Montagu who had succeeded Sir Edward Coke as Chief Justice in 1616, and James, Bishop of Winchester. The latter had been an especially important patron for Williams. As Dean of the Chapel Royal James Montagu had arranged ongoing opportunities for Williams to preach before the king in London, and following his episcopal appointment, had successfully nominated Williams to become a court chaplain.⁶⁷ Bishop Montagu died in June 1618, on the eve of the dispute between his elder brother and Williams over the enforcement of the *Book of Sports*, and the loss of his possible mediation might have permitted the difference of opinion to become more combustible than ought to have been the case.

In July 1618, as Williams assumed his duties as Justice of the Peace, Montagu and another senior JP, Sir James Brook, attempted to forestall a Sunday wake in the village of Grafton Underwood, where it was feared the Lord's Day would be profaned by the presence of musicians from a neighbouring parish, and the selling of unlicensed ale. The man they chose to enforce their edict was the local constable, Robert Reeve; also a puritan and a strict Sabbatarian. When Reeve entered the Grafton Underwood churchyard to drive away the revellers he must have been shocked to encounter the vicar, Williams, who not only sent him packing but also employed his clerical authority to allow the wake to

65. John Fielding, 'Arminianism in the Localities: Peterborough Diocese, 1603–1642', in Fincham (ed.), *The Early Stuart Church*, pp. 98–99.

66. Fielding, 'Arminianism in the Localities', pp. 98–103; Esther S. Cope, *The Life of a Public Man: Edward, First Baron Montagu of Boughton, 1562–1644* (Philadelphia: American Philosophical Society, 1981), pp. 27–81.

67. James Montagu had been a patron of Williams since at least 1611. Hacket, *Scrinia Reserata*, I, pp. 25, 31.

continue.⁶⁸ He could not have been clearer in his disdain for the effort, and reminded all assembled: 'am I not justice of the peace of the *quorum*, doctor and parson of the town? Therefore never a precise justice of them all shall have anything to do in my town without me.'⁶⁹ As Reeve departed, no doubt in righteous rage, Williams encouraged the alewives to continue their sales, called upon the musicians to resume playing, and welcomed guests from other parishes in the clearest possible terms: 'You honest men that are come to the town, you shall use your pastimes and your sports, for I will have no such precise doings in this town.'⁷⁰ Williams' affirmation of the right of the people to enjoy their recreations, and the stern manner in which he dealt with Reeve, was wholly in keeping with the text and spirit of the *Book of Sports*, which stated:

no lawfull recreation shall be barred to our good people, which shall not tend to the breach of our foresaid laws and canons of our church, our churchmen and churchwardens shall, for their parts, bee carefull and diligent both to instruct the ignorant, and convince them that are misled in religion, presenting them that will not conforme themselves, but obstinately stand out, to our judges and justices, whom we likewise command to put the law in due execution against them... And as for our good people's lawfull recreation, our pleasure likewise is, that, after divine service, our good people be not disturbed, letted, or discouraged from any lawfull recreation, such as dauncing, either men or women, archerie for men, leaping, vaulting, or any other such harmelesse recreation, nor from having May-games, Whitson ales, and Morris-dances, and the setting up of May-poles, and other sports therewith used.⁷¹

The fall-out from this incident was nothing less than a competing test of legitimacy between the Montagu-Brooks faction, and Williams and his local supporters.⁷² Two questions were paramount. Could either

68. For Williams' own account of the incident, see Historical Manuscripts Commission (hereafter HMC), *Report on the Manuscripts of Lord Montagu of Beaulieu*, (London, 1900) pp. 94–95.

69. HMC, *Report on the Manuscripts of the Duke of Buccleuch and Queensbury* (3 vols.; London, 1900–1926), III, p. 210.

70. HMC, *Montagu*, pp. 94–95.

71. *The King's Majestie's Declaration to his Subjects, concerning lawfull Sports to be used. London, 1618*, in, *Somers Tracts*, II, p. 55.

