COMPOSITION OF THE COUNCIL OF THE NORTH
DURING
THE REIGN OF ELIZABETH

A THESIS

Submitted to the Faculty of the

GRADUATE SCHOOL

of the

University.

May, 1909.

by

ALICE GREENLEAF POPE.

In Partial Fulfillment of the Requirements

for the Degree of

Master of Arts.

PREFACE.

All students of English Constitutional History are familiar with Albert V. Dicey's short account of the Privy Council. Less familiar and more recent is Lord Eustace Percy's monograph entitled The Privy Council under the Tudors. Four articles have appeared in the leading historical magazines by J. F. Baldwin, Professor of History at Vassar, upon the early history ~~in the history~~ of this same institution. In these brief works has been set forth the most of our present knowledge of the Privy Council. Clearly, there is much yet to be learned.

It is known that certain local councils emanated from this central council. The most important of these were The Council of Calais, The Council of the Marches of Wales, The Council of the North. Miss Skeel of Girton College, Oxford, has written a monograph upon The Council in the Marches of Wales; the other two councils have only been incidentally and very imperfectly alluded to by historians of the period.

The Councils of Calais and Wales were established before the accession of the Tudors, in order that the outlying parts of England might be brought more absolutely under central control. When the Tudors came into power , these local bodies increased in number and activity, though still kept closely

subordinate to the Privy Council.

Between July and September, 1537, the Council of the North came permanently into being. Its genesis, however, dated back to the year 1522, when a lieutenant and secret council were sent by the king to the Scottish Borders, that the north parts of his kingdom might be brought into closer relation to the central government. Three years later, the Duke of Richmond was made Lieutenant General of all the lands north of Trent. In 1532 he was recalled, and his Council came under control of the Earl of Northumberland, the Lord Warden of the Marches, and was known as the Council of the Marches. The great northern insurrection, known as the Pilgrimage of Grace, broke out in 1537, and the Duke of Norfolk with a provisional Council was given power to quiet the country. That same year, after fifteen years of preliminary trial, the Council of the North became definitely crystalized.

A study of this Council from its beginning to its downfall in 1640 would be most profitable, particularly in its relation to the Privy Council, as throwing light upon that institution. The subject matter is too extensive, however, to permit of such a treatment at present, and instead merely the composition of the Council of the North in the reign of Elizabeth will be outlined.

1. Lapsley, County Palatine of Durham, p. 259.
2. Taswell-Langmead, English Constitutional History, p. 608.

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VI, VII, VIII, and IX. contain merely a few sentences that are pertinent to the subject.

THE COMPOSITION OF THE COUNCIL OF THE NORTH.

The northern parts of England bordering on Scotland were far from London, the seat of the central government. These Borders had always been restless and explosive. Consequently, the establishment of a council in the north by the first Tudor King, Henry VII., modelled after those already existing, seemed a perfectly proper step. When Elizabeth came to the throne in 1558, this council was still in existence. Though it had become permanent, it does not seem to have been capable of self-perpetuation. Instead it was renewed with every accession not only of the new sovereign but of the new Lord President, and only once does discontinuance seem to have been considered.[1]

Purpose of establishment.

The purpose of Queen Elizabeth in continuing the Council of the North was twofold. First, to maintain a quiet and good government;[2] and, second, to ease the people of the North Parts "from the charge and toil" of going to the central courts.[3] This body had then both administrative and judicial functions, and acted in both capacities. As a court, it was concerned with civil cases,[4] while its administration of northern affairs was closely supervised by the Privy Council.

1. Calendar of State Papers, Domestic Addenda, (1580-1625) pp.80. Instructions to Huntington, 1582, the words are used "intending to continue the Council in the North." Also centain members are in "for the time being." This seems to indicate that for some reason the queen thought of not continuing it.
2. Camden MSS. Society--Edgerton Papers, p. 210, Instructions to the Archbishop of York, 1595.
3. Cal. St.Papers, Dom.(1598-1601) p. 276. Instructions to Burghley, 1599.
4. Acts of the Privy Council (1601-1604) p.9.

In the Instructions to the Lord President and others of of the Council of the North, the first Article designates this body as "the President and Council of the North for the furtherance of justice in those parts."[1] This full title is rarely used even in communications from the Privy Council. Instead it is found variously referred to as "The President and Council at York,"[2] "Her majesty's Council of the North Parts,"[3] and "The President of the North Parts and the Council."[4] Most frequently it is the "President and Council"[5] of the North. It is rarely that this Council is addressed as a body apart from the President.[6] In fact, the members considered themselves unable to do business without a president or some deputy in his stead.[7]

Title of the Body.

