PART ONE

THE THEORY: THE NATURE AND ROLES OF ROYAL PROCLAMATIONS

I

INTRODUCTION

The Sheriffs and other officials of London, mounted on horseback and dazzling in their robes and insignia of office, waited with their retinues just within the City, watching the procession move toward them from the west. When it had arrived, the heralds detached themselves from the entourage with which they had moved throughout Middlesex from the palace at Westminster, and joined the Londoners waiting just within Temple Bar. The new procession wound its way through the city streets, stopping now at the end of Chancery Lane near Fleet Street, again at the great cross in Cheapside, moving on to Leadenhall and then finally to St Magnus's corner. At each place, after the sounds of the trumpets' blast and the criers' oyez had died away, the heralds with great solemnity proclaimed the words of the Queen's proclamation. Soon the same words would be repeated at market crosses, in front of guildhalls, and at other customary places throughout the realm, solemnized in the traditional way by the officials in the respective areas.

The Tudor subjects who witnessed such spectacles heard proclamations not infrequently. They were an integral part of the procedure of the law, since by orders of the Justices of the Peace the Sheriffs proclaimed the sessions, defendants who were acquitted were freed by proclamation, and fugitives were hunted in the same fashion. The Justice at the sessions who had a copy of Rastell's Collection of all the statutes could find in it an impressive five main entries and fifty-seven cross references under the heading 'Proclamation'.[1] A man who attended on the Queen's Court might hear a herald proclaim war, announce the style of a newly created peer, or proclaim that lord's titles one final time at his funeral. The Queen's accession day was marked by proclamations, and when she moved throughout the realm on progress, her marshals proclaimed her coming. Parliament's statutes and the orders for its prorogation were often pro-

[1] William Rastell (ed.), *A Collection of all the statutes, from the beginning of Magna charta, vnto this present yere of our Lorde God 1572* (London, 1573 [new style]), pp. 409–11.

claimed, and notices of its subsidies invariably were. The simpler pleasures and pains were similarly proclaimed by local officers – the fairs, mirths, and the ordinances which regulated men's lives.[2]

But of all those innumerable types of proclamations, none interested the subjects of those days more – or us now – than the proclamations which were issued by the monarch's authority. They did what few other documents could do, speaking to the hearers in the very words, in the exact context, and with the specifically chosen rationalization which the leaders of the realm wanted. A fortunate few might hear the Queen speak; a larger number present at the Court might hear a councillor speak for her; a still larger crowd might hear her thoughts spoken at Paul's Cross by an officially sanctioned preacher. But the royal proclamation, which was dispersed throughout the realm with a text short enough to be printed on a few broadside sheets, had the potential of exciting an illiterate hearer's attention and then later, by its posted presence, of reminding him of its contents.

The importance of the royal proclamations was not limited to their use as propaganda. Often they commanded procedures which were the fruit of long years of conciliar experimentation intended to find a satisfactory way of handling a vexing problem. They exemplified the power of the prerogative when they framed temporary legislation in areas not already defined in the law. And because so many of the proclamations were occasioned by extraordinary problems – crises of a military, religious, economic, or diplomatic type, or even some natural disaster – they provide an opportunity to measure the degree to which the government was willing to innovate. Since the procedures often rested on no other sanction than the royal authority, the proclamations offer the means to test, in one sphere, what we today call the constitutionality of the reigns of the Tudor Queens.

It is the intent of this study to move beyond the words of the Marian and Elizabethan royal proclamations, to find out why they were issued, what they intended to do, what means they used, how they were enforced or ignored, and what impact they had on the different aspects of life. When this is done we should be in a position to evaluate their place in Tudor society.

[2] See Appendix 2 for a survey of non-royal proclamations.

