

RALEIGH LECTURE ON HISTORY

REFORM BY STATUTE:
THOMAS STARKEY'S *DIALOGUE* AND
THOMAS CROMWELL'S POLICY

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NOT so long ago it was generally held that with Thomas More's death the light went out of English humanism and the intellectuals' share ended in the government of their country. Of late, however, the generation of younger humanists who started writing in the 1530s has attracted much attention and much favourable comment. The names of Elyot and Starkey, Morison and Taverner, if not yet quite household words among students, have at least become newly familiar to Reformation scholars. Professor Zeeveld has demonstrated the share that these men had in laying the intellectual foundations of the Church of England.¹ Professor Ferguson has made a fine case for seeing in them a first generation of practical thinkers who wished to use their training in the cause of general reform.² And Mr. McConica has termed them Erasmians, whose influence he discovers in just about every thought and deed of that decade.³ It might be thought that these matters had earned a rest, for a while at least. However, it seems to me that in this discussion one distinctly central problem has been overlooked or at least very inadequately treated. We know that these men thought seriously and constructively about the nature of the state, that they regarded participation in government—counseling the King—to be the necessary duty of a scholar, and that they wished to reform the commonwealth. What we have heard too little about are the specific reforms they wished to promote, their positive purpose as councillors; and we know nothing at all of their influence on legislation. Even Mr. McConica,

¹ W. G. Zeeveld, *Foundations of Tudor Policy* (Cambridge, Mass., 1948).

² A. B. Ferguson, *The Articulate Citizen and the English Renaissance* (Durham, N.C., 1965).

³ J. K. McConica, *English Humanists and Reformation Politics under Henry VIII and Edward VI* (Oxford, 1965).

whose interests were closest to this problem, tells us much more about their lives and general ideas than about their specific proposals. But until such questions are answered, it remains difficult to judge these writers' true place and impossible to come to a proper judgement of Thomas Cromwell's administration. The whole story is very long and very complicated; on this occasion it will be possible to attend only to what I believe must be the investigator's starting-point in the matter.

It has for some time been recognized that one piece of writing produced in that era attempted a comprehensive review of the needs of social reconstruction: Thomas Starkey's *Dialogue between Cardinal Pole and Thomas Lupset*, a title invented by the nineteenth-century editor of a tract found in manuscript. Historians have, however, been much more interested in Starkey's political ideas than in his programme of reform or in the possible connection between it and the government's actions. Another close look at Starkey's *Dialogue* is the more advisable because it is invariably used in its printed versions: and it has to be said that neither of the two editions we have is very satisfactory. They provide an accurate enough transcript—actual verbal errors are few¹—but they hide all sorts of significant detail by making the treatise appear a complete and finished product, which it never was. This is the less surprising because the standard was set by the original editor, J. M. Cowper, who never saw the manuscript; he worked from a transcript provided by someone else.² Miss Kathleen Burton, on the other hand, who produced a handy version in modernized spelling, did look at the original, but she was too modest and preferred to follow Cowper's lead in his errors, inventions, and misleading opinions.³

The one known manuscript of the *Dialogue* is in fact a much corrected draft in the author's own hand.⁴ There are a few deletions and very many additions. The division into chapters, the setting out of the two friends' speeches, and all the paragraphing

¹ e.g. Lupset does not say that 'if a man consider lightly and judge them evenly' rather than think deeply he might jump to conclusions (ed. Burton, 110), but judge them 'overly', which makes better sense.

² He admitted this himself: S. J. Herrtage, *England in the Reign of Henry VIII* (E.E.T.S., 1878), p. cxxv.

³ *A Dialogue between Reginald Pole and Thomas Lupset*, ed. K. M. Burton (London, 1948). For purposes of reference, nevertheless, this readily accessible text in modernized spelling is the most convenient to use, and it shall be cited here as 'Burton'.

⁴ P[ublic] R[ecord] O[ffice], SP 1/90, ff. 1 ff.

that we find in the printed versions were introduced by the editors who thus hid the true appearance of the original. This is written continuously, without paragraphs of any sort, but does contain two breaks (not indicated in the editions) produced by the fact that on two occasions Starkey did not write down to the bottom of a page. Bound (now) with the treatise is a letter to Henry VIII, intended to accompany the book when it was sent as a present. This, too, is not in the least finished, as the editors and commentators might lead one to think. It is in the hand of a clerk who corrected a few small errors but also scribbled a number of doodles on the page; it lacks address or signature. This letter was never sent, though it looks like a fair copy rather than a draft. Despite the regular assertions to the contrary, it will therefore be seen that not only is there no evidence that Starkey presented the work to Henry VIII, but that the chances are strongly against his having done so. Obviously he had some intention to that effect, but the intention bore no fruit. The letter, drawn out fair, was nevertheless left abandoned; and the only version of the treatise to survive, was in no state at all to be presented. Starkey certainly would not have dreamt of giving that rough draft to King Henry. The proper way of doing things was demonstrated by Richard Morison when he sent the King his proposals for codifying the law in Latin: he laboured hard over his draft, but what he delivered up is a handsomely bound and prettily written book, a simple though worthy gift to a monarch with intellectual pretensions.¹ Starkey's *Dialogue*, on the other hand, remained stuck at the draft stage, and there is no reason at all for thinking that Henry ever saw it.²

The state of the manuscript proves very clearly that Starkey did not write it at one time. In his draft letter to Henry VIII, he declared that the treatise consisted of three parts, the proper structure of a commonwealth, the ills of England, and the remedies for these; but he did not write it in these sections or indicate where the divisions were to come. The first break in composition came at the end of his part two, that which analysed

¹ The draft is B[ritish] M[useum], Faustina C. ii, f. 5 ff.; the presentation copy is B.M., Royal MSS 18. A.L.

² This fact disposes of Mr. Baumer's admiration for Starkey's 'audacity' in presenting Henry, 'at a time when Tudor despotism was at its peak', with a treatise that 'would have made the King almost a figurehead' (F. L. Baumer, 'Thomas Starkey and Marsilius of Padua', *Politica*, ii (1936), 188).

what was wrong with England.¹ This is written in an ink that has badly faded but corrected in one which has remained much more legible. This better ink was used for the second piece to be written which begins with the curious passage in which Pole and Lupset go to hear mass before setting about the serious task of working out reforms; it terminates at what looks like having been the original final sentence.² There follows what is now the concluding section, which starts on a new page with the words 'So that, Master Lupset, now upon this point let us conclude'. When he added it, Starkey was moved to rearrange the passage just before it. There are several additions in the second part which, to judge from the ink, were made at some time other than the writing of the text itself.

