

“Powerful Arms and Fertile Soil”

English Identity and the Law of Arms in Early Modern England

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TABLE OF CONTENTS

ABSTRACT	iii
INTRODUCTION	1
CHAPTER I: BLOOD, LAND, AND HONOUR	8
HUMOURAL THEORY	9
Blood, Fluids & Heat	11
Reproduction	12
Inheritance	15
GEO-HUMOURALISM	16
Identities: Cultural & Personal	18
Manliness	20
Generation	23
HEAT & “CIVILIZING”	26
Malleable Mettle	28
GENTILITY	33
Knowing & Being Known	36
Gentility & Violence	39
Blood & Spirit	41
WOMEN’S BODIES	44
Case Study: The Abergavenny Peerage	48
 CHAPTER II: THE COLLEGE OF ARMS	 62
INTRODUCTION	62
MESSENGERS OF MARS	68
Kings of Arms	77
Heralds in Ordinary	78
Pursuivants	79
VISITATIONS	79
Visitation, in Practice	84
COURT OF CHIVALRY	98
The Law of Arms in England	105
Conflict in the College of Arms	110
Whose Authority?	116
GRANTS OF ARMS	122
Shakespeare’s Arms	124
CONCLUSIONS	131
 CHAPTER III: WILLIAM CAMDEN AND RALPH BROOKE	 132
INTRODUCTION	132
The Conflict	135
WILLIAM CAMDEN	139

Oxford	141
Inns of Court	143
<i>Law & Order</i>	148
Westminster	155
RALPH BROOKE.....	162
Brooke vs. Segar	164
Brooke, Etc.	167
CAMDEN AND BROOKE.....	169
Epistemological Concerns	172
<i>Concerns of Office</i>	173
<i>Legitimacy</i>	177
Camden & the College of Arms	182
Brooke: Round 2	183
CONCLUSIONS	185
 FINAL THOUGHTS & CONCLUSIONS.....	 190
 APPENDIX A. HERALDS OATHS OF OFFICE	 192
APPENDIX B. EARL MARSHAL'S ORDINANCES & STATUTES, 1568	196
APPENDIX C. FRANCIS THYNNE'S "A DISCOURSE OF THE DUTY AND OFFICE OF AN HERALD OF ARMS"	200
APPENDIX D. INSTRUCTIONS TO BE OBSERVED IN VISITATIONS, 1681	202
APPENDIX E. LETTERS PATENT ISSUED TO THOMAS BENAULT, CLARENCEUX, 1580	205
BIBLIOGRAPHY.....	207

ABSTRACT

This thesis argues that the status and authority of the English gentleman is derived from the uniquely English interpretation and administration of the Law of Arms by the officers of the College of Arms — the heralds. This research examines questions of honour, genealogy, and law, as they were understood by the heralds, and their role in creating an English identity during the early modern period.

The work of Simon Schaffer and Steven Shapin demonstrated that the role of the English gentleman was crucial to the origins of early modern science, in the establishment of truth in “matters of fact.” If, following Schaffer and Shapin, gentlemen played a central role in the social construction of facts, I argue that the College of Arms played a central role in the construction of gentlemen. Through the process of Visitation — which involved historical, genealogical, and chorographical investigation — the heralds ascertained who was gentle, and who was not.

While the English gentleman could determine what was legitimate knowledge, it was the heralds who possessed the experience and expertise to determine who was a member of that social class; and the empirical practises for which the English gentleman scientist has been lauded, of “taking noone’s word for it” and “seeing for oneself” already existed in the process of Visitation undertaken by the heralds, particularly those knowledgeable in the study of antiquities. Relationships between blood, honour, gender, and climate meant that the bodily and cultural identity of the English gentleman was firmly embedded in the English land.

Workin' in the fields
'Til you get your back burned
Workin' 'neath the wheels
'Til you get your facts learned
Baby I got my facts
Learned real good right now
You better get it straight girl
Poor man want to be rich
Rich man want to be king
And a king ain't satisfied
'Til he rules everything
I want to go out tonight
I want to find out what I got
— Bruce Springsteen, *Badlands*

INTRODUCTION

The Sociology of Scientific Knowledge (SSK) movement that emerged in the latter half of the twentieth century questioned the traditional narratives of the emergence of modern science, and came to assert that social factors were constitutive, rather than contaminants, of the development of scientific knowledge. The view that social factors were “external”¹ and deleterious to science eroded in favour of an approach that sought to show that what constituted good scientific practice itself was not autonomous from social and political influences. A driving force behind investigations on this subject was the demand from social historians and sociologists of science to accept the view that knowledge is a collective good: science is a cooperative enterprise, and the “New Science” came into being together with the establishment of new institutions of knowledge, and the changing role of the participants in the production of knowledge. Where earlier efforts saw the task of SSK to be the creation of a new and legitimate space for sociology in science-studies via the construction of an “anti-epistemology,”² by the mid-1980s the challenge for SSK was in *locating* the connections between the social and the epistemological.

¹ For more on the “internalist/externalist” debate in the history and sociology of science, see Steven Shapin, “Discipline and Bounding: The History and Sociology of Science as Seen through the Externalism-Internalism Debate,” *History of Science* 30 (1992).

² That is, to break down the legitimacy of the distinction between contexts of discovery and justification, and to develop anti-individualist and anti-empiricist frameworks for the sociology of knowledge. See Shapin, “Here and Everywhere: Sociology of Scientific Knowledge,” *Annual Review of Sociology* 21 (1995). See also, John Law, “Is

For many, the task in understanding science as a social and historical enterprise came to focus on discovering what it meant for a practitioner to be acting logically or rationally, or to recognise something as fact or evidence in scientific practice. It has long been argued that the rise of scientific modernity depended on immense and innovative transformations that took place in knowledge and method. Traditional accounts have located the emergence of modern science, or the “Scientific Revolution,” in Europe during the sixteenth and seventeenth centuries. The work of Steven Shapin and Simon Schaffer identifies the figure of the English gentleman as a locus of connection between the social, political, and epistemological during the early modern period.³ The virtuoso Christian gentleman possessed the moral authority, financial independence, and scholarly “disinterestedness” to make him particularly suited to the tasks that the new experimental method required, because the *epistemological decorum* of the New Science was modelled on the texture of the social interactions and mores of the English gentility as a social class. Shapin’s *A Social History of Truth* in particular focuses on the central role played by gentlemen in the social construction of “matters of fact.” Shapin claims that there were few boundaries in sixteenth- and seventeenth-century England “as substantial, as consequential, and as contested as that dividing society into its gentle and non-gentle portions,”⁴ and that gentility played a fundamental role, in establishing the criteria of trust and truth in experimental science:

Epistemology Redundant? A Sociological View," *Philosophy of the Social Sciences* 5 (1975); David Bloor, "Psychology or Epistemology," *Studies in History and Philosophy of Science* 6 (1975); Stephan Fuchs, *The Professional Quest for Truth: A Social Theory of Science and Knowledge* (Albany: State University of New York Press, 1992).

³ See, Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1985); Steven Shapin, "'A Scholar and a Gentleman': The Problematic Identity of the Scientific Practitioner in Early Modern England," *History of Science* 29 (1991).

⁴ *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago: University of Chicago Press, 1994), 43-44.

Veracity was understood to be underwritten by virtue. Gentlemen insisted upon the truthfulness of their relations as a mark of their condition and their honor. The acknowledgement of gentlemanly truthfulness was the acknowledgement of gentlemanly identity. ... Truth flowed along the same personal channels as civil conversation. Knowledge was secured by trusting people with whom one was familiar, and familiarity could be used to gauge the truth of what they said.⁵

Shapin's work has received strong challenges, as well as robust defenses.⁶ Criticisms include those of Mordechai Feingold and Margaret Jacob, who make similar claims that Shapin's reconstruction of the past is flawed, and that the historical record fails to substantiate his main claim, and Harold Cook who accuses Shapin of taking a "behaviorist's view."⁷ Cook makes the point that while Shapin "roots science in communities whose authority stems from trust in their social status", that this account is still incomplete.⁸ Cook argues that while trust is an essential part of maintaining a cohesive social group, reputation rather than social status – that is, gaining a reputation for speaking truthfully, and possessing good judgement – should also be a main concern in the narrative.

Cook's view that Shapin's claim for "gentlemanly status" as "the final determinant of scientific truth" is overly strong suggests a motivation for the following inquiry. I will demonstrate that reputation and social status were intimately bound to one another at the turn of the seventeenth century, and that knowing what to trust was knowing, in the sense of *recognising*, whom to trust.

⁵ Ibid., 410.

⁶ See for example, Anita Guerrini, "The Truth About Truth," *Early Science and Medicine* 3, no. 1 (1998); Peter Dear, "Trust Boyle," *British Journal of the History of Science* 28, no. 4 (1995); John A. Schuster and Alan B.H. Taylor, "Blind Trust: The Gentlemanly Origins of Experimental Science," *Social Studies of Science* 3 (1997); Theodore M. Porter et al., "Gently Boyle (Review Symposia and Author's Response)," *Metascience* 6 (1994).

⁷ Margaret C. Jacob, "Review: A Social History of Truth: Civility and Science in Seventeenth-Century England, by Steven Shapin," *Albion: A Quarterly Journal Concerned with British Studies* 27, no. 2 (1995); Mordechai Feingold, "When Facts Matter," *Isis* 87, no. 1 (1996); Harold J. Cook, "The Practice of Science: A Behaviorist's View," *American Scientist* 83, no. 3 (1995).

⁸ Cook, 273.

The means and measures for recognising whom to trust, I am going to show, were derived from an epistemic culture that was rooted in the legal, genealogical, and geographical practices of heraldry. At the centre of my narrative will be the heralds of the College of Arms, who possessed the authority, framework, and tools necessary for recognising, adjudicating, and “knowing” gentility; only the College of Arms could legitimately confer the status of “gentleman” to individuals. In accord with the demands of SSK, all knowledge is social; but the social demands an epistemological basis. Veracity may have been guaranteed by gentility, but we might wish to ask: what guarantees gentility? Rather than taking for granted the category of “gentlemen” and using it for the foundation of a new sociology of knowledge, I demonstrate how the category was itself constructed by the tools and practices of the College of Arms. Gentility, I will show, required verification. This verification required a body of knowledge, methods, procedures, and tools, as well as an approach to that knowledge, and appropriate institutions for knowledge: these were the heralds and the College of Arms, whose own history is at the core of this work.

The boundary between gentle and non-gentle, I will demonstrate, was shifting and contested during the early modern period. It was codified by the Laws of Arms and made visible by the ensigns of honour borne by the armigerous classes. While, following Shapin, we have been under the impression that this was the most significant boundary existing between social classes during the early modern period, recent scholarship has shown that while a variety of hierarchies existed between class, status, gender, and age, these hierarchies were unstable, and often disputed through a variety of languages.⁹ A fundamental challenge to the traditional view of the hierarchy as being defined in terms of gentility came from the increasing wealth and literacy, and thereby

⁹ Michael Braddick and John Walter, "Introduction. Grids of Power: Order, Hierarchy and Subordination in Early Modern Society," in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. Michael Braddick and John Walter (Cambridge: Cambridge University Press, 2001), 1, 3.

influence, of the upwardly-mobile “middling” classes. Social historians who have identified the constructions of social order have focused on the normative vocabularies, ritual expressions of power, and the roles of text, performance and ideology in these constructions.¹⁰

Shapin and Schaffer recently stressed that their *Leviathan and the Air-Pump* approached the problem of knowledge and the problem of social order as “*the same problem*.”¹¹ This thesis presents a prehistory to the social and political upheavals of the seventeenth-century setting of the book’s celebrated thesis, and clarifies what this “same problem” actually was. I want to suggest that the English gentleman was reshaped during the Elizabethan period, and an English self-fashioning and patriotism¹² emerged that was attached to land rather than monarch – allowing it to endure throughout the upheaval that followed (Civil Wars, Commonwealth, and Restoration). Prior to Elizabeth’s reign, land and monarch had been a united entity, with the advocating of service “to king and country” being a recurrent theme.¹³ This attitude shifts in the seventeenth century, to a focus on “country” alone, in all of its various meanings (nation, county, locality, countryside); not just with the emergence of a new geographical genre, but also due to the unsettling force of the personality of Queen Elizabeth I herself. Allegiance to country, divorced from the monarch, would later make it possible to legally execute a king.

¹⁰ Ibid., 8.

¹¹ Steven Shapin and Simon Schaffer, “Introduction to the 2011 Edition. Up for Air: *Leviathan and the Air-Pump* a Generation On,” in *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 2011), xlix. [Italics in original]

¹² “Patriotism” is here employed to reflect the original use of “patriot” to mean “a lover of one’s country”. “Patriot, N. And Adj.,” in *OED Online* (Oxford University Press). William Lambarde, for example, described Richard Harrys, “Fruiterer to King Henry the 8.” as an “honest patriote”: “For this man, seeing that this Realme (which wanted neither the favour of the Sunne nor the fat of the Soile, meete for the making of good apples) was neverthelesse served chiefly with that Fruit from forrein Regions abroad ... brought plantes from beyonde the Seas, and furnished this ground with them, so beautifully...” to ensure that the English people were fed with fruits of the English soil. William Lambarde, *A Perambulation of Kent, Conteyning the Description, Hystorie, and Customes of That Shire; Written in the Yeere 1570, First Published in the Year 1576, and Now Increased and Altered from the Author’s Owne Last Copie* (London: Baldwin, Cradock and Joy, 1826 (1576)), 222-23.

¹³ Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992), 133.

Shapin and Schaffer's formulation of the identity of the gentleman was centred around the figure of Robert Boyle, and remains on highly disputed territory. On the one hand, Feingold is correct in pointing to the figure of William Segar,¹⁴ a herald, for a more complete account: one that recognises the fluidity of gentlemanly status, and includes not only wealth and birth, but also virtue and learning. In this account, not only is Boyle, as the seventh son of an Earl, considered gentle, but also due to his learning so is the previously considered problematic figure, Robert Hooke. On the other hand, Feingold's charge that Shapin equates gentility with landed aristocracy is not as damning to his thesis as Feingold would have us believe:¹⁵ the basis for English gentility, I am going to show, *was* rooted in the complex relationships between the English land, and the legal codes regarding its defence, possession, and ownership.

Chapter one of this thesis will demonstrate that the Law of Arms, and the chivalric codes derived from it, are based upon ideals of honour and nobility that are tied to blood and land: I will demonstrate that this way of defining gentility allowed for this "barrier" or "boundary" between gentle and non-gentle to be a fluid one. While the English gentry could determine what was legitimate knowledge, I will show that the officers of the College of Arms knew who was a legitimate gentleman. Acting under Crown authority, they possessed the experience, expertise, and tools to determine who was a member of that social class; a gentleman was in a position "to know," because he was "known" to the heralds. Chapter two will demonstrate that the empirical practises for which the English gentleman scientist has been lauded — of "taking no-one's word for it" and "seeing for oneself" — already existed in the process of Visitation, the tours of inspection to investigate and record pedigrees that were undertaken by the heralds (particularly those knowledgeable in the study of antiquities). The empirical focus of the Visitation process, and its

¹⁴ For more on William Segar, see Chapter III.

¹⁵ Feingold, 132.

deep concern with the truth of matters of fact, are representative of the shift in what counted as the crucial consideration, or “test,” in epistemological practises. Chapter three takes as its object of investigation a conflict in epistemological authority where the method of empirical verification was at stake, as it played out in the College of Arms between Ralph Brooke, York Herald, and William Camden, Clarenceux King of Arms. On the basis of the analyses contained in these three chapters, this thesis closes a circle that sociologists of science began to trace when they located the authority and validity of science in the early modern period, and in the body of the English gentleman. I conclude that the boundary between gentle and non-gentle was as fluid as the blood in which it was based.

Chapter I: Blood, Land, and Honour

“We’re more of the love, blood, and rhetoric school. Well, we can do you blood and love without the rhetoric, and we can do you blood and rhetoric without the love, and we can do you all three concurrent or consecutive. But we can’t give you love and rhetoric without the blood. Blood is compulsory. They’re all blood, you see.”

— Tom Stoppard, *Rosencrantz and Guildenstern are Dead*

INTRODUCTION

In early modern England a man’s honour and reputation were almost entirely bound to his lineage; blood was the inheritable medium through which honourable status was conferred. Also tied to the blood was what a person was “entitled” to inherit, whether that be land or a peerage — that is, a title. We will see below, via an examination of the dispute over the Abergavenny barony, how gender played a role in considerations of honour, nobility, and the function of the peerage. I will show that, ultimately, the major concern regarding the maintenance of social order, was gentility, as it was invested in the blood.

That the lineage culture, the ideas it promoted, and the epistemic values it embedded were sophisticated, and deeply entrenched — such that its recognition in early modern society went beyond the expertise of the heralds — can be seen in the popularity of the cult of chivalry, and its concomitant literary manifestations:¹ medieval works such as *The Book of the Order of Chivalry* (c.1279-83), *The Tree of Battles* (c.1382-87), and *The Book of St. Albans* (1486), remained popular amongst the reading public throughout the early modern period.² This culture was less philosophical, and

¹ Mervyn James, *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986), 273.

² See, Raymond Lull, *The Book of the Order of Chivalry*, trans. Noel Fallows (Woodbridge: The Boydell Press, 2013); Honoré Bonet, *The Tree of Battles of Honoré Bonet: An English Version, with Introduction by G.W. Coopland, with a Hitherto Unpublished Historical Interpolation*. (Liverpool: Liverpool University Press, 1949); Dame Juliana Berners, *The Gentlemans Academie, or the Booke of S. Albans: Containing Three Most Exact and Excellent Bookes: The First of Hawking, the Second of All the Proper Termes of Hunting, and the Last of Armorie: All Compiled by Juliana Barnes, in the Yere from the Incarnation of Christ 1486* (London: Printed for Humfrey Lownes, 1595).

less discursive than the scholastic culture that was dominant in the professional intellectual and university settings; rather mythology and biblical narrative were employed to explain and validate modes of behaviour and social order. The existence of class divisions, for example, is explained in *The Boke of St Albans* in terms of the subordination of the descendants of Cain to those of Seth, and by Noah's curse on his son Ham, thus depriving his line of his inherited gentle status.³ This cultural outlook was shaped around concerns over honour and shame, with regard to such terms as lordship, justice, duty, faithfulness, service, and blood.⁴ The symbolic focus on blood may seem obvious to us, given that it is of such physiological importance to the continuation of life; but that it also came to be identified as the medium of inheritance — possessing and transferring familial traits and qualities from progenitor to offspring, and legitimizing claims to land and privilege — (prior to a modern understanding of sexual reproduction and inheritance, for example) is less obvious, and less easily explained.

BACKGROUND: HUMOURAL THEORY

Despite major advances made in anatomical investigation during the Renaissance period — particularly by the anatomists of the Paduan school of anatomy — in the sixteenth and seventeenth centuries, medical practice and physiological theory were still heavily dependent on Greek medicine and the doctrines derived from the work of Hippocrates (c.460-c.370BCE), Aristotle (384-322BCE), and Galen (129-c.200AD). Humoural theory, or “humouralism,” underpinned the practice of medicine from Hippocrates onward. The cardinal humours — black bile, yellow bile, phlegm, and blood — when they were in a state of balance within the body, meant that a person was

³ Berners.

⁴ James, 274.

healthy: disease or illness was the result of imbalance, that is, that there was a deficit or excess of one or more of these humours. This somatic discourse viewed the internal balance and functioning of the human body as not only influenced by, but indeed altered by its immediate geography, environment, and climate. Gail Kern Paster's work on the early modern humoral discourse has shown that humoral texts were never socially neutral, but rather heavily influenced by mores regarding gender and class.⁵ She notes the "lexical unwieldiness", and "conceptual circularity" of the term "blood" itself in the early modern English medical discourse. Based on Galenic taxonomy, the word was used to refer both to the simple substance (or humour) in the body, and to the compound that contained it and the other humours, that was "let out at the opening of a veine" for example.⁶ It is generally thought that the concept that there were four cardinal humours arose out of the observation of drawn blood, after it had been left undisturbed for a period of time. It will eventually separate into four distinct layers: dark clotting at the bottom (black bile); red blood cells (blood); white blood cells (phlegm); and yellow serum at the top (yellow bile). Within this paradigm, human bodies were thought of as, "semi-permeable, irrigated container[s] in which humours moved sluggishly": while its internal workings were in a constant state of flux, the humoral body was porous, and so easily influenced by the immediate environment.⁷ Helkiah Crooke, in his *Microcosmographia*, for example, states that he is in agreement with Hippocrates, that

⁵ See Gail Kern Paster, *The Body Embarrassed: Drama and the Disciplines of Shame in Early Modern England* (Ithaca: Cornell University Press, 1993); *Humoring the Body: Emotions and the Shakespearean Stage* (Chicago: University of Chicago Press, 2004). See also, Mary Floyd-Wilson, "Chapter 6: English Mettle," in *Reading the Early Modern Passions: Essays in the Cultural History of Emotion*, ed. Gail Kern Paster, Katherine Rowe, and Mary Floyd-Wilson (Philadelphia: University of Pennsylvania Press, 2004). For social theory regarding blood, see Andrew Strathern, *Body Thoughts* (Ann Arbor: The University of Michigan Press, 1996).

⁶ Paster quotes the French surgeon, Ambroise Paré, *The Workes of That Famous Chirurgion Ambrose Parey*, trans. Thomas Johnson (London 1634), 12. In, Paster, 69.

⁷ Paster, 9.

...all bodies are *Transpirable* and *Trans-fluxible*, that is, so open to the ayre as that it may passe and repasse through them, though not so abundantly as it doth by the windepipe...⁸

Blood, Fluids & Heat

Prior to William Harvey's *De Motu Cordis* of 1628, and his theory regarding the circulation of the blood, early modern medicine adhered to the theories of Aristotle and Galen that viewed a complex hierarchy of physical and spiritous attributes as playing a necessary role in the production, composition, and movement of blood within the body.⁹ There was a correlation between the scientific account of blood, and the social hierarchies in which blood was considered an important signifier;¹⁰ the production of blood was directly related to dietary consumption, which was heavily influenced by a number of social and environmental factors. This process was thought to be a series of three transformations and refinements. A first concoction in the stomach turned food into chyle. A second concoction — or “sanguification” — in the liver, transformed the chyle into blood and other humours; infusing it with “natural spirit”, and making it part of the living body.¹¹ Finally, the blood that found its way into the arterial system did so via the heart, receiving “vital heat” from the heart, and a second infusion of “vital spirits” from the lungs. In Galen's theory of anatomy, the venous system, on the right hand side of the body, was completely separate from the arterial system on the left, and they possessed separate and different functions. There was no regular movement of blood; rather, different parts of the body attracted venous blood (carrying nutrition), or the superior arterial blood (carrying heat and “vital spirits”) to themselves as and when they were required, and the blood was there used up.

⁸ Helkiah Crooke, *Microcosmographia: A Description of the Body of Man: Together with the Controversies Thereto Belonging* (Printed by William Jaggard dwelling in Barbican, 1615), 175.

⁹ Paster, 69.

¹⁰ Ibid.

¹¹ Ibid., 70-71.

Blood, along with mother's milk, and semen, were fungible fluids, "products of the body's power to concoct its nutriment",¹² that could easily turn into one another. Surplus blood was shed in menstruation, or transformed into milk by women, or refined into semen by both men and women. This reasoning was the object behind the practice of fasting for the religious ascetic, for example; it was intended not only to discipline the body, but to leave no surplus of blood that might then supply the desires associated with reproduction.¹³

Reproduction

The quality of heat was critically important in both the Aristotelian and Galenic accounts of anatomy and physiology, and semen was thought to be highly concocted and rarefied, heated blood; "made & gathered of the most best and purest drops of blood in all the body."¹⁴ In Galen's account in *De Semine*, for example, the testicles:

... have a nature generative of semen. But they generated it from blood, which spent a great deal of time in them; for this is the use of the twisting. And as they altered the quality of the blood they changed it to semen.¹⁵

In this framework, and prior to the advent of the ovum theory in the late seventeenth century, it was thought that conception occurred through the mixing of fluids, which men and women both produced. Where male bodies were dry, and less susceptible to the external elements, female bodies were considered to be spongier, and by nature

¹² Thomas Laqueur, "Orgasm, Generation, and the Politics of Reproductive Biology," *Representations* 14 (1986): 8.

¹³ Gillian Clark, "The Old Adam: The Fathers and the Unmaking of Masculinity" in *Thinking Men: Masculinity and Its Self-Representation in the Classical Tradition* ed. Lin Foxhall and J. B. Salmon (London, New York: Routledge, 1998), 178.

¹⁴ Thomas Vicary, *Profitable Treatise of the Anatomie of Mans Body* (London 1577). Cited in Paster, 81.

¹⁵ Galen, *De Semine/on Semen*, trans. Phillip De Lacy (Berlin: Akademie Verlag, 1992), 109.

more open; open for menstruation, sexual penetration, and childbirth.¹⁶ According to Aristotle, only the male produced and emitted semen, as only men possessed the requisite heat for the final concoction: male semen was active in the sense that it contained “efficient cause” and “principle of movement in generation.”¹⁷ Menstrual blood was the analogous, but fundamentally different, female fluid: passive, because it was acted upon by the male seed.¹⁸

According to Galen, on the other hand, both women and men produced the seed, or seminal fluid, essential for conception: “hotte, white, & thicke” in men, and “thinner, colder, and feebler” in women. Indeed, sexual intercourse was a necessary means for the expenditure of the seed, in order to maintain humoral balance in sexually mature men and women.¹⁹ The seed could vary greatly in reproductive efficacy, depending on the soundness and quality of blood from which it was concocted. Once deposited into the uterus, the seed would cool and become blood once again. In mixing with the woman’s blood, it therefore affected the quality of her own, “either ennobling or debasing her, depending upon the relative quality of each party’s blood.”²⁰ Ramon Lull’s *Book of the Order of Chivalry*, for example, stated that the wife of knight who has a son by a peasant does no honour to her husband, “destroys the antiquity of his lineage”, and on top of this does damage to the social order itself:

¹⁶ Mary Harlow, “In the Name of the Father: Procreation, Paternity, and Patriarchy,” in *Thinking Men: Masculinity and Its Self-Representation in the Classical Tradition*, ed. Lin Foxhall and J. B. Salmon (London, New York: Routledge, 1998), 157.

¹⁷ *Ibid.*, 158.

¹⁸ *Ibid.*

¹⁹ Paster, 166-69.

²⁰ Byung-Eun Lee, “Shakespeare’s Villeinizing of Jack Cade,” in *Shakespeare’s Theories of Blood, Character, and Class. A Festschrift in Honor of David Shelley Berkeley*, ed. Peter C. Rollins and Alan Smith (Peter Lang International Academic Publishers, 2001), 126.

...parage²¹ through the sanctity of matrimony between a lady and a knight befits the honour of Chivalry; and the opposite constitutes the destruction of Chivalry.²²

Menstrual blood, or “the blood of the womb”, for Galen is the substance from which “all parts of animals with blood originate”, since “that blood has a share of phlegm and of the two biles”:

... man’s origin was out of the blood of the womb, blood which is not pure, but mixed with phlegm and the biles. For every man is shown to be possessing these things in himself at every point in time. If, therefore, man originated out of these things, and has his increase and nourishment out of them, then these are his nature.²³

Galen notes in *De Semine* that he is in agreement with Aristotle that animals are generated from matter and power. Semen and menstrual blood possess both principles, he argues, but in different ratios. Semen having a stronger active principle, but only a small amount of the material principle; blood possessing an abundance of the material principle, but lacking in the dynamic principle: “For the semen is not merely power but also a kind of matter; and the menstrual blood is not matter only, but also power.”²⁴ Aristotle, he claims, was somehow ignorant of this. The Hippocratic corpus suggested that the seed produced by men and women could be strong or weak, and the strong/weak opposition translated into male-producing or female-producing seed:²⁵

²¹ Parage refers to parity of condition or rank, and equality of birth or station. It also encapsulates the notion of unbroken, noble pedigree or lineage. Llull, 91.

²² Ibid., 81.

²³ Galen, “Book Two,” trans. W. J. Lewis, *On the Elements According to Hippocrates* (Medicina Antiqua), http://www.ucl.ac.uk/~ucgajpd/medicina%20antiqua/tr_GalElem.html.

²⁴ *De Semine/on Semen*, 165.

²⁵ Harlow, 157.

Whichever sex exceeds in amount is engendered: for if weaker semen is much greater in amount than stronger semen, the stronger is overcome, and being mixed with the weaker is brought around to become a female. But if stronger semen is much greater in amount than the weaker, the weaker is overcome and brought around to become a male.²⁶

Galen's ideas regarding what the sex of the foetus conceived would be was adapted from this idea, in that he also makes a distinction between strength and weakness, and male and female, but he also incorporates the Aristotelian oppositions between hot and cold, wet and dry: "... when the temperament of the foetus is hotter and drier, a male animal is produced, and when it is colder and wetter, a female".²⁷ This, as we will see below, becomes very important when one considers the cold and wet environment of the early modern English male on the one hand, and his inheritance rights to honour and land on the other.

Inheritance

It is these ideas regarding the mixing of the concocted humours from both parents which, to some extent, give a clearer picture regarding how cultural identity, and broader associated qualities, such as race and family line might have been thought to be transmitted from parent to offspring, as a physical process due to "consanguinity":

...the Antients called those that were of a kindred *Cosanguineos*.i. of the same blood, because the seed is made of blood, which phrase we also at this day retayne. The other matter of the seede is that which make it fruitfull; to wit, those Spirites which wander about the body ... are exquisitly mingled with the blood, and of two is made one body...²⁸

²⁶ Hippocrates, *Generation. Nature of the Child. Diseases 4. Nature of Women and Barrenness*, ed. Paul Potter, trans. Paul Potter, vol. X, Loeb Classical Library 520 (Cambridge MA: Harvard University Press, 2012), 17.

²⁷ Galen, *De Semine/on Semen*, 197.

²⁸ Crooke, 259.

What is less clear is blood's ability to absorb and transmit other kinds of traits through familial lines. The metaphysical qualities that were also believed to be conveyed via the blood, and that legitimised and were supported by possession of land — nobility, honour, bravery, and perhaps most importantly, aristocracy — again demonstrate the complexity, and often contradictory nature, of this biological discourse.

GEO-HUMOURALISM

The recent works of Paster, Mary Floyd-Wilson and Garrett Sullivan,²⁹ and John Sutton³⁰ remind us that it is only relatively recently that medical theory came to view the human body as a static, solid container, that is breached rarely “only by disease and experts”, and is “autonomous from culture and environment.”³¹ This view is also changing: in recent years many research agendas with distinctive perspectives on how the environment plays a role in regulating gene expression have emerged, for example.³² In proposing that the blood completed a closed and circuitous journey within the body, William Harvey's work had essentially severed the human body from its ambient environment. Once the blood itself, rather than vital spirits, became responsible for animating the body, the relation between the body and identity, the “self” changed: “the closing of the body, its self-sustaining autonomy, parallels the emerging autonomy of the liberal self,” as Eve Keller succinctly and powerfully puts it.³³

²⁹ Mary Floyd-Wilson, *English Ethnicity and Race in Early Modern Drama* (Cambridge: Cambridge University Press, 2003); Mary Floyd-Wilson and Garrett A. Sullivan Jr, eds., *Environment and Embodiment in Early Modern England* (Basingstoke: Palgrave Macmillan, 2007).

³⁰ John Sutton, *Philosophy and Memory Traces* (Cambridge: Cambridge University Press, 1998); “Spongy Brains and Material Memories,” in *Environment and Embodiment in Early Modern England*, ed. Mary Floyd-Wilson and Garrett Sullivan (New York: Palgrave Macmillan, 2007).

³¹ *Philosophy and Memory Traces*, 41.

³² Paul Griffiths and Karola Stotz, “Outside the Genome,” in *Genetics and Philosophy: An Introduction* (Cambridge: Cambridge University Press, 2013).

³³ Eve Keller, *Generating Bodies and Gendered Selves: The Rhetoric of Reproduction in Early Modern England* (Seattle: University of Washington Press, 2007), 8.

In the Galenist tradition, which was still highly influential in the dominant medical theory during the period under investigation here, an individual's temperament was determined by a dynamic mixture of fluids, influenced not only by the humours and spirits, affected by nutrition and emotion within the body, but also through the skin, by the climate and environment without. A division was made between "naturals" — spirits (vital, animal) and humours — and "non-naturals." Comprising the six Galenic non-naturals were: air or climate; food and drink; sleep and wake; motion and rest; evacuation and repletion; and passions or perturbations of the mind. (There were also three "contra-naturals": consisting of diseases, their causes, and their consequences). Following in the tradition of Hippocrates' *On Airs, Waters, and Places*, medical treatment required a consideration of the wide variety of non-naturals to which an individual was exposed; the state of the humours and spirits was directly dependent on influences, through the blood and skin, from the climate, environment, nutrition and emotion.³⁴ Human biology possessed a pneumatic character, in which the body is a threshold for the passage of air, and flesh is a sponge in the atmosphere.³⁵ Again, the terminology can be a cause of confusion. "Humour" here might mean any liquid, but in particular referred to the living fluids in animals and plants; "vapour" might denote any liquid involving a combining of heat with air. In Aristotelian biology, all life involved the interactions of radical heat and moisture, and vapours were not only one of the basic physical activities of the humoral body, but also one of the ways that the human body expressed its likeness to elemental forms of atmospheric action.³⁶ Both the human body and the earth housed and produced vapours: they were a part of the body, and a part of the atmosphere in which the body resided.

³⁴ Sutton, *Philosophy and Memory Traces*, 39.

³⁵ Paster, 237.

³⁶ Ibid.

Identities: Cultural & Personal

The humoral discourse provided theories of temperament and complexion — that is, personality, behaviour, gender, social status, age, ethnicity, and cultural identity — that were firmly grounded in medical fact and theory, derived from Galen. The humours, and their qualities, were thought to calibrate the internal heat and moisture of the human body, which the Elizabethans called “temper” or “complexion”; and this might change during the course of a day, month, season, or lifetime, depending upon the influences of the external environment:

It is therefore in these sort of changes that what is dominant has precedence, whilst the opposite occurs when these changes occur through what is harmonious. A particular humour might on occasion metamorphose into one or another sort of humour according to temperature, time, place, age and diet: for all humours arise and increase at every moment and season.³⁷

This Galenic somatic discourse, prevailed well into the early modern period; a sermon of John Donne’s from 1623, for example, would describe every man as “a sponge, and but a sponge filled with tears.”³⁸ The relationship between the microcosm of the human body and the macrocosm of the surrounding environment was one of transaction; a complex system of influences between substances and their qualities:

Of this little world, the simple bodies are five, the spirits and the foure humors. The Spirit is the quintessence or fift essence, aethereal in proportion (as sayth the Philosopher) answering to the element of the starres; the foure humors are called the foure sensible elements of the bodie. Choler in temper the most hot and raging, resembles fire. Blood hot and moyst, resembles the ayre. Flegme cold & moyst, resembles the water. Melancholy, cold and dry, is fitly compared

³⁷ Galen, *Galen on Food and Diet*, ed. Mark Grant, trans. Mark Grant (London: Routledge, 2000), 15.

³⁸ “Sermon XIII” in John Donne, *The Works of John Donne*, ed. Henry Alford, 6 vols., vol. 1 (London: J.W. Parker, 1839), 265.

unto earth. Behold also the wonderful Analogie of the Meteors of this little world. The terrible Lightning and fiery flashes and impressions, are shewed in the ruddie suffusions of our eyes when we are in a heate and furie, as also by those [...] darting beames which we throw from the same. The rumbling of the guts, their croaking murmurs, the rapping escapes, and the huddles and redoubled belchings of the stomacke, to represent the fashion and manner of all kindes of thunders.³⁹

Crooke understands the correspondences between the macro- and microcosm to extend beyond large-scale correlations; “anatomy represents the minute particularities of the universe, its hierarchies and manifold interrelations, all of which are signified within the intricacies of man’s insides,” as Keller aptly explains.⁴⁰ Crooke’s analogy between the passions and meteorology may seem an odd or unfamiliar one; “to view the *passions* as ecological may be most difficult for us to grasp as post-Cartesian readers.”⁴¹ While the modern reader might view emotion as “internal”, or part of one’s personal identity, rather than something influenced by external factors moving into and out of the body, the early modern passions were thought to cross the fluid, shifting boundaries of the “self”: early moderns understood the passions to be residual environmental impressions, “originally induced by an ecology that undermines any conception [of] a solid, static, or contained self.”⁴²

Humoural theory had developed at a time when the ideal somatic type for the male was considered to be “*inter nigrum et pallidum*” — between black and pale — when Greece and Rome were placed, quite literally, at the centre of the *oikumene*, the inhabited world. Skin tone was one of the indicators of internal qualities, and what we

³⁹ Crooke, 7.

⁴⁰ Keller, 53.

⁴¹ Floyd-Wilson, “Chapter 6: English Mettle,” 134.

⁴² Ibid.

might think of as personality traits were assumed to reflect climatological influences.⁴³ “Geohumouralism” — that is, a regionally framed humouralism⁴⁴ — placed the temperate Mediterranean climate in the civilised middle, between the climatic extremes of the intemperate, barbaric north and south. The middle, temperate zone imparted the qualities of temperance, masculinity, and good governorship, while extreme climates allowed less desirable physical qualities and temperaments to flourish in their inhabitants. “Ethiopians” in the south were darker, while “Scythians” in the north were pale skinned; both were said to be barbaric, uncivil and effeminate, compared to the inhabitants of the *polis*, a result of the extremes in their environments. Hippocrates’ assessment of the Scythian constitution, as distinctively lacking in heat and virility in *Airs, Waters, and Places* has direct implications for bodies that were English and male, and for the bloodlines and progeny of those bodies:

It is impossible that persons of such a constitution could be prolific, for, with the man, the sexual desires are not strong, owing to the laxity of his constitution, the softness and coldness of his belly, from all which causes it is little likely that a man should be given to venery.⁴⁵

Manliness

During the early modern period, these geohumoural categories of classification would come to be projected onto northern Europeans, Mediterraneans, and Africans. Because of the geographical aspect of the theory, ethnicity came to be defined by emotional differences, rather than by appearance alone. Hippocrates had asserted that the Scythians were “the most impotent of men”:

⁴³ Michael C. Schoenfeldt, *Bodies and Selves in Early Modern England: Physiology and Inwardness in Spenser, Shakespeare, Herbert, and Milton*, ed. Stephen Orgel, Cambridge Studies in Renaissance Literature and Culture (Cambridge: Cambridge University Press, 1999), 7.

⁴⁴ “In the broadest sense, geohumouralism is a name for the ways in which the humoral body is shaped by the six Galenic ‘non-naturals’.” see Floyd-Wilson, “Chapter 6: English Mettle,” 133.

⁴⁵ Hippocrates, *On Airs, Waters and Places* (Kessinger Publishing, LLC, 2004), 27.

...because they always wear breeches, and spend most of their time on horseback, so as not to touch their privy parts with the hands, and from the cold and fatigue they forget their sexual desire, and do not make the attempt until after they have lost their virility. Thus it is with the race of Scythians.⁴⁶

Pale, or white, skin in this scheme thus indicated a lack of manliness, which, understandably, could produce a state of anxiety for the early modern English male, wishing to characterise himself, and his lineage, as educated, civilised, elite, and crucially, as we shall see below, virile. Michael Schoenfeldt has shown how, in early modern England, “the consuming subject was pressured by Galenic physiology, classical ethics, and Protestant theology to conceive all acts of ingestion and excretion as very literal acts of self-fashioning.”⁴⁷ The action of the Galenic non-naturals on the English body did little to remedy the Scythian complexion; “cold air, a diet of beef, excess ale, heated movement, heavy sleep, bodies replete with humors and volatile passions all construct our typical early modern Englishman.”⁴⁸

The popularity and embeddedness of this discourse can be seen quite prominently in the works of Elizabethan and Jacobean playwrights, such as William Shakespeare and Ben Jonson, but is also evident in published works of many other kinds, such as the prose works of William Harrison, Peter Heylyn, Fynes Moryson, and John Norden;⁴⁹ indicating that it was a discourse familiar to people across all social classes. It was also, in large part, responsible for constructing and maintaining the boundaries between those classes, a matter which we will return to below.

⁴⁶ Ibid., 52.

⁴⁷ Schoenfeldt, 11.

⁴⁸ Floyd-Wilson, "Chapter 6: English Mettle," 133.

⁴⁹ *English Ethnicity and Race in Early Modern Drama*, 3.

The figure of Queen Elizabeth I was also an unsettling force in sixteenth-century England. Renaissance studies in English literature argue that, as a monarch and a female, Elizabeth provoked and exploited psychological anxieties in her male subjects, and that the anxieties of male selfhood that her style of rule and the structure of her court produced, reflect the political tensions of Elizabethan society.⁵⁰ Elizabeth's personality, and personal symbolism, molded English culture, and provoked the self-consciousness of the English gentleman during her reign, and for several generations after.⁵¹

Helkiah Crooke (1576-1648), physician to James I, writing in his 1615 *Microcosmographia*,⁵² the largest anatomical work produced in England up to its day (and for a considerable time after),⁵³ stresses throughout that what sets man apart from, and above, other animals, is the quality of heat. Crooke's work, like much of the vernacular biological and medical literature of its time and place, perpetuates the fundamentals of Galenic anatomy and physiology, while "rewriting" their workings, "to support a notion of subjectivity more nearly aligned with masculinist and humanist ideals."⁵⁴ Describing the efficient causes behind the "forme or Figure" of man — that is, his upright stature — he notes that the primary cause is the soul, and the "secondary efficient of mans bodie is heate, wherewith man above other creatures aboundeth,

⁵⁰ See, Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 1980); Louis Adrian Montrose, "'Shaping Fantasies': Figurations of Gender and Power in Elizabethan Culture," *Representations*, no. 2 (1983); Barbara Correll, "Malleable Material, Models of Power: Woman in Erasmus's 'Marriage Group' and *Good Manners in Boys*," in *The End of Conduct: Grobanius and the Renaissance Text of the Subject* (Ithaca: Cornell University Press, 1995).

⁵¹ Montrose, Montrose, 75.

⁵² Crooke's *Microcosmographia* was the first English language anatomy text written by a physician rather than a surgeon. It outraged many in the College of Physicians because of the plates in contained depicting the sexual organs. It was printed by William Jaggard, the printer with whom Ralph Brooke had a major disagreement (see Chapter III), and who is most well known as the printer of the first folio of Shakespeare. See William Birken, "Crooke, Helkiah (1576–1648)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/6775>; Stanley Wells, "Jaggard, William (c.1568–1623)," *ibid.*, <http://www.oxforddnb.com/view/article/37592>.

⁵³ C.D. O'Malley, "The Fielding H. Garrison Lecture: Helkiah Crooke, M.D., F.R.C.P., 1576-1648," *Bulletin of the History of Medicine* 42, no. 1 (1968).

⁵⁴ Keller, 48.

especially the parts about his heart.”⁵⁵ Throughout the work the significance of this quality of heat is reiterated and discussed. The source of heat in the body for Crooke — derived from the Aristotelian concept of vital heat — the heart, is likened to the sun:

...in the midst of the chest, the heart resideth, whose likenesse and proportion with the sun is such and so great, as the antient writers have been bolde to call the Sun The hart of the world, and the heart the Sunne of mans bodie...⁵⁶

This concern with heat is particularly important in the English context, due to the cold and wet climate of the north, and the part this plays in humoural discourse. Englishmen were considered to be barbaric, imprudent, and emotionally naïve. But, as well shall see, they were also malleable;⁵⁷ able to be shaped and, ultimately, civilised.

Generation

Explaining the process of conception, Crooke tells the reader that “Generation is not accomplished but by seeds which must be sown in a fruitfull ground”:

But because man was too hotte to performe this office (for his heate consumeth al in him and leaveth no remainder to serve for the nourishment of the infant) it was necessary that a woman should bee created (for wee will insist now onely in mankinde) which might affoord not onely a place wherein to cherish and conceive the seede, but also matter for the nourishment and augmentation of the same.⁵⁸

The sexual organs of the male, because of his inherent and “original” heat, are located outside of the body, while for the female, “they lye within because of the weakenesse

⁵⁵ Crooke, 5.

⁵⁶ Ibid., 6-7.

⁵⁷ Floyd-Wilson, “Chapter 6: English Mettle,” 132-33.

⁵⁸ Crooke, 258.

of the heate, which is not able to thrust them foorth.”⁵⁹ Men, being hotter than women, also possess too much heat to be able to carry and nourish an infant, so women, being cooler, are necessary to perform this function. Where the precise boundary lay, between the heat required to make a man, or the cold that produced a woman, was unclear, meaning that gender too was, as Anthony Fletcher eloquently puts it, “dangerously fluid and indeterminate.”⁶⁰ Crooke dismisses the notion that men and women might be different species, as well as the idea that women are not ensouled: “The truth is, that as the soule of a woman is the same divine nature with a mans, so is her body a necessary being, a first and not a second intention of Nature, her proper and absolute worke not her error or prevarication.”⁶¹ And yet, because of the emphasis on heat and the fungibility of fluids in the humoural scheme, women were placed in the vertical hierarchy of the great chain of being, below men rather than beside them.⁶²

Crooke’s analogy for the womb, as “the fruitfull Fielde or Garden of Nature”,⁶³ is neither an unfamiliar nor surprising one, but ought to be considered at more than just face value:

The woman hath a womb ordained by Nature as a Field or seed plot to receyve, conceive and cherish the seed; the temper of her whole body is colder than that of a man, because she was to suggest and minister matter for the Nourishment of the Infant.⁶⁴

This is more than just simple and straightforward analogy; Crooke also incorporates aspects of humoural and biblical ideas about human bodies. The predominantly literal

⁵⁹ Ibid., 271.

⁶⁰ Anthony Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven: Yale University Press, 1995), 33.

⁶¹ Crooke, 258.

⁶² Fletcher, 33-34.

⁶³ Crooke, 270.

⁶⁴ Ibid., 271.

interpretation of Genesis 2:7 provided an ongoing reinforcement of the idea that there were fundamental ties and influences between man, woman, and the environment. The biblical narrative told the early moderns that human flesh was first formed from the earth: “And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.” And woman, formed from man, was “derivative” of originary masculinity:⁶⁵ the creation of woman being from Adam’s rib in verse 23, “flesh of my flesh: she shall be called Woman, because she was taken out of Man.” For Crooke, the “final cause” of gender difference was one of functionality: man needs to be hotter to endure hard labour, travel, and danger, both physical and mental; woman is intended to receive and conceive the seed of man, bear and nourish the infant, and care for home, husband and children. Where male sexuality came to be portrayed as active, and often aggressive, female sexuality and sexual activity was described in passive terms: “giving” or “yielding”, for example.⁶⁶ The womb was likened to a field or orchard, because it could blossom and bear fruit; while the penis might be described as a tool for gardening, a stake or prick, or more often an instrument of warfare: Shakespeare made use of the terms lance, pike, pistol, poll-axe, standard, sword, and weapon, for example.⁶⁷ Sexual congress and conception then, would often be described in agricultural terms by men and women: “The Yard is as it were the Plow wherewith the ground is tilled, and made fit for production of Fruit”, and

⁶⁵ Russell West-Pavlov, *Bodies and Their Spaces: System, Crisis, and Transformation in Early Modern Theatre* (Amsterdam: Rodopi, 2006), 56.