INTRODUCTION

NATURE AND NUMBER

The point of departure for a study of royal proclamations must be to understand what they were and how many there were, but it is no simple matter to establish these points. There is, first of all, the problem arising from how the evidence survived, since one can find not only proclamations in print or manuscript, but also references to others which have not survived. To ignore the latter would artificially limit the corpus of proclamations and mislead us about the extent of their use. A second complication arises from the differing intentions and procedures of the many collectors, cataloguers, and editors who have been concerned with them, since each included many items which are not truly royal proclamations. One must therefore begin with a survey of earlier works, to arrive at a total potential canon of royal proclamations.

There was no official collection of Marian or Elizabethan royal proclamations. The originals, which were written on parchment, survive only in a small number of instances; the copies which might have been made and then retained in conciliar records or in what are now called the state papers are few in number; the printed copies were dispersed widely, and although each local authority to which they were directed was a potential source for a collection, the elements would have taken their toll when the proclamations were posted as the writ required.[3] No list of proclamations remains, but there are partial lists in books of precedents, other lists made after the reigns, and books in special offices such as the Mint into which proclamations which were relevant to the work of that office were copied.[4]

[3] The best local collections are those of Rye (E. Sussex RO, Rye MSS 47 and 48), Sandwich (Kent AO, Sandwich MS Sa/ZP 3), New Romney (Kent AO, New Romney MS NR/ZPr 3), and Exeter (Exeter CRO, Royal Proclamations, 16th and 17th centuries, Box 1), none of which contains as many as forty. Rye MS 47 is calendared in *HMC 31: 13th Rpt, App. IV* (*Rye MSS*), pp. 66–121. Most proclamations were copied into London's records which therefore form the single most useful source of information about their reception, and often provide the unique survival of a text. The pioneer work in those archives was Ada Haesler Lewis, 'Elizabethan Proclamations in the Records of the Corporation of London (1558–1603)', *BIHR*, III (1925), pp. 102–9.

[4] A partial list, fuller for earlier reigns and including Elizabethan proclamations adjourning law terms, is in the Chancery's precedent book PRO, PRO 30/26/116. Lists made after 1603 are in All Souls College MSS 222, 226 (in the papers of Owen Wynne, a clerk to Charles II), and 259. Seventeen Marian and Elizabethan proclamations on the coinage are copied in a book of memoranda for the Mint, now Society of Antiquaries MS 116; a request for a copy of a proclamation on the coinage, directed to the Master of the Mint, is in BL, Harl. MS 660, fo. 73. A special Admiralty collection which includes proclamations is in All Souls College MS 208. A list of proclamations on Scottish affairs is copied in BL, Cotton MS Caligula B V, no. 15.

Fortunately a collection of Elizabethan proclamations was made in 1618 by a London notary, Humphrey Dyson, and was formed into several sets, none identical, of which seven are known. His own set is now in the Folger Shakespeare Library, Washington; other very full sets are in the British Library, the Bodleian Library, and at Queen's College, Oxford; slightly less complete sets are at the Privy Council Office, Whitehall, and in the Houghton Library of Harvard University.[5] The set which came into the possession of the Society of Antiquaries in London was disassembled to serve as the nucleus for a magnificently expanded collection of proclamations which spans many reigns.[6] The only collection of Elizabethan proclamations seemingly independent of Dyson is to be found at Queen's College, Oxford.[7] There was no Marian collection, but the expanded collection of the Society of Antiquaries is now the most extensive source for that reign. Many of them have been reproduced in facsimile by the Society.[8]

Obviously Dyson could not always find the seven or more issues which he needed of the Elizabethan proclamations, so he searched governmental offices, visited the office of the King's printer where stocks of proclamations had probably existed for sale to individuals, and cajoled the printers who were entitled to copies of the work which they produced.[9] When in spite of all that effort he could not find enough copies, Dyson had duplicates printed with no distinguishing marks, a practice which has complicated the work of later cataloguers who, unaware of his procedures, have listed the

