

= Nicholas Fuller (lawyer) =

Sir Nicholas Fuller (1543 ? 23 February 1620) was an English barrister and Member of Parliament . After studying at Christ 's College , Cambridge , Fuller became a barrister of Gray 's Inn . His legal career there began prosperously ? he was employed by the Privy Council to examine witnesses ? but was hampered later by his representation of The Puritans , a religious group which did not conform with the established Church of England . Fuller was repeatedly in contention with the ecclesiastical courts , including the Star Chamber and Court of High Commission , and was once expelled for the zeal with which he defended his client . In 1593 he was returned as the Member of Parliament for St Mawes , where he campaigned against the extension of recusancy laws . Outside of Parliament , he successfully brought a patents case which not only undermined the right of the Crown to issue patents but accurately predicted the attitude taken by the Statute of Monopolies two decades later .

Returned to Parliament in 1604 for the City of London , Fuller became considered the " leader of the opposition " due to his conflict with the government over policy , fighting the impositions on currants , the patent on blue starch , and opposing the proposed union with Scotland on legal and economic grounds . In 1607 , in what became known as Fuller 's Case , he again began challenging the Court of High Commission , and eventually got the Court of Common Pleas under Sir Edward Coke to agree that the common law courts had the power to free imprisoned ecclesiastical prisoners . These encounters with the ecclesiastical courts were described as " bruising " , but by 1610 he was considered an " elder statesman " , introducing bills on ecclesiastical reform and the statutory management of customs duties . He continued to sit in Parliament until his death on 23 February 1620 .

= = Early life and career = =

Fuller was born in 1543 to Nicholas Fuller of Neat 's Hall on the Isle of Sheppey , a merchant from London . In December 1560 he was admitted to Christ 's College , Cambridge , and graduated in 1563 , joining Gray 's Inn during the same year . After an initial upset (on 26 May 1579 , it was noted that " Mr Fuller , Reader of Staple Inn , is discharged for negligence , and fined £ 1 ") , Fuller was highly successful at Gray 's ; he became Reader on 26 May 1587 , Dean of the chapel on 8 February 1588 and Treasurer in 1591 . Fuller was a Puritan , and much engaged in their legal and other activities , for example , he arranged a lecturer for St Christopher le Stocks , a church in London , in April 1577 .

From December 1588 he was employed repeatedly by the Privy Council to examine witnesses , and in 1590 was charged with interrogating Sir Thomas Fitzherbert . Although his career had begun promisingly , Fuller soon found himself at odds with the authorities due to his religion , and the religion of those he chose to represent . A favoured barrister of Puritans prosecuted based on their faith , Fuller represented John Udall at Croydon assizes , when Udall was charged with having written A Discovery of the Discipline , an allegedly seditious book . The judge instructed the jury to find Udall guilty , and " leave the felony to us " ; Fuller protested so vociferously at this that he was forced out of the court . In 1591 , following the collapse of their case in front of the Court of High Commission , Thomas Cartwright and other Puritan ministers were tried by the Star Chamber ; Fuller provided legal representation . The case was made more complicated when several of the ministers , on 16 July 1591 , " proclaimed Elizabeth deposed , and William Hacket the new messiah and king of Europe " ; this certainly was sedition , and saw the ministers confined to Fleet Prison , along with Fuller for offering to represent them . Cartwright and several other ministers were never convicted , however , which is attributed to " the highly professional resistance of the puritan lawyers [which] perhaps owed much to Nicholas Fuller " . Fuller was confined until 15 August .

= = Parliament = =

= = = Puritanism and patents = = =

Fuller was returned for St Mawes in 1593 , apparently thanks to the influence of William Cecil , and immediately began campaigning against government attempts to extend recusancy laws to Protestant splitters from the Church of England . The government introduced two such bills ; the second , sent down from the House of Lords on 5 April 1593 , was protested down by Fuller as " dangerous to good subjects " , because it made " schisms to be equal with seditions and treasons , which is against the equity of the former law " . According to records , " upon a motion of Mr Fuller ? s , the whole committee assented to the striking out of the title and the whole preamble . No man spake for it " . While an MP , Fuller became involved in patents cases , which continued after he left Parliament in 1597 .

Patents were initially intended to provide protection to merchants of new industries , making England an attractive country to conduct business in . The granting of these patents was highly popular with the monarch , both before and after the statute of Monopolies , because of the potential for raising revenue . A patentee was expected to pay heavily for the patent , and unlike a tax raise (another method of raising Crown money) any public unrest as a result of the patent was normally directed at the patentee , not the monarch . Over time , this became more and more problematic : instead of temporary monopolies on specific , imported industries , long @-@ term monopolies came about over common commodities , including salt and starch . These " odious monopolies " led to a showdown between the Crown and Parliament , in which it was agreed , on 28 November 1601 , to turn the power to administer patents over to the common law courts ; at the same time , Elizabeth revoked a number of the more restrictive and damaging monopolies . One of the monopolies capable of being addressed at the common law was that over playing cards , which was granted to Edward Darcy on 13 June 1600 . Darcy , in 1602 , began proceedings against a Mr Allen for infringing on this patent .

The Crown was represented by Sir Edward Coke , then Attorney @-@ General for England and Wales , while George Croke and Fuller appeared for Allen . Coke argued that the Crown had the right to restrict " games of common good " , while Croke said that the free trade principles of the City of London rendered the patent invalid . Fuller , however , " stole the show " . He stated that only a new trade , or " a new engine tending to the furtherance of a trade that never was used before ; and that for the good of the realm , the King may grant him a monopoly patent for some reasonable time until the subjects may learn the same , in consideration of the good that he doth bring by his invention , otherwise not " . In this he accurately predicted the attitude taken by the Statute of Monopolies two decades later .

