

## CHAPTER II

### THE COUNCIL UNDER THE TUDORS

A GREAT deal of obscurity still pertains to much that concerns the king's council in England in the fifteenth and sixteenth centuries. Primarily this is from absence, for the most part, of essential records—such as the later register of the privy council—upon which to base definite conclusions about membership, structure, organization, and functions of the body, and its identity or its relations with other bodies whose names so frequently occur. Therefore, just as in the case of the cabinet of the seventeenth and eighteenth centuries, a great deal has to be drawn from scattered details and miscellaneous allusions, by exhaustive research in a variety and large number of sources.

The history of the council in the later fifteenth century and in the century succeeding has not yet been the object of any definitive study. Baldwin purposed to describe the medieval council, and his wider research goes no further than the end of the Middle Ages. The works of Leadam and of Scofield are excellent and remain the basis of much of the best since accomplished, but when their writing was done the significance of some of the problems involved in the question was apparently not realized in full, so that much remains wanting. The most important work so far achieved on the subject is a series of articles by Pollard.<sup>1</sup>

<sup>1</sup> A. F. Pollard, "Council, Star Chamber, and Privy Council under the Tudors"—"I. The Council"; "II. The Star Chamber"; "III. The Privy Council": *English Historical Review*, xxvii. 337-60 (July 1922), 516-39 (October 1922); xxxviii. 42-60 (January 1923).

To a considerable extent they are a synthesis of the work of Baldwin, Scofield, and Leadam, with some valuable additions and contributions, especially in respect of detail, and they are very suggestive, throwing into bold relief the problems that are to be solved. The author seems, however, to have had little opportunity for exhaustive research in the manuscripts, which would be all-important for such a study. Some of his theses can be taken as no more than hypotheses, of which the truth is possible, in some cases probable, but, which have yet to be proved. Exhaustive research for the author's own volume—to which all that is said in the first three chapters is no more than introduction—is for the period after the beginning of the seventeenth century. Accordingly, what the author presents in this chapter and in the next is no more than a tentative statement. It is much to be desired that some one should establish conclusions with respect to council, star chamber, and privy council in the Tudor period, as a result of the complete research in the sources which alone will permit such conclusions to be made.

In comparison with following times, little is known about the council prior to the later years of Henry VIII, and there is much obscurity for a generation after. It is well known that the medieval records of the council, while full of interesting and important information, are scanty and insufficient, seldom giving much idea of the structure or personnel of the council. It is well known also that with the year 1454 most of these records lapse, or at least are wanting now, and that they are not resumed until 1540, after which, save for some brief gaps, a continuous series is afforded. If information is sought from subsidiary and miscellaneous sources, there is much difficulty because of uncertainty as to the meaning of the term "counsel" at various times. Accordingly, it is often

not possible to be sure just what is meant by the council nor what was its size nor whom it included.

In 1426 the king's council contained twenty-two members—four dukes, two archbishops, six bishops, five earls, and five lords.<sup>2</sup> About 1476 Sir John Fortescue proposed an improved council which should contain thirty-two members—twelve spiritual and twelve temporal members, holding during the king's pleasure, and four lords spiritual and four lords temporal, each holding for a year.<sup>3</sup> During all this period, however, there is almost no information about the size of the council. In the reign of Henry VII a book of entries of council work gives some attendance figures, from which it appears that in the king's first year there were councils attended by twenty-six and thirty-four.<sup>4</sup> At various other times during this reign councils were attended by twenty-two, twenty-four, twenty-five, thirty-three, and thirty-nine.<sup>5</sup> In addition the list of names is sometimes followed by "et ceteri", which may mean either that the names of other members of inferior rank who were present are not given, or that certain outsiders were in attendance. In 1503 judgment was given by the king in a council of forty-one.<sup>6</sup> In the reign of Henry VIII the obscurity continues. In 1520 forty-one noblemen and ecclesiastics besides knights and others are given as of the king's council.<sup>7</sup>

The uncertainty herein has led to different conclusions. It has been asserted that at the beginning of the sixteenth century the council contained probably a hundred mem-

<sup>2</sup> "Here ensuen the names of all the Lordes of the Kynges Counsaile": *Rotuli Parliamentorum*, v. 407.

<sup>3</sup> *The Governace of England* (ed. Charles Plummer, Oxford, 1885), p. 147.

<sup>4</sup> *Liber Intrationum*: Cora L. Scofield, *Court of Star Chamber* (Chicago, 1900), pp. 6, 7.