When was the *Dialogue* written? The date is, naturally, important for assessing what influence the treatise may have had. Miss Burton rightly rejected Cowper's late date of 1538; while she sees that the book was certainly started not later than 1533 she puts its composition mainly into 1535,³ which I think is still too late. True, the short last part was not written before the middle of 1535 or later because it refers to Erasmus's *Ecclesiastes*, which appeared that year, as published 'now, of late': the reference is in the original text, not inserted.⁴ But the bulk of the treatise, the first two parts, must have been written much earlier because in both of them Starkey spoke of the pope in terms not possible after 1534. He attacked papal dispensing powers and wished to confine appeals to Rome to 'causes of schism in the faith',⁵ matters which in England had been settled by the legislation of 1533-4, so that it would have been quite pointless for Starkey to talk the way he did. In the intended covering letter to the King he showed himself aware of current events, for there he praised Henry for having 'plucked up the root of all abuses, the outward power and intolerable tyranny of Rome'. Exactly when the main parts were written is not easy to say, for in 1533-4 Starkey was in Padua and it would be quite a while before news from England would reach him. The second part contains a further point to date it, a reference

¹ Burton, down to p. 134.

² 'And so by this mean our politic body should be kept in order and rule, after the manner which we have before devised' (ibid. 183).

³ Ibid. 193 ff.

⁴ Ibid. 187. This point misled Mr. Zeeveld into supposing that the whole treatise was written in 1535 (*Foundations*, 144, n. 48).

⁵ Burton, 158, 178-9.

to Sadoletto's book on education, published in Venice in 1533, which—calling it 'of late days . . . put forth'—uses much the same phrase as that employed for Erasmus' book on preaching, so that a similar distance of a few months at most is suggested.¹ A date in late 1532 or early 1533 for the first section to be written and one in late 1533 for the second would seem the most probable.

It may therefore be conjectured with a good deal of confidence that Starkey wrote the parts of his *Dialogue* in which he expounded the true nature of a polity and described the deficiencies of England in this respect at one sitting, probably not later than early in 1533. As he went, he revised a little, as most of us would. He put it aside, but later that year he took it up again and having, on re-reading, made some changes in what he had written he went on to compose the part that prescribed remedies. This draft (done in Italy, a fact which may explain such things as that Starkey is frequently found asking for legislation that already existed) he brought with him when he returned to England in early 1535 and applied to Cromwell for employment. In reply to the minister's request for a sample of his skill he sent a paper on the Aristotelian doctrine of the commonwealth which turns out to be, in effect, a fair copy of part one of the *Dialogue*.² Very probably the sample pleased; Cromwell certainly took Starkey under his wing and may have encouraged him to attract the King's attention by completing his *magnum opus* and dedicating it to Henry. Starkey therefore once more revised his manuscript, adding a new concluding passage which switches very markedly from the discussion of particular reforms to general and rather elevated reflections. He also, in a few places, added to the earlier parts, and two of the additions deserve notice. Where he had followed Marsiglio in preferring an elective to a hereditary monarchy, he sought to make the text more palatable by prefacing his remarks with a fulsome encomium on Henry VIII's sterling qualities.³ And where he advocated the establishment of new schools, he added the words 'to this use turn both Westminster and St Albans,

¹ *Ibid.* 182, 194.

² Cf. Zeeveld, *Foundations*, 143 f. This paper ('What is policy after the sentence of Aristotle') cannot have been, as Mr. Zeeveld supposed, the 'germ' of the *Dialogue*, written much earlier, but was clearly a piece from Starkey's big book worked over for the occasion.

³ Burton, 154. 'But here you must remember. . . some remedy. Wherein' is an addition inserted later.

and many other'.¹ The purpose of the first addition is self-evident; it confirms that the idea of making the treatise into a present for the King came as an afterthought. The second confirms that some additions to the 1533 text were made later, for it recognizes the coming end of the monasteries. It must surely have been made when the attack had begun, some time in the first half of 1536; for in his main text Starkey called firmly for the reform and not the abolition of religious houses.²

As Miss Burton recognized, every word now surviving must have been written before the summer of 1536 when the whole plan to bring Pole into the King's service collapsed—the plan in which Starkey had been the government's chief agent—and when it ceased to be possible to send Henry a treatise praising 'the king's traitor'. However, that disaster did supervene: the revision was never completed. Treatise and covering letter remained in draft; and there is no sign that Starkey ever looked at his cherished manuscript again in the two years that remained of his life. But now that we know how Starkey wrote his book we can dispose of one question quickly: the views expressed in it must be his, and the use of Pole and Lupset was a literary device, no more. Though Starkey may have known Lupset, whose benefice he acquired, he joined Pole's household after Lupset had died there, so that he can never have heard the two of them converse. And while even those who have supposed that Starkey was really presenting his own views have also thought that very possibly he had heard Pole say some of the things here ascribed to him, it now seems clear that these frequent corrections and revisions at different times show an author at work on a manuscript in which he was developing his own ideas. We are fully entitled to use the *Dialogue* to prove the ideas of Thomas Starkey.³

Next we must consider how widely the manuscript might have become known. Its state fully explains why it was never published: the book was simply not ready for the printer. Years ago, Mr. Baumer offered a different explanation, and if he were right the relations between Starkey and others would have to be judged very differently. He held that Starkey's thought was, as he put it, so much ahead of his time 'that he

¹ Burton, 169.

² *Ibid.* 145.

