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R. W. Heinze

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THE PROCLAMATIONS OF THE TUDOR KINGS



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PREFACE

New monographs are generally justified by the contention that the subject has either been neglected or misinterpreted. To some degree both arguments apply to this study. The existence of a continuing historical controversy suggests that at least some historians have not interpreted correctly the role of royal proclamations in early Tudor government. Unfortunately, this controversy has not stimulated any serious effort to investigate in depth the actual use and purpose of royal proclamations in the early Tudor period. G. R. Elton wrote in 1961: 'Proclamations remain a subject to be studied; we do not even yet possess a complete list. . . nor has anyone yet attempted a systematic analysis of their content, enforcement, and general significance.'¹ Almost a decade and a half later we are still lacking a 'systematic analysis.' However, Paul L. Hughes and James F. Larkin made a major contribution when they published the long awaited scholarly edition of the texts of the early Tudor royal proclamations in 1964.² It is in large measure due to their work that this study has been made possible.

Royal proclamations were used extensively by the Tudor monarchs to announce their decisions and to administer the realm. They also made an impact on early Tudor legislation. Most of the controversy has centered on this question. Some historians have interpreted the Crown's use of royal proclamations as a real or potential threat to the legislative supremacy of Parliament. Others have argued that the Tudor monarchs used royal proclamations to complement and to uphold statutory legislation rather than to compete with Parliament's authority. The Statute of Proclamations of 1539³ has served as the focal point for much of this discussion, but there is little agreement on its true significance. In the long and often heated debate over the

¹ G. R. Elton, 'State Planning in Early Tudor England,' *ECHR*, xiii (1961), 434.

² Paul L. Hughes and James F. Larkin eds., *Tudor Royal Proclamations*, Vol. 1: *The Early Tudors (1485-1553)* (New Haven, 1964).

³ 31 Henry VIII c. 8.

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meaning and intent of this enigmatic statute, it has been both denounced as the high point of 'Tudor Despotism' and heralded as a striking documentation of respect for statutory legislation. Although the Statute of Proclamations has probably received more attention than it deserves, the question at issue is a legitimate one. This study attempts to provide evidence for dealing with the legislative role of royal proclamations in a more convincing way than has been offered in the past, but its objectives range further than this.

The major concern of this monograph is to delineate the role of royal proclamations in early Tudor government and to evaluate how effectively they served that function. The plan of the book alternates between a chronological and topical approach. The study begins with an effort to establish a more accurate count of the royal proclamations issued during the period. A description of their formulation and promulgation follows. Chapter 2 investigates the authority of royal proclamations as defined by Parliament and the role and power attributed to them by Tudor judges and legal writers. Chapters 4 to 8 are the center of the study and employ a chronological organization. They trace the actual use of royal proclamations as well as their relationship to statutory legislation and common law. The discussion of the use of royal proclamations is interrupted by a chapter on the meaning and significance of the Statute of Proclamations. Since this act has received so much attention in the past, previous interpretations are first reviewed. The reign of Henry VIII is subdivided into a first stage, ending with the enactment of the Statute of Proclamations, and a second stage covering the period when the statute was in effect. The first stage is further divided into periods roughly corresponding to the age of Wolsey's dominance and Cromwell's ministry.⁴ Edward VI's reign is also subdivided for the purpose of more meaningful analysis. The royal proclamations issued before October 1549 reflect Edward Seymour's policy; those issued afterwards must have been heavily influenced by the ideas of John Dudley, the dominant figure on the council during the remainder of the reign. A major concern of these chapters is to determine whether the role of royal proclamations was modified or if there was an attempt at change by the successive monarchs or their ministers between 1485 and 1553. Chapter 7 finally takes up the question of

⁴ Wolsey was Chancellor from 1515 to 1529. Cromwell was the King's chief minister from 1532 to 1540. The Statute of Proclamations was enacted in the Parliament which began to meet in April 1539. It was repealed by 1 Edward VI c. 12.

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effectiveness by investigating the long neglected matter of enforcement both on the national and local levels.

This study is the result of ten years of research liberally supported by grants from the Folger Shakespeare Library in Washington D.C., the American Endowment for the Arts and Humanities, and the American Philosophical Society. I am also indebted to the skill and courtesy of the staffs of the British Museum, the Public Record Office, the Corporation of London Records Office, the Institute of Historical Research and local record offices throughout England. I am grateful to the many teachers and scholars who encouraged this work and who willingly lent their assistance and advice. I wish to thank especially Professor Paul L. Hughes, who first stimulated my interest in royal proclamations, Professor Robert Kingdon, who supervised my doctoral dissertation, and Professor Merle Radke, who made many valuable suggestions for improving the prose and readability of the manuscript. I owe major debts to Professor James F. Larkin, whose friendship and kind but frank criticism have been indispensable, and to Professor Frederic Youngs, who has worked in close cooperation with me since we first met in 1967, and whose knowledge of Marian and Elizabethan royal proclamations has helped me immeasurably. Finally, Professor G. R. Elton deserves special mention for his patience, encouragement and aid for over a decade.