72. As can be expected with local politics, some of the principal actors had a lengthy history of mutual animosity. Montagu and Sir Anthony Mildmay were parties to a dispute that had been the subject of court gossip three years earlier. CSPD, James I, Vol. IX, p. 273.

side in the dispute claim the greater accordance with the crown's actual policy related to Sunday recreations as expressed in the *Book of Sports*, and on a related note, did either faction enjoy sufficient support at court to carry the issue?

On both points, Williams held the stronger hand. He had been in London, and at court, as the *Book of Sports* was being formulated, and had been an early adherent and exponent of its key thrust – the right of subjects to enjoy lawful recreations on Sundays.⁷³ Thus, he understood both the substance of the proclamation, and that it represented the views of the king and his key advisors on the subject. We have already seen that Williams was a staunch defender of the king's prerogative right and responsibility to assert laws for the common good. Sir Edward Montagu and his supporters, by contrast, showed that they comprehended neither proposition. Allegorically they claimed that the king would not permit the sorts of revels at court as his agent was now protecting in their county: 'for many things may become the borders and skirts, as gardes of many colours, which will disgrace the heart of the garment'.⁷⁴

Montagu was frustrated when his letters to key figures in London showed that Williams' position was supported at court, and more tellingly, he showed that he had missed, or disagreed with, the thrust of the king's efforts. By suggesting that anything other than a strict attitude toward Sunday recreations was merely a sop to the papists, he signalled that he had not comprehended the king's effort at compromise. Furthermore, his efforts to portray Williams as an impudent arriviste in the locality were exaggerations.⁷⁵ Williams' correspondence with Montagu shows the parson attempting to explain his position in the most accommodating, if firm, terms. They were, after all, arguing over a point of law, and the king's capacity to assert law via proclamation.

In the end, Williams' refusal to back down from Montagu's challenge, his defence of the king's proclamation, and the support he clearly enjoyed at court, were significant affirmations of his standing as a magistrate. The performance clearly impressed Lord Chancellor Bacon, who appointed him to four more commissions of the peace in 1619 and 1620.⁷⁶ Perhaps more importantly, within months of the incident,

73. Dougall, *Devil's Book*, p. 85.

74. HMC, *Bucclench*, Vol. III, pp. 210–11.

75. HMC, *Bucclench*, Vol. III, pp. 209–10.

76. Haigh and Wall, 'Clergy JPs', p. 236, n. 8. Hackett provides a detailed summary of Williams' activities as JP, from his favoured home in Walgrave,

Williams was able to use his position as court chaplain to underline in James' presence the notion of the good servant, who wore the vestments of the king in overseeing the administration of his laws. In a sermon that the king ordered published, Williams stated:

His house is the Tribunall whilest the Iudge is in sitting. His house is the Tent, whiles the Captain is commanding. His house is the Province, whiles the Praetor is in governing. His house is the Consistorie, whiles the Biship is in his externall censuring. In a word, it is *Tota in toto*, his house is euey where, where his Lawes are prescribing. All those therefore, whome the Lawes of the King, (a glosse unto us in this case of the Lawes of God) for their apting and disposing to his better seruice, shall command or conuiue these soft clothings, must bet still supposed in Kings houses. Behold, they that weare soft clothing are in Kings houses.⁷⁷

Lord Keeper

The final stage in Williams' progression to the Keepership would demonstrate how far he had risen in James' estimation as a servant and counselor. By 1620, he was rather like Francis Bacon himself, a highly regarded polymath.⁷⁸ He was equally at home serving as a preacher at court, or acting in the king's name in the performance of legal duties in the provinces. He was not, however, particularly prominent, or likely to become so in higher political, legal, or ecclesiastical circles. Indeed, his appointment as Dean of Winchester Cathedral in 1620 promised to take him further from the scene of political action than ever. James evidently had other ideas in mind for Williams because he essentially ordered him to seek out the Marquis of Buckingham, and gain his patronage.⁷⁹ Williams had, to that point, enjoyed only an arm's-length relationship with the favourite, partly in the belief that a closer connection might ultimately undermine his career prospects, if Buckingham should lose the king's affections.⁸⁰