<sup>5</sup> *Ibid.*: Baldwin, p. 436.

<sup>6</sup> *Calendar of the Patent Rolls, Henry VII, 1494-1509*, pp. 388, 389.

<sup>7</sup> *Letters and Papers of Henry VIII*, III. i. 236, 237.

bers.<sup>8</sup> It may, however, be that while certain ones were "of counsel" this meant no more than that they were retained for particular advice or service, especially legal service, and that they were not definitely included in any conciliar body. At all events, no such large list of members has ever been discovered for this period nor for any part of the sixteenth century.

At a later time the history of the privy council concerns a body that was now small, now large, one that often showed tendency to expand, to become ineffective because of size, and to be then reduced, or have its work committed to a part of itself. That had evidently been so before. In 1526 certain "Ordinances for the Household" were made at Eltham, of which one part concerned "Establishment of a Counsell." For better performance of the king's business and that matters might be presented and dealt with when he was journeying about, "it is ordered and appointed by his Highness, that a good number of honourable, virtuous, sadd, wise, experte and discrete persons of his counsell, shall give their attendance upon his most royall person": namely, twenty—containing the principal and most trusted nobles and officials. Since it might be that some of them could not thus always be present, ten of them in particular were to attend, and if some of these latter must be absent, then four especially, or at least two of them, should meet twice daily in such place as might be appointed for "the Councell chamber."<sup>9</sup> It was at this time the custom, as it had been formerly and as often it was during the next hundred years, for some of the council to remain near London and some to accompany the king. The so-called Eltham Ordinances do no more than attempt to provide that certain of

<sup>8</sup> Pollard, *E. H. R.*, xxxvii. 343.

<sup>9</sup> Harleian MS. 642: in *A Collection of Ordinances and Regulations for the Government of the Royal Household*, etc. (Society of Antiquaries, London, 1790), pp. 159, 160.

the principal members of the council shall always be with the king. Yet, great importance may be ascribed to the measure. On various occasions in the past ordinances had been issued for the king's household, but none had such a provision. In effect, this regulation now might result in giving organic form to a part or quantity of the king's council, namely, certain members about his own person. And subsequently, from time, convenience, attrition and the keeping of records by designated clerks, that group would indeed be the king's privy council whether it attended his person or not.

Actually, the regulation of 1526 gives no exact information as to the size of the council. About a year later, however, a list of members sworn to the council contains forty-six names.<sup>10</sup> At least fifteen of those who were given in the list had been specified in the ordinance of Eltham. In 1536 Henry VIII answering a complaint of the rebels in Yorkshire, that he had not many noblemen in his privy council, replied: "in our Pryvey Counsell We have" thirteen, whom he named: though the context does not make it certain that he was thus enumerating all the members of his privy council.<sup>11</sup> About this time, as on other occasions, there were proposals to make the council smaller and more effective. In 1538 a certain one intended to propose a reform: "to withdraw the King's council more secret together, and to avoid spiritual men therehence for divers considerations."<sup>12</sup>

It should be said that during all this time the body of the King's councillors are designated by the term "counsel" or "council" for the most part, though on occasion

<sup>10</sup> "Counsellors sworn to the king anno regni regis Henrici VIII decimo octauo": Lansdowne MS. 160, art. 92, in Scofield, pp. 31, 32.

<sup>11</sup> *State Papers, Henry VIII*, I. ii. 508.

<sup>12</sup> Memoranda of Philip Hobie: *Letters and Papers of Henry VIII*, XIII. ii. 416.

“privy counsel” or “secret council” is the term employed. This was the case for a long time thereafter.

10 August 1540 a meeting was held with whose record the council register begins again after long intermission. The record asserts that nineteen being present, “an order was taken and determined by His Majesty, by thadvicē of His Highnes Privy Counsell, whose names herunder ensue” that there should be “A Clerke, attendant uppon the sayde Counsell” to write, register, and enter all decrees, determinations, and letters in a book, to remain as a ledger and a memorial for discharge of the counsellors. William Paget, “late the Queenes Secretary,” was appointed by the king and sworn.<sup>13</sup> The members named in the record were:

The archbishop of Canter- bury	
lord chancellor	Lord Audley of Walden
lord high treasurer	duke of Norfolk
lord president and great master of the king's house	duke of Suffolk
lord privy seal	earl of Southampton
great chamberlain	earl of Sussex
earl of Hertford	
great admiral	Lord John Russell
bishop of Durham	
bishop of Winchester	
king's chamberlain	Lord Sands
lord warden of the Cinque Ports and treasurer of the king's household	Sir Thomas Cheyney