³ Cf. *Ibid.* 3 ff., 197. J. W. Allen (*History of Political Thought in the Sixteenth Century*, 2nd ed., London, 1941, 143 f.) used the book to identify Pole's opinion.

would scarcely have been understood in 1535 even if his writings had been circulated by royal command'.¹ Even Mr. Baumer's maturer reflection still saw deep significance in the fact that the treatise remained unprinted until 1871: Starkey was a radical constitutionalist badly out of step with a despotic age.² And though the labours of the scholars whom I quoted at the start have done much to explain how ready the age was for many of Starkey's views, it may be necessary once again to emphasize that when he wrote Starkey's constitutionalism was much nearer to the conventional than the impossibly radical. After all, Professor Hurstfield has recently revived the thesis that early-Tudor government was at heart despotic, not constitutionalist, and that Cromwell, in particular, looking for efficiency, had no time for a monarch limited by consent or a system which did not place the king above the law.³ If that had been so (and I fear I cannot accept it) Baumer would have been right: Starkey could hardly have thought it wise in such a climate to make public his views that kings should be elected by Parliament, that the power to dispense from statute should be taken away, and that the rule of kings must be controlled by their submission to a permanent council of ministers.⁴

The question is important because Mr. Baumer deduced from his concept of Starkey's radicalism the inference that 'his ideas can scarcely have had much effect on his contemporaries'.⁵ This was certainly not Starkey's own notion: he did everything he could to earn government employ by advertising his ideas. In all his place-hunting letters to Cromwell, his only claim to regard is that he had positive advice to offer, and when he wished to make an impression he sent, as we have seen, a summary of his highly constitutionalist views on the nature of the commonwealth. Nor is there any doubt about Cromwell's part in this agreeable exchange of scholarly enquiry. He called forth the summary by asking his suitor 'what thing it is after the sentence of Aristotle and the ancient peripatetics that commonly among them is called policy', and he reacted to the gift by securing advancement for Starkey. Of course, he had

¹ *Politica*, ii. 188.

² *Early Tudor Theory of Kingship* (New Haven, 1940), 119, 148. Yet at the end of his book (p. 210) he was forced to recognize that 'the political writers of the Reformation' advocated a limited and law-controlled monarchy.

³ 'Was there a Tudor Despotism after all?', *T[ransactions of the] R[oyal] H[istorical] S[ociety]*, 1967, 83 ff.

⁴ Burton, 100, 102, 154, 156.

⁵ *Politica*, ii. 188.

reasons of his own: he wanted the use of Starkey's pen. But after their dealings he could have had no illusions about the man he was proposing to employ, and the thought of Cromwell showing favour to a man a hundred years ahead of his time—a man, according to Mr. Baumer who speaks vaguely of the Civil War, more suitable to Oliver than Thomas—need not, perhaps, detain us. Cromwell knew what he was getting, and he would not have had his doubts about it, either. This was the man who kept among his papers one of the most tedious edifying tracts ever written in praise of conventional good kingship: not only kept it but read it, for at the top of a late page in that manuscript he scribbled 'what a king, what a tyrant [might be]'.¹ Perhaps Cromwell the Machiavellian, the ruthless promoter of an efficient despotism, looks to some a more impressive figure than the Cromwell who, wanting to do the right thing, laboured his way through these twenty-odd pages of tired wisdom and noted that there was a difference between a true king and a tyrant; but the latter is, I fear, the real Cromwell.²

There was nothing, then, in Starkey's political thinking that stood in the way of place and influence, and Starkey himself judged the situation better than some modern commentators have done. Nor was he a coward: the man who could explain to Henry VIII late in 1536 that until Anne Boleyn's execution people could not be expected to believe that the King's doings proceeded from sound motives,³ would not have felt any hesitation about publishing his Marsilian doctrine of kingship. He certainly did not tamper with any of the constitutionalist statements in the *Dialogue* when he prepared it for presentation to the King. But whether Starkey realized it or not, we cannot doubt that after the appearance of Pole's *De Unitate*, with its savage attack on Henry VIII, Cromwell would not have permitted the publication of a book in which Pole was depicted as setting the world to rights. His feelings emerge clearly enough in the quite hysterical and violent letter which he drafted, and perhaps sent, to Michael Throckmorton, Pole's secretary, who had tricked the Lord Privy Seal into a false conviction that Pole would prove amenable.⁴ However, Starkey himself did

¹ P.R.O., SP 1/242, ff. 166–76b; Cromwell's note is on f. 174.

² I have argued the case at greater length in 'Thomas Cromwell's Political Thought', *T.R.H.S.* 1956, 69 ff.

³ Herrtage, *op. cit.*, p. li.

⁴ R. B. Merriman, *The Life and Letters of Thomas Cromwell* (Oxford, 1902), ii. 86 ff.

not suffer, even though he had been the most active and most sanguine promoter of all those approaches to his Paduan friend and mentor. He continued to enjoy Cromwell's favour and even got further preferment, six months after the Pole disaster.¹ But his book remained unrevised and unpublished.

Was it, then, true that it exercised no influence? Publication was certainly not, at the time, necessary to get a book a hearing; the notion that no one wrote in the modern manner, except to get into print is anachronistic, and Cromwell used the printing press for a different purpose—to publish propaganda, not to subsidize the learning in which his relations with Starkey show him to have been keenly interested. Pole's own *De Unitate* first reached England in manuscript, and for a while it remained uncertain whether he would have the nerve to send his invective to the printer; in the autumn of 1536, Richard Morison offered to interrupt the writing of his *Apomaxis* 'and turn Cochlaeus in Polum' if Pole 'would be so mad to put forth' his book—provided Cromwell approved, that was.² Manuscripts were read, even manuscripts as unfinished in form as Starkey's *Dialogue*. And Starkey, as we have learned in recent years, was one of a group of men who believed that the duty of intellectuals lay in analysing practical problems of politics and advising on their solution: the *Dialogue* is about nothing else. Before we dismiss it as a work of no influence at the time, a closer look at this fundamental purpose seems advisable.

Starkey provided an important clue at the beginning of the second section of his draft, that section in which he offered his remedy for the ills that beset England. Pole has been enlarging on the need for better technical education among the people, and Lupset very fairly comments that his words were 'a very short remedy'; 'you must', he adds, 'show somewhat more at large how the youth should be brought up in arts and crafts more particularly'. But Starkey makes the point only to reject it and to justify his concise outline treatment: 'That is not my purpose', he has Pole say, 'here now to do, for it were need then of every cure almost for to write a whole book. I will only

¹ Burton, 201.

² P.R.O., SP 1/113, f. 210 (*L[etters and] P[apers, Foreign and Domestic, of the Reign of Henry VIII]*, xi. 1481). Morison never got round to answering Pole specifically; late in 1536 his talents were diverted by the Pilgrimage of Grace into writings against rebellion. His *Apomaxis*, delayed by these events, was an answer to Cochlaeus's attack on the King's doings (*Zeeveld, Foundations*, 158).

touch . . . the most general points and the rest leave for the cure of them which in every cause have order and rule.¹ The theorist was to confine himself to throwing out general ideas; the proper detailed development must be left to the experts. Pole is made to repeat the point a little later in the treatise: those who 'have authority and rule' are to have the course of their actions suggested to them by Starkey's 'general things'.² It thus becomes sensible to ask whether we can find any sign that any one, with or without 'rule', set about working up any of these brief suggestions into the practical form of 'a whole book'.