York, Northumberland, Cumberland, Westmoreland, and the Bishopric of Durham, were included in the jurisdiction of the Council of the North. They were often known as the North Parts of England. Durham, as the county palatine, virtually ceased to exist as a separate unit when placed under control of this Council.[8] The Towns of Newcastle-on-the-Tyne, Berwick-on-the-Tweed, and Kingston-on-the-Hull,[9] also came under the northern jurisdiction. Not until 1600 did the town of Berwick claim exemption from the jurisdiction of the Council by reason of its privilege as a garrison town. When the case was examined, the highest authority of the realm declared it to be within

Jurisdiction

1. Instructions to Hunt., 1574--Cal. St. Papers Dom. Ad. 1566-1579, pp. 462-466.
2. Acts of the Privy Council, 1580-1581, p. 362.
3. Ibid. 1581-1582, p.339
4. Ibid. 1588-1589, p.89.
5. Ibid, 1591-1592, p.527.
6. Ibid.1590-1591, p.9
7. Historical MSS. Commission, Salisbury MSS Vol. V.p.505.
8. Lapsley, County Palatine of Durham, p. 262
9. Acts of the Privy Council, 1575-1576, p. 302.

the jurisdiction of the Council not only by virtue of the Commission and instructions, but also because it had been so in practice since the erection of the court.[1]

The Commissions and Instructions were given to each Lord President as he came into office. They define not only his duties, but the duties of those connected with him. The Commissions, though of a general nature, settled the territorial jurisdiction as well as the powers of the President and Council.[2] The Instructions usually contained forty to forty-five articles, and explained and defined the powers of the Council in detail.[3] Warrants of the fees paid by the Queen to the Council of the North are also in existence, and it is from these and from the Instructions that it is possible to construct the most of our knowledge of the composition of the Council of the North.

Commissions and Instructions.

In the early part of Elizabeth's reign, the members of her Northern Council seem to have numbered 29 including the President.[4] During the latter period of her reign, the number appears most variable. A list of 28 members in the Council of the North was mentioned in 1598.[5] The Councillors held office for life,[6] or at any rate until disabled for service.[7] The vacancies were not usually filled immediately, but were renewed with the sending of a new Commission. Once there were as many as 15 unfilled places in the Council.[8] The result was a complaint from that

Number in the Council

1. Records of the Privy Council, 1601-1604, p. 9.
2. To Lord Burghly, President in 1599, seven different Commissions were sent, only one being for the Council of the North. This particular Commission has not been found in its entirety, though it is possible to construct a duplicate from the existing instructions. Cal. St. Papers, Dom. Ad.1598-1601 p. 272.
3. Instruct. to Hunt., 1574, given in full.
4. Ibid. -(29); 1570- (29); Instructions to Hunt. 1582--(30), But the 30th was a Secretary never present, who acted through adeputy also mentioned.
5. Cal. St. Papers, Dom. 1598-1601 p. 273. 1599.
6. There is no mentione of filling the places until death, sickness or great age removed the Councillor
7. Ibid, Dom. Ad. 1566-1579, p.426. Williamd Tankard was dropped because he was not able to attend for his great age

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8. Cal. State Papers, Dom. 1598-1601, p. 273, 1599.
~~8. Ibid, p. 154, 1599~~

body to the queen"on the ill effects likely to ensue by decay in numbers of the Council."[1]

The Council of the North had recognized offices within its body, besides many officials connected with it whose names were not numbered among the Councillors. The regular officers were, the President, Vice-President and Secretary. Other positions held through relation to the Council were those of Queen's Attorney, Sergeant at Arms, Messenger, Examiner, Clerk of Attachments, and Steward of the Household. Each of these offices served a particular function.

Officers of the Council.

By far the most important member of the Council of the North was the Lord President. To him were addressed the Commission and Instructions for the Council of the North, and most of the communications of the Privy Council.[2] Seven men held this office during the forty-five years of Elizabeth's reign. They were Francis Talbot, Earl of Shrewsbury(1558-60; Henry Manners, Earl of Rutland, 1560-63; Thomas Young, Archbishop of York, 1563-65; Thomas Ratcliffe, Earl of Sussex, 1565-72;[3] Henry Hastings, Earl of Huntington, 1572-95; Mathew Hutton, Archbishop of York, 1595-99, and Cecil, Lord Burghly, 1599-1603.[4] The Earl of Huntington held office for the longest period. He was appointed in 1572, and continued to act until his death in 1595.[5] By an examination of this list, it can be observed

President.