<sup>13</sup> *S. P., Henry VIII.* I. ii. 646, 647; Sir Harris Nicolas, *Proceedings and Ordinances of the Privy Council of England*, vii. 3, 4.

comptroller of the king's household	Sir William Kingstone
master of the horse	Sir Anthony Browne
vice chamberlain	Sir Anthony Wingfeild
king's secretary	Sir Thomas Wriothesley
king's secretary	Sir Ralph Sadler
chancellor of the aug- mentations	Sir Richard Rich
chancellor of first fruits and tenths	Sir John Baker.

To one critic this has seemed substantially the beginning of the privy council, a smaller body that had now become distinct in some respects from a larger body—the king's council.<sup>14</sup> It is assumed that the body, designated in the record as privy council, recognized its own separateness and identity in appointing a clerk of its own to keep its record. The lists of attendance now regularly given show no members, other than those named in the first account, until others appear whose appointments as members are specifically noted in the record. In the period 10 August to 30 September no other names appear in any of the attendance lists, and five of them are given for the first day only, which might, indeed, indicate that the names of all the members rather than of those present were given in the first notice.<sup>15</sup> During November only seventeen members were present at the various meetings, no new names appearing.<sup>16</sup>

It should be remembered, however, that attendance lists are seldom conclusive evidence of the total membership, since where membership lists and attendance lists are available for comparison, generally it is evident that some

<sup>14</sup> Pollard in *E. H. R.*, xxxviii. 42, 43. "Out of a large and common council, to which councillors everywhere had equally belonged, there had emerged a small hierarchy in the form of a privy council": *Ibid.*, p. 48.

<sup>15</sup> Nicolas, vii. 3-47.

<sup>16</sup> *Ibid.*, pp. 74-87.

of the members were never present over a long period. Furthermore, there is no evidence whatever that this council record is of any exclusive organization. It would seem to be of the "counsel" or councillors with the king only. It is certain that at this time councillors not with the king also held council meetings. In the general scantiness of records then one can neither be certain of having all the records that were taken nor certain that all bodies of councillors kept records of their proceedings. Later on, in the time of James I, for example, when also the councillors were frequently separated in two groups, one at Whitehall and the other with the king, while there was constant interchange of letters between them, it was the group at Whitehall that kept what is now known as the register of the privy council, and there is no similar record remaining from the other group. During 1541 various letters to the council with the king were signed by some or all of those present at council meetings at Westminster, the several lists of signatures including seventeen names, of which twelve were of councillors present on different occasions at meetings of the council with the king, while five were of other councillors.<sup>17</sup> Neither the records nor the lists can be taken as certainly complete. During this time numerous meetings were held almost simultaneously, at Westminster and wherever the king happened to be. 11 August, twelve councillors sat at Lincoln, and five others held a meeting at Westminster.<sup>18</sup> 15 October six councillors were at Westminster, and next day eight others were in a meeting at Collyweston.<sup>19</sup>

There is no evidence whatever to show that the councillors with the king made up a smaller, exclusive council. Some of the councillors accompanied the king, others

<sup>17</sup> *S. P., Henry VIII*, I. ii. 662-727.

<sup>18</sup> Nicolas, vii. 230, 231; *S. P., Henry VIII*, I. ii. 674.

<sup>19</sup> Nicolas, vii. 258; *S. P., Henry VIII*, I. ii. 687.



remained at London. The two groups had no definite or separate organization, and maintained no distinction in respect of personnel. They constantly merged one into the other, partially as councillors recently with the king went and sat with those at London, and as some of those who had been at London went to join the councillors with the king; and completely when in Westminster or elsewhere the groups of councillors sat together. There was constant communication between the two groups when separation existed, and much the same work was done by them both. There were many instances of this under Henry VIII as there were afterwards in the time of James I.<sup>20</sup>

In October 1540 in a privy council of five at More Park, "A Ire was sent to diverse of the Lordes of the Pryvey Counsaill being at London in Comission for the subsidy." <sup>21</sup> Shortly after, following a conference between the king and the French ambassador, the discourse was signified "unto the Counsaill at London from the Counsaill beyng here," the councillors there to consider the treaties and the statutes, to answer the emperor and the French king, and give their opinions to the king of England.<sup>22</sup> Somewhat later the privy council record says that on 23 November the king and the queen, accompanied only by the lord privy seal, the lord admiral, the master of the horse, and the vice chamberlain, "of his P'vey Counsaill," and with ladies and gentlemen of the privy chambers, departed to Oking, where they remained until 7 December, when they departed for Oatlands, there remaining until 18 December, on which day they came to Hampton Court. Meanwhile, Secretary Wriothesley and the controller of the household—both specifically denoted privy councillors in the register—remained at Windsor—where

<sup>20</sup> For example, *S. P., Henry VIII*, I. ii. 662-744.