In the first place, there is very good evidence to show that others read the *Dialogue* and revolved its proposals. This evidence consists of three mainly abortive projects on the grand scale which took up hints in the book and worked them out at length, two of them significantly using the form of acts of Parliament, to this group (as to Cromwell) the natural and only instrument for achieving reforms. These two projects are the comprehensive poor law and the scheme for a centralized enforcement agency which have been previously discussed by myself and Professor Plucknett respectively.³ The third is Richard Morison's suggested codification of the laws of England, something that neither could be, nor required to be, embodied in statute.

Starkey had a number of things to say on the problems of poverty and unemployment. He believed that sheer idleness had something to do with it, but on the whole he regarded this idleness—the upper classes' devotion to useless occupations and the lower classes' lack of employment—as a product of pointless ostentation on the one hand and economic dislocation on the other; and the two were linked in his mind. Though in the main he inclined to the toughness of the uninvolved academic, he recognized also that ill fortune could contribute towards a man's poverty.⁴ His remedies may seem obvious, but they were not then part of the law: provide work for those able to work and relief for the sick and helpless. He drew attention to the

¹ Burton, 143.

² *Ibid.* 149.

³ G. R. Elton, 'An Early-Tudor Poor Law', *Economic History Review*, 2nd ser., vi (1953-4), 55 ff.; T. F. T. Plucknett, 'Some Proposed Legislation of Henry VIII', *T.R.H.S.* 1936, 119 ff. (to which cf. my remarks in *Bulletin of the Institute of Historical Research*, xxv (1952), 123 f., showing that this was not an official draft).

⁴ Burton, 90 f., 93, 142, 148.

relief ordinance recently (1531) issued at Ypres.¹ In another place he suggested that convicts should be used 'in some common work', in the rebuilding of towns or 'some other magnificent work' organized by the government; and in yet another, he introduced the term overseers to describe local officials whom he wished to charge with the supervision of town buildings and public health, just after he had spoken of another set of allied officials whom he compared to the Roman censors.²

If, with these points in mind, we look at the draft poor law (which I have suggested was the work of William Marshall, another of Cromwell's pamphleteers) some interesting links emerge. Marshall, for one thing, published a translation of the Ypres ordinance in 1535, some two years later than Starkey had shown himself aware of its existence, but in the very year that Starkey's ideas could have become known to him. In his draft, he carefully elaborated the distinction between impotent, misfortunate, and merely idle poor towards which Starkey had been groping, and one of his most striking proposals concerned the undertaking of large public works to relieve unemployment. And when he wished to invent a name for local officers responsible for the control of poverty he called them 'censors or overseers of poverty'. There are many things in his draft, the original of the new departure marked by the poor law of 1536, of which no trace is found in the *Dialogue*, but that is not the point. What matters is that some brief hints in the *Dialogue* appear in the draft in a thoroughly developed and worked over form, definite links being provided by the common presence of Ypres and of censors. It would be strange if all this were pure coincidence: rather, it looks very much as though Marshall had read the treatise or discussed such matters with its author.

Next there is the striking proposal to create a new court, presided over by six 'conservators of the commonweal', permanently established at Westminster, assisted by a regular police force of sergeants of the commonweal, and charged with the enforcement of penal statutes. Years ago I tried to show that this was not a strictly official draft—not a piece of the government's actual legislative programme—but rather a proposal worked out privately for submission to Cromwell which got no further.³ For one thing, it is not quite finished: the conservators'

¹ *Ibid.* 160.

² *Ibid.* 177, 183.

³ *B.I.H.R.* xxv (1952), 123 f.

oath remains undrafted, the proposed seal is described in terms quite unsuitable to an act of Parliament, and the phrasing is not correct in all respects in that individual clauses do not repeat, as by this time they always did, that each new section was also enacted by the authority of Parliament. But the main body of the draft is complete, well worked out, and full of touches—like the reference to earlier legislation¹—which show the draftsman to have been reasonably well informed and no crank. It therefore looks like a provisional draft prepared by someone who had reason to think that he could get his ideas listened to by the government. As Plucknett recognized, it cannot have been written before 1534, but how much later it was cannot be said at all.

The main ill to be remedied here—law enforcement—was one which exercised Starkey, too. He was aware of the problems posed by penal statutes, though he concentrated on the fact that they were regularly evaded by dispensations, not on the absence of reliable investigation and trial.² The crucial link is purely verbal: right at the end of his book, remembering that he had meant to suggest new officials responsible for the supervision of the whole administrative machine, he names them—‘conservators of the commonweal’.³ His conservators were to do quite other things from those appointed in the draft, and the ideas in the draft are in no way Starkey’s, but this identity of title cannot just be coincidence. ‘Conservators of the commonweal’ is not an obvious name to invent; so far as I know, the term never recurs again. It looks rather as though someone in the Starkey circle, taking up the problem of law-enforcement which certainly was not forgotten in the *Dialogue*, picked up the name which Starkey had dreamed up. This is the more likely because the title fitted the general supervisory function intended by Starkey much better than the very particular and specialized court function assigned by the draft. It seems to me unlikely that someone wishing to give a name to a new court responsible for trying breaches of penal statutes would, out of the blue, have hit on this form of words.

Lastly, there is Starkey’s attack on the state of the common law, made famous by Maitland who used it in his argument—his unhappily very misleading argument—that in the early sixteenth century the common law was seriously threatened by

¹ *T.R.H.S.* 1936, 137.

² Burton, 100.

³ *Ibid.* 183.

a possible 'reception' of the law civil.¹ Starkey is usually supposed to have advocated the simple replacement of the common law by the civil law of Rome.² This is not what he says. He has Pole exclaim at length at the crudities and insufficiencies of the law, starting with its uncertainty.³ There are too many and divers laws: 'wherefore I would wish that all those laws should be brought into small number, and to be written also in our mother tongue, or else put into Latin, to cause them that study the civil law of our realm [i.e. the common law] first to begin of the Latin tongue, wherein they might also afterwards learn many things to help this profession.' But then it occurs to Pole that worse things are wrong with the law of England than the use of 'this barbarous tongue, Old French', and that there is one obvious good remedy for it all: these troubles of 'tyrannical and barbarous institutions' could be 'wiped away by the receiving of this which we call the very civil law', that is the law of Rome.

