

I

THE EARLY TUDOR ROYAL PROCLAMATIONS

Definition and Number

Proclamation is a notice publicly given of anything whereof the King thinketh good to advertise his subjects.¹

It would be simple to identify royal proclamations if John Rastell's facile definition could be accepted as the starting point for this study. Unfortunately, it would make the task of collecting and analyzing them impossibly massive.² Neither of the two modern compilers of royal proclamations accepted such a broad definition. Robert Steele, whose bibliography served as the basis for most comments on proclamations before 1964, defined them according to certain characteristics:

They have been proclaimed, they have passed (potentially or actually) under the great seal, and they have been made by the advice and consent of the Council. Of these characteristics the first two are invariable, while as to the third we can only affirm it to be true in every case of which we know the facts. . . [the essential characteristic is] a schedule to a chancery writ validated by the sign manual as superscription.³

Steele, however, did not limit his bibliography by that definition, because he included in his list statutes and other non-royal proclamations.⁴ Paul Hughes and James Larkin, the editors of the first printed edition of early Tudor royal proclamations, improved on Steele's work by rejecting many items which were clearly not royal proclamations and including a number of proclamations not listed

¹ John Rastell, *Les Termes de la Ley* (London, 1629), 260.

² G. R. Elton in his review of the first volume of *Tudor Royal Proclamations* commented: 'Technically, a proclamation was no more than any announcement of a royal order: the bulk of them covered such technicalities as outlawries proclaimed in the shire court or forfeited goods. These are naturally and rightly excluded here.' G. R. Elton, 'Government by Edict,' *HJ*, viii, 2 (1965), 268.

³ Steele, ix, xx.

⁴ Statutes were printed and proclaimed in the same fashion as proclamations during Henry VIII's reign. The printed copies look very similar to the printed copies of proclamations and it is not unusual for collections of printed proclamations to include a number of statutes. The New Romney collection, for example, has thirty-two early Tudor broadsides, but seventeen of these are statutes. KRO NPZPr 1-33.

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Excerpt

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PROCLAMATIONS OF THE TUDOR KINGS

by Steele. They also recognized the difficulty of establishing a definitive definition. For the purpose of determining what documents to include in their volume, they tentatively defined a royal proclamation as ‘a public ordinance issued by the King, in virtue of his royal prerogative with the advice of his council, under the Great Seal, and by royal writ.’⁵ Even that definition was not entirely satisfactory. In his study of Marian and Elizabethan proclamations Frederic Youngs accepted the essentials of the earlier definitions, but questioned whether the statements on conciliar advice or consent added ‘any distinguishing characteristics.’ He also felt the need to construct a more ‘descriptive’ definition in order to distinguish royal proclamations from other types of documents. He placed his emphasis on the ‘distinctive format’ found in the printed proclamations of the Tudor queens:

They were headed ‘By the Queen’ and occasionally had a title, and they concluded with the place of issue preceded by the phrase ‘Given at . . .,’ with the invocation ‘God save the Queen,’ and with the identification of the royal printer. Even though none of those points was unique to proclamations, the combination was.⁶

Unfortunately, none of these definitions provides an infallible guide. If the printed copy of the proclamation, the validating seal and the writ were always available, it would be relatively easy to establish a canon of royal proclamations. Needless to say survivals have not been that complete, and culling non-royal proclamations from the earlier collections remains a formidable task. It has already been mentioned that Steele included statutes and other documents which were not royal proclamations. Hughes and Larkin recognized the problem, but in doubtful cases they preferred to err on the side of broadness ‘in the interests of completeness.’⁷ This was probably

⁵ *TRP*, xxiii.

⁶ Frederic A. Youngs, *The Proclamations of the Tudor Queens* (Cambridge, 1976), 9. His complete definition reads: ‘a royal command, normally cast in a distinctive format, validated by the royal sign manual, issued under a special chancery writ sealed with the Great Seal, which was publicly proclaimed.’