<sup>21</sup> *Nicolas*, vii. 59.

<sup>22</sup> *Ibid.*, p. 65.

the privy council had been with the king before the departure for Oking: "The Lordes of the Counsaile beyng departed to their owne howses, and yet assemblyng together at Westm̄ for the Kingis affayres at sundry tymes as they had advertisement of the same from his Highnes." At the duke of Suffolk's house 13 December was a meeting at which were present the lord chancellor, the duke of Norfolk, the duke of Suffolk, the great chamberlain, the earl of Hertford, the bishop of Durham, Wriothesley, and the chancellor of the augmentations.<sup>23</sup> All of them appear elsewhere as of the privy council.

The record of 10 August 1540 speaks of the members designated as of "His Highnes Privy Counsell." Pollard believes this designation to be of importance, as signifying a smaller body of councillors in contrast with the larger council, differentiation being marked by the terms *council* and *privy council*, the latter term being seldom found before 1538-40, but afterwards often occurring. Apparently there is little or nothing herein to sustain the contention. The term *council* or *king's council* occurs, indeed, much more frequently than *secret council* or *privy council* in the earlier time; but doubtless there was often deliberate avoidance of a term denoting secrecy of the king's particular counsellors in relation to the larger body of king's counsellors in his parliament. Moreover, probably the shorter term was often employed because it was shorter and more convenient than the longer; and it may be that when the shorter one was employed the longer was at times understood. There can be no doubt that this was true in the later period, and examination of the records makes it evident that *council* was much more employed than *privy council* for several generations after 1540.

<sup>23</sup> Nicolas, vii. 89.

It is not true that the designation "privy" or "secret" was almost never used in connection with council in the earlier times. From the fourteenth century onward there is a considerable number of instances in contemporary official records, and other references appear in the popular literature of the times. At the beginning of the sixteenth century translations of these terms occur in the despatches sent back from England by the Spanish, French, and Venetian ambassadors. And it is noticeable, as the mass of the records increases in the course of the reign of Henry VIII, that numerous instances of the term *privy council* occur along with similar references to the *council*, for a score of years before Paget was appointed clerk of the *privy council*.

Baldwin, the principal authority on the earlier period, declares that the term "privy council" never became one of general acceptance during the Middle Ages, since the idea of secrecy was unpopular, and the term indicated not a small council but a council that was held in secret.<sup>24</sup> It may be said that in a later age the term "cabinet council" was likewise unpopular, and hence was avoided in any official designation or allusion long after it was currently used by enemies and by outsiders. None the less, in the reign of Edward II a certain Philip Slane is described as "Iuratus de consilio" and also as "de secreto consilio iuratus."<sup>25</sup> During this time the terms *secretum consilium* and *privatum consilium* and also their French equivalents appear on the rolls.<sup>26</sup> About the middle of the fourteenth century Murimuth says that in 1345 the king summoned a council at Westminster at which were present certain ordes "de secreto concilio regis."<sup>27</sup> Next year the commons prayed that aliens be forbidden to send

<sup>24</sup> *The King's Council in the Middle Ages*, p. 105.

<sup>25</sup> Close Rolls, 13 Edward II: Baldwin, pp. 105, 106.

<sup>26</sup> *Ibid.*, p. 105.

<sup>27</sup> *Continuatio Chronicarum* (Rolls Series), pp. 176, 177.

letters beyond the sea unless such letters were shown to the chancellor or others "Grant & prive du Conseil."<sup>28</sup> Two years later the commons asked that no imposition or tallage be imposed by the king's "Prive Conseil" without grant and assent in parliament.<sup>29</sup> A little later a case was heard by the treasurer "et alii de privato consilio."<sup>30</sup> According to Barbour, writing about 1375,<sup>31</sup>

The Kyng sat into parleament;  
And forouch hys consaile priuie,  
The lord the bruce thar callyt he.