⁶⁶ *Ibid.*, 85-86.

⁶⁷ *Ibid.*, 85.

Man in the act of procreation is the agent and tiller and sower of the Ground, Woman is the Patient on Ground to be tilled, who brings Seed also as well as the Man to sow the ground with.⁶⁸

Gender, and gender relations, are firmly grounded in agricultural terms; this understanding of how the land and human bodies were related, how they influenced and shaped each other, would shape ideas regarding the ownership and control of that land.

HEAT & “CIVILIZING”

The implications of this discourse meant that there was not only a social hierarchy between men and women, but an emotional one as well. Paster’s work has shown how Galenic humouralism played a significant role in the social tropes of urbanisation and elite socialisation during early modernity: humours and the passions, she argues, played a key role in the expression of male anger, and the social privileges required, and often assumed, by it.⁶⁹ Her analysis of the tropes of Norbert Elias’s “civilizing process”⁷⁰ — the pacification of behaviour, control of emotions, and the taming of aristocratic lawlessness that characterised “civilizing” restraint⁷¹ — focuses on the body, and the use of thermal imagery in early modern texts. The narrative of social privilege wished

⁶⁸ Jane Sharp, *The Midwives Book. Or the Whole Art of Midwifry Discovered*. (London: Printed for Simon Miller, at the Star at the West End of St. Pauls, 1671), 18, 33.

⁶⁹ Paster, 194, 97.

⁷⁰ “For Elias, European court society’s explicit goal of disciplining and controlling boorishness (i.e. the aggression and impulsiveness valued by feudal elites) took place through the gradual promotion and inculcation of a set of bodily refinements including table manners, posture, gesture, and expression.” See Paster, “Nervous Tension,” in *The Body in Parts: Fantasies of Corporeality in Early Modern Europe*, ed. David Hillman and Carla Mazzio (New York: Routledge, 1997), 111. Also see Paster’s ideas on the impact of Elias’ work, in “Eschewing Politeness: Norbert Elias and the Historiography of Early Modern Affect,” *PMLA publications of the Modern Language Association of America* 130, no. 5 (2015).

⁷¹ See Norbert Elias, *The Civilizing Process*, trans. Edmund Jephcott, 2 vols. (Oxford: Basil Blackwell, 1982 (1939)).

to limit the influence of the “bodily spirits” — those spirits that were mixed with blood, and allowed the body to “move and feel” — in order to regulate the “impulsivity and bodily force” of the (normatively) male body.⁷² Bacon’s *Sylva Sylvarum*, for example, explains the forcefulness that can be expressed or contained in human movement through a comparison with the combustible properties of materials such as “*Brimstone, Pitch, Camphire, Wilde-Fire*, and divers other Inflammable Matters”:

It is no marvel therefore, that a small *Quantity of Spirits*, in the Cells of the Brain, and Cannals of the Sinews, are able to move a whole *Body* (which is of so great mass) both with so great force, as in Wrestling, Leaping; and with so great swiftness, as in playing Division upon the *Lute*: Such is the force of these two *Natures, Air and Flame* when they incorporate.⁷³

Bacon, Paster argues, assigns high cultural value to “aristocratic spiritedness, courage, and impulsivity”, praising the explosive force of the spirits acting upon gentlemanly bodies to exert themselves physically by likening them to gunpowder and quicksilver.⁷⁴ what these things have in common is spirit, “similar actions of matter brought about by the compression of incorporated air and fire moving along the liquid streams of containing vessels.”⁷⁵ The move that he makes from “wrestling” and “leaping”, to playing the lute, however, shows that this is a kind of force that can be shaped and controlled. Paster focuses on the differences in character and personality that Shakespeare imparts to Prince Hal and Hotspur,⁷⁶ again through the use of thermal imagery. While both figures are members of the aristocracy, possessing noble blood,

⁷² See Paster, “Nervous Tension.”

⁷³ Francis Bacon, *Sylva Sylvarum, or, a Natural History in Ten Centuries* (London 1670 (1626)), 9.

⁷⁴ Paster, *Humoring the Body: Emotions and the Shakespearean Stage*, 195.

⁷⁵ “Nervous Tension,” 110.

⁷⁶ Sir Henry Percy acquired the nickname, “Hotspur”, bestowed on him by the Scots as a tribute to his speed in advance, and readiness to attack, defending the Scottish Border between 1384-5. Simon Walker, “Percy, Sir Henry (1364–1403),” *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/21931>.

only Hal is a prince. Hotspur is thus characterised as high-spirited, athletic, and spontaneous — “You are altogether govern’d by humors,”⁷⁷ his wife reproves him — “unable or unwilling to calibrate his behavior to time, place, and civilized company.”⁷⁸ His high-spiritedness escapes his management, and escalates into political rebellion. Prince Hal, on the other hand, is able to throw off “the unyoked humour of [his] idleness”,⁷⁹ and respond to the royal, and paternal, injunction “with a sudden explosion of heated activity, a timely show of youthful aristocratic spirit.” Vernon describes Hal and his comrades to Hotspur:

All furnish'd, all in arms;
 All plumed like estridges that with the wind
 Baited like eagles having lately bathed;
 Glittering in golden coats, like images;
 As full of spirit as the month of May,
 And gorgeous as the sun at midsummer;
 Wanton as youthful goats, wild as young bulls.
 I saw young Harry, with his beaver on,
 His cuisses on his thighs, gallantly arm'd
 Rise from the ground like feather'd Mercury,
 And vaulted with such ease into his seat,
 As if an angel dropp'd down from the clouds,
 To turn and wind a fiery Pegasus
 And witch the world with noble horsemanship.⁸⁰

Furnished for battle, full of spirits, and able to mount his horse “like feather’d Mercury”; Hal is able to raise and, perhaps more importantly, control his internal heat for battle, in a way that Hotspur is not.

Malleable Mettle

As we have seen above, the English had good reason to be concerned about the implications the geohumoural discourse had for the English male body. Mary Floyd-

⁷⁷ William Shakespeare, “Henry Iv, Part I,” III.i.233.

⁷⁸ Paster, *Humoring the Body: Emotions and the Shakespearean Stage*, 196.

⁷⁹ Shakespeare, I.ii.196.

⁸⁰ *Ibid.*, IV.i.97-110.

Wilson argues that the civilizing process has its origins in these ethnological anxieties: for “[w]hat is the civilizing process but a systematic manipulation of the non-naturals?”⁸¹ The experience of war, we will see below, was considered to have a civilizing, or “gentling”, effect: via the stirring up of the passions, alongside the influence of non-naturals. In Shakespeare’s *Henry V* — no longer Prince Hal but now King — Henry instructs his soldiers before the siege of Harfleur: “lend the eye a terrible aspect”;⁸² “set the teeth, and stretch the nostril wide/hold hard the breath and bend up every spirit”;⁸³ stiffen the sinews, conjure up the blood”⁸⁴; and “Be copy now to men of grosser blood”.⁸⁵ He is instructing them on how to self-fashion, how to kindle the heat within. Henry’s final cry is to the yeomen, to show their mettle:

... And you, good yeomen,
Whose limbs were made in England, show us here
The mettle of your pasture; let us swear
That you are worth your breeding — which I doubt not:⁸⁶

“Mettle” refers here to a physiological property — the temperament, or “stuff” of which one is made⁸⁷ — usually used to denote a spirited or courageous nature. It is derived from the elemental “metal” — that which is obtained from the natural environment, taken from the ground as mineral deposits or metallic ore, and which, amongst its other uses, is the necessary material for the forging of arms and armour. The important property of metal to be considered here, is that it *malleable*; able to be refined and shaped, put to use for particular purpose. Floyd-Wilson argues that geo-humoural

⁸¹ Floyd-Wilson, “Chapter 6: English Mettle,” 140.

⁸² William Shakespeare, “Henry V,” III.i.9.

⁸³ *Ibid.*, III.i.15-16.

⁸⁴ *Ibid.*, III.i.7.

⁸⁵ *Ibid.*, III.i.24.

⁸⁶ *Ibid.*, III.i.25-28.

⁸⁷ “Mettle, N. And Adj.,” in *OED Online* (Oxford University Press).

theory alone, despite its many and various strains, fails to explain the origins of English mettle:

...it is the seeming illogic of English mettle that helps disembed Shakespeare's English soldiers from the determinism of their own northern environment. To put it bluntly, it is mettle that distinguishes these English from their fellow northerners — the hot-blooded Irish, Scots and Welsh, and it is mettle that divides them (as Norman bastards) from the hyper-civilized French.⁸⁸

The associations between blood, heat, arms, and land then, can be viewed as (part of) the solution to the problem that the geohumoural discourse presented for English, male bodies. The external environment, and the non-naturals of which it was comprised, may have been responsible for the manifestly English bodily constitution: but the ability to manipulate these non-naturals, in order that they might have a “civilising” or “gentling” effect, was a reasonable supplement to the narrative in the English context, because it allowed the English to portray themselves as being particularly malleable. Fynes Moryson's *Itinerary*, for example, compares the Irish constitution unfavourably with the English, in that the Irish are “obstinate”, where the English are more flexible:

...the English are naturally inclyned to apply themselves to the manners and Customes of any forrayne nations with whom they live and Converse, whereas the Irish by nature have singular and obstinate pertinacity in retayning their old manners and Customes, so as they could never be drawne, by the lawes gentile government, and free conversation of the English, to any Civility in manners, or reformation in Religion.⁸⁹

⁸⁸ Floyd-Wilson, "Chapter 6: English Mettle," 138.

⁸⁹ Fynes Moryson, "Chapt. V. Of Ireland, Touching Nature, and Manners, Etc.," in *Unpublished Chapters of Fynes Moryson's Itinerary: Being a Survey of the Conditions of Europe at the End of the 16th Century*, ed. Charles Hughes, Shakespeare's Europe (London: Sherratt & Hughes, 1903), 481.

Francis Bacon placed a particular emphasis on civility as the moderation of temperament and behaviour;⁹⁰ he discusses the malleability of the human body and mind in terms that are familiar within the geohumoural context, and which allow for the nature of “the body of a man” to be “overwrought by custom”:

But certain it is, whether it be believed or no, that as the most excellent of metals, gold, is of all other the most pliant and most enduring to be wrought; so of all living and breathing substances, the perfectest (Man) is the most susceptible of help, improvement, impression, and alteration. And not only in his body, but in his mind and spirit. And there again not only in his appetite and affection, but in his power of wit and reason.⁹¹

Bacon too associates elemental metal, and “mettle” of the body, mind and spirit. Elias had explained that the concept of civility acquired its meaning at a time when chivalrous society, and the unity of the Catholic church, were disintegrating, and he asserted that the term owed its origins to Erasmus’ *De Civilitate Morum Puerilium*, (or *On Good Manners for Children*), of 1530.⁹² The work was immensely popular, and considered to be a seminal text amongst the courtesy manuals imported into England at the time, being translated into English as early as 1532. Erasmus had commented, “No one can choose his own parents or nationality, but each can mould his own talents and character for himself.”⁹³ The outward behaviour — bodily carriage, gestures, dress, and facial expressions — with which Erasmus was concerned in this work, was an expression of the inner man.⁹⁴ In perhaps the most famous speech of *Henry V*, to the English army

⁹⁰ Stephen Gaukroger, *Francis Bacon and the Transformation of Early-Modern Philosophy* (Cambridge: Cambridge University Press, 2001), 11-14.

⁹¹ Francis Bacon, "A Letter and Discourse to Sir Henry Savile Touching Helps for the Intellectual Powers," in *Francis Bacon: The Major Works*, ed. Brian Vickers (Oxford: Oxford University Press, 1996), 363-64.

⁹² Elias, Vol.1, 53.

⁹³ Desiderius Erasmus and Erika Rummel, "On Good Manners," in *The Erasmus Reader*, ed. Erika Rummel (Toronto: University of Toronto Press, 1990), 120.

⁹⁴ Elias, Vol.1, 57-8.

before the Battle of Agincourt, Henry promises a more enduring and valuable reward beyond “what feats he did that day”:

We few, we happy few, we band of brothers;
For he to-day that sheds his blood with me
Shall be my brother; be he ne'er so vile,
This day shall gentle his condition;
And gentlemen in England now a-bed
Shall think themselves accurs'd they were not here,
And hold their manhoods cheap whiles any speaks
That fought with us upon Saint Crispin's day.⁹⁵

War could gentle man's condition. Those who fight, and shed their blood alongside Henry, will be “gentled” by the experience; their social rank and status will be raised to such a height that any man already considered gentle, and yet not fighting beside them, will “hold their manhoods cheap”. The geohumoural discourse then, implies that this was a reciprocal process: the outward display of certain behaviours could also shape the inner man, and his identity. In the narrative of Elias's “civilising process,” European society as a whole underwent an emotional maturation, and the move was away from warrior culture, in which the “instincts, emotions were vented more freely, more directly, more openly than later”:⁹⁶ but, at least in England, we see that, in an environment that was thought to engender “aggressive emotions and barbarous behaviour”, this “process” towards civility was much more complicated.⁹⁷ In particular, the concept of gentility, so important to the contemporary understanding of early modern knowledge, and knowledge-making practises, requires further examination.

⁹⁵ Shakespeare, “Henry V,” IV.iii.60-67.

⁹⁶ Elias, Vol.1, 200.

⁹⁷ Floyd-Wilson, “Chapter 6: English Mettle,” 141.

GENTILITY

That there might be a “gentling” effect on the blood, and on the body and identity, as a result of engaging in acts of violence may seem odd, even oxymoronic, to the modern reader; “gentle” and “violent” appear to be competing terms. Consideration of the Laws of Arms, chivalric texts, and their English interpretations and manifestations will demonstrate how this conjunction might be understood. The rise or “recognition” of the “mere gentleman” as a distinct social class — below that of the esquire and above the yeoman — seems to have come about during the fifteenth century, when the term came to be used increasingly in official documents.⁹⁸ One commentator writing during the reign of Richard II would write, “hit is seen oftetyms that a yoman doth represente as the state of a esquire, an esquire of a knyghte, a knyghte of a lord, a lorde of a duke”⁹⁹; social-climbing, it would seem, has always been a popular sport.

Many commentators have drawn out the important differences between the words “knight” and “esquire” which, with their Latin equivalents (*miles*, and *armiger* or *scutifer*), have clear military associations, while the term “gentleman” has no clear occupational associations or implications.¹⁰⁰ Sir Thomas Smith, while serving as Elizabeth I’s ambassador in France between 1562 and 1566, composed *De Republica Anglorum*, published in 1583. He had described the motivation behind penning the work, in a letter to a friend, as “a yearning for our commonwealth” during his prolonged absence, and the work covers, “the whole of its form, especially those points in which

⁹⁸ Maurice Keen, *Origins of the English Gentleman: Heraldry, Chivalry and Gentility in Medieval England, C.1300-C.1500* (Charleston SC: Tempus Publishing, 2002), 101-02.

⁹⁹ Treviso’s Translation of Ralph Higden’s *Polychronicon*, cited in *ibid.*, 103.

¹⁰⁰ *Ibid.*

it differs from others.”¹⁰¹ The commonwealth of England, he notes, “differs in almost all”, and Smith claims to “raise nice points as to justice and injustice, and whether what is held yonder in England as law be the better, or what is held here and in those regions which are administered in accordance with the Roman Law.” In the work itself, Smith states that “Gentlemen be those whom their blood and race doth make noble and known”, and he explains,

...for the Etimologie of the name serveth theefficacie of the worde. *Gens* in Latine betokeneth the race and sirname, so the Romaines had *Cornelios*, *Sergios*, *Appios*, *Fabios*, *Aemilios*, *Pisones*, *Julios*, *Brutos*, *Valerios*, of which who were *Agnati*, and therefore kept the name, were also *Gentiles*: and remaining the memorie of the glorie of their progenitors fame, were gentlemen of that or that race.¹⁰²

Smith here expresses the idea common amongst antiquarians of the period that a discussion of the etymology of a term suffices to explain the term itself; he tells us that surnames were carried via the male line by “gentiles”, non-Jews, to honour their progenitor and, no doubt, themselves.

Smith, rather cynically, describes the process by which gentility can be achieved. Writing during the period 1562-66 — when the heralds and the College of Arms were in a transitional period, negotiating their move into the new residence at Derby House, and reinstating the process of Visitation under the 1555 Charter¹⁰³ — “as for gentlemen, they be made good cheape in England.”¹⁰⁴ Any man who studies the law, or in the

¹⁰¹ Cited in L. Alston, "Introduction" in Thomas Smith, *De Republica Anglorum: A Discourse on the Commonwealth of England*, ed. L. Alston (Cambridge: Cambridge University Press, 1906), xiii-xiv.

¹⁰² *De Republica Anglorum. The Maner of Governement or Policie of the Realme of Englande, Compiled by the Honorable Man Thomas Smyth, Doctor of the Civil Lawes, Knight, and Principall Secretarie Vnto the Two Most Worthie Princes, King Edwarde the Sixt, and Queene Elizabeth* (London: Printed by Henrie Midleton for Gregorie Seton., 1583), 26.

¹⁰³ See Chapter II.

¹⁰⁴ It should (probably) not go without saying that Smith was in a position to know what was “cheape”; his *The Discourse of the Commonweal* (1581) contains “the most impressive piece of economic

Universities, who “professeth liberall sciences”, or “who can live idly and without manuell labour” may bear the countenance of a gentleman, Smith claims, and might be in a position to pay a King of Arms for “armes newly made and invented” but “shall pretend to have been found by the sayd Herauld in perusing and viewing of olde registers, where his auncestors in times past had bin recorded to beare the same.” Although disparaging of the apparently endemic practice of citing false pedigrees,¹⁰⁵ Smith goes on to discuss “whether the maner of England in making gentlemen so easily is to be allowed” and, not surprisingly, he argues that “the prince loseth nothing by it” because yeoman and husbandmen are not subject to more tax than gentlemen; “no in every payment to the king the gentleman is more charged, which he beareth gladlier and dareth not gainsaie for to save and keepe his honour and reputation.” Outward show, or public conduct, it seems, is the most important thing for Smith here — a gentleman must *behave* like a gentleman:¹⁰⁶

...and if he be called to the warres, he must and will (whatsoever it cost him) array himselfe and arme him according to the vocation which he pretendeth: he must shew also a more manly corage and tokens of better education, higher stomacke and bountifuller liberalitie than others, and keepe about him idle servauntes, who shall doe nothing but waite upon him.

In this way then, the maintenance of social hierarchy is, in Smith’s view, self-correcting; in Smith’s words, no man is able to bear a sail larger than he is able to maintain. This is not the trivial observation that we might be inclined to take it for.

analysis produced in the sixteenth century.” Ian W. Archer, “Smith, Sir Thomas (1513–1577),” *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/25906>.

¹⁰⁵ See Chapter II.

¹⁰⁶ “... a yeoman like a yeoman, and a rascall like a rascall”. Smith, *De Republica Anglorum. The Maner of Governement or Policie of the Realme of Englande, Compiled by the Honorable Man Thomas Smyth, Doctor of the Civil Lawes, Knight, and Principall Secretarie Vnto the Two Most Worthie Princes, King Edwarde the Sixt, and Queene Elizabeth*, 28.

Material wealth was considered to be the reward for virtue and conduct that benefitted the nation, particularly within the legal profession. In the sixteenth century, as the common lawyers asserted themselves over the civil lawyers of the ecclesiastical courts, wealth and virtue became so tightly bound together, that the accusation of poverty would cause a devastating blow to one's potential for advancement.¹⁰⁷ The situation then — as is usually the case — was not quite as straightforward as Smith characterises it, since the category “gentleman” possessed legal implications,¹⁰⁸ as well as social ones.

Knowing & Being Known

Maurice Keen's work has argued that the emphasis was not on what a man had to *do* to be called a gentleman, but rather on what he had to *be*: the geohumoural discourse, which tells us that identity could be tied quite securely to behaviour, as has been shown above, is not the problem for this statement that it might seem to present at first glance. Rather, it also allowed for there to be a level of fluidity in the barrier between gentle and non-gentle, and so necessitated the employment of expertise, and thus experts, in determining where this barrier lay at any given time (and place). The key, as Keen also notes, was “recognition” or “common repute”; I would argue that this can be stated more strongly, being “known” to the heralds, known in that a genealogical pedigree was established, was where the threshold into gentility lay. This was accomplished through legal process: enforcement of the Law of Arms. The precise nature of the role and jurisdiction and practice of the heralds, and the College of Arms, is explored in greater detail in the subsequent chapters of this thesis. At present, we must note that the process of constructing the English gentleman was achieved in a variety of ways: the

¹⁰⁷ Paul Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660* (Cambridge: Cambridge University Press, 2004), 76-77.

¹⁰⁸ See Chapter II.

heralds, and the College of Arms, following the implications of the Law of Arms itself, overcame, or indeed worked within, the implications of the humoural discourse.

John Ferne in his *Blazon of Gentry*, for example — a dialogue between a herald, a knight, a theologian, a lawyer, an antiquary, and a ploughman — has the herald tell us how nobleness can be divided into three kinds:

The first is noblenes of bloud and ancestry: and this the vulgare sort of men, account for the chiefest. The second is noblenes atcheived, through the proper vertues, and merites of a man, tending to the benefit of his country. This noblenes, almost all the Philosophers of all sectes, doe with an open mouth, contend to be the most excellent: The third braunch of civill noblenes, is called mixt, for that it is compounded and made of both the former: which noblenes, we exalt as most worthy, and excellent above the rest.¹⁰⁹

We see, then, how a man might achieve this “mixed” variety of nobility, which Ferne portrayed as a superior kind: it was obtained both via nobleness of blood that is inherited, and from actions “tending to the benefit of his country”. There was an hierarchy within the class of gentility, and Ferne made distinctions between “perfect” and “unperfect” gentility, depending on how many generations of gentility could be traced: a gentleman of ancestry, with blood and coat armour perfect, for example, had to possess ancestors who had, “five lineal degrees ascending (at the least) borne Armes, and Insignes, of their severall houses, and families.”¹¹⁰ A gentleman “Of bloud, & coat-armour perfect, but not Auncestrie”, might possess in the fifth degree of his lineal descent an ancestor,

1. That slewe a Saracen, or Heathen Gentle-man, and therby beareth his Armes.

¹⁰⁹ John Ferne, *The Blazon of Gentrie: Deuided into Two Parts. The First Named the Glorie of Generositie. The Second, Lacyes Nobilitie. Comprehending Discourses of Armes and of Gentry. Wherein Is Treated of the Beginning, Parts and Degrees of Gentlenesse, Vvith Her Lawes: Of the Bearing, and Blazon of Cote-Armors: Of the Lawes of Armes, and of Combats* (London: Printed by John VVindet, for Toby Cooke, 1586), 14-15.

¹¹⁰ Ferne categorised these five generations, *abavus*, *proavus*, *avus*, *pater*, and *filius*. Ibid., 89-90.

2. That for winning the standarde, Guydon, Nabber, Armour, &c. (whereupon were set, his Armes) from any Christian enemye, in the field, or within listes of combate, beareth the same armes, *Quia occupantis sunt*.
3. That obtaineth Armes, by the gift of the Sovereigne, or the devise of the Hereald:
4. That purchaseth a segniorie, from the K. and therewith, the Armes appertaining to the same.¹¹¹

For coat armour to be obtained by legitimate means it had to be taken on the battlefield or in tourney, awarded by an officer or sovereign with the power to do so, or acquired with the purchase of the piece of land that it was attached to. Ferne was also insistent that a monarch could not make perfect a gentleman who was, “of bloud, and coat armoure unperfect”, that is, where only three generations of gentility were adduced; he insisted on evidence of five. Moreover, George Buck too maintained:

... no man can be made a Gentleman but by his father. And (bee it spoken with all reverent reservation of Duty) the King (who hath power to make Esquiers, Earles, Marquesses, and Dukes) cannot make a Gentleman, for Gentilitie is a matter of race, and of bloud, and of discent, from gentile and noble parents, and auncesters, which no King can give to any, but to such as they beget.¹¹²

That is, a king can elevate a gentleman to a higher degree of nobility, but cannot make him gentle to begin with. What is unique about the category of gentleman is more than “the mysterious significance of genealogy, rather than royal patronage”, as Paul Raffield comments,¹¹³ but the mystery of blood’s ability to carry the necessary traits associated with it. It is perhaps worthy of mention here that, conversely, the monarch (and parliament) did possess the legal power to create an act of attainder¹¹⁴ or

¹¹¹ Ibid., 89.

¹¹² George Buck, *The Third Universitie of England. Or a Treatise of the Foundations of All the Colledges, Auncient Schooles of Priviledge, and of Houses of Learning, and Liberall Arts, within and above the Most Famous Cittie of London* (London: Thomas Dawson, 1615), 969.

¹¹³ Raffield, 81.

¹¹⁴ A seemingly related term, “miasma”, derived from the verb *miaino*, “to stain” (for example, with purple, and hence, by analogy, with blood) was first used in connection with the stain of blood spilt in a crime, and was hence a legal and religious term, rather than a medical one, the context in which we are now more familiar with it.

attinctura; that is, to “stain” or “corrupt” the bloodline of those condemned for treason or other capital crimes, so that they could neither inherit, nor transmit by descent any of those properties — in both the figurative and literal senses — belonging to it.

Gentility & Violence

In his 1572 collection of armorial works, (containing an abridgement of Gerard Legh’s *Accedens of Armory*), John Bossewell states that no man can attain any degree of gentility without demonstrating the four cardinal virtues of prudence, justice, fortitude, and temperance; and for knowledge of these qualities he directs men to “read over the three books of Tully [Cicero] his offices.”¹¹⁵ “Virtue” he reminds us, is derived from the Latin *vir*, that is, “man”; and the most proper virtue belonging to a man, Bossewell argues, “is *Fortitude*, called *Manlynesse*”:

And like as an excellent Phisicion, cureth most dangerous diseases, and deadely woundes: so doth a man that is valiant, aduance hymselfe as invincible, in things that do seeme most terrible, not unadvisedly, and as it were in a beastly rage, **but of a gentle courage**, and with premeditacion, either by victorie, or by death wyning honor and perpetual memorie, the juste rewarde of their vertue.¹¹⁶

Fortitude provides not a “beastly rage” on the battlefield, but a “gentle courage” — of a variety that has arisen out of considered and premeditated violence, for a just cause. Bossewell explains that it is a property of “manhood” for a man to fight for the common safety of himself, and of his country; but to fight for one’s own private profit or to obtain spoil, “maye rather beare the name of lewde and folish hardynes”, and “is a

¹¹⁵ John Bossewell, *Workes of Armorie Deuyded into Three Bookes, Entituled, the Concordes of Armorie, the Armorie of Honor, and of Coates and Creastes, Collected and Gathered by Iohn Bossewell Gentleman*. (In aedibus Richardi Totelli 1572), Fol. 4.

¹¹⁶ *Ibid.*, Fol. 7. Emphasis mine.

thynges wilde, and a maner of beastes”.¹¹⁷ For Bossewell, this quality of fortitude is personified by those who are “stoute harted” and “lovers of truth”: those who demonstrate “a manly corage and a greate contemne[n]th”¹¹⁸ [for] outward thinges, desireth nothing but that is honest”.

Sir Francis Bacon who, as attorney-general had been charged with the abolishment of duelling,¹¹⁹ in his proclamation against the practice affirmed this view of the value of “gentle blood”. The practice, he says, ought to be deplored because of the amount of “noble and gentle blood” that is “spilt upon such follies, as if it were adventured in the field in service of the king & realme”.¹²⁰ Bacon too underlines the importance of “fortitude”, because it is fortitude that enables a man to distinguish whether the grounds for the quarrel are just, and worthy of bodily sacrifice:

It is in expence of blood as it is in expence of mony, It is no liberality to make a profusion of mony vpon euery vaine occasion , nor noe more it is fortitude to make effusion of blood except the cause bee of worth. And thus much for the causes of this euill.¹²¹

Again, we see how fortitude is characterised by the ability to judge when violence is committed for a worthy cause or not.

¹¹⁷ Ibid., Fol. 6-7.

¹¹⁸ Contempt.

¹¹⁹ For more on the role of honour in duelling theory and the Jacobean anti-duelling campaign, see Markku Peltonen, *The Duel in Early Modern England : Civility, Politeness and Honour* (Cambridge: Cambridge University Press, 2003).

¹²⁰ Francis Bacon, *The Charge of Sir Francis Bacon Knight, His Maiesties Attourney Generall, Touching Duells, Vpon an Informa- Tion in the Star-Chamber against Priest and Wright. With the Decree of the Star-Chamber in the Same Cause* (Printed for Robert Wilson, and are to be sold at Graies Inne Gate, and in Paules Churchyard at the signe of the Bible, 1614), 11.

¹²¹ Ibid., 14.

Blood & Spirit

Ramon Llull's thirteenth century work, *The Book of the Order of Chivalry*, was intended for an audience of what he called both temporal and spiritual knights, that is, both knights and clerics.¹²² The sword, for Llull, is the definitive symbol of the knight's spiritual mission:

Unto the knight is given a sword which is made in the shape of a cross to signify that just as our Lord Jesus Christ vanquished on the Cross the death into which we had fallen because of the sin of our father Adam, so the knight must vanquish and destroy the enemies of the Cross with the sword.¹²³

Because the sword is double edged, Llull continues, and the purpose of chivalry is to uphold justice, "the knight's sword signifies that he should uphold Chivalry and justice with the sword." Llull argues that because men possess a rational soul, the Order of Chivalry permits the attainment of chivalry to "any man of a new, honourable lineage", through "many noble habits and deeds and through the nobility of some prince":

And if this was not the case, it would follow that Chivalry would be more suited to the nature of the body than the virtue of the soul, and that is not true, for the nobility of courage that is suited to Chivalry is suited better to the soul than to the body.¹²⁴

Noble courage as a virtue of the soul resides in the blood, because that is where spirit was said to reside in the somatic discourse, as we have seen above. The associations between blood and spirit are also taken to an additional level of conflation, due to the

¹²² Noel Fallows, "Introduction: Chivalry According to Ramon Llull," in *The Book of the Order of Chivalry* (Woodbridge: The Boydell Press, 2013), 5.

¹²³ Llull, 66.

¹²⁴ *Ibid.*, 58.

perceived relationship between blood and alcoholic spirits; the most obvious example being the biblical ties between blood and wine, particularly evident in the ritual of the Eucharist. Indeed, the physical similarity between the two substances, combined with their religious significance, meant that the relationship between blood and wine had been a basic premise of Medieval science; wine was valued for its ability to convert directly into blood within the body.¹²⁵ The concentrated juice of grapes was often referred to as “blood”, and alchemical recipes containing “blood of the grape” were thought to be powerful medicines. These analogies and allusions appear to hold equally for red and white wines. In *Henry IV, Part II*, Falstaff extolls on the effect of “sherris sack”, a fortified white wine, on the body. First, in the brain it dries “foolish” and “dull” vapours, and delivers “excellent wit” to the tongue; second, it warms the blood, making it “course from the inwards to the parts extreme”. Where cold and settled blood is the “badge of pusillanimity and cowardice”, blood heated with wine or sherry imparts courage and valour.¹²⁶ Falstaff attributes Prince Hal’s heat to his diet as well —

... for the cold blood he did naturally inherit of his
father, he hath, like lean, sterile and bare land,
manured, husbanded and tilled with excellent
endeavour of drinking good and good store of fertile
sherris. that he is become very hot and valiant. ...¹²⁷

Falstaff’s contention that Henry IV’s blood had grown cold, despite the “blood and courage” of his forefathers, and that the English court had declined into a state of cold effeminacy, also serves to demonstrate that the English temperament is susceptible to corruption due to idleness.¹²⁸ This may be kept in check, we might infer, through the

¹²⁵ Laurinda S. Dixon, “Water, Wine, and Blood – Science and Liturgy in the “Marriage at Cana” by Hieronymus Bosch,” *Oud Holland* 96, no. 2 (1982): 76-77. See also Caroline Walker Bynum, “The Blood of Christ in the Later Middle Ages,” *Church History* 71, no. 4 (2002).

¹²⁶ William Shakespeare, “Henry IV, Part II,” IV.iii.102-12.

¹²⁷ *Ibid.*, IV.iii.118-22.

¹²⁸ Floyd-Wilson, “Chapter 6: English Mettle,” 144-45.

physical and emotional efforts that Prince Hal undertakes, in order to become King Henry V.

John Ferne has the Theologian in his discourse remind the interlocutors, and thus the reader, that “nobleness of blood” alone is nothing to boast about, as those who claim gentility “onely upon the vaine ostentation of his auncestours fame” are like peacocks boasting about their tails, “the filthiest part of the body”:

Why art thou proud, O earth, and ashes” Doest thou not knowe, that thou art duste, and into duste shalt bee resolved? Thou therefore, which standest so highly uppon the esteeme of thy bloud, and hast nothing in thy self, worthy of praise: beholde thy firste beginning, and the worthines of thy bloud. Was not *Adam* the firste parent, both of *Kinges* and *Caesars*? His mother a noble Woman, even the filth and slyme of earth: thus hast thou a beginning, from the same parent, with brute beasts. *Adam*, and he but red earth, auncestour to thee a King, to him a subject: to thee a Gentleman, to him unnoble: to thee free, to him bond: *Deus ex uno, omne genus hominum fecit inhabitare super faciem terrae*.¹²⁹

Why, the Theologian asks, should a man boast about the genealogy of his ancestors, when all men have the same beginning, “receiving the matter of [their] creation from the same forge”, and, being born, “received the ayre, common to brute beastes”. All men, ultimately, possess the same ancestor, Adam, and the same origins, from “Ashes, dust, and earth”.¹³⁰ Torquatus, Ferne’s knight, confirms that boasting of lineage is “unfitting the parts of gentleness”, but that gentle blood ought to be preferred over ungente. I wish to emphasise here the repeated references to blood and spirit — as the vehicles of courage and fortitude within the body — with land, made by Ferne and Shakespeare, as well as the many others above. It is not just for the sake of convenient

¹²⁹ “God by one son, made the nations of men for to dwell on all the face of the earth”. Ferne, 27-28.

¹³⁰ *Ibid.*, 28-29.

analogy, or literary allusion that these writers make these connections, and return to these ideas so frequently, but because they were so culturally embedded.

WOMEN'S BODIES

While the interior of the body had long been the ontological site of belief for Christianity,¹³¹ during the sixteenth century it also became the epistemological site of increasing medical and anatomical knowledge; these two perspectives on viewing, accessing, and understanding the body were often incompatible, and so were often in competition with each other.¹³² Stephen Greenblatt has shown this is evident in Shakespeare's works which, "suffused with references to human entrails" as they are, tie the problem of access to, and knowledge of, viscera — the internal organs of the body — to a sceptical problem that is "the motivated doubting of the possibility of knowledge" of other minds.¹³³ As we have seen above, the implications of the geohumoural discourse on this physiological scheme, coupled with the Laws of Arms, meant that not only knowing oneself, but knowing who or what another person was — and perhaps more importantly, that he was what he claimed to be — was also tied to bodily identity. We have also seen how this system, based as it was on what Greenblatt has described as a "caloric model of sexuality",¹³⁴ that was dependent on heat — to determine gender via the mixing of male and female seed, as well as the fungibility of the fluids blood, semen, and mothers' milk — implied that the barrier between the sexes

¹³¹ Religion had positioned the inside of the body as the ultimate site of faith long before the early modern period: "The association of innards with belief is paradigmatically represented in the story of Doubting Thomas, where Christ's offering of access to his body's interior comes as a response to Thomas's skepticism [sic] regarding his divinity." David Hillman, "Visceral Knowledge," in *The Body in Parts: Fantasies of Corporeality in Early Modern Europe*, ed. David Hillman and Carla Mazzio (New York: Routledge, 1997), 85.

¹³² *Ibid.*, 86.

¹³³ *Ibid.*, 82.

¹³⁴ Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Oxford: Oxford University Press, 1988), 85.

was also fluid,¹³⁵ or at least as fluid as that between gentle and ungentle. This creates an important dilemma: if it is through manly acts that the disposition of man can be gentled, how then are we to understand or define what it was to be a gentle-woman? That is, what were her qualities, and what was her legal status? Again, this was a barrier that was maintained by acceding to the already entrenched humoural discourse, and the Laws of Arms; and this had very direct implications on what she could inherit, and what she could pass on to her offspring.

As mentioned above, the differences between male and female bodies were explained as essentially due to a mixture of heat and final causes, and this resulted in their hierarchical ordering, with female inferior to male. Female bodies were largely reduced to their function, in their ability to fulfil a biological task that men's bodies could not but, more importantly, in their inability to perform functions that man could. This ordering was supported not only by the biological account, but the biblical one as well. All women, as daughters of Eve, were to be punished for her role in the Fall, through subjugation to men, and the pain of childbirth. This view was reinforced by William Tyndale's 1526 English translation of the New Testament, which referred to the wife as "the weaker vessel" in the Book of Peter.¹³⁶ This first translation served as the basis for English bibles thereafter, and the phrase fell into common usage; "a woman is a weaker vessel" became an established and influential proverb.¹³⁷ These were ideas that became so entrenched that they have persisted to this day in the gendered language of modern epistemic practises, extending beyond just the biological

¹³⁵ Fletcher, 44.

¹³⁶ "Likewise, ye husbands, dwell with them according to knowledge, giving honour unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life; that your prayers be not hindered." *I Peter, Chapter 3, Verse 7*.

¹³⁷ Fletcher, 60. See, for example Antonia Fraser, *The Weaker Vessel: Woman's Lot in Seventeenth-Century England* (London: Weidenfeld and Nicolson, 1984).

sciences.¹³⁸ In her anthropological study of high energy physicists during the 1980s, Sharon Traweek's male physicists characterise themselves as dominant and aggressive, and their work as "penetrating the corpus" of knowledge, "the spearhead of our penetration into the unknown."¹³⁹ In their social construction of gender, women continue to be portrayed as passive, and less aggressive than men; restricting their access to, and participation in the scientific community. During the early modern, women were restricted from the violent activities that could "gentle" the blood: they could not fight in battle, serve in public office, or receive formal education. Unlike men, who could mould and shape themselves to improve their condition, women were bound by their cold and wet humours. Barbara Correll has argued woman, "marginalized or mystified or demonized," is everywhere in Renaissance discussions of civility, serving an essential function: paradoxically, motivating the civilising process.¹⁴⁰

Discussing the kinds of individuals that make up the commonwealth of England, that is, its "subjects and citizens," Sir Thomas Smith excludes bondmen, who can have no rule or jurisdiction over freemen, and women:

...as those whom nature hath made to keepe home and to nourish their familie and children, and not to medle with matters abroade, nor to beare office in a citie or common wealth no more than children and infantes.¹⁴¹

¹³⁸ On the prevalence of gender bias in the biological sciences, see for example: Helen Longino, *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry* (Princeton: Princeton University Press, 1990), 62-82; Kathleen Okruhlik, "Gender and the Biological Sciences," *Biology and Society, Canadian Journal of Philosophy* Supplementary Vol. 20 (1994); Londa Schiebinger, *The Mind Has No Sex? Women in the Origins of Modern Science* (Cambridge, Massachusetts: Harvard University Press, 1989), 189-213; Sandra Harding, *The Science Question in Feminism* (Ithaca: Cornell University Press, 1986).

¹³⁹ Sharon Traweek, *Beamtimes and Lifetimes: The World of High Energy Physicists* (Cambridge, Massachusetts: Harvard University Press, 1988), 74-105.

¹⁴⁰ Correll, 76. See also, Paster, "Eschewing Politeness: Norbert Elias and the Historiography of Early Modern Affect," 1448.

¹⁴¹ Smith, *De Republica Anglorum. The Maner of Governement or Policie of the Realme of Englande, Compiled by the Honorable Man Thomas Smyth, Doctor of the Civil Lawes, Knight, and Principall Secretarie Vnto the Two Most Worthie Princes, King Edwarde the Sixt, and Queene Elizabeth*, 19.

The only exceptions to this exclusion regarding women, are those cases in which “the authoritie is annexed to the bloud and progenie, as the crowne, a dutchie, or an erledom for there the bloud is respected, not the age nor the sexe.”¹⁴² Smith defines an “absolute” Queen, Duchess, or Countess, as those who possess their title not due to their marriage to a King, Duke, or Earl, but “by being the true, right and next successors in that dignitie, and upon whom by right of the blood that title is descended.”

These I say have the same authoritie although they be women or children in that kingdome, dutchie or earledome, as they should have had if they had bin men of full age. For the right and honour of the blood, and the quietnes and suertie of the realme, is more to be considered, than either the base age as yes impotent to rule, or the sexe not accustomed (otherwise) to intermeddle with publicke affairs...¹⁴³

Even when the subject is a woman, the rights and honours inherent in the blood are considered to be more important than experience, age, and even gender — so important that “the quietnes and suertie of the realme” would be under threat, were they to be disregarded. These exceptions are allowed for, Smith tells us, because the rights and honours of the title are attached to blood, but also because “such personages never do lack the counsell of such grave and discreete men as be able to supplie all other defaultes.” That is, women possessing titles and position have the benefit of being surrounded by men whose education and experience can compensate for their deficiencies. We will see below that the extent to which ideas regarding nobility and honour, even where women were concerned, were so heavily invested in the qualities of the blood, that one of the major considerations in a court of law deciding a peerage

¹⁴² Ibid.

¹⁴³ Ibid.

dispute, was the consequent dilution of the noble blood, and debasement of the bloodline.

Case Study: the Abergavenny Peerage

We can better see how Smith's position holds in practice, by examining what J. Horace Round, writing in the early twentieth-century, described as perhaps the most famous of ancient peerage cases, the barony of Abergavenny¹⁴⁴ or, as Arthur Collins has it,

The right and title of sir Thomas Fane, of Kent, knight, to the name, stile, and dignity of lord Bergavenny, in the right of dame Marie, his wife, daughter and sole heir of Henry, late lord of Bergavenny, deceased.¹⁴⁵

Henry Nevill, Lord Abergavenny, had died in February, 1587 and left as his heir general his only child, a daughter Mary, whose husband was Sir Thomas Fane. Henry Nevill's heir male, however, was his uncle's son, Edward Nevill. Nevill inherited Abergavenny Castle and other estates under a family entail, but the question as to which of the heirs — general or male — was entitled to inherit the peerage barony, was not quite so clear-cut.

In December of 1588, the case was in the hands of Lord Burghley, but at this time the contest being made was between Sir Thomas on the behalf of his wife, and

¹⁴⁴ The case proceedings can be found in more detail in: J. Horace Round, *Peerage and Pedigree: Studies in Peerage Law and Family History* (London: James Nisbet & Co., Ltd. & the Catherine St. Press, 1910); William Huse Dunham Jr., "William Camden's Commonplace Book," *The Yale University Library Gazette* 43, no. 3 (1969).

¹⁴⁵ Arthur Collins, *Proceedings, Precedents, and Arguments, on Claims and Controversies, Concerning Baronies by Writ, and Other Honours. With the Arguments of Sir Francis Bacon, Sir Henry Montagu, the Lord Chief Justice Crew, the Lord Chief Justice Brampton, Judge Dodderidge, Judge Rolles, Mr. Selden, Sir Heneage Finch, Mr. Montagu, (Afterwards Lord Chief Baron) Sir William Jones, Sir William Dugdale, Mr. Offley, Sir Edward Northey, Sir Thomas Powis, and Others. Published from the Collections of Robert Glover, Esq; Somerset Herald, Sir William Dugdale, Garter King of Arms, Gregory King, Esq; Lancaster Herald, Samuel Stebbing, Esq; Somerset Herald, Peter Le Neve, Esq; Norroy King of Arms, and Others. By Arthur Collins, Esq; with an Appendix, Containing Several Papers Copied from the Bodleian and Ashmolæan Libraries, at Oxford, &C.* (London: Printed for the Author, 1734), 61.

Edward Neville the elder, rather than the son. Much of the scholarship regarding this case has explored its events in order to clear up confusion regarding the existence and jurisdiction of the Court of Chivalry, and the Earl Marshal. G.D. Squibb has shown that J. Horace Round's claim that the case would have come before the Earl Marshal's Court, because it was the kind of claim which "in time past" the High Constable and Earl Marshal would have judged, is doubtful;¹⁴⁶ rather, Squibb contended, Sir Thomas had founded an argument that, because the Constable and Marshal's court did not proceed according to the common law, his case was also not determinable by common law:

Forasmuch as the state of this challenge and claim, is for the title of a barony, being a matter of nobility and chivalry, the questions thereof, and the manner of trials, are not wont to be made by juries, after the course of the common law, but by depositions and proofs, after the manner of the civil law; and therefore the high constable and marshal of England, the usual judges thereof in times past, were accustomed to call divers doctors in the civil law, and officers of armes to assist them; ...¹⁴⁷

Fane had noted that the state of a baron had always been a state of inheritance — as opposed to that of a Duke, Marquis, or Earl, which had originally been the "names only of offices, not of inheritance" — joined with fee, that is, with land, and with jurisdiction over his vassals, "in his own territory, as may appear by the antiquity of court barons."¹⁴⁸ Fane's petition also pointed out many important distinctions between the common law, and the law of chivalry:

¹⁴⁶ G.D. Squibb, *The High Court of Chivalry: A Study of the Civil Law in England* (Oxford: The Clarendon Press, 1959), 158-59; For more detail on Squibb's examination of Fane's claim regarding the determination of a claim to a barony by the Constable and Marshal, see Appendix XXVII, Peerage Claims before 1504, in *ibid.*, 276-77.

¹⁴⁷ Fane's petition is cited in full in Collins, 63.

¹⁴⁸ *Ibid.*, 64.

