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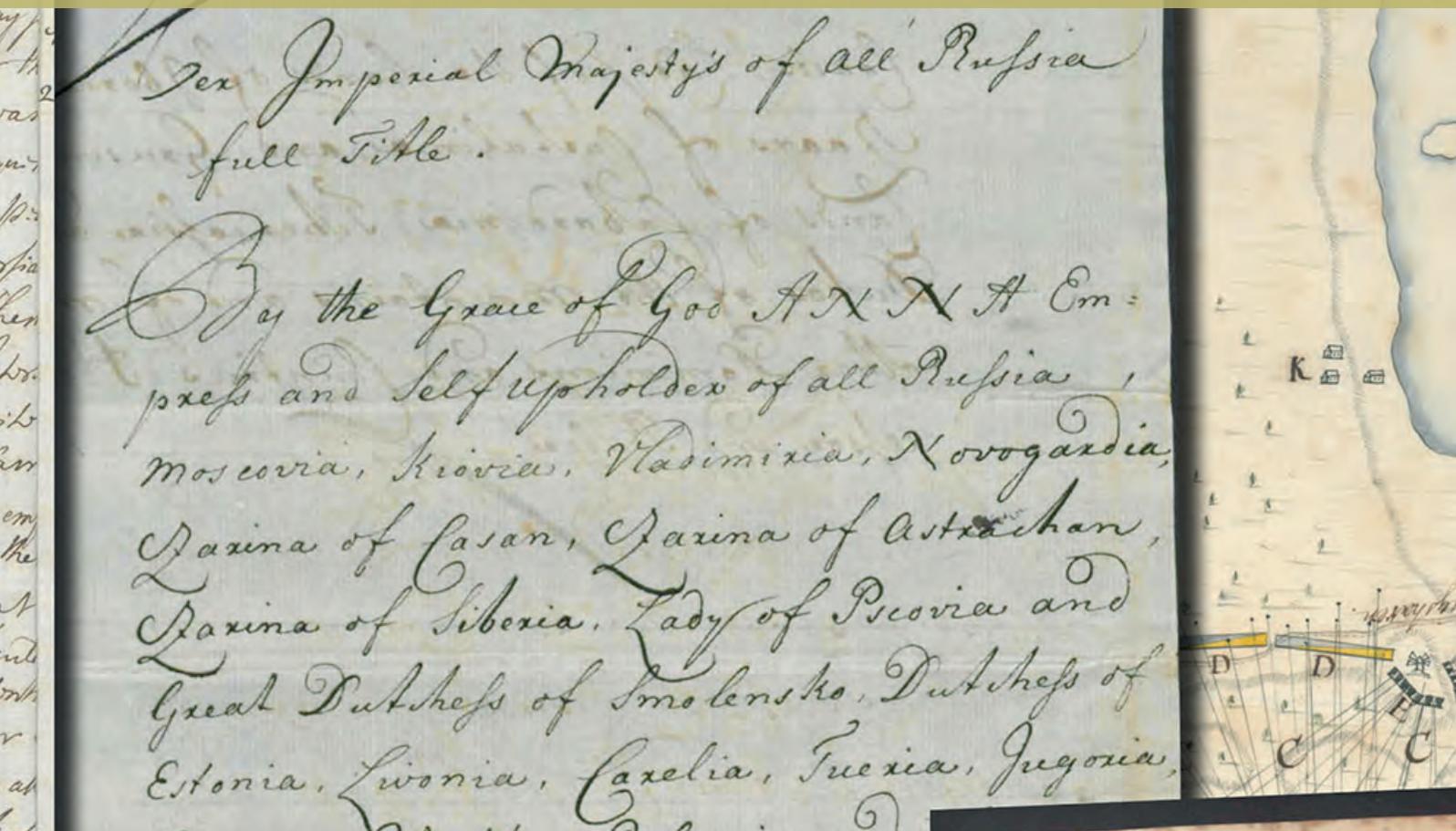
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The Tudor Privy Council, c. 1540–1603

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THE TUDOR PRIVY COUNCIL, C. 1540–1603^[1]

Introduction

No matter what aspect of later Tudor history we care to investigate, we cannot afford to ignore the Privy Council.^[2] In Sir Geoffrey Elton's words, it was 'the centre of administration, the instrument of policy making, the arena of political conflict, and the ultimate means for dispensing the king's justice', an institution at once 'essential' and 'inescapable'.^[3] David Dean calls it 'the most important policy-making and administrative institution of Elizabethan government'. He quotes approvingly Thomas Norton (d. 1584), a busy conciliar agent, who claimed that the Privy Council was 'the wheels that hold the chariot of England upright'.^[4] In many ways, it was significantly different to the Councils of France and Spain: they could only advise action, which could not be implemented without the king's formal instruction. But the English Privy Council was invested with full executive authority: by instruments signed by its members, instruments lacking explicit royal endorsement, it could make things happen.

This essay begins by outlining how the Privy Council emerged in the later 1530s and aims to show the ways in which it differed from the king's council of the Middle Ages. Membership is analysed before we consider functions and jurisdiction. The next section deals with location and procedure, so that readers may gain a sense of the machinery generating the sources that are now being made more easily accessible. A closer investigation of the nature of the sources themselves then follows, concluding with some remarks about

staff, not least the clerks, whose unrelenting labours kept the operational wheels turning. The sixteenth-century history of the Privy Council has not been uncontroversial; two major debates are sketched below. The essay concludes with some 'Notes on Using the Privy Council Registers' because there are potential pitfalls for readers unused to Tudor primary sources, and especially for those who may consult the manuscripts with reference to the Victorian-Edwardian publication entitled *Acts of the Privy Council*.^[5] If the essay tends to draw examples from Elizabeth's reign, then that is partly because it constituted the bulk of the period under review and partly because materials relating to the years 1558–1603 are those with which the author is most familiar.

The Late Medieval King's Council and the Emergence of the Privy Council

England's medieval kings had a council, but not a Privy Council in the Tudor sense. Under the Lancastrians and Yorkists, peers saw themselves as the sovereign's 'natural counsellors' and could offer counsel either informally at Court or formally in a Great Council, an *ad hoc* gathering of notables. More flexible than Parliament, which in any case met infrequently, the Great Council gave the king the opportunity to test the political water over problematic issues, usually concerning foreign affairs. However, he also needed to choose some men to help him govern on a day-to-day basis: to advise in the making of decisions; to dispatch orders in the light of those decisions; and to adjudicate disputes. Such men made up the king's council, which is sometimes labelled the 'continual council' so as to avoid confusion with the Great Council; indeed, at times during Henry VI's reign, the continual council was regarded as a standing committee of the Great Council.

Yet we must take care not to define 'continual council' too narrowly. Medieval monarchs appointed numerous councillors, who collectively (albeit amorphously) constituted their council; it need not necessarily assume an institutional shape. Kings could use individual councillors, or informal groups of councillors, entirely as they saw fit, depending upon the exigencies of the moment. Some councillors were barely employed at all. But, for certain periods during the fifteenth century, selected councillors did meet for executive purposes in an institutional guise, the various incarnations of that guise enjoying differing degrees of autonomy, since the king was not always present. Despite the paucity of relevant records, we can tell that, under Henry VI, the proportion of lay magnates to prelates and officials changed dramatically across the intermittent executive manifestations of the continual council, thereby reflecting political vicissitudes. The number of councillors in attendance fluctuated considerably too, though rarely rose above twelve in 1437–1443, with the mean figure falling to 4.5 for 1443–1446. It was evidently very difficult for a collection of councillors, sitting as an executive board, to remain in session for many consecutive days, or even nearly consecutive days, because those who were either magnates or bishops needed to be elsewhere in order to look after their own affairs. There can be little doubt that the Lancastrian council was large in total, small in its gatherings and unstable.^[6]

Some similar conclusions may be drawn from a study of Edward IV's reign. J. R. Lander found the names of 105 men who were identified as councillors other than in connection with diplomacy. But only 39 documents disclose attendances at meetings of the continual council. These sources never give a presence of more

than 20 councillors; the average was much lower, though precision is impossible because the scribes' lists end with 'et cetera', which probably covered some less important laymen. Numbers fluctuated wildly even at meetings held quite close together; clerics were generally the largest single element. Since Edward IV was a competent king, in contrast to the disastrously feeble Henry VI, the doctrine that magnates were 'natural counsellors' now became less prominent. And with a strong monarch in control, Edward's council lacked independence: while not negligible, it 'did not normally act as an executive body'.^[7]

Ignoring the brief reigns of Edward V and Richard III, several of these features continued under Henry VII, the first king of the Tudor dynasty. At least 227 men were appointed councillors during his 24 years on the throne. We cannot know how many there were at any one time, but it is unlikely that they ever met together in one body; to quote S. B. Chrimes: 'all that was ever done by the council was done by groups of councillors', though these were loose gatherings rather than committees, in the modern sense of that word. Up to two dozen councillors have been highlighted as attending meetings more often than the rest: the frequency with which they were summoned reflected the special trust that the king had reposed in them. Chrimes warns us that it is 'a misnomer' to call these men an 'inner council', for any meeting at which they were present 'was the council in so far as the council was manifested in general meetings'.^[8] Some scholars thus write of an 'inner ring' instead of an 'inner council'.^[9]

However meetings were constituted, councillors faced a mixed workload of administrative and judicial tasks. Moreover, it was not unusual for Henry VII's councillors to divide. One group, conventionally described as the

council attendant, was located at Court and therefore itinerated. Attendance at any one known gathering of this segment totalled no more than 11 between 1493 and 1508. Of the other councillors, some stayed at Westminster and operated in the Star Chamber during the four law terms.^[10] Attendances there averaged 15.^[11] Interchangeable in membership and undifferentiated in function, the two portions merged when the king returned to Westminster.

So far, there was no such thing as a 'Privy Council', meaning an organized institution of strictly limited membership. True: the term 'privy council' can be traced back to at least the fourteenth century, but it only meant the closeness to the king of his more intimate advisers. That was to change under Henry VIII.

A small council existed at the beginning of the reign, composed of the survivors of the 'inner ring' of his father's council. As previously, it divided into a council attendant and a council in Star Chamber. Thomas Wolsey's rise to power transformed that situation. As lord chancellor from 1515, he re-organized the council about himself in Star Chamber, which in effect downgraded the council attendant. Furthermore, his unprecedented emphasis upon the council's judicial function swamped Star Chamber proceedings with petitions. Soon (in 1517) Wolsey found it necessary to enhance efficiency by dedicating specific days of the week to the hearing of suits. He also appointed three informal tribunals (1517-1520) to help deal with the vast extra burden. From 1520, the case backlog was being referred to junior councillors whose sessions counted as committees of the council in Star Chamber. These innovations opened up a differentiation between political/administrative activities and judicial activities that was eventually to lead to the emergence of the

Court of Star Chamber, which was the Privy Council, supplemented by expert judges, sitting in its judicial capacity. But Wolsey did not finish there. In 1519, most judicial functions remaining with the council attendant were transferred to a new court sitting during the law terms in the Palace of Whitehall, the ancestor of the Court of Requests, which became solidly institutionalized after personnel changes in 1529 and 1538. Needing books for recording its decrees, this new court appropriated the old registers of the council attendant.

In the 1526 Eltham Ordinances, Wolsey produced the blueprint for a renovated council attendant, though its provisions were scarcely robust, in that they permitted the absence from Court of important officers, stipulating that two councillors were always to be present 'except the King's grace give licence to any of them to the contrary'. As G. R. Elton observed: "A council attending on the king which might consist of two of the lesser councillors was clearly no privy council, and the hope expressed that by this order 'the King's highnesse shall alwayes be well furnished of an honourable presence of councillors about his grace, as to his high honour doth apperteyne' has the flavour of subtle irony."^[12] In any case, the blueprint was ignored during what was left of Wolsey's ascendancy.