⁷ ‘A vexing problem in this edition has been that of deciding whether to include texts that are questionable on grounds of literary form or lack of chancery protocol. Examples of texts lacking conformity with one or more of the criteria established at the outset of this edition for a working definition of a Tudor royal proclamation . . . are certain letters patent, injunctions, Privy Council orders, statutory provisions, and other public utterances made in the name and by the authority of the sovereign. On balance we have been inclined to include such texts (drafts, coronation pardons, injunctions for religion, alms placards, patents of monopoly) in the interests of completeness and because of the probability, at least in some cases, that probative evidence will be forthcoming at a later date.’ *TRP*, II, xvi–xvii.

EARLY TUDOR ROYAL PROCLAMATIONS

Table 1. *Items rejected as royal proclamations*

(1) Purely local orders	(5) Duplicates ^e
Nos. 8 78	Nos. 103-102
15 98	132-131
4 ^f 99	180-179
(2) Church Briefs ^a	232-231
Nos. 32 84	(6) Signet letters
82 185	Nos. 14
(3) Letters patent	35 ^g
Nos. 145 ^b 210	(7) Miscellaneous
192 251	Nos. 65 - Statute ^f
(4) Circular letters	191 - Draft: no evidence of issue
Nos. 85 ^c 285	277.5 - Heraldic proclamation
158 ^d 353	287 - Religious injunctions ^g
	338 - Instructions to commissioners

^a A church brief was 'A royal warrant authorizing a collection in places of worship, and sometimes from house to house for a special charitable object.' Wyndham A. Bewes, *Church Briefs or Royal Warrants for Collections for Charitable Objects* (London, 1896), 82.

^b The preamble to a bill in parliament refers to this item as 'the said letters patent' while it called no. 153 dealing with the same subject 'a proclamation'. SP 1/105/213-15 (*LP* xi no. 204).

^c Foxe calls this the 'King's letter for to aid of John Longland, Bishop of Lincoln against heretics.' Foxe, iv, 241.

^d See G. R. Elton, *Policy and Police* (Cambridge, 1972), 238 n. 5 for an explanation of why this circular was printed.

^e None of these are exact duplicates. Proclamation no. 103 is worded slightly differently from no. 102, but this may be a copyist's error and the dating is so close that they must be the same proclamation. No. 132 seems to be an order to the sheriffs of London to proclaim no. 131. No. 180 is exactly the same as no. 178, but it is dated four months later. This may be an error in dating by the compiler of the London Letter Books or it could be an example of the same proclamation being proclaimed several times in the same year. No. 232 is exactly the same as no. 231 except that it includes a section on pricing fowl meant specifically for London.

^f This is a portion of 4 Henry VIII c. 19.

^g This was issued in quarto rather than broadside as was normal for proclamations. It is always referred to as an 'injunction' rather than a proclamation.

a wise decision, but they were too generous. G. R. Elton noted this in his review essay. He listed twenty-seven items included by Hughes and Larkin in their first volume which he did not consider royal proclamations.⁸ Operating with the benefit of his observations, it is considerably easier to make judgments on a number of questionable documents in that volume. Table 1 contains a list of twenty-one items which I have rejected as royal proclamations together with brief explanations of why they were rejected.⁹

⁸ Elton, *HJ*, viii, 268.

⁹ I have rejected all the items rejected by Professor Elton in his review article with five exceptions. Proclamations nos. 109, 113, 114, and 119 were not accepted by him because they were proclaimed only in chancery and were not 'of general import'. While

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PROCLAMATIONS OF THE TUDOR KINGS

Despite impressive labors in a variety of archives, Hughes and Larkin did not locate all the surviving proclamation texts. Nine more proclamations can be added to those in Volume I and the appendix to Volume III of *Tudor Royal Proclamations*.¹⁰ These proclamations are included in Appendix A. There are also references to unfound proclamations in a number of sources. A careful analysis of these references makes it possible to establish with some degree of certainty that at least forty-four additional proclamations whose texts have not been found were issued. Appendix B contains a list of these proclamations together with the source of the reference.¹¹ Even with these additions it is obvious that we do not have a complete count of all the royal proclamations issued between 1485 and 1553. Gaps in our present list raise suspicions. Unless we assume that there were no proclamations for periods which at times exceeded two years, it seems likely that a good number of proclamations have