1. Cal. St. Papers, Dom. 1598-1601, p. 154, 1599.
2. Those for Lord Burghly are in existence, as we have mentioned.
3. This date is not certain.
4. Constructed from the Acts of the Privy Council.
5. Historical MSS Com. Salisbury MSS, Vol.V. p/ 503, Dec.1595.

that the office of Lord President was held by a man of high rank. This necessarily followed, for his position required him to take precedence in the north over earls, lords and barons.[1] Twice the position was held by archbishops; but, though sometimes addressed by the title of Lord President,[2] the Queen seems to have considered this honor temporary only.[3] The power of appointment rested with the queen; but undoubtedly she was often influenced to favor particular men.[4]

The President received 1000 Pounds for his expenses,[5] which included not only those of himself and family, but also those of the Council in daily attendance."[6] The sitting and diet of the Council were held at his residence,[7] and he was responsible for them throughout the year. In Yorkshire the Manor of St. Marys[8] and the Castle of Sheriff Hutton[9] were set aside for the President's use. He reserved one room for the Council Chamber of the Council of the North.[10]

The office of President carried with it great dignity and powers both numerous and varied. Our first enquiry then may well be, What was the relation of the President to the Council itself? His presence with that of a deputy was necessary for the carrying on of the business of the court. He called together and adjourned the sessions, and no decree passed without his consent.[11] No document could be sealed without his permission.[12]

1. Hunt. Instrct. 1574, Art. 4.
3. Camden Soc. MSS, Edgerton Papers, p. 210.
2. Acts of the Privy Council, 1558-1570, p. 247. Aug. 1565; Hist. MSS. Com. Salisbury MSS., Vol IX. p.317, 1599. ; Cal. St. Papers, 1598-1601, p. 252.
4. On one occasion a lord petitioned for the place, while the office was still occupied. 1599. It was said that Sec'y Cecil got the appointment of President of York for his brother, Lord Burghly. Cal. St. Papers, 1595-1597, p.140.
5. Warrants to Receivers, 1568-1572-1595. 6. Ibid.
7. Instruct. to Hunt. 1574, Art. XI.
8. Hist. MSS. Com. Salisbury MSS. Vol. VI, p. 117, 1596; The Benedictive Abbey of St. Marys was the headquarters of the Council of the North. Raine, Historic Towns-York, p. 180

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9. Salisbury MSS. Vol. VI. p. 93.
10. Ibid.
11.
12. } next page.

and he pre-empted the right of making public Council affairs.[1] He had authority over the members of the Council, and could fix not only the time of their attendance, but also the number to be present.[2] His license was necessary for absence from the Council, though he could not prolong such permission beyond a fixed period.[3] He had the power of negative voice in the proceedings of that body,[4] and with other duties was the sworn Master of Chancery.[5] His appointing and nominating power was large. He suggested men for the Council of the North, for the Archbishopric of York,[6] for the Clerk of Attachments;[7] he appointed the Vice-President,[8] Examiner,[9] Marshall,[10] Steward of the Household[11] and Attorneys and Proctors for the poor.[12] Not only in these specific instances, but on numerous commissions and on many special duties, the Lord President had the privilege of Appointment.

Many commissions and warrants were directed to the President of the North Parts. By commission he was made Lieutenant of Yorkshire.[13] He took precedence of the Judges in Oyer and Terminer and Gaol delivery, he was first in the Commission of Peace for the Riding of Yorkshire, and was also Chief Commissioner for Border causes. By warrant, game rights in the Queen's forest were allowed him, and he was given the keeping of Sheriff Hutton Castle.[14] He was in constant communication with the Privy

11 "Neither the court can be full, adjourn, or appoint sittings without the President, Vice-President, or special Commissioner from the Queen. Salisbury MSS Vol. V. p. 505, 1595, Dec. 21st.--
12. Ibid, Dec. 22d.
~~1. Instruc. to Hunt. 1574, Art. V.~~
1. Known as the Right of Advertisement, Salisbury MSS. VolV.p.508.
2. Instruc. ot Hunt. 1574, Art. V.
3. Ibid, Art. IV.
4. "The Presidents was to have negative voice in all counsels, but it was not to take place except one of the council appointed to daily attendance, or two not appointed to daily attendance are of the same opinion. Ibid, Art. II.
5. Ibid, Art. VI.
6. Salisbury MSS., Vol. V. p. 11, 1594.