With Wolsey's fall in 1529, the council assembling in Star Chamber began to wither, while the council attendant, now grappling with the problem of how to annul Henry's first marriage, became prominent. The fact that the king had begun personally to direct strategy, in his first sustained engagement with state business, powerfully contributed to this gravitational shift toward the itinerant Court, which paid only fleeting visits to Westminster. The annulment crisis had seen

the rise at Court of an 'inner ring' advising Henry. It was this 'inner ring' among councillors attendant that Thomas Cromwell joined in 1530. Nevertheless, the 'inner ring' was still not a formalized 'Privy Council': we are talking about a collection of specially trusted councillors among the larger body of sworn councillors. Even so, various sources indicate that it was in the hands of this sub-set of the whole council that executive affairs had become vested, rather than in the hands of the Star Chamber subset overseen by the new lord chancellor, Sir Thomas More. Importantly, the beginning of a bifurcation was signalled by secretarial innovations. There were two established clerkships of the council. From 1530, the senior clerk concentrated exclusively on Star Chamber operations, being joined in 1532 by the incumbent of a new office called *clerk of the writs and processes* before the king's council in the Star Chamber at Westminster. As J. A. Guy notes, a 'professional secretariat' had been created there. Moreover, further adjustment to the clerkships of the council in January 1533 saw the junior clerk assigned to the council attendant. The official council record stayed with the senior clerk in Star Chamber.

In June 1534, Thomas Cromwell was thinking about further changes to the council, but what seems to have provided the immediate stimulus to the formalization that constituted the creation of the Privy Council was the crisis, in the autumn of 1536, caused by the various risings across most of northern England collectively known as the Pilgrimage of Grace. In replying to the rebels' demands, the King identified 12 members of 'our Pryvey Counsell', though the list prudently omits Cromwell, Sir Thomas Audley (lord chancellor) and Thomas Cranmer (archbishop of Canterbury) because they had been singled out as targets for attack; the real

total was therefore 15. Moreover, government instructions sent to captains in the field between 14 October 1536 and 8 April 1537 were signed by the whole council, these signatures revealing its newly restricted membership: the judges and other legal professionals had vanished. By amalgamating these two collections of names, we reach a total of 19 councillors — the same number, in fact, as belonged to the Privy Council in August 1540 when it decided to appoint a clerk and inaugurate a register of its proceedings. On that occasion, what was clearly now an organized institution of fixed membership — quite different to what Elton called the 'indefinite fluidity'^[13] of the old council attendant — declared that: "there should be a clerk attendant upon the said Council to ... register all such decrees, determinations, letters and other such things as he should be appointed to enter in a book, to remain always as a ledger, as well for the discharge of the said councillors touching such things as they should pass from time to time, as also for a memorial unto them of their own proceedings."^[14] Formalization had occurred at some indeterminate point between the 'emergency' council of 1536–1537 and the Privy Council of August 1540. A concomitant change was differentiation amongst the councillors: only some were sworn of the Privy Council; B-List members of the unreformed council, excluded from the new streamlined body, were termed either 'ordinary councillors' or councillors 'at large', enjoying honorific status for life. They were employed at Court to sift petitions and suits, deciding whether to send them to the Privy Council, to the Court of Star Chamber or to the Court of Requests.

Despite these changes, there was initial continuity over seals. The medieval king's council had been inconsistent in its manner of authenticating missives,

though the signet (affixed by the king's secretary) had increasingly given way to the privy seal. The early Privy Council still employed the privy seal for its dispatches. However, for reasons that remain unclear, that arrangement no longer sufficed, so that, in 1555, the Privy Council resolved to move Philip and Mary for permission to have its own seal. The request was successful, for a dedicated seal (of novel design) was in use from at least May 1556. There were two seals, one for each duty clerk, by the end of 1573.

Membership

Although the terms 'the council' and 'the Privy Council' came to be used interchangeably for the rest of the period, it is clear that a new institution had emerged, defined to a considerable degree by the character of its membership, membership itself deriving (following selection by the sovereign) from the swearing of a specific oath.^[15] Sir John Fortescue usefully indicated the composition of the continual council of the fifteenth century when he asserted that it was: "chose off grete princes, and off the greteste lordes off the lande, both spirituelles [i.e. clergy] and temporellis [i.e. temporals, members of the laity], and also off other men that were in grete auctorite and offices".^[16] In terms of Henry VII's known councillors, that meant a breakdown thus: 61 clerics, 49 lay administrators, 45 courtiers, 43 peers and 27 lawyers.^[17] But the Privy Council had a very different complexion.

One key feature, bound up with the Reformation, was the drastic diminution of the clerical element. As early as August 1540, a Privy Council numbering 19 contained only three churchmen: the Archbishop of Canterbury and two diocesan bishops; none sat *ex officio*. Perhaps predictably, Mary appointed slightly

more ecclesiastics, yet without increasing the proportion, for the size of the Privy Council grew too. Under Elizabeth, only the presence of John Whitgift, sworn in the mid-1580s, prevented the extinction of the clerical component; neither of the Queen's previous archbishops of Canterbury had been chosen, much to their political disadvantage.

The other main feature was the gradual restriction of membership (with a few exceptions) to office-holders. The holders of major offices had always been a significant constituency within the medieval continual council, and that remained true of the Privy Council of August 1540. At that point, the lay offices involved were: lord chancellor of England; lord high treasurer of England; great master of the king's Household and lord president of the Council (posts held together); lord privy seal; lord great chamberlain of England; lord high admiral of England; lord chamberlain of the king's Household; lord warden of the Cinque Ports and treasurer of the king's Household (posts held together); comptroller of the king's Household; master of the king's horse; vice-chamberlain of the king's Household; king's secretary (two); chancellor of the Court of Augmentations; and chancellor of the Court of First Fruits and Tenths. The single lay privy councillor not an office-holder was Edward Seymour, Earl of Hertford, a brother of Queen Jane Seymour. It should be noticed that this list comprises a mixture of state and Household offices. Some would disappear over succeeding years, such as chancellor of the Court of Augmentations and chancellor of the Court of First Fruits and Tenths; those institutions were to be absorbed by the Exchequer in the 1550s. A few would be held so consistently in plurality that the titles temporarily dropped out of common usage. Under

Elizabeth, for example, the office of lord privy seal was usually held by the principal secretary. Certain offices were to fall into abeyance, as did that of lord president of the Council after 1558. In some cases, offices would no longer be regarded as qualifying the incumbent for a seat at the board. The venerable post of lord great chamberlain of England, for instance, was essentially ceremonial; the holder did not become a privy councillor in Elizabeth's reign. On the other hand, some members of the Elizabethan Privy Council held offices that had been ignored in August 1540: chancellor of the Duchy of Lancaster; chancellor of the Exchequer; earl marshal; master of the Ordnance; and president of the Council in the Marches of Wales. Many of the others, however, held the same posts as those listed in August 1540. So while certain positions clearly did bring a seat *ex officio* — it is inconceivable that a Lord High Treasurer of England would be excluded — there remained great flexibility over which particular offices privy councillors might hold. In general, one can say that there was a growing sense that councillors should exercise managerial responsibility over a department, either of the state apparatus or of the Household — indeed, that they should, to some extent, develop an expertise. Only the relative stability caused by Elizabeth's longevity, coupled with her reluctance to reshuffle office-holders, made that a practical possibility. Certainly, few would doubt that Sir Walter Mildmay (a privy councillor from 1566) acquired impressive financial expertise over his 30 years as chancellor of the Exchequer, 1559–1589.

The tendency for key offices to be held by a new breed of lay bureaucrat — men of gentry (or lower) stock who were university educated and often boasted a legal training at the Inns of Court — meant the progressive

squeezing out of the ancient nobility, unless the preferment of peers could be justified on meritocratic grounds. Elizabeth's reign provides the most obvious evidence of this process. Given the troubled situation at the time of her accession, not least over religion, the new Queen wisely appointed to her Privy Council a number of ex-Marian councillors who were too important to be ignored: the Earls of Arundel, Derby, Pembroke and Shrewsbury; it is a moot point whether or not Pembroke should be included among the ancient nobility: his earldom only dated from 1551, though he claimed descent from Herbert Earls of Pembroke of an earlier creation. Arundel and Shrewsbury were made lord steward and president of the Council in the North respectively. But, as the heads of powerful magnate interests, they were not automatically replaced on the Privy Council when they died. The next Earls of Derby and Shrewsbury had to wait over a decade before their appointments, having by that time proved themselves to be reliable servants of the Crown through holding local offices such as lord lieutenant and justice of the peace. Other great aristocratic dynasties, like the Percys and the Nevilles, were excluded from the start. To be replaced by professional bureaucrats of humble birth rankled, but the Earls of Northumberland and Westmorland made the mistake of seeking remedy in rebellion, which was also intended to bring about the restoration of Catholicism; the failure of the Northern Rising of 1569 destroyed their families' influence for the rest of the century. Peers did join the Privy Council after Elizabeth's first appointees had begun to die off. However, they were mostly either first or second generation title-holders, normally secured appointment to an important post and remained out-numbered by non-peers. The 7th Earl of Shrewsbury and the 4th Earl

of Worcester, both sworn in 1601, were the exceptions to prove the rule; neither held major office.

As a broad trend, the professionalization of the Privy Council was brought into differing degrees of focus by two factors: overall size and attendance patterns. The small Privy Council of August 1540 persisted until the death of Henry VIII, who had recognized its competence by providing (in his will) that it should govern the realm during the minority of Edward VI. Nevertheless, the first Edwardian Privy Council, composed of the deceased monarch's 16 executors, almost immediately relinquished power to one of its number, the young King's uncle, Edward Seymour, Earl of Hertford, who in February 1547 was appointed lord protector and created Duke of Somerset. Somerset was given licence to appoint privy councillors at pleasure, an authority he then exercised, out of political necessity, to establish what amounted to the second Edwardian Privy Council, which emulated the Henrician body both in size (about 21 members) and composition. However, the Lord Protector increasingly sidelined colleagues in the formulation of policy. The popular rebellions of 1549, caused by various religious, social and economic circumstances, sparked a Privy Council *coup d'état* led by John Dudley, Earl of Warwick, who would eventually be created Duke of Northumberland in 1551. With Somerset deposed and later executed, and the protectorate revoked, Dudley was able to exploit his position as lord president of the Council to rationalize its proceedings and re-establish competence; in short, there was a revival of fortune. One side-effect, though, was that Dudley was obliged to purge the Privy Council of his enemies and pack it with his friends; the result was that membership soared to 32. Such an expansion might have been inimical to efficient management had

not Sir William Cecil, principal secretary of state for 1550–1553, pioneered what Hoak calls 'the system of government by a small working group of the larger board'.

The particular context of Mary Tudor's seizure of the throne in 1553 caused her to appoint far more privy councillors than had been usual in the recent past. The first group of 18 — most already officers in her Household, but reinforced by East Anglian notables flocking to offer military support — was chosen rapidly at Kenninghall (in Norfolk) between 9 and 12 July in order to co-ordinate the *coup d'état* against Lady Jane Grey. Almost nobody in this initial cohort could bring experience of high office. Once Mary's bid for the throne had developed an unstoppable momentum, and the Dudley regime backing Lady Jane Grey had collapsed, the new sovereign began to appoint a second cohort of 22 councillors. Selected between 20 July and 4 September, this group included 17 men who had served as privy councillors at one time or another since August 1540. The magnates and gentry of the *coup* soon gave way to this latter collection of experienced bureaucrats as the most active councillors. Additional appointments were made as the reign proceeded, so that Privy Council membership topped 50. But only 19 men shouldered the executive burden on a regular basis; William Paget, Lord Paget of Beaudesert from 1549, sought to preserve efficiency by organizing various conciliar committees. Nonetheless, complaints that the Privy Council was too large and unwieldy were hard to dispel. Relying uncritically on the misleading reports of resident foreign ambassadors, historians used to believe that the Marian Council was riven by dissent; more recent research has exposed that idea as false. In Hoak's words, the myth about faction 'has

obscured the reality of institutional stability and administrative continuity, the latter explained by the presence of Henrician and Edwardian careerists like Paget'.^[18]

Elizabeth restored the Privy Council to Henrician proportions. As indicated above, political considerations necessitated the retention of some ex-Marians, so her early Council numbered 18 by the end of 1558; it would have hit 19 if Sir Thomas Cheyne had not died so soon after his promotion. The total hovered just below the 20 mark until October 1571, when it began a steady descent to 13 in January 1573, recovering sufficiently thereafter to reach 20, which was the highest Elizabethan figure, achieved in September 1586. A prolonged decline then set in: by the end of July 1596, if only for the space of a month, there were a mere nine councillors. From that low point up to the Essex rebellion of February 1601, membership barely approached double digits, though a flurry of appointments made shortly afterwards — three in June 1601 and one in December 1602 — left 14 men sitting at the board when Elizabeth died in March 1603. The Queen had discovered the risks of sustaining a ruling elite that was too narrow, one that did not adequately represent wider political interests. But even these late remedies were not enough. As with Elizabeth's increasing aversion to the creation of peerages, her willingness to allow the Privy Council to contract as much as it did — often choosing sons to replace dead fathers instead of infusing wholly fresh blood — caused the build-up of a dangerous log-jam in the struggle for honour and preferment that James VI of Scotland was obliged to clear as soon as he claimed his inheritance.