Starkey therefore proposed the codification of the common law, in either English or Latin, but threw out the suggestion that its total replacement by the civil law would be an even more satisfactory radical solution. He allows Pole to ride over Lupset's sensible objection that after all those centuries of living under the old law such a reform would be extremely difficult, by asserting rather airily that if only the prince would put his authority behind the transformation it would come to pass very easily. However, Starkey himself may not have been very happy with this cavalier argument, for he has Pole concede that, since Lupset thinks total substitution too hard, they had best consider particular amendments. From the idea, however, that the law should be codified he does not retreat.

And this is precisely what Richard Morison set out to do. Of his scheme only two things survive: the first part of a Latin treatise on the law of real property, and the long English letter

¹ F. W. Maitland, 'English Law and the Renaissance', *Selected Historical Essays*, ed. H. M. Cam (Cambridge, 1957), esp. 137, 149. For the demolition of his argument cf. my remarks in *T.R.H.S.* 1956, 78, and authorities cited there. The full recognition that the common law was in no danger and that it is wrong to think of a political conflict of laws and courts in the sixteenth century underlies the whole analysis of two important recent books: J. P. Dawson, *A History of Lay Judges* (Cambridge, Mass., 1960), and W. J. Jones, *The Elizabethan Court of Chancery* (Oxford, 1967).

² e.g. Baumer, *Early Tudor Theory*, 135. On the other hand, Mr. Zeeveld (*Foundations*, 130 ff.) and Mr. Ferguson (*Articulate Citizen*, 323) see more accurately.

³ Burton, 173 ff.

which accompanied this treatise on its journey to Henry VIII.¹ When he wrote these is difficult to say. The editors of *Letters and Papers*, for no obvious reason, chose the year 1542,² but this seems much too late to me. The only topical reference occurs in the draft of the letter: when attacking the inability of English lawyers to make a properly constructed speech (a consequence of their lack of humanist training) Morison interlined the words 'Mr Cholmley excepted' but crossed them out again. Roger Cholmley was recorder of London from 1536 to 1544, being then appointed king's serjeant and, a year later, baron of the Exchequer; he had been of the order of the coif since 1531. The remark would surely come more suitably touching a man well known as a pleader rather than as a judge, and its insertion and removal suggest that Morison was working on the book round about 1535 or 1536, the date that seems increasingly crucial in the history of Starkey's influence. Morison followed Starkey to England out of Pole's household not later than the end of 1535; he, for one, could have become acquainted with the ideas of the *Dialogue* in Padua.

Morison, though a markedly less original mind than Starkey, was a much better and wittier writer, and his long letter is a splendid piece of work—full of vigour, shrewdness, and eloquence. But what he actually has to say—excepting a long attack on the pope which he admits is off the point—amounts to very little more than an elaboration of the ideas thrown out in the *Dialogue*. The health of any body politic depends on its law, 'the pillar that sustaineth and holdeth up any commonwealth'. This should be easily learned and taught; its practitioners should be able to teach others, 'not still to be scholars ever learning, never learned, ever doubtful, never certain, ever pleading, seldom determining controversies'. Exactly the point from which Starkey had started: English law is 'infinite and without order or end', and all this weighing up of cases makes the law far too uncertain.³ Hence 'innumerable suits', says Morison; 'this causeth suits to be long in decision', says Starkey. 'Long suits', adds Morison, 'require much and oft counsel, counsel requireth money, no penny no plea.' That it is only the greed of lawyers which leads to protracted litigation is Starkey's opinion in another place.⁴ Morison rides off on the examples of

¹ B.M., Royal MSS 18. A. 1 and 11. A. xvi. Cf. above, p. 167, n. 1.

² *L.P.* xvii, App. 2.

³ Burton, 173 f.

⁴ *Ibid.* 113.

Athens and Rome: Athens, Sparta, and Rome are Starkey's examples of well-governed communities using laws in their own language.¹ At this point Morison recollects himself: 'But what', he says to the King, 'do I cumber your grace's ears with ethnic histories?' He promptly goes on to expatiate on Moses and the reception of the Decalogue.

Next he explains his real purpose. The laws of England are a linguistic mangle—'some words Saxon, some British, some Latin, some French, some English, yea and some Greek, and some none of all these'. This leads to needless argument over 'the etymology and the interpretation'. He considers the use of English, and here he changed his mind. Perhaps first guided by Starkey's suggestion that English might do, he first wrote of it with modified praise, but this he crossed out, and his final version is highly condemnatory of the language as a vehicle for learning. Latin is best: it has the necessary technical terms, and past legal records are often 'in a tongue that smelleth of the Latinity, but indeed barbarous and far from it'. And thus he launches into a long defence of the need for better education among lawyers who should be trained in philosophy and logic and the law of God, whereas at present they want to learn nothing that does not bring immediate profit. Put the laws into Latin, and lawyers will have to get the right training even to understand the laws; and in consequence they will become much better able to serve the King in politics too: to analyse the needs of the commonwealth, and to become ambassadors abroad (where at present the King uses bishops and doctors 'who be chiefly ordained to preach and teach God's Word'). The plea for diplomatic employment may well be Morison's own who was later to be an able ambassador, but the stress on the services of lawyers as political advisers reminds one of the whole powerful argument about the counselling duties of intellectuals which underlies the *Dialogue* and seems to have found so ready a response in Cromwell's mind. Morison's lengthy exposition of it does no more than elaborate Starkey's brief remark that a knowledge of Latin would assist lawyers to learn many things helpful in their profession.

To judge by the sample which Morison provided, it is a very good thing that the codification of the common law was not undertaken by him or in Latin, but allowed to wait a century for Sir Edward Coke's English prose. Morison's attempt to reduce the law of tenures and inheritance to order suffers from

¹ *Ibid.* 131.

two rather fatal defects: a devotion to vapoury philosophising and an uncertain grasp of the law. What he provides is not a code but a kind of elevated undergraduate essay. However, that is not the point: which is, rather, that we have here a manifest example of the way in which a general suggestion in Starkey's *Dialogue* could be worked up into a device of its own. Taken together with the other deposits of Starkeian notions in detailed, though in part very different, proposals, it shows that the *Dialogue* was read in the circle of pamphleteers whom Cromwell gathered around him, and that its ideas proved fruitful in stimulating thought and planning. Yet the writings so far discussed came to nothing; did the blueprint of reform, which Starkey brought with him from Italy, leave any mark on the real makers of policy and on that policy itself?