By the common law, no man can be called lord of a manor, having not so much as colour of right to it, but by the law of chivalry, a man may be earl of a county, having no right nor interest to it, nor one foot of land in it; and may be baron of a place, which is the inheritance of a stranger.¹⁴⁹

Amongst Burleigh's papers from January 17, 1589 a memorandum notes, "The title of Abergavenny to be tried between Lady Fane and Edward Nevill": but this first contest for the dignity was never determined because both claimants died within a few weeks of each other in 1589, just as the case was about to be tried.¹⁵⁰ Nothing more was heard on the matter for a decade, until Edward Nevill the younger, it seems, assumed the title, and Lady Fane hence petitioned the Queen for recognition of her alleged right to the barony, as the sole heir of her father. Elizabeth referred the matter to the Earl Marshal — at the time the Earl of Essex, Robert Devereux — who despatched Pursuivants, with summonses for the parties to appear before him,

...to hear and to determine the Title and Claim of the Barony of Abergavenny descending between Mr. Edward Nevill, Esq., heir male to the said house on the on[e] Partie and Lady Mary Vane [*sic*] heir generall etc.¹⁵¹

Hearings were held between November 1598 and February 1599 and officers of the College of Arms played a significant role in assisting the proceedings. As well as Garter and Clarenceux Kings of Arms, Essex had assistance from the Earls of Rutland, Cumberland, Sussex, and Tomond, the Lords Mountjoy, Howard of Walden, and Buckhurst, the Lord Chief Justice of England, and Lord Chief Justice of the Common Pleas. A pursuivant's report stated:

¹⁴⁹ Ibid.

¹⁵⁰ Round, 79-80.

¹⁵¹ Ibid., 80-81.

All these sat above, and beneath at the Table (right underneath my Lord Marshal) was Mr. Garter and Mr. Clarenceux, kings-of-arms, the Lord Henry Howard, Lord Audley, Lord Burghley, Sir Robert Sidney, Sir George Carew, Sir Edward Hobby, and sundry other knights and gentlemen. Which for press of people I could not see (the same being so...) and a number of others which I did not know.¹⁵²

This case serves as more than just an obscure examination of precedence and peerage law, but is relevant to my purposes, in that it also demonstrates the involvement of the College of Arms, (the subject of Chapter II of this thesis), in the judicial process of peerage cases held before the Earl Marshal, (whether these were held in the Court of Chivalry or not),¹⁵³ with the presence of not only Garter King of Arms, William Dethick at the proceedings, but also Clarenceux, William Camden (on whom Chapter III of this thesis will focus). Camden himself took notes that have been preserved in his Commonplace Book, which have helped to clarify some of the confusion regarding whether or not the Earl Marshal heard, but did not determine peerage cases, as well as the existence of the Earl Marshal's court itself, and its jurisdictions.

Serving as counsel for Nevill was Serjeant Williams, who later became a well-known judge,¹⁵⁴ and Thomas Hesketh, Attorney of the Court of Wards, acted for Lady Fane. Edward Coke, Attorney General, represented the Queen. Officers of Arms were accustomed at this time to acting *ex officiis* as staff for the Earl Marshal when he heard peerage cases, and Garter and Clarenceux as Kings of Arms, knew what was required of them in order to assist the Earl Marshal, and how to go about it.¹⁵⁵ The College of

¹⁵² Ibid., 81.

¹⁵³ "Was the 'Earl Marshal's Court' only 'the Court of Chivalry' as Squibb has recently defined it? Or did the Court of Chivalry *sub hoc nomine* adjudicate peerage claims and then advise the sovereign what judgement to render?" Dunham Jr., 155.

¹⁵⁴ J. H. Baker, "Williams, Sir David (1550–1613)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/29492>.

¹⁵⁵ Dunham Jr., 148.

Arms was also the depository of the claimants' briefs and precedents. Three pages of argument were entered by Hesketh, on behalf of Lady Fane in December 1598, under the proposition,

That by the laws of the realm, dignities conferred by the king's writ of summons to parliament descend to females where there is a sole heir and not coheirs, and that the alienation of the possessions cannot alter the law.¹⁵⁶

Alongside was a statement of the principles from which Lady Fane's claim as heir depended:

The common law knoweth but one estate of inheritance and that of fee simple which descendeth ever to females in default of males.

The call by writ is an ennobling of blood and therefore deriveth the nobility as the blood is derived and hath not special words of limitation, to what heirs, as letters patent have, and therefore the law intends the heir general such as the common law knoweth for an heir.¹⁵⁷

The arguments Hesketh put forward on behalf of Lady Fane were based on relationships between the land, inheritance, and nobility of blood: the common law understanding of the fee simple — the right to the use of land in an unrestricted sense, without limitation on any particular class of heirs — and the implications that a peerage by writ ennobled the blood, and was of equal force in making a female inheritable as creation by letters patent. Hesketh cited Dyer's *Reports* of 1585, admitting that although the female was unable to "execute the attendance in parliament, yet they do never take away a right where the disablement cometh by act of God, and not by the default of the party."¹⁵⁸

¹⁵⁶ Ibid., 146.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid., 146-47.

He also sought to show that there was a distinction between a baron's land and his dignity: a man may alienate all of his possessions from himself and his heirs,

...yet himself remaineth still a baron, for it is character *indelibilis*, and it is still an inheritance in him; and then it must of necessity descend if he have an heir, and so the heir must bear the name, though he cannot possess the land.¹⁵⁹

The indelibility of the barony, and other dignities, is due to the inheritance being "in him", that is, in his blood, to be passed on, to his heirs. Hesketh admitted, however, that the Queen's prerogative to give allowance to dignities is not questioned, but that the question at hand was over the right between two subjects, "the female heir general and the heir male collateral, and females proved to be in the same case with males wheresoever the call is by writ."

Camden's commonplace book made note of precedents brought into the College of Arms on Nevill's behalf, on December 30, 1598. The evidence of twelve instances of baronies passing to the heir male were submitted, and would later be cited in argument during the proceedings that began on February 15, 1599 at Essex House. There, the Earl Marshal limited "the precedents for the heir male" with circumstances:

That there is but one heir general, *quia dignitas non divisibilis*.

That she hath thirteen knight's fees.

That the claim was put in.

That judgement hath been given against the heir general.¹⁶⁰

¹⁵⁹ "Peerages remained indelible until 1963 when an act of parliament enabled peers, like Lord Stansgate and Lord Hailsham, to disclaim for life their ennobled blood." *Ibid.*, 147.

¹⁶⁰ *Ibid.*, 148.

He also explained that the heir male was required to prove “against the Queen ... that dignities have been carried by entail.” The heir general was required to prove, “by his precedents that where the land is gone, the honour has not gone.” It is interesting that the immediate assumption would otherwise be that the dignity, in this case, was attached to the land, rather than to the blood.

A “Mr. Lee,”¹⁶¹ pleading on behalf of Nevill, delivered a prepared speech stating that the heir male relinquished all title of right, and sought only by way of “petition to Her Majesty for a grace.”¹⁶² He argued, “petitions of grace were threefold. 1. For pity, or mercy; 2. For bounty; 3. For acceptance.” Mr Neville, he urged, was a petitioner “...only for gracious acceptance.” He also outlined the “general causes in summoning barons” —

The honor of the king.

The defence of the king and kingdom.

The increase of counsel.¹⁶³

Arguing that because there was no ability in Lady Fane, “in respect of sex, there could be no tryst in her respect of ability”; that is, Lady Fane could not honour, defend, or provide counsel to benefit the kingdom, because she was a woman. This attempt at prioritising action and ability, above the rights inherent in the blood, however, proved

¹⁶¹ Probably James Ley, barrister Lincoln’s Inn, 1584, Attorney of the Court of Wards in 1608, first Earl Marlborough, 1626. *Ibid.*, 149.

¹⁶² *Ibid.* A petition for grace was not an instruction or direction, but a request, submitted in all humility to a superior for their consideration, when a subject’s grievance had arisen out of the existing law of the land. It was not construed as an attempt to dictate to a monarch in the conduct of policy, but a request made to the monarch in Parliament, for alteration of the law in a particular case. Members of Parliament often compared petitions of grace to prayers to God: He was free to answer prayers or ignore them, as He saw fit. If the subject felt the monarch’s prerogative had overridden the law, they could make a petition of right, asking that the benefit of the law should be allowed them. See Conrad Russell, “The Foreign Policy Debate in the House of Commons in 1621,” *The Historical Journal* 20, no. 2 (1977): 291; E. R. Adair and A. F. Pollard, “Historical Revisions,” *History, New Series* 5, no. 18 (1920).

¹⁶³ Dunham Jr., 149.

to be unconvincing. The Earl Marshal and Chief Justices discussed at length the number of knight's fees that a barony required: they debated what constituted a knight's fee, as hides and carucates of land, on £20 a year as its value, and on the number of fees (13½, 15 or 20) required to make a barony. Serjeant Williams attached great importance to tenure, insisting on the necessity of baron holding 13 knight's fees, and Lady Fane claimed she held 20. More discussion followed, regarding whether the state of a barony was a fee simple, the Earl Marshal proving that it was not: "a state in fee simple is certain in limitation, but a barony which is limited by person is uncertain. Ergo."

At this point in the trial, Dunham argues, the Earl Marshal began to embody the persona of the "romantic" Earl of Essex: "this peer, so familiar with the courts of princes and more a master of Glorianna than of Glanville and Bracton, gave as the Earl Marshal's summing up an elegant oration."¹⁶⁴ He expressed a patriotism for Queen and nation, stating that all nobility is derived "from the prince", and thus no claim of right could be "but by admittance of the prince." Essex encouraged the upholding of nobility, and argued for the succession of nobility, and for policy to hold special regard for nobility:

...When nobility is suppressed, the magistrates are condemned, and consequently all governments subverted. Distinctions of honours have been in all civil kingdoms, only neglected in states popular.

In respect of the people, it is a commendation to a country to be *potens armis et ubere gleba*, and then was England most mighty when the nobility led and commanded in war and were great housekeepers at home and compounded causes amongst their neighbours.¹⁶⁵

¹⁶⁴ Ibid., 150-51.

¹⁶⁵ Ibid., 151.

The phrase that Essex cites here, *potens armis et ubere gleba* — “powerful arms and fertile soil” — is attributed to the Roman poet Virgil, describing ancient Italy. A decade later, it would also be quoted by Francis Bacon, in his 1612 essay,¹⁶⁶ on “The True Greatness of Kingdoms and Estates,” as the character that England too should attain to: the people of England who own land, says Bacon, make good soldiers, because of the proportion of land they possess.

...And herein the device of king Henry the Seventh [...] was profound and admirable; in making farms and houses of husbandry of a standard; that is, maintaining with such a proportion of land unto them, as may breed a subject to live in convenient plenty and no servile condition; and to keep the plough in the hands of the owners, and not mere hirelings. And thus indeed you shall attain to Virgil’s character which he gives to ancient Italy: *Terra potens armis atque ubere glebae*.¹⁶⁷

Bacon had been greatly concerned with the importance to the state of maintaining an agricultural class that was free and content; not because a contented populace was an end in and of itself, but because “the state of free servants and attendants upon noblemen and gentlemen” is necessary for military strength:

... the splendour and magnificence and great retinues and hospitality of noblemen and gentlemen, received into custom, doth much conduce unto martial greatness. Whereas, contrariwise, the close and reserved living of noblemen and gentlemen causeth a penury of military forces.

¹⁶⁶ And later enlarged in 1625.

¹⁶⁷ Francis Bacon, “Of the True Greatness of Kingdoms and Estates,” in *The Essays of Francis Bacon*, ed. Mary Augusta Scott (New York: Charles Scribner's Sons, 1908), 137.

Again, Bacon views male activity, violence, and war as necessities for the maintenance of civil, and successful, society: “above all,” he says, “for empire and greatness,” a nation must “profess arms as their principal honour, study, and occupation.”¹⁶⁸ Bodies, whether they be anatomical or political, require the heat and exercise of war, to maintain health, courage, masculinity, and gentility:

No body can be healthful without exercise, neither natural body nor politic; and certainly to a kingdom or estate, a just and honourable war is the true exercise. A civil war indeed is like the heat of fever; but a foreign war is like the heat of exercise, and serveth to keep the body in health; for in slothful peace, both courages will effeminate and manners corrupt.¹⁶⁹

Speaking before commissioners for the Earl Marshal in April 1616, regarding the Earl of Rutland’s challenge for the barony of Roos of Hamlake, Bacon stated that barons are not “tied to places”, as evidenced by a previous case, but “an honour invested in the blood”; even were the “capital seat” of a barony to be “alienated,” the barony itself would not be extinct, while it was still present in the blood of the heirs. There needn’t be any limit on the number of baronies in England, he writes:

The number of barons doth both adorn the Royal Majesty with honour, and support it with counsel; and the brightness of the sun is not impaired by the multitude of fixed stars.¹⁷⁰

Returning then to the case at hand, Essex appraised the points in question, and weighed the merits of favouring the heir male:

¹⁶⁸ Ibid., 140.

¹⁶⁹ Ibid., 143.

¹⁷⁰ Collins, 170.

Either party hath pleaded well for themselves; for the heir male it may be said, he continueth the name; but against him it may be inferred that an heir male being but a collateral and more removed, while he is in expectance, may disparage himself in marriage.

The merits of maintaining the name were to be weighed against the possible dilution or corruption of the noble bloodline, through marriage — “disparage” meaning an inequality in blood and honour — as well as against the possible advantages of favouring the heir female:

For the heir female it may be said that she is next in blood, and proximity is of especial moment; against her it may be said if she disparage herself in marriage, she ennobleth a stranger and executeth a dignity which is only for a prince. What an absurdity is it if an heir female nobly descended should match herself with him who is scant a gentleman of coat armour; but if such an heir impart her dignity to a man incapable, it cannot avail.

Even after Essex’s grand speech, however, no judgement was rendered. Essex himself agreed to relate the proceedings to the Queen, avoiding the problem of making a decision in his capacity as Earl Marshal, and passing it on to a higher authority: the sovereign and her two Lord Chief Justices.

On February 18, 1599 the Earl Marshal sent Clarenceux Camden to the Lord Chief Justices with the question:

Whether he [Essex] may not signify unto Her Majesty that the disposition of the title of the Lord Abergavenny resteth wholly in her gracious will and pleasure; whenas the heir male is collateral and so far removed; and the heir general incapable in respect of her sex, and the entail of the lands confirmed by parliament to the heir male.¹⁷¹

¹⁷¹ Dunham Jr., 153.

This perhaps indicates some impatience on his part for a judgement. Camden's commonplace book notes "The Answer of the Lord Chief Justice of England":

No right at all in the heir male; and therefore he must wholly rely upon the favor of the prince. The common custom of England doth wholly favor the heir general. The heirs generals' issue to have precedence when both shall be summoned, as in Dacre and Willoughby.¹⁷² That Her Majesty may call by new creation the heir male and omit the heir general during her life; but yet [yeat] a right to remain in her son having sufficient supportation. No entail can carry away a dignity but by express words or patent.¹⁷³

The Lord Chief Justice of the Common Pleas answer was succinct, but blunt:

The heir male hath no right, so long as any issue doth remain of the heir general. In his opinion, after the death of the mother, being incapable in respect of sex, there is a right in the son. The entail doth not prejudice the right of the heir general, or her sons.¹⁷⁴

The Queen's verdict was, in effect, a non-decision: she procrastinated, and then perhaps decided against both claimants. Her death in March 1603 then allowed the litigants to renew their claims with King James I. The King was also unable to decide who held the better claim: he terminated the case, and in the end bestowed a peerage on each. He summoned by writ Edward Nevill as Lord Abergavenny on May 25, 1604; on the same day he sent letters patent to Lady Fane, awarding her the barony of Le Despencer.¹⁷⁵ The problem of precedence regarding the two baronies was settled by ranking Despencer immediately above that of Abergavenny. While this has been viewed by some as a compromise, Round argued that the arguments based on the assigned relative

¹⁷² See "Peerage Cases in the Court of Chivalry" in Round, 69-102.

¹⁷³ Dunham Jr., 154.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid., 154-55.

precedences seemed fallacious, and was irreconcilable with the Abergavenny claim made in the House of Lords that the dignity was a barony by tenure.

Ultimately, and regardless of the verdict, what is of interest here is the kind of evidence cited, and the arguments put forward, by the disputants, in order to support the claims to the barony in question, and the inability of the Earl Marshal, and the Queen, to make a ruling. The major themes that are returned to time and again, by both legal representatives and justices, are land, honour, and blood. Nobility (and, by extension, gentility) itself was viewed as a quality that, once acquired became inherent in the blood. The qualities of the English land and climate allowed for the bodily constitution and temperament of the English male to be gentled; because female bodies were derivative of male bodies, this meant that they could inherit gentility, but could not attain it themselves, due to their preclusion from participating in the activities by which it could be achieved. While the possible dilution or corruption of nobility was clearly a consideration in the Abergavenny deliberations, the very femaleness of the heir general — although “next in blood, and proximity” — remained a factor in deciding for or against her claim. That Lady Fane, as a female, lacked the “capabilities” for fulfilling the function of the barony, remained a considerable obstacle in the minds of those deliberating. Discussion amongst the Chief Justices concerning knight’s fees and tenure requirements for a barony demonstrate that the relationship between possession of land had a direct correlation with honour and nobility; this was due to ideas relating masculinity to land and honour, supported both by biblical texts and biological discourse, that were heavily entrenched. The competing concerns at play here — land and “capability” — however, were trumped by blood. That the “capital seat” — Abergavenny Castle and its estates — had been alienated, the indelibility of the barony, which was inherent in Lady Fane’s blood, could not be ignored. This is of course

evidenced in the patent of the Despencer barony: this is what she and her heirs were entitled to.

CHAPTER II: THE COLLEGE OF ARMS

It is not to be thought of that the Flood
Of British freedom, which, to the open sea
Of the world's praise, from dark antiquity
Hath flowed, "with pomp of waters, unwithstood,"¹
Roused though it be full often to a mood
Which spurns the check of salutary bands,
That this most famous Stream in bogs and sands
Should perish; and to evil and to good
Be lost for ever. **In our halls is hung
Armoury of the invincible Knights of old:
We must be free or die, who speak the tongue
That Shakespeare spake; the faith and morals hold
Which Milton held. — In every thing we are sprung
Of Earth's first blood, have titles manifold.**
William Wordsworth

INTRODUCTION

In the lines above, Wordsworth expresses a popular sentiment regarding the English cultural identity: the outward shows of honour, gentility, nobility, and class — "Armoury of the invincible Knights of old" — are firmly enjoined with the English land — "In every thing we are sprung of Earth's first blood, have titles manifold". This sentiment is more revealing and, as we have seen in Chapter I, more accurate, than Wordsworth may have known. The perceived relationship between "earth" and "blood" is an ancient one. "Blood" was not only the vital humour — the seat of the emotions — but was also *the* inheritable medium, through which family and race were shared, and honourable virtues and status conferred.²

The English people relate to their land in a unique way — they are isolated from the continent, and they are both the conquered and conquerors of their island. This unique form of connectedness with the land, forged through knowledge of and ownership over it, provided the basis for the hierarchies within English society. More than this, the way that the English people

¹ From Samuel Daniel's *The Civil Wars* (1595)

² Mervyn James, *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986), 272.

related to their land, conceptualised it, and represented it, played an important role in the shift from a concern with natural law — i.e. laws of the land — to laws of nature, through physical investigation in order to measure and know the land in topographical detail, and represent it cartographically.

We may, for example, consider the various meanings of the word “common” to comprehend the importance of the land in the language of the English people: in its singular form, describing the people themselves, the community, their customs, and finally the laws they are governed by. The plural form, “commons”, denoting the land and resources for a community; the shared table, and eventually, the dining halls of the not-so-common people. The way that English people related to the land and landscape played a crucial role in forming, and informing, their cultural identity; an identity that was legitimized by social institutions and practices that also derived their authority from a geographical framework. The land provides not only a place to dwell, but sustenance as well, and its classical system of measurement was the plough. In feudal law, the term “honour” could refer to the geographical domain or seigniorship under the authority and control of one baron or lord³ — a seemingly open acknowledgement of the relationship between land and privilege. During the early modern period, there is a shift in the way people relate to their own land — the rise of mathematical surveying (a complex story⁴ within itself) meant estates could be accurately measured and portrayed cartographically, providing a novel way

³ "Honour | Honor, N," in *OED Online* (Oxford University Press., 2015).

⁴ And beyond the scope of this thesis, but explored by the author elsewhere. See, Claire R. Kennedy, "Those Who Stayed: English Chorography and the Elizabethan Society of Antiquaries," in *Motion and Knowledge in the Changing Early Modern World*, ed. Ofer Gal and Yi Zheng (Dordrecht: Springer, 2014); "Creating a Centre: History, Geography, Law, & the Elizabethan Society of Antiquaries. A Thesis Submitted for the Degree of Master of Science" (Unpublished: University of Sydney, Australia, 2011). See also, Lesley B. Cormack, *Charting an Empire: Geography at the English Universities, 1580-1620* (Chicago: University of Chicago Press, 1997); Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992); Andrew McRae, "To Know One's Own: Estate Surveying and the Representation of the Land in Early Modern England," *Huntingdon Library Quarterly* 56, no. 4 (1993); S. Mendyk, *'Speculum Britanniae': Regional Study, Antiquarianism, and Science in Britain to 1700* (Toronto: University of Toronto Press, 1989).

of viewing, both metaphorically and literally; there was a shift in use of terms as well, from “view” to “survey”.

The English land has played a very important part in the development of English law, both common and civil. Social structure was ultimately determined by the Law of Arms, which was derived from Continental civil law. However, from its very beginning, the English system of feudalism was slightly different to that of the Continent, on which it was modelled. The Law of Arms is not derived from English common law, and the common law courts do not have any jurisdiction over matters of dignities and honours, such as peerages and armorial bearings. The Law of Arms, as it is understood in England, was influenced most by the civil law, and may be regarded as similar to ecclesiastical law which, although a part of the laws of England influenced by canon law, is not a part of the common law itself.⁵

Although Anglo-Saxon civilisation was quite established, it did not possess a formal system of armory. It is a convention that “armory” relates only to the emblems and devices, while “armoury” relates to weapons themselves (as weapons of warfare rather than mere display), or to the place where weapons were stored. But these distinctions of spelling are modern. Indeed, the word “arms” may refer to weapons or defensive coverings themselves, or the limbs of the human body. In heraldry, “arms” usually refers to the device upon the shield alone, but can be employed to mean the entire achievement.⁶ As far as the Court of Chivalry⁷ — the court that has held jurisdiction over heraldic matters in England from the fourteenth century — was concerned, the Norman Conquest was considered to be the limit of the legal memory in England.⁸ Since the

⁵ G.D. Squibb, *The High Court of Chivalry: A Study of the Civil Law in England* (Oxford: The Clarendon Press, 1959).

⁶ Arthur Charles Fox-Davies, *A Complete Guide to Heraldry* (London: T.C. & E.C. JACK, 1909), 1.

⁷ Expanded upon below.

⁸ Although the Court of Chivalry itself did not have Norman origins, but dates from c.1347. Peter M. Ashman, “Heraldry and the Law of Arms in England,” *The Journal of Legal History* 9, no. 1 (2007): 56.

Conquest, England's class system remained social, rather than legal; it was defined not by law, as on the Continent, but by opinion and custom, ultimately making the divisions between social classes much more flexible. In the first section of William Camden's *Britannia*, he provides a chronological survey of British history in order to trace the origins of British ethnicity.⁹ When it comes to the Norman Conquest, he tells us that after the Battle of Hastings,

... WILLIAM thus a Conquerour presently with banner displaid marched about in order of battaile by Wallingford to London: where being received, he was solemnly inaugurated King, ...¹⁰

And further that, if "the Historie of Saint Stephens in Caen of Normandie" (William's final resting place), is to be believed:

... at his last breath he uttered these words: *The Regall Diadem which none of all my predecessours ever wore, I got and gained by the grace of God only, and no right of inheritance.* And a little after: *I ordaine no man heire of the Kingdome of England, but I commend the same to the eternall Creator, whose I am, and in whose hands are all things. For I became not possessed of so great honour by any hereditary right, but by a terrible conflict, and with much effusion of blood I tooke it from that perjured King Harold, and after I had either slaine or put to flight his favourers, and adherents, I subdued it under my Dominion.*¹¹

The relationship between honour, land, and blood is investigated elsewhere in this thesis, but the emphasis on the laws of war, as they relate to the Law of Arms, will be explored below.

When William the Conqueror came to consolidate his position in England, he had both the personal force and opportunity to establish a clear supremacy, which his successors confirmed by

⁹ William Rockett, "The Structural Plan of Camden's *Britannia*," *The Sixteenth Century Journal* 26, no. 4 (1995).

¹⁰ William Camden, *Britain, or a Chorographicall Description of the Most Flourishing Kingdomes, England, Scotland, and Ireland*, trans. Philemon Holland (London: G. Bishop & J. Norton, 1610), 145. Emphasis mine.

¹¹ Ibid. Emphasis mine.

forcing all free tenants to swear fealty to the king, rather than merely to their immediate feudal lords. Land was partitioned amongst the barons and earls in exchange for an obligation to provide military service, of themselves and their followers.¹² The land underwent numerous subdivisions and sublettings, but all tenants were liable for the same military service, in proportion to the land attached to it, as the barons and earls above them. As Arthur Fox-Davies, writing at a time when this system held more relevancy and influence than it does today, would note:

Every man who held land under these conditions — and it was impossible to hold land without them — was of the upper class. He was *nobilis* or *known*, and of a rank distinct, apart, and absolutely separate from the remainder of the population.¹³

Known in that his pedigree was established, genealogically: “known to royal courts, known to the world, known to the heralds.”¹⁴ The word “pedigree” itself is from *pied de gru*, the foot of a crane, alluding to the form in which genealogies were set out during the Middle Ages.¹⁵ *Nobilitas* is derived from *nosco*, “to know”: the defining feature of this kind of nobility, of this variety of being “known” — of belonging to an honourable lineage and bearing its tradition of knowledge — as we have seen in Chapter I, is blood. A gentleman is in a position “to know,” because he is “known.” Nobility, rank, territory and honour may be inherited through this medium, or earned¹⁶ through distinction in battle, via the spilling of the blood of others, as the speech attributed to William the Conqueror above tells us: he came to possess the Kingdom of England through terrible conflict, and the spilling of much blood. Shakespeare's *Henry V* conveys this idea also:

¹² Fox-Davies, Arthur Charles. *A Complete Guide to Heraldry*. London: T.C. & E.C. JACK, 1900, p. 19.

¹³ Ibid.

¹⁴ Anthony Wagner, *Pedigree and Progress: Essays in the Genealogical Interpretation of History* (London: Phillimore, 1975), 1.

¹⁵ Ibid.

¹⁶ By grant from a lawful authority.

... And you, good yeomen,
Whose limbs were made in England, show us here
The mettle of your pasture; let us swear
That you are worth your breeding — which I doubt not: ¹⁷

Mettle — the “stuff” of which one is made, one’s strength of character¹⁸ — is derived from the metal of armoury which, in turn, comes from the “pasture”, the very land itself.

The right to bear arms, and the right to fight a duel, were rights that were specific to those of noble standing, just as — according to feudal theory — the right to make war (*droit de guere*) was a privilege of the nobility.¹⁹ The Law of Arms was founded in civil and Roman law (*jus gentium*, or the law of nations), but it applied to a particular class of persons, and to particular matters only. In England, nobility was not defined in the continental sense of a rank possessing established legal privileges.²⁰ Rather, social position had always (until the twentieth century, at least) been dependent on landed wealth: a kind of wealth that could also be acquired through public office, trade, or the law.²¹ Thus, in England, where the social hierarchy could be particularly fluid, additional markers of respectability were required. The maintenance of social order through the control over the outward signs of social class — in the case of the nobility and the gentry,²² through

¹⁷ William Shakespeare, "Henry V." III.i.25-28. Also, III.i.7: “stiffen the sinews, conjure up the blood”; III.i.24: “Be copy now to men of grosser blood”.

¹⁸ Friedrich Steinle, "The Amalgamation of a Concept — Laws of Nature in the New Sciences," in *Laws of Nature: Essays on the Philosophical, Scientific and Historical Dimensions*, ed. Friedel Weinert (Berlin: Walter de Gruyter, 1995).

¹⁹ Maurice Keen, *The Laws of War in the Late Middle Ages* (London: Routledge & Kegan Paul, 1965), 19.

²⁰ Anthony Wagner, *Heralds of England: A History of the Office and College of Arms* (London: Her Majesty's Stationery Office, 1967).

²¹ Stone, p. 65

²² This was true of the lower classes also, via the governance of the Parish, through such outward displays as church seating plans.

control over the granting and display of Arms, and other ceremonial shows of pedigree — was the function of the College of Arms²³ and its Officers, the Heralds.

MESSENGERS OF MARS

These Herauldes bee the ministers of honour, the Antiquaries of the Brittish and English Heroes, and the Messengers of Mars, being not onely officers of Armes but of Armies. For they were wont to carry defiances, to proclayme wars, to sommon citties, to entertaine or sollicite Parlies, and to propound truces, and treaties &c. and are officers of great Antiquitie, for I am of Duhaillans opinion, that Heraulds have bin as long as there have beene kings.²⁴

Despite possessing a history that goes back as far as the thirteenth century, the exact nature and purpose of the College of Arms and its officers remains a mystery to many. In its present state, it is a corporation of thirteen members,²⁵ who are appointed directly by the Sovereign, on the recommendation of the Earl Marshal,²⁶ and are styled “heralds in ordinary”: three Kings of Arms, Garter, Clarenceux and Norroy; six heralds, Lancaster, Chester, York, Richmond, Windsor, and Somerset; and four pursuivants, Rouge Croix, Bluemantle, Portcullis and Rouge Dragon. Only the Kings of Arms have the special function of granting arms by letters patent, but all the officers of the College have the right to conduct individual professional practice in heraldry and genealogy.

²³ “...it has no pupils and no concern with education. It resembles, perhaps, more nearly the societies of the lawyers, the Inns of Court, for their link with the administration of the law bears some analogy to that of the College with certain functions of the Crown.” Wagner, *Heralds of England: A History of the Office and College of Arms*, xxiii.

²⁴ George Buck, *The Third Universitie of England. Or a Treatise of the Foundations of All the Colledges, Auncient Schooles of Priviledge, and of Houses of Learning, and Liberall Arts, within and above the Most Famous Cittie of London* (London: Thomas Dawson, 1615), 987-88.

²⁵ Although there had, at different periods, been several more Kings of Arms in ancient times, since the re-incorporation of the College in 1555, it has consisted of thirteen officers of arms. See Fox-Davies. Presently, there are also seven Officers Extraordinary, who take part in ceremonial occasions, but are not part of the College.

²⁶ The Office of the Earl Marshal is explored further below.

The Garter King of Arms — the principal officer of the college — possesses additional official duties. The College also employs a number of herald painters, scriveners, and research staff.

Armory and heraldry are not precisely synonymous terms, although they are often used interchangeably, even by heralds themselves. Whilst it can certainly be said that armory — the rules governing the use, display, and meaning of the signs and emblems displayed on the shield, helmet, or banner — comprises a major part of the Heralds' occupation, Heraldry itself extends to the regulation of ceremonials and matters of pedigree, that armory alone does not entail.

The origins of the use of arms and armory are unknown, not solely because it can be difficult to state definitively what is or is not armorial; but the use of symbols of honour, such as the names of animals and deities, can certainly be traced through antiquity, and the peoples that came before. Taking the widest definition, any pictorial badge that may be used by an individual, or a family, “with the meaning that it is a badge indicative of that person or family, and adopted and repeatedly used in that sense”²⁷ can be described as heraldic:

If such be your definition, you may ransack the Scriptures for the arms of the tribes of Israel, the writings of the Greek and Roman poets for the decorations of the armour and the persons of their heroes, mythical and actual, and you may annex numberless “heraldic” instances from the art of Nineveh, of Babylon, and of Egypt. Your heraldry is of the beginning and from the beginning. It *is* fact, but is it heraldry?²⁸

This sentiment regarding the ancient and obscure origins of heraldry is not merely a modern one; writing at the turn of the twentieth century, Fox-Davies echoes Sir Robert Cotton addressing the fellows of the Elizabethan Society of Antiquaries:²⁹

²⁷ Fox-Davies, 2.

²⁸ Ibid.

²⁹ The Elizabethan Society of Antiquaries (active 1586-1607) were a group of scholars, motivated by a serious concern with England's laws and customs, who met weekly during the Law Terms to discourse on topics such as

If I strait this question to the common acceptance, my discourse must be to you, as the question is to me, slender and strait. But if I take liberty to wrest it, whether the letter will lead me, as to impresses of which nature arms with their words are, it will grow more tedious than time, wherein so many must deliver their opinion, will permit.³⁰

Sir Anthony Wagner (1908-1995), herald and author of the twentieth-century's seminal works on the subjects of heraldry and genealogy,³¹ reminds us that at its core, heraldry relies on a practical system of distinctive recognition marks: "To be clearly distinct and clearly recognizable at sight is those marks' primary function. To rob them of simplicity and boldness can soon defeat that function."³² Part of the appeal of heraldry is that it provides a unique visual scheme, allowing for the identification of a person or family, and into which personal identity can also be incorporated.³³

The answer to Fox-Davies' question above, "is it heraldry?" will not, however, be the major focus of this inquiry. Rather, what is of interest here is the practice of heraldry, as it was undertaken

legal history, land tenure, numismatics, inscriptions, heraldry, medals and devices, records, collections, lineages, rights and properties of monarchs and nobles, and religious foundations, colleges, hospitals, corporations, cities and towns. Four of the Society's fellows were heralds, including William Camden. For more, see Chapter III, and Christina DeCoursey, "Society of Antiquaries (Act. 1586-1607)," Oxford Dictionary of National Biography, Oxford University Press, <http://www.oxforddnb.com/view/article/72906>; Linda Van Norden, *The Elizabethan College of Antiquaries*, English Phd Dissertation (Los Angeles: University of California, 1946); Helen Dorothy Jones, "The Elizabethan Society of Antiquaries Reassessed" (The University of British Columbia, 1988); R.J. Schoeck, "The Elizabethan Society of Antiquaries and Men of Law," *Notes and Queries* (1954); Mendyk.

³⁰ Robert Cotton, "On the Antiquity of Motts and Words, with the Arms of Noblemen and Gentlemen of England." In Thomas Hearne, ed. *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 2 vols., vol. 1 (London: Printed for Benjamin White, at Horace's Head in Fleet Street, 1775), 110.

³¹ Anthony Wagner, *English Genealogy* (Oxford: Clarendon Press, 1960); *Heralds of England: A History of the Office and College of Arms; Pedigree and Progress: Essays in the Genealogical Interpretation of History; Herald and Ancestors* (London: British Museum Publications, 1978); *The Records and Collections of the College of Arms* (London: Burkes Peerage Ltd., 1952).

³² *Heralds and Ancestors*, 28.

³³ One may look to the modern day grant of arms to the Middleton family, and its incorporation into the conjugal arms of the Duke and Duchess of Cambridge to see how these practices are still in effect today. College of Arms, "The Officers of Arms," www.college-of-arms.gov.uk/about-us/heralds-officers.

in the English context by the officers of the College of Arms, and what can be understood about English society, culture, and identity as a result. The question with which we are here concerned, is not, “who was then a gentleman?”³⁴, but rather, “who maintains the boundary between gentle and non-gentle, and by what authority?” The interpretation and enforcement of the Law of Arms by the heralds provided English society with a particular framework for understanding and knowing who they were, as gentle- and English-men. To quote, at length, from John Donne:

If thou ask thyself *Quis ego*, what am I? and beest able to answer thy selfe, why now I am a man of title, of honour, of place, of power, of possessions, a man fit for a Chronicle, a man considerable in the Heralds Office; goe to the Heralds Office, the spheare and element of Honour, and thou shalt finde those men as busie there about the consideration of Funerals, as about the consideration of Creations; thou shalt finde that office to be as well the Grave, as the Cradle of Honour; And thou shalt finde in that Office as many Records of attainted families, and impoverished and forgotten, and obliterate families, as of families newly created and presently celebrated.³⁵

The status and authority which the office of the Heralds held as “the spheare and element of Honour”, “the Grave [as well], as the Cradle of Honour” in the early seventeenth century is clear; it is where honour receives both its beginning and end, from the legal standpoint. The passage suggests also that both Donne and his congregation were particularly aware of the dynamic nature of the English social structure: honour could be bestowed on those who had newly demonstrated their worthiness via new creations, and taken away from those who were unworthy. Donne would have been familiar with heraldic matters, and heraldic funerals, although it can only be certain that

³⁴ Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago: University of Chicago Press, 1994), 42-64.

³⁵ John Donne, "Sermon V at St Paul's. Christmas Day 1627," in *Works*, ed. Alford (1839), 90. Cited in Wagner, *Heralds of England: A History of the Office and College of Arms*.

he presided over one heraldic funeral as Dean of St. Paul's. "The heraldic funeral was concerned with a great deal more than simply burying a dead body," in that the individual was de-emphasised in the interest of displaying and affirming the hierarchical continuities in public society.³⁶

The barriers between the social classes in England may have, historically, been less rigid than in most other European countries, but this did not make them any less important.³⁷ In fact, the import that was placed on arms as the mark of nobility and gentility was a consequence of this "vague and elastic" nature of class boundaries. To quote Wagner, this is not the paradox it may at first seem to be. It was the very fact that the English gentleman's status was not well defined like that of the French noble for example, which made the insistence on outward marks necessary.³⁸ Consequently, the right to bear arms had, by the sixteenth century, come to be viewed as decisive evidence of gentility. This subject that will be explored to a greater extent below.

The origins of the offices of the College of Arms itself are medieval, from a period when the concept of honour was characterized by a "stress on competitive assertiveness."³⁹ Heralds, and heralds of arms, are mentioned in the accounts of tournaments from 1170 onwards, where it was their chief function to introduce and marshal the combatants, and to keep score. The heralds, in their modern capacity have retained only a small part of that original ceremonial function; such as in the State Opening of Parliament, the arrangement of state funerals, and the monarch's coronation. In the fourteenth century however, they took on the additional responsibility of carrying messages in times of war, as George Buck explains in the quotation above, they were

³⁶ Clare Gittings, *Death, Burial and the Individual in Early Modern England* (London: Routledge and Kegan Hall, 1988), 178. Cited in Peter McCullough, "Preaching and Context: John Donne's Sermon at the Funerals of Sir William Cokayne," in *The Oxford Handbook of the Early Modern Sermon*, ed. Peter McCullough, Hugh Adlington, and Emma Rhatigan (Oxford: Oxford University Press), 231.

³⁷ Wagner, *English Genealogy*, 7.

³⁸ *Ibid.*, 120.

³⁹ Mervyn James, "English Politics and the Concept of Honour, 1485-1642," in *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986). Markku Peltonen, *The Duel in Early Modern England: Civility, Politeness and Honour* (Cambridge: Cambridge University Press, 2003), 7.

employed “to carry defiances, to proclayme wars, to sommon citties, to entertaine or sollicite Parlies, and to propound truces, and treaties.” Their status rose to something like professional diplomats by the fifteenth century, but it was their expertise in genealogy that would later become the primary concern of the heralds. This too stems from their medieval origins: knights competing in tournaments were identified by the coats of arms emblazoned on their shields, and the crests⁴⁰ on their helmets. This shift in the primary function of the Heralds into the early modern period would shift alongside the shifting concept of honour. Where honour in the medieval period had been characterized by competitive assertiveness, a transformation occurred during the sixteenth century that would allow for the emergence of a “civil society” where, rather than providing a legitimization for a politics of violence, the state asserted a monopoly over both honour and violence: the crown sought to establish itself as the “sole fount of honour,” by means of the heralds’ office.⁴¹

This transformation effected a change in the function of heraldry. The conventions of armory had become elaborate enough for it to require its own highly technical language and laws, and specialists who were fluent in it, by the middle of the thirteenth century:⁴² indeed, in guides on the subject, it is frequently referred to as a “science.”⁴³ The heralds took up this role, and they soon became responsible for recording, then granting and controlling the use of coats of arms, as this usage spread.⁴⁴ Heralds became responsible for compiling rolls of arms — written or painted records of armorial bearings — by the 1370s, as well as being called to give evidence when the right to a coat of arms was in dispute. Later, they were responsible for signing and adding their

⁴⁰ While “device”, “ensign” and “cognisance” were used interchangeably to refer to the crest, badge, and sometimes the arms, they are terms that have no definite heraldic meaning. Use of the term “cognisance” emerged in heraldic terminology prior to its use meaning knowledge and recognition. Oxford English Dictionary, “*Cognizance / Cognisance, N.*” (Oxford University Press).

⁴¹ James, 333.

⁴² Wagner, *The Records and Collections of the College of Arms*, 7.

⁴³ For example, Fox-Davies; William Berry, *Encyclopaedia Heraldica, or a Complete Dictionary of Heraldry*, IV vols., vol. I (London: Sherwood, Gilbert and Piper, 1828).

⁴⁴ College of Arms, “College of Arms, History,” <http://www.college-of-arms.gov.uk/about-us/history>.

seals to certificates and grants of arms. This had two purposes, “to certify that the recipient was a person qualified by status and character to use arms, and to guarantee that the arms in question belonged to him and to no one else.”⁴⁵

In England, France, Spain, Northern Italy, and Saxony, the use of heraldic devices increased throughout the thirteenth century: “From the kings, princes, and earls, among whom we first find it, the use of arms had by 1200 spread downward to the barons and by 1250 to the generality of knights.”⁴⁶ Eventually it would spread from the nobility to civilians. First, to noble ladies and churchmen, and from there to merchants and burgesses, by the late fourteenth century. It was not only individuals who desired to take up arms, but also some dioceses, abbeys, cities, and towns. Prior to 1484, only sixty grants of arms made by royal kings of arms have survived, but after the Tudor advent of the College of Arms, “the trickle [would] gradually swell into a flood”.⁴⁷

During the medieval period, heralds had been employed by great noblemen, as well as by the monarch himself, but during the fifteenth century the Crown directly appropriated their authority. In 1417, a proclamation made by Henry V forbade the use of arms by unqualified persons without authority from the Crown, and in 1420 the Royal heralds received a common seal, and came to operate in some ways like a corporation.⁴⁸ It had been customary during these early years that rolls of arms and other records were handed down from one herald to his successor in office.⁴⁹ While their membership as part of the Royal Household can be traced back to the thirteenth century, their first incorporation dates to 1484, when they were granted a charter by

⁴⁵ Wagner, *The Records and Collections of the College of Arms*, 7.

⁴⁶ Ibid.

⁴⁷ James, 333.

⁴⁸ Arms, "College of Arms, History".

⁴⁹ Pamela Selwyn, "Heralds' Libraries," in *The Cambridge History of Libraries in Britain and Ireland Volume 1: To 1640*, ed. Elisabeth Leedham-Green and Teresa Webber (Cambridge: Cambridge University Press, 2006), 473.

Richard III and, under its terms, were to establish a common library⁵⁰ where each King of Arms would have a place for his own books and records. An ordinance for officers of arms, that likely has its provenance⁵¹ in the fifteenth century, laid down that officers of arms apply themselves to their own personal improvement and edification. They were required to devote part of their time to the study of books on good manners and eloquence, as well as chronicles and accounts of honourable and notable deeds of arms, and be knowledgeable about the properties associated with particular colours, plants and precious stones, in order to properly assign arms.⁵²

The present incorporation dates only from 1555,⁵³ but the earliest known reference to the heralds' official records dates from a century earlier: a patent dated 1445, in which Clarenceux's search in the books and rolls of record for the applicant's correct arms is mentioned.⁵⁴ It is known from the oath taken at his creation, that by the middle of the century, a King of Arms was required to know and record the arms of all noble gentlemen within his march or province.⁵⁵ That the titles of the heraldic Offices contain' geographical references to the jurisdictional province of each herald denotes also how the English concepts of nobility and gentility were related to the land itself.

In 1586, the Earl Marshal, Thomas Howard, Duke of Norfolk, set down the regulations for library conduct in the College's new home at Derby House: no enquirer could enter the library

⁵⁰ In the original headquarters, Coldharbour. When this house was taken from the heralds by Henry VII, the fate of this original corporate library becomes obscure, but it seems to have been taken to the residence of John Wrythe, then Garter King of Arms. When granted a new headquarters at Derby House by Philip and Queen Mary in 1555, the Earl Marshal directed the College to once again establish a library in 1568, although the Kings of Arms continued to maintain their own separate libraries. It was not until 1597 that the Kings of Arms and the heralds own records and books were acquired, establishing the nucleus of the College's library. *Ibid.*, 472-3.

⁵¹ It is doubtful that the King's 1673 declaration of the powers of the Earl Marshal originated from Thomas of Lancaster, duke of Clarence, when he was lieutenant-general of the army in France and Normandy between 1416 and 1421, as had previously been supposed. *Ibid.*

⁵² Wagner, *Heralds of England: A History of the Office and College of Arms*, 66-8. Cited in Selwyn, 472.

⁵³ Wagner, *The Records and Collections of the College of Arms*, 4.

⁵⁴ *Ibid.*, 7.

⁵⁵ See Appendix A for the oaths of officers of arms in their entirety, as transcribed by Sir William Dethick, Garter.

unless in the company of a herald. The rotating “monthly waiting” was also established at this time, whereby a herald and a pursuivant together were required to attend the office and respond to enquiries.⁵⁶ A situation arose in which the ownership of visitation books and grants of arms became unclear, and it was not until 1595, when William Cecil, Lord Burleigh, under the Queen’s orders, gave recommendations for reform, that would come into effect in 1597, coinciding with the appointment of “the greatest of living English antiquaries,”⁵⁷ William Camden, to the Office of Clarenceux.⁵⁸ Since this time, the Earl Marshal’s directive that all Kings of Arms deposit their visitation books and grants of arms in the College library has been obeyed.

Sir George Buck, master of the revels and historian, tells us in his *Third Universitie of England*,⁵⁹ that by the seventeenth century the College comprised the following offices:

...Garter, Clarenciaux, or Southroy, and Norroy, Kinges at Armes: Yorke, Somerset, Richmond, Windsor, Chester, and Lancaster, Dukes at Armes: Rouge dragon, Rouge croix, Blew-mantle, Portcullis, Blanc lyon, and Portsmouth, pursuivants at Armes: whereof the two last bee extraordinary.⁶⁰

Blanc Lyon and Portsmouth no longer exist, but with the addition of a number of heralds extraordinary,⁶¹ Buck’s list presents the College as it remains today.

⁵⁶ The waiting would lapse in 1586 after the appointment of William Dethick as Garter King of Arms, whose autocratic manner was objected to by his colleagues. It was re-established in 1597 and, except for the interruption of the civil war and usurpation, has continued since. Wagner, *The Records and Collections of the College of Arms*, 12-13.

⁵⁷ Ibid., 13.

⁵⁸ Whose appointment and tenure are the subject of Chapter III of this dissertation.

⁵⁹ Completed in 1612, but not published until 1615 as an appendix to John Stow’s *Annales*. Buck.

⁶⁰ Ibid., 987.

⁶¹ New Zealand, Maltravers, Norfolk, Arundel, and Wales, all styled Heralds Extraordinary, and Fitzalan Pursuivant Extraordinary.