Functions and Jurisdiction

The Privy Council's primary function — that with the longest ancestry stretching back into the remote history of the medieval council — was to advise the sovereign. Henry VII frequently attended meetings of his continual council, and personally intervened in debate too, but it was very rare after 1540 for any of his successors to be present at a formal gathering of the Privy Council, though that changed under the Stuarts. Edward VI probably thought that he was observing some Privy Council meetings, and certain contemporaries concurred, yet Hoak has shown that these were specially staged events involving councillors, and not proper sessions; it is telling that the King's presence is not recorded in any of the Edwardian registers.^[19] Under Elizabeth, Robert Dudley, Earl of Leicester, a privy councillor since 1562, admitted in 1578 that 'our conference with Her Majesty about affairs is both seldom and slender'.^[20] He is borne out by the difficulty of finding much evidence of the Queen consulting the Privy Council as a board. Historians who describe it as a body 'presided over' by the monarch are wide of the mark.

How then was the duty to counsel exercised? Before answering that question, we should perhaps ask another: in what circumstances did a sovereign need counselling? In theory, one might say in all circumstances, for the Tudor age is generally held to have been a period of 'personal monarchy' — the head of state directed government. But that had already become something of a fiction by 1485. No king or queen, even one as diligent as Henry VII, could possibly be aware of everything that passed for government activity; there were simply not enough hours in the day to read all the paperwork, let alone digest the

information and make decisions. Much had to be done by others in the sovereign's name. The challenge, therefore, is to identify in which contexts, and to what degrees, the monarch did actually take a personal interest and drive the agenda. In this connection, it is curious that entries in the Elizabethan Privy Council registers, while sometimes invoking the Queen's authority, hardly ever cite her involvement. By contrast, where we have external evidence of disputes at the Council table, and especially of Elizabeth consulting the board collectively, the point at issue almost always turns out to relate to foreign policy, including under that heading (despite her detention in England) the dilemma of what to do about Mary Stuart, Queen of Scots. Such things left barely any impression upon the registers. How do we account for these disjunctions? The most rational explanation is that Elizabeth had reserved to herself much of the conduct of foreign policy, leaving aspects of implementation to the Privy Council. This situation meant that although the Council occasionally received letters from English ambassadors and other overseas agents so as to keep it informed of developments, the bulk of the incoming foreign correspondence was directed to the principal secretary; packets of letters seem not to have been addressed to the Queen — she saw what the principal secretary chose to show her. It also meant that executive orders over foreign policy were not routinely framed as Privy Council letters, instead being communicated either formally *via* royal signet letters usually drafted by the principal secretary or informally *via* the principal secretary's 'private' correspondence.

This was therefore the sphere in which the Privy Council's advice-giving function principally operated.

But since *deliberations* over what advice to give were not in themselves instances of the exercise of the royal prerogative, there was no need, in the registers, to record them, or even the nature of the resulting advice itself, which the Queen all too often ignored, to her councillors' chagrin. In any case, we know that the clerks were required to withdraw when sensitive foreign affairs were under discussion. Because the principal secretary was the linchpin of the political system at Court, functioning as the Privy Council's chairman, it is easy to suppose that he briefed councillors orally about signet letters ostensibly deriving from the Queen, and perhaps also about relevant portions of his own correspondence; certainly, the Privy Council cited what were probably signet letters in its outgoing letters, as in 1574, when (according to the register entry) a letter to the Earl of Thomond referred to a separate letter addressed to him by Elizabeth.^[21] However, the extent to which the Council corporately contributed to the preparation of signet letters is extremely unclear. Nevertheless, it is a fact that the registers rarely reveal the Council writing directly to foreign authorities, particularly rulers. Two examples are the missives sent to the Prince of Orange and the estates of Zeeland (in the Low Countries) in October 1576, though these were about how continental pirates had preyed upon English ships rather than about the prosecution of English foreign policy *per se*.^[22] References to the dispatch of letters to English ambassadors resident abroad are similarly few and far between — and they also tend to be about commercial matters.^[23] What the registers document plentifully are conciliar orders that relate to the *domestic* ramifications of foreign policy decisions, such as the need to raise troops or victual them.^[24]

It follows from the foregoing analysis that Elizabeth seems, by and large, to have delegated the administration of domestic affairs to the Privy Council. She surely cannot have absorbed, or even have been interested in, the details of the innumerable problems that pressed upon the Council's time, not least those represented by private suits. In only a small minority of cases, therefore, is it likely that the Council, through the principal secretary, bothered to take matters to the Queen for resolution. Where this occurred, the rationale is rarely immediately obvious, but can be discovered by means of contextualization. For instance, given that the registers are full of entries about the imprisonment of suspects, and yet those entries usually say nothing about royal intervention, we initially wonder why the Privy Council should have made a point of stating, in a letter of April 1574 addressed to the sheriff of Norfolk, that it was the Queen's pleasure for John Appleyard, a prisoner in Norwich Castle, to be transferred to the sheriff's house. In May, another letter cited her pleasure as the basis for ordering Appleyard's removal to the custody of the Dean of Norwich.^[25] However, the reason why the case was taken to the Queen becomes clear when we recall that Appleyard was half-brother to Amy Robsart, the deceased wife of Robert Dudley, Earl of Leicester, Elizabeth's favourite; indeed, he belonged to Leicester's affinity. To give a second example: an entry for February 1575 discloses the Privy Council communicating the Queen's wish that the five addressees investigate a Staffordshire affray that had led to a fatality.^[26] The key here is the fact that one party was made up of Edward and Robert Bowes, members of a gentry family with close Court connections: they and their four brothers were all in the Queen's service at one time or another.

In deciding foreign policy, and those domestic cases passed up from the Privy Council, the Queen was not obliged to consult the Council as a board. Natalie Mears notes that, for debate over major issues, Lord Burghley produced memoranda, extant examples of which can be tied to 17 meetings, or series of related meetings, involving councillors. In ten instances, all about foreign affairs, the Privy Council registers survive for the same periods. But when we try to map the memoranda on to register entries, we find disparities over date, or location or the identities of the councillors concerned.^[27] This discovery implies that somebody — either Elizabeth or councillors acting collectively — had formed committees of the Privy Council in order to deal with specific problems. The existence of such committees is attested in the later registers themselves.^[28] However, the suggestion that the Queen may have been counselled by unregistered Council committees does not lessen the significance of the Privy Council's counselling function; it merely underlines the board's institutional flexibility. Not that that means that she necessarily had to consult councillors in multiple, for there is evidence of Elizabeth seeking advice informally from individual privy councillors, particularly Lord Burghley or the Earl of Leicester. Indeed, on an *ad hoc* basis, she could look beyond the ranks of privy councillors entirely, tapping into the wide experience gathered by diplomats like Sir Nicholas Throckmorton. A few sources hint at the Queen using some of her intimate female friends, who had Household positions, as go-betweens. There were thus many channels, formal and informal, through which counsel could be both solicited and delivered.

Apart from counselling, the Privy Council's main function was to govern the realm on the sovereign's

behalf. That meant exercising the royal prerogative by delegation, which is why councillors took signs of disrespect towards themselves, either individually or corporately, as little less than *lèse-majesté*. Yet freedom of action was limited. One obvious constraint was parliamentary statute. Conversely, the Council was in an excellent position to seek to legislate the government out of difficulties because councillors managed Parliament. They planned the government's legislative programme for each parliamentary session and oversaw the passage of Bills from within the two Houses, for those who were peers automatically sat in the House of Lords, while the rest usually belonged to the House of Commons, where, sitting around the speaker's chair, they could easily whisper instructions on the order of business. Since regular attendance was not always possible, and for other reasons, the Privy Council under Elizabeth often used members of Parliament (MPs) such as Thomas Norton and William Fleetwood — respected and versatile lawyer-bureaucrats — to help push through legislation, though success was not guaranteed: the Queen could (and did) employ her right of veto. Day-to-day parliamentary affairs scarcely ever intruded into the Council's registers, but isolated entries do reveal councillors' broader interests in such things as elections or abuses of procedure.^[29]

Another constraint was the common law. Just as the sovereign could not stand above the common law, nor could privy councillors. Moreover, as Sir John Baker has remarked, the late medieval council 'was not supposed to interfere in matters belonging solely to the common law'. It had no jurisdiction, for example, over felony. Instead, it offered 'equitable' remedies — 'in the sense of remedies not available at law' — for

petitioners complaining of private wrongs that had public dimensions. That remained true after the emergence of the Privy Council. But it would be erroneous to conclude that the board had no interest in crimes and misdemeanours. On the contrary, councillors energetically promoted inquiries into (amongst other things) cases of affray, assault, barratry, bribery, burglary, embracery, forgery, kidnap, larceny, libel, manslaughter, murder, perjury, riot, robbery, sedition, slander, subornation of witnesses, treason and trespass. Licences to torture suspects — or even just to show them the rack in the hope of provoking a confession — are sprinkled throughout the registers.^[30] Misdemeanours could be punished on the Privy Council's own authority: miscreants were usually bound over to be of good behaviour, or put in the pillory, or imprisoned. For serious crimes, prosecutions were continued at the common law, having been referred either to the relevant central courts at Westminster — king's bench and common pleas — or to the assize courts. The assize courts were convened twice yearly when pairs of judges rode the six circuits into which the English counties had been divided. By punishing misdemeanours, the Privy Council acted coercively as if it were a court, yet it was technically not a court of law. Professor Baker urges us to see it more as a board of arbitration:

The informality of conciliar proceedings, though part of their attraction for plaintiffs, was open to the same objections as were voiced against the Chancery. In particular, the duty of attendance from day to day (in person or by counsel) at varying locations, enforced by heavy bonds, could place an intolerable burden on defendants. The procedure often resembled a form of compulsory arbitration. Arbitration was not in itself objectionable. Indeed, it was very widely used by voluntary submission. But in this case it was imposed on one of the parties and displaced his legal rights, because the Council had assumed the same power as the Chancery to inhibit related proceedings in the regular [i.e. common law] courts by means of injunctions. Such a procedure was arguably contrary to the medieval statutes of due process, some of which were explicitly directed against interference with the course of the common law by extraordinary processes.

Baker seems here to be writing of the late medieval king's council, though his observations appear to be equally applicable to the Privy Council.^[31] Despite the potential threat to legal rights, complainants flocked to the board in sufficiently large numbers for councillors to essay counter-measures. In 1582, they declared that the multitude of private causes between parties was frequently interrupting the Queen's 'speciall services'. Consequently, no suits that could be handled in the ordinary courts would henceforth be received 'unless they shall concerne the preservacion of her Majesties peace or shalbe of some publicke consequence to touche the government of the Realme'.^[32] This ruling had no visible impact, the Privy Council renewing complaints about the press of private suitors in 1589 and 1591. If any change occurred, then it may have been in the manner of dealing with such suits rather than in their volume. At any rate, the anonymous author of a brief text of 1600 on the 'Duties of a Secretary' noted, in the section about the Council, that suits between party and party: "... are very seldom heard particularly, but rather ended by overruling an obstinate person, who is made to acknowledge his fault, or else the parties are remitted to some court of justice or equity, or recommended by some letters to some justices in the country to compound the differences either by consent of the parties or by direction ...". The Privy Council was thus a clearing-house for the disposal of disputes. Those in which the Crown was a party, and a breach of the peace had been alleged, were sometimes referred to the Council's other guise of the Court of Star Chamber, 'where great riots and contempts are punished'.^[33] Further institutions were part of this same complex framework. Although the Council's jurisdiction was circumscribed by both parliamentary statute and the common law, its geographical range extended

throughout the sovereign's dominions, except for privileged places, such as the many chartered urban settlements, as well as the two universities; in those localities, councillors had to work sensitively through the local authorities. But in view of communications difficulties, and the old lawlessness of border territories, it was impossible to govern everywhere else effectively from Court, however peripatetic it might be. Two regional councils, which lasted into the next century, had therefore been created.^[34]

