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Chancellor Ellesmere

Louis A. Knafla

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# LAW AND POLITICS IN JACOBEOAN ENGLAND

THE TRACTS OF  
LORD CHANCELLOR  
ELLESMERE

LOUIS A. KNAFLA

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The speech of the Lord Chancellor of England, in the  
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Includes indexes

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## PREFACE

The consolidation of the state under the aegis of monarchy was one of the salient features of the English, as well as the Continental experience in the sixteenth century. In England the cultivation of royal power presaged that of Parliament and the common law. Such growth was due largely to the respect for authority that was instilled in society by the Tudor monarchs and the governing class. Confidence in the Crown and its policies had become a trait of the English political personality in the sixteenth century; a trait that endured until the waning years of Queen Elizabeth and the coming of the Stuarts.

There is little doubt, however, that by the turn of the century English society was witnessing a growth of tension in the relations between the members of the governing class, and between society and the State. Divisive social and economic problems, religious controversy, corruption in the governing process, conflicts in the courts, and confusion in the law were factors which contributed to this growth of tension. The institutions of society and the State were approaching a crossroads where either their reform or collapse would become inevitable. Thus crucial questions of State that involved the prerogatives of the Crown, the powers of Parliament, the responsibilities of the courts of law, and the rights and obligations of the citizen remained unresolved, and became the subject of increasing public discussion. They also began to appear in the prose and poetry, and the political and religious writings of the age.

Numerous memoranda, pamphlets, tracts, and treatises have provided us with sources for the study of the crisis in the governing class, and in the relations between society and the State in the early seventeenth century. There are, however, few sources whose authority has been established that provide us with the copious thought of those individuals who actually managed the affairs of government. Much of the existing literature was composed by courtiers or writers who were patronised to present that which their

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sponsors wished to have believed. Administrators – apart from those with antiquarian interests – were habitually too occupied in carving out careers in the labyrinth of government to address themselves directly to the crucial questions. As with public officials in all ages, their time was too absorbed in dealing with the matters that came to hand. Those men who did reflect on the crucial questions of State would be wary of disclosing their frank reflections on the printed page and thereby incurring either the opprobrium of the king or the nefarious attacks of political factions. The published, and particularly the unpublished, writings of Chancellor Ellesmere are a case in point. They represent in their broadest significance a group of documents expressive of the growth of that tension within the governing class, and within the institutions of government and the law.

Ellesmere was both an assiduous administrator and a minister of the first rank who was deeply concerned with the hotly contested questions of the times. He disclosed his opinions openly in his private writings, publishing only the least controversial. All of his tracts except the *Post-Nati* were composed in a semi-formal manner. His analysis was usually cogent and pithy; the style concise and abrupt. His perspective was generally moderate for a period of sharp political, constitutional, and legal conflict. At these times Ellesmere combined the perspicacity of the administrator with the meditation of the jurist. But there were occasions when his opinions were either radical or reactionary, and these instances reflected the influence of the conflicts of the age on one of the most seasoned statesmen of Jacobean England.

If a thread exists which provides a recurring theme to Ellesmere's tracts, it can be found explicably in the law. The Chancellor was from the beginning a lawyer. And whether he was discussing the forms of action at common law, or Parliament and the prerogatives of the Crown, his ideas stemmed from a legal framework which dominated more of the thought of the period than historians have generally acknowledged. The chancellor's close association with judges and legal writers such as Sir Edmund Anderson, John Popham, Sir Francis Bacon, Sir Edward Coke, Sir John Davies, and William Lambarde give his writings a specific importance in the literature of the law. His tracts, in reflecting a reading of Continental politics and jurisprudence, are also important sources for European constitutional and legal thought. Their most immediate significance, however, stems

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from Ellesmere's long experience in government and the courts of law, an experience which covered more than thirty-five years of public office. In this respect his tracts are part of the political, constitutional, administrative, and legal history of the era.

Ellesmere's tracts have not been readily available since the mid-seventeenth century. At his death in March of 1616–17, contemporaries such as Sir Francis Bacon commented upon 'the precious jewels' which the famed Lord Chancellor had left in the care of his chaplain and later successor, John Williams. The jewels referred to were Ellesmere's manuscript tracts. Contemporaries at Williams' death in 1650 had noted the disappearance of the tracts, and their loss was attributed to the dispersal of archives during the Civil Wars. An extensive search has resulted in the discovery of the original, or early copies of seven of his tracts on the royal prerogative, Parliament, government, and the law in manuscript collections at numerous libraries in North America and Great Britain. These tracts form the basis of this book.