= = = Leader of the opposition = = =

Fuller did not stand for election to the Commons in 1597 ; after its dissolution , he was returned for the City of London in the 1604 Parliament of James I. He was highly active in opposing the government , to the point where academics consider him the " leader of the opposition " , although this was not a formal title at the time . During his first year , Fuller opposed the impositions on currants , the patent on blue starch , presented a petition on economic grievances (which delayed the passage of the subsidy bill) , supported the restoration of removed ministers and further attacked the powers of the Court of High Commission .

In 1606 , the government announced plans for a formal union between England and Scotland . This project was treated with great suspicion in the House of Commons , and Fuller took the lead in opposing it . Although he used racist language , saying in December 1606 that " the Scots in other countries are more like pedlars than merchants " , this was aimed at drumming up support from xenophobic elements , and Wright concludes he was not himself a xenophobe . His main concern , rather , was over economic issues . Fuller argued that the Scottish merchants would undercut and impoverish English ones , and that the markets could not handle such an influx , saying that it was " fit that we seek room to place them in before we admit them " . There was also a legal and constitutional element . The proposal was to allow all Scottish citizens , born before or after the

union , to become English citizens , exercisable through the Royal Prerogative . Fuller argued that this right was only exercisable by Parliament , and believed that the extension of the Royal Prerogative would lead to future encroachment on the civil liberties of English citizens .

= = Fuller 's Case and the Case of Prohibitions = =

In 1607 , Fuller began challenging the Court of High Commission yet again , an ecclesiastical court established by the monarch with near unlimited power . The High Commission was vastly unpopular amongst both common lawyers and Members of Parliament , as the idea of " prerogative law " challenged both authorities . The appointment of Richard Bancroft as Archbishop of Canterbury in 1604 caused the issue to grow in importance ; Bancroft 's zeal and strictness " could hardly fail to produce an atmosphere in which principles and issues would crystallize , in which logic would supplant reasonableness " . The judges , particularly Sir Edward Coke , began to unite with Parliament in challenging the High Commission . The High Commission tried people for heresy , based on their internal thoughts and private beliefs , in " a trap to catch unwary or ingenuous men - ' an unlawful process of poking about in the speculation of finding something chargeable ' " .

In what became known as Fuller 's Case , Fuller had several clients fined by the High Commission for non @-@ conformity , and stated that the High Commission 's procedure was " popish , under jurisdiction not of Christ but of anti @-@ Christ " . For this , Fuller was held in custody for contempt of court . The Court of King 's Bench argued that this was a lay matter , while the High Commission claimed it fell under their jurisdiction . In the end Fuller was convicted by the High Commission , although of heresy rather than contempt , and sent to Fleet prison . On 6 November 1608 , the common law judges and members of the High Commission were summoned before the King and told that they would argue and allow him to decide . Unable to even argue properly , instead " [standing] sullen , merely denying each other 's statements " , the group were dismissed and reconvened a week later . Sir Edward Coke , speaking for the judges , argued that ecclesiastical courts only had jurisdiction as long as no temporal matters were involved ; once this happened , it became a matter for the common law courts .

At this point the King 's own position in relation to the law , and his authority to decide this matter , was brought up , in what became known as the Case of Prohibitions . James stated that " In cases where there is not express authority in law , the King may himself decide in his royal person ; the Judges are but delegates of the King " . Coke challenged this , saying " the King in his own person cannot adjudge any case , either criminal - as treason , felony etc , or betwixt party and party ; but this ought to be determined and adjudged in some court of justice , according to the Law and Custom of England " . Coke further stated that " The common law protecteth the King " , to which James replied " The King protecteth the law , and not the law the King ! The King maketh judges and bishops . If the judges interpret the laws themselves and suffer none else to interpret , they may easily make , of the laws , shipmen 's hose ! " . Coke rejected this , stating that while the monarch was not subject to any individual , he was subject to the law . Until he had gained sufficient knowledge of the law , he had no right to interpret it ; he pointed out that such knowledge " demanded mastery of an artificial reason ... which requires long study and experience , before that a man can attain to the cognizance of it " . Victorious , Coke freely left , and continued to issue writs of prohibition against the High Commission .

= = Later career and death = =

By 1610 , Fuller was considered an " elder statesman " within Parliament , " although his influence may have been somewhat weakened by the bruising encounters with high commission and star chamber " . He introduced two bills to reform or remove ecclesiastical committees and courts , which passed in the House of Commons of England on 21 May and 20 June , though both were later rejected by the Lords . On 3 November he began campaigning to have customs duties put into a statutory framework , again against the Court of High Commission , which , he claimed , as an unelected and autonomous body could not be trusted , but rather Parliament should be given

jurisdiction . In a speech on 23 June 1610 he said that " the laws of England are the most high inheritance of the land , whereby both king and subjects are directed and guided " . Customs were " not at the king ' s pleasure to be increased without the consent of the subjects " , and " impositions and customs laid on subjects ' goods and merchandise ... was always done by several acts of parliament " . Wright notes that this was apparently greeted with complete silence , possibly because , while the MPs agreed that civil liberties had been eroded , they felt it was too dangerous to reclaim them . On 23 February 1620 , Fuller died at his home , Chamberhouse , at Crookham in Thatcham , Berkshire and was buried at the village 's parish church on 2 March . Most of his estate was passed to his wife , Sarah (sister of Samuel Backhouse MP) , and his eldest son , Nicholas , who died only four months later , leaving a three @-@ year @-@ old son .