[5] Catalogued as follows: Folger Shakesp. Libr., STC 7758a; BL, G 6463; Bodleian Libr., Arch. G.c.6 (formerly Arch. F.c.11 as listed in Steele); Queen's College, Sel[ect].b[ook].230; Privy Council, unnumbered; Harvard, fSTC 7758.5. On Dyson, see R. L. Steele, 'Humphrey Dyson', *Library*, 3rd series, 1 (1910), 144–51. Details of the descent of the copies are in William A. Jackson, 'Humphrey Dyson and his Collections of Elizabethan Proclamations', *Harvard Libr. Bulletin*, 1 (1947), 76–89, and in Steele, p. v. Dyson's title page reads *A Booke Containing All Svch Proclamations, As Were Published Dvring the Raigne of the late Queen Elizabeth, Collected Together By the industry of Humfrey Dyson, of the City of London Publique Notary. 1618.*

[6] See Rupert Bruce-Mitford, *The Society of Antiquaries of London. Notes on its History and Possessions* (Oxford, 1951).

[7] Queen's College Sel. b. 228 (formerly 79 A.1 as in Steele), from which BL, Lansd. MS 198 was seemingly copied.

[8] *Tudor Proclamations. Facsimiles of Proclamations of Henry VII, Henry VIII, Edward VI, and Philip & Mary. Now in the Library of the Society of Antiquaries of London* (Oxford, 1897).

[9] Many of the broadsides were proof copies; see Jackson, 'Humphrey Dyson and his Collections of Elizabethan Proclamations', pp. 79–80. Workmen were entitled to copies of everything printed in their shop; see Francis R. Johnson, 'Printers' "Copy Books" and the Black Market in the Elizabethan Book Trade', *Library*, 5th series, 1 (1946), 97–105. Examples of purchases by individuals, *HMC 2: 3rd Rpt*, App., p. 44; by a corporation, Exeter CRO, Rcvrs. Accts 29 & 30 Eliz.

reprints as separate 'editions'.[10] Dyson also included a rather large number of items which were not truly royal proclamations, in which practice unfortunately he was followed later by others.

Although there is evidence of initial work on an analytical index at an earlier date,[11] it was not until late in the nineteenth century that a complete catalogue was begun. An interest in his own family's collection stirred James Ludovic Lindsay, Earl of Crawford, to make an initial hand list of about seven hundred items, and then to expand the list to include as many other proclamations as he could find.[12] Having brought the list to over 5,500 entries, he engaged the services of Robert Steele to assist in the work.

Steele's work is a bibliographic masterpiece. He accepted nearly all of Dyson's compilations and referenced each of the five sets of which he knew, included the proclamations in the expanded set at the Society of Antiquaries, searched private collections in the then British Museum and elsewhere, and found references to many proclamations for which the texts did not survive.[13] Although he numbered the Dyson reprints as 'editions', he did not place the later reissues of earlier proclamations in the proper chronological order. So influential was Steele's catalogue that it was accepted without question as the basis for almost the entire listing of proclamations in the *Short-Title Catalogue*, and for Edward Arber's list of printed works in the reign of Elizabeth.[14] Steele's list of Marian proclamations was the first systematic work for that reign. But in spite of his useful introduction and of the work's great accuracy, an analytical study of the proclamations still required consulting the originals, because the length of the catalogue allowed him space only to summarize the contents of each proclamation. And since he included 'others pub-

[10] Jackson, 'Humphrey Dyson and his Collections of Elizabethan Proclamations', pp. 79–80.

[11] Society of Antiquaries MS 799. A more recent analysis is Gloria J. Tysl, 'An Analytical Survey of the Elizabethan Royal Proclamations' (unpublished M.A. thesis, DePaul University, Chicago, 1967).

[12] *Hand List of a Collection of Broadside Publications Issued by Authority of the Kings and Queens of Great Britain and Ireland* (London, 1886); *First Revision Hand-List of Proclamations*, Vol. I: *Henry VIII – Anne, 1509–1714* (Aberdeen, 1893); *First Revision Hand-List of Proclamations. Supplement 1521–1765* (Aberdeen, 1901).

[13] Steele. Vol. II covered Ireland and Scotland, and was published in 1910 as well. Steele transferred three items in Dyson to his second volume, left out the two royal prayers in print which Dyson had included, and also omitted a personal printed ordinance made by Lord Burghley.