Kings of Arms

The title King of Arms⁶² is possibly derived from an original position of a chief or principal officer presiding over the king's heralds, or a principal province, which were formerly termed "marches" by heraldic writers.⁶³ At different times there have been several Kings of Arms⁶⁴ in England, but only two have continued in office to the present — Clarenceux and Norroy-Ulster, whose provinces or marches are divided by the river Trent — while Garter King of Arms is the Principal King of Arms,⁶⁵ not only the senior King of Arms but senior Officer of the College. This office takes its name from the Order of the Garter, instituted by Henry V in 1415. Clarenceux, the senior of the two provincial Kings of Arms, is a title that dates back at least to 1420, perhaps even as far as 1334. It may be derived from Clare, in Suffolk, the estates of the earls of Gloucester, or from the Dukedom of Clarence. Norroy, the junior of the provincial kings, is considered the most ancient title, being the only title taken from the situation of his province,⁶⁶ but in 1943 it was combined with the office of Ulster King of Arms,⁶⁷ giving him jurisdiction over the six counties of Northern Ireland, as well as England north of the Trent.

It is known that Kings of Arms held Chapters from as early January, 1420 — the first of which that is recorded having taken place during the siege of Rouen by Henry V.⁶⁸ Chapters provided the heralds' corporate life not only with legal form and practical efficacy, but also a

⁶² Or, King of Heralds, as they were more anciently known.

⁶³ Fox-Davies, 29.

⁶⁴ Denominated from the dukedoms or earldoms, for example. In the fifteenth century the country was divided into three provinces, that of Norroy King of Arms, north of Trent, that of Clarenceux King of Arms, south of Trent, and that of March, comprising Wales and the west of England. March, however, disappears during the reign of Henry VII, and Clarenceux and Norroy divided his province between them.

⁶⁵ Garter King of Arms and Principal King of Arms, although separate and distinct offices are, and have always been, united in one person.

⁶⁶ The title of *Norroy*, anciently written *Norreys* and *Norreis*, King of Arms of the people residing in the north. Fox-Davies, 30. Clarenceux was also known by the title Southroy. Buck, 987.

⁶⁷ Vacant since the death of Sir Neville Wilkinson in 1940.

⁶⁸ Anthony Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heralds*, 2nd ed. (Oxford: Oxford University Press, 1956), 64.

forum in which to develop and establish their authority. Three Kings of Arms, as well as four heralds, had been present, and their deliberations resulted in the issue of a common seal, an oath of admission, and a benevolent fund for decayed members of their order.

Heralds in Ordinary

Chester Herald is thought to have been instituted as herald of the Prince of Wales by Edward III, and despite a lapse under Henry VIII for a time, has been one of the heralds in ordinary since 1525. Lancaster, whether herald of arms or king of arms, was originally retained by the earls and dukes of Lancaster, the title appearing first in 1347 in a proclamation made at the siege of Calais.⁶⁹ Richmond Herald, from 1421 to 1485, appears as the herald of John, Duke of Bedford, George, Duke of Clarence, and Henry, Earl of Richmond, all of whom held the Honour of Richmond. Henry, on accession as Henry VII made the then Richmond Herald, Roger Machado, a King of Arms in 1485, but since his death in 1510, Richmond has been a herald in ordinary. Somerset has gone from being private, to royal, to private and extraordinary, and back to royal again: In 1448-9, he was the herald of Edmund Beaufort, Duke of Somerset, but was a royal officer by 1485, being the only herald to receive coronation liveries. When Henry Fitzroy was made Duke of Richmond and Somerset in 1525, the then Somerset Herald was transferred to the duke's household, so must have been counted a private officer, although appointed by the king and sharing heralds' fees as a herald extraordinary. In 1536, on Fitzroy's death, the incumbent Somerset Herald returned to the Crown, and has remained herald in ordinary since. Windsor Herald has been one of the six heralds in ordinary since 1419 at least, said to have been instituted by Edward III. The

⁶⁹ On Henry IV's accession he was put on the Crown establishment and made King of Arms of the northern province; an arrangement that was continued under Henry V and VI, but ceased by 1464. Thereafter Lancaster reverted to the rank of herald. Since the time of Henry VII Lancaster has been one of the six heralds in ordinary. Arms, "The Officers of Arms".

first reliable reference to York Herald is in a patent of 1484⁷⁰, although it has been suggested that he was originally the officer of Edmund of Langley, created Duke of York in 1385.

Pursuivants

Pursuivants are the most junior officers in the College of Arms, and their title alludes to their role as the carriers of messages, or the runners of errands. Portcullis Pursuivant was instituted by Henry VII, probably shortly after his accession, and the title is an allusion to the portcullis badge inherited from his mother, Lady Margaret Beaufort. Rouge Croix (or Red Cross), thought to be the oldest of the four pursuivants in ordinary — the earliest known reference to the title was during the reign of Henry V, 1418/19 — took his title from the red cross of St. George, badge of the Order of the Garter and the national flag of England. Rouge Dragon Pursuivant, also instituted by Henry VII, on the eve of his coronation and titled in reference to the royal badge, the “red dragon of Cadwallader”. And finally, Blue Mantle Pursuivant, is thought to have been instituted by Henry V for the service of the Order of the Garter, deriving the title from the Order’s blue mantle — the vestment or robe worn by members.

VISITATIONS

It is somewhat fitting that the titles of the principal officers of the College of Arms are related, directly or indirectly, to the English land itself — named from the march or province over which they had jurisdiction — given that it is from the very land itself that honour and gentility were derived, as we have seen in the previous chapter. The bearing of coat-armour was in some very real sense an indicator of one’s personal and familial relationship to the land, through historical

⁷⁰ Granting to John Water alias Yorke, herald, as fee of his office for services to Richard III, his predecessors and ancestors, the manor of Bayhall in Pembury, Kent and £8 6s. 8d. a year from the lordship of Huntingfield, Kent. Ibid.

possession and defence of it. Bearing false arms, or claiming those which one was not entitled to, was thus seen as a very real and serious transgression: it was not merely dishonesty, but amounted to something on the scale of identity fraud, claiming to be something and someone that you were not. Despite the 1417 proclamation of Henry V, forbidding the use of Arms, or Coats of Arms by any man, unless he held them by right of inheritance, or unless they had been issued by someone with sufficient power to do so, the improper use of Arms not only continued, but increased. This was a direct affront to the Crown, and in order to correct this abuse, and the disorder it brought to all matters concerning descents, titles, and honours, the practice of the Heraldic Visitation was enacted. It will be shown below that this was thought to be a duty implied by the King of Arms' creation oath, from the middle of the fifteenth century, or earlier⁷¹ — the first record of such a Visitation coming from the reign of Edward IV — in order to expose false claims to gentle status, and record the arms and descents of the gentry. Mervyn James, however, has noted that the curious feature of the Visitation is that its performance began without any direct or specific royal grant, but was rather conceived as being “*virtute officii*, under an authority which derived from the nature of the heraldic office [itself] ... regarded as a prerogative inherent in the heraldic office.”⁷² So Visitation originally did not require special authorisation and, in its practice, there is an implication of the sense in which the herald was the servant of honour itself, rather than just the Crown, in a similar way to that of a judge who served the law and the realm, not just the king. It might be said, writes James, that “the heraldic office constituted the informal judiciary of the community of honour,” in that it was responsible for organising its transactions.⁷³ This informality was the result, perhaps, of versatility in the interpretation of the Laws of Arms and, as we saw in Chapter I, the

⁷¹ Such proto-visitations are recorded in the College MSS.M3 (p.84) and M.4. (p.77). Wagner, *The Records and Collections of the College of Arms*, 66.

⁷² James, 334.

⁷³ Ibid.

malleability of the English bodily constitution. This was a direct consequence of the nature of the land the English inhabited, and the way it was believed to affect the body.

It was not until 1530 that the series of official Visitations began, when Henry VIII issued letters patent⁷⁴ under the great seal of England to the two Provincial Kings of Arms, authorising and commanding each — by himself, or with the assistance of deputies — to visit the whole of his province, to call before him all those who did, or pretended to, bear Arms, or were styled esquires or gentlemen,⁷⁵ and have them produce, and show by what authority, these Arms were claimed.⁷⁶ He also had license to enter, upon reasonable request, all churches, castles, houses, and any other place at his discretion, to view all manner of arms and heraldic devices, as well as the notes of the descents, pedigrees, marriages, and issue of all persons within his province; and to enter these records in a register-book of Arms. He also had full power to remove any device contrary to the Law of Arms — from public display and personal possessions alike — and to publically reprove any person that had unlawfully usurped or taken up any title, honour, or device.⁷⁷ These commissions also prohibited all kinds of artificers within the province, including painters, glaziers, goldsmiths, and engravers, from depicting any manner of arms, crests, cognizances, pedigrees, or other devices appertaining to the Office of Arms, except those allowed by the provincial king, or his deputy; likewise, sheriffs, commissaries, scriveners, clerks, writers, etc. were enjoined not to call, name, or write, in any assize, sessions, court, or other open place, or give in writing the title of esquire, or gentleman, to any person, unless he was able to justify it, by the law of Arms, or in writing, from the Provincial King of Arms. The Kings of Arms could also grant arms “to spiritual

⁷⁴ See Appendix E. for the Letters Patent issued to Thomas Benolt, Clarenceux, on April 19, 1530.

⁷⁵ Peers, being the concern of the Garter King of Arms, were not normally visited by the Provincial Kings. Wagner, *The Records and Collections of the College of Arms*, 57.

⁷⁶ Berry, I, 569.

⁷⁷ Ibid.

persons of suitable degree and to temporal persons,” provided that they were of good and honest reputation, and not “of vile blood, nor rebels, nor heretics”; all to be registered in the Earl Marshal’s book.⁷⁸

The commission of 1530 appears to presuppose the system of Visitation that was already in place: the Kings of Arms were already considered to be the executive officers within their respective provinces, and although their subordination to the Earl Marshal is clearly indicated, granting of arms was entirely within their purview, and could be undertaken without any need of special sanction or permission from the Earl Marshal.⁷⁹ The conditions for ennoblement are only briefly referred to in the patent:

And also the said Kyng at armes to gyve to any persone or persons spirituall the whiche be preferred by grace vertue or connyng to rowmes and degrees of honor & worshipp armes accordyng to their merites And likewise to any person or persons temporall the whiche by the service doon to us or to other that be encreased or augmentid to possessions & riches hable to maynteyne the same So that they be not issued of vyle blood rebelles to our persone not heritiques contrary to the faithe But men of good honest Reputacyon...⁸⁰

The passage implies that Kings of Arms themselves possessed the experience and expertise to determine who was honourable and deserving of Coat Armour. Men who were not born into gentility or nobility could acquire it during their lifetime, and Kings of Arms were the qualified judges of this: “If a gentleman came into being under his nose,” Wagner notes, “it must clearly be his duty to recognize the fact.”⁸¹ A King of Arms’ authority to do so was provided by their

⁷⁸ Wagner, *The Records and Collections of the College of Arms*, 56.

⁷⁹ *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 9-11.

⁸⁰ See Appendix E.

⁸¹ Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 78.

“knowing” all the nobles and gentlemen within their march: an obligation that they had sworn to keep in their creation oath.⁸²

While the connection between nobility and the bearing of arms has already been mentioned here, this passage from the patent also implies that qualification for ennoblement is, as Wagner argues, “essentially, and without evasion or pretence, pecuniary”, with those of vile blood, rebels, and heretics to be excluded.⁸³ It was argued in the first chapter of this thesis that the connections between landed wealth, nobility, inheritance, and the bearing of arms, means that this particular interpretation — that the ultimate signifier was one of wealth — misses, or ignores, a richer and more complex, set of measures and conditions that signified gentility. This is true, in spite of the many statements specifying the income which qualified one as “gentle” in various texts on the subject; wealth was always important, as one of the signifiers of gentility, but never its foundation. The relationship is alluded to in the patent: for those who are deserving of honour, it is because they have done “service” to the Crown that has resulted in “possessions & riches.” While novel opportunities for serving Crown and Country were certainly increasing during this period, in a traditionally feudal society what this meant was usually service of a military nature. As we shall see below, however, this patent perhaps created as much trouble and controversy for the Kings of Arms as it was intended to resolve. The greatest change it provided, however, as much for posterity as for its present, was that it gave the right of Visiting to the Provincial Kings of Arms once and for all.⁸⁴ Taking this privilege away from Garter also resulted in a shift in the balance of epistemic power amongst the Kings of Arms: while Garter was still the Principal Officer of the College, it

⁸² See Appendix A.

⁸³ Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 11.

⁸⁴ *Ibid.*, 99.

was now Clarenceux and Norroy who were responsible for the practice by which the Heralds enforced and maintained their role as the arbiters of honour throughout the English landscape.

Visitations were usually held by Clarenceux and Norroy in their respective provinces, in different locations once every thirty years or so from 1530 onwards. We may obtain some idea of how the process of Visitation was enacted from documents still extant, some of which are still in the possession of the College, and some of which have been printed in various texts on the subject of heraldry during the previous century. Benolt, with his letters patent, instituted a new paradigm of record-keeping: one that would see the records from over a 150 year period go from having a main emphasis on handsomely painted arms, for wives as well as husbands, with genealogies written in short, narrative form, without dates or evidence noted; to arms tricked serviceably but unimposingly, “with quarterings sometimes but impalements never”, and pedigrees set out in tabular form, with dates, collateral branches, and supporting documents going as far back as possible, and attested by the signature of living family member.⁸⁵ This shift of focus, and of what was important, from the detail of the arms themselves to the evidence that authorised the bearing and use of those arms, is telling of a greater shift; that is, a shift in what was deemed epistemically relevant, and in what counted as evidence and authority.

Visitation, in Practice.

The Visitation of London by Thomas Hawley, Carlisle Herald,⁸⁶ in 1530 as the “Debite and Marschall of Armes” to Thomas Benolt, Clarenceux, shows that Kings of Arms took advantage of their privilege to make use of deputies to undertake Visitations for them. The use of deputies should not here be viewed as an evasion of duty by the Kings of Arms, but as a collaboration between Officers of Arms: the oath taken at their Creation which personally obliged the Kings of

⁸⁵ Ibid., 105.

⁸⁶ An office that is no longer in existence.

Arms to “have knowleche of all the nobles and gentilmen” within their marche, and “trewly registre [...] suche armes as they bere” meant that they could hardly ignore the reports their deputies produced. Their oaths also required them to teach and instruct — we might say, to mentor — the heralds and pursuivants below them in the College, and in deputising them, the Kings of Arms could fulfil this function also. The aims of the process of Visitation are also explicitly spelled out — Hawley’s mandate is,

... to corecte, deface and take away all maner of Armes wrongfully borne, or being falce Armory; ore any Penons or Standers used agen the Lawes of oner; them to take as ys afore wrytyne to the behougthe of ye said Clarencieux King of Armes, in thys maner and order as hereafter followthe.⁸⁷

Hawley began at St. Paul’s Cathedral where, on showing the commission for visitations to “on[e] Doctor Smythe that tyme being Debyti for the Beschopp,” a verger was commanded to wait on the herald and show him, and the Portcullis Pursuivant who was also in attendance with him, anything that they desired to see. They proceeded to deface or confiscate all scutcheons, squares, and lozenges wrongfully used, “agen the Lause of Armes, and the onerse of Noble men”. These references to honour, nobility, and the law of arms are repeated often throughout the document, at each location attended by the Herald and his Pursuivant; their importance is stressed while, interestingly, the document provides no details at all on what has been removed or defaced. The historical record is thus wiped clean of those affronts to nobility and honour that had once been on public display.

⁸⁷ "The Visitation of London, 1530." In Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heralds*, 139.

The Visitation continued on, to Greyfriars, St. Sepulchre-without-Newgate, St. Dunstons in Fleet Street, St. Martin in Ludgate, and a number of other priories, churches, and abbeys in London; with accounts of some of the notable gentle-men and -women, buried within them. For example, in Whitefriars lay buried:

... S^r Robert Knolys ryght worschiply in the body of the Cherge, wheras he beryth upon hyme in his Cotte Armour hys Armes: that ys to say, gulys on a Cheveron sylver three [roses on] Roses on the Feyld: And upon hys helme on a Wrethe gulys and sylver, a Ramse Head cupe, on the laste. And by syde hyme lythe the Lade hys wyffe, bothe lying in Pykter of Alybaster on a Towme of marbyll ryght onerable. The said Knolles whas the joly mane of Ware in France...⁸⁸

Sir Robert Knolles had been England's most famous professional soldier of the Hundred Years' War, and his military service had made him a wealthy man.⁸⁹ Knolles was probably of burgess or yeoman stock, and had been knighted sometime between the siege of La Roche-Derrien in 1346, and the battle of the Thirty of 1351, and afterwards began to amass his fortune through booty, by converting some of it into real estate, and by lending specie. Thus, we might tentatively conclude that Knolles was ennobled "according to his merit".

Instructions for the Visitation of Northamptonshire in the year 1681, by Clarenceux's deputies may be found in Appendix D. While this document is from a period later than that which we are here concerned, it can also provide us with an idea of how Visitations were carried out; it is reasonable to presume that these instructions were based on past practice. The herald is instructed to record pedigrees, beginning with the grandparents, "or higher if the Case require",

⁸⁸ That is, Sir Robert Knolles [Knollys], and his wife Constance. Knolles had been the most famous professional soldier of the Hundred Years War. Ibid., 141.

⁸⁹ Michael Jones, "Knolles, Sir Robert (D. 1407)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/15758>.

and proceeding to the parents, aunts and uncles, and siblings, along with their marriages, issue, times of death and places of burial. Any titles recorded are only to be those born “justly and lawfully” by the Law of Arms. The criteria for allowing the use of the title of “Esquire” are listed in great detail, which may have been due to the assumption of the title by many “unjustifiably”, as noted by Sir William Dugdale, also in the late seventeenth century.⁹⁰ The criteria that are given are those of Sir Edward Coke’s *Institutes of the Lawes of England*, a set of criteria that follow those specified by William Camden in the *Britannia*.⁹¹ The rise of the esquire, or the crystallization of a collective identity amongst the aristocratic class below that of knight and above the “mere gentleman” during the fourteenth century is an important chapter of English social history, but not, however, within the scope of this thesis.⁹²

The requirement that Visitations be undertaken, at regular intervals, by Officers of the College Arms, meant that the historical, genealogical, and even chorographical investigations undertaken by the heralds imparted a legacy to English culture that went well beyond that of heraldry alone. It was the heralds who possessed the requisite experience and expertise in order to be able to determine who was gentle, and who was not, who was entitled to bear arms, and who was not. Indeed, many of the empirical practices that are supposed to typify early modern science, particularly within the English context — of “taking no-one’s word for it” and “seeing for oneself”, for example — are already present in the process of visitation.

⁹⁰ Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 2, 5.

⁹¹ Camden, 176.

⁹² See, for example, “The Rise of the Esquire”, in Maurice Keen, *Origins of the English Gentleman: Heraldry, Chivalry and Gentility in Medieval England, C.1300-C.1500* (Charleston SC: Tempus Publishing, 2002), 71-86.

THE ORDER OF CHIVALRY

The heralds' knowledge of the English countryside, and the genealogy of its inhabitants, was local and empirical. Their knowledge of the law and armory, and their authority, on the other hand, were based in medieval codes of chivalry, which had their basis in canon and civil law, rather than the common law that dominated the rest of the English legal codes and law courts. Saint Isidore of Seville's *Etymologiae* — a work composed in the seventh century, which remained highly influential in European culture throughout the medieval period — begins by making the distinction between divine and human laws:

1. All laws are either divine or human. Divine laws are based on nature, human laws on customs. For this reason human laws may disagree, because different laws suit different people. 2. *Fas* is divine law; jurisprudence (*ius*) is human law. ...⁹³

He then goes on to differentiate between laws as “either natural, or civil, or of nations”:

Natural law (*ius naturale*) is common to all nations, and, because it exists everywhere by the instinct of nature, it is not kept by any regulation. Such is the union of a man and woman, the children's inheritance and education, the common possession of everything, a single freedom for all, and the right to acquire whatever is taken from the sky, the earth, and the sea.⁹⁴

Civil laws, Isidore says, are those that a population or city has established for their own reasons, whether those reasons be human or divine. The law of nations, he writes — concerned with occupation of territory, fortification, building, wars, captivities, enslavements, right of return,

⁹³ Stephen A. Barney et al., eds., *The Etymologies of Isidore of Seville* (Cambridge: Cambridge University Press, 2006), 117.

⁹⁴ Ibid.

treaties of peace, and the prohibition of marriage between races — “is called the ‘law of nations’ (*ius gentium*) because nearly all nations (*gentes*) use it.”⁹⁵ The *jus gentium* was, like civil law, considered to be a positive law,⁹⁶ although no-one was quite sure where to look for its positive rules — Honoré Bonet followed Thomas Aquinas, for example, in stating that, “it is that law which covers everything which is according to reason in general.”⁹⁷ But it was considered to be more positive than civil law because it was immutable.⁹⁸ Its authority was higher than that any other human law; an authority derived from its conformity with natural law, with its basis in natural reason: “it was based on those principles of honesty and good faith without which men cannot live as social beings.”⁹⁹

According to Isidore, the *jus militare* governed matters such as military discipline, the payment of wages, division of spoils, military ranks and honours, as well as formal matters including the signs of war, and the legal form of treatises, truces, and alliances.¹⁰⁰ It is interesting that Isidore classifies military law as neither human nor divine, neither civil, natural, nor “of nations”. The Law of Arms was impossible to classify, because it applied not just in one place but, as one chronicler during the Hundred Years’ War would write, “wherever there was war”.¹⁰¹

Indeed, the term *jus militare* was meaningful to the professional soldier, in that “military” meant more than it does now; a much better translation would be “chivalrous”, so *jus militare* therefore meant to him the law of chivalry — the appropriate expression of the violent

⁹⁵ Ibid., 118.

⁹⁶ Positive laws are statutory, human-made laws, that oblige or specify an action, based on what were considered to be universally accepted moral principles.

⁹⁷ Honoré Bonet, *The Tree of Battles of Honoré Bonet: An English Version, with Introduction by G.W. Coopland, with a Hitherto Unpublished Historical Interpolation*. (Liverpool: Liverpool University Press, 1949), 126.

⁹⁸ Keen, *The Laws of War in the Late Middle Ages*, 10-11.

⁹⁹ Ibid., 12.

¹⁰⁰ Barney et al., 118.

¹⁰¹ Keen, *The Laws of War in the Late Middle Ages*, 7.

assertiveness discussed above.¹⁰² Rules of honour impressed upon the soldier more so than any civil law or legal contract was ever likely to: breaking his word meant taking his knighthood in vain, and a knight's honour was something he had been brought up to believe in, and fear of public dishonour was the most effective sanction of the law of arms".¹⁰³ The Law of Arms was universal, and respected indifferently in all places: it was founded in rules that were known to all lawyers, and it appealed to the social and professional pride that bound together all who bore arms.¹⁰⁴

Whilst works on chivalry, written in the vernacular French (the language of knights), such as Honoré Bonet's 14th century *L'arbes des batailles*, and Christine de Pizan's 15th century *Livre des faits d'armes et de chevalerie* (largely copied from Bonet), were incredibly popular, and to be found in the libraries of the non-academic in France, England, and Spain, what they really amounted to were translations of the works of professional lawyers, such as John of Legnano's *Tractatus de Bello, de Reprisaliis et de Duello*, without the academic references.¹⁰⁵ Both John and Bonet's works answer the question as to, "from what law does war come?" They both respond that war is justified by all laws, basing their arguments on divine authority and natural reason.¹⁰⁶ The Law of Arms, although founded in civil law and the *jus gentium*, applied only to particular matters, regarding a particular class of people. A peasant could not claim rights as an enemy prisoner under the Law of Arms, for example, because it applied only to military persons,¹⁰⁷ that is, those with the right to bear arms.

¹⁰² Ibid., 15, 19.

¹⁰³ Ibid., 20.

¹⁰⁴ Ibid., 22.

¹⁰⁵ Bonet, 21-25. Keen, *The Laws of War in the Late Middle Ages*, 21.

¹⁰⁶ *The Laws of War in the Late Middle Ages*, 7-8.

¹⁰⁷ Ibid., 19.

As discussed at the beginning of this chapter, “arms” may refer both to weaponry, or to coats of arms, so there is a dual meaning to the phrase, “the right to bear arms”, as a consequence.¹⁰⁸ This is, no doubt, tied up with the historical fact that armory originated as a means for identifying knights entirely encased in their armour, perhaps originating with the display of their own personal achievement on their shield.¹⁰⁹ This is, perhaps, an oversimplification of the relationship between the right to bear armory, versus the right to bear armoury;¹¹⁰ these would become separate privileges, but privileges that were tied together due to a legal significance. It is worth noting that “achievement” too, is a technical term in heraldry, referring originally to an escutcheon or armorial device that was granted in recognition of a distinguished feat: it later came to mean a representation of all the armorial devices to which a bearer of arms was entitled.¹¹¹

The blazon on the shield, saddle and pourpoint is given to the knight so that he may be praised for the valorous deeds that he performs and the blows he delivers in battle; and if he is cowardly, weak or recreant the blazon given to him so that he may be censured and reprimanded. And since the blazon is given to the knight so that it shall be known whether he is a friend or foe of Chivalry, every knight must therefore honour his blazon so as to guard himself against censure, which expels the knight from the Order of Chivalry.¹¹²

As Raymond Lull’s thirteenth-century work, *The Book of the Order of Chivalry* tells us, the knight’s blazon exists, and is displayed, in order to keep the knight’s honour intact: it allows him to be commended for virtuous and courageous behaviour, but also censured for vice or cowardice.

¹⁰⁸ Discussion of the modern legal definitions, regarding the right to keep and bear firearms as a means of self-defense, is not within the bounds of this study.

¹⁰⁹ Maurice Keen, *Chivalry* (New Haven: Yale University Press, 1984), 125.

¹¹⁰ The convention regarding the difference in spelling is explained above.

¹¹¹ Stephen Gaukroger, *Francis Bacon and the Transformation of Early-Modern Philosophy* (Cambridge: Cambridge University Press, 2001).

¹¹² Raymond Lull, *The Book of the Order of Chivalry*, trans. Noel Fallows (Woodbridge: The Boydell Press, 2013), 70.

While the use of totemic symbols of honour, such as the names of animals and deities, can be traced through antiquity, the origins of the use of arms and armory are unknown. Taking the widest definition, any pictorial badge that may be used by an individual or a family, “with the meaning that it is a badge indicative of that person or family, and adopted and repeatedly used in that sense”¹¹³ can be described as heraldic, and when used in that capacity, it possesses a legal significance. In his fifteenth century *Treatise on Arms*¹¹⁴, for example, the Spaniard Diego de Valera warns kings and princes not to have their banners unfurled in the sight of the enemy, unless they intend formal combat in the field: a banner or pennon, as a man’s personal emblem, when displayed committed him, on his honour, to battle.¹¹⁵

Coats of arms function to differentiate people in much the same way as names:¹¹⁶ but unlike a name, arms display also the worth and social standing of the individual via their exhibition.

...That is: reasons or arguments, taken from the names of men, doe consequentely follow, to their armes. And as they hold in the one, so also in the other. For as a learned Lawyer saith: *Sicut & nomina inventa sunt, ad homines cognoscendum, ita & ista insignia, adidem inventa sunt*. That is to say: as names were invented, to know men by them: so was the bearing of armes invented, for the knowledge of the deserts and names of the Noble.¹¹⁷

¹¹³ Fox-Davies, 2.

¹¹⁴ Diego de Valera, *Tratado de los Rieptos y Desafios*, (Madrid: c. 1500).

¹¹⁵ A banner was a sign of higher social status also — any knight could carry a pennon — so a battle where banners were on display meant it was more serious. Keen, *The Laws of War in the Late Middle Ages*, 107-08.

¹¹⁶ Peter Goodrich, *Languages of Law: From Logics of Memory to Nomadic Masks* (London: Weidenfeld and Nicolson, 1990), 125.

¹¹⁷ John Ferne, *The Blazon of Gentry: Deuided into Two Parts. The First Named the Glorie of Generositie. The Second, Lacyes Nobilitie. Comprehending Discourses of Armes and of Gentry. Wherein Is Treated of the Beginning, Parts and Degrees of Gentlenesse, Vvith Her Lawes: Of the Bearing, and Blazon of Cote-Armors: Of the Lawes of Armes, and of Combats* (London: Printed by John VVindet, for Toby Cooke, 1586), 225.

In its role as the safe-guard of honour, the Law of Arms demonstrates its full force. It achieved a legal significance equivalent to that of a modern international law; observed by men of different nations not for any rational or humanitarian principle, but because its rules kept honour intact.¹¹⁸ Emerging, as it did, out of that competitive assertiveness of the military and chivalric traditions, this concept of honour legitimised and reinforced morally and politically a state of affairs where resort to violence was natural and justifiable.¹¹⁹ Mervyn James argues that this concept of honour would undergo a change of emphasis by the early seventeenth century, with the emergence of a “civil” society, where the monopoly of honour and violence was asserted by the state, due to “the moralization of politics”. The relationships between honour and violence, genealogy and blood are explored elsewhere in this thesis, so for now we will focus on the legal formalities and their implications.

Origins

Usually, the origins of the heraldic arts are ascribed to the Biblical story of Genesis.¹²⁰ Seth, and the nobility of his family, is identified through signs or marks that signify him as his father’s rightful heir and successor, rather than his ignoble brother Cain: “In strictly theological terms, armory thus marks out the son that takes the place of the father and who is honoured in the eyes of God.”¹²¹ Like Cain,¹²² the dishonourable become marked too, but conversely, by what they do not possess:

¹¹⁸ Keen, *The Laws of War in the Late Middle Ages*, 111.

¹¹⁹ James, 309.

¹²⁰ Goodrich, 126.

¹²¹ Ibid.

¹²² “And the Lord said unto him, Therefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the Lord set a mark upon Cain, lest any finding him should kill him.” Genesis 4: 15 KJV

Cayn, destined to dishonour: a runnagate, and one which, for the ungentle murder of his brother ... condemned to leade a vagarant life, uncertaine of his dwelling, without alotment of patrimonie, or establishment of his familie in any fixed, or permanent inheritaunce.¹²³

The dishonourable son is without land or inheritance, due to the ungentle murder of his younger brother, Abel; Seth becomes Adam's rightful heir, and heir to the collective virtues and possessions of his family. The lineage values promoted in this narrative gave primacy to blood. From the Pentateuch came ideas relating blood with earth, which implied that the heir male was the receptacle of these virtues, but through dishonourable actions, these virtues could be lost:

And [the Lord] said, What hast thou done? The voice of thy brother's blood crieth unto me from the ground. And now art thou cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand;¹²⁴

Blood and earth are here inextricably linked, as markers; and these ideas, combined with the biological works of Aristotle and Galen, led to a discourse in which blood was the vehicle of inheritability as well as virtue.¹²⁵

The original meaning of the term "herald" is from the Teutonic "here-healt", meaning a military champion, or an army messenger who would carry both war and peacetime communications. Arms, or *symbola heroica* — "signes, prices, or markes appertainyng to noblenesse: and whereby every estate, or man of great authoritie is known"¹²⁶ — originally

¹²³ Ferne, 2.

¹²⁴ Genesis 4: 10-11 KJV

¹²⁵ See Chapter I.

¹²⁶ John Bossewell, *Workes of Armorie Deuyded into Three Bookes, Entituled, the Concordes of Armorie, the Armorie of Honor, and of Coates and Creastes, Collected and Gathered by Iohn Bossewell Gentleman.* (In aedibus Richardi Totelli 1572), fol. Ai.

signified some quality, deed, or exploit of the bearer. Specific insignia might be used to distinguish geographical areas or locations, noble or royal lineage, and the varieties of “nobility princely” from the “nobility regall.”¹²⁷

As a semiotic system, armory might be considered to consist of two parts: blazoning, governing the dictionary definitions of armorial units; and marshalling, governing the syntax or association of the elements.¹²⁸ With a supposedly universal lexicon of images, signs, and marks, specific virtues could be represented through the elements of colour, metals, precious stones, planets, beasts, and lines. A syntax then governed the possible juxtapositions of these elements, and laws regulated the hierarchy of signs within the coat of arms, and the relationships between the permissible independent elements. Syntax could be authentic or inauthentic, depending on its originality, the propriety of its derivation, and the accuracy of its presentation of lineage and honour. Arms themselves were either true or false — *arma vera* or *arma falsa* — depending on the relationships of the elements and colours they depicted. The intermixing of natural and artificial signs in the same device, for example, was false armory; as was the depiction of higher status, legitimacy, or quality than the bearer occupied, or was entitled to. This concern with the truth or falsity of armory is representative of the concern with identity — whether a person really was who, or what they claimed to be; but it is also illustrative of the concern with veracity that came to shape knowledge-making practices during the early modern, and the role that the English gentleman would play in this change. The empirical focus of the Visitation process, and this deep concern with the truth of matters of fact, are representative of a shift in what counted as the crucial

¹²⁷ “These dignities of regalitie we will reckon for twelve, whereof sixe inferior be noble, and the other princely: the sixe Noble be these: Gentleman, Esquier, Baneret, Knight, Baron or Lord, and Viscount. The sixe degrees of Regallitie which be Princely (because they may weare Crownes) be these, Earle, Marquesse, Duke, Prince, King, and Emperor.” Ferne, 88.

¹²⁸ Goodrich, 127-28.

consideration or test in epistemological practices. While earlier forms of investigation focused on different questions regarding, for example, the beauty, morality, or conventionality of information, in science “the test of truth has displaced most of these and redefined the others.”¹²⁹ The new demand for truth that emerged during the sixteenth and seventeenth centuries was supposedly, above other things, an appeal to matters of fact:¹³⁰ “fact that was in principle public, verifiable, morally neutral, that did not change with the social circumstances of the observer”. R.W. Serjeantson’s work has explored the growing importance of trust in testimony and proof in natural philosophical investigations during the early modern period, and how this is directly related to the rise of the notion of “fact”.¹³¹ He attributes the forms of report that were founded on “fact” arose in natural history and experiment were derived from the human sciences of history and law.¹³² Barbara Shapiro has shown that, prior to its adoption in other intellectual arenas, the very concept of “fact” took its shape from the legal arena:¹³³ the meaning of the term “fact” becoming associated with “theory neutral statements” about the natural world was a development that occurred during the sixteenth century. A period in which there was also an increasing demand for grants of arms, for the purpose of public display, amongst the English gentry.¹³⁴

¹²⁹ Nathan Sivin, "Why the Scientific Revolution Did Not Take Place in China: Or Didn't It? (Updated Version)," in *Transformation and Tradition in the Sciences*, ed. Everett Mendelsohn (New York: Cambridge University Press, 1982), 544.

¹³⁰ For example, see Lorraine Daston and Katharine Park, *Wonders and the Order of Nature 1150-1750* (New York: Zone Books, 1998); Lorraine Daston and Peter Gallison, *Objectivity* (New York: Zone Books, 2007); Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1985); Shapin; Peter Dear, "Miracles, Experiments, and the Ordinary Course of Nature," *Isis* 81, no. 4 (1990).

¹³¹ Richard Serjeantson, "Testimony and Proof in Early-Modern England," *Studies in History and Philosophy of Science Part A* 30, no. 2 (1999).

¹³² Serjeantson, "Proof and Persuasion," in *The Cambridge History of Science, Vol. Iii*, ed. Katharine Park and Lorraine Daston (Cambridge: Cambridge University Press, 2006), 134.

¹³³ Barbara J. Shapiro, *A Culture of Fact: England 1550-1720* (Ithaca: Cornell University Press, 1999).

¹³⁴ Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon Press, 1965), 65-119.

The display of arms in public had always to be appropriate to status: setting one's arms above those of anybody to whom you owed obedience would lead to their removal and defacement.

Furthermore,

...if any man do place his owne Armes, either superior of equall to his Soveraignes, this is, to deface and obscure the dignitie of his Soveraigne, and the crime is held (by the learned) to be Treason.¹³⁵

Armory represented a system of social fealty that was based upon an invisible order of truth.¹³⁶ To be *nobilitas* was to belong to an honourable lineage: to be the bearer of a tradition of knowledge. Legally, armorial insignia functioned as a means for identifying and differentiating between individuals, according to a system of origins, and a proof of origins, as Goodrich deftly puts it, "Each sign tied its bearer to a specific identity and required that he remained so linked to the original meaning or immemorial quality of which the sign was the body, or outward mark."¹³⁷ In English common law courts, the term "matters of fact" was often used to distinguish the concern of the jury — whose task it was to determine whether the "facts" of a case had been proved — from "matters of law", the concern of the judge.¹³⁸ "Fact," in the legal tradition, referred to the alleged act or deed that was under contention, and "facts" were not considered true until satisfactory evidence had been provided. In heraldry, the coat of arms was intended to serve not only as a signifier of noble deeds performed in the past — by the bearer or his ancestor — but were also evidence of the bearer's authenticity and truthfulness.

¹³⁵ Ferne, 270.

¹³⁶ Goodrich, 130.

¹³⁷ Ibid., 129, 32.

¹³⁸ Shapiro, 10.

COURT OF CHIVALRY

The court where matters of heraldry and the Law of Arms could be tried was the Court of Chivalry; although, the nomenclature for the court itself has been a point of confusion for historians investigating its nature and origins. Among the various names by which it has been known — the *Curia Militaris*, the Court of the Constable and the Marshal, the High Court of Chivalry, the Court Military, the Court of Honour, and the Earl Marshal's Court — we will follow current convention, and refer to it as the Court of Chivalry.¹³⁹ The Latin name has been a major source of confusion regarding the nature and identity of the Court, due once more to the term *militaris*, and the translation of *Curia Militaris* to “Court Military”, in the belief that *militaris* was connected with the classical understanding of *miles* as “soldier”. Rather, *miles* in English Medieval Latin did not mean, “soldier”, but “knight”. *Curia Militaris* then, translates not as “Court Military”, but rather “Court of Knighthood”.¹⁴⁰

The Court has its origins perhaps as early as during the reign of William the Conqueror, but at least as early as that of Edward III. G.D. Squibb — author of the twentieth century's seminal account of the Court's history, and the scholar responsible for clearing up much of the previous confusion over its function and jurisdiction — is of the opinion that it was created in 1347-8, by delegation from the King's Council, giving the Marshal and Constable a jurisdiction that had previously belonged to the Council itself. What might be the earliest reference to the Court of Chivalry appears in August 1348, in the appointment of two Serjeants-at-Arms by Edward III to arrest William le Counte, who had been taken as a prisoner of war by William de Wynchelez: the serjeants were required to bring the prisoner before the King's Constable and Marshal, “to answer

¹³⁹ Squibb.

¹⁴⁰ Ibid., 2-3.

for his broken faith and other things put forward against him.”¹⁴¹ Armorial proceedings that had been tried during the siege of Calais between 1345 and 1348 imply that the Court was probably not in existence much earlier than this. It was much like the Court of Admiralty, in that both were created by similar delegation, during a similar period of time, and both dealt with cases that could not be tried by common law, due to the involvement of parties from outside the realm.¹⁴²

Presiding together over the Court of Chivalry, by virtue of their respective offices, were a Constable and an Earl: another cause for confusion in the history of the Court. The Constable of England and the Marshal of England were the most important of the various constables and marshals that are referred to at various times during the medieval period:¹⁴³ they came to be known as the Lord High Constable and the Earl Marshal,¹⁴⁴ respectively, and it is important not to confuse these Offices of State with other constables and marshals of lesser importance and significance. They were the first in military rank under the King, and the Offices “of the Conestable and Mareschalle”, and all that they were expected to “have knowledge of”, in order to mete out appropriate justice, is described in *The Black Book of the Admiralty*, as follows:

In the time of werre is to punish all manner of men that breken the statutes and ordonnaunce by the kyng made to be keped in the oost¹⁴⁵ in the said tyme, and to punish the same accordyng to the peynes provided in the said statutes. The conestable and mareschall hath knowleche upon all manner crymes, contracts, pleets, querelle, trespass, injuries, and offenses don beyonde the see in tyme of werre betwene souldour and

¹⁴¹ Ibid., 14.

¹⁴² Ibid., 12.

¹⁴³ Authority from the High Constable, for example, might be delegated to Constables of Hundreds and Franchises, and there were also Constables of places, such as the Tower of London, and of many castles. George Grazebrook, *The Earl Marshal's Court in England, Its History, Procedure and Powers, Comprising Also an Account of the Herald's Visitations and the Penalties Incurred by Neglecting to Conform to Their Demands* (Liverpool: Printed for private circulation [by] Thomas Brakell, 1895), 4-5.

¹⁴⁴ The Marshal of England had been termed simply, Lord Marshal, until the title Earl Marshal was bestowed on Thomas Mowbray, Earl of Nottingham by Richard II, in 1386. Ibid., 5.

¹⁴⁵ The army.

souldeour, bytwene merchaunts, vytelers, leches, barbours, launders, corversers, laborers, and artificers necessary to the oost, and yf any of the personnes be oone,¹⁴⁶ and the other personne be a straunger, the conestable and mareschalle shall have knowlech in the said matere done in the werre beyonde the see, and of all maner dedes of armes here within the londe donne he hath congnoissance, and of the offenses doon beyonde the see he hath knowleche of here in the londe.¹⁴⁷

The authority of the Constable and Marshal rested on the mores of honour. They derived their disciplinary powers, not from the common law, but from Ordinances of War.¹⁴⁸ Issued by the King — the first that we know of by Henry V in 1419 — for specific expeditions, these Ordinances detailed the expected conduct of soldiers. The Ordinances began with a general rule of obedience: obedience to the King, and to his Constable and Marshal, was placed at the forefront:

First, all manere of men, of what condicion or estate they be of, be obeyssant to our lorde the kynge, and his conestable and mareschalle, upon peyne of asmoche as they mow¹⁴⁹ forfetes in bodyes and goodes.¹⁵⁰

These Offices will be explored in more detail below, but at this point it is important to spell out some points of confusion regarding differences between Martial Law, the Law of Arms, and the Court of Chivalry. Between the seventeenth and twentieth centuries, it was thought that the function of the Court of Chivalry was as a military court, in the sense of the modern court martial, and in the maintaining of army discipline.¹⁵¹ Martial Law, as opposed to the Law of Arms, is not a substantive body of law, but rather a summary form of criminal justice that is employed when

¹⁴⁶ Our own subject.

¹⁴⁷ Travers Twiss, ed. *The Black Book of the Admiralty*, 4 vols., vol. 1 (London: Kraus Reprint Ltd, 1965), 281.

¹⁴⁸ Sometimes “Statutes and Ordinances of War”, and which follow in *The Black Book*.

¹⁴⁹ “Mowen” is the Middle English form of the Anglo-Saxon word “mûgan”, “to be able”.

¹⁵⁰ Twiss.

¹⁵¹ Wagner, *Heralds of England: A History of the Office and College of Arms*, 37.

the ordinary rule of law is suspended.¹⁵² It also has its origins during the reign of Edward I, and came about due to the King's desire to portray Scottish and Welsh leaders of rebellion as highly treasonous, in order to extend them harsher penalties: rather than convicting these rebels of treason by regular indictment and trial, they were summarily¹⁵³ declared rebels and traitors, "by the King's record," and then condemned to death in a summary proceeding before a tribunal of royal justices and military leaders.¹⁵⁴ Succeeding monarchs claimed and exercised this power, recording the fact of treason of rebels who appeared before them in arms: from the time of Edward I, the unfurled banners of the king's army in the field signified *tempus belli*, the enforcement of army ordinances, and the jurisdiction of martial law over traitors and rebels.¹⁵⁵ The Law of Arms has been sometimes characterised as the code governing "the business side of warfare", because it sets out explicitly the division of spoils.¹⁵⁶ The King was entitled to only one-third of the goods of defeated enemies, and the rest to be divided amongst the army: invocation of Martial Law, and a conviction of treason, meant that this division was no longer necessary. The crime of treason meant that a solemn oath had been breached.¹⁵⁷ This was a more ancient, feudal idea of treason than *lèse-majesté* (or crime against the sovereign) as it is defined in civil law: the view was, rather, that a breach of a soldier's honour had occurred with the breaking of any promise or personal oath, and this was a treason to his knighthood. Further, treason brought with it a punishment more severe than death:

¹⁵² J.V. Capua, "The Early History of Martial Law in England from the Fourteenth Century to the Petition of Right," *The Cambridge Law Journal* 36, no. 1 (1977): 152.

¹⁵³ A Summary Judgement is a final decision in a civil action that does not involve lengthy presentations of evidence. It totally circumvents the need for trial because there is no genuine issue of fact concerning specified questions in the lawsuit that must be decided.

¹⁵⁴ Capua, 154.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., 157.

¹⁵⁷ Keen, *The Laws of War in the Late Middle Ages*, 54.

...the offences capitall of Treason and Felonie, that they not alone take from the offendour, both life and member, but therewith cut off the line of succession or inheritaunce, from the reste of his bloud: so that the livinge beeing taken from them, the house falleth to the grounde.¹⁵⁸

This penalty — the degradation from all knightly honours — fell not only upon the treasonous themselves, but could also either end the possibility of a line of succession entirely, or forever mark his successors, like Cain, with the “[s]ignes and outward tokens, of servilitie, unnoblenes, and ignominie, and repugnant to noblenes and gentle state.”¹⁵⁹ There are thirteenth and fourteenth-century cases recorded in which those convicted of treason were sentenced to have their sword broken and gilt spurs (the insignia of knighthood) hacked from their heels, to be led to execution with coat of arms reversed, or with “a coat of armor of paper on him all to torn”.¹⁶⁰ A very public degradation via public ritual; the corruption of the blood is demonstrated via the public destruction of the shows of honour.

Prior to the existence of the Court of Chivalry, cases proceeding under Martial Law would have been tried before an ad hoc assembly of magnates, justices, and knights; but from the later fourteenth to the beginning of the sixteenth centuries, rebels prosecuted for the treason of waging war against the King could be tried in the Court of Chivalry. There remained, however, marked differences between treason proceedings under Martial Law, and in the Court. Martial Law had no settled procedure, and a state of war had to exist before it could be invoked; the Law of Arms, on the other hand, followed civil law procedures, was permanent and ongoing, “alive in peace as well as in war.”¹⁶¹ Again, while summary procedure was always allowed in military cases, it was most

¹⁵⁸ Ferne, 228.

¹⁵⁹ Ibid., 2.

¹⁶⁰ C.L. Kingsford, ed. *Chronicles of London* (Oxford: 1905), 216; Cited in Keen, *The Laws of War in the Late Middle Ages*, 54.