River Forest, Illinois
December 1975

R. W. Heinze

ABBREVIATIONS

<i>AgHR</i>	<i>Agricultural History Review</i>
Antiq	Society of Antiquaries
BCR	Borough of Colchester Records
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i>
BM	British Museum
CCRO	Chester City Record Office
<i>CJ</i>	<i>Journals of the House of Commons</i>
CLRO	Corporation of London Records Office
<i>CPR</i>	<i>Calendar of Patent Rolls</i>
<i>CSPSp</i>	<i>Calendar of State Papers Spanish</i>
<i>CSPV</i>	<i>Calendar of State Papers Venetian</i>
Dasent	<i>Acts of the Privy Council of England 1452–1628</i> , J. R. Dasent ed., 32 vols. (1890–1907)
<i>DNB</i>	<i>Dictionary of National Biography</i>
<i>EcHR</i>	<i>Economic History Review</i>
<i>EHR</i>	<i>English Historical Review</i>
Foxe	John Foxe, <i>Acts and Monuments</i> , G. Townsend ed., 8 vols. (1843–9)
GCA	Grimsby City Archives
HHL	Henry Huntington Library
<i>HJ</i>	<i>Historical Journal</i>
<i>HMCR</i>	<i>Historical Manuscript Commission Reports</i>
IESRO	Ipswich and East Suffolk Record Office
KRO	Kent Record Office
LCRO	Lincolnshire County Record Office
<i>LJ</i>	<i>Journals of the House of Lords</i>
<i>LP</i>	<i>Letters and Papers, Foreign and Domestic of the Reign of Henry VIII</i> , J. S. Brewer, J. Gairdner, R. H. Brodie eds., 36 vols. (1862–1932)
Nicolas	<i>Proceedings and Ordinances of the Privy Council of England</i> , N. H. Nicolas ed., 7 vols. (1834–7)
NNRO	Norfolk and Norwich Record Office

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- SCRO Shrewsbury Corporation Record Office
 Steele Robert Steele, *A Bibliography of Royal Proclamations of the Tudor and Stuart Sovereigns...with an Historical Essay on their Origin and Use*, Vol. v, *Bibliotheca Lindesiana* (Oxford, 1910)
 Strype *Ecclesiastical Memorials*, John Strype ed., 3 vols (London, 1721)
 TRHS *Transactions Royal Historical Society*
 TRP *Tudor Royal Proclamations*, Paul L. Hughes and James F. Larkin eds., 3 vols. (New Haven 1964-9)
 YCRO York City Record Office

Manuscripts cited without location are from the Public Record Office in London: the following classes have been used.

- C 66 Chancery, Patent Rolls
 C 82 Chancery, Warrants for the Great Seal, Series II
 C 193 Chancery, Miscellaneous Books, Crown Office
 Dur 3 Palatinate of Durham, Cursitor's Records
 E 36 Exchequer, Treasury of Receipt, Miscellaneous Books
 E 40 Exchequer, Treasury of Receipt, Ancient Deeds, Series A
 E 101 Exchequer, King's Remembrancer, Various Accounts
 E 111 Exchequer, King's Remembrancer, Bills, Answers and Depositions
 E 122 Exchequer, King's Remembrancer, Customs Accounts
 E 159 Exchequer, King's Remembrancer, Memoranda Rolls
 E 163 Exchequer, King's Remembrancer, Miscellanea of the Exchequer
 E 198 Exchequer, King's Remembrancer, Documents Relating to Serjeanties, Knights' Fees etc.
 KB 9 King's Bench, Ancient Indictments
 SP 1 State Papers, Henry VIII
 SP 2 State Papers, Henry VIII, folio volumes
 SP 3 State Papers, Henry VIII, Lisle Papers
 SP 6 State Papers, Henry VIII, Theological Tracts
 SP 7 State Papers, Henry VIII, Wriothesley Papers
 SP 10 State Papers, Edward VI
 SP 46 State Papers, Supplementary
 St Ch 1 Star Chamber Proceedings, Henry VII
 St Ch 2 Star Chamber Proceedings, Henry VIII
 St Ch 3 Star Chamber Proceedings, Edward VI

ABBREVIATIONS

I have modernized the spelling and punctuation of all quotations with the exception of the newly found proclamations included in Appendix A. Although I feel that documents should be submitted in their original form, I see no reason to burden the reader with archaic and idiosyncratic spellings and punctuation in the analytical portion of the book. Though I have included the *LP* references in footnotes for the convenience of the reader I have, as the citations indicate, relied on the manuscript source rather than the calendar in almost every case.