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7. ~~10~~. Cal. St. Papers, 1599, p. 333.
8. ~~11~~. Salisbury MSS, Vol. IX. p. 398.
9. ~~12~~. Instruct. to Hunt. Art.XXX.
10. ~~13~~. Cal. St. Papers, Dom. 1566-1579, p. 69. 1569.
11. ~~14~~. Struc. to Hunt., Art. 17.
12. ~~15~~. Ibid, Art. 11.
13. ~~16~~. Lieutanacy was not inherent in the office, at least, in the early part of Elizabeth's reign, because it was held by other men than the President. Cal. St. Papers, Dom. Ad. 1547-1565, p. 570. But after Sussex was probably coincident. Sussex, Huntington, and Burghly held this office.
14. ~~17~~. Commissions and Warrants for the President of the North, 1594, Cal. St. Papers, 1598-1601, p. 272

Council.[1] Almost every act of importance was advised by the central body, and even the smaller details of administration in the North. In spite of the importance attached to this office, the acceptance of it did not involve perpetual residence within its jurisdiction.[2]

The Vice-President was appointed by the President, and took his place in sickness or absence; his powers were identical with those of the President, and he was to receive the same obedience.[3] Knights seem to have been most frequently favored with this office,[4] although there are instances of men of higher rank taking the position, and in one case it was filled by a Doctor of Civil Law.[5]

Vice-President.

Although the office of Vice-President was important, the Secretaryship of the Council of the North was a more responsible position. It was not particularly lucrative,[6] but the fact that he who filled it must attend each session,[7] not only for the keeping of records, but for the transaction of business,[8] gave it importance. Five men held the office during the Elizabethan period: Mr. Uvedale, Mr. Eynns, Mr. Geo. Blythe, Mr. Henry Cheeke, and Mr. Robert Beale.[9] The exact length of each term is not known, but Eynns held it in 1568 and 1574;[10] Blythe in 1580;[11] and Cheeke in 1585 to 1587;[12] and Beale, from 1589 to 1599.[13] However, it was a life position.[14] In one instance it was

1. Acts of the Privy Council.
2. Lord Sussex attended the Privy Council at London regularly, while holding the office of President of the North. Acts of the Privy Council 1570-75 Preface, p. 27. Also Lord Burghly obtained leave to stay in London all winter. Salisbury MSS? Vol.X., p.48.
3. Instruct. to Hunt. 1574, Art. 30.
4. Hist. MSS. Com. Salisbury MSS, Vol. IX. p. 241.
5. Dr. Rokeby held the position of Vice-President. Cal. St. Papers, Dom. Ad. 1547-1565, p. 195. From other sources we know he was Doctor of Civil Law. Cal. St. Papers Dom. Ad., 1567-1579, P/ 428.
6. ~~XXXXXXXX~~ 36 pounds, 6 shll. 8 d. was the fixed salary, Warrants of 1568, 72, 74 and 95.
7. Required of no other but the president.
8. Was one of the judges in the court, Cal. St. Papers, 1599, p. 205.

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9. Held this office by deputy. Ralph Rokeby was deputy until 1595; then John Ferne came to office.
10. Cal. St. Papers, 1566-1579, p. 61; also Instruct. of Hunt., 74, Art. V.
11. Acts of the Privy Council, 1580-1581, p. 281.
12. Cal. St. Papers. Acts of P.C. '86-'87 p 161.
13. Cal. St. Papers, Dom. Ad., 1580-1625, p. 378; also Cal. of State Papers, Dom. 1598-1601, p. 147
14. In no case was it filled till the death of the former Sec'y.

granted by patent,[1] but whether it was always so given can only be surmised.

The Secretary on coming into office was sworn in as one of the Council of the North, and then given the insignia of office which was the signet of the Council.[2] This seal could not be affixed to documents without other authorization.[3] When he was forced to be absent, he delivered it into the keeping of the Lord President; he kept the records of every sitting of the Council; entered all the decrees passed, and at the end of each week the names of the Councillors present.[4] The Commissions and Instructions given to each Lord President on his entrance to office were also deposited with the Secretary.[5] Besides being of the ordinary Council, he was a sworn Master of Chancery.[6] He also granted certain writs.[7] Occsionally he seems to have been sent on special missions for the President.[8] Once he he is found in secret communication with Sir. Robert Cecil of the Privy Council.[9]

Secretary

Besides these principal officers there were other officials connected with the Council of the North. These have been spoken of before.