In 1376 Lord Latimer is described as chamberlain and of the king's "Prive Conseil."<sup>32</sup> Shortly after the commons prayed that he be put out of all his offices "& des privez Conseilz entour le Roy."<sup>33</sup> In one of the *Canterbury Tales*, written about a decade later, Chaucer declares that the sultan of Syria "for his priuee conseil sent."<sup>34</sup> In 1390 Gower wrote of the prince of Tyre:<sup>35</sup>

He hadde a feloun bachelere,  
Which was his prive consailer

And a little after he relates that a certain Florent had his "prive conseil" of those whom he most trusted.<sup>36</sup> About this time William of Wykeham is spoken of as "Capitalis Secreti Consilii."<sup>37</sup> During all this period the term *council* is used far more frequently than *privy* or *secret council*, but, one cannot always be certain that this was not abbreviation for convenience.<sup>38</sup>

<sup>28</sup> *Rotuli Parliamentorum*, ii. 163.

<sup>29</sup> *Ibid.*, ii. 201.

<sup>30</sup> Memoranda Roll, Exchequer: Baldwin, p. 105.

<sup>31</sup> *The Bruce* (Early English Text Society, London, 1870), i. 602-4.

<sup>32</sup> *R. P.*, ii. 324.

<sup>33</sup> *Ibid.*, ii. 372.

<sup>34</sup> *The Man of Law's Tale*, 204.

<sup>35</sup> *Confessio Amantis* (E. E. T. S., 1901), viii. 503, 504.

<sup>36</sup> *Ibid.*, i. 1738, 1739.

<sup>37</sup> *R. P.*, iii. 388.

<sup>38</sup> In 1372 the commons and others petitioned "qe nul homme ne soit restreint ne article de nul Estatut repelle par les Prives de Conseil": *R. P.*, ii. 311. In this document "conseil" is mentioned many times without any qualification.

In 1450 the duke of Suffolk was described by parliament as one of the "grete and pryve Counsell."<sup>39</sup> About the same time the author of a romance made one of his characters tell his "prevy counseile" that he would go to court.<sup>40</sup> Fortescue wrote that no matter treated in the "counsell" could be kept "prive."<sup>41</sup> In 1507 the Spanish ambassador wrote with respect to negotiations for a marriage between Henry VII and the Infanta Juana, that he had spoken with the king and some of his secret council.<sup>42</sup> In 1522 a certain one wrote that Henry VIII would not fail to meet the emperor at Dover, bringing with him the lord steward, the lord chamberlain, and others of his "Pryvie Counseyll and Pryvie Chambré."<sup>43</sup> Three years later Wolsey wrote that he had asked Charles V's chamberlain to come to a meeting of certain nobles and "other of the Kinges Privey Counsail," adding that the king by advice of himself and "other of his Privey Counsail" had sent a commission to Rome.<sup>44</sup> In 1529 a letter is addressed to "Master Bryan Tuke, of the Kyng's pryve counsell."<sup>45</sup>

According to Pollard, after 1529, "for three or four years, during the zenith of Cromwell's influence, the phrase becomes rarer until in March 1538 Thomas Derby is officially described as clerk of the privy council."<sup>46</sup> But in 1531 the Venetian ambassador wrote that parliament ever observed the will of his majesty and his secret

<sup>39</sup> *Ibid.*, v. 178.

<sup>40</sup> *Merlin* (E. E. T. S., 1899), ii. 251.

<sup>41</sup> *The Governance of England*, p. 145.

<sup>42</sup> Dr. de Puebla to Ferdinand, London, 15 April 1507: *Calendar of Spanish Papers*, supplement to i. and ii. p. 91. He speaks of "aquellos pocos de su secreto Consejo" who were cognizant of the matter: *Ibid.*, p. 93.

<sup>43</sup> Sir Richard Wyngfeld to Wolsey: *S. P., Henry VIII*, I. i. 98.

<sup>44</sup> Letter to Richard Sampson: *S. P., Henry VIII*, vi. 394, 399.

<sup>45</sup> Letter of Sir Robert Wingfield, 22 May 1529: *Letters and Papers of Henry VIII*, IV. iii. 2471.