¹⁶¹ Capua, 158.

usually employed “in-the-field”, and in cases when a summary judgement might not be considered over-hasty; it was also the right of the knight to take his case to a permanent court, if the issue were complicated, and a more considered and circumspect judgement was required.¹⁶² But cases tried under the Law of Arms could also be decided by a judicial duel: if he thought it to his advantage, a knight could demand this right to prove his case, and his honour, against his opponent in the lists.¹⁶³ There was a chance that such a challenge could be disallowed: it was necessary to show that the honour of at least one of the parties involved was at stake, that both parties were of a rank that entitled them to fight a duel, and that there was not sufficient evidence in order to try the case by ordinary legal process.¹⁶⁴

The subject of lawful combats, and their antiquity, ceremony, and use, was also amongst the many subjects that occupied the Elizabethan Society of the Antiquaries, with one anonymous contributor to their discourses pointing out that the first unlawful combat was, of course, that fought between Cain and Abel.¹⁶⁵ “Lawful” duels were, however, fought frequently: they were popular events, attracting the attention of a tournament, with an additional risk; and they offered a knight, in certain circumstances, a real opportunity for obtaining justice. More than this, a formal challenge in this way ensured that the knight’s case was publicly heard: “Its wording solemnly proclaimed his opponent a traitor to his faith, impugning his honour as a knight and a Christian.”¹⁶⁶ The inference that can be made from this, that a knight valued his honour as much as, or even more than, his life is a reasonable one: it is also seemingly appropriate that a knight be given the

¹⁶² Keen, *The Laws of War in the Late Middle Ages*, 40.

¹⁶³ Lists were the barriers enclosing the area for jousting.

¹⁶⁴ Keen, *The Laws of War in the Late Middle Ages*, 41.

¹⁶⁵ Thomas Hearne, ed. *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 2 vols., vol. 2 (London: Printed for Benjamin White, at Horace's Head in Fleet Street, 1775), 212.

¹⁶⁶ Keen, *The Laws of War in the Late Middle Ages*, 42.

opportunity to defend his honour through the means by which it was first acquired, if not by him directly but through his familial line, that is, in combat.

We have noted that the Court of Chivalry followed civil law procedures, but it is worth reiterating that the law administered there — the Law of Arms — can only be regarded as civil law in an artificial sense.¹⁶⁷ As it was practiced in the Court of Chivalry, although Roman in origin, civil law developed in this context into something distinctly English.¹⁶⁸ Although it can be considered as something *like* an international law, the Law of Arms was not a universal international law — founded in the canon law of the Roman Church, and the civil law of the Roman Empire, it applied only to wars between those “nations” that were part of the “Roman people.”¹⁶⁹ The difference between the discipline of Roman armies and the rules of chivalry were merely chronological, and the Law of Arms *was* the common law of all soldiers who were Roman Christians.¹⁷⁰ Further, the difference between times of peace and war were much more difficult to distinguish, as war was endemic in Western Europe during the middle ages. By the fourteenth century, the secular authority of the Roman Empire had been divided amongst kings and princes, who ruled with imperial authority in their own realms, rather than as the single authority it had once been: anyone without a secular sovereign could claim to be “emperor in his realm”. Any sovereign prince, in order to act judicially under Roman law, had to appoint a *magister militum* — a “master of soldiers”, or a Constable with public authority to do justice wherever Roman military law was upheld, throughout Christian society, through the “discipline of chivalry”.

¹⁶⁷ G.D. Squibb, *Precedence in England and Wales* (Oxford: Clarendon Press, 1981), 2.

¹⁶⁸ Anthony Wagner, "Foreword," in *The High Court of Chivalry: A Study of the Civil Law in England*, ed. G.D. Squibb (Oxford: The Clarendon Press, 1959), viii.

¹⁶⁹ Keen, *The Laws of War in the Late Middle Ages*, 58.

¹⁷⁰ *Ibid.*, 241.

The Law of Arms in England

Let us return then, to the Court of Chivalry itself, and the Officers who presided over it. The Earl and the Constable became responsible for the administration of the Law of Arms in England.¹⁷¹ The Court had jurisdiction over “deeds of arms” in general, and there was no need for an official state of war to exist in order for it to administer justice. The duties of the High Constable included: chief command of the army and cognizance of all military offences; regulation of all matters of chivalry, such as tournaments, tilts, and other feats of arms; and presiding over the Court of Chivalry, sitting in conjunction with the Earl Marshal. During the reign of Richard II, a statute was passed in 1389-90 to limit this Court from encroaching on the other courts of law, restricting its jurisdiction to “things which touch war, and which cannot be discussed or determined by the common law.”¹⁷²

The office of Earl Marshal, in Richard’s patent of 1386 that elevated the title from “Lord Marshal of England” to Earl Marshal, was bestowed upon Thomas Mowbray, Earl of Nottingham. Since that time, there have been many alterations in both the tenure and descent of the office. These were changes made by the monarch and parliament who, with the power to alter or confiscate titles and lands, or by attainder extinguish all hereditary claims, could alter or disrupt the current of hereditary descent of Offices. Attainder was “corruption of blood”, so that the condemned could neither inherit nor transmit by descent, and generally, extinction of all civil rights and capacities.¹⁷³

¹⁷¹ For more on the jurisdiction of the Court of Chivalry in armorial disputes, see “The Court of Chivalry,” in Keen, *Origins of the English Gentleman: Heraldry, Chivalry and Gentility in Medieval England, C.1300-C.1500*, 23-42.

¹⁷² Grazebrook, 5.

¹⁷³ The term was falsely derived from an erroneous association with the French *taindre*, *teindre*, to dye or stain. Oxford English Dictionary, “Attainder, N.” (Oxford University Press).

The Office of Lord Marshal had, for example, been returned into the king's hands with the death, under attainder,¹⁷⁴ of Roger Bigod, Earl of Norfolk in 1306.¹⁷⁵

The Marshal's powers had been increased in Richard's 1386 patent also, authorising him to preside over the Court of Chivalry and summon heralds to assist him, where previously he had only sat in conjunction with the Constable.¹⁷⁶ In England, common lawyers, trained in the Inns of Court, were excluded from the Court of Chivalry, but civil lawyers, trained in the English Universities of Cambridge and Oxford could act as "proctors" or advocates there.¹⁷⁷ Further, appeals from the Court's judgements were heard by commission appointed by the Crown, which normally included a doctor or doctor of laws,¹⁷⁸ both of which were University qualifications. The records of the Court of Chivalry demonstrate the kind of evidence and testimony that were offered in cases relating to the Law of Arms.

In their explorations on the subject of the Antiquity and Offices of the Earl Marshal and the Constable, the Elizabethan Society of Antiquaries¹⁷⁹ devoted no fewer than 16 of their *Discourses* to the topic: 7 on the Constable, and 9 on the Earl Marshal, by such authors as Sir Robert Cotton, Joseph Holland, Arthur Agarde, and William Camden.¹⁸⁰ These *Discourses* often

¹⁷⁴ Although of a unique variety, in that Bigod had surrendered his office and lands to king in 1302, on condition that they then be re-granted to him for the remainder of his life, in order to disinherit his brother, John. He died without issue in December 1306, and his lands and office reverted to the crown, as per the 1302 agreement. Michael Prestwich, "Bigod, Roger (Iv), Fifth Earl of Norfolk (C.1245–1306)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/2381>

¹⁷⁵ Grazebrook, 6.

¹⁷⁶ Ibid.

¹⁷⁷ Keen, *Origins of the English Gentleman: Heraldry, Chivalry and Gentility in Medieval England, C.1300-C.1500*, 28.

¹⁷⁸ Ibid.

¹⁷⁹ For more on the Elizabethan Society of Antiquaries, and the extent of their involvement with the College of Arms, see Chapter III.

¹⁸⁰ There are also a similar number of *Discourses* devoted to the topic of the office of High Steward. Hearne, A *Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*

began with an etymological investigation of the subject: the idea that, to understand the history of a word itself was also to understand its subject, was implicit in many of the questions under discussion.¹⁸¹ The antiquaries were generally of the opinion that both of these offices originated in France, and they often went on to make a comparison between the French and English duties of each office. In his *Discourse* on the antiquity of the Constable, Gerard Leigh tells us of the importance of these offices for good governance:

We find, in the writers of politicks, that it is required of a prince or monarch, that in his owne person he should not be ignorant of the two maine practices of government, that is, warr and peace.

Yet we see, that in those commonwealths that are most plentifull of worthy citizens, the selfe same men are never employed in boeth these services, but the offices of peace are still managed by the crowne-men, and the businesses of warr are onely imposed upon those that are brought up in that course of life: so by this it appeareth, that the burthen of the prince is double to that of his servants and minister under him.¹⁸²

Thus the High Constable, he goes on to say, an officer of great honour and authority, was originally appointed in order to assist the king in martial affairs, and relieve some of this burden. Joseph Holland notes that in his book on the duties of constables,¹⁸³ William Lambarde states that the word is made up of two English words, “namely koning and stapele”, which “signify the stay or hold of the king”:

¹⁸¹ Van Norden, 371-72.

¹⁸² Hearne, *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 81.

¹⁸³ See William Lambarde, *Archeion, or, a Discourse Upon the High Courts of Justice in England* (Printed by E. P[urslowe] for Henry Seile, dwelling at the Tygers-head in St. Pauls Church-yard 1635), 45.

...for by the auncient custome of this realme there is a great officer called the constable of England, and this man had jurisdiction and authority of armes and matters of warre boeth within the realme and without. After the statute of Winchester, which was made in the tyme of king Edward the first, did ordayne lower constables of hundreds and franchises, then the other was called the high constable in comparison of the other constables that were under him.¹⁸⁴

Arthur Agard would tell the antiquaries that neither “the name of constable”, nor “his office, nor authoritye” were to be found in the histories of the ancient Britons, Saxons or Danes: “The first I fynd mentioned with us is in the conquerour’s tyme, and I am certayne, that that name was not used before, neither any officer knowne by it, nor what his authority was.”¹⁸⁵ In a *Discourse* that is anonymously authored — but signed in Hearne, “G. Buc.” — it is noted, “That the harolds and matters of arms were subject to the constable’s authority in England like as in France, you shall fynd in the records of the Tower.”¹⁸⁶

On the Earl Marshal, Sir John Davies writes that, “the office is French, it will appeare plainly, if we compare the mareschalls of France, and their power with the office of the earle mareschall of England.”¹⁸⁷ He notes too that the office was not known in England before the conquest, and that this office too entails both war and peacetime duties and responsibilities:

...in warre he leades the king’s vantguard, and doeth quarter and lodge the army; he keepes a rolle of the names of all the king’s souldiers, and therefore when escuage is demanded after a voyage royall, if the tenant alleadge that he went with the king to Scotland, it shall be tried by the certificate of the earle mareschall.¹⁸⁸

¹⁸⁴ Hearne, *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 74.

¹⁸⁵ *Ibid.*, 77.

¹⁸⁶ *Ibid.*, 87, 89.

¹⁸⁷ *Ibid.*, 108.

¹⁸⁸ *Ibid.*, 109-10.

So the Earl Marshal was responsible not only for leading the king's vanguard, and housing the army, but also for keeping record of those who had fulfilled their duty of personal service to the Crown: it was by his "certificate" — that is, his knowledge and attestation of the fact — that a knight had performed his "shield-service," or was required to pay his "shield-money". Of his duties during peacetime, Robert Cotton tells the antiquaries, the Earl Marshal had special responsibilities:

Besides, he is a principall officer at the coronation, and all creations of states. At the coronation he hath the king's and queene's horses, and noe layman may touch the crowne but hee: at creation of any duke, earle, baron, bishop, abbot, priour, and barony, their horses, and every knight a demy marke.¹⁸⁹

Both Cotton and Francis Thynne¹⁹⁰ chose to focus part of their *Discourse* on explaining the "verge," which referred not only to the staff the Earl Marshal received at his creation, but also to the geographical area — of twelve miles around the monarch's household — in which these officers had special jurisdiction. Cotton writes,

In the tyme of peace the marshall also is a principal officer, for to that end the rodd or verge is given unto him att his creation, and is called *virga pacis*; for by his office he is a conservator of the peace throughout the kingdome, as well without the verge as within.¹⁹¹

And Thynne explains,

¹⁸⁹ Ibid., 110.

¹⁹⁰ Who was made Blanche Lyon Pursuivant of Arms Extraordinary, then Lancaster Herald of Arms in Ordinary in 1602.

¹⁹¹ Hearne, *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 110.

... for this word virge, vierge, rod, or staffe, as we call it at this day, the *tipstaffe*, did in all ages, and yet doeth amongst all nations, and amongst all officers, signify correction and peace; for by correction follows peace, wherefore the vierge or rod was the ensigne of him which had authority to reforme evill in warre and in peace, and to see quiett and order observed amongst the people; for therefore beareth the king his scepter.¹⁹²

It is interesting to note here this conflation of terms — the symbol of office with geographical area — alongside the emphasis that the Antiquaries place on the offices, of both Constable and Earl, possessing both war- and peace-time duties. The staff, a weapon, signifies how war was considered necessary, in order to bring about peace; and the fusing of the symbol of office with the land, the geographical territory over which the Earl Marshal was responsible for exercising those duties convey the extent to which these concepts were also bound. The significance of the Law of Arms in creating and maintaining the peace, was of such importance that its terminology, symbols and signs would also play a role in the very maintenance of social structure and governance, within English society.

Conflict in the College of Arms

As we have seen above, it was the responsibility of the Earl Marshal and the High Constable to have knowledge of “all maner dedes of armes” within the realm and without; the office of the Marshal, however, had an additional administrative duty where heraldic matters were concerned, in that he was also the leading officer of the College of Arms, responsible for overseeing its officers, its affairs, and its functioning. The Constable had held disciplinary authority over the heralds also, but this also ceased when the office lapsed.

¹⁹² Ibid., 113.

The office of High Constable had been abolished by Henry VIII in 1514: late in the nineteenth century, it was argued by George Grazebrook¹⁹³ that this was due to the danger posed to monarchy and government by the existence of an office possessing powers to call out and command the realm's militia, as well as the accompanying emoluments of office being particularly burdensome to the Crown. The man who held the office at that time, Edward Stafford, Duke of Buckingham, had been allowed to retain some of the property attached to office, but on his conviction for high treason in May 1521, execution, and posthumous attainder, these too were forfeited to the Crown, "and so all semblance of the hereditary office ceased."¹⁹⁴ The office itself has only been revived temporarily in times since, when required for coronations. Buckingham's execution, then, has taken on an historical significance, one that would not have been at all apparent at the time,¹⁹⁵ because of the perceived necessity for both a Constable *and* Marshal to preside over the Court of Chivalry, in order for its authority to be legitimate.

Aside from Grazebrook's account, the only other notable contribution to printed scholarship on the Court of Chivalry, and the offices with which we are here concerned, prior to Squibb's 1959 *The High Court of Chivalry*, is a long memorandum from Dr Robert Plot, who had been appointed as the Court's Register when it was revived in 1687, addressed to the Attorney-General, Sir John Somers. Plot's "A Defence of the Jurisdiction of the Earl Marshal's Court in the Vacancy of a Constable..." was printed by Hearne,¹⁹⁶ and gives an account of the history of the

¹⁹³ In a paper read before the Historic Society of Lancashire and Cheshire, which he then privately printed in 1895. Grazebrook.

¹⁹⁴ *Ibid.*, 4.

¹⁹⁵ Indeed, for all intents and purposes, the office had been vacant prior to this, since the death of the Earl of Derby in 1504. Buckingham's appointment had been for the coronation of Henry VIII in 1509, and his claim to the office as of right had been rejected in 1514. Squibb, *The High Court of Chivalry: A Study of the Civil Law in England*, 30.

¹⁹⁶ Hearne, *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 250-76.

Court: “how matters were carried in reference to it, at and about the time of the extinction of that great office of lord high constable of England, and in what manner the office of earl marshal hath been exercised”. Grazebrook’s assessment of the motives behind the abolition of the Constable’s office may be derived from Plot, who also tells us that Stafford, falling into disgrace and dislike with Henry VIII, the king

... in Michaelmas term of the same year, asked all the judges whether he might not disclaim the services of the constable, who unanimously agreed, and made their report to the king at Greenwich, as Dyer testifies (Reports, fol. 285) that he might, and that it was expedient he should do so; that office being too high, dangerous, and expensive to the crown.¹⁹⁷

The Earl Marshal, the “illustrious Thomas duke of Norfolk”, lord high treasurer of England, a person in great favour with the king,” continued to exercise the power of his office, in the absence of a Constable, “there being causes then depending” between the Garter and Clarenceux Kings of Arms, Thomas Wriothesley and Thomas Benolt, over Clarenceux’s rights to the funerals of the nobility. Wriothesley and Benolt, we shall see, would come into further, and extended, conflict over the Letters Patent granted to Benolt by Henry VIII in April 1530, (which have been alluded to above): the examination of which reveals some of the rights and duties of the heralds, as they themselves viewed them.

This “Commission of Visitation”, as it is sometimes referred to, was not issued in order to initiate and authorise the procedure of Visitation — this was already part of the routine duties of the provincial Kings of Arms. But it did create an additional requirement that local authorities assist the Visitation process in any way that Clarenceux required of them:

¹⁹⁷ Ibid., 250.

We therfore woll & not only exhorte you but also commaunde you and every of you that unto our said servaunt in full execucion of that which belongith to this his affayres & auctorite in all and singuler the premisses Ye will shewe unto hym all the favour with your ayde and assistance yf he require you in all that you goodly may as ye tender our favour and honour and weale of noblesse in this behalf.¹⁹⁸

What is of most interest to our purposes here, however, is an additional specification that was made, regarding Clarenceux' jurisdiction and authority:

Inhibiting by this our present wryting all other our Officers of armes what degree soever they be not to meddle nor intromytte them with noon of theise his affayres in any of the thinges aforesaid nor to meddle with any intyermestes or funeralles at any tyme from hensforthe nor with the libertyes proffyttes nor other emoluments apperteignyng to the said kyng at armes within his saide provynce without his especiall lycence and auctoritie...¹⁹⁹

This clause became incredibly problematic, because it comes into direct conflict with the office of Garter, Wriothesley argued, as Sovereign in the Office of Arms, with his province being all of England. The Provincial Kings of Arms — Clarenceux and Norroy — he argued, were his marshals, and their authority to grant arms within their marches was with his consent, and subject to their registration of these acts with him, as Garter. This authority was admitted by them, argued Wriothesley, by the share of profits Clarenceux and Norroy had given him, and by the Ordinances²⁰⁰ that Clarenceux had sworn obedience and signed his name to at his creation.

¹⁹⁸ See Appendix E, and Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 10.

¹⁹⁹ Appendix E.

²⁰⁰ Ordinances of Thomas Lancaster, Duke of Clarence. Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 88.

Benolt's response to this challenge was, understandably, to counter each of Wriothesley's accusations with documentary evidence and records, but also to make charges of his own: that Garter's pre-eminence in the College of Arms was a matter of primacy only, and to claim any kind of sovereignty was also treasonous.²⁰¹ Furthermore, he contended, the requirement in the oath of creation for the Kings of Arms that they "have knowleche of all the nobles and gentilmen within [their] marche,"²⁰² applied only to Clarenceux and Norroy, as Garter had no province. The registration of patents of arms with Garter that Wriothesley alleged was not a requirement, but a mere consequence of Garter's position, since he had been in charge of the house and library when the College had resided in Coldharbour, and the heralds had kept their books there. This had been instituted, incidentally, when Wriothesley's father John Writhe had been Garter. Benolt argued that, even at that time, each King of Arms had his own appointed place to keep their books, and further accused Wriothesley of keeping for his own use books belonging to the Office, formerly in his father's charge.

...every kyng of arms had hys place severall for hys oun lybrary & every kyng of armes ar bound to regestre or cause to be regestred all such dedes of nobles as they geve within there provynces to be in the Regestre of there owne provynce & not in the regestre of Garter. But bycause there lybraryes were all in one house and the sayd Garter's father had all the governaunce of the sayd house the sayd Garter sayth that the sayd kynges of armes sholde Registrer there cause with hym.²⁰³

Further, he accused Wriothesley of denying him access to books that contained precedents which would have assisted him in proving his case. Benolt admitted to signing the oath to keep the

²⁰¹ Ibid., 89.

²⁰² See Appendix A.

²⁰³ P.R.O. State Papers (I) 73, fo. 190. Cited in Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 94.

Ordinances of office, but that this was not an oath of obedience to Garter, and that Wriothesley had altered the document after it was signed.

A detailed account of this dispute, and of the documents produced by its antagonists, may be found in Wagner's *Heralds and Heraldry in the Middle Ages*; Wagner's assessment that the episode throws light on the heralds' own view of their rights and duties is of interest to us here, as well as the details to be gained from his focus on the process and procedure of Visitations that it illuminates. As well perhaps because, had the Office of the Earl Marshal not been needed to arbitrate the matter, Henry may have taken the opportunity to abolish and make the Office ceremonial with that of the Lord High Constable. That Visitation was "virtute officii" — that is, a duty inherent within the Offices of the Provincial Kings of Arms — is reinforced in this episode, and we see as well that there was no need for special Placard or Patent in order for a Visitation to be undertaken.²⁰⁴ Wagner notes that whether Wriothesley or Benolt was in the right is less important than the fact that Benolt was able to convince the King that he was. We might be grateful to Benolt also, suggests Wagner: because of his influence with the King, the heralds' authority was neither cancelled nor diminished, as it had been in France, and the practice of Visitations received a renewed interest as a result of the Letters Patent of 1530.²⁰⁵

Quarreling between Garter King of Arms and Clarenceux was not just a problem during the reign of King Henry VIII, and further disagreement between heralds continued long after Benolt and Wriothesley's deaths, which occurred within a few months of each other in 1534. The dissolution of the monasteries in the following years would create difficulties for the heralds, in their dealings with clergy, and in the unprecedented availability of land that was also its result.

²⁰⁴ Ibid., 92.

²⁰⁵ Ibid., 98-99.

This would also lead to an increase in the desire for, and use of arms, creating both business and problems for the College of Arms in maintaining their proper granting, and display.

Whose Authority?

An attempt to clarify the rights and duties of Office was made in June of 1539. An agreement was reached during a Chapter of the heralds held at Westminster, to which Christopher Barker, Garter, Thomas Hawley, Clarenceux, William Fellow, Norroy, as well as Chester, Carlisle, Windsor, Richmond, Somerset, York and Lancaster Heralds put their names.²⁰⁶ It specified that Clarenceux and Norroy were to grant all patents of arms and crests within their provinces, and if Garter were approached by any gentleman seeking any arms or crests, that he was to send him on to the appropriate King of Arms. Garter would receive payment of 26s.8d. from the King of Arms for doing so. This gave to the Provincial Kings the recognition and rights that they had desired, while reducing Garter's. It also stated that no Officer of arms should go alone to the King or the Earl Marshal after the death of a colleague to suggest a replacement, but that candidates should come before the whole Chapter, who would then present their choice to the Earl Marshal; perhaps this was intended to foster more of a sense of fraternity within the college, but more likely the design was to reduce the number of public disagreements and quarrels in the future.

Since the loss of the headquarters at Coldharbour, the heralds had no permanent home, only meeting for their Chapters when the opportunity of their business bringing them together provided it, at Greenwich, Hampton Court, Windsor or Richmond, or in one of their own residences.²⁰⁷ They had petitioned the Earl Marshal that the King might grant them a house in which to hold Chapters and, perhaps more importantly, to maintain a library between 1524 and 1533, but to no avail.

²⁰⁶ *Heralds of England: A History of the Office and College of Arms*, 179-80.

²⁰⁷ *Ibid.*, 181.

Trouble would arrive for the Office of the Earl Marshal after the lapse of the Constable's Office also. The Duke of Suffolk, Charles Brandon, held the Marshalcy until 1533, when he surrendered it with his marriage to Mary Tudor, and it was granted to Thomas Howard, the third Duke of Norfolk, whose father and ancestors had held the office.²⁰⁸ Norfolk, however, was attainted in 1547, for having "concealed high treason, in keeping secret the false acts of my son, Henry earl of Surrey, in using the arms of St. Edward the Confessor, which pertain only to kings."²⁰⁹ Norfolk would have been executed, if not for the death of Henry VIII the following day: he was imprisoned until Mary's accession in 1553, when he was released and restored. His grandson, another Thomas, Duke of Norfolk from 1554, would be responsible for the more solid foundation of the College of Arms in the years following. King Philip and Queen Mary issued a charter, dated July 18 1555, that made the three Kings of Arms and six heralds,²¹⁰ and all other heralds and pursuivants, and their successors, a corporation with perpetual succession. We know from George Buck's later explanation, at the same time the heralds had,

... obtained by favour and mediation of the most illustrious princes of the house of Norfolke, Marshals of England to be placed in Derby place: and for the more secure enjoying thereof (because an honorable Gentleman had gotten about that time an estate in it) Queene Mary gave it to the Heralds by the Charter Royall.²¹¹

²⁰⁸ Ibid., 182.

²⁰⁹ J. S. Brewer, J. Gairdner, and R. H. Brodie, eds., *Letters and papers, foreign and domestic, of the reign of Henry VIII*, 23 vols. in 38 (1862–1932); repr. (1965): no. 696. Cited in Michael A.R. Graves, "Howard, Thomas, Fourth Duke of Norfolk (1538–1572)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/13941>.

²¹⁰ Garter, Clarenceux, Norroy, Windsor, Chester, Richmond, Dalton, Somerset, York and Lancaster.

²¹¹ Buck, 988.

In Derby Place, the heralds now had lodgings,²¹² a common library, a place to keep their records, and the charter also granted them “maintenance and yearely pensions, and fees of the Kinges Majestie.”²¹³ This acquisition also led to a reorganization of the heralds’ activities as a whole, with new campaigns of Visitation in and after 1561, for both Norroy and Clarenceux.

Their difficulties did not end, however: the Earl Marshal, the fourth Duke of Norfolk, was committed to the Tower on suspicion of treason in October 1569, and indicted in 1571. With his ceremonial degradation from the Order of the Garter in January 1572, his banner of arms, mantles, helm, and crest were cast into the ditch of Windsor Castle.²¹⁴ He was executed on the morning of the 2nd of June, and his death left the heralds affairs in a state of confusion: due to the firm hand that this Earl Marshal had taken with them, they were now in a comparative state of disarray. “Orders to be observed and kept by the Officers of Arms”, had been issued by him in July, 1568, which had asserted the Earl Marshal’s jurisdiction over the heralds, and his right of nomination and placing all the Officers of Arms — a specification he had deemed necessary due to the appointment of Robert Cooke, a favourite of Robert Dudley’s, to Chester Herald in 1562.²¹⁵ While one of the primary consequences of the Orders was a secure location, and procedures, for keeping records — which would become a source of confusion amongst the Kings of Arms over the ownership of some materials — the practice of monthly waiting in the office was also instituted, which required that two officers of arms be on the premises at all times, and that no officer was allowed to enter the office of arms “without one officer of arms be there present with him.”²¹⁶

²¹² Although they did not officially allocate rooms amongst themselves until sometime between April 1564 and April 1565. Wagner, *Heralds of England: A History of the Office and College of Arms*, 184.

²¹³ Buck, 988.

²¹⁴ Graves.

²¹⁵ Wagner, *Heralds of England: A History of the Office and College of Arms*, 188-89.

²¹⁶ *Ibid.*, 190.

These Orders had been made, in part, to deal with the “sundry abuses and discords” amongst the officers of arms, and despite their 1555 incorporation, which might have brought freedom and independence, because of the Earl Marshal’s presiding powers over them — to convene Chapters, and the requirement that any orders made in Chapters be confirmed by him before they had any force — they were not self-governing, as other Corporations of the period would have been.²¹⁷ This, argued Stephen Martin Leake (Garter, 1754-73), led to a state of dependence upon the Earl Marshal, and discord and enmity between the heralds: a period in which any disagreement led to an appeal to the Earl Marshal’s authority, was then followed by a leadership vacuum with his execution. Wagner argues that this conclusion goes beyond what the evidence warrants, however the heralds’ affairs were almost certainly left, again, in a state of confusion with the death of this Earl Marshal.

The 1568 regulations now required that no new grants of arms could be granted without the Earl Marshal’s consent, although Kings of Arms could still confirm arms, and grant crests to already existing arms, so long as they were confirmed by all three Kings, and the profits were shared equally.²¹⁸ Each King of Arms was also to bring to the Earl Marshal a book containing copies of all the patents of new arms granted by them during the preceding year, within a month after St Andrew’s Day (November 30), to be entitled “the Earl Marshal’s book”. Alongside Visitation records, and grants of arms, this requirement of “registration” — a positive moral and epistemic action²¹⁹ — provided the College of Arms with an institutional memory.

Wagner also characterises the period after the fourth Duke’s beheading as one of chaos in the College of Arms; the inevitable result of overambitious reorganisation coupled with stormy

²¹⁷ Ibid., 189.

²¹⁸ Ibid., 197.

²¹⁹ Shapin, 304.

personalities.²²⁰ Lawrence Stone attributes another underlying problem for the heralds, resulting from the rapid changes in land ownership during the early Elizabethan period, which led to an unprecedented number of claims for arms:²²¹

The root of the trouble was that it was not at all clear where the heralds' duty lay. It was their function to accommodate new families to the old structure of titles of honour, and yet they were despised and hated by the older families for their pains, and readily believed — too often with justification — to be acting merely from corrupt motives.²²²

It was into this arena that the antagonistic and headstrong personalities of men such as William Dethick and Ralph Brooke could wreak havoc, and do the most damage.²²³

The Duke of Norfolk was succeeded by George Talbot, Earl of Shrewsbury on January 2nd, 1572/3, and remained in office until his death in 1590, and he appears to have had little concern for the College of Arms, and its quarrelsome heralds. Things did not get completely out of hand until the death of Sir Gilbert Dethick, Garter in 1584, and the appointment of his son William to succeed him.²²⁴ When the letters patent for his appointment were issued,²²⁵ they contained eight words that had not appeared in any of his predecessors' patents.²²⁶ “Necnon visitandi et insignia armorum claris viris concedendi”: this clause effectively gave him a power of making Visitations and granting arms, over the heads of the Provincial Kings of Arms, Clarenceux and Norroy. A power that no previous Garter had held. This was more than just a simple matter that would result in a loss of income for Clarenceux and Norroy; it would also deprive them of their authority over

²²⁰ Wagner, *Heralds of England: A History of the Office and College of Arms*, 198-99.

²²¹ Stone, 67.

²²² *Ibid.*, 68-69.

²²³ For more on Brooke in particular, see Chapter III.

²²⁴ Wagner, *Heralds of England: A History of the Office and College of Arms*, 200.

²²⁵ Eighteen months after his father's death, perhaps due to opposition to his appointment.

²²⁶ Wagner, *Heralds of England: A History of the Office and College of Arms*, 202.

knowledge. This authority was based on a particular kind of chorographical knowledge: the recording of very specific geographical detail, which included not only the genealogical information of those interviewed — the noblemen and gentlemen in their marches — but also the landmarks on which they displayed their arms, and by extension, details of the land over which they presided. The Provincial Kings of Arms, through the process of Visitation were performing an empirical survey of the English countryside, and it was on the knowledge produced that their personal expertise and authority, as well as the authority of their Office, was based.

Rumour held that Dethick had bribed a clerk of the signet, Nicasius Yetsworth, to insert this clause into the patent. Robert Glover, Somerset complained to the Queen, who had Walsingham reprimand Yetsworth so harshly that it was the cause, (it is rumoured), of his subsequent death. Dethick himself did not surrender the letters patent until reprimanded by Walsingham and Burleigh directly, for having claimed his presence was necessary during a Visitation of Lincolnshire by Richard Lee, Richmond Herald (as Clarenceux's deputy). Dethick had sent letters to the judges on circuit and Lord Willoughby to that effect, and had thereby so discredited Lee that he was unable to complete the Visitation and had to return. Dethick then requested that he be allowed to serve in his office on the same terms his father had enjoyed; which was granted. He managed to obtain a certified copy of his original patent, however, and after Burleigh's death relapsed to holding office on its terms, although he never again attempted to interfere in the Visitations of his colleagues, or to make his own.

It was the underlying conceptual and jurisdictional difference between the office of Garter with those of Clarenceux and Norroy that was behind the ongoing conflict between these offices, in spite of the changes in office-holders. Garter's attempts to antagonise his colleagues might better be viewed as a flexing of muscles, rather than mere muck-raking: it is worth reiterating that, while

all three officers were Kings of Arms, and Garter as Principal King of Arms had jurisdiction over the Provincial Kings and the College of Arms, what he lacked was a province. The authority of his office was bound not to a geographical territory in the way that Clarenceux and Norroy's authority were, but was over a body of people, a much less tangible and more transient construct. This body of people did not derive their authority from him either, but from their offices. We have seen, in the previous chapter, how the perception of ties between land and identity make this a more significant consideration, than it may seem to us. Dethick, as a member of the Elizabethan Society of Antiquaries, which served as a forum for geographical, historical, and legal discussion, would also have been very aware of the relationships between the study of land and landscape, documentary evidence, and national identity and culture, with access to authority and access to power.²²⁷

GRANTS OF ARMS

One of the responsibilities that was shared between the three Kings of Arms was that of granting of arms, and in that capacity William Dethick exercised very little restraint, perhaps because it was the most tangible means by which he could exhibit his status, both within the College and publicly. He issued patents at such a rate as to have seemed in competition with Clarenceux and Norroy.²²⁸ In 1602 Ralph Brooke, York Herald accused him of granting arms that too closely resembled those of ancient families, and of granting arms to base persons for the purpose of gain. We shall see in

²²⁷ Dethick contributed *Discourses* on the following topics of: "Of the Antiquity of Ceremonies used at Funerals," "Of the Variety and Antiquity of Tombs and Monuments," "Of the Antiquity, Variety and Reason of Motts with Arms of Noblemen and Gentlemen in England," and "Of the Antiquity of the Christian Religion in this Island." See Hearne, *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*

²²⁸ Wagner, *Heralds of England: A History of the Office and College of Arms*, 203.

the next chapter how the personality of Brooke was as problematic for the College of Arms as Dethick, but in this case his complaint is illustrative of some of the points with which we are here concerned.

Brooke's complaint was comprised of twenty-three cases, but the most pertinent to our purposes, was one that would have attracted a considerable amount of attention at the time as well. To John Shakespeare of Stratford on Avon, William Shakespeare's father, Dethick had made a grant of arms, dated October 20 1596, of "Gould, on a Bend Sables, a Speare of the first steeled argent."²²⁹ Brooke argued that this coat too closely resembled that of Lord Mauley.²³⁰ Dethick responded,

It may aswell be said that Harely who beareth gould a Bend betweene two Cotizes sable, and all other that [bear] Or and Argent a bend Sables usurpe the coate of the Lo. Mauley. As for the Speare in Bend [it] is a patible difference.²³¹

That the spear in the bend made a "patible difference" was thus considered a sufficient distinction, and enough to tell the arms apart from Mauley's, for Dethick.²³² More interesting to us, however, is that Brooke also questioned the qualification of the grantee; that is, he protested John Shakespeare's right to bear arms at all. As Wagner has noted, "[t]he accusation of granting arms to base persons was, in fact, an old one, brought out of store whenever a stick was wanted to beat

²²⁹ "I the said Garter King of Arms have assigned, graunted and by these presentes confirmed this shield or cote of Arms, viz. Gould on a Bend sables a Speare of the first steeled argent, And for his creast or cognizance a falcon his winges displayed argent, standing on a wrethe of his coullors, supporting a speare gould steeled as aforesaid, sett uppon a helmett with mantelles and tasselles as hath been accustomed and doth more playnely appeare depicted on this margent. ..." Cited in C.W. Scott-Giles, *Shakespeare's Heraldry* (London: Heraldry Today, 1971 (1950)), 37.

²³⁰ Or a bend sable.

²³¹ Scott-Giles, 39.

²³² Wagner, *Heralds of England: A History of the Office and College of Arms*, 203.

a King of Arms with”,²³³ and we know that Brooke, in particular, was more often than not in pursuit of these kinds of sticks, in order not only to beat a King of Arms, but to stir up trouble with. Dethick’s response to this part of the charge was that:

... the person to whome it was granted hath borne magestracy and was Justice of peace at Stratford upon Avon, he married the daughter and heire of Arderne and was able to maintaine that estate.

That is, that John Shakespeare’s qualification for the grant of arms was based on his having served as a Justice of the Peace, on his marriage, and on the maintenance of the property he had inherited by it.

Shakespeare’s Arms

“But one halfpenny worth of fact to an intolerable deal of supposition — such is the matter for a note on Shakespeare’s arms; as, indeed, on anything to do with him personally.”²³⁴ This is how C.W. Scott-Giles commences his chapter on “Shakespeare’s Arms”, in his work explaining the references made to heraldic insignia throughout Shakespeare’s historical plays, of which there are many.²³⁵ But the matters of fact regarding the grant of arms that he recounts, are these: that two rough drafts of a grant of arms made to John Shakespeare, dated October 20 1596, are extant, and preserved by the College of Arms; the drafts note that, “this John showeth a pattern thereof under Clarent. Cook’s hand in paper xx years past”, and that John Shakespeare had indeed been a Justice of the Peace and Bailiff of Stratford on Avon.²³⁶ A further application in 1599 was made for an exemplification of the arms with the inclusion of the coat of Arden, which was granted by Dethick

²³³ Ibid., 204.

²³⁴ Scott-Giles, 27.

²³⁵ See also, Nigel Ramsay, ed. *Heralds and Heraldry in Shakespeare’s England* (Donington: Shaun Tyas, 2014).

²³⁶ That is, a suggested design for arms, drawn by Clarenceux Cook, sometime after 1568 when Shakespeare became Bailiff. Scott-Giles, 27-28.

and Camden. It is not clear why the earlier request, for the grant of arms, had not seen through to its conclusion at the time, two decades ago: Scott-Giles suggests that it may have been a matter of the considerable fees associated with a patent of arms, and that John Shakespeare had found himself in a position of financial difficulty during these twenty-or-so years, until his son's rise to prosperity and an improvement in his own affairs.²³⁷

We may examine here a little further John Shakespeare's qualification, and the grant of arms itself, for what it might tell us about heraldry in practice: on the role of the heralds in establishing and maintaining the social order, and the authority on which this responsibility was based. Dethick's draft of 1596 outlines the authority and jurisdiction of his office as Garter:

... Know yee that whereas by the authorite and auntyent pryveleges pertheyning to my office from the Quenes most excellent Majeste and by her highnesse most noble and victorious progenitors, I am to take generall notice and record and to make declaration and testimonie for all causes of Arms and matters of Gentrye thorough all her Majestes Kingdoms, Dominions, Principalities, Isles and Provinces, ...²³⁸

It is interesting that Dethick cites his "authority" and "ancient privileges" as being derived not only from the Queen, but also from her predecessors; this is more than just a logical inference that "ancient privileges", must have been granted by ancient persons, but also alludes to the Queen's Majesty having originated within her "most noble and victorious progenitors". It is not only that the monarch's ancestors were of "noble" blood that is considered worthy of note, but also that they were "victors", presumably, in armed combat. Dethick goes on to explain the ongoing purpose of armory:

²³⁷ Ibid., 28-29.

²³⁸ Scott-Giles cites a composite copy of the 2 1596 drafts. Ibid., 36.

To the'nd that as manie gentilmen by theyre auntyent names of families, kyndredes and descentes, have and enjoye certeyne enseignes and cottes of Arms, So it is verie expedient in all ages that some men for theyre valeant factes, magnanimite, vertu, dignites and desertes may use and beare such tokens of honor and worthiness, whereby theyre name and good fame may be the better knowen and divulged, and theyre children and posterite (in all vertu to the service of theyre Prince and Contrie) encouraged.²³⁹

This remark — that “as many gentlemen” have their arms by right of inheritance, it is also expedient, “in all ages” that new grants be made to those men who deserve to be rewarded for “valeant factes”, that is, valiant deeds and virtues, with “such tokens of honour and worthiness”, to be passed on to their own heirs — divulges an awareness that the armigerous class was not, should not, and could not be, a closed and static community. It also demonstrates a level of awareness of the greater changes taking place in English society; with land ownership changing hands at a faster pace than had ever been seen before, and the concomitant changing power relations, also came an increase in the number of the gentry and, as Lawrence Stone has shown, a dramatic inflation in requests for arms. John Shakespeare’s original application would have been made during the period 1570-80, when this inflation reached its peak;²⁴⁰ while the number of grants had declined during the 1590s, the last decade of the Elizabethan period, it would rise again during the following two decades.²⁴¹

Dethick goes on to explain the qualifications of pedigree by which the grantee is entitled to arms:

²³⁹ Ibid., 36-37.

²⁴⁰ While the number of grants of arms decreased, creations of knights, baronets, and peers dramatically increased, peaking in the first year of James I’s reign.

²⁴¹ See “The Inflation of Honours” in Stone, 65-128.

... Wherefore being solicited and by credible report informed that John Shakespeare of Stratford uppon Avon in the counte of Warwik, whose parentes and late grandfather for his faithfull and valeant service was advaunced and rewarded by the most prudent Prince King Henry the Seventh of famous memorie, sythence which tyme they have continewed in those partes, being of good reputacion and credit, and that the said John hath maryed the daughter and one of the heys of Robert Arden of Wilmcote in the said counte esquire, and for the encouragement of his posterite to whom such Blazon or Atchevement by the auntyent Custome of the Lawes of Arms maye descend, ...

The identity of this “faithful” and “valiant” ancestor, who was rewarded by Henry VII, is not known, and differences between the drafts of the grants have been cause for further confusion in the matter, hindering this identification: the passage may have been included merely to establish the family as “respectable but undistinguished.”²⁴² The 1599 exemplification, however, goes on to specify the advancement and reward, as “landes and tenementes geven to him in those partes of Warwikshere where they have continewed bie some descentes in good reputacion and credit.”²⁴³ The reference to John’s wife, Mary, the daughter and one of the heirs of Robert Arden, (who was reputed to possess arms), also differs between the drafts, with “gent.” appearing in the first, where “esquire” appears in the second: “esquire”, a rendering of the Latin *armiger*, armour-bearer, was a degree above that of gentleman, and proclaimed much more literally one’s right to bear arms. Although neither 1596 draft mentions John Shakespeare’s own qualification as a bailiff and Justice of the Peace,²⁴⁴ the notes at the foot of the second draft read further:

²⁴² “Antecessor” is used in one 1596 draft, “grandfather” in the other; the 1599 exemplification speaks of John’s “parent, great-grandfather and late antecessor”. The confusion may have been a result of the heralds having been in consultation and conversation with William, rather than John himself. Scott-Giles, 29-30.

²⁴³ Ibid., 38.

²⁴⁴ The 1599 exemplification states his grant of arms was “assigned to him whilst he was her Majesties officer and Baylife...” ibid.

A Justice of Peace and was Baylife the Q. officer and cheffe of the towne of Stratford uppo Avon xv or xvi years past.

That he hath lands and tenements of good wealth and substance 500 li.

This information is also worth examining in further detail. Even if Brooke were not satisfied that John Shakespeare was entitled to a coat of arms based on his own pedigree, and that of his spouse, it is reasonable to think that the evidence of the senior Shakespeare's service in this capacity ought to have been sufficient to settle any lingering doubts or objections. William Lambarde's *Eirenarcha, or of The Office of the Justices of the Peace* explains that, during the reign of Henry VI, a Justice of the Peace was required to have lands to the value of twenty pounds per year, but,

... for want of sufficient men having lands of that value, learned in the Law, and of good governaunce, that the Chancelour of England, for the time being, shold have power, by his discreation to put into the Commission other discrete persones learned in the Lawe, though they had not landes to that value.²⁴⁵

And later in the work,

Now although this portion of twentie pounds a yeare, be not at this day in account aunswerable to the charge and countenance fitte for a Justice of the Peace, yet who knoweth not, that at the making of this Lawe, it was farre otherwise. And I do not doubt, but as the rate of all things is greatlye risen since that time, so is there also good care taken, that none be nowe placed in [the] Commision, whose livings be not increased according to the same proportion.

²⁴⁵ William Lambarde, *Eirenarcha: Or of the Office of the Justices of the Peace, in Two Bookes: Gathered 1579 and Now Revised, and Firste Published, in the 24 Yeare of the Peaceable Reigne of Our Gracious Queene Elizabeth* (London: Newbery, 1581), 31.

And thus, our Parliaments (entending to make the Justice of Peace an able Judge) doe require that he come furnished with three of the principall ornamentes of a Judge, that is to saye, with Justice, Wisdome, and Fortitude, for to that summe the words, Good, Learned, Valiant, do wel amounte. ...²⁴⁶

So, not only was it a requirement that Justices of the Peace be landowning and possess sufficient income, but it was also necessary that they be learned in the law, of good character, and of the best reputation. As well as “justice” and “wisdom”, judges and Justices of the Peace were also required to exhibit “fortitude”: this is a quality that was considered to be a distinctively masculine, and one that enjoined the bearing of arms in battle with the right to bear arms as the insignia of honour, as will be seen in the previous chapter. This again points to the perception that peace- and war-time were not only connected, but were considered to be the equal and opposite states in which the nobility and honour of the individual could be expressed, and could do the most good for English society.

Whilst having been a bailiff could suggest that John Shakespeare might be considered merely of yeoman stock, that he had served as a Justice of the Peace ought to be conclusive evidence that he was considered to be gentry.²⁴⁷ In any case, Sir John Ferne’s *Blazon of Gentry* of 1586 included “Bailiffes, of Cities, and auncient Boroughes, or incorporated Townes” amongst the “divers offices of dignitie and worship” in the “civill or pollitical estate” who merit coats of arms.²⁴⁸ Lambarde too appraises the relationship between peace and war:

²⁴⁶ Ibid., 35.

²⁴⁷ “The extraordinary position attained by the Justices during the Tudor period may well provoke enquiry as to the membership of so remarkable a body. What manner of men were they? The answer is simple. They were the gentry. Neither the Crown which appointed them, nor Parliament which had created the singular situation they had come to occupy, had ever uttered the expression that alone fittingly describes the class from which most Justices had come to be recruited. But a succession of statutes, and the traditions that grew up from them, had ensured that in any Commission of the Peace it was the landowning class that generally predominated.” Bertram Osborne, *Justices of the Peace, 1361-1848: A History of the Justices of the Peace for the Counties of England* (Shaftesbury: The Sedgehill Press, 1960), 27.

²⁴⁸ Ferne, 60.

...even so may I truly affirme, that (in the matter of Peace) the law of God (which onely is the true Philosophy) respecteth the mynde & conscience, although the lawes of men doe looke but to the bodie, handes, and weapons.²⁴⁹

Sometimes, he notes, “peace” should be understood to mean “Protection” or “defence.”