The Regional Councils

The Council in the North went back to the private council of Richard, Duke of Gloucester, who was appointed to govern the northern counties by his brother, Edward IV. On seizing the throne as Richard III, the former duke maintained the Council under the presidency of his nephew. It then seems to have vanished under Henry VII, but a new entity, staffed mostly by lawyers and bureaucrats, had emerged by 1525, being thoroughly re-organized by Thomas Cromwell in 1537. Importantly, the Council in the North was not an off-shoot of the central Council, a portion of which was at that time beginning to turn into the Privy Council. Instead, it existed by virtue of a royal commission, drawing much of its power from commissions of the peace and of oyer and terminer.^[35] Unlike the Privy Council, the northern Council enjoyed a common-law jurisdiction, enabling it to try cases of felony and treason. Civil matters (disputes between party and party) also contributed to its workload. The Council in the North was subordinate to the Privy Council, which nevertheless carefully monitored its proceedings. The registers reveal many instances of the latter sending executive orders to the former and of it intervening in cases which the northern

body was hearing, though it is easy to miss such entries because, in Elizabeth's reign, the correspondence is recorded as having been addressed only to the Council's head, described either as the 'Lord President of the Northe' or as the 'Lord President of Yeorke'.^[36]

The history of the Council in the Marches of Wales was similarly discontinuous. At first a Council set up by Edward IV to administer his marcher lands, it had been revived by Henry VII for his elder son, the Prince of Wales, and then again in 1525 for the Princess Mary. Cromwell had put the Council on a more formal footing in the 1530s: a statute of 1534 gave it power to oversee the execution of justice in the franchises (privileged areas) of the marcher lords. A second act of 1543, which consolidated Henrician legislation for Wales, explicitly mentions a president and Council in Wales and its marches. Henceforward, the institution had a statutory foundation that was lacking in the northern Council, despite the fact that they had both originated in royal commissions. However, it emulated its counterpart in possessing a common-law jurisdiction, derived from commissions of the peace and of oyer and terminer. Civil disputes also came within its purview. A complicating factor was that the 1543 statute established four courts of Great Sessions, which applied the common law in the 12 Welsh shires, so that wrangles over competence inevitably ensued. Indeed, the picture was even more complex than that, for this regional council's jurisdiction stretched beyond Wales and Monmouthshire to include the English counties of Cheshire, Gloucestershire, Herefordshire, Shropshire and Worcestershire, though Cheshire was extracted in 1569. In those areas, there was thus the potential for conflict with the Westminster courts. Once again, the Privy Council was superior and undertook a supervisory

role — the registers contain plenty of examples of cases being transferred between the Privy Council and Ludlow.^[37]

The Privy Council and the Church

This account has hitherto been confined to the secular sphere, yet the ecclesiastical sphere did not escape conciliar encroachments upon it, which may surprise those who believe claims that the Reformation under Henry VIII had given rise to a model of strict separation between the administrations of Church and state. For example, although the destruction of altars had already taken place in some parishes, the national campaign of demolition — and replacement of altars by communion tables — received legitimacy from a Privy Council letter seemingly sent to every bishop in November 1550.^[38] The traditional structure of Church courts had emerged from the religious turmoil largely unscathed. There had even been innovation: by royal letters patent, Elizabeth in 1559 had created a permanent court for each of the two provinces of Canterbury and York that was designed to reinforce the disciplinary machinery available to the archbishop; these new courts came to be called the Courts of High Commission. Additional royal commissions established temporary courts of similar character, and for the same purpose, in certain dioceses. But these developments did not stop the Privy Council from intervening in a wide range of ecclesiastical matters. In July 1565, for instance, it ordered the Bishop of Durham to see to the appointment of a learned preacher to serve the garrison at Berwick-upon-Tweed. In November 1570, it summoned the Bishop of Chester to explain burgeoning nonconformity, especially in Lancashire, that had been attributed to his negligence.^[39] Four years later, councillors required the Archbishop of Canterbury to

revoke one of his commissions and insisted that he cause the examination of some religious prisoners on a set of articles of their devising, they having found fault with his earlier inquiries. Soon afterwards, the Privy Council sent instructions to the Bishop of London following the discovery of a separatist conventicle in the capital.^[40] Cases could be multiplied; the Council was at the forefront of efforts to secure conformity to the Elizabethan Church Settlement.

The Privy Council as a Point of Contact

Finally, an important function of the Privy Council was to serve as what G. R. Elton called a 'point of contact'.^[41] We have recognized its role as a focus for ambition. But once they had achieved a place at the board, councillors could help to bind the nation together by acting as conduits of information and patronage between the political centre and the provinces. They all possessed broad acres, with parcels of land concentrated into major estates in one shire or another, like William Cecil's properties in Hertfordshire (Theobalds) and Lincolnshire (Burghley). Such holdings, and the wealth thereby generated, gave local prestige, which was cemented by tenure of local office. Under Elizabeth, if not before, every privy councillor was a justice of the peace, most on several benches; many were appointed to *ad hoc* royal commissions of various kinds. Some became lord lieutenant of their county or high steward of an incorporated town. Collectively, therefore, they could bring to the table an awareness of conditions across much of the realm, as well as knowledge of the men on the ground, such as fellow JPs, who might be called upon to execute government policy. It is easy to suppose that the artist of the famous 'Rainbow' Portrait (c.1600–3) primarily had the Privy Council in mind when, by depicting eyes and ears

across Elizabeth's cloak, he alluded to the agents through whom she received intelligence. The conceit was designed to flatter an ageing queen, but we will not go far wrong if we attribute this state of near omniscience to the Privy Council itself.

Location and Procedure

The Privy Council was part of the royal Household, known as the Court, which meant that it itinerated. For most of the year, the Court moved between the sovereign's principal palaces, classed as 'standing houses', usually spending a few weeks at a stretch, or sometimes several months, at each one. These 'standing houses' — the most famous being those at Greenwich, Hampton Court, Richmond and Whitehall — all included a 'Council Chamber', containing the Council table, though whether or not these rooms were exclusively for the use of the Privy Council is unclear. We should probably imagine a small suite of rooms: Sir Julius Caesar, writing soon after the accession of Charles I in 1625, noted that the clerks and their servants sat writing in a little room adjoining the main chamber.^[42]

Particularly during the summer, the Tudor monarchs liked to venture further afield, going 'on progress', as it came to be called.^[43] While there is an example from 1564 of Elizabeth's Council dividing, one portion with the Queen in Cambridge corresponding with another portion located in London,^[44] it was normal in the later sixteenth century for an undivided Council to travel with the Court, which stayed, at vast expense to the hosts, in the mansions of 'lucky' noblemen and gentlemen. On 23 July 1578, for instance, a Privy Council meeting was held at Mark Hall, James Altham's property at Latton (near Harlow) in Essex, and another the next day at Sir

Ralph Sadler's house at Standon in Hertfordshire.^[45] The number of councillors in attendance sometimes fell when the Court was on progress, and it was not unknown for the Privy Council to delay dealing with a major issue until it had returned to a 'standing house', when more members would be available.

The rhythm of the Council's year was also affected by the four law terms: Michaelmas (about seven weeks from either 9 or 10 October); Hilary (about three weeks from either 23 or 24 January); Easter (about four weeks beginning 17 days after Easter Day); and Trinity (three weeks from the Friday following Trinity Sunday). During these periods, wherever the royal Court might be, a number of privy councillors journeyed on Wednesdays and Fridays to the Palace of Westminster, where they sat judicially in the *Camera Stellata*, a pair of rooms — an 'outer' room and an 'inner' room — jointly so called because their azure ceilings were decorated with gold stars. They were joined on these occasions by some of the senior judges, who were not as a rule sworn of the Privy Council, as well as by other figures whose *ad hoc* presence was deemed desirable; in early 1594, for instance, Lord Buckhurst (a privy councillor) wrote to the Bishop of Winchester to tell him that it was the Queen's pleasure that the Bishop should join the privy councillors and judges from time to time.^[46] Those constituting the bench were given a large dinner shortly before noon on the days when the Court of Star Chamber, as it came to be known, was in session.

Councillors gathering in the *Camera Stellata* sometimes chose to transact Privy Council business either before or after the proceedings of the Court of Star Chamber. In order to do so, they may have withdrawn to the 'inner' room. Alternatively, they stayed in the 'outer' room, but required everybody else to withdraw,

changing the colour of the carpet on the table so as to signify the assumption of a different institutional guise: a red carpet meant an ordinary meeting of the Privy Council; a green carpet meant a session of the Court of Star Chamber. It is important to be aware of these customs because the Privy Council's registers often note it as meeting in the Star Chamber.^[47] This does not, however, mean that the business recorded was the business of the Court of Star Chamber, for that institution had its own support staff and generated a completely different archive, now badly depleted.^[48]

Even though the Privy Council sat all year round, councillors were heavily influenced by the termly routine that their Court of Star Chamber activities obliged them to follow: they often summoned individuals to appear before them at the beginning of the next law term, or perhaps by the end of it; on one occasion, they ordered a jury to be forthcoming at the Star Chamber the day after term had finished.^[49]

Certainly under Elizabeth, it is very difficult to find evidence of the Queen, or the principal secretary, summoning privy councillors to attend specific meetings. On the other hand, albeit rarely, the Council itself was not above instructing members absent from Court to repair there on a particular day 'for consultation of suche matters as were to be considered'.^[50] But such missives were normally unnecessary: unless they had been granted leave of absence because of some special duty, councillors were usually courtiers, so they could be warned orally of proposed meetings. Even oral notice may well have been otiose, since the Council strove to establish a pattern for its sessions. In December 1558, it resolved, with the new Queen's consent, that Monday mornings and both mornings and afternoons on Tuesdays,

Thursdays and Saturdays should be ordinary Council days, further days being used as needed. If it hadn't already been modified, this scheme was changed in 1565, when the Council made a distinction between term time and vacation time: in the former, it would ordinarily sit on Tuesday, Thursday and Saturday afternoons; in the latter, it would sit during the mornings of those same days, deciding on each occasion whether or not to continue in the afternoon. The Council's commitment to a Tuesday–Thursday–Saturday frequency was reiterated in 1574, but no mention was made of mornings and afternoons, so the implication must be that it meant both.^[51] As the reign wore on, dispatches increasingly bore complaints of pressure of work. Unsurprisingly, conventional wisdom holds that, from some indeterminate date, the Privy Council began sitting nearly every day.^[52]

Earlier historians have claimed that meetings of the Privy Council were held in secret, but that is not entirely true. Some credible late Jacobean orders, probably reflecting long-standing practice, relate that '... When the Body of the Council doth assemble, they are always to passe through the Presence Chamber, and none to come the private way, except upon speciall and secret Committees ...'.^[53] The intention was presumably for courtiers (in the loosest sense) to be aware that the Council was about to sit, for the Presence Chamber was a semi-public space: accommodating the throne, and used as the sovereign's public dining-room, it has been described as 'a rendezvous for the court, where everyone who mattered met to gather news and to gossip'.^[54] Courtiers — both long-term residents and short-term visitors — needed to know that a meeting was imminent so that

they could prepare to proffer their private petitions once the councillors had reached the Council Chamber.

Morning meetings commonly began at 8.00, or between then and 9.00, afternoon sessions probably commencing at 1.00.^[55] The whole affair seems to have been highly ritualized. An Act of Parliament of 1539 prescribed an order of precedence for certain chief officers of the Church of England, of the state and of the royal Household, to be reflected in the seating plan 'in all great Counsellis and Congregacions of Men'. Although the framers of the statute clearly had Parliament largely in mind, it was also intended to apply to Star Chamber gatherings, 'and in all other assemblies and conferences of Counsell'. Of the posts specified, some did not necessarily entail Privy Council membership, such as that of archbishop of Canterbury, while a few were subsequently even left vacant. But many automatically brought a seat at the Council table: lord chancellor, lord high treasurer of England, lord high admiral, lord chamberlain of the Household and principal secretary.^[56]

Two types of evidence suggest adherence to the Act, which should be seen as a manifestation of the general Tudor obsession with precedence, not least among peers; one clause affirms the traditional hierarchy found within the nobility. Firstly, those compiling the Council's registers scrupulously observed the order of precedence when noting attendances. Indeed, it is almost certain that the many presence lists reproduce the seating plan. Thus, for instance, that for 15 February 1587^[57] respects the statute in placing the archbishop of Canterbury (John Whitgift) first, followed by the lord high treasurer of England (William Cecil, Lord Burghley). Then comes the Earl of Derby because he was the lord steward, an office that put him above

the other earls, who are listed according to their dates of creation: Warwick in 1561 and Leicester in 1564. The lord high admiral (Lord Howard of Effingham) and the lord chamberlain of the Household (Lord Hunsdon) feature next since they were only barons, and therefore ranked beneath earls, but they appear before the other barons, Lords Cobham and Buckhurst, even though Cobham's peerage was of much greater antiquity. Non-peers bring up the rear, led by two officers of the Household whose posts were ignored by the 1539 Act: the comptroller (Sir James Croft) and the vice-chamberlain (Sir Christopher Hatton). The two principal secretaries are recorded in order of appointment: Sir Francis Walsingham in 1573 and William Davison in 1586; Walsingham in any case trumped Davison as a knight. John Wolley was the Queen's Latin secretary.