accepting them as doubtful, I have retained them, because there is no clear evidence that they were proclaimed only in the chancery and the texts certainly have wider implications than the proclamations of commissions of oyer and terminer to which Professor Elton compares them. He also classified nos. 76 and 79 as duplicates. This is not accurate. The first proclamation announced the original treaty between England and France sealed by the marriage alliance between Mary and Louis XII on 7 August 1514. Louis died on 31 December 1514 and the treaty was renegotiated with Francis I. This was proclaimed in the second proclamation on 16 April 1515. There are a number of doubtful cases among the proclamations I have accepted, but in cases where some uncertainty prevailed I have preferred to err on the side of caution, respecting Hughes' and Larkin's judgments whenever there was no positive evidence that they were mistaken.

¹⁰ The appendix to Volume III contains early Tudor royal proclamations discovered after the publication of Volume I. Hughes and Larkin were able to draw on a number of earlier collections as starting points. The earliest collection was made by Richard Grafton in 1550 (Richard Grafton ed., *All Suche Proclamations as Have Been Sette Furth by the Kynges Maiestie from the Last of January in the First Year of His Highnesses Reign unto the Last Day of Januarri Beeving in the IIII Yere of His Reigne*, London, 1550). The Society of Antiquaries has an impressive collection which was the result of the efforts of the eighteenth century antiquarian, Peter Le Neve. Harleian 422 in the British Museum contains copies of many early Tudor proclamations including writs and notes where the proclamations were proclaimed. Some local archives have useful collections. One of the best is in the Kent Record Office. Unfortunately, none of these collections is complete. Even Grafton, despite his ambitious title, failed to include all the proclamations issued during the brief period he covered. Much of the work of finding new proclamations texts depended on a tedious page for page search of the records of the Corporation of London. These are the richest local record source of proclamations texts.

¹¹ Many of these proclamations were listed by Steele. Steele also included many documents which were not proclamations under his listing 'not found'. A careful reading of the reference reveals that some of these were mayoral proclamations (Steele, nos. 188, 412c, 414), statutes (nos. 20a, 412a, 412b) or royal letters (no. 275). A good number of the texts of others were found by Hughes and Larkin and included in their volume. The list in Appendix B accepts twenty-four of the items listed by Steele as authentic proclamations and adds twenty additional ones. There are numerous other references to proclamations, but either the reference is not clear enough to establish that it was actually a royal proclamation or there is not enough information to determine the subject matter.

EARLY TUDOR ROYAL PROCLAMATIONS

Table 2. *Average number of proclamations issued per month (1485–1553)*

Period	Procla- mations texts	Evidence of issue	Total	Number of months	Average per month
Henry VII (1) 25 Aug. 1485 to 21 April 1509	58	9	67	284	0.24
Henry VIII (2) 22 April 1509 to 31 Dec. 1529	71	4	75	248	0.30
(3) 1 Jan. 1530 to 31 June 1539	64	13	77	114	0.68
(4) 1 July 1539 to 30 Jan. 1547	85	6	91	92	0.99
Edward VI (5) 31 Jan. 1547 to 8 Oct. 1549	76	1	77	32	2.41
(6) 9 Oct. 1549 to 6 July 1553	39	11	50	45	1.11
Total	393	44	437	815	0.54

disappeared without trace especially for the reign of Henry VII and the early part of Henry VIII's reign.¹²

After one takes deletions and additions into consideration there remain at least 437 royal proclamations that were issued in the sixty-eight year period during which the Tudor monarchs reigned. The texts of 393 of them have survived. Table 2 gives a chronological breakdown of the number of proclamations during each subdivision of the period and a computation of the average number per month. The table reveals a vast increase in the number of proclamations during the latter part of the period. The increase was gradual until the enactment of the Statute of Proclamations, but after 1539 the

¹² There is a four-year period between April 1505 and April 1509 during which there is no evidence of the issue of any proclamations and a gap of almost two and a half years between September 1493 and February 1496. Gaps of a year or more are found between June 1486–June 1487; December 1487–January 1489; November 1509–July 1511; April 1515–June 1516; July 1519–August 1520; October 1520–December 1521; October 1523–October 1524; June 1530–June 1531; and October 1531–October 1532. After October 1532 there are no more periods of this length without either surviving proclamations or evidence of their issue.