The work has been organised around the tracts to facilitate an examination of Ellesmere's ideas within the context of his life and career. After an introductory biographical sketch, Part One comprises an analysis of Ellesmere's thought on a series of political and legal problems in the reign of James. Part Two contains a critical edition of Ellesmere's tracts on those subjects in the order in which they were composed. Together, these two parts have been designed not only to make, with the appropriate background, an interpretation of the subject, but also to present as much of the record as possible.

Ellesmere as a man has often been misunderstood, both by contemporaries and modern writers. Since the issues in which he became involved were public issues, contemporaries often forced him into the various categories of their thoughts. Thus he was accepted by 'royalists' and 'puritans', both of whom found nourishment in his career. But, while he was a common lawyer, his greatest enemies were at times common lawyers. Dilemmas such as this will never be resolved definitively. They will, however, become understandable when writers cease to base their work on those 'select' sources which have bred a genre of historical literature for the period that is often as inaccurate as it is biased. Only by examining the wide range of notes, letters, memos, tracts, and treatises, within the context of an essentially large body of personal and public records, will writers come to a knowledgeable understanding of the history of men, and their ideas and institu-



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tions, in the early seventeenth century. My purpose here is simply to resurrect some of the thought and work of Ellesmere as a lawyer, judge, and statesman, to raise some of the questions which contemporaries asked about law and politics, and to indicate some of the material from which I hope the answers will come.

A number of research libraries throughout North America and the United Kingdom have made this study possible. The libraries and their staffs in North America whom I wish to thank for their assistance in making the sources available are as follows: the University of California libraries at Berkeley and Los Angeles, the Folger Shakespeare Library, Washington, D.C., the Harvard Law and University libraries, Cambridge, Massachusetts, the Henry E. Huntington Library, San Marino, California, the Newberry Library of Chicago, the New York Public Library, the Stanford Law School Library, Stanford, California, the University of Toronto libraries, Ontario, and the Yale Law School and University libraries, New Haven, Connecticut.

In the United Kingdom the principal centres for sources used in London were the British Museum, the Duchy of Cornwall Record Office, the Historical Manuscripts Commission, the House of Lords Records Office, the Inner Temple Library, the Institute of Historical Research, the Lambeth Palace Library, Lincoln's Inn Library, the University of London Library, the Public Records Office, and the Warburg Institute. Outside London, I had recourse to several of the college libraries at Oxford and Cambridge, particularly at Corpus Christi and Exeter colleges, Oxford, the Bodleian Library, Oxford, the Cambridge University Library, the John Rylands Library, Manchester, the National Library of Wales, Aberystwyth, Trinity College Library, Dublin, and the University College of North Wales, Bangor. Equally important were the county record offices where I had the pleasure of doing research: namely, those of Cheshire, Flintshire, Oxfordshire, Northamptonshire, Shropshire, and Warwickshire, and of the City of Chester. Finally, I want to give special acknowledgement to those havens for scholars where most of my writing was done – to the staffs of the libraries of the Institute of Historical Research, the Henry E. Huntington Library, and the University of Calgary.

Research and writing demand good criticism, and regardless of the results of this work I have been fortunate to receive the generous critical advice and suggestions of a number of scholars. For the

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subject area of politics and society these include Elizabeth Read Foster, Lamar Hill, Joel Hurstfield, James Larkin, Sir John Neale, Brian O'Farrell, G. Dyfnalt Owen, Marc Schwarz, Roy Schreiber, A. J. Slavin, Lawrence Stone, and Penry Williams. On matters concerning law and administration, I want to thank Lewis Abbott, J. P. Anglin, Thomas G. Barnes, Marjorie Blatcher, William Huse Dunham, J. A. C. Grant, Charles Gray, W. J. Jones, S. F. C. Milsom, Walter C. Richardson, A. W. B. Simpson, and Samuel E. Thorne. For intellectual, cultural, and religious topics I wish to acknowledge the help of Leland Carlson, Mark H. Curtis, French Fogle, Fritz Levy, James McConica, Michael MacDonald, Anthony G. Petti, Paul S. Seaver, and John Steadman. Finally, I would like to thank specially those individuals who read the work from beginning to end in one form or another, and whose painstaking criticism contributed to the final shape of the study: John Baker, James Cockburn, Geoffrey Elton, and David Yale. Any errors, confusion, or misunderstanding that remain are solely of my own doing.