(*F note continued*)

Northamptonshire; Hacket, *Scrinia Reserata*, I, pp. 35–36. These passages also give an insight into Williams' understanding of the needs and views of his parishioners – knowledge that would prove beneficial when counseling the king and Buckingham on the management of parliament.

77. John Williams, *Sermon of Apparell, Preached before the Kings Majestie and the Prince his Highnesse at Theobalds, the 22 of February, 1619* (London, 1620), p. 30.

78. Hacket, *Scrinia Reserata*, I, pp. 13–14.

79. Hacket, *Scrinia Reserata*, I, p. 41.

80. Hacket, *Scrinia Reserata*, I, p. 41.

Williams lost no time in making himself indispensable. His most important, early contribution was to assist Buckingham's intentions to marry the Lady Katherine Manners, daughter of the Earl of Rutland. As the prospective bride was a Catholic, Williams successfully undertook her conversion to the Church of England, and followed up this triumph by negotiating her dowry, thus greatly increasing Buckingham's wealth. He officiated at their ceremony, and was rewarded in part with a transfer from Winchester to become Dean of Westminster Abbey, ostensibly to permit him to be closer to court, and thereby better able to advise his new patron, and the king.⁸¹

Playing matchmaker was one thing, but Williams' real opportunities to demonstrate his worth as an advisor came in the early spring of 1621, when James summoned parliament for the first time in seven years.⁸² This parliament opened against a backdrop of unease over James' foreign policy in the unfolding European crisis, deadlock over the issue of royal finances that dated back to the previous parliament, and growing discontent over Buckingham's influence as favourite. Of immediate significance were strident attacks emanating from the House of Commons on royal monopolists, including Buckingham's half-brother Sir Edward Villiers, and Sir Roger Mompesson, the infamous patentee for the licensing of inns. Although Buckingham's powers were extensive, he had never faced a parliamentary session. Thus, without a clear strategy for managing this parliament, the favourite, and by extension the king himself, were in danger of losing the capacity to control the parliamentary agenda and attain satisfactory results. In despair, Buckingham had turned to Williams for advice in the early spring.⁸³ Now, he would demonstrate his understanding of the political scene, and offer guidance that was beneficial to the crown.

As Dean of Westminster he had already gained some experience in dealing with parliamentary determination. A proposal from parliament to hold a corporate communion service in February had resulted in a mild standoff. The parliamentarians expressed a desire to hold their service in St Margaret's Church, rather than Westminster Abbey, and that the service be accompanied by a sermon from the Church of Ireland Bishop of Meath, James Ussher. Williams' response was to remind parliament that as dean and ordinary, he welcomed them to use

81. Philips, *The Life of John Williams*, p. 56.

82. Conrad Russell, *The Crisis of Parliaments, English History 1509–1660* (Oxford: Oxford University Press, 1971), pp. 284–97.

83. Roger Lockyer, *Buckingham: The Life and Career of George Villiers, First Duke of Buckingham 1592–1628* (London: Longman, 1981), pp. 89–105.

either place, but that he would select the preacher. Ultimately, the king sent instructions to parliament to use St Margaret's and to hear Ussher. James' intervention does not appear to have hurt Williams' credibility, however, because by early March it was rumoured he would be named Bishop of London on the anticipated demise of the incumbent, John King.⁸⁴