<sup>46</sup> *E. H. R.*, xxxvii, 360.

council (*secreto Consiglio*). He spoke of nine members.<sup>47</sup> In 1532 a contemporary notes the interment of "dompnus John Islipp . . . one of the King's Majesty's Privy Council."<sup>48</sup> In this and in the following year Cromwell is addressed, among other instances, as "on of the Kynges moste honorable Councell," "Counsailour to the Kinges Highnes," "of the Kynges moost honorable Councell," "oone of the Kinges Priveye Counsell," "oon of the Kinges Privey Counsell," "of the Kinge his Privei Counsel," "of the Kynges Majestys Privey Councell."<sup>49</sup> In 1534 a Scot writes to him as chief secretary and one of the "Priwe Consell" and on another occasion as of "the Secret Counsall" of the king.<sup>50</sup> The term "Prive Conseil" was well known during this period in French usage, as it had been in earlier times.<sup>51</sup>

In 1536 a correspondent informed Cromwell that the king desired all "of the Prevy Counsaile" that were in or near London to come to Windsor for a meeting.<sup>52</sup> That year Henry, answering the rebels in Yorkshire who had complained of the lack of noblemen in his privy council, said he well remembered who were "Counsailours" at the beginning of his reign, and that now in his "Pryvey Counsell" he had certain members, whom he proceeded to name.<sup>53</sup> Three years later the French ambassador wrote of some of the lords of the privy council.<sup>54</sup> A year afterwards he wrote that Gardiner had been called to the privy council since the fall of Cromwell.<sup>55</sup> On one occa-

<sup>47</sup> Lodovico Falier, *Relazione d'Inghilterra*: Eugenio Albèri, *Relazioni degli Ambasciatori Veneti al Senato* (1839-63), I. iii. 21: "Entrano nel secreto Consiglio."

<sup>48</sup> *Letters and Papers*, v. 472.

<sup>49</sup> *S. P.*, *Henry VIII*, I. ii. 388, 406, 409; VII. 455, 481, 499, 521; and *passim*.

<sup>50</sup> *Ibid.*, v. 14, 15.

<sup>51</sup> *Ibid.*, vii. 593.

<sup>52</sup> *Ibid.*, I. ii. 460, 461.

<sup>53</sup> *Ibid.*, I. ii. 507, 508.

<sup>54</sup> "Ces seigneurs du conseil privé de ce roy": Marillac to the constable, 26 July 1539: Jean Kaulek, *Correspondance Politique* (Paris 1885), p. 119.

<sup>55</sup> *Ibid.*, p. 195.

sion he and another were summoned to the king's residence and taken into the privy council chamber (*chambre de conseil privé*), where the repudiation of Anne of Cleves was read.<sup>56</sup>

After the order of 10 August 1540, the records of what may certainly be denominated the *privy council* as well as numerous other sources speak of the body from time to time as the *privy council*; but, as had previously been the case, for the most part it continued to be known as the *council*. A week after the clerk was appointed, it was agreed that a certain one should be summoned before "the Counsaill."<sup>57</sup> A few days later "the Counsaill" sent an answer to certain men of Calais.<sup>58</sup> In the council record the next mention of "Pryvey Counsaill" comes more than five weeks after the record begins.<sup>59</sup> In October Marillac wrote of daily meetings of the council.<sup>60</sup> About this time the record states that a matter was signified "unto the Counsaill at London from the Counsaill beyng here."<sup>61</sup> A council letter speaks of both bodies as the "Privie Counsaill."<sup>62</sup> An emissary abroad addressed "the Kyng his most honorable Cownsele."<sup>63</sup> In November a certain one was summoned before "the Counsaill," and others before the king and "his Ma<sup>tes</sup> Privey Counsaill."<sup>64</sup> In December the emperor's ambassador was with the king and "the Counsaill."<sup>65</sup> In January the king willed "his Counsaill" to issue an order.<sup>66</sup> The French ambassador wrote that Henry calling apart his council

<sup>56</sup> *Ibid.*, p. 200.

<sup>57</sup> Nicolas, vii. 5.

<sup>58</sup> *Ibid.*, vii. 10.

<sup>59</sup> 18 September 1540: Nicolas, vii. 39.

<sup>60</sup> "Ces seigneurs du conseil s'assembloient tous les jours": Kaulek, p. 230.

<sup>61</sup> 15 October 1540: Nicolas, vii. 65.

<sup>62</sup> 16 October 1540: *S. P., Henry VIII*, I. ii. 655, 656.

<sup>63</sup> *Ibid.*, viii. 469.

<sup>64</sup> Nicolas, vii. 84.

<sup>65</sup> *Ibid.*, p. 95.

<sup>66</sup> *Ibid.*, p. 109.