That the marks of honour were inheritable property, and were intended to be visible, indeed openly exhibited, is also emphasised in the grant:

...Signefieing hereby and by the autorite of my office aforesaid ratefieing that it shalbe lawfull for the said John Shakespeare gent. And for his children, yssue and posterite (at all tymes and places convenient) to beare and make demonstracion of the said Blazon or Atchevement uppon theyre Shieldes, Targets, Escucheons, Cotes of Arms, Pennons, Guydons, Seales, Ringes, edefices, Buyldinges, Utensiles, Lyveries, Tombes or Monuments or otherwise for all lawfull warrlyke factes or civile use or exercises according to the Lawes of Arms, and customes that to gentillmen belongeth, without let or interruption of any other person or persons for use or bearing the same.²⁵⁰

The shift from the patently armourial uses for armory — shields and targets — to the more benign — seals, rings, and buildings — is a reminder not only that the uses for coats of arms had to expand in the early modern period. Shakespeare would have had no use for a shield, target, or even a pennon, for example; but a seal, ring, or tomb were much more likely locations in which he could have displayed his arms. In making them useful, and their display possible, to those who did not need them for their original purpose, coats of arms retained their original purpose as an identifier,

²⁴⁹ Lambarde, *Eirenarcha: Or of the Office of the Justices of the Peace, in Two Bookes: Gathered 1579 and Now Revised, and Firste Published, in the 24 Yeare of the Peaceable Reigne of Our Gracious Queene Elizabeth*, 6.

²⁵⁰ Scott-Giles, 37.

but alongside remained their association with, in Wordsworth's words, "the invincible Knights of old".

CONCLUSIONS

That the means by which a coat of arms could be attained had changed by the early modern period — no longer solely via warfare, but through more peaceable means — was not as dramatic a change as it might first appear.²⁵¹ Possession of land was as much a signifier of honour and gentility as the spilling of blood in defence of that piece of land had once been. The display of coat armour on tombs and monuments, at the very end of life, serves as a reminder that the honour and nobility that arms represented remained in perpetuity; not just in the original bearer, but was imparted to his heirs as well. Their inheritance, through the blood, however, was not at all simple or straightforward, as we have seen in chapter one. William Shakespeare's reasons for desiring and valuing a grant of arms can have had little to do with a desire to display them on shield or pennon; rather, they were valuable because they marked their owner as a gentleman. Their possession was a symbol of rank and status, a visible mark of honour, but their display was also an acknowledgement of something more. The Law of Arms held a pivotal role in maintaining the social order in early modern England, but also in constructing the English gentlemanly identity. We have seen as well how Shakespeare's work acknowledged and affirmed the implications of the Laws of Arms, through his own knowledge and use of heraldry.²⁵² We will see in the final chapter how quarrelling amongst the heralds remained a problem for the College of Arms, and how a culture of reform was enacted via the appointment of William Camden.

²⁵¹ See Chapter I.

²⁵² See in particular Beatrice Groves, "Heraldic Language and Identity in Shakespeare's Plays," in *Heralds and Heraldry in Shakespeare's England*, ed. Nigel Ramsay (Donington: Shaun Tyas, 2014).

CHAPTER III : WILLIAM CAMDEN AND RALPH BROOKE

“The more we read of the perils of the College of Arms — torn by internal dissensions and interfered with and hampered by rival jurisdictions, while its own legal processes were mismanaged and abused — the more distinctly rises the conviction that nothing but a law of Nature can account for its survival: the natural craving of man after historical distinction or, at any rate, record; — it seems inseparable from our civilization, and imbues every individual when he emerges from doubts and cares about his daily bread.”

— George Grazebrook, *The Earl Marshal's Court in England*.

INTRODUCTION

On the 22nd day of October 1597, William Camden — author of *Britannia* and the *Annales*, member of the Society of Antiquaries, and England's preeminent chorographer — was created Richmond Herald, thus qualifying him to be appointed Clarenceux King of Arms on the following day.¹ Now, as one of the senior heralds in the College of Arms, answerable only to the Earl Marshal, Camden was responsible for the granting of arms, for determining matters of title and degree, and for confiscating any false or unauthorised armigerous images. As Clarenceux, the College's second highest officer, he had jurisdiction over those regions of England south of the river Trent, to the east, west, and south. While his appointment was unusual, in that Kings of Arms were normally promoted from within, and Camden had no formal ties with the College,² it was an inspired choice. As a prominent member of the Society of Antiquaries, who held their meetings at Derby House, the College's own official residence, he was already known to the heralds, three of whom were also Society

¹ Camden had to be created a Herald before he could be made a King of Arms: “Heralds were ceremonially created, when they took an oath and their masters put their tabards on them and baptized them by their names of office with wine or water from a cup (sometimes of gold or silver) which should then be given to them ... Kings of Arms were also crowned and given rods or sceptres of a special form.” Anthony Wagner, *Heralds and Ancestors* (London: British Museum Publications, 1978), 71.

² W.H. Herendeen, “Camden, William (1551-1623),” *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/4431>.

fellows.³ Many of the Society's "discourses" were concerned with heraldic matters,⁴ and their writings also demonstrated a considerable degree of deference to the heralds and their offices.⁵ As the son of a painter-stainer, Camden would also have been familiar with many of the College's activities, due to ongoing infringement disputes between the College and the Company of Painter Stainers.⁶ As an historian and chorographer, Camden had utilised genealogical and topographical artefacts, in much the same way as might be required of the heralds during their Visitations.

Fulke Greville,⁷ the courtier and biographer of Sir Philip Sidney, had proposed Camden for the post of Clarenceux to the Queen, without any instigation from Camden himself.⁸ He was installed by William Cecil, Lord Burghley, who had supported him in writing his *Annales*, and to whom the *Britannia* had been dedicated. Burghley was reputed to have been annoyed that it was Greville, and not himself, who had recommended Camden, but was appeased by the knowledge that Camden had not solicited the post. "With Camden as Clarenceux, Burghley's interests and his concerns for order and procedure were firmly represented in the college, just when the increasingly volatile Essex had been appointed Earl Marshal."⁹

³ William Dethicke (Rouge Croix Poursuivant 1567; York Herald 1570; Garter King at arms 1586-c.1604), Francis Thynne (Blanche Lyon Poursuivant 1601; Lancaster Herald 1602), and Richard St. George (Berwick Poursuivant extraordinary 1602; Windsor herald 1602; Norroy king at arms 1603-1623; Clarenceux king at arms 1623-1635) were fellows of the Society of Antiquaries.

⁴ "Of the Antiquity, Office, and Privilege of Heralds in England"; "Of the Antiquity of Arms in England"; "The Antiquity and Office of the Earl Marshal of England".

⁵ Throughout the Society's "discourses" there are around 10 flattering allusions to the heralds as a class.

⁶ "...notwithstanding increasingly strained relations between the groups". Herendeen. The heralds viewed the painting of houses to be the proper purview of the Painter Stainers Company of London, rather than the painting of arms, and had been in dispute with them for infringements as early as 1560. Camden himself would broker an agreement between the College and the Painter Stainers in 1621, regarding the employment of eight of their number for the painting of arms, and a system of *ad hoc* licensing for work not carried out by this eight in 1623. These arrangements broke down and were renegotiated a number of times. Anthony Wagner, *Heralds of England: A History of the Office and College of Arms* (London: Her Majesty's Stationery Office, 1967), 236-9. W.A.D. Englefield, *The History of the Painter-Stainers Company of London* (London: Chapman and Dodd, Ltd., 1923).

⁷ First Baron Brooke of Beauchamps Court (1554-1628)

⁸ Herendeen.

⁹ Ibid.

In Burghley and Greville, Camden had powerful supporters, which may have been enough to silence more cautious opposition; it is odd that an external appointment, to a position normally filled from within the institution, provoked little to no protest. But not everyone was pleased with Camden's appointment. He had not been polite to the heralds in editions of the *Britannia* prior to 1594, and had made a number of genealogical mistakes.¹⁰ The most vocal, continuous, and bitter objections came from within the College of Arms itself, from York Herald, Ralph Brooke.

Brooke's character, "as headstrong with heraldry as Don Quixote's with romances of chivalry,"¹¹ displayed his disruptive nature on a number of occasions throughout his long and profitable career in the College of Arms, as will be shown below. Through quarrels with fellow heralds,¹² as well as with the office of the Earl Marshal,¹³ his combative, impolite, and distinctly un-gentle behaviour eventually served to unite the rest of the college against him. The son of a shoemaker, Brooke had attended the Merchant Taylors' School, and then apprenticed to the Company of Painter-Stainers.¹⁴ He was made Rouge Croix Pursuivant in 1580, and elevated to York herald in 1592. Despite making a nuisance of himself for his fellow heralds, and the Earl Marshal, Brooke's behaviour and activities succeeded in drawing attention to the state of disarray and transition that the College of Arms was in during the Elizabethan period.¹⁵

¹⁰ T.D. Kendrick, *British Antiquity* (London: Methuen & Co. Ltd, 1970 (1950)), 151-52.

¹¹ Isaac Disraeli, "Camden and Brooke," in *Calamities and Quarrels of Authors*, ed. Benjamin Disraeli (London: Frederick Warne and Co., 1867), 492.

¹² He accused his fellow heralds of profiting from false or incorrect arms, withholding fees due to him, violent and ungentlemanly behaviour, and other abuses of office. See below.

¹³ W.H. Herendeen, "Brooke, Ralph (C.1553-1625)," *Oxford Dictionary of National Biography* 2014, no. 10 June (2004), <http://www.oxforddnb.com/view/article/3552>.

¹⁴ Where William Camden's father, Sampson Camden, was an active member. Brooke was made free in 1576, "apparently deemed unmanageable and a poor investment." *William Camden: A Life in Context* (Woodbridge: The Boydell Press, 2007), 191.

¹⁵ "Brooke, Ralph (C.1553-1625)".

Camden and Brooke possessed similar origins, similar socio-economic backgrounds, and similar educational opportunities.¹⁶ Both were the sons of craftsmen rather than gentlemen, exposed to humanist education from a young age. One of the greatest difference between them seems to have been their response to this education: Camden went on to pursue academic interests, and becoming part of the scholarly communities of Oxford and the Inns of Court; where Brooke took a more direct route to the College of Arms, as we will see below. Both, as heralds, by virtue of holding an Office of trust under the Crown,¹⁷ were entitled to style themselves “Esquire”: although not born into the social category with which this thesis is largely concerned, they each occupied a unique vantage from which to observe, participate in, and enforce the maintenance of it.

The Conflict

Most who are at all familiar with Camden, might be aware of the quarrel (and its publication history) with Brooke over his most famous work the *Britannia*, and, as W.H. Herendeen notes, “Brooke's attack on Camden provides a revealing insight into the volatile, competitive, abusive, and sometimes even dangerous world of patronage, public ideas, and publication in the period.”¹⁸ Of concern to us here, however, are the cultural and epistemological aspects of the conflict.

¹⁶ Camden had attended Christ's Hospital, a school for orphaned and poor children occupying Greyfriars, and then St Paul's School, which possessed a strong humanist agenda for educational reform. "Camden, William (1551-1623)". Brooke attended the Merchant Taylors' School, known for its humanist pedagogy under the headmastership of Richard Mulcaster. "Brooke, Ralph (C.1553-1625)"; William Barker, "Mulcaster, Richard (1521/2–1611)," *ibid.*, <http://www.oxforddnb.com/view/article/19509>.

¹⁷ Brooke styles himself “Yorke Herault” in 1599, but in 1619 with the addition of “Esquire”. In the 1610 English translation of the *Britannia* Camden is styled, “Clarenceux K. of A.” For allowances of use of the title “Esquire”, see Appendix D and Chapter II.

¹⁸ Herendeen, "Camden, William (1551-1623)".

Perhaps it is understandable, given the grand scope of the *Britannia* project,¹⁹ that Camden made errors in the genealogical accounts he included in the work. First published in Latin in 1586, when he was 35, Camden's *Britannia* was the first complete chorographical study of England, Scotland, and Ireland; surveying its history, locales, linguistics, genealogy and etymology. It began as a small octavo volume (dedicated to Lord Burghley) and had seen seven more editions within the next twenty years, becoming a robust and copiously illustrated folio of 860 pages, containing maps by Christopher Saxton (c.1540-c.1610) and John Norden (c.1547-1625), and engravings of coins, monuments, and topographical sites, within the author's own lifetime.²⁰ Brooke, however, did not believe that Camden's errors were acceptable. He accused Camden of, "untrue, and erronious writing" touching matters of heraldry: of misunderstanding and misreporting on the work of others, notably the late Somerset Herald, Robert Glover (1544-1588) and the antiquary John Leland (c. 1503–1552),²¹ of falsifying noble descents, mistakenly assigning arms and ensigns of honour, and of framing "incestious and unnatural mariages, making the Father to marrie his Sonnes wife, and the Sonne his owne Mother."²² As far as matters that might be "preiudiciall to the branches of our Nobilitie" were concerned, these final charges could indeed be

¹⁹ See below.

²⁰ The London, 1586 publication was followed by seven more Latin editions: London, 1587; London, 1590; Frankfurt, 1590; London, 1594; 1600 (all dedicated to Queen Elizabeth); 1607 (dedicated to King James); Frankfurt, 2 vols., 1616. There were also two English editions: London, 2 vols., 1610; 1637. Researchers today are able to make use of the three- or four- volume editions of 1789 and 1806, which contain supplementary material and addenda of all kinds. Ibid.

²¹ John Leland (c.1503-1552) was England's first antiquary-chorographer of note, appointed "King's Antiquary" in 1533. Although most of his own manuscripts remained unpublished during his lifetime, his notes, and his legacy, were passed on to the antiquaries and regional writers who followed him: including Camden, John Stow (1524-1605), William Lambarde (1536-1601), John Bale (1495-1563), William Harrison (1534-1593), and William Dugdale (1605-1686). Leland's uncompleted *Itinerary* was corrected and published by Thomas Hearne (1678-1735) between 1710 and 1712.

²² Ralph Brooke, *A Discouerie of Certaine Errours Published in Print in the Much Commended Britannia. 1594 Very Preiudiciall to the Discentes and Successions of the Auncient Nobilitie of This Realme. By Yorke Herault.* (London: John Windet, 1599).

considered egregious offences; a man's honour and reputation, as we have seen, was inseparable from that of his bloodline.²³

Camden, perhaps, may be forgiven for demonstrating a lack of expert knowledge in heraldry and genealogy in the earlier editions of the *Britannia*, in which, in Brooke's words, he had "dealt sparingly, and after a sort gently" with these matters. But as the work swelled from its small octavo first edition to the third edition of 1590, the names of around 250 of the leading landowning families, new and old, were added;²⁴ another 300 or so names were added to the expanding fourth edition of 1594, along with a new index, "Barones et Illustriores Familiae"; thus formalising the *Britannia*'s role as, in part, a guide to the leading families in Elizabethan society.²⁵ William Rockett has argued that this was also, for Camden, a means of asserting his authority: in representing the descents, coats of arms, and the tenure of the properties of England's landed families, he was certainly encroaching on matters that were under the authority of the College of Arms over the commodity of knowledge that they possessed.²⁶ With this dramatic increase of names, and the intrusion in armorial affairs, Brooke accused Camden — an outsider where heraldic matters were concerned — of having become "too busie, and venterous" to seek out the expertise that he so severely lacked: "(me thinks) ever hereafter you should distrust your selfe in the search of such mysticall poyntes, without the advice of an Herault better experimented then your selfe", he advised.

²³ See Chapter II.

²⁴ This representation of the propertied classes had increased in each new edition, but the increase in the third and fourth editions was more dramatic. William Rockett, "*Britannia*, Ralph Brooke, and the Representation of Privilege in Elizabethan England," *Renaissance Quarterly* 53, no. 2 (2000): 474.

²⁵ *Ibid.*, 475.

²⁶ The representation of new money and names in the 1594 *Britannia* was not an extraordinary phenomenon, in view of the work's evolving character, as provincial luminaries and their families had been an integral part of the work from the beginning; new names were, however, conspicuous in their abundance in the fourth edition. Camden altered the shape of the *Britannia* in response to the altering shape of society. *Ibid.*, 484.

The purpose behind Camden's vast expansion of genealogical matters may be considered only a natural development of the work, in line with its original structure and themes; a topographical survey of England was, necessarily, also a survey of its social structure; the two, as we have seen saw, were inextricably linked. Camden had not only grasped the logic in representing the nation's leading families and figures on a topographical framework, he nationalised this representation of privilege. Camden "appropriated" the institutional past of England: by tracing the distribution of landed wealth inside its national boundaries, in effect, he enlarged the scope of historical investigation, by encompassing into it a geographical aspect — the estates of leading families.²⁷

The rise in interest in local (and global) geography that proliferated throughout Europe during the fifteenth and sixteenth centuries was spurred on by the discovery of the New World, and (what might be called) the rediscovery of Greek geography. It brought with it a renewed interest into chorographical enquiry, beginning in Italy, and spreading to Germany and France. Eventually arriving in England towards the end of the sixteenth century, this interest in geographical matters emerged in the form of county surveys and perambulations; practices that had, up until that time, been strictly within the province of the heralds, through their Visitations. Up until the middle of the sixteenth century, the authors of books on arms and honour had been heralds, with very few exceptions.²⁸ A native tradition of chronicles going back to the Christian Celts existed in England, produced largely by religious or monastic figures, endured throughout the Middle-Ages. This tradition integrated celebration of English events into the salvational world-view of the Christian bible, lacking the attention to

²⁷ Ibid., 479.

²⁸ Ibid., 477.

qualitative and quantitative detail that characterised chorographical inquiry. Heraldic Visitations,²⁹ on the other hand, involved the routine collection and recording of arms and genealogical information; a practice that was carried out within geographical boundaries, and limitations, recorded and organised by county. What might have appeared to be a gentle encroachment on the heralds' terrain by the likes of the Elizabethan antiquarians and authors of county chorographies during the late sixteenth century — such as John Leland, Richard Carew, John Stow, and William Lambarde — were viewed as a major trespass when undertaken on the scale and spectacle of the *Britannia*, especially by an individual of Camden's class and reputation. Brooke already perceived Camden's intrusion into heraldic matters as a violation; Camden's appointment to a position in the College of Arms superior to Brooke's could only have added salt to Brooke's wounds. Camden's trespass, in Brooke's presentation, was an epistemological one: he possessed neither the expertise nor the authority to discourse on heraldic matters. Brooke was tied to tradition, and hence unable to recognise that the novelty in Camden's approach to knowledge was similar, or indeed complementary to that of the heralds.

WILLIAM CAMDEN

At the time he was made Clarenceux, William Camden had been at Westminster School for twenty years, and headmaster since 1593. Appointed as a second Master in 1575, he had begun working on the *Britannia* after receiving encouragement from the Flemish geographer, Abraham Ortelius, that he should “restore antiquity to Britaine, and Britain to his antiquity.”³⁰ He continued to work on this project throughout his career at the

²⁹ See Chapter II.

³⁰ William Camden, *Britain, or a Chorographical Description of the Most Flourishing Kingdomes, England, Scotland, and Ireland*, trans. Philemon Holland (London: G. Bishop & J. Norton, 1610), 4.

school, “at spare hours, and on festival days.” The project was very ambitious, and although the stability of his life at Westminster allowed him to undertake much of the travel and research himself, it was impossible for him to complete on his own.³¹ His interest in studying antiquities for their own sake had been formed during his own days as a schoolboy, and he had also recognised the importance of knowing Anglo-Saxon and Welsh if he was to understand these antiquities within an historical framework.³² As well as conducting his own in-the-field research, he made extensive use of original sources, both printed and manuscript,³³ and he was dependent on local correspondents for help in amassing the information needed to adequately survey each county. He also began to engage in extensive international correspondence right from his early years at Westminster, creating an epistolary network for the exchange of antiquarian materials with other enthusiasts, forming what has been likened to the Renaissance equivalent of a ‘chat room.’³⁴

W.H. Herendeen argues that Camden’s life at Westminster resembled that of a courtier-scholar, and he maintained it not as a matter of default, but because it was a place that allowed and encouraged active involvement in an intellectual community of shared interests, that was recognized and respected by his peers and his superiors (which included Queen Elizabeth, and later King James). During the 1570s and 1580s, Camden emerges as, “not the mousy second master about to make a splash with his *Britannia*,” but as a young scholar, living on the periphery of the court: “His impeccable scholarly credentials, his unthreatening disinterested manner, and humble position

³¹ Perhaps nothing supports this fact better than John Leland’s own attempt at a similar undertaking drove him mad. See James P. Carley, “Leland, John (C.1503–1552),” Oxford Dictionary of National Biography, Oxford University Press, <http://www.oxforddnb.com/view/article/16416>.

³² Stuart Piggott, “Antiquarian Thought in the Sixteenth and Seventeenth Centuries,” in *English Historical Scholarship in the Sixteenth and Seventeenth Centuries*, ed. Levi Fox (London: Oxford University Press, 1956), 103.

³³ Herendeen, “Camden, William (1551-1623)”.

³⁴ *William Camden: A Life in Context*, 138.

combined to lend scholarly credibility to his own opinions” at the Westminster School and Chapter.³⁵ It is worth noting here that the terms Herendeen uses to describe Camden — disinterested, humble, and credible — are more than reminiscent of the ethos of modern science, according to the norms of Robert Merton.³⁶ This is quite deliberate of Herendeen, whose intention it is to characterise Camden as a new type of scholar, which will be explored below. Even before publication of the *Britannia*, Camden’s reputation had begun to spread, and scholars from the Continent sought out a meeting with him as an essential addition to their itinerary when visiting England.³⁷

Oxford

Although he eventually left the university without a degree, Camden had been educated at Oxford: first at Magdalen College, then Broadgates Hall, and finally Christ Church, where he spent the majority of his time as an undergraduate. The community at Christ Church encouraged a mixture of the traditional focus on the *trivium* and *quadrivium* with “extra-curricular activities”; interest in the discoveries of the New World was fostered, guided by the revival of the traditions of geography, cosmography, and astronomy of the ancient world. At Broadgates Hall, Camden was in the company of other geographically minded men — such as Richard Hakluyt and Thomas Harriot — as well as Henry and Thomas Savile, and Philip Sidney whose interests, like Camden’s, would later come to influence the curriculum at Oxford.³⁸ In his biography of Camden, Herendeen describes these men as “new scholars,” a phrase intended to suggest not

³⁵ Ibid., 140.

³⁶ See Robert K. Merton, “The Normative Structure of Science,” in *The Sociology of Science: Theoretical and Empirical Investigations* (Chicago: University of Chicago Press, 1973 (1942)).

³⁷ Such as the geographer Gerardus Mercator (1512-1594), the lawyer Alberico Gentili (1552-1608), the Hungarian scholar and poet Parmenius (1555/60-1583), and president of the *parlement* of Paris, Barnabé Brisson (1531-1591), Herendeen, *William Camden: A Life in Context*, 140.

³⁸ Hakluyt gave lectures in geography as a regent between 1577 and 1579; Henry Savile established the first Oxford chairs in geometry and astronomy in 1619; and Camden, of course, established the first chair in civil history in 1622. Ibid., 73.

only their association with the new science, but also to the emerging academic disciplines, and the growth of the educated middle class.³⁹ The ideas that began to be formed during the late 1560s and early 1570s at Oxford did not find their way into print and into more popular discourse until the mid-1580s. This was not, as Herendeen notes, through radical new ideas, but through the changes in attitude and methodology that were evolving from scholars such as Leland, Carew, Stow, and Hakluyt, which prepared the way for the scholarship, ideas, and politics of the figures we now consider to the exemplars of the early modern approach to knowledge — Francis Bacon, John Selden, Robert Cotton, and Thomas Hobbes, for example.⁴⁰

Unlike many of his fellow schoolmates, Camden was required to make his own way in the world. His own university career was productive, but not particularly successful in a professional sense, as he would eventually leave Oxford without attaining a degree: Camden's ill treatment was at the hands of the volatile university administration, which was itself part of an educational system in a period of transition. A religious conservative, Camden failed to receive a fellowship to All Souls in 1569, probably due to the political and religious rivalry between Puritans and Catholics that was prevalent at the time, and in June 1570 he petitioned the Congregation of Regents that, given the four years he had spent "in the Study of Logic", he "be admitted Bach. of Arts". Again, he was rejected, this time making him a victim of the vigilant chancellor Robert Dudley, Earl of Leicester's complaints that convocations had become disorderly, calling for them to be more rigorously supervised. He would not receive his degree until 1574; after making a successful petition, and without the normal requirement of disputation before examiners. The professional disappointment and

³⁹ Ibid., 74-75.

⁴⁰ Ibid., 75.

frustration of not being able to pursue an academic career bothered Camden for the rest of his life. He would petition the university again, after the success of the *Britannia*, in 1588 for the MA degree. Due to various complicating factors, it was approved conditionally, but never awarded; by the time the university convocation offered him the MA when he was in Oxford for the funeral of Thomas Bodley in 1613, Camden dismissed it as “being then too late to gain any benefit or honour thereby.”⁴¹

Leaving Oxford without a degree in 1571 meant that several career paths were no longer possible for Camden, such as the church, the university, the life of a royal courtier-scholar. Like many others during the Elizabethan period, Camden turned to the Inns of Court — sometimes described as a part of England’s “third university”⁴² — entering the Inner Temple on February 21, 1572.⁴³ Although the main purpose of the Inns was, (as we might think obvious), legal education and training, they also provided the function of something like a finishing school for the gentry during this period.⁴⁴ During the late sixteenth and early seventeenth centuries, more of the nobility and landed gentry obtained some legal education than at any time before (and possibly since) in English history, and although the popularity of the universities rose during this period also, the Inns were frequented by the gentry more often than both of the universities combined.⁴⁵

Inns of Court

Aside from his petition of 1574, there is next to nothing known about Camden during the years he spent at the Inns, where he evidently remained until his Westminster

⁴¹ "Camden, William (1551-1623)".

⁴² That is, the colleges and centres of learning located within the city of London.

⁴³ Admitted to Inner Temple after having been associated with Lyon’s Inn (one of the Inns of Chancery, and attached to Inner Temple).

⁴⁴ J.H. Baker, "The Third University 1450-1550: Law School or Finishing School?," in *The Intellectual and Cultural World of the Early Modern Inns of Court*, ed. Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight (Manchester: Manchester University Press, 2011).

⁴⁵ Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon Press, 1965), 690.

appointment in 1575. He is not mentioned in the Call Books for this period, so was not called to bar, and there is no evidence that he actually studied at the Inns, so perhaps he only took up residence there.⁴⁶ He does not refer to this period of his life in his later years, and R.J. Schoeck noted that (what appears to be) the only other extant record of Camden within the Inns of Court was an honorary admission⁴⁷ — much like a modern honorary doctorate — to Gray's Inn many years later, on August 3, 1592. The entry in the records describes him as one “qui Britanniam nostram doctissime illustravit”,⁴⁸ and Gray's Inn was the Inn of Lord Burghley, to whom Camden had dedicated the *Britannia*.

Despite the paucity of records of Camden's time spent in the Inner Temple, I will nevertheless dwell on the Inns of Court here for a moment. The influence that the Inns had on forming and shaping the cultural identity of the (early modern) English gentleman cannot be overstated. As well as the formative influence the Inns of Court would have had on Camden himself, the law and its practitioners had a visible role in Camden's social circle, and in his personal interests. Common lawyers dominated the membership of the Elizabethan Society of Antiquaries, for example, after its formation around 1586. A large proportion of these “divers Gentlemen in London, studious of Antiquities,”⁴⁹ who made up the Society were landed gentleman, and almost all were university educated: those who were not lawyers by profession also had connections

⁴⁶ Herendeen, *William Camden: A Life in Context*, 92.

⁴⁷ R.J. Schoeck, “The Elizabethan Society of Antiquaries and Men of Law,” *Notes and Queries* (1954): 418.

⁴⁸ That is, “one from whom Britain learned our enlightenment” Joseph Foster, *The Register of Admissions to Gray's Inn, 1521-1889, Together with the Register of Marriages in Gray's Inn Chapel, 1695-1794* (London: Privately Printed by the Hansard Publishing Union, Ltd., 1889), 81.

⁴⁹ Henry Spelman, “The Occasion of This Discourse,” in *Reliquiae Spelmannianæ: The Posthumous Works of Sir Henry Spelman, Kt., Relating to the Laws and Antiquities of England: Publish'd from the Original Manuscripts with the Life of the Author*, ed. Edmund Gibson (Oxford: printed at the Theater for Awnsham and John Churchill at the Black-Swan in Pater-Noster-Row, 1698).

with the Inns of Court.⁵⁰ Indeed all but one of the Society's established membership were gentlemen.⁵¹ Schoeck has argued that the Society's interest in Anglo-Saxon, and later Anglo-Norman, language, history and literature was a direct consequence of their legal interests.⁵² Society fellow, James Whitelocke, in a discourse on the antiquity of the common law in England, would cite John Fortescue on the antiquity of the Inns, and the education provided there:

He [Fortescue] saith their education in those places at that time was in study of the chiefest point of law in the inns of court, or the grounds and originals of the law in the inns of chancery, in music, in armory, and generally in gentleman-like qualities, as he setteth down. Their expences, saith he, is yearly twenty marks, and that is the reason he alledgeth why they were the men of the best state and quality that were brought up there by reason of that charge.⁵³

The implication of the passage being that attendance at the Inns required gentle status, due to the inherent expense.

We also know that during the early modern period, the discourses of law and natural philosophy had reciprocal influences;⁵⁴ the Inns had, after all, helped to produce Francis Bacon. Schoeck has noted also the remarkable similarities and differences between the aims of the lawyer and the aims of the historian when searching for

⁵⁰ Schoeck, 418.

⁵¹ The exception was John Stow. See Linda Van Norden, *The Elizabethan College of Antiquaries*, English Phd Dissertation (Los Angeles: University of California, 1946); "Sir Henry Spelman on the Chronology of the Elizabethan College of Antiquaries," *The Huntington Library Quarterly* 13, no. 2 (1950).

⁵² Schoeck, 421.

⁵³ Thomas Hearne, ed. *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 2 vols., vol. 1 (London: Printed for Benjamin White, at Horace's Head in Fleet Street, 1775), 80.

⁵⁴ Jayne Elisabeth Archer, "Introduction: Education, Religion, Politics, and the Law at the Early Modern Inns of Court," in *The Intellectual and Cultural World of the Early Modern Inns of Court*, ed. Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight (Manchester: Manchester University Press, 2011), 28-29.

historical precedents and examples,⁵⁵ and quotes the modern father of English legal history F.W. Maitland's salient point regarding two different kinds of logic – the “logic of authority,” versus the “logic of evidence”: “What the lawyer wants is authority and the newer the better; what the historian wants is evidence and the older the better.”^{56,57} Schoeck questions whether this distinction could have been established in the thinking and writings of Elizabethan legal scholars at the time, as “unquestionably many of the early scholars wanted evidence as authority and confused the logic of authority and the logic of evidence as surely as they sometimes confused other kinds of logic, Aristotelian and Ramistic, with their rhetoric.”⁵⁸ The new science would deal with this rivalry — appeal to authority versus the appeal to evidence, the expertise of the lawyer versus that of the historian — through, I would contend, a novel combination of the two. This was a process that had begun, in part, as a patriotic endeavour, and can be seen in the work of the antiquaries. Schoeck had pointed to John Ferne's 1586 publication, *The Blazon of Gentry*, as evidence for the curious relationship between rhetoric, the law and heraldry:

⁵⁵ R.J. Schoeck, "Early Anglo-Saxon Studies and Legal Scholarship in the Renaissance," *Studies in the Renaissance*, 5 (1958): 106-07.

⁵⁶ F. W. Maitland, "Why the History of English Law Is Not Written," in *The Collected Papers of Frederic William Maitland*, ed. H.A.L. Fisher (Cambridge: Cambridge University Press, 1911), 491.

⁵⁷ A sentiment echoed by Anthony Wagner in the fore word to the lawyer, herald, and antiquary G.D. Squibb's (1906-1994) in *The High Court of Chivalry* (1959): “In 1931 when I came into the College of Arms, the dust of the great controversy of twenty-five years earlier on the Right to Bear Arms had not yet quite settled. ... I therefore soon found myself studying the whole subject with close attention and in time I came to two conclusions. The first was that the original controversy had been an *elephantocetomachia*, a fight between an elephant and a whale, incapable of decision because adversaries lived in different elements and could not come to grips. Oswald Barron, a historian, was trying to settle a legal question by reciting history. Fox-Davies, a lawyer, hoped to settle history by quoting law. My second conclusion was that neither party had got to the bottom of his own case and that no decision could be looked for till much more was known both of the history and the law.” Anthony Wagner, “Foreword” in G.D. Squibb, *The High Court of Chivalry: A Study of the Civil Law in England* (Oxford: The Clarendon Press, 1959), vii. Squibb had appeared for the plaintiffs in Manchester Corporation vs. Manchester Palace of Varieties Ltd [1955], the first (and to date, only) case to be tried in the High Court of Chivalry in over two hundred years, over the latter's alleged misuse of the Corporation's Coat of Arms.

⁵⁸ Schoeck, "Early Anglo-Saxon Studies and Legal Scholarship in the Renaissance," 107.

Rhetorike being one of the seauen sciences, and an adiunct to the profession of lawes, is able to aduance the person that excelleth therein, to the bearing of Armes, and to possesse the estate of Gentlenes.⁵⁹

The sixteenth century would not have found this mixture of law, rhetoric and heraldry incongruous.⁶⁰ Ferne's work itself was written in the form of a dialogue between a herald, a knight, a divine (i.e. a theologian), a lawyer, an antiquary and a ploughman: one of many works for the popular press, intended to satisfy the market for books on arms and honour from the period, that was not intended for professional use by the College of Arms.⁶¹ Ferne, who was a member of the Inner Temple, is here referring to the seven liberal arts of the *trivium* and *quadrivium*. Further on in the work he writes how a man of ungente stock may become gentle through learning:

It must not be forgotten, that the sciences Mathematicall, be iust causes, whereby a man of ungente stocke may obtaine the bearing of Armes, they be of four sorts, namely, Arithmetick, Geometry, Astrology & Musick.⁶²

Ferne also proclaimed that his volume was to be "for the sole instruction of the armigerous gentry", insisting that Christ himself, "a Gentleman of bloud", was eligible to bear arms because his mother was descended from Shem. He qualified this remarkable claim with the humanist observation that true gentility was acquired

⁵⁹ John Ferne, *The Blazon of Gentrie: Deuided into Two Parts. The First Named the Glorie of Generositie. The Second, Lacyes Nobilitie. Comprehending Discourses of Armes and of Gentry. Wherein Is Treated of the Beginning, Parts and Degrees of Gentlenesse, Vvith Her Lawes: Of the Bearing, and Blazon of Cote-Armors: Of the Lawes of Armes, and of Combats* (London: Printed by John VVindet, for Toby Cooke, 1586), 45.

⁶⁰ R.J. Schoeck, "Rhetoric and Law in Sixteenth-Century England," *Studies in Philology* 50, no. 2 (1953).

⁶¹ Herendeen, *William Camden: A Life in Context*, 366.

⁶² Ferne, 47.

through education, service, and most importantly, by virtue. Without these qualities, lineage was a mere shadow of nobility.⁶³

Law & Order

The rhetoric, law, and heraldry of the Inns of Court were deeply rooted in both spatial and temporal, cultural and pedagogical ways. Through their location, and the physical spaces that they occupied, the Inns helped foster social, cultural, and intellectual communities of like-minded men, who might someday “attayne to great places and dignities and offices in the law and in the common-wealth”⁶⁴. The legal education provided at the Inns had a focus on rhetorical skills, and applying them to particular cases and statutes.⁶⁵ In his *Accedens of Armory*,⁶⁶ first published in 1562, Gerard Legh describes the Inner Temple, largely in the form of a dialogue between “Gerarde the Herehaught and Legh the Caligat Knight” — as he encountered it on his return to London from travels in the East — as having an educational role serving the commonwealth far beyond the Inns themselves. It was a place,

... auncient in trewe nobilitie ... privileged by the most excellent princes, the highe governour of the whole Iland, wherein are the store of Gentilmen of the whole Realme, that repair thither to learne to rule, and obeye by lawe, to yeelde there fleece to there prince and common weale, as also to use all other excercises of bodye and minde whereunto nature most aptly serveth, to adorne by speaking, countenance, gesture, & use of apparel, the person of a gentleman, wherby amitie is obtained and continued, that gentlemen of al countries in the young yeres, norished

⁶³ Simon Healy, "Ferne, Sir John (C.1560–1609)," Oxford University Press, <http://www.oxforddnb.com/view/article/9350>.

⁶⁴ George Buck, *The Third Universitie of England. Or a Treatise of the Foundations of All the Colledges, Auncient Schooles of Priviledge, and of Houses of Learning, and Liberall Arts, within and above the Most Famous Cittie of London* (London: Thomas Dawson, 1615); cited in Archer.

⁶⁵ Paul Raffield, "The Inner Temple Revels (1561-62) and the Elizabethan Rhetoric of Signs: Legal Iconography at the Early Modern Inns of Court," *ibid.*, 39.

⁶⁶ "Accedens", here meaning "the fundamentals or first principles of any subject; the structural relationship between these elements", "Accidence, N.2," in *OED Online* (Oxford University Press, 2015).

together in one place, with suche comely order, and dailie conference are knit by continual acquaintaunce in such unitie of minds and manners, as lightly never after is severid, then which is nothinge more profitable to the commonweale.⁶⁷

Legh's work was more concerned with the symbolism of heraldry, linking chivalry and heraldry to virtue and fable, over the rules and description of blazon: it was wildly popular amongst the class-conscious Tudor reader.⁶⁸ Legh's guide in the narrative is Palaphilos, "an Herehaughte" — a King of Arms — and Goodrich has noted that Legh's description of the Inner Temple is as much a narrative of literal presence as it is "an inscription of texts, an examination of prototypes."⁶⁹ Goodrich explains that Legh's lengthy account of the subsequent dinner he attended must be accounted for primarily in figurative terms; this is due to Legh's primary concern, which was to provide an account of "signs of the enigmas, ensigns, emblems, devices, symbols and hieroglyphs" making up the visual rhetoric of the Inn. Participation in exclusive ceremonial rites, such as dining at hall, by students and practitioners of the common law played an important part in affirming its legitimacy.⁷⁰ For the legal community, the passing on of these rites and traditions was largely oral: but for those who were subject to the common law, and were not permitted access to its exclusive communities, this legitimacy and authority were communicated through a visual rhetoric of signs and symbols.⁷¹

The order and ritual of dining in the Inns represents the order of a lawful world, and Goodrich shows how the lineage, and thus the legitimacy and authority of this

⁶⁷ Gerard Legh, *The Accedens of Armory* (London: In Flete streete within Temple barre, at the signe of the hand and starre, by Richard Tottill, 1562), fol. 120a.

⁶⁸ The work was published in 1562, and reprinted 1568, 1576, 1591, 1597, and 1612. J. F. R. Day, "Legh, Gerard (D. 1563)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/16362>.

⁶⁹ Peter Goodrich, "Eating Law: Commons, Common Land, Common Law," *The Journal of Legal History* 12, no. 3 (1991).

⁷⁰ Paul Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660* (Cambridge: Cambridge University Press, 2004), 43.

⁷¹ Ibid.

community of lawyers, is exhibited on the walls of the Hall, in the armorial displays of heraldic crests, memorials, and tablets of achievement: “The lawyer does not merely appear, he descends from an order of symbols.” These symbols certify him as an emblem of truth, and his table as the table of Justice: food and drink, meat and wine, also guarantee his blood, “an internal and unbroken line, an inner imperative.”⁷²

Legh describes the spectacle and the order of service in the Hall: first, the Prince at table, with ambassadors “of sundry princes.”⁷³ At a side-table to the Prince’s right were seated the steward of the Inn, the treasurer, the keeper of the Pallas’s seal, and the nobility. To the left, the treasurer of household, secretary, the prince’s serjeant of law, the masters of revels, the king of arms. The listing goes on, down to the clerks of the kitchen, “All whiche with number of Inferior officers placed and served in the hall.”⁷⁴ Each would have been attired for “glory and beauty”, in accordance with their status, and with the occasion.⁷⁵ “Thus”, says Legh, “the hall was served after moste auncient order of the Iland.”⁷⁶ The symbolism of this order represented the oral tradition of common law, and the divine authority that was inheritance: “The Word of God was eaten at a communal dinner and spoken in the various exercises undertaken in hall.”⁷⁷

Goodrich notes that Legh’s listing of the quantities and qualities of the meats and wines served is more than mere accounting; the foodstuffs, along with the behaviour and dress of those enjoying them, “are the intrinsic *measures* of daily life,” not just measures of its routines, “but also of its lineage and legitimacy, its bonds and

⁷² Goodrich, 248.

⁷³ Legh, fol. 124a.

⁷⁴ Ibid., fol. 124b.

⁷⁵ Goodrich, 249.

⁷⁶ Legh, fol. 124b.

⁷⁷ Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660*, 264. For more on this subject, see “Eating, learning and revering the law: oral traditions and the religious inheritance,” in *ibid.*, 9-42; Peter Goodrich, “The Eucharist and English Law: A Genealogy of Legal Presence in the Common Law Tradition,” in *Languages of Law: From Logics of Memory to Nomadic Masks* (London: Weidenfeld and Nicolson, 1990).

its law in the Christian West.”⁷⁸ The order of dining was representative too, of the order of a lawful world: the order “of arrival, dress, seating, service, food, speech, argument, exposition, dance, revelry and masques” symbolise the order is which Justice, Rule and Law are to be understood, “expressed together through culinary measures, victual and wine.”⁷⁹

The laws of honour also held a substantial measure of influence in the legal community. Henry VIII had banned the teaching of canon law in the English universities, as part of the Reformation of the English church, and this, with the statutory recognition of the professional status of barristers in 1532, gave the Inns of Court an impetus for shaping the development of the legal profession along the lines of John Fortescue’s *De Laudibus Legem Angliae*.⁸⁰ Fortescue had argued that the English common law’s legitimacy and authority were derived from its basis in ancient custom, and he claimed that civil law, because it recognised the rights of illegitimate offspring, remitted the sin of fornication, without exacting any punishment: “Surely, even to that law I give preferment, quoth the Prince, which is of more force to abandon sin out of the Realm, & to advance vertue.”⁸¹ In other words, explains Paul Raffield, more than a collection of legal rules, the common law was a protective force, safe-guarding English society, and within it the order of gentility. Maintaining social and moral conditions, the Inns of Court were thus a microcosmic vision of ideal society.⁸² The environs too

⁷⁸ “Eating Law: Commons, Common Land, Common Law,” 250. [Italics in original]

⁷⁹ Ibid., 248.

⁸⁰ Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660*, 9.

⁸¹ J. Fortescue, *De Laudibus Legum Angliae*. Written by Sir John Fortescue, Lord Ch. Justice, and after Lord Chancellor to K. Henry VI. Hereto Are Added the Two Sums of Sir Ralph De Hengham L. Ch. Justice to K. Edward I. Commonly Call’d Hengham Magna, & Hengham Parva. With Notes Both on Fortescue and Hengham by That Famous and Learned Antiquarie John Selden Esq. (London: Printed (By Permission of the Company of Stationers) for Abel Roper at the Sun against Saint Dunstons Church in Fleetstreet, 1660), 98.

⁸² Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660*, 53.

contributed to the exclusivity of the gentlemanly community: the obvious effect of high walls and gates was, in symbolic terms, “to define the boundaries of common law and to determine access to it.” Labyrinthine alleys within the walls of the Inns had a comparable effect, and knowledge of this legal maze was essential in both a figurative and literal sense, “in order to gain access to the heart of the law.”⁸³

In his treatise on the institutions of learning in the city London, *The Third Universitie of England* (1605), George Buck accounted for the naming of the Inns of Court by reminding his reader that,

...it must be understood that aunciently here in Englande the houses of the greatest Lordes both Spirituall and Temporall of this kingdome (which they had here in London) were called Innes, ...wheresoever this word Inne hath the addition of sergeant, court or Chancery, it implyeth a honorable colledge or Society of students, and professors of the Lawes of this land.⁸⁴

Buck explains that use of the word “Inn”, at the time of his writing, was most commonly to refer to “gueste Innes and common houses for the entertaynement of all Travellers for their Money”, but Goodrich stresses that this association adds an extra facet of significance to the role of the Inns of Court as a place for the nobility to study the law. A traveller might choose to pause their journey by stopping at an Inn, and is taken off his geographical path in order to find rest and respite, diversion and nourishment, and “a certain humanity and community [that] is established through food and wine.”⁸⁵ The Inns of Court were a place where gentlemen, on their temporal and professional journey through life, made a diversion that would “[make] the difference between nature and

⁸³ Ibid., 63.

⁸⁴ Buck notes that in Camden’s own account of the Inns of Court, he “stileth disertely Colledges, *Collegia Iuris consultorum*, i.e. colledges of Lawyers.” Buck, 968.

⁸⁵ Goodrich, “Eating Law: Commons, Common Land, Common Law,” 251.

culture, between solitude and community, body and spirit.”⁸⁶

The themes and motifs of the heraldic devices in use at the Inns of Court were employed to present the narrative and mythology of the common law. The Middle Temple’s arms, for example, allude directly to its location: the lamb and flag representing the deeds of the Knights Templar. The creation and display of these emblems of honour demonstrated deference to the Laws of Arms, but also guaranteed the common lawyers’ integrity and legitimacy, and upheld the law of honour.

... noblenes of blood, ioyned with vertue, compteth the person, as most meet to the enterprising of any publique service: and for that cause it was not for nought that our auncient Gouvernors in this land did with a speciall foresight and wisdom, provide that none should be admitted into the houses of Court being Seminaries (sending forth men, apt to the gouernment of iustice) except he were a Gentleman of blood.⁸⁷

“A man of ungentle stocke may obtaine the bearing of Armes,” but those who are gentlemen of blood are still most fit for the tasks of public service. Ferne’s herald Paradinus, in the *Blazon*, here explains the inexplicable relationship between the *ius gentilitatis*⁸⁸ — the laws of genealogy — and virtue, and justice. Various authors drew attention to the fact that, in the English legal system, “paternal power did not vest in the king.”⁸⁹ While the monarch had the power to create various ranks of nobility, this power was limited, in that they could not create a “gentleman of blood”: social status was ultimately dependent on blood or genealogy. Indeed, it is a recurring theme in historiography of the Inns of Court that its members were a fraternity with a shared

⁸⁶ Ibid.

⁸⁷ Ferne, 24.

⁸⁸ For more see Chapter II.

⁸⁹ Raffield, *Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660*, 81.

purpose: bound together by their impeccable pedigrees, their shared objective was the practice and administration of the law, in a manner that would befit their inherited, and thus innate, nobility. They owed their status to their blood lineage, and the customs of patrimonial society, rather than the patronage of a beneficent monarch.⁹⁰ This was a standpoint upheld not only by the practitioners of law, but also the heralds. The Society of Antiquaries, with at least thirty-two of their membership recorded as having attended Inns of Court,⁹¹ were also interested in the antiquity of the English legal system.