The Queen's Attorney[10] prosecuted in behalf of the Queen before the Council of the North. He had the sole power of exhibiting bills for her majesty.[11] He levied fines,[12] kept accounts of them,

1. To Beale and Rokeby, Cal. St. Papers, Dom. Ad.1580-1625, p. 378.
2. Cal. St. Papers, Dom. 1595-1597, p. 93.
3. Instruct. to Hunt. 74, Art. V.
4. Cal. St. Papers, Dom. 1566-1579, pp. 64-65.
5. Camden. Soc. MSS. Edgerton Papers, p. 210.
6. Instruc. to Hunt. Art. 6.
7. Writ Supercedeas, Cal. St. Papers. 1598-1601, p. 164.
8. St. Papers, 1598-1600 p. 508.
9. Salibury MSS. Vol. ix, p. 153
10. Names of Attorneys, Martin Bicket, 1574; Thorwald, 1570; Wm. Payler, 1597; Cuthbert Pepper, 1598.
11. St. Papers.1566-1579, p.64-65
12. Instruct. to Hunt. Art. 35, 1574.

and paid them twice a year,[1] presumably into the Queen's treasury. The traveling expenses for members of the Council, and sometimes other charges were paid out of the fines in his hands.[2] This position, though it occasionally involved travel into the far north of England,[3] was evidently a favored one.[4] Possibly because of the fixed salary of 36 pound, 13 sh. and 4d.[5]

The Queen's Attorney.

The President with the permission of the Sheriff of Yorkshire, as we have seen, appointed the Clerk of Attachments,[6] an official often known as the Clerk of the Court. He seems to have kept the record of cases[7] before the Council of the North.[8] An order in the proceedings of the Council in 1568[9] declares that three days before the beginning of each session this officer is to deliver to the Lord President four books; one containing the names of any against whom any attachment was awarded with the cause; one of all matters at issue in the court, with the names and addresses of the parties; another with matters answerable, and not at issue; and the fourth of bills to be answered at that sitting.

Clerk of the Court.

The Pursivant,[10] or messenger, was a regular attendant upon the Council, obtaining a fixed fee[11] from the Queen of 6 pounds, 13 sh. and 4d. His duties seem to have been, the delivering of orders of the Council, and the bringing of men to court.[12]

the Pursivant.

The Sergeant-at-Arms was probably regularly connected with

1. Instruct. to Hunt. 1574, Art. 35.

2. Cal. St. Papers, 1566-1579, pp. 64-65
3. Salisbury MSS., Vol.VII, p. 506.
4. Ibid, Vol. X., p. 378
5. Instruct. to Hunt. 1574, Art. 36.
6. Salisbury MSS, Vol. IX., p. 398
7. Cal St. Papers, Dom. 1566-1579, p. 66
8. The Council of the North had the functions of a court, and was sometimes so known.
9. Same as 7.
10. Names, John Skaffe, 1568-1572; Richard Outlawe, 1595.
11. Warrants for Fees, 1568, '72 and '95
12. Acts of the Privy Council 1577-78, p. 139. The Pursivant of the Privy Council did so; therefore conclude that the pursivant of the Council of the North probably did the same.

the Council of the North,[1] although no fixed salary seems to have allowed until 1595.[x]

Sergeant at Arms.

The Examiner's office was established by Queen Elizabeth in 1576.[2] The Lord President and Council were authorized to appoint one or more men as Examiners.[3] Their duties were probably restricted to the examination of witnesses.[4]

Examiner.

There were attorneys and Proctors for the Poor serving without charge.[5] Other Attorneys also presented bills to the court, and received a certain fee. This was evidently customary for in 1568 two rules were laid down by the Council regarding the form of presenting bills, and one limiting the amount of fee to be received.[6]

Attorneys

There were still other officers necessary for the ordering and attending the diet and household of the Council. Of these the Steward of the Household was chief. He was appointed by the President, and required to give an account twice a year of the expense of the diet, and was left in charge in the absence of the Lord President.[7]

Other Officers.

Other officials there probably were connected with the Council of the North; but only those are enumerated where absolute proof can be adduced of their existance.

Ecclesiastics, as well as laymen were included in the Council of the North. The Archbishop of York, the Bishops of Durham and Carlisle, and the Deans of York and Durham were in

x. While Salaries of other officials given in previos warrants of fees, no Salary mentioned for Sergeant-at-Arms till Warrant 1595 - tho know office existed before.