Further evidence for the implementation of rules over precedence comes from examples of Privy Council dispatches. On 25 August 1588, the Council resolved to circularize the lords lieutenant of various counties about troops sent to the camp at Tilbury in Essex. For some obscure reason, one of these letters, although signed, was retained, and found its way into the State Papers Domestic.^[58] Anyone consulting the manuscript will be struck by the curious arrangement of signatures beneath the main text, odd gaps being left between certain names. The explanation, of course, is that the signatories were observing protocol: Sir Christopher Hatton signed at the top left-hand side as lord chancellor ('Canc.' is short for '*cancellarius*', the Latin word for chancellor), with Lord Burghley signing next to him as lord high treasurer of England, and so on. Spaces were left in respect of absentees: they might have an opportunity to add their signatures before the letter was sealed and dispatched.

Once councillors had settled in their appropriate seats, petitioners were admitted to deliver their supplications, on their knees, at the upper end of the table, withdrawing immediately. It is most unlikely that such petitions were even read straight away, let alone acted upon; they probably entered a filtering process, overseen by the principal secretary between meetings, an unknown proportion re-appearing at subsequent sessions, when the concerns they raised came to be discussed. Many original petitions addressed to the Privy Council survive amongst the State Papers Domestic;^[59] there are more at Hatfield House and in William Cecil's portion of the Lansdowne manuscripts at the British Library. They are frequently a problematic source for the historian because, for mysterious reasons, petitioners conventionally did not date their texts, so that if the documents were not dated upon receipt by way of endorsement, and if they fail to mention any dated or datable events, it can be difficult to connect them to other materials in order to pursue individual complaints.

After the petitioners had departed, councillors could get down to business, assuming that they were quorate. The presence of any three seems to have been enough to cause the Council Chamber to be cleared of extraneous persons, privacy being desirable not only 'for Dignity', but also in case members needed to confer, or make other preparations, prior to the formal session,^[60] though William Fleetwood, the capable recorder of London often employed as a conciliar agent, thought it worth noting, as if surprised, that just three councillors had been sitting at the table during his appearance before the Privy Council in early 1584.^[61] In general, however, the government tended to think in terms of a minimum of six. William Paget suggested a

quorum of that number in his memorandum of 1550.^[62] Lord Hunsdon, who must surely have known the facts, reported in 1582 that six privy councillors' signatures were required as authorization to torture a prisoner on the rack.^[63] Many commissions, from Henry VIII's reign through to Elizabeth's, state that warrants for payment must be signed by at least six councillors, some insisting that the lord high treasurer of England be one.^[64] A very early Jacobean notice about procedure for dealing with private suitors, which announces that Tuesday afternoons would henceforth be dedicated to their causes, speaks of no fewer than six councillors being on duty.^[65] Attendance numbers fluctuated for all kinds of reasons, but 23 was not unknown under Mary and 14 can be found towards the beginning of Elizabeth's reign;^[66] three was the exception throughout the period.

Robert Beale, a clerk of the Elizabethan Privy Council, tells us that the principal secretary was expected to produce a memorial of the matters that he intended to propound and have 'dispatched' at each sitting.^[67] Lists of items to be addressed survive amongst the State Papers Domestic,^[68] though there is nothing to suggest that such documents were ever circulated in the manner of a modern agenda. They probably derived from more general types of *aide memoire*, like one of Sir Francis Walsingham's 'diaries', preserved elsewhere, which contains sections bracketed as relating to Council business.^[69] According to sources dating from the 1620s, the principal secretary stood at the upper end of the table to inform members of all relevant developments as prelude to soliciting their collective resolutions on actions to be taken.^[70] It was his duty, in this briefing exercise, to read aloud incoming letters, whether directed to the Council or to

the sovereign.^[71] But Beale knew that councillors seldom had either the time or the patience to listen to everything that they should, and therefore advocated the preparation of summaries from which the principal secretary could speak.^[72] Having broached selected issues, the principal secretary then resumed his seat for the ensuing discussion.

It is at this point that our sources let us down. Nobody was interested in producing a blow-by-blow account of how debate had proceeded. There are no 'minutes' in the modern sense of a record summarizing key contributions and specifying what actions have been agreed upon and who is to execute them. Each decision was all-important, not how it was reached, for an embryonic doctrine of collective responsibility, which we associate with the later Cabinet, already existed under Elizabeth, if not before. That does not mean, however, that nothing is known of the discussions themselves. In general terms, they probably followed the etiquette prescribed in the 1620s: councillors were to speak succinctly, but freely and in confidence. If the Privy Council was essaying an arbitration, then it was to confine itself to questioning both parties during the time of their presence, leaving further discussion until the parties had left. Hat culture being significant under the Tudors, councillors were to remain bareheaded while addressing colleagues, though covered when speaking to non-councillors. Should resolution of a dispute prove impossible by debate, then the issue was to be put to an oral majority vote. Members' votes counted equally, but the lowest ranking councillor was required to express his opinion first. Information about voting patterns was not to be disclosed.^[73] As for particular debates, we can sometimes find evidence of what councillors had said, or at least of their views on

specific matters, from private correspondence amongst themselves. Tales of division at the Council table were occasionally picked up by foreign ambassadors resident in London, who naturally had informants at Court, but the informants' reliability may be doubtful — and we should not ignore the possibility that ambassadors tailored what they had heard in order to suit their masters' perceived demands. Ambassadorial dispatches must therefore be treated with caution.

Beale recommended that the principal secretary make a brief note of each Privy Council decision, but, lest that be insufficient, that he also command the duty clerks to approach the table and listen carefully so that they could help him in framing responses, typically either letters or warrants, though other types of document included commissions, instructions to diplomats, Orders in Council, passports and placards.^[74] Standard texts could quickly be copied from precedent books, fresh particulars being inserted on a case-by-case basis. Non-routine texts, however, needed to be drafted after each meeting by the clerks, who worked under the principal secretary's direction, but probably used their own servants as scribes. Many of these drafts, confusingly termed 'minutes' in the sixteenth century, survive in the State Papers Domestic.^[75] Even if not endorsed as such, 'minute' sometimes abbreviated to 'M.' as in this example, they are easy to spot because the scribes commonly adopted a wide line-spacing so as to allow plenty of room for corrections, which can be numerous. In Beale's day, 'minutes' were ostensibly scrutinized by both principal secretary and lord high treasurer of England before neat versions were presented to the other privy councillors for signature. How long this process took is unclear. Nevertheless, it is likely that some part of every Council meeting was

devoted to signing dispatches relating to the proceedings of the previous session, or of sessions further back than that. We know that if a meeting was poorly attended, or if a matter was especially important, then the clerks would carry dispatches around the Court soliciting the signatures of further councillors until it was decided — by whom is not apparent — that there were enough.^[76] Having been folded and sealed closed, dispatches were conveyed to domestic destinations by staff of the Chamber, underlining the extent to which the Privy Council was integrated into the Household structure.

Records and Staff

Much of what the Privy Council did was reactive, so we should begin by considering the fate of incoming materials. Petitions have already been mentioned. Other documents addressed to the Council included letters from absentee councillors, English ambassadors serving abroad, chief governors of Ireland (based at Dublin), the Council in the North (based at York), the Council in the Marches of Wales (based at Ludlow), archbishops and bishops of the Church of England, justices of assize, justices of the peace, commissioners, urban authorities, senior officers of chartered trading companies and private individuals. It was not unusual for such communications to enclose reports, certificates or accounts of examinations of suspected malefactors. Some manuscripts were eventually brought together topically, such as musters returns, but the bulk were gathered into monthly bundles, which were deposited in a large compartmentalized chest. This chest, used from 1547 and endowed with a keeper answerable to the clerks, was carried from place to place as the Council itinerated. At length, as the chest filled up, old bundles

were removed, ending up in the hands of the nascent State Paper Office, which stored them under the Elizabethan Banqueting House in the palace of Whitehall. What happened next is partly obscure. One scenario is that the bundles were not robust, and that conciliar documents became mixed up with papers recovered from successive secretaries of state, kept in the same place. Another scenario is that the bundles were robust, but that the burgeoning secretarial archive already contained a substantial number of Council papers that ought properly to have been pulled out. Either way, some intermingling occurred, which was fortunate because it meant that when the secretaries' papers were re-located in the palace, sometime between 1614 and 1619, certain Privy Council papers went with them and therefore avoided the complete destruction of the Banqueting House early in the latter year.^[77] These circumstances explain the presence of so much conciliar material in what has since become various classes of State Papers preserved at Kew.

However, the Whitehall fire of 1619 was still a disaster for the historian of the Tudor Privy Council. For one thing, the incoming correspondence that had not leaked into the secretarial archive was burnt, along with the registers of such material that seem (on later evidence) to have been kept under Edward VI, and perhaps under Mary I too; certainly no trace of them remains.^[78] Moreover, a substantial proportion of the later Tudor records of two other key government departments — the Signet Office and the Privy Seal Office — were also consumed. But the 'minutes' of Privy Council dispatches were not safe either, for the clerks had taken to lodging them in the chest — the extant registers contain numerous references to this

practice^[79] — and bundles of old 'minutes' had periodically been transferred from the chest to the basement of the Banqueting House.

The loss of the majority of the incoming materials, as well as of so many 'minutes', means that those registers surviving the conflagration, which mainly relate to outgoing material, now constitute the principal record of Privy Council activity. There are several gaps in the series, only some of which are accounted for by the fire; it is clear that care of the volumes was lax and that a few had vanished — presumably borrowed by officials and never returned — before 1619. The first three registers, covering the period from 10 August 1540 until two days before Henry VIII's death on 28 January 1547, at one time all belonged to the category of non-fire disappearances, but the earliest was later restored to the State Paper Office and today inaugurates the sequence deposited at Kew;^[80] the second is still missing, while the third is preserved at the British Library.^[81] Except for a few days at the beginning and end, Edward VI's reign is almost entirely covered by the Kew registers, though, as we shall see shortly, that is not to say that there have not been losses.^[82] Under Mary I, as might be expected given the political context of her assumption of power, the picture becomes more complicated, and the first relevant Kew volume does not begin until 22 August 1553, nearly a month after her accession, counting Lady Jane Grey's abortive reign as 6–19 July 1553. The second Marian volume runs on past the Queen's death on 17 November 1558 into her half-sister's reign.^[83] It is for the Elizabethan period that we are faced with the most serious *lacunae*, some extending for consecutive years, such as April 1559–June 1562, September 1562–November 1564 and May 1567–May 1570. In fact, the

1560s, frustratingly just when the new Protestant regime was establishing itself, is easily the worst affected decade; what we possess are fragments of an unknown number of registers — some apparently little gatherings of leaves rather than all big pre-bound books — that have since been bound together.^[84] There are further difficulties later in the reign, conspicuous examples being the gaps for August 1593–October 1595 and January 1602–March 1603, the latter continuing until May 1613.