William Camden was not a gentleman of blood. His interest in antiquities certainly predates the period he spent at the Inns of Court — he had been encouraged in this pursuit since his time at Oxford, and his “perambulations” that would find their way into the *Britannia* are merely one example of his interest and knowledge in geographical matters. The English land and its legal system were inextricably bound to each other, influencing and authorising their control and governance. Arthur Agarde (1540–1615) would tell the Society of Antiquaries in 1591 that, since antiquity, “Kings ... thought good to divide that great log or huge mass of a commonwealth into particular governments, giving authority to sundry persons in every government, to guide their charge.”⁹² The division of the English land into counties was thought to have originated with the Anglo-Saxons as a necessity, in order that the countryside might be more manageably governed. Camden adopted this pragmatic, historical account. “When Aefred was sole Monarch, he wrote,

...like as the Germans our ancestors, [...] kept courts and ministred justice in every Territorie and towne, and had a *Hundred men out of the Common people as companions and assistants to*

⁹⁰ Ibid., 84.

⁹¹ Van Norden, *The Elizabethan College of Antiquaries*, 280-81.

⁹² Arthur Agard, “No. VII. Of what Antiquity were Shires in England” in Hearne, 20.

*performe this Function: even so, to use the words of Ingulphus of Crowland, He first divided England into Counties, for that the naturall inhabitants after the example, and under colour of the Danes committed outrages and robberies. Besides, he caused the Counties to be partied into Centuries, that is, Hundreds, Decimes, that is, Tithings: and commanded withall that every Homeling or naturall inhabitant, should be in some one Hundred and Tithing. He divided also the governours of the Provinces, who before were called Vice-Domini, that is, Vice-Lords, into two offices, to wit, Iudges, now Iustices, and Vice-Comites, that is, Sheriffes, which still retaine the same name. By whose care and inductrie, peace so much flourished within short space thorow the whole province.*⁹³

Francis Thynne's discourse on the antiquity of the law terms for the Society of Antiquaries also reveals a geographical association: "This word *Term*, in Latin *Terminus*, had its original from the end or limits, terms, or bounds of lands, which among the Romans were called *Termini*;"⁹⁴ These examples should serve to demonstrate again how the language of the law and the land were connected: to study the land, whether that study be in the large or the finer details, necessarily meant the study of law and custom.

Westminster

But the late Queene Elizabeth, of most glorious memory, at the mediation of the godly, and excellent common-wealthes man, sir. William Cecill, Lorde Burghley, and Lorde high Treasurer, restored a good parte of the Lands taken from this house, and church by the kinge her Father, and erected, and converted therein (besides) the Deane) twelve Prebendaries, all professors of Theologie: and twelve almesmenne, and forty Schollers which were called the queenes, and now are called the kings Schollers, and founded in this new colledge a publike Schoole for Grammar, Rhetorick, Poetrie, and for the Latin, and Greeke Languages, and ordayned two Schoolemasters for it and there is also belonging to this colledge a Master to teach

⁹³ Camden, 158.[Italics in original]

⁹⁴ Francis Thynne, "No. XIII. Of the Antiquity and Etymology of Terms and Times for Administration of Justice in England" in Hearne, 33.

Musicke and other like, as in the Cathedral church of Saint Paule.⁹⁵

Westminster, a former Benedictine monastery, was transformed under Tudor and Elizabethan reforms, while also managing to maintain a unique and purposeful relationship to its past.⁹⁶ Herendeen identifies in his comprehensive biography how Camden's previous biographers have tended to treat separately different aspects of his life — that of teacher, antiquarian, herald — which demonstrates (and results) in a failure to appreciate how closely interrelated these activities and undertakings actually were.⁹⁷ While Herendeen goes into great detail, examining the history of Westminster school and the importance of the ecclesiastical, political, and educational spheres of influence over the school and its operations, a brief overview will suffice for our purposes here.

The typical narrative has suggested that Camden's twenty-two year career⁹⁸ at Westminster had been merely in the service of funding his more rewarding and important "vacation work", and his heraldic career was a well-deserved escape from this former life, consigning it to a brief mention or a footnote. John Gouws, for example, describes Camden's appointment as Clarenceux as having "freed him from schoolmastering to take up historical researches"⁹⁹, and Hugh Trevor-Roper, regards the vacation time of the school holidays as having been at the root of Camden's attraction to the academic life of Westminster, allowing him the time to "continue and extend his perambulations, 'discovering' England, county by county."¹⁰⁰ This cannot

⁹⁵ Buck, 968a.

⁹⁶ Herendeen, *William Camden: A Life in Context*.

⁹⁷ *Ibid.*, 96.

⁹⁸ First as second master for 18 years at a salary of £10, then as headmaster for 4 years at a salary of £20. "Camden, William (1551-1623)".

⁹⁹ John Gouws, "Greville, Fulke, First Baron Brooke of Beauchamps Court (1554–1628)," *ibid.*, <http://www.oxforddnb.com/view/article/11516>.

¹⁰⁰ Hugh Trevor-Roper, *Queen Elizabeth's First Historian: William Camden and the Beginnings of English 'Civil History'*, Neale Lecture in English History (London: Jonathan Cape, 1971), 6.

have been the sole attraction of the schoolmaster's life for Camden: as Herendeen also asserts, "twenty-two years [as a teacher] is a very long footnote."¹⁰¹

By the time Camden moved to Westminster it had begun to establish its reputation as one of the most prestigious schools in England. Burghley had already taken on the role of Steward over the school, shaping its political, scholarly, and religious outlook. Camden's place at Westminster was of no less complexity and significance than the school's own relationship to the political and social structures of city and country. Created by royal foundation from the dissolution of the Benedictine monastery, the temporal and spiritual sources of power in England were always going to be closely linked to the school; this had a notable effect on the humanist education the school provided, but also provided Camden (and students) with unique opportunities.¹⁰²

As a by-product of his position as an educator, Camden was able to take interested pupils along on his research trips. The most notable of the students who accompanied him was perhaps [Sir] Robert Bruce Cotton (1571–1631). Cotton would later become a fellow of the Society of Antiquaries himself, and he was a party to the "Cotton Petition" — a request for Elizabeth's endorsement for the formation of something like a national library of historical documents, to be maintained by the Society of Antiquaries.¹⁰³ He was later knighted by James I in 1603, no doubt due, in part, to his research into and written defense of the Scottish monarch's claim to succeed Elizabeth — not just gentlemanly claims required legal support.¹⁰⁴ During his lifetime he allowed the use of his library as an open resource by fellow antiquaries: he possessed

¹⁰¹ Herendeen, *William Camden: A Life in Context*, 96.

¹⁰² *Ibid.*, 100.

¹⁰³ "Cotton Petition" in Ewald Flügel, "Die Älteste Englische Akademie," *Anglia – Zeitschrift für englische Philologie* 32 (1909): 265-68.

¹⁰⁴ Stuart Handley, "Cotton, Sir Robert Bruce, First Baronet (1571–1631)," *Oxford Dictionary of National Biography*: Oxford University Press, <http://www.oxforddnb.com/view/article/6425>.

a collection so extensive that it would later serve as the basis for the British Library.

Another of Camden's protégés at Westminster, of no less renown than Robert Cotton, was the poet and playwright Ben Jonson (1572–1637) — indeed Cotton and Jonson would also remain friends after their Westminster years. In his later life, Jonson would describe his relationship to Camden: “Alumnus olim, aeternum Amicus”, “a pupil once, a friend for ever.” Jonson's epigram *To William Camden*, quoted here in full, serves as an illustration of the extent to which Camden, in his vocational role, was a beloved educator:

Camden! Most reverend head, to whom I owe
All that I am in arts, all that I know;
(How nothing's that?) to whom my country owes
The great renown, and name wherewith she goes!
Than thee the age sees not that thing more grave,
More high, more holy, that she would crave.
What name, what skill, what faith hast thou in things!
What sight in searching the most antique springs!
What weight and what authority in thy speech!
Men scarce can make that doubt, but thou canst teach.
Pardon free truth, and let thy modesty,
Which conquers all, be once o'ercome by thee.
Many of thine, this better could, than I;
But for their powers, accept my piety.¹⁰⁵

Camden was clearly a devoted educator and scholar, and anything but a man merely biding his time between school vacations in order to undertake the work that was his sole “real” or “true” interest. He made the mark of an influential and inspirational a mentor, and inspired praise, devotion, and friendship from his former pupils and protégés.¹⁰⁶ It is unlikely that he would have risen from his initial appointment as under-master to the rank of headmaster of a school that attracted the interest and the patronage

¹⁰⁵ Ben Jonson, *Epigrams*, no. 14, II.

¹⁰⁶ Aside from Cotton and Jonson, those students of Camden's who would go on to be especially noteworthy included the following: Sir Dudely Carleton (Viscount Dorchester), Bishop John King of Lincoln, Bishop Richard Parry of St. Asaph, Bishop Thomas Ravis of London, Archbishop Richard Neile of York, Bishop John Bancroft of Oxford, and Bishop Godfrey Goodman of Gloucester. Richard L. DeMolen, “The Library of William Camden,” *Proceedings of the American Philosophical Society* 128, no. 4 (1984): 330.

of the monarch, were he not truly invested in his life and career there.

The role of schoolmaster may have appeared less prestigious than a university fellowship or a place at court; but Camden's exposure to, and interactions with, the youth of a burgeoning nation had an influence not only on his concurrent¹⁰⁷ and future endeavours, but on those within his charge as well. This was during a period when the educational "system" in England was undergoing major changes. Prior to the 1540s and Henry VIII's dissolution of the monasteries, high political and administrative offices in the kingdom had been held, largely, by the clergy. The requirements for public service had also changed: military expertise was no longer a necessity, while organisational skills and intellectual aptitude came to be more highly valued. State bureaucracy developed and expanded, and as modern diplomacy took shape, high public offices were awarded to those trained to think clearly, analyse a situation, draft minutes, understand the technicalities of the law, and speak a foreign language.¹⁰⁸ In short, says Lawrence Stone, the demand was for men who, through their knowledge of classical and modern history, of foreign affairs and institutions, could provide perspective on current problems.

Two of the major forces at work — humanism, and a desire to preserve the social hierarchy — prompted the nobility and gentry to seek out a more intellectually focused training and education for their children, initially through private tuition, and later via the public schools.¹⁰⁹ In the late sixteenth-century many sons of the nobility continued to be educated privately, but there was also a striking increase in the number of gentry, and some nobles, who began to patronise institutions of communal

¹⁰⁷ As well as the *Britannia*, Camden's *Reges, Reginae, Nobiles, et alii in Ecclesia ... Westmonasterii* (1600), and *Anglica, Normannica, Hibernica, Cambrica, a veteribus scripta* (1603) were products of his time at Westminster School.

¹⁰⁸ Stone, 673.

¹⁰⁹ "Education and Culture" in *ibid.*, 672-724.

education.¹¹⁰ By the 1560s, the sons of squires, knights, and peers were attending first local schools, and then moving on to a select number of institutions, including Westminster, which, along with Eton and Dr. Thomas Farnaby's school, would emerge as the most popular amongst aristocrats and the leading gentry.¹¹¹ In the *Britannia*, Camden describes the origins of Westminster and its "famous" church and accounts for the school's state after the monks and abbot of Queen Mary had been cast out by parliament:

... the most gracious Prince Queene Elizabeth converted it into a *Collegiat Church*, or rather into a Seminary and nurse-garden of the Church, appointed twelve Prebendaries there, and as many old soldiers past service for Almes-men, fourty scholars, who in their due time are preferred to the universities, and from thence sent forth into the Church, and common-weale &c.¹¹²

The links between the universities and many of the grammar schools were also quite formal and close: schoolmasters like Camden were esteemed not only for their contribution to learning and education, but also to the socialisation, religious reform, and guardianship of their grammar school students.¹¹³ For example, in a letter to Camden on the return of his son to Westminster on March 22, 1592, John Dee would write:

Worshipful Sir,
I have here returned your Scholar unto your jurisdiction, beseeching you to shew your charitable affection toward him. Of your great skill and faithful industry in your Function, it is most certain, to your great credit and merit. Of the wonderful diversity of childrens dispositions much you can say by experience: but of mine, this *Arthur*, I am to request you to conceive at my hand, that he is of exceeding great and haughty mind, naturally ready to revenge rashly. The natural inclination is to me evident, as who hath [the sun] in *Horoscopo* and [Mars] in *Corde Leonis*. *Dictum sapienti sat esto*: for *vestra curatura* you may alter this natural Courage to a true Fortitude, and not to frail rash fancies. *Socrates* did overcome by Grace Divine and his industry his untowardness, signified by the Art Physiognomical. You know the History. These spiritual Grammatical Concords of good manners I have spent care, that all my imps may be instructed in, to the most apt and skilful serving of our Creator. – God bless your Worship, and prosper

¹¹⁰ Ibid., 684.

¹¹¹ Ibid., 685-6.

¹¹² Camden, 429.

¹¹³ Herendeen, *William Camden: A Life in Context*, 97.

you in all and ever.¹¹⁴

It is clear that Camden's role, in Dee's eyes, included the moulding of his son's "natural" tendencies — the kind of courage that might encourage rash behaviour and revenge — into "true Fortitude". Here at work, and applied directly to the education of a gentleman, is that particularly English trait of malleability of disposition, determined by geographical location, and by the gentility of one's blood, which we discussed in the first chapter.

Beyond the personal influence he could have on his students as an educator, Camden was, as Herendeen explains, a shaping force in the formation of early modern methods of defining disciplinary and institutional scope and methodology.¹¹⁵ The community of Westminster itself under the Stewardship of Burghley became a reflection of Camden's own religious, political, and intellectual interests, and the school was run more like a university college — blending the ecclesiastical with the scholastic — than a cathedral school.¹¹⁶ The new social mobility was reflected in a socially diverse student body: it consisted of "pensioners" who had passed Westminster's competitive examinations in grammar, English and Latin; "peregrines" who were country boys living in town in order to attend school; "oppidans" were the sons of Westminster residents; and "choristers", or "children of Westminster" who were supposed to be independent of the school, but were under the tutelage of the choirmaster, attending regular classes for 2 hours each week.¹¹⁷ Many choristers went on to become pensioners.

¹¹⁴ Thomas Smith, ed. *V. Cl. Gulielmi Camdeni, Et Illustrum Virorum Ad G. Camdenum Epistolæ: Cum Appendice Varii Argumenti. Accesserunt Annalium Regni Regis Jacobi I. Apparatus, Et Commentarius De Antiquitate, Dignitate, & Officio Comitum Marescalli Angliæ* (London: Richard Chiswell, 1691), 47-8.

¹¹⁵ Herendeen, *William Camden: A Life in Context*, 97.

¹¹⁶ *Ibid.*, 103.

¹¹⁷ *Ibid.*, 104-05.

While his influence over the education of pupils at Westminster was personal and direct, his establishment of the Camden chair, the first chair in civil history in England, at Oxford much later, in 1620, was possibly the most enduring aspect of his legacy as an educator. In his professional role at Westminster, however, Camden came to be more than just a teacher: incorporating his antiquarian skills, he was also the first librarian of Westminster Abbey. He assumed this office in 1587, and was enjoined to “have a care to kepe cleane, order and dispose, and safelie preserve” the books and manuscripts held there.¹¹⁸ For these duties, he received an extra 20 shillings a year, and retained the role even after his appointment as headmaster, relinquishing it only when he was made Clarenceux. Camden, although not born of gentle blood, via his own education and attendance at the Inns of Court, and his influence over the young scholars in his charge, was by this time considered a gentleman.

RALPH BROOKE

Ralph Brooke (sometimes Brookesmouth), had been admitted to the Merchant Taylors’ School in 1564, and was later apprenticed to the Painter-Stainers’ Company, where William Camden’s father, Sampson Camden, was an active member.¹¹⁹ Brooke developed the skill for tricking arms,¹²⁰ receiving the initial training for the office of heraldry with the Painter-Stainers, and was made free in 1576: but he was apparently deemed unmanageable, and a poor investment by the Company.¹²¹ He was created Rouge Croix Pursuivant in 1580, and elevated to York herald in 1592, where he

¹¹⁸ DeMolen, 331-32.

¹¹⁹ Herendeen, “Brooke, Ralph (C.1553-1625)”.

¹²⁰ To illustrate arms by use of outline with written indications of colour is termed “to trick,” and a picture of arms of this character is termed “a trick.” Arthur Charles Fox-Davies, *A Complete Guide to Heraldry* (London: T.C. & E.C. JACK, 1900), 99.

¹²¹ Herendeen, *William Camden: A Life in Context*, 191.

“survived” until 1625. Anthony Wagner has described him as “the most forcible character the English heralds have numbered among them in five or more centuries.”¹²²

Brooke possessed a resilience without limit, and a complete lack of scruple; all too often, according to his contemporaries, he allowed his intense aggression to influence him in his zeal for heraldry, and his ambition within the College of Arms. Then again, most of the details we have regarding Brooke and his character come from the writings of the men he made enemies of; consisting of complaints, petitions, and depositions against him. The College levied fines against him, petitioned Burghley with objections to his conduct, and suspended him on numerous occasions: he was forbidden to wear the Queen’s arms, and was denied attendance on her frequently during the period 1588-1594.¹²³ He willfully flouted these prohibitions, resuming his tabard and attending ceremonies. For example, in his *Observations and Collections Concerning the Office and Officers of Arms*, Thomas Lant¹²⁴ (1554-1601) would write of Brooke:

He bouldly & audaciously as if it were without fear of God or man, came into the presence chamber on Whitsunday last with his Coat of Armes upon his back. But when my Lord Chamberleyn had espied this man to presume so farr without leave, he presently gave him a rappe on the pate & badd him begone, or he would pluck his Coat over his ears and send him where he should lye fast enough by the heels.¹²⁵

Lant himself was involved in a yearlong dispute with Brooke that culminated in his assaulting Brooke near Temple Bar; an encounter that led Lant to expect a formal

¹²² Wagner, *Heralds of England: A History of the Office and College of Arms*, 210.

¹²³ Herendeen, "Brooke, Ralph (C.1553-1625)".

¹²⁴ Portcullis Pursuivant, 1588; then Windsor Herald, 1597.

¹²⁵ Thomas Lant, "The Observations and Collections of Tho. Lant, Portcullis, Concerning the Office and Officers of Armes, with All the Occurrantes, Complayntes, Quarrelles, and Broyles That Consequently Have Happ'ned in the Same, from the Day of His Creacion and First Entrance into the Office, as Appeareth at Large in the Discourse Following," in *Arundel MS.40.*, fo. 30b., cited in Wagner, *Heralds of England: A History of the Office and College of Arms*, 211-12.

challenge from Brooke, but resulted only in a writ “to answer an action of battry for 100 li damages at least”.¹²⁶

Brooke vs. Segar

Some of Brooke’s exploits are covered in great detail by Wagner, who tells us that the final complaint made by his colleagues, in the last year of his life to the Earl of Arundel, Earl Marshal, covers the highlights of Brooke’s life’s work of antagonism: relating at least twice as many such incidents as Wagner himself was able to summarise in his history of the College of Arms.¹²⁷ His fellow heralds devoted much space to Brooke’s terrible treatment of his two wives, as well as to the attacks made and tricks played on his colleagues. The most brazen of which was arguably the elaborate hoax of 1616, in which he tricked Sir William Segar (who had been knighted only the previous month¹²⁸), Garter and principal herald, into confirming and selling (for 22*s.*) a concoction of the foreign royal arms of the Kingdom of Aragon with a Canton of Brabant, to Gregory Brandon — who was in fact the common hangman of the City of London. This would call into question Garter’s authority to sell arms, and reinforced the perception that there had been a relaxing of standards amongst the heralds.¹²⁹ Brooke represented Brandon to Segar as a gentleman about to go abroad — his ship ready to depart, and in urgent need of the patent of arms. Immediately after the patent was issued, Brooke made it known to King James, who was so enraged that he wanted

¹²⁶ As well as an action brought against William Segar, Somerset Herald, for damages of £500 for slander. Lant, fo. 38b. cited in Wagner, *Heralds of England: A History of the Office and College of Arms*, 218-19.

¹²⁷ *Heralds of England: A History of the Office and College of Arms*, 219.

¹²⁸ On November 5, 1616. Anthony R. J. S. Adolph, "Segar, Sir William (B. In or before 1564, D. 1633)," *Oxford Dictionary of National Biography* (2004), <http://www.oxforddnb.com/view/article/25033>.

¹²⁹ Stone, 68.

to prosecute Segar in the Court of Star Chamber, and remove him from his office.¹³⁰ The matter was instead referred to the Commissioners¹³¹ for the Earl Marshal on December 27, during the peak period of court festivities. The commissioners “marvailed much, and not without laughter condemned both the ignorant covetousness of the one, and the malicious complot of the other,”¹³² and had both Segar and Brooke imprisoned in the Marshalsea. They were released after a few days, “the Lord Chamberlain expressing the hope that this durance might make one more wise and the other more honest.”¹³³ Brooke had also accused other heralds of keeping women and children in the College of Arms during the Commissioners’ proceedings, and these charges were investigated throughout the following year.¹³⁴

Segar himself authored two works on armory, celebrating the “cult of chivalry”: *The Booke of Honor and Armes* (1590), and *Honor, Military and Civill* (1602), and Herendeen describes him as “an advocate for structure and orderliness.” Segar’s view reflects the peculiarities of the cult of chivalry under Elizabeth as ritualised militarism in the form of tournament and the ordering of knightly service centred around the monarch.¹³⁵ He had begun his career in the College in June 1585, when he was created Portcullis Pursuivant. He was in a peculiar position both as a member of the College of Arms, but also “more accurately described” as personal herald of the Earl of Leicester, Robert Dudley, even though the use of private heralds had been abolished by Richard III, when he incorporated the College of Arms.¹³⁶ Segar accompanied Leicester’s household to Utrecht for the festivals in honour of St. George in 1586, making the

¹³⁰ Wagner, *Heralds of England: A History of the Office and College of Arms*, 219; Herendeen, “Brooke, Ralph (C.1553-1625)”.

¹³¹ See below.

¹³² Bod., MS C.7.2 Art. cited in Herendeen, *William Camden: A Life in Context*, 456.

¹³³ Wagner, *Heralds of England: A History of the Office and College of Arms*, 219-20.

¹³⁴ Herendeen, *William Camden: A Life in Context*, 456.

¹³⁵ *Ibid.*, 367.

¹³⁶ *Ibid.*, 368.

report, “An Account of the Festival of St. George, Kept at Utrecht by the Earl of Leicester”, which upheld the vestigial medieval notions of chivalric order that persisted throughout the 1570s and 1580s.

Segar was elevated to Somerset Herald in February of 1589, and then Norroy King of Arms in October, 1597. It was during this period that the then Clarenceux King of Arms, Robert Cooke, had caused trouble by encroaching on the traditional privileges of Garter.¹³⁷ Segar sided with then Garter, Sir William Dethick, against Cooke — criticising Cooke for his ineligible handwriting, and for granting arms to “base and unworthy persons for his private gaine onely” — and then later against Cooke’s successor, Richard Lee. So Brooke was not the sole source of discord amongst the heralds, just the most persistent and unrelenting during a long period of general disharmony within the College of Arms.

Under the pressure of competing social and cultural forces, Segar has been distinguished as a transitional figure during this period in the College of Arms. In his capacity in Leicester’s household — “the individual knight errant accompanied by his squire herald” — Segar had been partaking in what had been a long tradition of early feudal chivalric values. Segar’s role demonstrates how the mechanisms of chivalry, while they had the potential to direct his patron’s aspirations into semi-official channels, also, by their anomalousness, invited excess and abuse.¹³⁸ Leicester had been able to bring himself into line in a way that was acceptable to the Queen, but by the turn of the century changing social pressures and cultural values were leading to a more heavily bureaucratized approach to heraldry. This is evidenced by the downfall of

¹³⁷ Harking back to the controversy of 1530 between Garter, Sir Thomas Writhe (or Wriothesley) and Clarenceux, Thomas Benolt over the rights and duties associated with making Visitations. For a more detailed account see Chapter II, and “The Controversy of 1530”, in Anthony Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 2nd ed. (Oxford: Oxford University Press, 1956), 83-105.

¹³⁸ Herendeen, *William Camden: A Life in Context*, 368.

Robert Devereux, Earl of Essex, Earl Marshal and Leicester's nephew — who had also used the herald's office for "excessive self-promotion", and was ultimately undone by it: "significantly, the herald who publicly denounced him [as a traitor] implicitly reasserted the chivalric structure in its 'statist' rather than its private design."¹³⁹

Brooke, Etc.

Aside from his quarrel with Camden — which has largely become the legacy by which history has remembered Brooke (if at all) — there are two other major episodes which are relevant to our interests here, as they highlight the contested arena of chivalry. These are his challenge to the grant of arms to John Shakespeare, William Shakespeare's father,¹⁴⁰ (which is covered in detail in the second chapter of this thesis), and his ongoing objection and disregard for the office of the Earl Marshal, as he presided over the Court of Chivalry. Brooke had collaborated with Robert Tresswell, Somerset Herald, to claim that the Earl Marshal had no jurisdiction, except when acting jointly with the High Constable, an office that had been abolished in 1514. After the execution of Robert Devereux, Earl of Essex and Earl Marshal, in 1601 Queen Elizabeth had granted a Commission to Thomas Sackville, Lord Buckhurst, Charles Howard, Earl of Nottingham and Lord High Admiral, and Edward Somerset, Earl of Worcester and Master of the Horse, for the execution of the office of Earl Marshal.¹⁴¹ The office remained in commission — being constituted occasionally for ceremonial purposes, such as the coronation of James I — until the constitution of Thomas Howard, Earl of Arundel and Surrey as Earl Marshal in August 1621, for the remainder of his life. Brooke persisted with his challenge to the authority of the office from 1613 until his

¹³⁹ "In contrast, we remember that Richard III's Earl Marshal died with his king at Bosworth Field." Ibid.

¹⁴⁰ See Chapter II.

¹⁴¹ William Berry, *Encyclopaedia Heraldica, or a Complete Dictionary of Heraldry*, IV vols., vol. I (London: Sherwood, Gilbert and Piper, 1828).

death in 1625.¹⁴² He sued the heralds for fees that he alleged were due to him, filing his suit in the Court of Chancery, while denying that there was such a thing as an Earl Marshal's court.¹⁴³ He appeared before the privy council in 1621, and was committed to the Marshalsea, serving 15 months before he retracted his position, and agreed to have his case heard in the Earl Marshal's court.

It is worth noting that Brooke, in this case, was not alone in his objections – the debate was over the fundamental distribution of power between the Crown and the courts of law. James Whitelocke — a leading common lawyer, Member of Parliament, and former member of the Society of Antiquaries — had argued on behalf of Brooke that the Earl Marshal, in the absence of a Constable, had no power by himself or by commission to keep a court and Whitelocke was committed to Fleet Prison for his trouble.¹⁴⁴ Whitelocke claimed that it was not the king's ability to establish commissions or name a constable (who would have the requisite jurisdiction) that he was questioning, but that the Earl Marshal did not have jurisdiction by himself: he was questioning the way the commission had been drawn, not the royal prerogative. He also believed that the 1613 commission patent was too broadly drawn, granting the authority to punish offenders without the safeguards of procedure guaranteed by Magna Carta: he was accused of describing it as “irregular, without precedent, strange, of a new mould and such as he hoped should never have place in this commonwealth and termed

¹⁴² Brooke died in October 1625, “wealthy and landed”. His acrimonious work life appears to have extended into his domestic sphere: in his will he left 500 marks to his eldest daughter Mary, to be paid out from the rents of his London properties. To his “unkind wife” who survived him, he left a third from the same rents, and to his daughter Tomasin he left £480 and his gold chain. To his “undutifull sonne” Anthony he left his lands, subject to annuities and conditions. He concluded his bequests with a gift “to my loveing fellowes the officers of armes ... to paye for a diner or Supper.” Herendeen, “Brooke, Ralph (C.1553-1625)”.

¹⁴³ Ibid.

¹⁴⁴ Linda Levy Peck, *Northampton: Patronage and Policy in the Court of James I* (London: George Allen & Unwin, 1982), 166-67.

also the commissioners therein inquisitors.”¹⁴⁵ The Crown’s legal officers, including Sir Francis Bacon, argued that the royal prerogative, and the king’s right to punish his own servants should not be in question; but the problem of the Earl Marshal’s jurisdiction persisted, and continued to be raised over the next century.¹⁴⁶

CAMDEN AND BROOKE

The feud between William Camden, by then Clarenceux King of Arms, and Ralph Brooke, York Herald, can be analysed in an arena in which a variety of cultural, social, and epistemological forces display themselves. The controversy emphasizes not only the shifting values and interests within the College of Arms, but also some of the major changes within English society, demonstrating how the social order reflected in the import of the gentleman, and upheld by the heralds was constructed, maintained, and legitimised. It was, fundamentally, an epistemological shift; Thomas Kendrick’s *British Antiquity* identified the dispute half a century ago as marking a turning point in the development of antiquarian historical scholarship,¹⁴⁷ altering the ways in which empirical evidence was collected, interpreted, and relied upon. Camden, he argues, “showed how great was the almost unexplored wealth of valid antiquarian evidence to be found by going to look for it”, and it was to this epistemological challenge that Brooke responded.¹⁴⁸ While Camden had been steadily building his reputation as a scholar and expert in antiquarian and chorographical enquiry, Brooke — from his position in the College of Arms — was perhaps unable to see how the cultural and epistemological landscape around the practice of heraldry had changed, and that it now

¹⁴⁵ Ibid., 166.

¹⁴⁶ Ibid., 167.

¹⁴⁷ Anthony Grafton, *The Culture of Correction in Renaissance Europe* (London: The British Library, 2011), 145.

¹⁴⁸ Kendrick, 150.

required an approach that incorporated the methods of a variety of the emerging disciplines and fields of study, in order to retain its authority.

Brooke's 1599 *A Discoverie of Certaine Errours Published in Print in the Much-Commended Britannia, 1594, very Prejudiciall to the Discentes and Successions of the Auncient Nobilitie of This Realme*, was the first of his two published assaults on Camden, and Brooke's references to Camden as "maister Camden", rather than as Clarenceux, suggest that the work may have been written prior to Camden's appointment. Writing from nineteenth century perspective, Isaac Disraeli described Brooke's critics as too ready to assign him "malignant motives": "It has hitherto been told to the shame of the inferior genius", Disraeli argues, because Brooke's own personal history was "imperfectly known".¹⁴⁹ That personal envy at Camden's promotion over him in the College was not Brooke's primary motive might be confirmed by the fact that the work was indeed begun prior to Camden's appointment. Yet the epistemological, personal and professional were never far apart: the 1594 edition of the *Britannia* could certainly suggest Camden's desire to advance himself professionally to such a position. Camden's own scholarly status and the new social mobility might have given both him and Brooke reason to believe that a position in the College of Arms was within the bounds of realistic expectation.¹⁵⁰ As we have noted above, up until the second half of the sixteenth century, the authors of books on armory and honour in England had been heralds, with very few exceptions.

While Camden may have "not been very polite to the heralds"¹⁵¹ in the 1594

¹⁴⁹ Disraeli, 490. Disraeli also comments on the difficulties Brooke encountered in getting his *Second Discoverie* published, claiming he was "denied the fair freedom of the press, and a victim to the powerful connexions of Camden". Disraeli was perhaps unaware of the problems and disagreements Brooke had with his printers during the printing of his first book. See below, and Percy Simpson, *Proof-Reading in the Sixteenth, Seventeenth, and Eighteenth Centuries* (London: Oxford University Press, 1935), 6-7; Grafton, 144-47.

¹⁵⁰ Rockett, 476.

¹⁵¹ Kendrick, 151.

and preceding editions of the *Britannia*, in incorporating heraldry into national history in a way that it had not been done before,¹⁵² the numerous mistakes he had made in genealogical information that he had included in the text, Kendrick argues, could scarcely have been avoided.¹⁵³ In his dedication to Essex, then Earl Marshal, Brooke would imply that he viewed it as his professional duty to present the errors he had discovered, “such as may be scandalous to the gray heares of antiquitie, and preiudiciall to the branches of our Nobilitie.”¹⁵⁴ Overstepping the bounds of antiquarianism into heraldry and lowering the standards required for the granting of arms, he charges, Camden was behaving like a misguided and inept parent:

As no childe is so deformed, but the father commonly have a naturall affection towards it: so these errours will no doubt, be both fathered and favoured of the author; whose reputation for Learning is so great, and beard of Antiquitie lately growne so long, that the goodly Britannia, Mother of us all, is become his daughter, trayned up, and taught to speake Latine in his Schoole; onely she lisps, and makes no congruitie in these principles of Herauldry:¹⁵⁵

Brooke sees Camden’s intrusion into the business of genealogy as an amateurization of heraldry, a threat to the profession, for which Camden should receive no good credit: “Where as You expect thanks at the handes of her Maiesties Heraults”, he writes to Camden, for dealing “*sparingly* and *gently*” with heraldic matters in the earlier editions of the *Britannia*, the later additions to the work demonstrated his inexperience and incompetency in handling genealogical materials:

... I wish you had neither misunderstood, nor misreported; as contrariwise you have in such

¹⁵² Rockett, 476, note 4.

¹⁵³ Kendrick, 151-52.

¹⁵⁴ Brooke, A2.

¹⁵⁵ Ibid.

palpable maner, that (me thinks) ever hereafter you should distrust your selfe in the search of such mysticall poyntes, without the advice of an Herault better experimented then your selfe.¹⁵⁶

Brooke's failure to recognise not only that there could be common ground between antiquarianism and heraldry is only a small part of what is interesting here; demonstrating early modern fear and suspicion of the protean,¹⁵⁷ Brooke was unwilling to consider that the two could also change one another, for the benefit of both.

Epistemological Concerns

While he had not had the same exposure to the humanist and empiricist approach to scholarship that was emerging within the universities, nor the institutionalised relationships between civility and veracity that were instilled by the Inns of Court, the focus of Brooke's attack is on Camden's lack of experience, inability to judge accurately, and his unpreparedness for the "mysticality" of the job — what counts, for Brooke, as expertise:

And doubtles for a meere Scholler to be an Historian, that must take up all by hearesay, and uncertain rumors, not being acquainted with the secretes and occurrences of state matters, I take it (as many others affirme with me) very unfit, and dangerous.¹⁵⁸

For Brooke, the heralds, via their office and position, have an access to truths that a "meere Scholler" historian does not possess; they do not have to rely on rumor and hearsay, because they have a privileged intimacy with "state matters." Brooke's unfortunate characterisation of the historian here is more akin to that of the English chronicler — the monastic and religious figures who produced works throughout the

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., A4.

¹⁵⁸ Ibid.

Middle Ages, combining English events with a Biblical, salvational worldview, and incorporating “hearsay” and “rumour,” and as much that was mythical as factual.¹⁵⁹ Brooke could not have been unaware of the developments in methodology of the English chorographical and antiquarian traditions that had emerged during the latter part of the sixteenth century; the similarities between the Visitation process and the chorographical survey of the *Britannia* would surely have been evident to him, as we will see below. Indeed, in order to refute one of Camden’s claims — that the Bigots had built Norwich Castle, because he had seen “*Lions Saliant* engraven there in Stone after the same forme that the *Bigods* used in times past in their seales”¹⁶⁰ — he rode to Norwich himself, “for to search the truth of your speach.” Going into the castle, Brooke found many engravings of lions, but “neither in Shielde, nor Escuccheon. And therefore no such coate armour is there uppon the Castell of Norwich.”¹⁶¹ He advised Camden to “henceforth make a difference between the Ancient fictions of a carvers braine, and the right ensignes of our ancient Nobilitie.” This was an objection based on an approach to heraldic knowledge that valued truths that were institutionally endorsed — regardless of the methodology behind their origins — over Camden’s empirically derived ones. In Brooke’s eyes Camden did not possess the authority to make any statement regarding armorial or genealogical matters that went anything beyond conjecture — he could not be trusted to recognise and “know” a gentleman.

Concerns of Office

Brooke was adamant that his purpose in the book had not been to demonstrate his own knowledge and learning, but to reveal the truth “according to the oth and profession of

¹⁵⁹ Lesley B. Cornack, *Charting an Empire: Geography at the English Universities, 1580-1620* (Chicago: University of Chicago Press, 1997), 167.

¹⁶⁰ Camden, 475.

¹⁶¹ Brooke, 51-52.

an Herauld”.¹⁶² Brooke continued to stress the importance of the heralds’ oaths of office, and he utilised the imagery of combat and chivalry:

...the drumme that hath summoned me out, not as a champion, but as a defendant (by my oth
and profession) for the triall of the truth, and defence of the unspotted honour of Armes, and
auncient Nobilitie.¹⁶³

This is not merely, I would suggest, a mark of combativeness towards Camden, but a careful employ of the tropes of the herald’s office. Brooke requests “that the honourable beholders of our combat blush not;” that scholastic readers not “bite the lippe, to see an English Herauld encounter with an antique Hercules.”¹⁶⁴ Studies of social order in early modern England have demonstrated that the definition of social roles is not always in the hands of the individual actors filling them; individuals must present themselves in terms of generally understood conventions about their particular social role.¹⁶⁵ Brooke’s use of the kind of language that he associated with the business of honour and civility may not itself have been considered uncivil. One can think of Brooke here as embodying the notion of *persona* — as it was explored by Kantorowicz with respect to medieval kingship;¹⁶⁶ a manifestation and representative of an office or an embodiment of a moral economy.¹⁶⁷ Camden, on the other hand, had no right to present himself in

¹⁶² Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices* (Cambridge: Cambridge University Press, 2006), 105.

¹⁶³ Brooke, 1.

¹⁶⁴ Ibid.

¹⁶⁵ Michael Braddick and John Walter, "Introduction. Grids of Power: Order, Hierarchy and Subordination in Early Modern Society," in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. Michael Braddick and John Walter (Cambridge: Cambridge University Press, 2001), 12-13.

¹⁶⁶ Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1997).

¹⁶⁷ Conal Condren, "The *Persona* of the Philosopher and the Rhetorics of Office in Early Modern England," in *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, ed. Conal Condren, Stephen Gaukroger, and Ian Hunter (Cambridge: Cambridge University Press, 2006), 66.

the *persona* of a herald — that is, as an expert in armorial and genealogical matters — because, when writing the *Britannia*, he had not sworn an oath of office, and he did not possess the institutional endorsement of the College of Arms.

The oaths of office that were required of those filling the network of “social offices”¹⁶⁸ of early modern England were solemn and formal, often detailing the duties defining the *persona*, elaborating on the responsibilities and liberties of the office. The transformative and affirmative patterns of induction into office imparted a religious dimension to the identity of the office-holders across social strata, “to everyone from midwife to monarch.”¹⁶⁹ The oaths of the Pursuivants required they swear to be “lowly, humble, and servisable to all the astates of all gentillesse universalle”, to be “secret and sobre in youre porte ... eschewing from vices, and drawing to virtues, and trew in reportes,” and that they work towards preferment and promotion in the College by serving their superiors:

... so that your merites may cause you more preferynge in the office of arms in tyme commynge, for whyles ye be and stande poursewaunt ye stand as noone of the offices of armes, but as servaunt to all kynges and herauldes of thoffice of armes...¹⁷⁰

Camden’s ambitions — social and epistemological — did not sit well with these commitments. The oaths of the Heralds again stressed obedience, truth, secrecy, and service to gentleness, but took on the additional duty and responsibility, “as a confessour of armes,” to knights, lords and ladies, gentlemen and gentlewomen: to

¹⁶⁸ See Michael Braddick, *State Formation in Early Modern England, C. 1550-1700* (Cambridge: Cambridge University Press, 2000); Mark Goldie, “The Unacknowledged Republic: Office-Holding in Early-Modern England,” in *The Politics of the Excluded, C. 1500-1850*, ed. Tim Harris (London: Palgrave, 2001).

¹⁶⁹ Condren, “The *Persona* of the Philosopher and the Rhetorics of Office in Early Modern England,” 66-67.

¹⁷⁰ The oaths, as they can be found in Travers Twiss, ed. *The Black Book of the Admiralty*, 4 vols., vol. 1 (London: Kraus Reprint Ltd, 1965), 299., are transcribed in full in Appendix A.

“cause and counseille [t]hem to all them trouth, worshippe, and vertue in that in you is.”¹⁷¹ Kings of Arms swore by the oath they took when made Heralds¹⁷² to convey any messages commanded of them by the King, to be “more cunning”¹⁷³ than other officers of arms in order to better educate Pursuivants and Heralds, and:

... ye shall do your diligence to have knowleche of all the nobles and gentlemen within your marche, which sholde bere cotes in the fyld in the service of oure sovereign lord, his lieutenautes, officers, commissaries, and them with their issue trewly registre, and suche armes as they bere, with the difference due in armes to be yeven,¹⁷⁴ and they should hold any service by knightes fee,¹⁷⁵ wherby they should doo to the kyng service for defense of his londe.

Nobility, gentility and the English land are enjoined: those who are entitled to bear coats of arms, possess that privilege, “in the fyld” in the service of the king.

Social history has come to challenge the simple dichotomy between elite and popular of early modern social structure: the view that the essential division in society lay between gentle and non-gentle status has been challenged as a result.¹⁷⁶ In the conflict between Camden and Brooke — both custodians of gentility, neither gentleman by birth — however, we can see how the appearance of this division was preserved in different ways. Both called for a certain kind of professionalism, expertise, and experience: both, ultimately, were participating in the maintenance of a social order based on beliefs rooted in ancient codes of honour and chivalry that required a novel

¹⁷¹ Heralds also swore to assist any gentleman who was in need (of goods or sustenance), not to bear witness against gentlemen who had quarreled without the leave of both parties (except in treasonous cases), and to be serviceable and supportive to all widows and maids.

¹⁷² Kings of Arms had to first be made Heralds, as Camden had been (see note. 1 above), but it was not a requirement that Heralds had served previously as Pursuivants.

¹⁷³ i.e. knowledgeable.

¹⁷⁴ “given”.

¹⁷⁵ The association between the knight and his fee was “central to feudal England, and to English feudalism”; it is on obtaining specialized service, essentially military, by granting support in land (known as the fee or fief) that the characterization of feudalism and feudal societies hinge. Sally Harvey, “The Knight and the Knight's Fee in England,” *Past and Present* 49 (1970): 3.

¹⁷⁶ See Michael Braddick and John Walter, eds., *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001).

process of legitimization. Brooke's failure here, I would argue, was a failure to recognise the extent to which Camden, and scholars like him, were providing the framework for this legitimization; the kind of persuasion that was based on, at the time, not just new kinds of evidence, but evidence grounded in new kind of authority. An authority that could be invested in an individual because of a professionalism, methodology, and expertise that went beyond mere institutionalised endorsement.

Brooke and Camden were participating in the active maintenance of social order through the qualities of honour and civility as they understood them, and with reference to a genealogical basis. To some extent, social stability had always been reliant upon a geographical framework, rooted in the spatial size of the territories under control through the promotion of local offices, and the relations between those fulfilling particular social roles — between husband and wife, father and son, master and servant, magistrate and neighbours — particularly at the margins of those territories under the English and Scottish crowns, for example.¹⁷⁷ These offices entailed specific types of performances. “‘Institutional practice’ was, in these terms, cultural performance. Legitimacy was asserted and conveyed through a repertoire of symbolic texts and performances,” As Braddick puts it.¹⁷⁸ What Braddick misses, as we saw are the relationships between land and the human body, inheritance and gentility, which we explored in the first chapter.

Legitimacy

In the case of the social roles filled by the officers of arms, there is a further dimension to consider in this discussion of legitimacy and knowledge. Braddick views legitimacy as, in brief, “an historically observable set of justified relationships rather than a

¹⁷⁷ Braddick, 341.

¹⁷⁸ Ibid., 77.

normatively awarded status”¹⁷⁹ — only one of the various approaches to legitimacy studies outlined by Rodney Barker.¹⁸⁰ What is unique and interesting about the heralds’ fulfillment of their social office in the maintenance of social order, is that unlike the offices often discussed in the literature — usually “chief inhabitants” of village societies, resident gentlemen or aristocrats, magistrates and justices of the peace, for example — the Kings of Arms accomplished part of their role, exercising the power of the state in a face-to-face context themselves, through the process of Visitations, which were made in compliance with their oaths of office. Braddick makes a distinction between the hierarchy of local office holders, and “relatively specialised agents of state authority acting under licence or warrant,”¹⁸¹ but while *also* being agents of the second kind, the heralds played a crucial role in legitimising the authority and jurisdiction of both. It was the process and procedure of Visitation that made the English heralds of the sixteenth and seventeenth centuries professional genealogists, in a way that their predecessors and European counterparts were not.¹⁸² That Brooke viewed the process of Visitation, and the knowledge produced, as being endorsed *ex virtute officii* — under an authority that was derived from the nature of the heraldic office, meant for him that, by extension, knowledge produced through similar methods, but not institutionally endorsed, was the equivalent of rumour and hearsay, with no guarantee for its truth.

Brooke, as York Herald, was not specifically required to perform or participate

¹⁷⁹ Ibid., 71.

¹⁸⁰ “There are three broad approaches to the study of legitimacy: the empirical historical; the normative; and the attempted fusion of the two. The first starts with observable legitimization politics, and has two versions, the organic and the causal/mechanical; the second asks how the accolade of legitimacy may be conferred; the third tries to use the logic of the second to predict the historical facts of the first. The organic approach takes legitimacy seriously as a subject itself, and seeks to give an account of it whilst the mechanical sees legitimacy as somehow external to politics, a set of beliefs or attitudes which can be used to explain ‘real politics’. Rodney Barker, “Legitimacy: The Identity of the Accused,” *Political Studies* 42, no. 1 (1994): 101.

¹⁸¹ Braddick, 89.

¹⁸² Wagner, *Heralds and Ancestors*, 32.

in the practice of Visitation, as it was the province of the three Kings of Arms (Garter, Clarenceux and Norroy), but the Kings of Arms often deputised junior officers to assist them, and it is known that Brooke had accompanied then Clarenceux Robert Cooke in his 1591 Visitation of Somerset, when he had been Rouge Croix Pursuivant.¹⁸³ That venture too, however, was not without the usual amount of controversy that Brooke provoked in his affairs:

In Clarendieulx Cookes tyme he [Brooke] rode into the West Country on Visitation, where it is reported he caried tales from one gentleman to an other, & therby he had likely to have sett them together by the ears. The bookes that he made of the sayd Visitation he never yet retourned into her Majestes Office, nor yet into the handes of the sayd Clarendieulx, but deteyned them unto this day [1595/6] in his own custodye.¹⁸⁴

We have discussed the procedure for Visitations in the previous chapter, but relevant to our interests here, is the shift from narrative to tabular entries in the Visitation records that had taken place amongst the heralds around 1570.¹⁸⁵ This preference for a more schematic depiction of pedigree amongst the heralds is indeed hinted at by Brooke in the *Discoverie*, where he disparages Camden's adoption of the chorographical method established by John Leland.¹⁸⁶ "I have not followed your Methode, a long by the Rivers side, from shire to shore, and towne to towne (for that were a journey too tedious, and out of my way)".¹⁸⁷ Rather, Brooke intends first to redress the "injurious obscuritie"

¹⁸³ Frederic William Weaver, ed. *The Visitations of the County of Somerset, in the Years 1551 and 1575, Together with Additional Pedigrees, Chiefly from the Visitation of 1591* (Exeter: Printed for the Editor by W. Pollard, North Street, 1885).