PROCLAMATIONS OF THE TUDOR KINGS

incidence of use rose significantly. The peak period of use came after the repeal of the Statute of Proclamations. While Somerset was in power the average number of proclamations issued per month was more than double that of the previous period. Only nineteen of these were issued before the Statute of Proclamations was repealed. The final period witnessed a decline in use, but the incidence of use was still higher than while the Statute of Proclamations was in effect. Although these figures are affected by the chances of survival, it seems likely that most undiscovered proclamations belong to the first two periods, and it is unlikely that the sharp differences noted in the last four periods would be radically altered by the discovery of new proclamations.

Formulation

The first stage in the making of a royal proclamation was obviously the detection of a need. This could occur either as the result of information received by the King or council from a variety of sources or more directly through a petition for action from a private party, a group of individuals, or a local governing body. Although evidence of originating factors is not available for most of the early Tudor proclamations, cases where evidence survives reveal that a surprising number of them resulted from the initiative of parties other than the central government. The motivating force behind specific proclamations will be discussed in greater detail in later chapters, but at this point a few examples may be offered to document this contention.

The government was especially responsive to the needs of the London city government. A significant number of proclamations originated in petitions from the mayor and aldermen of London. Although this widespread evidence of London's influence may in part be due to the excellent records which have survived, certainly, considering the size, importance and proximity of London, it should not be surprising that the central government responded to the city's needs. Some of these proclamations were related to the vital question of the supply of food for London, a constant problem for a city of that size. It can be documented that one of the proclamations designed to provide victual for London was the result of a specific request from the city government, and it is likely that others originated from the same source.¹³ A number of the proclamations which imposed

¹³ TRP no. 70; CLRO Rep 2/150d. The mayor and aldermen appointed six people to go to the King's council 'for wheat that cometh to the city that it be not taken by the King's taker.'

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[More information](#)

EARLY TUDOR ROYAL PROCLAMATIONS

restraints on export can also be traced to the shortage of grain and the resulting high price of food in London. In the two cases where a definite relationship can be established, the central government reacted with surprising speed to the request of the city officials. On 17 April 1548 the Court of Aldermen agreed that the mayor, on his next visit to the King's council, would ask 'for the staying of butter, cheese and tallow here within the realm.' On 24 April a proclamation imposed a restraint.¹⁴ On 18 September 1548 a messenger from the Court of Aldermen was commissioned to ride to the Lord Chancellor 'desiring his lordship in my lord mayor's name and my masters' the aldermen' to intercede with Somerset 'that a restraint may be had with expedition by proclamation.' Eight days later a proclamation forbade unlicensed export of victuals.¹⁵ Some of the price control proclamations were also influenced primarily by the high price of food in London. A number of the meat price proclamations during the 1530s, including several which suspended statutes, can be traced to the needs of London. The prices set in a proclamation of 21 May 1544 were exactly the same as those set by the mayor and aldermen of London on 10 May which were to be 'delivered upon Monday next in the afternoon unto the King's most honorable council.'¹⁶ The same connection between the prices set in a royal proclamation and those requested by the London officials can be documented in one of the wine price proclamations. On 8 June 1546 the Court of Aldermen set prices on wine and asked the King's council 'to have the King's proclamation for the establishment thereof within this city.' On 11 June a proclamation ordering compliance with those prices was issued.¹⁷

The city at times asked for royal proclamations to arbitrate internal disputes or to defend the city's rights of jurisdiction. The intervention of the central government in the dispute over tithes between the citizens and clergy of London was urged by the Court of Aldermen. The royal proclamation which reaffirmed the authority of the mayor and aldermen to set prices on fish and to regulate fishing in the Thames was issued in reply to an appeal from a special committee set up by the Court of Aldermen to go to the Lord Privy Seal 'for the

¹⁴ CLRO Rep. 11/426; *TRP* no. 304.