There are many statutes, proclamations, and half-done proposals surviving from the years 1535-40 with which Starkey's suggestions can be compared, but several difficulties stand in the way of straightforward deductions. In the first place, Starkey was certainly not the only man around with ideas; we remember Clement Armstrong and his treatises of the commonwealth who, dead by May 1536, can assuredly not have sat at Starkey's feet.¹ And contemporary thinkers, reflecting upon the same problems, are always likely to produce very similar answers. Next, one of the chief targets of would-be reformers was, naturally, the Church, its courts and its faith, and on this Starkey, concentrating on the ills of the commonwealth, had little enough to say. He did advocate the bible and religious services in the vernacular,² but that does not make him the father of the English bible. One would dearly like to know what mind gave birth to the most interesting proposals concerning heresy trials which the age produced: the setting up of a lay commission of six, charged with assisting, and in effect controlling, the bishops in their dealings with heretics. The idea was first adumbrated in a general memorandum on various projected reforms which also contained the first hint of Marshall's great poor law draft;³ at this time the commissioners were to have investigatory powers only, without the right to arrest or punish. This paragraph of the memorandum was then worked

¹ S. T. Bindoff, 'Clement Armstrong and his Treatises of the Commonwealth', *Economic History Review*, 1st ser., xiv (1944-5), 64 ff.

² Burton, 128, 184.

³ P.R.O., SP 6/7, p. 55. Cf. *B.I.H.R.* xxvii (1954), 198 ff. The date assigned by *L.P.* v. 50—1532—is completely conjectural and entirely improbable.

up into a draft statute to repeal Richard II's heresy act on the grounds that new arrangements had been made: these, recited at length in the preamble, turn out to be the appointment of the commission, treated as accomplished fact, which now was to have also executive functions.¹ The memorandum clearly formed a rough outline of reform proposals, and such points as the poor law and an attempt to reform church services link it loosely with the Starkey group; Starkey was no bigot, admitting that 'heretics be not in all things heretics', and the chief purpose of the proposed commission was to make sure that this fact should be remembered by the spiritual judges.² Still, this is insufficient ground on which to build, especially as other men, anxious to restrain the bishops, have left sufficient evidence of their concern in the record.

The main trouble about tracing Starkey's influence really arises from the character of his 'remedies'. They fall into two sorts—the very commonplace and the quite out of the way. Some are so obvious that laws of the sort he asked for had long been in existence; others are so recondite that no sensible statesman could have thought them practicable. As an example of the sort of fantasy of which he was capable, take his attempt to prevent tyranny: he proposed to revive (as he thought) the office of constable of England, putting its power into commission in order to avoid excess of it in one man, and charging this 'council' with the tasks of keeping the prince to the law and appointing his permanent council.³ He seriously supposed that good government would be assured by a body consisting of the constable, the earl marshal, the lords steward and great chamberlain, four judges, four citizens of London, and the two archbishops, a body acting as 'a little parliament' permanently vigilant in reviewing the actions of the Crown. Shades of the Provisions of Oxford. However much Cromwell may have in general respected intellectuals, he must at times have had his doubts about their understanding of reality.

However, Starkey did not always elaborate pipe dreams, and the proposals that I have called commonplace deserve attention. It would be quite wrong to suppose him necessarily ignorant of legislation which, in turn, he was putting forward afresh. The sixteenth century knew that good laws cannot be enacted too often; it held that the best way of driving home the present reality of a point long since made is to re-enact the earlier statute, preferably in an improved form. Laws, said

¹ P.R.O., SP 1/151, ff. 132-9.

² Burton, 128 f.

³ Ibid. 165 f.

Starkey, are needed because centuries of experience have shown that men will not be brought to perfection by 'instruction and gentle exhortation' alone.¹ Their 'imbecility' and 'weakness of mind' require tougher measures, and when he suggests a law he by no means need be taken to suppose that it would be the first on a given subject. If, therefore, we want to know whether Starkey exercised any influence on those who conducted affairs, we must look not only at new legislation but also at the possibility that activity and pressure increased in matters which had already received legislative attention.

Let me therefore review some of Starkey's pet notions. Like others, he was worried by the problem of depopulation, but he had a special affection for direct remedies designed to allure 'man to his natural procreation, after a civil order and politic fashion'. Thus he proposed to allow secular priests to marry, to prohibit the keeping of serving-men beyond the number that could be 'set forward to some honest fashion of living and lawful matrimony', and to penalize bachelors by excluding them from civic office and taxing them for the benefit of married men overburdened with children.² This is Starkey the fanciful, but not everybody thought so: the attempt to intervene in marriage habits crops up in a paper sent to Cromwell which suggested legislation to prevent young men from marrying till they are 'of potent age' and strong men from marrying widows.³ The rest of that paper also has echoes of Starkey. An act is asked for 'for restraint and utter extinction of abuses of lawyers', as Starkey demanded that the effects of 'the avaricious minds and covetous of proctors and advocates' be dealt with;⁴ and this point in the memorial impressed Cromwell sufficiently to make him include in a list of forthcoming legislation (much of which was enacted) an act for reducing the numbers of lawyers in all counties, 'which persons', he added in his own hand to the fair copy made from his own draft, 'be the cause of great plea and dissension'.⁵ In these matters of matrimony as a prop to population and restraints on lawyers to cut down on burdensome litigation we do, I think, see Starkey at least putting ideas into heads in government circles.

None of this became law. Starkey was perhaps a little more successful with another of his foibles. He believed that England's farmers paid insufficient heed to the scientific breeding of

¹ Burton, 138 f.

² *Ibid.* 138 ff.

³ *L.P.* ix. 725 (ii).

⁴ Burton, 172 f.

⁵ *P.R.O.*, SP 1/102 f. 5. Cromwell's original draft is *ibid.* f. 7.

animals, and he may have persuaded Cromwell to do something at least about horses. The act of 1536, which was of Cromwell's promotion, for improving the supply, expressly concentrated on points of breeding, prohibiting the use of mares and stallions of insufficient height and encouraging the use of deer-parks for controlled experimentation. Cromwell returned to the matter in 1540, in an amending act which among other things permitted the destruction of inadequate animals found in the open.¹ So far as horses were concerned, Starkey's concern could rest satisfied.