¹⁸⁴ Lant, fo. 31b. Cited in Wagner, *Heralds of England: A History of the Office and College of Arms*, 212-15.

¹⁸⁵ *The Records and Collections of the College of Arms* (London: Burkes Peerage Ltd., 1952), 16.

¹⁸⁶ "...usually describing in a consecutive manner various features found along the course of each local river; noting the houses of the nobility and the etymologies of local place names as he went along." S. Mendyk, *'Speculum Britanniae': Regional Study, Antiquarianism, and Science in Britain to 1700* (Toronto: University of Toronto Press, 1989), 46.

¹⁸⁷ Brooke, B2.

inflicted upon “that noble Ferrarian line” by Camden, whose “superficial skill, or rather ignorance, hath somewhat eclipsed the former excellencie thereof.” Brooke is obliged to follow Camden’s format only grudgingly and out of necessity, in order to make his corrections. Brooke’s contempt, then, is not for the study of “Englandes Antiquities” as a discipline; it is where it crosses into the field of genealogy that he takes special offence. Indeed, Brooke appended to his work Leland’s *Itinerary*,¹⁸⁸ “by which it may appeare”, he wrote, “unto the indifferent Reader who was the first Author and contriver of this late borne *Britannia*”.¹⁸⁹

While it is true that Leland had set a precedent for the kind of field-work that was taken up by the antiquaries and chorographers of the sixteenth century — by going out to observe, first hand, in the field, rather than merely searching literary sources for information — Leland himself had not recognised the full potential that the study of archaeological remains could reveal in reconstructing the ancient past.¹⁹⁰ That he was also incapable of fulfilling the immense task he had set for himself in the composition of a history to be titled “*De Antiquitate Britannica* or els *Civilis Historia*”,¹⁹¹ is evidenced by his own eventual descent into madness and death in 1547. The work he proposed was to contain a separate section for each of the shires of England, Wales, and the adjoining isles, describing their histories, topographies, and encompassing the whole of Britain;¹⁹² the enormity of what was indeed a visionary task could only be

¹⁸⁸ The work is sometimes referred to as Leland’s *New Year’s Gift*, as Leland had titled it, (and as Brooke has it in his “Inforced Conclusion” in the *Discoverie*) because it had been a gift to Henry VIII. It is more commonly known as *Leland’s Itinerary*, or simply the *Itinerary*, due to the work of Thomas Hearne, an English antiquary who corrected and published it between 1710 and 1712, and the Anglo-American antiquarian and librarian, Lucy Toulmin Smith, who produced an edited version, published between 1907 and 1910.

¹⁸⁹ Brooke, 79-80.

¹⁹⁰ Mendyk, 46.

¹⁹¹ John Leland, *The Itinerary of John Leland the Antiquary, in Nine Volumes. The Third Edition: Printed from Mr Hearne’s Corrected Copy in the Bodleian Library*, ed. Thomas Hearne (Oxford: Printed at the Theatre for James Fletcher, in the Turl, and Jospeh Pote, at Eton College, 1770), xxiii.

¹⁹² Mendyk, 45.

accomplished by the work of the many antiquaries and regional and topographical writers to whom his legacy was passed, who would transcribe and borrow from Leland's work in much the same way as Camden. Brooke's remarks, that Camden had "cleane razed and blotted out" Leland's name, and "taken the tytle and whole credite thereof to your selfe"¹⁹³, were not entirely accurate, as Camden does acknowledge Leland's work. But Brooke also demonstrates something of a failure to appreciate, perhaps, how *all* of Leland's successors were indebted to his work and vision, that it often went without saying: and also, that Camden had succeeded where Leland and others had failed; that Camden's work itself was visionary.¹⁹⁴

Camden's success may be partly attributed to the unifying device he placed on the work, of limited territorial boundaries: an approach that imposed order on what otherwise might have been a disordered collection of data from towns and villages.¹⁹⁵ Unlike earlier imitators of Leland, Camden's major achievement with the *Britannia* was the interpretation of British history that it contains, shaping from the evidence of local materials Britain's history, "into a narrative of national definition",¹⁹⁶ ordered by its topography. Brooke was unwilling to accept that between the study of the topographical history of the British Isles and the genealogy of its "noble" and "excellent" people, there did not lie a boundary, but rather a liminal space; it was within this space that the rules governing English social constitution and order obtained their

¹⁹³ Brooke, 80.

¹⁹⁴ Camden too reveals his limitations in the *Britannia*. He was not receptive to concepts of social change that were transforming Elizabethan attitudes towards the past. The humanist tradition, and its concept of antiquity, also imposed its own limits on Camden's historiographical work. William Rockett, "The Structural Plan of Camden's *Britannia*," *The Sixteenth Century Journal* 26, no. 4 (1995): 841. See also Arthur B. Ferguson, "Circumstances and the Sense of History in Tudor England: The Coming of the Historical Revolution," *Medieval and Renaissance Studies: Proceedings of the Southeastern Institute of Medieval and Renaissance Studies* 3 (1968): 197.

¹⁹⁵ Rockett, "The Structural Plan of Camden's *Britannia*," 838.

¹⁹⁶ *Ibid.*, 833.

authority, and legitimacy.¹⁹⁷

Camden & the College of Arms

Regardless of the novelty in his work, Camden had to have seen that material in the 1594 edition of the *Britannia* encroached on the territory of the College of Arms: perhaps he did so knowledgeably and deliberately. That Brooke was justified in calling attention to Camden's mistakes is not in dispute here. Heralds were required to make and keep records of the arms and descents of every gentleman, and to prohibit the bearing of arms by those without the right to do so: these actions carried the authority of the Earl Marshal, and the heraldic records and coats of arms resulting from them fell under the laws of inheritance.¹⁹⁸ Brooke had an undeniable and legitimate case against Camden: he was entirely justified in making Camden aware that he had dishonoured the nobility by misrepresenting orders of precedence.¹⁹⁹ Camden had made mistakes in matters that were strictly regulated, and Brooke was justified in challenging him: "it is possible to argue", concludes Rockett, that Brooke "for once, was acting responsibly". His actions in waiting for the opportune time to publish however, in 1599 — two years after Camden's appointment to Clarenceux, and when he was working on a new edition of *Britannia* — were calculated to undermine Camden's authority.

Camden, now in a position where he was accused of breach of office, defended himself. To the 1600 edition of *Britannia* he appended an "Ad lectorem", in which he confessed to some — and challenged others — of the errors Brooke had found in the 1594 edition. He produced evidence such as charters, registers, and chronicles, to demonstrate that he had accurately transcribed documents that contained the errors in

¹⁹⁷ See Chapter I.

¹⁹⁸ Rockett, "*Britannia*, Ralph Brooke, and the Representation of Privilege in Elizabethan England," 490.

¹⁹⁹ Ibid.

question, and in other cases admitted to his own human error. He also stressed that his primary interest was not in armory or the genealogies of the great families. Camden refused, however, to actually name the man who had drawn attention to the errors; but berated him for having waited thirteen years (after the first edition) to voice any objections, and characterised him as being motivated by jealousy, and lacking in the learning and intellect required for the accurate assessment of descents and lineages.²⁰⁰ He also corrected his mistakes.

Brooke: Round 2

Brooke composed *A Second Discoverie*,²⁰¹ although it remained unpublished²⁰² for over a century. Notably, for our purposes, there is an increase in the geographical allusions made by Brooke in this work and, as Herendeen notes, he “uses larger-gauge artillery”²⁰³: it is in this work (and not the first *Discoverie*) that he makes the oft-quoted recommendation that Camden should stick to the “inferior province of boy-beating”²⁰⁴, rather than meddling with genealogy, a difficult business that could only be mastered through experience. He chastises Camden for having written in Latin, in order “to conceale your meaning from the ignorant, and that none might read this Controversie”, arguing that “I thinke oure English Discents and Pedigrees need no more the aide of the Latine then our Lawes.”²⁰⁵ While Brooke is able to recognise Camden’s authority where historical matters are concerned, Brooke’s authority is of a different kind, and it

²⁰⁰ Ibid., 493.

²⁰¹ Ralph Brooke, *A Second Discoverie of Errours Published in the Much Commended Britannia, 1594. Very Prejudiciall to the Discentes and Successions of the Aunciente Nobility of This Realme. With a Reply to Mr. Camden's Apology Ad Lectorem, in His Fift Edition, 1600* (London: Printed for James Woodman, 1723).

²⁰² Again, perhaps an issue with publisher.

²⁰³ Herendeen, *William Camden: A Life in Context*, 457.

²⁰⁴ Brooke, *A Second Discoverie of Errours Published in the Much Commended Britannia, 1594. Very Prejudiciall to the Discentes and Successions of the Aunciente Nobility of This Realme. With a Reply to Mr. Camden's Apology Ad Lectorem, in His Fift Edition, 1600*, 7.

²⁰⁵ Ibid., 10.

is this difference that epitomises the epistemological shift at play:

...you advertise your Reader, that there be two proofes, wherby all matters are to be confirmed or confuted, which are Reason and Authoritie. In this Studye of Antiquitie you preferre Authoritie, to be of farre greater force thean Reison, because these things past, cannot so well be proved by weight of Reison as by Authoritie of writings.²⁰⁶

Brooke is willing to admit that in some cases, deciding between sources — for example, between “Registers of Monasteries”, “Reportes of *Historiographers* for the age wherein they lyved”, and “the later writers, which have excelled others in the Search of truth” — but he prefers to relie on “Reason”, and will “disclam none of these.”²⁰⁷ Camden, on the other hand, “for advantage can Elevate the Authoritie of eyther”, and “mis-lead and blyndfolded with the Cloudes of Errors”, he has “wandered from the right path of truth.” What this comes down to again, is a conflict between original textual evidence — the site from which Camden, as the historian, situates and derives authority — and experience and tradition, where Brooke, and the offices of the heralds, derive their own.²⁰⁸ Brooke’s confidence in the heraldic lore leaves little room for doubt or fallibility in the embedded epistemology: he knows what he knows, and distrusts any approach to learning that, like Camden’s methodology, actually valued the principle of conjecture as a necessary part of investigating and discovering truths.²⁰⁹ In Camden’s approach can be seen the beginnings of the new natural philosophy, steering a middle path between admiration for history and antiquity, and an appetite for novelty. For Francis Bacon, we noted, this debate had an acute professional relevance, and a

²⁰⁶ Ibid., 12.

²⁰⁷ Ibid., 13.

²⁰⁸ Herendeen, *William Camden: A Life in Context*, 463.

²⁰⁹ Ibid., 464.

generation later he still echoes the epistemological options:

... antiquity and novelty are the humours of the partisans rather than judgements; and truth is to be sought not in the felicity of any age, which is an unstable thing, but in the light of nature and experience, which is eternal.²¹⁰

While the Baconian reform of natural philosophy has been interpreted as a manifestation of early modern expertise, and Bacon himself cast as an expert mediator,²¹¹ Bacon's own ideal of the appropriate mould for the natural philosopher was not based on expertise, but on civility. He placed a particular emphasis on moderation, both of temperament and behaviour:²¹² qualities that Brooke was advocating, though, headstrong and antagonistic as he was, may have failed at embodying.

CONCLUSIONS

The denouement of this affair was reached almost at the end of Camden's life, through the support of his fellow officers within the College of Arms who, (it can be no surprise) had little support for Brooke. In personality, if not epistemology, it was Camden who adopted civility and humility, and he would become a guiding force in the College during the years following his appointment, fostering an atmosphere of collegiality, and supporting scholarship and collaboration with a variety of figures. These included heralds who were also antiquarians, such as Augustine Vincent and William Segar;

²¹⁰ Francis Bacon, "Novum Organum," in *The Works of Francis Bacon*, ed. James Spedding, Robert Leslie Ellis, and Douglas Denon Heath (Boston: Taggard and Thompson, 1861-1879), I lvi: 59-60.

²¹¹ Eric H. Ash, "Francis Bacon and the Expertise of Natural Philosophy," in *Power, Knowledge, and Expertise in Elizabethan England* (Baltimore: Johns Hopkins University Press, 2004).

²¹² See Stephen Gaukroger, *Francis Bacon and the Transformation of Early-Modern Philosophy* (Cambridge: Cambridge University Press, 2001), 11-14.

literary figures with an interest in heraldry and history, such as Richard Braithwaite, and the publisher William Jaggard; and political figures, such as Robert Cotton and John Selden.²¹³ Camden's health had begun to fail from 1616, and he was becoming less active within the College; sometime in late 1618 or early 1619 he received notification from the Earl Marshal's office that he had been removed from the office of Clarenceux, and given an annuity.²¹⁴ This news came as shock to Camden: the reasons behind the removal remain unclear, although it appears to have been motivated by challenges from his fellow Kings of Arms, concerning his deputies, to whom he had delegated portions of his responsibilities. It may simply have been that, now that he was approaching his seventieth year, it was time to replace Camden with somebody younger. Camden was forced to defend his actions, informing the Earl of Arundel, one of the Earl Marshal Commissioners, of the full rights granted to him on the King's authority in his patent of office, which granted him extraordinary powers and authority, and allowed him the unlimited use of deputies.²¹⁵ He was successful in his defence, and although the challenges persisted, he maintained his office until his death in 1623.

Brooke had published, in 1619, his *Catalogue and succession of the Kings, Princes, Dukes, Marquesses, Earls, and Viscounts of the Realm*:²¹⁶ again a work composed with the intent of exposing inaccuracies in the works of others, and petitioning King James that such "upstarts and Mountebankes" (that is, antiquarians in general), be prohibited from discrediting and impoverishing the officers of arms.²¹⁷ Those whose scholarship and interest in heraldry had been supported by the atmosphere

²¹³ Herendeen, *William Camden: A Life in Context*, 480-81.

²¹⁴ *Ibid.*, 475.

²¹⁵ "Camden, William (1551-1623)".

²¹⁶ Ralph Brooke, *A Catalogue and Succession of the Kings, Princes, Dukes, Marquesses, Earles, and Viscounts of This Realme of England, since the Norman Conquest, to This Present Yeare, 1619* (London: William Jaggard, 1619).

²¹⁷ Rockett, "Britannia, Ralph Brooke, and the Representation of Privilege in Elizabethan England," 494.

created by Camden were quick to rally their support, and Brooke finally received a dose of his own medicine. From Augustine Vincent (c.1584–1626) who had joined the College of Arms by way of the Tower Record Office,²¹⁸ when he was Rouge Croix Pursuivant in 1622, came *A Discoverie of Errours in the first Edition of the Catalogue of Nobility published by Raphe Brooke Yorke Herald, 1619*,²¹⁹ although the work itself was the impressively coordinated effort of a number of writers, antiquarians, lawyers, and politicians, with the common goals of vindicating Camden and subduing Brooke once and for all.²²⁰ Vincent writes in the Epistle, to the Earl Marshal, that he has undertaken the task,

... first to discharge the dutie I owe to Truth, whom I would not see so much blemished, where it lay in me to do her right: Next, to make the world know his [Brooke's] Error, in giving the Palme of Knowledge, to such as one, as they shall finde here discovered: Thirdly, to give *M. Yorke* [i.e. Brooke] a true Glasse, wherein to see himselfe, that abandoning those multiplying glasses, which have made him beleieve, that he is so many times more then he is, he may see himself to be *sicut unum e nobis* a man as we are, subject to *Ignorance* and *Error*: And lastly, that howsoever this common Enemy have by his bold encounters, with men farre his Betters, made himselfe dreadful to former times, yet [...] his admirers may know that this great Monster tamer is but *unum Animal*...²²¹

The conflagration, harsh and personal as it has become, is still coached in epistemological terms. Vincent first duty is to “Truth,” second to make Brooke’s error known, and third and finally, to expose Brooke for who he really is: a task for which a

²¹⁸ Michael Maclagan, "Genealogy and Heraldry in the Sixteenth and Seventeenth Centuries," in *English Historical Scholarship in the Sixteenth and Seventeenth Centuries*, ed. Levi Fox (London: Oxford University Press, 1956), 45.

²¹⁹ Augustine Vincent, *A Discoverie of Errours in the First Edition of the Catalogue of Nobility, Published by Raphe Brooke, Yorke Herald, 1619*. (London: William Jaggard, 1622).

²²⁰ Herendeen, *William Camden: A Life in Context*, 481-82.

²²¹ Vincent, i.

herald, trained to recognise whether a person was who and what he claimed to be, was particularly qualified. Addressing Brooke himself, Vincent relates his own introduction into the College of Arms as a young novice, as a place possessed of a strange admiration of “Master York”: “his name was growne a Terror to men of his owne Profession”, loved by few but feared by all.

Adjudicating the debate, Young again is concerned with proper epistemology. On making his own investigation into Brooke’s charges, whether Camden “were so blacke as hee had painted him”: in comparing their books he found that Camden, “if hee had erred, hee had erred with Authority”. But for Brooke, he saw no proof, but “Pythagorean proofes, ... no Record, no Antiquitie, but his owne antiquitie of *fortie yeares Practise* in that Studie.” “This I liked not”, Vincent concluded. This section is followed by “The Opinions & Offices of sundry choice, and qualified Gentlemen, friends to the Author, touching his Discoverie of Errors.” Those offering their support and praise for the work include: Sir William Segar, Garter; Richard St. George, Norroy; Samuel Thompson, Windsor; Henry St. George, Richmond; Henry Chitting, Chester; Samuel Lennard, Bluemantle; John Philipot, Rouge Dragon; Richard Braithwaite, John Bradshaw, and John Selden.

Before Vincent’s book had appeared in print, Brooke — unsurprisingly, given the number of his colleagues who were contributing towards it — received warning of it.²²² Vincent and Brooke had used the same printer, William Jaggard, and before it could appear, Brooke hastily put together a new edition of his *Catalogue*, in which the errors were corrected, and he made his excuses;²²³ he claimed that illness had prevented him from attending the printing office, and he blamed the mistakes on Jaggard’s

²²² Simpson, 6.

²²³ Grafton, 145.

supervision. Vincent provided Jaggard, who was incensed at Brooke's accusations, with the perfect place for rebuttal, in a preface of his own. He insisted that before falling ill, Brooke had "stood sentinell at the Presse" so that printing errors could be immediately corrected; afterwards he had been sent the "*Proofe*, and *Reviewes*", which he "viewed, reviewed, directed, corrected, or whatsoever els". Jaggard had also kept the copy from which the first edition of the *Discoverie* had been set, which proved that Brooke was responsible for the mistakes, and also that Brooke, who had accused Camden of plagiarism, had "borrowed most of his materialles out of other mens Copies, and copied them commonly by his own hand."

In the end, the conflict and misconduct that Brooke brought to the College of Arms played a part in ensuring its reform: unfortunately for Brooke, this reform was along the lines that Camden and his supporters endorsed. The value of empirical knowledge, derived from direct observation and experience, which had long been recognised by the College of Arms via the process of Visitations was upheld in this reformation; but the reliability of the investigator was now invested in their experience and expertise.

“Matters of honour before so honourable judges, cannot but receive an honourable determination.”
— Francis Bacon, *The case of the lord Roos*, 27 April 1616, *before the commissioners for the earl marshall*.

FINAL THOUGHTS & CONCLUSIONS

We know what we can trust by knowing whom we can trust: but how do we know who to trust? One traditional answer to this question has been through the authority of institutions. The idea that participants in institutions like the Royal Society of London were morally enjoined to be trustworthy and truth-telling because they were English gentlemen is dependent upon the knowledge-making practises of those who interpreted and guaranteed the rules by which gentility could be identified, and these practises embedded an epistemic culture that was founded on legal, biblical, geographical, and biological discourse represented by the Heralds and the College of Arms. The Law of Arms gave the heralds the authority and framework within which they could recognise, adjudicate, and “know” gentility. The Visitation process provided them empirical authority through access to the English landscape.

The magnificent quarrel between William Camden and Ralph Brooke underlines the extent to which the question of gentility was a question of knowledge: to be a gentleman was to be known to the heralds. Yet the knowledge of who counted as a gentleman was contested. William Camden had certainly stepped out of the bounds of mere antiquarianism and into the domain of the heralds with the drastic increase in genealogical information in expanding editions of the *Britannia*. Camden had made errors in descents, and Brooke was not overstepping his office to accuse him of framing “incestious and unnatural mariages, making the Father to marrie his Sonnes wife, and the Sonne his owne Mother.” Brooke’s claim, that Camden’s offences were “prejudicial” to the noble classes, was not a minor nor trivial objection. We have seen that a man’s honour and reputation were inextricably bound to his lineage, and blood was the medium through which honourable status was inherited, imparted, and known.

The relationships between blood, honour and land meant that the cultural and personal identity of every Englishman who bore arms was irrevocably tied to the English soil. Possession of, and control over land has long been viewed as a status symbol, and a source of political influence. Through blood and gender this idea was rooted in the dominant medical discourse, in which heat, temper, and spirit were at the mercy of geographical influences. This discourse carried negative implications for the English male body — characterising it as cold, weak, and effeminate — which they ventured to subvert, by endowing their land with the power to gentle their own bodily constitutions, through the defense of it. Honour used to be earned and maintained through the physical and emotional exercising of noble courage, but as the political state moved from a reliance on codes of chivalry, governing modes of behaviour and social hierarchy, to one in which civility, or gentility, was the unifying social marker of dominance, the meaning behind coat armour as the ensign of honour shifted. The idea that the English gentleman's veracity was verified by his bearing of arms required a body of knowledge, an approach to knowledge, and appropriate institutions for knowledge, that were themselves socially and epistemically constructed and authorised.

APPENDIX A.

Appended here are the oaths of office of Kings of Arms, Herald, and Pursuivants, as it can be found in *The Black Book of the Admiralty*,¹ where it is also noted:

A copy of these articles in there identical order is preserved in the British Museum, MS. Lansdowne, No. 818, f. 29, which is a MS. in the handwriting of Sir William Dethick, Garter, and purports to have been copied, in 1584, from a book which belonged to Thomas Wriothesley, Garter King of Arms, cf. Introduction.

THE OTHE OF THE KYNGES OF ARMES IN THEIR CREACION

Ye shal swere by the othe that ye receyved whan ye were made heraulde, and by the feith that ye owe unto the kyng oure sovereyn lord, whos armes ye bere, y^t ye shall trewly kepe suche thinges as be comprised in these articles following:—

First, whan soo ever the kyng shal commaunde you to doo any message to any other kyng, prynce, estate or any other persone oute of this his realme, or to any personne of what estate, condicion, or degre he be or within the same, that ye shal doo it as honorably and trewly as your will and reason can serve you, and gretely to thadvantage of oure sovereyne lord and his realme, and trewly reporte bring ayen to his highnesse of your message and nere to the charge to you committed in worrdes and in substance, as youre said reason may attayne to, always keepyng your selfe secrete [296] for any maner mocion, save to suche personnes as ye be commaunded to oulter² your charge unto.

Secondly, ye shal doo your trewe devoure to be every day more comyng³ than other in the office of armes, soo as ye may be bettyr fournyshed to teche other under you, and execute with more wysdome and eloquens suche charges as your sovereyn lord and his realme [or] of his realme any noble man shall lay unto you by the virtue of the office, whiche is highnes wel erecte to you this tyme, discoveryng in no wyse that ye have in charge to kepe closer than y^t be prejudiciall to the kyng oure sovereyne lorde and his realme.

Thirdly, ye shall do your diligence to have knowleche of all the nobles and gentilmen within your marche, which sholde bere cotes in ye fyld in the service of oure sovereyn lord, his lieutenautes, officers, and commissaries, and them with their issue trewly registre, and suche armes as they bere, with the difference due in armes to

¹ Travers Twiss, ed. *The Black Book of the Admiralty*, 4 vols., vol. 1 (London: Kraus Reprint Ltd, 1965), 295-300.

² utter.

³ connyng or cunnyng is probably intended.

be yeven, and they should hold any service by knightes fee, wherby they should doo to the kyng service for defense of his londe.

Fourthly, ye shal not be straunge to teche poursivant or herault, ne to ease them in suche doubtes as they shall moeve to you, and suche as can not be eased by yow, ye shal shewe to the conestable, and if any presevaunt aske any doubte of you ye shall aske hym first, where he hath desired any of the herauldes instructe hym in the same, and, yf he say ye, ye shall lymite hym oon⁴ of hem, and elles ease hym yf ye can. Also ye shall kepe fro moneth to moneth yn your marches your chapiters to thencrece of commyng⁵ in the office of armes, and the [297] doubtes that ther can not be eased, ye shal moeve to the conestable.

Fiftely, ye shal observe and kepe to your comyng⁶ and power all suche othes as ye made whan ye were create herald, to thonour and worshippe of noblesse and integrity of lyvyng, namely, in eschewyng of disclaundrous⁷ places and disclaundryd persones and reprovéd, and alway more redy to excuse than the blasme any noble persone, on les than ye be charged to sey the trouth by the kyng, his conestable, and mareschal, or in any place judicial. Also ye shall permit trewly to registre alle actes of honour in maner and forme as they be done, as forsouth as power and connyng may extend, &c.

THE OTHES OF HERAUDES

First, ye shall swere to oure sovereyn lord y^e kyng that makyd you of the ordre of heraud in his excellent presence, and to be trewe in alle maner poynt, and yf ye here any maner language or any other thing that shulde touche treason to his high and excellent persone, or to his noble and distrytt⁸ counseille, so helpe you God and holy dome.

Item ye shalbe servisable and secrett in all poyntes, except treason, and obedience to all knyghth and gentilnesse, to lord and ladyes and to gentilmen and gentilwomen, and as a confessour of armes, and cause and counseille hem to all them trouth, worshippe, and vertue in that in you is, so helpe you God and holy dome.
[298]

⁴ one.

⁵ cunning.

⁶ another form of cunning.

⁷ disreputable.

⁸ discreet.

Item ye shalbe trewe of all your reportes, and diligent to seke worshippe, and desire to be into place ther grete semble of princes and princesses, lordes, ladyes, and estates of grete worshippe, wher thorough ye may have connyng to reporte to your prince or princesse, or other estate, such worshipec as is occuppyed ther, so helpe you Godd and holydome.

Item ye shal promise, in caase that fortune fall ye to meet any gentilman of name and of armes that hath lost his goodes in oure sovereyn lordes service, or in any other place of worshippe, yf he required you of your good to his sustenance, ye shall yeve or lene hym to your power, so helpe you Godd and holydome.

Item, yf caase fall that ye be in any place, that ye here any langage between gentilman and gentilman, that shulde touche any stryfe or debate bytwene hem two, and afterwarde following that ye be sende for to come before our sovereyne, pryncce, lord, or juge, to bere a witness of the forsaid langage, ye shal kepe your mouth close, and bere no wittnesse withoute leve of both parties, and with their leve ye shal say the trouthe, and lette nother for love nor drede, but ye shal say the trouthe, so helpe you Godd and holydome.

Item ye shalbe servisable and trewe to all wydowes, maydenes, of their supportes in all worshipec, and counseill them to all vertues, and yf any man wold disworship hem, or force hem their goodes ayenst the lawe of Godde, and of all gentillesse, yf they requyre you of your good supportacion, ye shal treuly and diligently certyfie y^t to your sovereyn lorde, pryncce, lorde, or juge to helpe them, that they may have right, in alle that in you is, as the matere requireth, so helpe you Godd and holydome.

Item ye shal promise to your power to forsake all vices, and take you to all virtues, and to be no comyn goerse to tavernes, the which might cause unvirtuousness and uncleane language, and that ye be not [299] dyse player, nother has-harder, and ye flee places of debate and unhoneste places, and the companye of women unhoneste. These articles and other abovesaid ye swere trewly to kepe with all your might and power, so helpe you Godd and holydome.

THE OTHE OF THE PURSVAUNT

Item ye shalle dyspose you to be lowly, humble, and servisable to all the astates of all gentilnesse universalle that cristene⁹ beth, not lyeng in awayte to blame no to hurte noon of the said astat in nothing that may touche their honeur.

Also ye shal dispose you to be secret and sobre in youre porte, and be nought to bysye in langagyng, redy to commende and loth to blame, and diligent in your service, eschewing from vices, and drawing to virtues, and trew in reportes, and so to exercise whiles ye be in office therof, soo that your merites may cause you more preferynge in the office of armes in tyme commynge, for whiles ye be and stande poursewaunt ye stand as noone of the offices of armes, but as a servaunt to all kynges and herauldes of thoffice of armes, and this ye shalle promise to youre powere, so help you God and holydome.

Item, in likewyse the princes, ladyes, gentilmene, and gentilwomene, and alle people of worshipec are bounden to help the said herauldes of their goodes for to susteyne them and helpe them, that they have no cause for lack of goodes and povertie for to be untrew in their office and breke there othes, &c.

⁹ Christian.

APPENDIX B.

Appended here are the ordinances and statutes drawn up by Thomas Duke of Norfolk, Earl Marshal at the express command of Queen Elizabeth, and dated 18th July, 10 Elizabeth (1568), taken from Grazebrook's *The Earl Marshal's Court in England*.¹ A copy can be found in the British Library, Add. MS. 14294, fo. 118. Grazebrook also notes:

The introductory portion sets forth that they shall be observed and kept by the several officers of arms, not only binding them to observe their duties to their prince and country, according to their several oaths taken at what time as they were created and made officers of arms; but also further to enjoin them to such orders to be observed and kept among themselves, as every one of them may do their duties to another according to his place and ancientry in the said office of arms, &c., &c.; and for the taking away of sundry abuses and discords which are and do daily increase among the said officers of arms; and for the better increase of learning and knowledge, &c., &c., and to the intent that they may be more able to serve well in their vocation and calling.

Then follow these statutes:

- I. Darby House, now the College of Heralds, shall be severally divided among the Kings, Heralds, and Pursuivants, in such sort as they themselves shall agree upon in their chapter by the most voices;— provided always that the lower room, lying on the south side of the gate (wherein at present the records of the office do remain) shall so still continue as a library or office for the safe custody and preservation of the said records.
- II. Records, rolls, books, and pedigrees now there, or hereafter to be brought to the same, shall remain as records of said office, not to be taken thence by any of the said officers of arms, nor any one of them, without the consent of the three Kings of Arms, to two of them at the least, whereof Garter to be one, EXCEPT it shall be lawful to take forth at times of Visitation such books and records as may be necessary for such Visitation — the said officers being bound to return them immediately thereafter.
- III. No person to have entry or recourse into the said library without one officer of arms to be there present him: and to avoid inconvenience certain of the

¹ George Grazebrook, *The Earl Marshal's Court in England, Its History, Procedure and Powers, Comprising Also an Account of the Herald's Visitations and the Penalties Incurred by Neglecting to Conform to Their Demands* (Liverpool: Printed for private circulation [by] Thomas Brakell, 1895, 1895), 26-30.

Company of the office shall continually give attendance in said office by the month – in this manner, &c., &c. None of those so attending shall enter any record, or alter any record without the consent of the 3 Kings of Arms, or of one of them at the least. Fees received to go into a common chest and be divided every month. No pedigree to be set forth in the office or without the consent of the 3 Kings of Arms, or two of them at least, of whom Garter to be one. *But* Clarencieux and Norroy may in their Visitations make or set forth, in paper only, such matches of descents, &c., as they shall take notes of in their Visitations – so that they do not subscribe their names thereto.

- IV. Precedence and the several duties of officers specified.
- V. Chapters for discussing points that may arise.
- VI. Forms of their proceedings in Chapter.
- VII. Clarencieux and Norroy's privileges in their own provinces.
- VIII. Garter to have ordering and marshalling of burials, &c., of the titular peerage, and shall take Clarencieux and Norroy to serve with him.
- IX. All of lower degree to be of the privilege of Clarencieux and Norroy, according to their provinces, with orders as to their working together.
- X. Every King, Herald, or Pursuivant officiating at any funeral shall bring into the office of arms a certificate, under the hands of the executors and mourners that shall be present, setting forth, &c.
- XI. No new arms henceforth to be granted without the consent thereunto of the Earl Marshal. But Garter, Clarencieux, and Norroy may jointly together grant crests as heretofore, and no patent of arms to be granted unless the hands of the 3 Kings of Arms thereunto subscribe.
- XII. That yearly, within one month after the feast of St. Andrew the Apostle, the 3 Kings shall bring and deliver to the Earl Marshal one book containing a true copy of all such patents and arms as have been granted by them within that one year.²
- XIII. The 3 Kings may appoint each other to be deputies during times of absence.
- XIV. All previous statutes, orders, and decrees heretofore had or made, to be cancelled upon the dating of these present orders.

² Grazebrook notes that this statute may never have been carried out, as these yearly books “are not in the possession of his Grace, the present Earl Marshal – nor can any trace of them be found”.

Statutes V and VI, which demonstrate the educational character of the college, are thus transcribed in their exact wording by Grazebrook:

V. Item, It is ordered and decreed by the said Earl Marshal that for the better increase of learning and knowledge to be henceforth had and continued in the said office of arms and fellows of the same: and to the intent that they thereby may be more able to serve well in their vocation in times both of peace and war: It is therefore decreed, that the 3 Kings of arms, as occasion shall serve, shall hold and keep a chapter for the only debating and discussing of such doubts, questions, and controversies as by possibility may rise and grow, not only upon the bearing, using, pailing, or quartering of any arms or ensigns of honour, or upon the descents or pedigree of any noble or gentle personages; but also of the right, usage, and ceremonies to be observed at coronations, creations, funerals, and all other such solemnities and assemblies of honour and worthiness; and of the laws, ordinances, and orders of the field; and of the summoning of towns and holds; the taking, using, and ransoming of prisoners; as also of their doing of messages, or giving of defiances; as of their behaviour and demeanour in the proclaiming or uttering of any thing that may be given the, in charge to declare, utter, pronounce, or do to any foreign potentate; as also the receiving, entertaining, placing, and service of ambassadors, or any other foreign estate; and generally of all other things appertaining to their office: in which chapter this order shall be used and kept.

VI. That every Pursuivant and Herald of arms (beginning with the youngest of the said office, and so proceeding in due order, at one chapter a Pursuivant and the next a Herald) shall, after the officers of arms assembled and set in their places, standing before them, put forth 3 cases or question, which by possibility may chance to happen upon any of the aforesaid matters; and after the cases or questions so propounded, and by them heard and well understood, the Kings of arms shall choose and appoint whether of the 3 cases they will have argued and debated in that chapter: whereupon the said Herald or Pursuivant that putteth the said cases shall first of all plainly and distinctly declare what he thinketh thereof, and what reasons and authorities have moved him to be of that mind and opinion, and then every Pursuivant, Herald, and King of arms (beginning at the youngest and so proceeding in due order) shall in like sort declare what their opinions are in the same case: to the intent that being thus exercised by conference and consultations among themselves, they may, as good

officers, be the more able and ready to do their duties and service to their prince and country; upon pain that every of the officers of arms making default of such meetings, assemblies, or exercise of learning and not being lawfully letted by prince's service or other cause reasonable, shall forfeit such sums of money as shall be thought meet in their said chapter.

APPENDIX C.

Appended here is an excerpt from “A Discourse of the Duty and Office of an Herald of Arms, written by Francis Thynne, Lancaster Herald, the Third Day of March, Anno 1605”, to the Elizabethan Society of Antiquaries regarding the requirements of office of Kings of Arms, which can be found in Thomas Hearne’s *A Collection of Curious Discourses*¹:

It shall not be unpleasant, I hope, unto your lordship to know what the authority of a king of arms is in his province; and for that cause, I have here set down.

First, as nigh he can, he shall take knowledge, and record the arms, crests, and cognizances, and ancient words; as also of the line and descent, or pedigree of every gentleman within his province of what estate or degree soever he be.

Item, he shall enter into all churches, chapels, oratories, castles, houses, or ancient buildings, to take knowledge of their foundations; and of the noble estates buried in them; as also of their arms, and arms of the places, their heads and ancient records.

Item, he shall prohibit any gentleman to bear the arms of any other or such as be not true armory, and as he ought according to the law of arms.

He shall prohibit any merchant, or any other to put their names, markes or devises in escutcheons or shields; which belong and only appertain to gentlemen bearing arms, and to none other.

Item, he shall make diligent search, if any bear arms without authority, or good right; and finding such, although be true blazon, he shall prohibit them.

The said king of arms in his province hath full power and authority by the king’s grant, to give confirmation to all noblemen and gentlemen ignorant of their arms, for the which he ought to have the fee belonging thereto.

He hath authority to give arms and crests to persons of ability deserving well of the prince and commonwealth, by reason of office, authority, wisdom, learning, good manners, and sober government. They to have such grants by patent under the seal of the office of the king of arms, and to pay therefore the fees accustomed.

¹ Thomas Hearne, ed. *A Collection of Curious Discourses Written by Eminent Antiquaries Upon Several Heads in Our English Antiquaries. Together with Mr. Thomas Hearne's Preface and Appendix to the Former Edition. To Which Are Added a Great Number of Antiquary Discourses Written by the Same Authors. Most of Them Now First Published from the Original Manuscripts. In Two Volumes.*, 2 vols., vol. 1 (London: Printed for Benjamin White, at Horace's Head in Fleet Street, 1775), 139-62.

Item, no gentleman, or other may erect or set up in any church, at funerals, either banners, standards, coats of arms, [154] helms, crests, swords, or any other hatchment, without the licence of the said king of arms of the province, or by allowance or permission of his marshal or deputy: because the arms of the noble estate deceased, the day of his death, the places of his burial, his marriage and issues, ought to be taken and recorded in the office of that king.

Further, no gentlemen ought to bear their difference in armory otherwise than the office of armory requireth; and when younger brethren do marry, erect and establish new houses, and accordingly to bear their arms with such distinctions and differences that they may be known from their elder families out of which they are descended, the king of arms of the province is to be consulted withal, and such differences of houses are to be assigned and established by his privity and consent, that so he may advise them to the best, and keep record thereof; otherwise gentlemen may hurt themselves by taking such a difference, as shall prejudice the chief house from whence they are descended.

The king of arms of the province is to have an especial regard, that no man bear arms by his mother, be she never so good a gentlewoman, or never so great an inheritrix, unless he bear arms also by his father's stick and living, properly belonging to his surname; *Quia apud jus in Anglia partus non sequitur ventrem.*

Likewise he is to see, that no gentleman descended of a noble race, and bearing arms, do alter or change those arms without his knowledge, allowance, and consent. If any do use the arms of others, or such as they ought not, and will not be restrained, he is under certain pain, and at a certain day, to warn such offenders to appear before the earl marshal of England, or his deputy, before whom the same is to be ordered and restrained.

APPENDIX D.

Appended here is the copy of College of Arms MS. St. George, Vol. VI, p. 72-73. Which can be found in Anthony Wagner, "Appendix E." *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 2nd ed. (Oxford: Oxford University Press, 1956), 147-49.

Instructions to be observed in the Visitation of Northamptonshire and Rutland by Francis Burghill, Esqr. Somerset Herald and Gregory King Rouge dragon Officers of Armes, Marshals and Deputies to Sir Henry St. George Knt. Clarenceux King of Armes for those two Counties Ano. Dni. 1681.

1st. In the taking of Descents, you shall begin with the Grandfather and Grandmother of the person entring, or higher if the Case require, and the Entrer be able to give you a Certain Account, and bring down the Descent to the Father and Mother, Uncles and Aunts, Brothers and Sisters of the person So Enttring, with his and their respective Marriages and Issue, and the times of decease of the parents, Ancestors and other Relations of the person Enttring with the places of Burial, and the Severall Ages of the Enterer and his Issue, and such other of his Relations mentioned in the Descent as are living at the time of the Entry made with the Severall Offices, Commands or Employments of Honour or Trust, Enjoyed by them, or any of them, now or in their Life time, or much of this as the Entrer can inform you of.

2. In the Allowance of Titles, You shall Enter the person, whose descents You take with no other Titles, but such as they may justly and lawfully bear according to the Law of Armes: And you shall Inform the Severall Knts. Of his Majesties proclamation for Registering the Times of their respective Knighthoods, and the Danger of neglecting the same.

And you shall allow the Title of Esqr. To these and no other.

1. The heir Male of the Younger Son of a Nobleman.
2. The heir Male of a Knight.
3. Officiary Esqrs. Vizt. Such who are made so by the King by putting on a Collar of S.S. or such who are so Virtute Officii without that Ceremony as the high-Sheriff of a County, and a Justice of Peace, during their being in Office or Commission, with this Caution that you always Enter the said Office or Qualification in Special terms. As for Serjeants at Law, Doctors in Divinity, and dignified prebends you shall Register them by those Titles or Qualifications only, but you accept them in Quality

of Esqrs. Barristers at Law, you shall Enter by that Title, but you shall accept them as Gentlemen only, unless otherwise qualified to bear the Title of Esqr.

3. In the Enttring of Armes, you shall Enter no Armes to any pedigree without the same be clearly and fully proved unto you, either by the former Books or such authorities, as shall be produced unto you, and in either case you shall particularly enter the said Proof. And in all doubtfull Cases, You shall give them Respite till the first of Second Term, then next Ensuing at your discretion for making out a due proof unto the Clarenceux King of Armes of the Armes or Crest by them pretended unto, which you shall however in the Mean time take Notice of with a Memorial of the time so by you allowed for proving the same: And where You shall Enter any Quarterings with Armes, You shall as near as you Can Express therewith the Names to whom Such Quartered Coats belong.
4. As to Sr Edward Byssh's Grants, You shall Inform all those who shall produce unto you any Grants of Ar,s from Sr Edward Byshhe Clarenceux King of Armes the Copies, Minutes or Dockets whereof were not brought into the College of Armes by him in his lifetime, that the same cannot be allowed till the Earl Marshals Pleasure be known therein, taking in the meantime as Abstract or Copy of the said Grant.
5. As to the Differences of younger Branches, You shall Insert the known filial distinctions for the imediate Younger sons of the Eldest House but for more remote Descendants, and for the younger Sons of younger Sons You shall respite the Assigning such Differences to the King of Arms of the Province.
6. As to Signing the Escocheons you Shall keep a Note or Catalogue of such Escocheons as you shall deliver out in your Visitation under your hands and deliver in a Copy thereof with your Notes and Gatherings of Descents.
7. As to Church Notes, You shall as you have opportunity take Notice of the severall Armes and Monuments in Churches or elsewhere, and bring in your Collection thereof with the other Gatherings of your Visitation.
8. As to Fees, You shall receive and take for your Severall Entries the fee formerly received and taken in like Cases, vizt.
 1. From ye Nobility Such Reward or Gratuity as their Lo^{ps} shall freely present you with, without Claiming any Certain Summe.
 2. From Corporations and Bodies Politique five Marks for the more Eminent or Considerable, and for others from 50s. to 30s. according to the ability of Such Corporation Company or Society as your Discretion shall direct you.
 3. From Every Baronet, and Knt. fourty Seven Shillings Six pence.

4. From Every Esqr. by Birth or Office, a Serjeant at Law, Dr. in Divinity and Dignified Prebend, Thirty seven Shilling Six pence.

5. From Every Gentleman of Coat Armour, Twenty Seven Shillings Six pence.

Provided that if any of the Degrees aforesaid being Gentleman of Coat Armour be in poverty or Distress, and you be well assured thereof, that is Such Case you Register the Same Gratis.

9. You shall make a fair Transcript or Duplicate of the Descents by You thus Collected, with the Arms fairly tricked, and bring in the same together with the Originals within three Months after your Survey is perfected, but you shall by no means make any private Transcript or Duplicate of the said Pedigrees of Armes.
10. And Lastly Whosoever shall appear before you and publickly disown his right to Arms, or to the Titles of Esqr. or Gentleman, You Shall Require him to Signify the Same by the Subscription of his hand; provided that the person so disclaiming be not a known Gentleman of Bloud and Coat Armour.

APPENDIX E.

Appended here are the Letters Patent issued by Henry VIII to Thomas Benolt, Clarenceux, April 19, 1530. This transcription can be found in Anthony Wagner, "The Commission of 1530", *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry*, 2nd ed. (Oxford: Oxford University Press, 1956), 9-11. Wagner notes that the contents are known from the Privy Seal Warrant (dated April 6), and from a contemporary certified copy.

Henry by the grace of god kyng of England and of France Defensour of the faith and Lord of Ireland. To all maner noble estates as well spirituall as temporall of what estate degree or condicion they or any of them beryng armes. And to all Mayers Shyreffes Baylies constables and all other our Officers minysters and subjectes these our letteres hering or seing and to every of them gretynge. Forasmocheas our trustie & welbeloved Thomas Benolt otherwise called Clarencieux Kynge at Armes of the South Este and West partyes of this our Realme from the ryver Trent Southwarde now by our especiall licence entendith by waie of noblenes to visit amonge other your Armes and Conysaunces and to reforme the same yf yt be necessarye and requisite, and to reforme all false armorye & Armes devysed without auctoritie marks onlawfully sett or made in scochens squares or lozengis Whiche scochens squares or lozenges be tokyns of noblenes and them to deface & take away wheresoever they be sett, and the same to take for his oune behoff whether it be in stone wyndowes plate or any other maner of wyse sett. and all suche as sett upon churches or other places baners Standerdes Penons or cotes of armes not havynge auctorite so to doo; and also over this to take the note of your discentes according to his othe and bonde made at his creacyon in this partie. And also the said Kyng at armes to gyve to any persone or persons spirituall the whiche be preferred by grace vertue or connyng to rowmes and degrees of honor & worshipp armes accordyng to their merites And likewise to any person or persons temporall the whiche by the service doon to us or to other that be encreased or augmentid to possessions & riches hable to maynteyne the same So that they be not issued of vyle blood rebelles to our persone not heritiques contrary to the faithe But men of good honest Reputacyon, And all suche whiche shal be enoblished to have theur armes regestred is the Erle Marshallles boke And his seale to be putt to overy patent whiche shalbe graunted at all tymes. We therfore woll & not only exhorte you but also commaunde you and every of you that unto our said servaunt in full execucion of that whiche belongeth to this his affayres & auctorite in all and singuler the premisses Ye will shewe unto hym all the favour with your ayde and

assistance yf he require you in all that you goodly may as ye tender our favour and the honour and weale of noblesse in this behalf Inhibiting by this our present wryting all other our Officers of armes what degree soever they be not to meddle or intromytte them with noon of theise his affayres in any of the thinges aforesaid nor to meddle with any intyermentes or funeralles at any tyme from hensforthe nor with the libertyes proffyttes nor other emoluments apperteignyng to the said kyng at armes within his saide provynce without his especiall lycence and auctoritie by hym graunted in that behalff and that apparently to appere Willing and graunting by these our letteres that the same shalbe at all tymes in full power strengthe & effecte nowe and hereafter whyle our saide servaunt lyvith and to execute his visitacions in his said provynce when soever he thynketh best to employe hym therunto In witness wherof we have caused these our letteres to be made patent. Witnes our self at Wyndsore the Nynteneth day of Aprill the one and twenty yere of our Reigne.

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