Buckingham had approached Williams for political advice surrounding the monopolies issue in late February, and his suggestions offered a deft option. The king's concern over the unfolding scandal made the dissolution of parliament a distinct possibility. Williams counselled against this, noting: 'If you break up this parliament while in the pursuit of justice, only to save some cormorants who have devoured that which they must disgorge, you will pluck up a sluice which will overwhelm you all.'⁸⁵ Instead, Williams urged the favourite to seize the initiative, and gain parliamentary goodwill by making the anti-monopoly cause his own. He could shelter his brother, but where Mompesson and other notorious figures were concerned, Williams' advice was to: 'let them be made Victims to the publick Wrath. ... Nay, my Sentence is, cast all Monopolies and Patents of griping projects into the Dead Sea after them.'⁸⁶ More pointedly, he explained to Buckingham the specifics of what was to be done. Drawing on his experiences working under Ellesmere, he related that he had,

searched the Signet Office, and have Collected almost forty [monopoly licenses], which I have hung in one Bracelet, and are fit for Revocation; Damn all these by one Proclamation, that the World may see that the King, who is the Pilot that sits at the Helm, is ready to play the pump to eject such Filth as grow Noysom in the Nostrils of his people.⁸⁷

James and Buckingham seized upon this counsel and made public the king's intentions of pursuing corrupt monopolists, and eliminating a wide range of monopolies altogether.⁸⁸ The process would take time, however, and in the interim, parliament turned its attentions to the figures who had licensed the likes of Mompesson, in particular,

84. C.S. Knighton, 'The Lord of Jerusalem: John Williams as Dean of Westminster', in C.S. Knighton and Richard Mortimer (eds.), *Westminster Abbey Reformed 1540–1640* (London: Ashgate, 2003), p. 235; CSPD 1619–23, pp. 221–22; 228.

85. Hacket, *Scrinia Reserata*, I, p. 50.

86. Hacket, *Scrinia Reserata*, I, p. 50.

87. Hacket, *Scrinia Reserata*, I, p. 50.

88. Some observers were already predicting that this action would not mollify critics in the House of Commons. See John Chamberlain to Dudley Carleton, 7 April 1621, CSPD, Vol. 10, 1619–23, p. 244.

Lord Chancellor Bacon (now Viscount St Albans and Lord Verulam), who had applied the Great Seal to the offending patents. Bacon's vulnerability lay in the fact that he had accepted bribes from prospective patentees, something he eventually admitted to forestall an impeachment trial in the House of Lords.⁸⁹

Accordingly, on 2 May 1621 the Lords removed him from office and named a commission to seize the Great Seal from his possession. The commission would now exercise the powers of the Keeper until a new one was named.⁹⁰ As significant as the fall of the Lord Chancellor was a concurrent attack mounted by Coke and other common lawyers in the House of Commons on the jurisdiction of the Court of Chancery itself.⁹¹

The forthcoming appointment excited much speculation among court observers. It was well known, for example, that Buckingham favoured conferring the office on one of his rising clients, Sir Lionel Cranfield, the Master of Wards, who had been successfully applying his business acumen to the ongoing problem of managing the royal court's expenses. Another candidate, the preferred choice of Prince Charles it was said, was Sir Henry Hobart, the Chief Justice of the Court of Common Pleas, whose legal qualifications were obvious. For his part, Williams had been absent from London while on a visit to Wales for most of April, and only returned to the capital as the reverberations from Bacon's fall began to increase. He was doubtless an interested observer of the situation given his contacts at court, and more importantly, his familiarity with the office stemming from his years with Ellesmere, and his utilization by Bacon, but there is little indication that he viewed himself as a candidate. His familiarity with the office nevertheless caused James and Buckingham to seek his perspective on two pertinent matters, the revenues controlled by the Lord Keeper, and the possibilities of reforming the Court of Chancery in response to parliamentary demands.