The registers extant at Kew are not of uniform character. Historians noticed long ago that most volumes have a ‘rough’ appearance, with entries written hurriedly, in a large variety of hands; indeed, many passages bear corrections and some have been struck out. In contrast, a few volumes, while still penned in a standard sixteenth-century script, seem to be fair-written texts, usually the work of one scribe, or perhaps of a small number each responsible for lengthy portions. J. R. Dasent, the lawyer who in the late nineteenth and early twentieth centuries published transcripts of the Tudor registers dating from after 22 April 1542, was apt to classify them as either ‘rough’ or ‘fair’ on fairly slender grounds and gave the impression that, had all the originals survived, there would have been two series, one of rough drafts and the other of fair-written copies. However, this implication was convincingly refuted by E. R. Adair. He showed that the ‘rough’ registers are the real Privy Council registers, entered up from day to day, or very nearly so. In fact, the early so-called ‘rough’ registers contain several original recognizances — essentially performance bonds, subscribed by individuals in trouble — and even councillors’ autograph signatures, added for a while under Edward VI by way of verification. Adair argued

that only four volumes can justifiably be called ‘fair’, though it is unclear why they were produced and for whom; in two of these four cases the ‘rough’ manuscripts are also available. There is no evidence to suggest that these four exceptional volumes were ever part of a larger series of contemporaneously fair-written copies.^[85]

It should be noted that, when he encountered both types of register overlapping temporally, Dasent printed the fair-written one, using the ‘rough’ one ‘to clear up certain small points of difficulty’. Important discrepancies — matter found in one source, but not in the other — are noticed only vaguely in his Introduction, so that it is often difficult to determine, in the main text, exactly where he changes manuscript.^[86] Furthermore, two ‘rough’ Marian registers have come to light since Dasent’s day, and it remains to be seen how far they differ from the fair-written version that he printed.^[87]

The extant volumes vary in another significant way: in the nature of the material that they contain. Although Dasent chose to call his publication *Acts of the Privy Council of England*, that was not the Tudor designation. In the sixteenth century, each of these stout volumes was commonly termed ‘The Counsell Booke’, or ‘this Register Booke of Counsell’, or merely the ‘register’. And councillors described the products of their labours as ‘ordres’, ‘decrees’ and ‘determyacions’; in D. E. Hoak’s words, ‘only rarely did they find themselves having accomplished an “Acte”’.^[88] But regardless of the terminology adopted, it is crucial to understand that the registers are selective: they do not represent the totality of the Council’s multifarious activities. Hoak himself points out that, under Edward VI, the Council failed to record some of its meetings; one of his examples is of an interview that it is known to have had

with the French ambassador in August 1547. Professor Hoak suspects that certain omissions were procedural: the Privy Council 'simply chose not to record conferences with resident ambassadors'.^[89] That seems generally to have been true for the whole of this period. The rare occasions when Queen Elizabeth consulted the Privy Council as a body are similarly undocumented in the registers. The texts of royal proclamations, covering a wide variety of matters from the prohibition of seditious books to the regulation of wages, are also omitted, despite the fact that these important instruments of government originated in the Council and many specify that the Council was to be responsible for their enforcement — they get cited often enough when councillors sought to discipline offenders.^[90] The Privy Council played a central role in deciding who should sit as a justice of the peace on each county bench. As magistrates died and needed replacing, fresh commissions were frequently issued by the Lord Chancellor through his ancient department of Chancery, yet the historian looks to the registers in vain for direct evidence of nominations; only when the Council removed a justice of the peace, or an appointment proved sufficiently controversial to cause a dispute, is there likely to be any trace there. Even regular events left no mark: every November, or sometimes early December, councillors joined senior judges in the Exchequer at Westminster to compile a short-list of the names of men suitable for appointment as county sheriffs for the following 12 months. The Council usually attended upon the sovereign a few days later when the final choice was made, but, once again, the registers are silent.

These exclusions become comprehensible when we realize that the duty clerk responsible for keeping the

register was charged to see that 'nothing worthie to be registred be omitted' — 'worthiness' is, of course, a matter of judgement. In 1550, the Council reaffirmed what it had agreed in 1540: that registration was intended 'for the dischargde of the said Counsaillours tooching such thinges as they shulde passe from time to time, as also for a memoriall unto them of their owne proceadinges'^[91] The Privy Council exercised the royal prerogative by delegation. In practice, therefore, such a statement meant that it needed to have a record of instances of that exercise, a record to which reference might have to be made so as to meet any one of several conceivable eventualities: being held to account by the sovereign; facing an appeal; having to mete out punishment for non-compliance, itself a further exercise of the royal prerogative. Council activities that were advisory rather than executive, like short-listing potential sheriffs, need not be registered because prerogative power was not being deployed. Moreover, where the Privy Council was the initiator of a process concluding with the promulgation of an official instrument by another organ of central government, let us say Chancery, it left formal record of such promulgation to that other organ. What councillors did maintain, distinct from the registers, were informal compilations of important information. Thus, while the Chancery machinery formally issued commissions of the peace, doubtless based upon oral discussions between the Privy Council and the lord chancellor, individual councillors kept lists, regularly updated, of who sat on each county bench at any one time. We might say then that the Privy Council registers record executive orders that were instantly valid in their own right: they did not need to go through any other government organ for validation. This is very far from meaning, however, that the Council operated in

isolation, for it attracted suits that could not be prosecuted anywhere else and referred to other bodies' suits that could. Crown policies necessarily had to be pushed through the existing institutional framework; officers were constantly bombarded with instructions. But it does mean that the Privy Council did all of this while occupying a position of unimpeachable superiority, or at least impeachable only by the sovereign. It follows from this point that the greater the degree to which a conciliar order drew upon prerogative power, and the more particular the problem to which that power was being applied, then the more likely it was that the order would be recorded formally, either in a register entry or in the shape of a 'minute' lodged in the chest.

So the registers were intended to be the permanent official record of the Privy Council's deployment of the royal prerogative. That deployment typically took the form of letters. But until the later 1580s, register entries consist of summaries that, from the historian's point of view, can be disappointing. Here is an entry from November 1573: "letters to divers Bisshopes in England for the observacion of the Uniformtye in Religion, acording to the boke of Commen Prayer and her Majesties late Proclamacion."^[92] What did this circular letter say? By the 1590s, missives were transcribed in full, except for the formulaic opening and closing sentences.^[93]

A common, albeit more specialized type of dispatch, was the warrant, usually authorizing a payment. Many were addressed to the treasurer and chamberlains of the Exchequer,^[94] though others were sent to the treasurer of the Chamber.^[95] Where they were directed depended upon the structure of Crown finance, which changed dramatically under the Tudors. In the mid-

sixteenth century, such warrants were dispatched to a wide variety of accounting officers, such as the treasurer of the Court of Augmentations (Sir John Williams), the receiver of the duchy of Lancaster and the receiver of the Court of Wards and Liveries.^[96] Sometimes the word 'warrant' was used other than in connection with the disbursement of money, seemingly for situations in which councillors were not so much issuing an order as signifying their approval for some course of action, perhaps the arrest of named suspects or the requisitioning of a means of conveyance.^[97]

Of the bewildering range of other kinds of document that feature amid the notices of letters and warrants, the Order in Council is prominent. These texts, rather than being addressed to anyone in particular, were declarations either of the Privy Council's judgements in specific civil disputes or of rules that would henceforth apply in some sphere of activity. For instance, in June 1565, councillors set down an Order stipulating (amongst other things) that legal suits involving inhabitants of Guernsey and Jersey should be prosecuted there and not in English courts of record.^[98] Incidentally, this entry clarifies what seems to have been the convention since at least February 1547:^[99] that what was written in the register was the actual Order in Council, but that its content might be communicated to interested parties *via* transcripts authenticated by the signature of one of the Privy Council's clerks. Another fine example of an Order in Council comes from May 1574, when councillors issued regulations for the government of the four Inns of Court.^[100]

Instructions generated a further category of entry. In the realm of diplomacy, instructions to ambassadors tended not to be reproduced, the register merely

recording that they had been subscribed by the Privy Council. When a set of instructions was signed for Thomas Bodley's mission to Denmark in 1588, it was noted that the 'minute' remained in the chest.^[101] From the mid-1580s, as England became embroiled in war against Spain, military instructions proliferated, the texts sometimes being transcribed in full, especially during the 1590s; the instructions issued to Sir Henry Docwra in January 1599, for the conducting of 2000 footmen from the Low Countries to Ireland, are a good example here.^[102]

'Placard' is not easy to define because there were lengthy periods during which the term was unused — and when it was used, it seems to have meant the same thing as a warrant other than a warrant for payment. In other words, placards authorized arrests^[103] and allowed requisitions.^[104] The word 'commission', as attached to items dispatched by the Privy Council, appears to have been synonymous with 'placard' and 'warrant' in the context of licensing requisitions.^[105] However, these so-called commissions — the nomenclature is evidently very loose — should carefully be distinguished from 'real' commissions, formally naming commissioners and specifying tasks, which were generated by other institutions of central government, such as Chancery and the High Court of Admiralty, admittedly sometimes at Privy Council behest.^[106] Indeed, it is commissions of this latter sort that are cited most often in register entries.^[107] 'Passport' is a more straightforward description, though we should note a curious reversal: today, states issue passports so that their citizens may travel abroad; in the sixteenth century, the Crown issued passports in order to permit foreigners to transit its own area of jurisdiction. Entries recording the grant

of a passport to an English subject are relatively rare.^[108]

Except for Orders in Council, which in practice took effect *via* transcripts authenticated by the clerks, all the other original documents issued by the Privy Council achieved their force by virtue of councillors' signatures. Nevertheless, it would be a mistake to suppose that the registers notice only items for dispatch. Bonds and recognizances — two terms that are largely interchangeable — account for many entries during the mid-Tudor period, less so later. Most recognizances were for good behaviour and appearance before the Council, specifying how much money would be forfeit upon default.^[109] Under Elizabeth, there are lists of bonds for loans to the Crown, which were brought before the Council for cancellation.^[110] Scattered entries record conciliar decisions without indicating any consequent action, presumably because it was implicit; one example is the acknowledgement of agreement that the conditions of the ex-bishop of Durham's imprisonment in the Tower of London could be relaxed.^[111] More common, particularly for Elizabeth's reign, are notices of the appearances of those figures required to attend upon the Council according to bonds taken elsewhere.^[112] Indeed, it is evident that from the early 1580s, if not before, suspects appeared initially before the clerks rather than before the Privy Council itself, pleading to have their appearances recorded for the safeguard of their bonds; it is an error to assume, therefore, that the dates of these appearances necessarily correspond to the dates of Council meetings.^[113] Once a face-to-face examination by councillors had occurred, the result was often noted, especially when it involved summary committal to gaol.^[114] Finally, Council registers contain what can best

be described as miscellanea. Items of interest include: plans for changes to be made to Edward VI's coronation service;^[115] memorials of the oath-swearing of new privy councillors, such as that of Christopher Hatton in 1577;^[116] a copy of a letter addressed by King James VI of Scotland to the English ambassador to his Court;^[117] an interleaved Order in Council about reform of Elizabeth's Household in religious affairs, unusually bearing councillors' autograph signatures;^[118] and the interleaved original manuscript of Arthur Hall's submission for having offended the House of Commons and impugned the reputations of some of its members.^[119]

Most registers, while maintaining a chronological arrangement, mix up letters, warrants, Orders in Council, instructions, and so forth. However, there was a period of experimentation during the ascendancy of the Duke of Somerset as lord protector in the first part of the reign of Edward VI. For mysterious reasons, the Privy Council decided, soon after Henry VIII's death, that the standard Council book should be reserved for the registration of warrants for payment and that a separate volume would be used for the registration of letters. The extant warrant-book runs from 31 January 1547 to 4 October 1549, just after the beginning of the *coup d'état* against Somerset.^[120] We have the start of a letter-book, written on leaves at the end of the last Henrician register, but it only extends from 6 February until 13 June 1547.^[121] Although there is strong evidence (in the shape of later extracts) to suggest that a fresh letter-book was kept after 13 June 1547, probably until Somerset's fall, this volume has disappeared. For over two years, therefore, the formal record of Edwardian Privy Council activity is highly imperfect.

It should be obvious from the foregoing account that with all the political and religious turmoil under the Tudors, as well as the increasing pressure of private suits, the management of Privy Council business was a struggle. Leaving aside the co-ordinating role of the principal secretary, much depended upon the diligence of the clerks. Initially only one, William Paget, the number doubled in 1543, when Paget became a privy councillor and was replaced by John Mason (already his deputy) and William Honyngs. A third clerk was added in 1547, enabling the junior clerk to be assigned the exclusive task of keeping the register, and a fourth joined the team in 1576. The total stood at four for the remainder of Elizabeth's reign, though a rota (of sorts) ensured that not all were on duty simultaneously. As Paget's elevation suggests, a clerkship of the Privy Council was no career dead-end. On the contrary, most of the sixteenth-century clerks were highly talented bureaucrats, whose considerable diplomatic and linguistic skills allowed several to serve as ambassadors in their own right. Some were knighted. They included Robert Beale, Sir Thomas Wilkes, Daniel Rogers and Sir Thomas Edmondson.