A number of institutions and agencies provided me with both financial support and encouragement in the pursuit of this study. These include from the beginning the Regents of the University of California, the Trustees of the Henry E. Huntington Library, the University of Calgary, and the Canada Council. Grants from the latter two organizations made possible the six transatlantic journeys which this study ultimately required. I also wish to thank Mr David Yale, the Editor of the English Legal History Series, and the staff of the Cambridge University Press for their assistance and patience with the manuscript. With respect to the demands which this project has made on my family, I can say freely that their willingness to accept Ellesmere as an adopted 'lord' to guide the time-tables of their lives has made, from beginning to end, the eventual appearance of this work possible.

Highgate  
Easter, 1975

L.A.K.

ABBREVIATIONS

Add. MS	Manuscript in the Additional collection, British Museum.
APC	<i>Acts of the Privy Council of England</i> , ed. R. A. Dasent <i>et al.</i> (1907–25), vols. xxxii–xxxv.
AJLH	<i>The American Journal of Legal History</i> .
Alnwick MS	Manuscript of the Duke of Northumberland, Alnwick Castle, Northumberland.
AmPhS	<i>Proceedings of the American Philosophical Society</i> .
Archeion	<i>Archeion; or, a Discourse upon the High Courts of Justice in England</i> by William Lambarde, ed. Charles McIlwain and Paul Ward (Cambridge Mass. 1957).
Bacon, <i>Elements</i>	Sir Francis Bacon, <i>The Elements of the Common Laws of England</i> (1630). STC 1134.
Bacon, <i>Letters</i>	<i>The letters and life of Francis Bacon including all his occasional works</i> , ed. James Spedding <i>et al.</i> (1857–74), vols. I–VII.
Bacon, <i>Works</i>	<i>The works of Francis Bacon: literary and professional works</i> , ed. James Spedding <i>et al.</i> (1861), vols. I–II.
Barlow MS	Manuscript in the Barlow coll., Bodleian Library, Oxford.
Barr. MS	Barrington manuscript, Inner Temple Library, London.
BIHR	<i>Bulletin of the Institute of Historical Research</i> .
B.M.	The British Museum, London.
B.M. RB	Rare book at the B.M. with marginal notes.
Bodl.	The Bodleian Library, Oxford.
<i>Bowyer Diary</i>	<i>Parliamentary diary of Robert Bowyer</i> , ed. D. H. Willson (Minneapolis, Minn. 1931).
‘Brief Chanc.’	‘A Breviate or direccion for the Kings Learned counsell collected by the Lord Chauncellor Ellesmere, mense Septembris 1615’. Folger MS V.b. 90.

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<i>Buccleuch MS</i>	<i>The Manuscripts of His Grace the Duke of Buccleuch and Queensbury</i> , H.M.C. (1926). Vols. I–III.	
Bulstrode, <i>Reports</i> C	<i>The Reports of Edward Bulstrode</i> (2nd ed. 1688). Chancery document, Public Record Office, London.	
C.33	Chancery decree and order entry books, Public Record Office, London.	
Camden	Camden Society Publications. Old, New, and Third Series.	
Cary, <i>Reports</i>	George Cary, <i>Reports or Causes in Chancery</i> (2nd ed. 1665).	
Chetham Soc.	Chetham Society. <i>Remains Historical and Literary connected with the Palatine Counties of Lancaster and Chester</i> . Old, New, and Third Series.	
<i>Choyce Cases</i> CJ	<i>Choyce Cases in Chancery</i> (1652). <i>The Journals of the House of Commons</i> (n.d.), I (1547–1628).	
Cleo. MS	Cleopatra manuscript in the Cottonian coll., British Museum.	
CLJ	<i>The Cambridge Law Journal</i> .	
Cockburn, <i>Assizes</i>	J. S. Cockburn, <i>A history of English assizes 1558–1714</i> (Cambridge 1972).	
Co. Lit.	Coke, Sir Edward. <i>The First Part of the Institutes of the Laws of England</i> (1794 ed.). Two vols.	
Co. Rep.	<i>Les Reports</i> [Part One] (1600), through Part Eleven – <i>La un<sup>z</sup><sup>me</sup> part</i> (1615).	
Coke MS Rep. A	Autograph manuscript reports of Edward Coke, 1579–88. British Museum, Harleian MS 6687.	
Coke MS Rep. C	Autograph manuscript reports of Edward Coke, 1591–1606. British Museum, Harleian MS 6686.	
Coke MS Rep. E	Autograph manuscript reports of Edward Coke, 1608–11. Cambridge University Library MS li. v. 2/12.	
Collect. Jurid.	<i>Collectanea Juridica</i> , ed. Francis Hargrave (1791–2), Vols. I–II.	
Const. Docs.	<i>Constitutional documents of the reign of James I</i> , ed J. R. Tanner (Cambridge 1930).	
Cotton MS	Manuscript in the Cottonian coll., British Museum.	