¹⁵ CLRO Rep. 11/490d; *TRP* no. 313.5.

¹⁶ CLRO Rep. 11/66d; *TRP* no. 231. Other meat-price proclamations which can be traced to a request of London authorities are nos. 139, 144, 148. See R. W. Heinze, 'The Pricing of Meat: A Study in the Use of Royal Proclamations in the Reign of Henry VIII,' *HJ*, xii, 4 (1969), 583-95.

¹⁷ CLRO Rep. 11/226d; *TRP* no. 267.

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Excerpt

[More information](#)

PROCLAMATIONS OF THE TUDOR KINGS

matter of the Thames and the prices of fresh fish lately assessed.¹⁸ At times the city solicited the central government's aid in local law enforcement. London authorities prohibited plays and interludes long before the central government intervened in October 1544. A second proclamation on that subject in August 1549 may have been the direct result of a petition from the mayor to the Lord Chancellor in July 1549 for 'aid and advice for the staying of all common interludes and plays within the city.'¹⁹ One of the few proclamations which ordered the death penalty could have been inspired by the needs of London. On 18 April 1538 a proclamation threatened subjects with forfeiture of lands, goods and chattels as well as 'perpetual imprisonment' for hurting or maiming 'mayors, sheriffs, bailiffs, sergeants' and other of the King's officers in the performance of their duties, and with death 'without remission or pardon' or 'privilege of sanctuary or clergy' for killing them. The motivation for the initial proclamation cannot be established, but on 7 December 1549 the recorder of the city reported 'that he had moved the right honorable Lord Admiral for the renewing of the King's most gracious proclamation for the surety of the officers of this city in doing of their arrests and other offices within this city.'²⁰

In sharp contrast to the numerous proclamations that can be traced to appeals from London, the influence of other cities can seldom be documented. One of the few examples is a proclamation of 30 May 1542 which revised 33 Henry VIII c. 15. The statute had provided that the city of Chester would be a sanctuary town. It included a clause that allowed the King to alter the statute by royal proclamation if information was received that Chester was 'not meet to be sanctuary nor place of privilege.' It is hardly surprising that this information came from the city government of Chester which appealed for removal of the sanctuary because of the 'intolerable inconveniences which were like to have ensued to this city being a port town and standing so nigh Wales.' The reaction to the petition was a royal proclamation which moved the sanctuary to Stafford.²¹

Private individuals and groups also petitioned for proclamations. If the need could be established, the government tended to be quite

¹⁸ CLRO Rep. 8/275d; TRP no. 153; CLRO Rep. 10/314d; TRP no. 214.

¹⁹ CLRO Rep. 10/322d; Journals 14/319; TRP no. 240; CLRO Rep. 13(1)/100; TRP no. 344.

²⁰ CLRO Rep. 10/185; TRP no. 179. The request seems to have been motivated by the injury done to one of the sheriffs of the city. Whether or not the central government responded cannot be documented since the proclamation has not survived.

²¹ CCRO A/B/1/75; TRP no. 212.

EARLY TUDOR ROYAL PROCLAMATIONS

receptive. The statute on wool cloth manufacture was reluctantly suspended a number of times as a result of the petitions of the clothiers. Each proclamation mentioned specifically the 'most humble petition of the cloth makers.' In the case of the later suspensions the government acted only after convincing evidence was submitted that the action was essential for the economic survival of the cloth makers.²² In some cases the petition of a single individual resulted in a royal proclamation. For example, the proclamation of 6 May 1541, which ordered that every parish have a copy of the Great Bible by a set date, can be traced directly to a petition by the printer, Anthony Marler.²³ At times the government solicited the advice of experts before acting. The proclamations in 1537 and 1538, which permitted free exchanges, seem to have originated from the petition of concerned groups and upon the advice of Richard Gresham.²⁴ In at least one case the King seems to have issued a royal proclamation because of the plea of a foreign ambassador. On 3 September 1540 the French ambassador wrote to Francis I that he had asked the King of England to provide that strangers leaving the realm be not molested since some had complained of robberies and beatings. In response to that request 'this King, three days ago proclaimed that no stranger should be outraged by deed or word.'²⁵