1. Names of Hales, 1565; Weskoppe 1595;—18 pounds, 5 sh.
   Warrant of Council fees, Salisbury MSS Vol. V., p. 395.
   Acts of the Privy Council, 1565, p. 233
2. Salisbury MSS. Vol VII/ p. 127.
3. Ibid, One for Plaintiffs and one for Defendants, by Huntington.
4. Ibid.
5. Huntingtons. Instruct. 17.
6. Cal. St. Papers, 1566-1579, p. 64-66.
7. Insturct. of Hunt. Art. 11.

this body. It is interesting to observe that in 1582 the last mentioned Church Dignitaries were only included provisionally.[1] In 1574 there were two earls, five lords, 7 knights, 6 commoners, one Doctor of Civil Law, and two Justices of Assize.[2] The bulk of the Council was formed of noblemen and gentlemen who resided in the North Parts, Lords, Scrope, Darcy, Eure, and Ogle, etc. In 1598 it was stated that there had always been one civilian at least in the Council,[3] and besides a special number of men learned in the laws of the realm were always of that body.[4]

Councillors. Names.

Naturally, the question arises as to what qualifications were necessary to membership in this body. Rank, wealth, or knowledge of the laws, would entitle a man to consideration as a "meat person to be a councillor."[5] Residence does not seem to have been essential, for we have instances of men belonging to the Council who were non-resident in the jurisdiction of the North.[6] That certain men held office in this bdoy because of their position is well authenticated. Wealth was not to be despised, for attendance on the Council involved expense to the individual, and so special emphasis was laid in recommending men for that position on the fact that they were "able to spend a hundred pounds or more."[7]

Qualifications for Office.

And it was quite customary for men to hold other offices at the same time. The clergy who held office in the Council

1. Instruct. to Hunt. 1582, "for the time being with two Justices of Assize.
2. Instruct. ot Hunt. 1574, Art. 4,
3. Cal. St. Papers, 1598-1601, p. 105
4. Instruc. to the Archbishop of York, 1595.
5. Cal. St. Papers, Dom. Ad. 1566-1579, p. 425.
6. Cal St. Papers, 1598-1600, p. 105. Dr. Gibson, D.C.L. was always resident in London.
7. Cal. St. Papers, Dom. Ad., 1566-79, p. 425. 1570.

seem to have done so because they occupied certain positions. The Attorney of the Court of Wards,[1] The Chancellor of York,[2] and the Sheriff of Yorkshire,[3] were offices held by members of the Council. A baron of the Exchequer,[4] A Clerk of the Privy Council,[5] and a President who was a Privy Councilor,[6] were to be found in the Council of the North during the Elizabethan Period. Sometimes men held office by deputy or proxy. The Clerk of the Privy Council, Mr. Beale, as we have seen, for many years held the Secretaryship of the local Council by means of a deputy.

Other Positions held.

Though the Queen appointed these Councilors, wire-pulling was just as prevalent in the Fifteenth Century as in the Twentieth. Offices were claimed as the reward of service.[7] Letters of recommendation were sent to Cecil, or Secretary Walsingham by the Bishops, Vice-Presidents, Nobles and Commoners in behalf of friends. Sometimes petition was made for one man alone, and again a number of names were sent to the Queen's Secretary from which only a few could be chosen. That there was a formal investiture of office is positive. Twice upon the appointment of the new member, the Queen commanded the Council of the North "to admit and swear him in and give him the privileges of his place."[8] From this we would conclude that a fixed[9] oath was in use, though no copy of that oath has been found.[10]

Process of Securing Office.

What were the privileges of office? There seem to be two

1. Hist. Mss. Comm., Salis. Mss., VIII. p. 311; Cal. St. P. 1598-01, p. 112.
2. Cal. St. Papers, 1598-1601, p. 105
3. Cal. St. Papers, Dom. Ad.; 566-1579, p. 188.
4. Cal St. Papers, 1598-1601, p. 154
5. Cal. St. Papers, Dom. Ad., 1598-1601, p. 116.
6. Acts of the Privy Council, 1570-75, Preface, p. 27
7. Cal St. Papers, 1595-97, p. 140.; Salisbury Mss. VI. p. 162-1547.
8. Cal. St. Papers, Oct. 26th, 1598, Jan. 27, 1599.
9. Fixed because the wording seems to look on it as a common thing.
10. Dicey's Privy Council, P. 27 - Considering the practice of the Privy Council in the swearing in of its members.

particular benefits; one the matter of precedence, the other of fees. Both will be better understood by a word of explanation. A careful scrutiny of the lists of the members of the Council of the North, were it not so stated in other sources,[1] makes clear that a well regulated order of precedence was followed. The names in the Commissions and Instructions were arranged according to rank.[2] From an examination of these, one would say that the rank of the individual was the only basis of precedency, if it were not known that seniority was also a claim.[3] Just what this precedence involved is not clear. The Council had certain seats in York Minster where they sat on Whit Sunday. That they took these seats according to precedence, and jealously guarded such right, is brought out in a dispute between the Secretary and a new member of the Council, when the latter took place above the former.[4] We might venture the conclusion that precedency in the Council merely concerned the formality of seating in respect to rank. This is borne out, when we hear of the Lord President taking precedence over the Judges in Assize,[5] and then learn that it was customary for him to sit in the chief place between them, on the bench, when the Commissions were read and the charge given.[6]