He also urged action in areas where, though Parliament had spoken before, little pressure was applied till the later 1530s, the era of Cromwellian reform in the commonwealth. Thus he was particularly troubled by the prevalence of idle games of chance and of amusements which were taking people from better employment, especially—but not exclusively—from keeping up their archery. Now, of course, the law on this point already fully agreed with him, though it should be noted that the earlier Henrician laws concentrated more on the need to maintain defence while Starkey stressed more heavily the evils of gambling.² Is it, then, pure coincidence that the first thorough proclamation for the enforcement of the older acts appeared in February 1537, that specific orders for enforcement to the officers responsible were not issued until the same year, that a proclamation of September 1538 confined itself to reciting the laws against games and made no mention of the archery statutes, and that a very much more comprehensive act on the whole subject emerged in 1541, in the clearing-up process after Cromwell's fall which embodied ideas of his for which he had not been given time?³ Perhaps, though, it was as well that Starkey also did not live to see this act, for whereas he had particularly lambasted the nobility and their servants for wasting their time in idleness, an amendment in Parliament explicitly permitted all with incomes over £100 per annum to engage in the

¹ Burton, 96, 159; P.R.O., SP 1/102, f. 5; 27 Henry VIII, c. 6; 32 Henry VIII, c. 13.

² 3 Henry VIII, c. 3, 6 Henry VIII, c. 2; Burton, 148.

³ Paul L. Hughes and James F. Larkin (ed.), *Tudor Royal Proclamations*, vol. 1 (New Haven, 1964), nos. 138, 163, 183; 33 Henry VIII, c. 9. Proclamation number 138 is dated by Hughes and Larkin to ?1533, for no reason except that R. R. Steele placed it there; as they themselves note, it was not actually proclaimed until March 1537. Some earlier proclamations (*ibid.* nos. 63, 108, 118) cover much the same ground but very briefly and inadequately by comparison with Cromwell's.

unlawful games in their own houses. No one would pretend that Starkey drafted the Cromwellian legislation and proclamations, but the sudden revival of interest in this topic at the very least goes well with what Starkey emphasized among the ills of England in the treatise brought to notice just before action got going.

Starkey's bonnet also harboured a bee about English towns which he thought decayed and filthy, as no doubt they were, especially compared with the Italian cities that served him as a model.¹ He wanted civic officers to supervise beautification and sanitation, but this he did not get. He also stressed the need for rebuilding, a matter in hand before ever Cromwell heard of him, at least in Norwich and Lynn, towns which apparently themselves promoted the necessary bills.² However, in 1535 and 1540 three acts created wide powers in superior lords and municipal corporations over negligent occupiers and owners in no less than sixty towns, most of the leading ones amongst them.³ The question of towns links Starkey with other men working on reforms. A draft act which proposed to solve municipal impoverishment by confining all sales of goods to fairs and markets and by compelling all artisans to reside within borough limits, was probably the work of Thomas Gibson, an obscure pamphleteer known, however, to Clement Armstrong, whose will he witnessed.⁴ We note that Starkey favoured a system of control over entry into all crafts, that an anonymous tract wished to confine cloth-making to towns long decayed, and that Armstrong also wanted to see artisans confined to towns.⁵ I have already said that different people would come to similar conclusions on similar problems, and Gibson probably got his ideas from Armstrong who owed nothing to Starkey. But this is not to forget that Starkey also wrote on these themes, and if the sudden spurt of governmental energy owed anything to any writer, Starkey, whom Cromwell promoted, is a better candidate than Armstrong whom he ignored. Cromwell preferred reform by statute, a point which seemed obvious to Starkey; but Armstrong, we

¹ Burton, 75, 92, 161.

² 26 Henry VIII, cc. 8, 9 (1534).

³ 26 Henry VIII, c. 1, 32 Henry VIII, cc. 18, 19.

⁴ Cf. my 'Parliamentary Drafts 1529-40', *B.I.H.R.* xxv (1952), 122 f., 126 n. 4.

⁵ Burton, 147; *L.P. Add.* 1382 (1); R. H. Tawney and E. Power (ed.), *Tudor Economic Documents* (London, 1924), iii, 117. Professor Bindoff inclines to the view that the anonymous tract, too, is at least in part Armstrong's (*Ec.H.R.* 1944-5, 65 f.), but after inspecting the manuscript I am not sure that I agree.

must remember, did not trust Parliament and did not believe in statute.¹

The most complex issue, and one far too long to be fully discussed here, in which Starkey's *Dialogue* involved him touched the crucial economic question of the time, the manufacture of woollen cloth and the most profitable way of selling it. On this topic Cromwell, who in any case had personal experience to guide him as well as important friends among the leading merchants of London, received unsolicited advice from every sort of quarter. He was told how a profit of £33,000 could be made for the Crown by transferring the staple of cloth from Antwerp to London,² a point also made rather differently by Armstrong who, in the course of his interminable papers, thought of ways of doing down the merchant adventurers as well as everybody else.³ The first writer attacked the Calais Staple on the grounds that its existence encouraged men to invest their savings there with a minimum of risk, which prevented them (allegedly) from using their capital to expand the native cloth industry. The argument that English capitalists needed only some inducement to pour the golden waters of life over the manufacture of woollens also occurs in Starkey's book: the Staplers' export of raw wool, he said, removed the raw material to the advantage of foreign clothiers, but if that trade were stopped and the Staple broken 'there be marchand men that by the help of the prince will undertake in few years to bring clothing to as great perfection as it is in other parts'.⁴ It is worth remembering that all of Starkey's remarks predate the likely production of all except Armstrong's treatises, and the anonymous piece just referred to thus has echoes of Starkey's thought which set it apart from Armstrong's commonplace; for the mere idea that English cloth be sold to all comers in England is found often enough in economic discussions at the time.

However, the destruction of the Calais Staple was one piece of advice which Cromwell did not take, nor did he ever directly attempt to transfer the cloth staple to England. He probably knew better than the pamphleteers that the bulk of English wool was already being manufactured in England, and he

¹ Tawney and Power, *op. cit.* iii. 121 f.

² *L.P. Add.* 918 (1-3). There is no reason for the *L.P.* dating to 1533. The documents were certainly received by Cromwell because Ralph Sadler endorsed them to that effect.

³ Tawney and Power, *op. cit.* iii. 119.