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Cowell, <i>Interpreter</i>	Dr John Cowell, <i>The Interpreter</i> (Cambridge 1607), <i>STC</i> 5900.
CP	Court of Common Pleas.
Cranfield MS	<i>Calendar of the manuscripts of Major General Lord Sackville: Cranfield papers</i> , H.M.C. (1940–66), vols. I–II.
C.R.O.	The Cheshire Record Office, Chester.
Croke, <i>Reports</i>	<i>Reports of Cases in Kings Bench and Common Bench</i> (1669), parts I–III.
Crompton, <i>L'Autoritie</i>	Richard Crompton, <i>L'Autoritie et Iurisdiction des Courts de la Maiestie de la Roygne</i> (1594). <i>STC</i> . 6050.
CSPD.	<i>The Calendar of State Papers, Domestic. Elizabeth, James I.</i>
C.U.L.	The Cambridge University Library, Cambridge.
CymRS	Cymmrodorion Record Series, <i>Transactions</i> .
Davies, <i>Primer Report</i>	Sir John Davies, <i>Le Primer Report del Cases &amp; Matters en Ley</i> (Dublin 1615), <i>STC</i> 6361.
D.C.O.	The Duchy of Cornwall Office, Buckingham Palace Gate, London.
<i>Debates 1610</i>	<i>Parliamentary debates in 1610</i> , ed. S. R. Gardiner (1861).
<i>Discourse</i>	<i>A Discourse upon the Exposition &amp; Understandinge of Statutes With Sir Thomas Egerton's Additions</i> , ed. Samuel E. Thorne (San Marino Calif. 1942).
DNB	<i>The dictionary of national biography</i> .
Dyer, <i>Novel Cases</i>	James Dyer, <i>Cy Ensuent Ascuns Novel Cases</i> (1585). <i>STC</i> 7388.
E	Exchequer document, Public Record Office.
E. 101	Various Court of Exchequer accounts, fines, and amercements, Public Record Office.
EcHR	<i>The Economic History Review</i> .
'Eg. on Coke'	'The Lord Chancellor Egertons Observacions vpon ye Lord Cookes Reportes'. British Museum, Hargrave MS 254.
<i>Eg. Papers</i>	<i>The Egerton Papers</i> , ed. J. P. Collier (1840). Camden Soc. vol. XII.
EHR	<i>English Historical Review</i> .
Ellesm. MS	Bridgewater and Ellesmere manuscript coll., Huntington Library.
F–H MS	Finch–Hatton manuscript, Northamptonshire Record Office.
Finch, <i>Law</i>	Henry Finch, <i>Law, or a Discovrse Thereof</i>