[14] *STC.* Edward Arber (ed.), *A Transcript of the Registers of the Company of Stationers of London; 1554–1640 A.D.* (5 vols.; vols. 1–4, London, 1875–7; vol. 5, Birmingham, 1894), v, *passim.* Hereafter, *Stationers' Register.*

lished under authority' as well, he perpetuated Dyson's inclusion of many extraneous documents.

Paul L. Hughes and James F. Larkin, C.S.V., undertook the task not only of making the texts readily available, but also of providing a thorough scholarly apparatus with which one could begin to investigate the role and impact of the proclamations.[15] By a painstaking search in a large number of local archives and in other places, they were able to add the texts of five Marian and sixty-four Elizabethan proclamations to the corpus catalogued in Steele.[16] Not only is their edition a model of its type, but they also began the work of assessing critically the items in Dyson and Steele, and to eliminate documents which were not truly royal proclamations, most notably those issued by persons other than the monarch. Given the accuracy of their work and the far-flung dispersion of the originals, scholars owe the two editors a great deal of gratitude.

A good number of proclamations for which no text survives are vouched for by references to their issue. These are found frequently in the financial records of the local chamberlains, among the payments to messengers for the delivery of the proclamations. The very large number of references shows that proclamations were used more extensively in certain areas of government than had been realized. Since many of them were issued as a part of the rating of wages according to the Statute of Artificers of 1563, it appears that the law was complied with, and that it had not become a dead letter as has often been supposed.[17]

Combining all the items which were included by Dyson and later scholars, we arrive at a total potential corpus of eighty-one Marian and 484 Elizabethan proclamations. To exclude completely the extraneous items, however, requires a norm for testing, a definition of a true royal proclamation. Steele defined them by 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 a superscription.'[18]

Hughes and Larkin defined the early Tudor proclamation as 'a public ordinance issued by the King, in virtue of his royal preroga-

[15] Hughes & Larkin.
[16] Half came from local archives.
[17] *Add. Procs.*
[18] Steele, pp. ix, xx.

tive, with the advice of his council, under the Great Seal, and by a royal writ'.[19] There is a good deal of agreement between the two definitions, but the element of conciliar advice does not seem to add any distinguishing characteristic. One can presume the advice (not the consent, however, since that implies a limitation on the monarch which none claimed), infer it from the routine formula of the writ, and suppose it from other sources, but it cannot be demonstrated very often and is only mentioned in a third of the proclamations in the later period. Furthermore, the advice would not be different from that which the Council offered in most other governmental matters, and nothing of its deliberations would have been known by a clerk in the Chancery who routinely copied the formula of the writ.

Something more is needed if the definition is to be truly descriptive: there was a distinctive format which was used for proclamations, whether they were printed or not. When they were engrossed on parchment, the text could be included within the opening and closing parts of the writ of proclamation, as was often the case when a proclamation was intended for only one locality.[20] But in later years printing was the regular practice and simple engrossment on parchment the rarity, so that while a third of the proclamations of the first half of the century were in print, nearly all of Elizabeth's were.[21] A distinctive format can be discerned in the proclamations printed as broadsides. 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.[22] Printing had become so regular by late in Elizabeth's reign that one local official expressed uncertainty about receiving one which was not in print.[23] Half of Mary's were printed, and doubtless the number would have been larger had there not been a pressing urgency in so many cases, as for example with the nearly one-fifth which were issued while a rebellion was in progress.

A comprehensive definition seems to be that a royal proclamation was a royal command, normally cast in a distinctive format, which was validated by the royal sign manual, issued under a special

[19] Hughes & Larkin, I, xxiii.
[20] E.g., as printed on proc. 457/507.
[21] Heinze, p. 23 n. 74.
[22] Normal letters began with a salutation concomitant with the addressee's rank, 'trusty and well beloved', 'right trusty', etc. Letters patent began with the royal style and concluded 'In witness whereof...Teste me ipsa...'.
[23] PRO, SP 12/106/2.