Precedence

Whatever the honor attached to precedence, and there was evidently considerable, the benefit to be derived from fees is

1. His. MSS. Com. Salisbury MSS. Vol. IX. p. 257;--Ibid, p. 363.
2. In 1572 we find Lord Hunsdon in the 11th place in the list of Councilors. Instruct. to Hunt. 1574, Art. 4. In 1582, after he had acquired the office of Lord Chamberlain, he was raised to the seventh place, Instuct. to Hunt. 1582.
3. Cal. St. Papers, 1598-1601, p. 205;--Salisbury MSS. Vol. IX. p.257.
4. Cal. St. Papers, same as note 3; Cal St. Papers, 1601-3, p.155.
5. Cal. St. Papers, Same as Note 3,
6. Cal. St. Papers, 1601-3, p.178; Ibid, p.155

plain. Members of the Council with important duties received special fees from the Crown.[1] A warrant was issued by the Queen to her Receiver in Yorkshire for the payment of these to the Council. Sometimes they were partially paid out of fines collected and deposited in the hands of the Queen's Attorney.[2] All fees were paid quarterly.[3] Other fees were allowed by patent to some members of the Council, in which case they received only this fee, and not that by Warrant also.[4]

Fees.

The Council of the North was not without internal division. In the Instructions sent to Henry Hastings, Earl of Huntington, in 1574, there was a twofold separation of that body. There were Councilors appointed to daily attendance, and those not attending daily. Out of twenty-eight Council members, not including the President, twenty-three of the men of greater rank were excused from continual attendance, unless required by the President.[5] The remaining five were to "continually abide with the President, to consult with him, and to hear all matters brought before the Court."[6] These Councilors were, however, with the exception of the Secretary, absent by turns,[7] each one attendant only one fourth of the year.[8] It was necessary to obtain the sanction of the President for non-attendance.[9]

Duties of Office.

Attendance

These Councilors appointed to daily attendance formed the Ordinary Council.[10] Those not so serving belong to the Council-

1. Officers and Lawyers; Warrants of Fees, 1568, 1572, 1595.
2. Cal. St. Papers, 1566-1579, p. 51.
3. Instruc.to Hunt. Art.14, 1574.
4. Cal. St. Papers, 1566-79, p. 61
5. Instruct. to Hunt. 1574, Art. 4,
6. Ibid, Art. 9
7. Hist. MSS. Com., Salisbury MSS. Vol. V. p.505.
8. Instruct. to Hunt. 1574, Art. 8.
9. Ibid. Art. 9, This was referred to under the power of the President.
10. The Council appointed to daily attendance consisted of "a Secretary and four learned lawyers(Hist. MSS. Com.Salis. MSS. Vol.V., p.505) The Secretary was an Ordinary Councilor(Cal. St. Papers, 1598-1600, p.205). Some, not all, of the learned Counsel were ordinary Councilors(Cal. St. Papers, Ibid. p. 505.

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"Four of the learned Counsel" were Ordinary Councillors(His. MSS Com. Salisbury MSS. Vol. IX. p.363) Therefore, those appointed to Daily attendance formed the Ordinary Council.

p. 15 - 11. There are several instances where the names of those known to be of the Council "not bound to continual attendance, are mentioned as members of the Council-at-large. Dr. Gibson of the Council-atLarge(Hist. MSS. Com. Salisbury M.S. Vol. IX,,P. 363) was not bound to continual attendance(Instruct. to Hunting. 1574, Art. 8.

at-large,[11] or the Extraordinary Council.[1] The Ordinary Council, then, was composed of four learned lawyers, the Secretary and President. Two kinds of fees were awarded; those by Warrant to the Council of the North,[3] and those to individuals by Letters Patent from the Queen.[2] It may be that in this distinction in fee lies another point of differentiation between the Ordinary and Extraordinary Council. It is known that all of these Ordinary Councilors received some fee for their services.[4] Some of the "Counsel learned",[5] who were Extraordinary Councilors were also allowed a fee.[6] The Warrants named both Ordinary and Extraordinary Councilors as the recipients of fees,[7] and declared that some of those named received a like fees by letters patent.[8] We know that the Secretary is an Ordinary Councilor, and that he received the Queen's fee by patent.[9] Is it not possible to conclude that all Ordinary Councilors received special fees by patent from the Crown?