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	(2nd ed. 1627). <i>STC</i> 10871.
Fitzherbert, <i>Brevium</i>	Anthony Fitzherbert, <i>La Nouvellla Natura Brevium</i> (3rd ed. 1553, col. 1560).
F.L.O.	Flintshire Record Office, Hawarden, Clwyd.
Folger	The Folger Shakespeare Library, Washington D.C.
Gardiner, <i>Hist.</i>	Samuel Rawson Gardiner, <i>History of England from the accession of James I to the outbreak of the Civil War 1603–1642</i> (rev. ed. 1881–85), vols. I–IV.
Godbold, <i>Reports</i>	<i>Reports of Certain Cases</i> , rev. John Godbold and ed. W. Hughes (1652).
‘Govt. 1615’	Ellesmere, Baron. ‘Things to be considered of before a parlement to be called’. Huntington Library, Ellesmere MS 2610.
Hake, <i>Epieikeia</i>	Edward Hake, <i>Epieikeia, a dialogue on equity in three parts</i> ed. D. E. C. Yale (1953).
Hale MS	Manuscript in the Hale coll., Lincoln’s Inn Library.
Harg. MS	Hargrave manuscript, British Museum.
<i>Harl. Misc.</i>	<i>The Harleian Miscellany</i> (1808–13).
Harl. MS	Harleian manuscript, British Museum.
Harv. Law	The Harvard Law Library, Langdell Hall, Cambridge, Mass.
<i>Hastings MS</i>	<i>Report on the manuscripts of the late Reginald Rawdon Hastings</i> , H.M.C. (1928–47), vols. I–IV.
Hasts. MS	Hastings manuscript, Huntington Library.
Hawarde, <i>Reportes</i>	<i>Les Reportes del Cases in Camera Stellata 1593 to 1609</i> , ed. W. P. Baildon (1894).
<i>HLQ</i>	<i>Huntington Library Quarterly</i> .
H.M.C.	Historical Manuscripts Commission, London. Reports and Papers.
Hobart, <i>Reports</i>	<i>The Reports of That Learned Sir Henry Hobart Knight</i> (1641).
Holdsworth, <i>HEL</i>	Holdsworth, Sir William. <i>A history of English law</i> , vols. I (7th ed. 1956), II (4th ed. 1946), III (5th ed. 1942), IV–V (3rd ed. 1945), VI–VII (7th ed. 1956).
Holkham MS	Manuscript of the Earl of Leicester, Holkham Hall, Norfolk.
Hunt.	Henry E. Huntington Library and Art Gallery, San Marino, Calif.
Hunt. RB	Rare book with marginal notes in the Huntington Library.
Ind.	Manuscript index, Public Record Office.

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xvi	ABBREVIATIONS
<i>Inst.</i>	Coke, Sir Edward. The Second Part of the Institutes; The Third Part of the Institutes; The Fourt Part of the Institutes (1797 ed.).
I.T.	The Inner Temple Library, London.
'Iudicature'	Ellesmere, Baron. 'Memorialles for Iudicature. Pro Bono Publico.' Huntington Library, Ellesmere MS 2623.
James, <i>Works</i>	<i>The political works of James I</i> , ed. Charles Howard McIlwain (Cambridge Mass. 1918).
<i>JBS</i>	<i>The Journal of British Studies</i> .
Jones, <i>Chancery</i>	W. J. Jones, <i>The Elizabethan Court of Chancery</i> (Oxford 1967).
J.R.L.	The John Rylands Library, Manchester.
KB 27	Plea rolls, Court of King's Bench, civil side, Public Record Office.
Lans. MS	Lansdowne manuscript, British Museum.
L.I.	The Lincoln's Inn Library, London.
Littleton, <i>Tenures</i>	Thomas Littleton, <i>Les Tenures</i> (32nd Law French ed. 1581).
<i>Lj</i>	<i>Journal of the House of Lords beginning Anno Vicesimo Elizabethae Reginae</i> (n.d.), vol. II.
<i>LQR</i>	<i>The Law Quarterly Review</i> .
Moir, <i>Parl. 1614</i>	Thomas Moir, <i>The Addled Parliament of 1614</i> (Oxford 1958).
Moore, <i>Cases</i>	<i>Cases Collect et Report per Sir Francis Moore</i> (1663).
N.L.W.	The National Library of Wales, Aberystwyth.
<i>Nott's Chanc. Cases</i>	<i>Lord Nottingham's Chancery Cases</i> , ed. D. E. C. Yale (1957, 1961). Selden Society vols. 73 (i) and 79 (ii).
N.R.O.	The Northamptonshire Record Office, Delapré Abbey, Northampton.
'Parl. 1604-10'	Ellesmere, Baron. 'Speciall observacions touching all the sessions of the last parlement anno 7 Regis.' Huntington Library, Ellesmere MS 2599.
<i>Parl. 1610</i>	<i>Proceedings in Parliament 1610</i> , ed. Elizabeth Read Foster (New Haven, Conn. 1966). 2 vols.
<i>P &amp; P</i>	<i>Past and Present</i> .
P.C.C.	Prerogative Court of Canterbury, wills, Public Record Office.
Petyt MS	Petyt manuscript, Inner Temple Library.
Plowden, <i>Commentaries</i>	Edmund Plowden, <i>Les Commentaries ou Reportes</i> (2nd ed. 1578). <i>STC</i> 20041.