A series of proclamations, which cannot be attributed to direct petitions, may reflect the influence of complaints and advice received from both private individuals and government officials. The government often received advice that a proclamation might aid in resolving a particular problem. While it cannot always be established that there is a direct relationship between that advice and the issuance of a proclamation, in many cases a connection seems likely. In 1517 Richard Fox, bishop of Winchester, wrote to Wolsey that there was great confusion 'about the taking and refusing of pennies.' He suggested that Wolsey 'command proclamations to be made in every shire like to the proclamations that were last made for that matter.'²⁶ In the same year Fox also advised Wolsey that proclamations be

²² BM Titus B v/187. The statute, 27 Henry VIII c. 12, was suspended at least five times. The texts of four of these proclamations have survived (*TRP* nos. 175, 198, 202, 207). A fifth suspension, probably in September 1538, can be inferred from the petition of the wool cloth manufacturers for the repeal of the statute. St Ch 2/23/115.

²³ Nicolas, vii, 185; *TRP* no. 200.

²⁴ *TRP* nos. 181, 182; SP 1/123/240 (*LP* 12[2] no. 464); SP 1/124/24-9 (*LP* 12[2] no. 509); BM Ortho E x/45 (*LP* 13[1] no. 1453); SP 1/135/7-8 (*LP* 13[2] no. 13).

²⁵ *LP* 16 no. 11. The proclamation text is not extant. It is included in Appendix B as item no. 27.

²⁶ SP 1/232/27 (*LP* App. 1[1] no. 188).

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Excerpt

[More information](#)

PROCLAMATIONS OF THE TUDOR KINGS

made 'that clothiers shall have their liberty in buying of wool' and that artificers and journeymen be paid 'in ready money and not in wares according to the statutes.' He warned of local unrest if this were not done.²⁷ It is quite possible that proclamations were issued as a result of this advice, but since they have not survived, we have no way of being certain. Cromwell also received advice suggesting the use of royal proclamations. In late 1532 and early 1533 he received two letters warning him that grain hoarding was causing shortages and driving up prices. The first, written by Robert Corson on 20 December 1532, warned of a shortage in East Anglia and suggested that justices of the peace be ordered to search for grain and command that it be brought to market. The second, from the Treasurer of Berwick, George Lawson, dated 18 January 1533, specifically recommended a proclamation. He maintained that there was grain hoarding in Northumberland and that 'if proclamation be made throughout the county to thresh out their corn reasonably and at a reasonable price there would be enough and sufficient.'²⁸ How Cromwell reacted that winter cannot be determined because no proclamation has survived, but two years later under similar economic conditions a proclamation forbade grain hoarding and ordered that grain be brought to market.²⁹

Information received on abuses seems to have influenced the drafting of a number of proclamations even when none was directly recommended. George Whelplay, the professional informer, made a series of accusations of corruption among port officials to the council in October and November of 1540. A proclamation of 16 February 1541 with severe penalties for corrupt officials followed.³⁰ On 6 May 1542 William Boys, justice of the peace in Kent, wrote to Edward Ringley, Comptroller of Calais, that after visiting his parishes he found that people could not get bows and arrows, 'but at excessive price wherefore if there could a remedy be provided in that behalf no doubt there would be as great a number of archers in our parts as hath been in many years before.' At the end of August in the same year the government issued a proclamation setting prices on bows and arrows on the grounds that this was necessary because subjects were unable to acquire them 'at reasonable and convenient prices to

²⁷ SP 1/232/23 (*LP App.* 1[1] no. 185).

²⁸ SP 1/72/165 (*LP* 5 no. 1650); SP 1/74/62 (*LP* 6 no. 51).

²⁹ *TRP* no. 151.

³⁰ *TRP* no. 197.6; SP 1/243/196-7 (*LP App.* 1 no. 1490[3]).