Ordinnary and Extraordinary Councilors.

Lord Percy, in his book, "The Privy Council under the Tudors", is inclined to believe that the term "Ordinary Consail" was used to designate the whole Council of Calais.[10] He suggests that this term was probably applied to the other local Councils; but, as far as the Council of the North is concerned, this is wrong. We believe we have shown that the term, Ordinary Council, referred only to an inner circle of the Council of the

1. This may be deduced from a comparison of two phrases in different manuscripts dealing with the same subject.-- "Councilors Extraordinary not being Knights"--His.MSS Com. Salisbury MSS. Part IX., p.257-- "All the Council at large, except they were Knights"--Ibid, p. 363
2. Cal. St. Papers, Dom. Ad., 166-79, p.428.
3. Hist. MSS. Com. Salisbury MSS.?Vol. VI., p. 395.
4. Instruct. to Hunt. 1574, Art. 12; Art. 9;- Warrant to Receiver of Yorkshire, Cal. St. Papers, 1566-79, P.428.
5. We have spoken of the men "learned in the laws" in this council. They were also known as the"Consel Learned".
6. Some received fees, "as men most learned in the law, and following it in other places. Instruct. to Hunt. 1574- Art. 12. Probably that they might be consulted by the Council without charge when legal advice was necessary. Camden Soc. MSS. Edgerton Papers, p. 212.

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7. An examination of the names in the Warrants of Fees, 1568-1572, 1595.

8. "Those that have fees by Patents could only receive them, and not double by this Warrant." Cal. St. Papers, 1566-79, p.61.

9. The Secretary received the Queen's fee. Cal St. Papers, 1598-1600, p.205. And at this time he received his office through patent.--"Patent creating Robert Beale and Ralph Rokeby to the office of Secretary." Cal. St. Papers, Dom. Ad. 1580-1625, p. 378. In 1595 Rokeby was succeeded by Ferne in the same manner. Cal. St. Papers, Dom. 1595-97, p. 93

10. Percy: Privy Council under the Tudors: p 17.

North. The reference which he gives corroberates this later conclusion.

How were the duties of the Ordinary body[1] distinguished from those of the Council at Large? Principally by the time of attendance. The four lawyers divided their time quarterly, as we have seen, with the Secretary in constant attendance.[2] Two members of the Ordinary Council, then, could carry on the business of the Council of the North. However, some of the Extraordinary members also attended. At the end of each session the times and places for certain of these to attend was fixed.[3] In practice the lawyers seemed to have been called most often to serve; occasionally a knight was called upon.[4] Why then were there so many Extraordianry Councilors in the Council of the North? The men of high rank in the Council were for the most part resident in the north, at least part of the time.[5] Though not attending the Council sessions, they were charged with a trust concerning the condition of the North, and were required to notify the President of all offenders within their district.[6] They were called upon to execute certain Commissions in the North.[7] The Four counties of the North within the jurisdiction of the Council were always troublesome to the Queen. By the appointment of a large Council, the most of whom were non-attendant, but who kept an observant eye on their own district, and reported

1. The relation of the Ordinary Councilors of these subordinate bodies to the Ordinary Councilors of the Privy Council, of whom very little is known, would be a valuable study.
2. Salisbury MSS., Vol.V. p. 505.
3. Instruct. of Hunt. 1547, Art. 8.
4. An examination of the signatures of the Council of the North, Attached to Documents of the Acts of the Privy Council, and the Calendar of State Papers for the year 1558-1602
5. Cal. St. Papers, 1598-99, Dom. Ad. p. 425
6. Instruct. to Hunt. 1574, Art. 7
7. Members of the Council were on the Commission of Oyer and Terminer and gaol delivery, on the Commission of Peace, on the Commission for border causes, etc. Cal. St. Papers, Dom. 1598-1601, p. 273. Also other references.

all disturbances to the Lord President of the North; the North Parts were organized and brought into closer touch with the central authority. That seems to have been the principal function of the Council Extraordinary.

In this consideration of the compostion of the local Council in the North, there has been almost no stress laid upon the development of the institution. The subject has been treated as a unit, rather than as a progression, and for the Elizabethan Period, this is justifiable. From 1558 to 1603, there appears to have been little change in the make-up of this body. A slight variation in number in the latter part of the period,[1] and a suggestion, which leads to the conclusion that the Queen thought of removing the bishops, deans, and justices of Assize, is practically all which merits consideration from this stand point. The Council of the North during the Reign of Elizabeth was not a rapidly developing institution.

History of the Council.

1. The addition of a few more Commoners and a corresponding lessening in the number of Knights.