Table 1. *Establishing the canon of royal proclamations*

Potential (by source)	Marian		Elizabethan	
Dyson Collections				
Texts: printed			315	
Texts: manuscript			4[a]	
			—	319
Added by Steele				
Texts: printed	38		30	
Texts: manuscript	27		16	
References	7		5	
	—	72	—	51
Added by Hughes & Larkin				
Texts: printed	1		12	
Texts: manuscript	4		52	
References			2	
	—	5	—	66
Additional				
Texts: printed			1	
Texts: manuscript			3[b]	
References	4		44	
	—	4	—	48
Total potential		81		484
Excluded (by categories)				
Not Royal Commands				
Made by others	6		45	
Statutes	5		4	
	—	11	—	49
Royal Commands, not under Writ of Proclamation		6		41
Not proclaimed				6
Miscellaneous				
Irish proclamations			3	
Renumbering			3[c]	
			—	6
	—			—
Total excluded		17		102
Royal proclamations		64		382

[a] Includes two printed proclamations altered by pen to represent separate issues.
[b] Includes one copy in manuscript copied from a printed proclamation which is no longer extant.
[c] Steele and Hughes & Larkin separated parts of two proclamations and counted the parts individually.

Chancery writ sealed with the Great Seal, and publicly proclaimed. Applying this definition to the whole potential corpus excludes seventeen Marian and 102 Elizabethan items which are not royal proclamations. Full particulars of the deletions are to be found in

Appendix 2; what follows here is a brief survey of the categories which have been excluded, lest the non-royal proclamations become a disproportionate concern.

Many items not issued by the Crown were in the collections, including orders by military commanders, officials of the Admiralty, ecclesiastical commissioners, heralds, local authorities, and even by the rebel Wyatt and a Spanish general in 1599. The large number of Elizabethan deletions is accounted for partly by the fact that the Council began to issue its own proclamations.[24] The royal printer was used for these, and he naturally cast them in a similar format. Also to be rejected are the statutes printed as broadsides. Before the advent of printing, copies of the statutes had been sent under special writs to be proclaimed throughout the realm, and even as late as the 1540s statutes 'printed in proclamations' were prepared for every act.[25] Only a few were printed in that manner in Mary's reign, and none beyond the acts of Elizabeth's first Parliament, after which books of the acts of later sessions appear.[26]

Nearly fifty items were royal commands not issued under the special writs. The largest group within the category consisted of articles framed by the Council which did not fall within the sanction of the proclamation. Such were the form of the oath issued after the rebellion in 1569 for those who wished to benefit from the pardon which had just been proclaimed, or the orders for the exchange published a week after a proclamation on the subject, or the 'Articles annexed to the Commission' intended for the use of commissioners for dealing with seminary priests and Jesuits, printed not long after the proclamation announced that the commissions would be issued.[27] Also to be excluded are the 'exemplifications' of royal grants which officers and patentees had printed to enhance their use of the privileges. Such were the Marian letters patent which ordered that Cardinal Pole's legatine authority be obeyed, and which appointed

[24] Steele, p. lxxvi. None ever began 'By the Queen', but one used 'By the Queen's Commandment' and another 'By the Privy Council' (procs. 712/874 and —/870, respectively). The ending 'Given at...' was never used, but rather 'From the Court', 'At', or 'Dated'. In four cases the signatures of councillors were printed.

[25] BL, Add. MS 28196, printed in *Stationers' Register*, II, 50–6, and in W. H. Black and F. H. Davis (eds.), 'Thomas Berthelet's Bill, as King's Printer, for Books Sold and Bound, and for Statutes and Proclamations Furnished to the Government in 1541–43', *Journal of the British Archaeological Association*, VIII (1853), 44–52.

[26] *Statutes of the Realm* (ed. Alexander Luders *et al.*; 11 vols., London, 1810–28), I, xlv, and Appendix B, lvii.

[27] Many 'articles', however, were in fact comprised within the sanction of proclamations, such as the breviates of statutes and added instructions which formed part of so many proclamations on apparel.