Subordinate to the clerks was the keeper of the Council Chamber, first mentioned in 1547. His job was two-fold: to prepare the room for each sitting, which meant providing freshly cut flowers and sometimes purchasing new cushions, and to act as door-keeper, a function that gave plenty of scope for extorting fees from anxious suitors. Reference has already been made to the keeper of the Council chest. Apart from ensuring security as the chest was carried from place to place, he gradually assumed (from the clerks) the responsibility for maintaining supplies of stationery, such as blank pre-bound volumes for use as the

register, pens and ink. Although essentially an archive, the chest was more than that, for it also held reference works, like the books of English and Irish statutes acquired in 1574,^[122] which might be consulted frequently. A relatively humble servant, the keeper was thus quite an important officer if the Council was to operate with any efficiency.

Modern Academic Debates

There have been two major controversies about the significance of the Privy Council in the sixteenth century. G. R. Elton began the first debate when he argued in 1953^[123] that, during his political ascendancy in the 1530s, Thomas Cromwell had created a new system that was 'modern' in its bureaucratic organization and 'national' in its scope, very different to the 'half-formal household' methods of government — essentially 'personal' — held to have been characteristic of the Middle Ages. He saw the emergence of the Privy Council — defined as a permanent, streamlined and efficient board of predominantly lay office-holders, possessing executive independence — as a key component of this crucial transformation. Various aspects of Elton's thesis were challenged in the early 1960s,^[124] but it was not until 1986 that a general attack was mounted in the shape of a multi-author collection of essays, one of which (by John Guy) claimed that, while some change in the 1530s is undeniable, the Privy Council resulted from a process of evolution and owed little to Cromwell's direct instrumentality.^[125] A related wrangle turned on the extent to which the Henrician Privy Council was a Household organ, as argued by David Starkey. Although there are tricky technical issues about where exactly the Council met, the core problem, as George Bernard has pointed out, is over categorization:

Starkey is right to criticise Elton for exaggerating the difference between administration and politics ... [He] has little difficulty in showing that so rigid a distinction between administration and politics, between administration and the court, cannot be sustained. But Starkey in turn fails to convince when he claims that politics and administration 'inescapably overlap and interact'. The claim that all government is always 'political' is excessive ... What Elton and Starkey are offering is a choice between two over-simplified models ... Closer to the realities of early Tudor government would be an alternative that allowed degrees of interaction between administration and politics but also allowed some separation, while seeing neither interaction nor separation as inevitable.^[126]

We lack a comprehensive study that takes account of these revisionist insights.

The second debate concerns the Privy Council's capacity for independent government and (more broadly) the nature of the later Tudor constitution. Such matters had been sketched by Elton,^[127] but were taken up by Patrick Collinson in his characterization of Elizabethan England as a 'monarchical republic'. 'At times', he wrote, "there were two governments uneasily coexisting ...: the queen and her council ... two somewhat distinct poles of authority, as it were the magnetic pole and the true pole ..." Collinson developed this idea in connection with the 1584 Bond of Association, and allied documentation, in which Lord Burghley and others envisaged, upon Elizabeth's death at the hands of Mary Stuart's Catholic supporters, the Privy Council exercising a jurisdiction that ought properly to have been extinguished — for it automatically dissolves on the demise of the Crown — so as to augment itself as a Great Council of the Crown

of England, which would then recall the last Parliament in order to punish whoever had killed the Queen and determine the succession. This was, argued Collinson, 'the Elizabethan Exclusion Crisis'.^[128] John Guy placed these issues into a wider context in his discussion of the tension between the notion of a sacral imperial monarchy, a notion to which Elizabeth obviously adhered, and that of a confessionally-driven conciliarism that was quasi-republican. For Guy, the dominant idiom until c.1585–87 was that of a 'mixed polity' in which the royal prerogative was limited by conciliar advice and the need to secure the assent of the whole realm in Parliament for any substantial political or religious changes. After Mary Stuart's execution in 1587, however, talk of 'mixed polity' went out of vogue and 'the theory of sacral monarchy re-established itself as the political norm'. On the basis of this contrast, Guy felt justified in writing of the 'two' reigns of Elizabeth I.^[129] Collinson's idea of 'monarchical republicanism' has since been expanded by Stephen Alford, who traced Lord Burghley's mid-1580s contingency plans for conciliar rule back to an important text of 1563, which the then Sir William Cecil had drafted for incorporation into an abortive parliamentary Bill on the succession, though the radical implications of that text had been noted by some scholars working even before Collinson's research.^[130] The theme of a 'monarchical republic' has recently been the subject of a collection of essays, but it remains to be seen what kind of long-term impact the concept will have on the historiography.^[131]

Notes on Using the Privy Council Registers

Readers wishing to trace either a general topic or a particular case through the registers will find the task challenging for various reasons. Some disputes were

handled intermittently over several weeks, even months and years. Unfortunately, however, cross-referencing within entries is not only patchy, but may also be inaccurate through the misquotation of dates. Indeed, it may be fruitless, given current gaps in the manuscripts. Dasent's publication offers some help, though not much. The basic problem here is that his series of volumes amounts to a transcription rather than an edition, as modern scholarship would understand that term. This means that, apart from dealing with selected issues in his (by now superseded) Introductions, he neither contextualized entries, nor attempted to offer personal identifications; such a huge project was too daunting. These drawbacks are reflected in Dasent's indices. For one thing, the indices concentrate on proper names, whether of individuals or of places, at the expense of subjects; a modern edition would be much more systematic in the treatment of subjects. For another thing, they list in alphabetical order the myriad spellings — some highly eccentric — in which personal names appear in the registers, without seeking to cross-reference (either to each other or to a standard form) those that relate to the same person. A similar difficulty emerges where name spellings are identical, or nearly so, across several register entries, but the entries introduce variant territorial identifiers. Dasent indexed these personal names on the assumption that they belonged to distinct individuals. Only readers with a detailed knowledge of the period will recognize, for instance, that, in the 1580s, William Shelley of Michelgrove in Sussex was also William Shelley of Sutton in Herefordshire. It is the same story in respect of office-holders. Those writing register entries were utterly inconsistent as to whether they referred to office-holders by name or by office, though there was a clear preference for the latter

overall. So an entry might record that the lord treasurer had been sent a letter ordering him to make a payment to Mr Baeshe; it omits to explain that this was because Baeshe was general surveyor of victuals for the navy. For certain major offices, such as bishop, Dasent principally indexed under the office title, but for others, such as lord keeper of the great seal, he principally indexed under the holder's surname. Whichever strategy he adopted, Dasent sought, in these cases, to bring together in one place all references to the same person. Yet he failed to do this in respect of lesser offices whose incumbents could not readily be identified. Thus, for example, the Robert Worsley cited in one register entry is taken in the index to be different to the Mr Worseley (of unspecified Christian name) who is mentioned in another entry as keeper of recusant prisoners in Manchester; they were the same. The upshot of these remarks is that readers searching on the basis of Dasent's indices need to consider more than simply the obvious spelling of a personal name and to remember that individuals may feature elsewhere in the registers, albeit identified either in association with an office or only by that office.

It is important to bear in mind two points concerning the calendar. The first point is that England used the Julian Calendar (later called 'Old Style') throughout the sixteenth century, but that continental states in obedience to Rome adopted the Gregorian Calendar (later called 'New Style') in 1582. There was a difference of ten days between them. This means that if a register entry cites the date of a letter written from a Catholic country after October 1582, then it may be necessary to take the change of calendar into account. The second point is that, under the Tudors, the year of grace was reckoned as beginning on 25 March. This

means that dates falling between 1 January and 24 March, which we regard as being towards the beginning of a new year, were considered by sixteenth-century folk as being towards the end of the old year. Thus, for instance, register entries under the date 24 March 1578 are followed by those under the date 25 March 1579.^[132] In printing the registers, Dasent kept the dates as they were. However, readers should understand that modern practice, when citing a date falling between 1 January and 24 March, is either to change the year as though 1 January had been the beginning of the year of grace, adding a note explaining that years have generally been changed in these circumstances, or to give a split indication, such as 24 March 1578/79, where the first part presents the year according to Tudor usage and the second part presents it according to today's usage.

Finally, it may be helpful to say something about denominations, for many entries contain references to money. A pound sterling (represented as 'li.' for '*libra*') was made up of 20 shillings (represented as 's.' for '*solidus*'), while a shilling was made up of 12 pennies (represented as 'd.' for '*denarius*'). 'ob.' stands for '*obolus*', meaning halfpenny; 'q.' and 'qu.' stand for '*quadrans*', meaning a quarter of a penny, better known as a farthing. Sums of money were occasionally expressed in marks; one mark equalled 13 shillings and four pence. Under the Tudors, people were accustomed to referring to moderately large amounts of money in terms of a score (i.e. 20). Therefore, *iiij^{xx} viij li. ix s. ij d.* means three score and eight pounds (i.e. 68), nine shillings and two pence.

FURTHER READING

Sir John Baker, *The Oxford History of the Laws of England*, VI: 1483–1558 (Oxford, 2003), pp. 191–207

J. Guy, 'The Rhetoric of Counsel in Early Modern England' in D. Hoak (ed.), *Tudor Political Culture* (Cambridge, 1995), pp. 292–310

J. Guy, 'Tudor Monarchy and Political Culture' in J. Morrill, ed., *The Oxford Illustrated History of Tudor and Stuart Britain* (Oxford, 1996), pp. 219–238

D. E. Hoak, *The King's Council in the Reign of Edward VI* (Cambridge, 1976)

M. B. Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies* (Berkeley and Los Angeles, Cal., 1971)

NOTES

^[1] In giving dates, the year of grace is reckoned to have begun on 1 January.

^[2] The Registers of the Privy Council for the Tudor period are included in *State Papers Online* Part II. The seventeenth-century volumes are included in Part IV.

^[3] G. R. Elton, 'Why the History of the Early-Tudor Council Remains Unwritten', *Annali della Fondazione Italiana per la storia amministrativa*, I (1964), pp. 268–296, reprinted in G. R. Elton, *Studies in Tudor and Stuart Politics and Government*, I (Cambridge, 1974), p. 308.

^[4] D. Dean, 'Elizabethan Government and Politics' in R. Tittler and N. Jones, eds, *A Companion to Tudor England* (Oxford, 2004), p. 48.

^[5] The register covering 1540–1542 is printed in N. H. Nicolas (ed.), *Proceedings and Ordinances of the Privy Council of England*, VII (London, 1837). For the period from April 1542, see J. R. Dasent (ed.), *Acts of the Privy Council of England*, New Series, 32 volumes (London, 1890–1907). Hereafter *APC*.

^[6] R. Virgoe, 'The Composition of the King's Council, 1437–61', *Bulletin of the Institute of Historical Research*, XLIII (1970), pp. 134–160.

^[7] J. R. Lander, 'Council, Administration and Councillors, 1461 to 1485', *Bulletin of the Institute of Historical Research*, XXXII (1959), pp. 138–180.

^[8] S. B. Chrimes, *Henry VII* (1972; paperback edition, London, 1977), pp. 97–114.

^[9] The following six paragraphs rely heavily on J. A. Guy, 'The Privy Council: Revolution or Evolution?' in C. Coleman and D. Starkey (eds.), *Revolution Reassessed: Revisions in the History of Tudor Government and Administration* (Oxford, 1986), pp. 59–85.

^[10] These are explained in the section on 'Location and Procedure'.

^[11] The figure of 15 seems to be Guy's calculation and not that of the editors of the sources from which the attendance information is derived. It is unclear to which period the average relates.

^[12] G. R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1953), p. 321.

^[13] *Ibid.*, p. 340.

^[14] G. R. Elton, *The Tudor Constitution* (2nd edition, Cambridge, 1982), p. 97.

^[15] Printed in G. W. Prothero (ed.), *Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I* (2nd edition, Oxford, 1898), pp. 165–166.

^[16] J. Fortescue, *The Governance of England*, ed. C. Plummer (Oxford, 1885) p. 145, quoted in K. Powell and C. Cook, *English Historical Facts 1485–1603* (Basingstoke, 1977), p. 14.

^[17] J. A. Guy, 'The Privy Council: Revolution or Evolution?' in *Revolution Reassessed* (see note 8 above), p. 62.

^[18] This and the previous paragraph are greatly indebted to Dale Hoak's article in R. H. Fritze et al., eds, *Historical Dictionary of Tudor England, 1485–1603* (Westport, Conn., 1991), pp. 401–402.

^[19] D. E. Hoak, *The King's Council in the Reign of Edward VI* (Cambridge, 1976), pp. 29–30, 118–124, 135, 264.