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<i>Post-Nati</i>	Ellesmere, Baron. <i>The Speech of the Lord Chancellor of England, in the Eschequer Chamber, touching the Post-Nati</i> (1609).	
<i>Practice Chanc.</i>	<i>The Practice of the High Court of Chancery Unfolded</i> (2nd ed. 1692).	
'Prerog.'	'A Coppie of a wrytten discourse by the Lord Chauncellor Elsemore concerning the Royall Prerogatiue'. Harvard Law Library MS 4006.	
Prestwich, <i>Cranfield</i>	Menna Prestwich, <i>Cranfield: politics and profits under the early Stuarts</i> (Oxford 1966).	
P.R.O.	The Public Record Office, London.	
'Prohibitians'	'Some Notes, and Remembrances, concerning Prohibitians, for Staying of suites in the Ecclesiasticall Courts, and in the Courts of the Admiraltie' (1611), Barlow MS9.	
Rawl. MS	Rawlinson manuscript, Bodleian Library, Oxford.	
<i>Rep. Chanc.</i>	<i>Reports of Cases Taken and Adjudged in the Court of Chancery</i> (3rd ed. 1736).	
Rolle, <i>Reports</i>	<i>Le Reports de divers Cases, Banke le Roy</i> (1675).	
<i>Rot. Parl.</i>	<i>Rotuli Parliamentorum</i> (1767), vols. I–II.	
Royal MS	Manuscript in the Royal coll, British Museum.	
Sackv. MS	Sackville manuscript, H.M.C., London.	
<i>Salisbury MS</i>	<i>Calendar of the Manuscripts of the Most Hon. Marquess of Salisbury</i> , H.M.C. (1895–1970), parts VI–XXI.	
SC	Court of Star Chamber, complaints and proceedings, Public Record Office.	
Sloane MS	Manuscript in the Sloane collection, British Museum.	
SP	Documents in the State Papers, Public Record Office.	
SPD 14, 15	State Papers Domestic: Elizabeth, James I and Addenda.	
S.R.O.	Shropshire Record Office, Shrewsbury, Salop.	
STC	<i>A Short-Title Catalogue of Books Printed in England, Scotland, &amp; Ireland and of English Books Printed Abroad 1475–1640</i> , ed. A. W. Pollard and C. R. Redgrave (1926).	
<i>State Trials</i>	<i>Cobbett's Complete Collection of State Trials</i> , ed. W. Cobbett and T. B. Howell (1809), vols. I–II.	
<i>Stat. Realm</i>	<i>The Statutes of the Realm</i> (1810–19), vols. I–VI.	
Staunford, <i>Prerogative</i>	Sir William Staunford, <i>An Exposition of the Kinges Prerogative</i> (1567). STC 23213.	



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xviii	ABBREVIATIONS
Stowe MS	Stowe manuscript, British Museum.
Tanner MS	Tanner manuscript, Bodleian Library, Oxford.
Tourneur MS Rep.	Manuscript report of Timothy Tourneur, British Museum Add. MS 35, 957.
TRHS	<i>Transactions of the Royal Historical Society.</i>
U.C.N.W.	University College of North Wales Library, Bangor, Wales.
V.C.H.	Victoria County History.
West, <i>Symboleog.</i>	William West, <i>The Second Part of Symboleo- graphy</i> (5th ed. 1601).
Yale Law	The Yale Law Library, New Haven, Conn.
Y.U.L.	The Yale University Library.
Yelv. MS	Yelverton manuscript, British Museum.
Yelverton, <i>Reports</i>	<i>The Reports of Sir Henry Yelverton</i> (1735 ed.)

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## NOTES ON STYLE

The year has been referenced for beginning at both January 1 for modern convenience and March 24 for the identification of contemporary documents. All dates within these are cited as 1603/4.

When a law report is cited, the first time it is cited in the same manner as a contemporary work; the standard short form is used for later references to the same report.

References from the *Short-Title Catalogue* have been included where there are several contemporary editions of a work, or more than one printing in the same year.

Where a source exists in print as well as in manuscript, the printed version is cited if the matter concerned is reproduced accurately from the manuscript.

The place of publication for printed works is London unless otherwise noted.

All quotations in the text of Part One (Law and Politics) have been completely modernised in spelling, capitalisation, and punctuation. The titles of manuscripts and printed works, however, have been published in the original.

Editorial conventions followed in Part Two are listed on page 196.

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