Regarding the former issue, Williams was able to provide a reasonably detailed evaluation of the Keeper's revenues, particularly those that stemmed from fines levied by Chancery and other duties owed under the Great Seal. It was not overly lucrative in his estimation, amounting to some £2790, per year. Several historians have suggested that Williams was already projecting his own candidacy, and deliberately minimized the estimate to deter potential competitors such as Cranfield.⁹² This castigation is unwarranted, however. His mentor and

89. Chamberlain to Carleton, 7 April 1621, p. 252; Lockyer, *Buckingham*, pp. 99–100.

90. Chamberlain to Carleton, 2 May 1621, *CSPD.*, Vol. 10, 1619–23, p. 252.

91. Thomas, 'James I, Equity and Lord Keeper John Williams', pp. 521–22.

92. Cambell, *Lives of the Lord Chancellors*, III, p. 138.

predecessor Lord Ellesmere had decried the scant revenues coming into Chancery, and attempted unsuccessfully to increase its ability to levy greater fines, following his appointment to the Keepership under Elizabeth. When Bacon was angling to replace the ailing Ellesmere at Chancery in 1616, he sent James an estimate of all revenues derived from crown law offices and legal fees, and declared them wanting. By Bacon's estimate, he would not have been able to function as Chancellor for less than £6,000 per annum.⁹³ It will also be recalled that Bacon fell from office precisely because he was accepting bribes, therefore underlining the notion that Chancery was not an overly lucrative source of revenue. James, we shall see, certainly believed Williams' estimates when they were presented to him.

The historiography surrounding Williams' appointment diverges in some significant ways at this point. Hacket, whose biography of Williams was drawn largely from his subject's recollections, asserts that the Dean of Westminster (i.e. Williams) had been Buckingham's choice all along, and that the aforementioned breviate on fees derived from Chancery provided the final evidence necessary to persuade the king to make the appointment.⁹⁴ Most historians to the present day have shared this interpretation.⁹⁵

In 1976, however, Thomas argued persuasively that the decision to appoint Williams lay with the king alone, and that it rested almost entirely on the strength of a second breviate, this time on Chancery reform, that Williams had prepared sometime between Bacon's fall, and the end of May 1621. The contents of that document require some elucidation, particularly in the context of Williams' previous services, and his maturation as a political and legal thinker over the preceding decade.

Where the reform of Chancery was concerned, Williams struck a tone that was remarkably similar to the advice he had provided Buckingham on cleaning up monopolies; it could be done, but it was essential that the king circumvent the presumptions of the common lawyers and the House of Commons, and institute reforms as a matter of royal prerogative. In no sense, he wrote, should the king permit any notion that the operations of Chancery were subordinate to parliament. As he noted, 'in the court of equity, the King governes (like God himself) by his

93. Campbell, II, p. 185; III, pp. 342–43.

94. Hacket, *Scrinia Reserata*, I, pp. 51–52.

95. See, for example, S.R. Gardiner, *History of England ... 1603–1642* (London, 1883), IV, p. 134; Roberts, *Mitre and Musket*, pp. 41–42; Campbell, III, p. 138; Hugh Trevor-Roper, *Archbishop Laud* (London: Phoenix Press, 1960), p. 55; Lee, *Great Britain's Solomon*, p. 186.

owne individuall goodness and Justice, though placed (during his royal pleasure) in the brest of another'.⁹⁶

In the context of his current wrangles with parliament, this must have been music to James' ears, but it was not as remarkable as Thomas suggests. Both James and Williams would have acknowledged that this general position was well established among proponents of the royal prerogative. Politically, the confluence of an attack emanating from parliament on monopolies and, by extension, on royal prerogative itself, was nothing new. In fact, in one of Elizabeth's last parliaments, the (then) Lord Keeper, none other than Sir Thomas Egerton (later Lord Ellesmere), had defended the queen's prerogative as 'the chiefest flower in her garden, and the principal head pearl in her crown and diadem'.⁹⁷ It has been argued here that an assertion of royal prerogative as godly power was central to Williams' doctoral dissertation four years earlier, and as Thomas himself explains, this was wholly reflective of Ellesmere's long-held assertion that the king, rather than parliament, would have to be the agent of legal reform, especially for prerogative courts such as Chancery.