^[20] Quoted in R. B. Wernham, *The Making of Elizabethan Foreign Policy, 1558–1603* (Berkeley and Los Angeles, Cal., 1980), p. 10.

^[21] *APC*, VIII, p. 209.

^[22] *APC*, IX, p. 213.

^[23] For example, *APC*, XIII, pp. 52–54: Sir Henry Cobham was ambassador to France.

^[24] For example, *APC*, XXIV p. 57.

^[25] *APC*, VIII, pp. 221, 248.

^[26] *APC*, VIII, p. 349, but see also pp. 335, 366.

^[27] I am grateful to Dr Mears for showing me her research in advance of publication.

^[28] For example, *APC*, XXIV, p. 172.

^[29] For example, *APC*, VII, pp. 39, 74.

^[30] For example, *APC*, VII, pp. 66–67 or VIII, p. 319.

^[31] The preceding part of this paragraph is indebted to Sir John Baker, *The Oxford History of the Laws of England*, VI: 1483–1558 (Oxford, 2003), pp. 191–207.

^[32] *APC*, XIII, pp. 394–395.

^[33] G. W. Prothero, ed., *Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I* (2nd edition, Oxford, 1898), p. 167.

^[34] A Council of the West – covering Cornwall, Devon, Dorset and Somerset – had briefly existed for 1539–40.

^[65] A commission of oyer and terminer was one to hear and determine (i.e. try) criminal cases.

^[66] For example, *APC*, XI, pp. 85 or 330.

^[67] For example, *APC*, XI, pp. 62, 67.

^[68] *APC*, III, pp. 168–171.

^[69] *APC*, VII, pp. 232, 399.

^[70] *APC*, VIII, pp. 271, 327–328, 338.

^[71] G. R. Elton, 'Tudor Government: The Points of Contact, II: The Council', *Transactions of the Royal Historical Society*, Fifth Series, 25 (1975), pp. 195–211, reprinted in Elton, *Studies* (see note 2 above), pp. 21–38.

^[72] S. Thurley, *The Royal Palaces of Tudor England: Architecture and Court Life 1460–1547* (New Haven and London, 1993); British Library, London [BL], Additional MS 34,324, f. 239r.

^[73] M. H. Cole, *The Portable Queen: Elizabeth I and the Politics of Ceremony* (Amherst, Mass., 1999).

^[74] *APC*, VII, pp. 147–148.

^[75] *APC*, X, pp. 290, 292.

^[76] E. Skelton, 'The Court of Star Chamber in the Reign of Queen Elizabeth', University of London MA thesis (1930) Part I, p. 23.

^[77] For example, *APC*, XIII, p. 260.

^[78] J. A. Guy, *The Court of Star Chamber and its records to the reign of Elizabeth I*, Public Record Office Handbooks, No. 21 (London, 1985).

^[79] *APC*, VII, p. 347.

^[80] *APC*, VII, pp. 121, 126.

^[81] *APC*, VII, pp. 33–34, 267, 306–307 and VIII p. 180.

^[82] J. Guy, *Tudor England* (Oxford, 1988), p. 310.

^[83] H. W. V. Temperley (ed.), 'Documents Illustrative of the Powers of the Privy Council in the Seventeenth Century', *The English Historical Review*, XXVIII (1913), p. 130.

^[84] D. Starkey, *The Reign of Henry VIII: Personalities and Politics* (London, 1985), p. 24.

^[85] *APC*, VII, pp. 58, 121, 149, 152, 306–307.

^[86] 31 Henry VIII c. 10. This statute is put into a wider context in Starkey, *The Reign of Henry VIII* (see note 53 above), pp. 129–131.

^[87] On the discrepancy between this date and that found in the register, see below under 'Notes on Using the Privy Council Registers'. For examples see *APC*, XIV, p. 328.

^[88] TNA, SP 12/215/53

^[89] TNA, SP 12/165/63

^[90] H. W. V. Temperley, ed., 'Documents Illustrative of the Powers of the Privy Council in the Seventeenth Century', *The English Historical Review*, XXVIII (1913), p. 129.

^[91] J. M. Traherne, ed., *Stradling Correspondence: A Series of Letters Written in the Reign of Queen Elizabeth; with Notices of the Family of Stradling of St. Donat's Castle, Co. Glamorgan* (London, 1840), p. 274.

^[92] Hoak, *The King's Council* (see note 18 above), p. 273. However, the Edwardian regime proposed a modification to this rule in January 1553, to the effect that four councillors might constitute a quorum, but only to debate issues; at least six were needed to resolve them: F. G. Emmison, ed., 'A Plan of Edward VI and Secretary Petre for Reorganizing the Privy Council's Work, 1552–1553', *Bulletin of the Institute of Historical Research*, XXXI (1958), p. 209.

^[93] R. Porrett, ed., 'Extracts from the Copy-Book of Letters received by Sir Henry Witherington, Knt. Marshal of Berwick, between Nov. 1581 and Nov. 1592, preserved in the Ordnance Office in the Tower of London', *Archaeologia*, XXX (1844), p. 167.

^[94] J. D. Alsop, 'Protector Somerset and Warrants for Payment', *Bulletin of the Institute of Historical Research*, LV (1982), p. 103; The National Archives, Kew, AO 15/1, pp. 236–237.

^[95] E. F. White (ed.), 'The Privy Council and Private Suitors in 1603', *The English Historical Review*, XXXIV (1919), p. 590.

^[96] *APC*, IV p. 374 or VII, p. 56.

^[97] C. Read, ed., [Robert Beale], 'A Treatise of the Office of a Councillor and Principall Secretarie to her Ma[jes]tie', printed as an appendix to C. Read, *Mr Secretary Walsingham and the Policy of Queen Elizabeth*, I (Oxford, 1925), p. 424.

^[98] For example, TNA, SP 12/103/47

^[99] BL, Harleian MS 6035.

^[100] H. W. V. Temperley (ed.), 'Documents Illustrative of the Powers of the Privy Council in the Seventeenth Century', *The English Historical Review*, XXVIII (1913), pp. 128, 129.

^[101] For example *APC*, VII p. 195, VIII, pp. 242–243.

^[102] 'A Treatise of the Office of a Councillor and Principall Secretarie to her Ma[jes]tie' (see note 66 above), p. 425.

^[103] A different voting system, applicable to the disposition of Crown offices, is outlined in William Paget's memorandum of 1550. This system involved councillors each placing either a white or a black ball into pots bearing the names of suitors for the office; the winner was the candidate registering the most white balls: Hoak, *The King's Council* (see note 18 above) p. 274, where there are further details.

^[104] Examples of register entries relating to these different types of document are given in the next section.

^[105] For example, SP 12/198/50.

^[106] 'A Treatise of the Office of a Councillor and Principall Secretarie to her Ma[jes]tie' (see note 66 above), p. 425.

^[77] H. Hall, *Studies in English Official Historical Documents* (Cambridge, 1908), pp. 30–37.

^[78] On Edwardian registers of incoming correspondence, see Hoak, *The King's Council* (see note 18 above), pp. 8, 26. The former existence of a similar Marian register is possibly implied by E. G. Atkinson, ed., *Acts of the Privy Council of England, 1613–1614* (London, 1921), p. vi.

^[79] For example *APC*, III, p. 485 and XI, p. 313.

^[80] The National Archives, Kew (TNA), PC 2/1.

^[81] BL, Additional MS 5476 included here in *State Papers Online*.

^[82] TNA PC 2/2, 2/3, 2/4.

^[83] TNA, PC 2/7, 2/8.

^[84] TNA, PC 2/9.

^[85] E. R. Adair, 'The Rough Copies of the Privy Council Register', *The English Historical Review*, XXXVIII (1923), pp. 410–422.

^[86] *APC*, V pp. vii–viii.

^[87] BL, Additional MS 26,748 (9 or 10 November 1553–9 March 1554) and Egerton MS 3723A (13 November 1554–27 May 1555). Professor Hoak has noted, though only in general terms, that the Egerton MS is 'clearly superior' to the fair-written copy now extant as TNA, PC 2/7: D. E. Hoak, 'Two Revolutions in Tudor Government: The Formation and Organization of Mary I's Privy Council' in *Revolution Reassessed* (see note 8 above), p. 110 (n.70).

^[88] Hoak, *The King's Council* (see note 18 above) p. 10.

^[89] *Ibid*, p. 17.

^[90] Royal proclamations were issued through Chancery: R. W. Heinze, *The Proclamations of the Tudor Kings* (Cambridge, 1976) and F. A. Youngs, *The Proclamations of the Tudor Queens* (Cambridge, 1976).

^[91] *APC*, III, pp. 3–4.

^[92] *APC*, VIII, p. 140.

^[93] For example, *APC*, XXIX, p. 153.

^[94] For example, *APC*, VII, p. 384.

^[95] For example, *APC*, XVI, p. 179.

^[96] For example, *APC*, IV, pp. 17, 61, 185.

^[97] For example, *APC*, XII, p. 179 or X, p. 252.

^[98] *APC*, VII, pp. 223–224.

^[99] *APC*, II, pp. 11–12.

^[100] *APC*, VIII, pp. 246–248.

^[101] *APC*, XVI, p. 229.

^[102] *APC*, XXIX, pp. 440–442.

^[103] *APC*, XII, p. 319.

^[104] For example, *APC*, XII, pp. 21, 62, 78.

^[105] For example, *APC*, IX, pp. 162, 194.

^[106] For example, *APC*, IX, pp. 210–211.

^[107] For example, *APC*, IX p. 264, on two county commissions for the restraint of the transportation of grain.

^[108] For example, *APC*, IX pp. 50, 155, 181.

^[109] For example, *APC*, III, p. 49.

^[110] For example, *APC*, VIII, pp. 53–60.

^[111] *APC*, IV p. 188.

^[112] For example, *APC*, XI, pp. 353–354.

^[113] For example, *APC*, XIII pp. 239, 247.

^[114] For example, *APC*, XII, p. 126.

^[115] *APC*, II, pp. 29–33.

^[116] *APC*, X, p. 85.

^[117] *APC*, X, pp. 357–358.

^[118] *APC*, XII, pp. 136–137.

^[119] *APC*, XIII, pp. 8–11.

^[120] TNA, PC 2/2.

^[121] BL, Additional MS 5476 ff. 321r–361v.

^[122] *APC*, VIII, p. 219.

^[123] Elton, *Tudor Revolution in Government* (see note 11 above)

^[124] For example G. L. Harriss and P. Williams, 'A Revolution in Tudor History?', *Past and Present*, XXV (1963), pp. 3–58 and contributions in subsequent issues through to 1965 inclusive.

^[125] *Revolution Reassessed* (see note 8 above)

^[126] G. Bernard, 'Court and Government' in G. Bernard, *Power and Politics in Tudor England* (Aldershot, 2000), pp. 129–133.

^[127] G. R. Elton, 'Tudor Government: The Points of Contact, II: The Council', *Transactions of the Royal Historical Society*, Fifth Series, 25 (1975), pp. 195–211, reprinted in Elton, *Studies* (see note 2 above), p. 34.

¹²⁸⁹ P. Collinson, 'The Monarchical Republic of Queen Elizabeth I', *Bulletin of the John Rylands Library*, 69 (1987), pp. 394–424, reprinted in P. Collinson, *Elizabethan Essays* (London, 1994), pp. 31–57 and P. Collinson, 'The Elizabethan Exclusion Crisis and the Elizabethan Polity', *Proceedings of the British Academy*, 84 (1994), pp. 51–92.

¹²⁹⁰ Guy's ideas may be traced through: J. Guy, 'Introduction: The 1590s: The Second Reign of Elizabeth I?' in J. Guy (ed.), *The Reign of Elizabeth I: Court and Culture in the Last Decade* (Cambridge, 1995), pp. 1–19; J. Guy, 'The Rhetoric of Counsel in Early Modern England' in D. Hoak (ed.), *Tudor Political Culture* (Cambridge, 1995), pp. 292–310; and J. Guy, 'Monarchy and Counsel: Models of the State' in P. Collinson (ed.), *The Sixteenth Century, 1485–1603* (Oxford, 2002), pp. 113–142.

¹²⁹¹ S. Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558–1569* (Cambridge, 1998).

¹²⁹² J. F. McDiarmid (ed.), *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Aldershot, 2007). I have not yet had an opportunity to read all of this book.

¹²⁹³ *APC*, XI, pp. 86–87.

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