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Historical Commentary

J. R. Tanner

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TUDOR CONSTITUTIONAL DOCUMENTS

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Tudor Constitutional Documents
A.D. 1485–1603
with an historical commentary

by

J. R. TANNER

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accuracy of URLs for external or third-party internet websites referred to in
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or will remain, accurate or appropriate.

PREFACE

TEACHERS of experience would probably agree that English Constitutional History should be studied in close connexion with documents. These serve a high educational purpose, for they supply materials for constructing a proper historical background and creating the real historical atmosphere. With their aid it is possible for the student to test for himself the generalisations and epigrams of historians, and to find out what is really behind them. Instead of relying entirely upon eloquent modern statements in praise or in condemnation of the Tudor ecclesiastical policy, he can follow the genuine movement of Reformation thought expressed in the language of the great churchmen of that age, and can trace in the Royal Injunctions¹ and in Hooker's *Ecclesiastical Polity* the reasonableness, moderation, and learning which came to be characteristic of the Anglican Church. The dry bones of Star Chamber history clothe themselves with flesh and blood in the records of actual cases in which human beings are concerned; and arid legal propositions about the Law of Treason take on a new character in the story of things that really happened in a treason trial. Ready-made summaries of the great constitutional statutes, memorised for examination purposes, cease to satisfy the student who has access to the statutes themselves, and can extract from their resounding phrases and interminable verbiage his own idea of their essential meaning.

An experience of nearly forty years in preparing candidates for the Cambridge Historical Tripos has, however, convinced the present writer that the documents will never be properly studied while they are divorced from the history and relegated to separate collections, often only to be read up in a hurry on the eve of an examination. To the collection of Tudor documents here printed there has therefore been

¹ *E.g.* the Injunction of 1536 concerning pilgrimages (p. 93 below).

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added a full historical commentary, dealing with the more important problems of the constitutional history of the 16th century. The work is based upon a course of lectures on Later Constitutional History delivered to Tripos candidates at Cambridge.

The texts of the documents selected are chosen mainly for their accessibility to the student in the University and College Libraries.

Thanks are due to the following for permission to print copyright material. To the Controller of His Majesty's Stationery Office for extracts from the *Calendar of Patent Rolls; Letters and Papers, Foreign and Domestic, Henry VIII; Calendar of State Papers (Domestic);* and *Acts of the Privy Council*, edited by Sir J. R. Dasent. To the President and Council of the Selden Society, for extracts from *Select Cases in the Court of Requests* and *Select Cases in the Court of Star Chamber*, both edited by Mr I. S. Leadam. To the Somerset Record Society for permission to print cases from *Proceedings in the Court of Star Chamber in the reigns of Henry VII and Henry VIII*, edited by Miss G. Bradford. To the Early English Text Society for extracts from *The Supplication of Beggars*, by Simon Fish, edited by Dr F. J. Furnivall; and *England in the reign of King Henry VIII*, by Thomas Starkey, edited by Mr J. M. Cowper and by Mr S. J. Herrtage. To Mr J. E. Neale, and the editor and publishers of the *English Historical Review* for permission to print better versions of two Elizabethan speeches than those given by D'Ewes. To Messrs G. Bell & Sons for quotations from a sermon printed in Lupton's *Life of Colet*. To Messrs Macmillan & Co. for permission to quote freely from the Royal Injunctions printed in Messrs Gee and Hardy's collection of *Documents illustrative of English Church History*. Finally, to the Syndics of the Cambridge University Press for leave to use Mr L. Alston's edition of Sir Thomas Smith's *De Republica Anglorum*.

The writer also desires gratefully to acknowledge the kindness of two personal friends, G. G. Coulton, M.A., Fellow of St John's College, Cambridge, who read the section on the Dissolution of the Monasteries and made some valuable suggestions; and H. D. Hazeltine, Litt.D., Downing Professor of the Laws of England, who went through the whole work in proof, and did all that a friend could do to rescue its author from the snares which beset the feet of a constitutional historian who is not also a lawyer.

15 December 1921

J. R. T.

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PREFACE TO THE SECOND EDITION

IN this Second Edition the opportunity has been taken to correct a few errors of detail which were pointed out by reviewers¹ when it was first published. Among the works which have appeared since, attention may be called to the following: (1) THE STATUTE OF TREASON, 1495 (p. 5 f. below), see A. F. Pollard in 'Tudor Gleanings' (*Bulletin of the Institute of Historical Research*, vii, No. 19, June 1929); (2) THE CHURCH SETTLEMENT OF HENRY VIII (p. 13 ff.), A. F. Pollard, 'Wolsey' (1929); (3) THE CHURCH SETTLEMENT OF ELIZABETH (p. 163 ff.), A. F. Scott-Pearson, 'Thomas Cartwright and Elizabethan Puritanism, 1535-1603' (1928); (4) THE KING'S SECRETARY (p. 202 ff.), Miss F. M. G. Evans, 'The Principal Secretary of State... 1558 to 1680' (1923); (5) PRIVY COUNCIL AND STAR CHAMBER (p. 213 ff., p. 249 ff.), A. F. Pollard, 'Council, Star Chamber, and Privy Council under the Tudors,' in *English Historical Review*, xxxvii, 337, 516, xxxviii, 42; (6) PRIVILEGE OF PARLIAMENT (p. 554 ff.), J. E. Neale, 'Peter Wentworth,' in *English Historical Review*, xxxix, 36 and 175; (7) FINANCE (p. 598 ff.), Local government and finance in E. P. Cheyney, *A History of England from the Defeat of the Armada to the Death of Elizabeth* (1926)².

The editor has received from Mr P. E. Roberts, of Worcester College, Oxford, an interesting suggestion for an emendation in the extract from Sir Thomas Smith printed on pp. 284-285 below: 'For that is the effect of this Court, to bridle such stout noblemen or gentlemen which would offer wrong by force to any manner men.' He points out that the extract has already referred to 'mean gentlemen,'

¹ In this connexion the editor acknowledges special indebtedness to the review in *The Times Literary Supplement*.

² See also F. C. Dietz, *English Government Finance, 1485-1558* (University of Illinois, 1920).

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and that the reading 'to any meaner men' fits in better with the sense of the text; as also with the Latin version, the *De Republica Anglorum*, which reads: 'Scopus quippe hujus fori praecipuus hic est fastum et arrogantiam nobiliorum mitigare, qui quod *plebeios* opibus longe fortassis superant, jura et leges sibi natas valde indignantur.'

J. R. T.

1 July 1929

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