(son conseil) debated a matter.<sup>67</sup> In February several entries in the council record note that "the Counsaile didde not sitte."<sup>68</sup>

Notices of the *privy council* continue to be mingled with numerous notices of the *council*, in many instances each of the designations being obviously in respect of the same body. In August 1541 the duke of Norfolk told the French ambassador that the king with his council (son conseil) had secretly concluded that in default of heirs male Mary should succeed.<sup>69</sup> He speaks of Paget—who had been made clerk of the privy council in August 1540—as secretary of the council.<sup>70</sup> The councillors at Westminster writing to the councillors with the king address them as "Lordes and others of the Kinges Majesties Counsaile."<sup>71</sup> In November the council record speaks of what had passed before the "Cownsell attendig apōn the Kinges parson."<sup>72</sup> A few days later an examination taken by "the Clarcke of the Cownsell" was presented to "the Cownsell."<sup>73</sup> In December the council with the king addressed a communication to "the Right Honourable, and our very good Lordes, and others of the Kinges Majestes Pryvy Counsaile, at London." Next day councillors in London wrote to "our assured loving Freendes, the Lord Admyral, and others of the Kinges Majesties Counsaile, attendant on his most noble Person."<sup>74</sup> In June 1542 a certain one was bound to attend upon "the Counsell," and at the same meeting another was ordered to attend upon "the Privye Counsell."<sup>75</sup> In 1543 a statute for certain ordinances in Wales provided that nominations spec-

<sup>67</sup> Kaulek, p. 264.

<sup>68</sup> Nicolas, vii. 130, 131.

<sup>69</sup> Kaulek, p. 329.

<sup>70</sup> "Ung secrétaire du conseil": *ibid.*, p. 348.

<sup>71</sup> 15 October 1541: *S. P., Henry VIII*, I. ii. 687.

<sup>72</sup> Nicolas, vii. 264.

<sup>73</sup> *Ibid.*, p. 266.

<sup>74</sup> *S. P., Henry VIII*, I. ii. 709, 712.

<sup>75</sup> *Acts of the Privy Council of England* (new series, ed. by J. R. Dasent), i. 11.



ified should be made "to the Lordes of the Kinges moste honorable Counsaill attending upon his Graces persone."<sup>76</sup> In 1555 the council ordered a certain one to pay one hundred pounds to a clerk of the "Counsaill" to be spent by him as directed by "the Lords of the Counsayll."<sup>77</sup>

More striking than allusions are the titles of some of the volumes of the council record. "The Register of the Counsaill begunne the first day of Januarie, Anno, 1557."<sup>78</sup> In 1577, "The Councell Boke."<sup>79</sup> In 1590 at a council meeting, "their Lordships commanded this their Order to be entred into the Register of Councell."<sup>80</sup> In 1598, "A Register Booke of Councell causes."<sup>81</sup> Such titles are found well on into the seventeenth century. In 1599 a statute mentions "the Lord President of the Queenes Honorable Counsaile," and later speaks of him as lord president of the "Pryvie Counsaile."<sup>82</sup>

Steadily throughout the seventeenth century, and on into the eighteenth, the term *council* is used frequently along with the term *privy council*; and while generally it is evident that the two terms are used in respect of the same body, there are many instances as late as the time of William or of Anne where only the context renders this certain. It may be said for this later period that obviously here are cases where a shorter term was from convenience being used for a longer, this usage being well understood. For the most part that is certainly true. To a considerable extent, however, it seems also to have been true of the sixteenth century, and for the years before 1540 as well as for those that came after. Accordingly, statement maintaining the appearance of a *privy council* distinct from a *council* about 1540 rests upon little or no

<sup>76</sup> *Statutes of the Realm*, iii. 931.

<sup>77</sup> *A. P. C.*, v. 116.

<sup>78</sup> *Ibid.*, x. p. vii.

<sup>79</sup> *Ibid.*, xxix. 3.

<sup>80</sup> *Ibid.*, vi. p. vii.

<sup>81</sup> *Ibid.*, xx. 12.

<sup>82</sup> *Statutes of the Realm*, IV. i. 387, 390.

foundation in so far as it is founded upon distinction in respect of these terms.