⁴ Burton, 158.

knew that England could not retreat from Antwerp as simply as that. Unlike Starkey, he apparently saw no virtue in the puritan proposal to stop the import of luxuries like wine,¹ a measure which would have depended on doing without a market for raw wool altogether and therefore ill accorded with Starkey's other trading schemes. Instead Cromwell adapted the counsel he received to produce two measures which Schanz described as 'a true masterpiece'.² They consisted of a proclamation of February 1539 and an act of 1540. The proclamation³ reduced the customs payable by foreigners to the level of those paid by native merchants; the statute,⁴ the first really well worked out navigation act, among other things reserved the benefit of the concession to foreigners who exported English manufactures acquired in England in English vessels only. Thus those foreigners who were willing to support English shipping would also in effect create something like Armstrong's cloth staple in England and were encouraged to do so by a reduction in costs which would very seriously affect the trade in English cloth exported to Antwerp for purchase by continental merchants there, while yet no one could say that Cromwell had crudely intervened in the established London–Antwerp trade.

The experiment, timed for seven years in the first instance and never renewed, nevertheless ran into hot opposition from both the Antwerp interests and the Merchant Adventurers, opposition which Cromwell's successors, faced with the renewal of expensive war, were to find it impossible to resist. This does not deprive it of the distinction of being a bold scheme, with a fair chance of success, for achieving the advantages which all the theorists said could be obtained from concentrating the sale of cloth in England. And, once again, Starkey's *Dialogue* contains remarks in which the germ of the scheme may possibly be discerned. Starkey advocated the abatement of excessive customs dues but this was to be for reducing the price of essential imports, a policy not seriously taken up till the age of Huskisson. And with this he linked a strong recommendation that English merchants should use only English ships. There had been navigation acts before, but even re-enacting them in 1536 had proved of little avail; Starkey's demand was not for an innovation

¹ Burton, 144.

² G. Schanz, *Englische Handelspolitik gegen Ausgang des Mittelalters* (Leipzig, 1881), i. 86 f., 372.

³ Hughes and Larkin, *Proclamations*, 281 ff.

⁴ 32 Henry VIII, c. 14.

but for more effective measures than those in use. The great act of 1540 was just that—or it would have been if Henry VIII's policy in the 1540s had not forced the government to abandon these efforts to back English industry and shipping.

In all these matters, therefore, there are signs of much the same interrelationship. It can never be said outright that Cromwell adopted a proposal of Thomas Starkey's for legislative enactment, and it would indeed have been strange if he had done so. Starkey's own remarks were, purposely, only hints for a possible policy; he wrote away from England and a long way away from the reality of affairs; what he and others had to do, once Cromwell employed them, was to turn germs of ideas into possible statutes. What emerged was sometimes too grandiose to be used. On the other hand, it goes without saying that Cromwell's considerable legislative programme needed draftsmen and advisers; that Starkey was among the latter may be fairly inferred from the fact that some of the main areas of reformist action were those on which his analysis had concentrated. There are odd scraps of evidence to suggest how things happened. For instance, we have two draft preambles for statutes seemingly worked out by themselves for attachment to an act to be separately drafted; both are heavily corrected by Cromwell. One was intended for a depopulation statute: after rehearsing earlier acts, it comments on the decay of tillage, ruin of houses, and needs of poor people in terms which recall Starkey's remarks on the waste of ground 'before time occupied and tilled' and his suggestion that the poor be settled on new holdings carved out of the waste.¹ The other considers rural unemployment which it is hoped to solve by encouraging linen-weaving in the country-side, thereby in a way combining two of Starkey's preoccupations—the need to increase the rural population and the need to encourage all crafts.² Here reform legislation, inspired by 'commonwealth' ideas, was worked out for Cromwell's careful revision, so that the co-operation of minister and planners comes across very clearly.

However tenuous the specific links between the *Dialogue* and official policy may, therefore, appear, they are real and fit in well with everything we know about this government's doings. And Starkey's *Dialogue* is the only general statement of the day on

¹ P.R.O., SP 1/69, ff. 17–19 (*L.P.* v. 721 [12]); Burton, 73 f., 140 f. The *L.P.* dates of all these drafts are entirely conjectural and rarely correct or even probable.

² P.R.O., SP 1/151, ff. 122–3 (*L.P.* xiv. i. 872).

social and economic reform which is anything like as diverse as the reforms which were planned or carried by Cromwell's administration. Some of the things done reflect the attitudes and even on occasion the specific demands of the treatise, and a few things, which it did not prove practicable to adopt, were drawn directly out of it. It does not, therefore, seem to me too much to claim that for Cromwell's advisers, and thus for Cromwell himself, this work of Cromwell's ablest tame pamphleteer provided something like a reservoir of ideas, certainly of ills and up to a point of remedies. Some of his most striking thoughts could find no welcoming reception. This is particularly true of his political devices—his proposals for an elective kingship, for a privy council appointed in Parliament, and for a supervisory council of ephors presided over by that antique officer, the constable of England.¹ But both the general radical tenor of his thought and the particular lines of attack are closely related to what was done.

Of course, no one can tell whether the government needed the stimulus of reading the *Dialogue*—or of having its author among the group of advisers—before deciding what needed doing. We should certainly not think of Cromwell as humbly carrying out a programme devised by a bunch of humanists. But neither, on this and other evidence, should we think of him as a pure pragmatist, a hand-to-mouth man, or a mere co-ordinator of the pressures applied by lobbyists. He thought about the needs of the realm in a systematic manner, listening to theorists, reading their proposals, and revising their drafts. They in turn clearly felt that in him they had a minister worth writing to and for. As Morison put it in a letter to Cromwell whose flattery was quite sincere: 'I am a graft of your lordship's own setting; if I bring forth any fruits I know who may claim them.'² Or again: 'Sed animus tuus in Christi Evangelium, studium illud tuum in veritatem, much more move me than all that ever I look to have of your lordship.'³ The policy of the Tudor revolution and its programme of reform were steered by a man to whom statute offered the opportunity of bringing about that betterment of the commonwealth which the educated minds of the day were clamouring for. Neither were all their ideas sensible nor all his measures successful, but the parties to this discussion were in earnest and tried sincerely.

¹ Burton, 150 ff., 156, 165 ff.

² P.R.O., SP 1/113, f. 210 (*L.P.* xi. 1481).

³ P.R.O., SP 1/133, f. 253 (*L.P.* xiii. i. 1297).