Cumulatively, the impacts of Williams' reports were electric. Upon obtaining Williams' assessment of the revenues collected by the Keeper, James revealed to Buckingham that he had received a bolt of inspiration:

You name divers to me to be my Chancellor. Queen Elizabeth, after the death of Sir Christopher Hatton,⁹⁸ was inclined in her own judgment, that the good man, Archbishop Whitgift, should take the place... Yet Whitgift knew not half that this man [Williams] doth in reference to this office... Be you satisfied, I think I shall seek no further.⁹⁹

In mid-June, Williams was named to the Privy Council. Then, on 10 July, the Great Seal of England was delivered to him, and his as Lord Keeper was made public. On 3 August he was elevated to the episcopal bench as Bishop of Lincoln.¹⁰⁰ As we have seen, the civil/judicial

96. Cambridge University Library MS. Gg/2/31, fos. 334r-6v, Williams breviate to James April/May 1621.

97. Quoted in Campbell, *Lives of the Lord Chancellors*, II, p. 187.

98. Interestingly, Hatton was not a trained lawyer either.

99. Philips, *The Life of John Williams* pp. 65–67.

100. The appointment to Lincoln addressed many challenges created by Williams' earlier appointment as Lord Keeper. Firstly, it provided him with an additional source of income, something deemed necessary in light of the diminished state of revenues accruing to the Court of Chancery, as he himself had reported. Although Lincoln was geographically the largest diocese in England, it was far from the most lucrative, and had been declining in value for years, it was supplementary income. Williams' major sources of money would continue to flow from his existing

appointments were controversial, and led to critical mutterings from the Common Law community. Bishop John Williams would, in fact, be the last ecclesiastic to hold the Great Seal and serve as Lord Keeper. He would, however, for the remainder of James I's reign, prove an efficient and effective head of the Court of Chancery, and for many observers, more than validate the king's choice.

Conclusion

The postscript to Williams' appointment bears out a favourable portrayal of his credentials and performance. He demonstrated his political sense by accepting on condition that he would hold the Keepership on probation for one year, after which the term would conclude after three more years. He made concessions to the anxieties of the legal community by ensuring that a roster of Common Law judges, who were also experts in Equity Law, would always participate in the proceedings of his court.¹⁰¹ These actions, coupled with his own industrious study of the law, meant that his tenure in the Court of Chancery between the autumn of 1621, and the spring of 1625, was marked by a voluminous caseload that was addressed efficiently and judiciously.¹⁰²

Ironically, he fell after James' death, not because his services were found wanting, but because Buckingham had turned against him. In anticipation of replacing Williams, the duke had approached Attorney General Hobart, who had been a candidate for Chancery following Bacon's fall, and urged him to assert Williams' incompetence. Hobart's response was telling: 'My Lord, somewhat might have been said at the first, but he should do the Lord Williams great wrong that said so now.'¹⁰³ As the Attorney General was acknowledging, in spite of his unconventional legal training, Bishop John Williams had grown into his office as Lord Keeper, thus validating King James' decision to appoint him in the summer of 1621. He had proven himself in the ensuing years to be a man not so unfit for the place, after all.

(Footnote continued)

appointments, most notably, as Dean of Westminster. He never relinquished this position, and during his years as Lord Keeper, continued to reside in the Dean's Lodge, as opposed to residing in the Lord Chancellor's house. One political advantage to making him a bishop was that this would also make him a member of the House of Lords. See Hacket, *Scrinia Reserata*, I, p. 61; Roberts, *Mitre and Musket*, p. 43.

101. Hacket, *Scrinia Reserata*, I, pp. 71–74.

102. Campbell, *Lives of the Lord Chancellors*, III, p. 167.

103. Quoted in Campbell, *Lives of the Lord Chancellors*, III, p. 161.