For 1542 and 1543 lists of attendance at meetings of the privy council show that there were at least twenty-two members.<sup>83</sup> In 1545 these lists show some new names while others no longer appear, the membership being at least twenty. In December 1546 Henry VIII appointed sixteen nobles and important officials to be his executors "and to be of the Privey Counseill" until Edward was eighteen years old.<sup>84</sup> This list contained by no means all of the important officers mentioned in the list of 1540. In all probability it can no more be taken as a list of the members of the privy council than could a list of lords justices appointed in the eighteenth century. In the time of George I or of George II the lords justices were all members of the privy council, but they made up only a part of the council. Such may have been the case with the executors appointed by Henry VIII. It is true that a Venetian account of the English government written in 1551 might seem to indicate that the council contained sixteen, since he asserts that such a number of great ones (*grandi*) made up the king's domestic council.<sup>85</sup> It should be noted, however, that twenty-two were present at a meeting at Westminster in November of that year;<sup>86</sup> and that shortly before in the record continuing that begun by the "Privy Counsell" in 1540 there is a list of "The Names of the Counsaill, ij<sup>do</sup> Novembris, 1551," which contains thirty-three names.<sup>87</sup> In October 1553 there were

<sup>83</sup> *A. P. C.*, i. *passim*.

<sup>84</sup> *Ibid.*, ii. 3.

<sup>85</sup> "Ben sono alcune cause di grandissima importanza, che si riferiscono ad un luogo che si chiama la camera stellata, dove interviene la persona del re . . . Ma i negozj d'importanza che appartengono al principe ovvero al popolo, sono riferiti al domestico consiglio del re, nel quale entrano, secondo il volere del fu re Enrico, sedici grandi": Daniel Barbaro, *Relazione d'Inghilterra (1551)*: Albèri, *Relazioni degli Ambasciatori Veneti al Senato*, I. ii. 235, 236.

<sup>86</sup> *A. P. C.*, iii. 416.

<sup>87</sup> *Ibid.*, p. 513.

meetings at which were present twenty-four and twenty-five respectively.<sup>88</sup> In 1554 a Venetian account reports that the king's council, which has the management of all affairs of state, contains forty members.<sup>89</sup>

For the reign of Elizabeth there are, unfortunately, for the most part no lists of the members of the council, so that the number has to be deduced from lists of those who attended. In 1559 twenty members were present at the various meetings recorded in the register: <sup>90</sup>

Earl of Arundel •	lord steward
Sir Nicholas Bacon	keeper of the great seal
earl of Bedford	governor of Berwick
Sir Ambrose Cave	chancellor of the duchy of Lancaster
Sir William Cecil	principal secretary of state
Sir Thomas Cheyney	treasurer of the household
Lord Clinton	lord high admiral
Earl of Derby	
Lord Howard of Effingham	lord chamberlain
Sir Francis Knollys	vice chamberlain
Sir John Mason	treasurer of the chamber
marquis of Northampton	
Sir Thomas Parry	comptroller of the house- hold
Sir Edward Rogers	comptroller of the house- hold
earl of Pembroke	lord president of Wales
Sir William Petre	
Sir Richard Sackville	
Sir Ralph Sadler •	

<sup>88</sup> *Ibid.*, iv. 354, 360.

<sup>89</sup> "Il governo delle cose di Stato è tutto in mano del Consiglip di S. M., il quale al presente è circa di numero quaranta, sebbene sotto li altri re al più non sono passati venti": Giacomo Soranzo, *Relazione d'Inghilterra* (1554): Albèri, I. iii. 76.

<sup>90</sup> *A. P. C.*, vii.

earl of Shrewsbury	president of the council in the north
marquis of Winchester	lord treasurer
archbishop of York.	

In 1571 thirteen attended.<sup>91</sup> In 1579 seventeen.<sup>92</sup> In 1581 sixteen.<sup>93</sup> In 1586 and 1588 seventeen.<sup>94</sup> In 1591 eleven.<sup>95</sup> In 1596 twelve.<sup>96</sup> In 1598 a list of "The names of the Lordes and others of her Majestie's Moste Honorable Privy Councell" contains eleven:<sup>97</sup>

The archbishop of Canterbury  
 lord keeper of the great seal  
 lord high treasurer  
 earl marshal  
 lord high admiral  
 lord chamberlain  
 treasurer of the household  
 lord high butler  
 comptroller of the household  
 secretary of state  
 chancellor of the exchequer.

<sup>91</sup> *A. P. C.*, viii.

<sup>92</sup> *Ibid.*, xi.

<sup>93</sup> *Ibid.*, xiii.

<sup>94</sup> *Ibid.*, xiv, xvi.

<sup>95</sup> *Ibid.*, xx.

<sup>96</sup> *Ibid.*, xxvi.

<sup>97</sup> *Ibid.*, xxix. 3, 4.

